



THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

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ADELAIDE, THURSDAY, 5 MAY 2005

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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**. Send as attachments in Word format and please confirm your transmission with a faxed copy of your document, including the date the notice is to be published and to whom the notice will be charged. The *Government Gazette* is available online at: www.governmentgazette.sa.gov.au

Department of the Premier and Cabinet
Adelaide, 5 May 2005

HER Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the South Australian Government Financing Advisory Board, pursuant to the provisions of the Government Financing Authority Act 1982:

Member: (from 9 June 2005 until 8 June 2007)
Barry Ross Brownjohn

Member: (from 9 June 2005 until 8 June 2008)
Claude Arthur Long

Member: (from 18 July 2005 until 17 July 2008)
Anne Howe

Deputy Member: (from 18 July 2005 until 17 July 2008)
Peter John Mendo (Deputy to Howe)

By command,

P. HOLLOWAY, for Premier

DTF 036/05CS

Department of the Premier and Cabinet
Adelaide, 5 May 2005

HER Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Aboriginal Lands Trust, pursuant to the provisions of the Aboriginal Lands Trust Act 1966:

Member: (from 5 May 2005 until 11 September 2005)
Dwayne Leone Edwards
Phillip Milera

By command,

P. HOLLOWAY, for Premier

CSA 0002/05CS

Department of the Premier and Cabinet
Adelaide, 5 May 2005

HER Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Non-Government Schools Registration Board, pursuant to the provisions of the Education Act 1972:

Member: (from 9 May 2005 until 30 June 2007)
Brian John Webber
Dale Marvyne Wasley
Gordon Andrew Baker
Kathy Cotter
Garry Raymond Le Duff
June Yam
Allan David Dooley
Patricia Davis

Deputy Member: (from 9 May 2005 until 30 June 2007)
Jennifer Stehn (Deputy to Wasley)
Alan Donald Young (Deputy to Baker)
Panayoula Parha (Deputy to Cotter)
Russell John Eley (Deputy to Le Duff)
Margaret Ann Linke (Deputy to Yam)
Vincent Thomas (Deputy to Dooley)
Helen Fay O'Brien (Deputy to Davis)

By command,

P. HOLLOWAY, for Premier

MECS 008/05CS

Department of the Premier and Cabinet
Adelaide, 5 May 2005

HER Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Veterinary Surgeons Board, pursuant to the provisions of the Veterinary Surgeons Act 1985:

Deputy Member: (from 5 May 2005 until 4 May 2008)
John Counihan

By command,

P. HOLLOWAY, for Premier

MAFF 0008/05CS

Department of the Premier and Cabinet
Adelaide, 5 May 2005

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

Member: (from 5 May 2005 until 4 May 2008)
Judith Mary Carr

By command,

P. HOLLOWAY, for Premier

MUDP 004/05CS

Department of the Premier and Cabinet
Adelaide, 5 May 2005

HER Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the South Eastern Water Conservation and Drainage Board, pursuant to the provisions of the South Eastern Water Conservation and Drainage Act 1992:

Member: (from 5 May 2005 until 12 August 2008)
Melanie Denise Manser

By command,

P. HOLLOWAY, for Premier

MEC 0024/05CS

Department of the Premier and Cabinet
Adelaide, 5 May 2005

HER Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Wilderness Advisory Committee, pursuant to the provisions of the Wilderness Protection Act 1992:

Member: (from 8 May 2005 until 7 May 2007)
Charles Eric Maynard Bills
Robert Lesslie
Susan Barker
Megan Mary Lewis

Presiding Member: (from 8 May 2005 until 7 May 2007)
Charles Eric Maynard Bills

By command,

P. HOLLOWAY, for Premier

MEC 0027/05CS

Department of the Premier and Cabinet
Adelaide, 5 May 2005

HER Excellency the Governor in Executive Council has been pleased to appoint the Honourable Kevin Owen Foley, MP, Deputy Premier, Treasurer, Minister Assisting the Premier in Economic Development, Minister for Police and Minister for Federal/State Relations to be also Acting Premier, Acting Minister for Economic Development, Acting Minister for Social Inclusion and Acting Minister for Volunteers for the period 8 May 2005 to 21 May 2005 inclusive, during the absence of the Honourable Michael David Rann, MP.

By command,

P. HOLLOWAY, for Premier

DPC 030/96CS

Department of the Premier and Cabinet
Adelaide, 5 May 2005

HER Excellency the Governor in Executive Council has been pleased to appoint the Honourable John David Hill, MP, Minister for Environment and Conservation, Minister for the Southern Suburbs and Minister Assisting the Premier in the Arts to be also Acting Minister for the Arts for the period 8 May 2005 to 21 May 2005 inclusive, during the absence of the Honourable Michael David Rann, MP.

By command,

P. HOLLOWAY, for Premier

DPC 030/96CS

Department of the Premier and Cabinet
Adelaide, 5 May 2005

HER Excellency the Governor in Executive Council has been pleased to appoint Gregory Reginald James, QC, to be a Commissioner to enquire into and report upon the matters set out in the commission issued to the said Gregory Reginald James, QC, on 5 May 2005.

By command,

P. HOLLOWAY, for Premier

ATTG 0090/05CS

HER Excellency Marjorie Jackson-Nelson, Companion in the Order of Australia, Member of the Order of the British Empire, Governor in and over the State of South Australia:

TO

GREGORY REGINALD JAMES, QC

Greeting:

Whereas

1. On 30 November 2003 Eugene Norman McGee was the driver of a vehicle which was involved in a collision on the Kapunda to Gawler road with a cyclist, Mr Ian Humphrey.

2. McGee failed to stop or render any assistance to Mr Humphrey who was killed as a result of the collision.

3. McGee was charged with Causing Death by Driving in a Manner Dangerous to the Public (Section 19A Criminal Law Consolidation Act 1935) and Failing to Stop and Give Assistance (Section 43 Road Traffic Act 1961).

4. On 15 April 2005, following a trial in the District Court of South Australia, McGee was acquitted of Causing Death by Driving in a Manner Dangerous to the Public but convicted of the alternative offence of Driving Without Due Care. McGee had previously pleaded guilty to the charge of Failing to Stop and Give Assistance.

5. On 28 April 2005, McGee was sentenced by the District Court.

6. The investigation of offences committed by McGee and his subsequent trial have given rise to a number of issues concerning the efficacy of these processes.

I, the Governor, with the advice and consent of the Executive Council, do hereby appoint you to be a Commissioner to inquire into and report upon the following matters:

1. Why the police investigating the conduct described in 1 and 2 above did not ask or require McGee to submit to a breath analysis test or blood test and did not apply for orders that such tests be conducted under the Criminal Law (Forensic Procedures) Act in order to determine McGee's blood alcohol concentration.

2. Whether the principal witness, Mr Tony Felice, was given a proper opportunity to give evidence about his observations of McGee's driving immediately before the collision generally and on the defence case that McGee was attempting to overtake Mr Felice from a position about 25 m to 30 m to the rear of Felice's car.

3. Whether Tony or John Zisimou provided information to the police about the manner of McGee's driving prior to and following the collision.

4. Why the decision was made not to call Tony or John Zisimou or both at trial.

5. Whether it would have served the interests of justice for the prosecution to lead, at trial, evidence in rebuttal of the psychiatric evidence presented by the defence.

6. If the answer to the preceding question is yes why that evidence was not presented. In particular, was there an adequate opportunity for rebuttal evidence to be presented.

7. Whether it would have served the interests of justice for the prosecution to present expert psychiatric or other evidence on the sentencing hearing to support its submission that the Court should reject the explanation given at trial for McGee's failure to stop and give assistance.

8. If the answer to the preceding question is yes why that evidence was not presented. In particular, was there an adequate opportunity to present that evidence.

9. You may include in your report recommendations arising from your findings as to such reasonably practicable reforms of any law, practice or procedure that will enhance or improve the investigation and prosecution of similar offences.

You are required to report as soon as practicable and no later than 20 June 2005.

GIVEN under my hand and the Public Seal of South Australia, at Adelaide, 5 May 2005.

By command,

P. HOLLOWAY, for Premier

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

R. DENNIS, Clerk of Executive Council

GOD SAVE THE QUEEN!

ADMINISTRATIVE ARRANGEMENTS ACT 1994

Instrument of Delegation

I, HON. JAY WEATHERILL, MP, Minister for Families and Communities, pursuant to section 9 of the Administrative Arrangements Act 1994, hereby delegate my powers and functions, express or implied under the section 23 (3) of the Family and Community Services Act 1972 to the Minister for Health.

Dated 4 May 2005.

J. WEATHERILL, Minister for Families
and Communities

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 dedicate the Crown Land defined in The Schedule as a Public Road.

The Schedule

Allotment 1001 of Deposited Plan 66699, Hundred of Noarlunga, County of Adelaide, being within the municipality of The City of Marion.

Dated 5 May 2005.

J. HILL, Minister for Environment and
Conservation

DEH 17/1640

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 resume the land defined in The Schedule.

The Schedule

Reserve for the purposes of the National Trust of South Australia, Section 526, Hundred of Adelaide and Section 426, Hundred of Onkaparinga, County of Adelaide, the Proclamation of which was published in the *Government Gazette* of 23 March 1967 at pages 1037 and 1038, being the whole of the land comprised in Crown Record Volume 5572 Folios 739 and 145 (respectively).

Dated 5 May 2005.

J. HILL, Minister for Environment and Conservation

DEHAA 07/0865

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

Preamble

1. The decision of the Governor under section 48 of the Development Act 1993, to approve the development of the Myponga/Sellicks Hill Wind Farm located on the Sellicks Hill Range near Myponga was published in the *Gazette* on 20 November 2003.

2. The development was the subject of a Public Environmental Report and an Assessment Report under sections 46 and 46C of the Development Act 1993.

3. An amendment to the proposal for the erection of two 50 m high anemometer (wind monitoring) towers for two years (temporary use) was subsequently considered and approved by the Development Assessment Commission and published in the *Gazette* on 18 November 2004.

4. Application has now been made to the Development Assessment Commission as delegate of the Governor under section 48 of the Development Act 1993 for a variation of Condition 17 attached to the development authorisation which provided that if development was not commenced by substantial work on the site within two years of the date of the authorisation, the Governor may cancel the authorisation by written notice.

5. The proposed variation is to reword Condition 17 to provide that if development is not commenced by substantial work on the site within three years of the date of the authorisation, the Governor may cancel the authorisation by written notice.

6. The application for variation of Condition 17 is contained in the letter from TrustPower Australia Pty Ltd to the Development Assessment Commission dated 21 February 2005.

7. The Development Assessment Commission has, in considering the application for variation of Condition 17, had regard to all relevant matters under section 48 (5) of the Development Act 1993.

8. The Development Assessment Commission is satisfied that the variation of Condition 17 does not require the preparation of a further or amended Public Environmental Report.

Decision

PURSUANT to section 48 of the Development Act 1993, the Development Assessment Commission, as delegate of the Governor, grants development plan authorisation to the amendment, subject to the following varied conditions and notes:

1. The Myponga/Sellicks Hill Wind Farm shall be developed in accordance with:

- The Site Layout Plan;
- The Access Route Plan; and
- The Electrical Layout and Connection Routes Plan,

as provided for Appendix D of the Response Document and Amendment to the Proposal dated 14 July 2003:

- The proposed locations for new 50 m Anemometer Towers Plan;

- The proposed anemometer location on St Vincent Property Plan;
- The proposed anemometer location on Koraleigh Property Plan,

as provided with the request for minor variation letter dated 6 October 2004.

2. Construction must not be commenced until:

- (a) an Environmental Management and Monitoring Plan (EMMP) has been developed to the satisfaction of the Environment Protection Authority. The EMMP must include those additional matters set out in section 7 of the Assessment Report;
- (b) a private certifier or the District Council of Yankalilla has certified to the Development Assessment Commission that all work that constitutes building work under the Development Act 1993, complies with the Building Rules.

3. Clearance of remnant native vegetation on the site or adjacent public roads for access during construction, shall be minimised and be in accordance with the Native Vegetation Council requirements.

4. A compliance officer whose sole responsibility is verification of compliance, shall be on-site at all times during construction to ensure all environmental management and monitoring is being conducted in accordance with the approved Environmental Management and Monitoring Plan and provide reports on any issue or variance with the prescribed requirements to the Environment Protection Authority.

5. Compliance checking of noise level measurements shall be carried out by a specialist noise consultant in accordance with the Environment Protection Authority Wind Farms Environmental Noise Guidelines, to confirm the predictions made in Bassett Acoustics report A8185, dated February 2003, within two months of commissioning of the wind turbine installation.

6. Analysis of any variations to the assessed turbine layout, or turbine model, that occurs during the detailed design or construction phase of the project shall be carried out by a specialist noise consultant and shall be confirmed as being in accordance with the EPA Wind Farms Environmental Noise Guidelines prior to any construction of the affected turbines taking place. Any variations require further approval.

Note: For the purposes of these conditions a specialist noise consultant is taken to be one eligible for membership of both the Institution of Engineers Australia and the Australian Acoustical Society.

7. A public viewing platform with associated car parking and landscaping shall be established on Reservoir Road in accordance with the plan shown in the Public Environmental Report dated 10 March 2003, Appendix I, subject to the approval of the District Council of Yankalilla and Transport SA as land owners, with all costs borne by the proponent.

8. Screen planting shall be established on the Main South Road verge in accordance with Figures B and D in Appendix F of the Response Document and on the northern edge of Reservoir Road up to the end of the first left hand bend from the Main South Road intersection. The screen planting shall commence prior to the operation of the project and in consultation with the District Council of Yankalilla and Transport SA, with costs borne by the proponent.

9. Any costs associated with changes to the overtaking lane on Main South Road (heading south) that may be required by Transport SA, following its proposed review of the operation of the overtaking lane, shall be borne by the proponent.

10. Any additional measures required by Transport SA to minimise the potential for driver distraction shall be implemented to the satisfaction of the District Council of Yankalilla and Transport SA with all costs being borne by the proponent.

11. Signs directing traffic to the proposed viewing platform shall be erected on Main South Road and Reservoir Road in consultation with Transport SA with all installation and on-going maintenance costs being borne by the proponent. All signs shall be in accordance with Australian Standards for Tourist Signing and the South Australian Tourist Sign Posting Policy.

12. All access points used during construction and maintenance shall be designed and constructed to Transport SA standards, with all costs being borne by the proponent.

13. The wind turbines shall be painted matt off-white/grey to minimise the visual impact and any potential for glare or reflection and shall not display any signs, logos or other advertising displays.

14. The wind turbines and associated infrastructure and site shall be kept clean and tidy and serviced regularly with any graffiti being removed and with all repairs to rectify breakdown or damage being effected as soon as is practicable.

15. Any new stobie poles for transmission lines shall be colour treated to reduce their visual impact and, where possible, new lines shall use a flat line configuration.

16. Upon decommissioning of the wind farm, the site shall be returned, as far as is possible, to its condition prior to the commencement of the development, with the turbines and all above ground electrical infrastructure no longer required for electricity transmission being removed.

17. If development is not commenced by substantial work on the site within three years of the date of the original authorisation, the Governor may cancel the authorisation by written notice.

18. A landscaping and revegetation plan will be required for the construction and operational stages. Pest plant and animal control aspects will need to be addressed. The plan should be prepared in consultation with the Department for Environment and Heritage and the Native Vegetation Council, and shall be incorporated into the Environmental Management and Monitoring Plan.

19. The two temporary 50 m anemometer (wind monitoring) towers shall be removed within two years of their erection.

20. The two temporary 50 m anemometer (wind monitoring) towers and supporting guys shall be contained entirely within the site and shall not encroach over any public road reserve.

Notes

- The applicant is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act 1993, to take all reasonable and practical measures to ensure that its activities on the whole site, including during construction, do not pollute the environment in a way which causes or which may cause environmental harm. In particular, an appropriate soil erosion and drainage management plan, prepared in accordance with the Environment Protection Authority Stormwater Pollution Prevention Code of Practice for the Building and Construction Industry, will be required to be submitted and approved before construction commences (as part of the Environmental Management and Monitoring Plan).
- The applicant shall liaise with Transport SA's Murray Bridge Office Customer Liaison and Safety Officer (presently Ms Alison Allen, (08) 8532 8122) prior to any works being undertaken on or adjacent to Main South Road and Reservoir Road.
- The Environmental Management and Monitoring Plan requires further work before it will receive approval, by the addition of those matters outlined in section 7 of the Assessment Report dated November 2003.
- The development shall proceed in accordance with all relevant State and Commonwealth law (as amended from time to time).
- If, during construction or operation of the development, the proponent discovers evidence of an Aboriginal site or any Aboriginal objects or remains, the proponent is required, pursuant to the Aboriginal Heritage Act 1988, to report particulars of such discovery to the Minister for Aboriginal Affairs and Reconciliation and thereafter comply with any directions given by the Minister for Aboriginal Affairs and Reconciliation.

- The proponent shall negotiate with the District Council of Yankalilla and the City of Onkaparinga on any matters arising from the development where the Councils have responsibilities under the Local Government Act 1999 and Roads (Opening and Closing) Act 1991.

- The requirement for an Environmental Management and Monitoring Plan (EMMP) prior to the commencement of construction does not include the two temporary anemometer towers hereby approved.

A. HOUGHTON, Secretary, Development Assessment Commission

FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, the holder of a prawn fishery licence issued pursuant to the Fisheries (Scheme of Management—Prawn Fisheries) Regulations 1991, for the Spencer Gulf Prawn Fishery listed in Schedule 1 (the 'exemption holders') or their registered master are exempt from the notices made under section 43 of the Fisheries Act 1982, prohibiting the taking of western king prawns (*Melicertus latisulcatus*), in that the exemption holders shall not be guilty of an offence when using prawn trawl nets in accordance with the conditions of their fishery licence for the purpose of stock assessment survey (the 'exempted activity') subject to the conditions contained in Schedule 2.

SCHEDULE 1

Licence Number	Licence Holder	Boat Name
P29	Mateo Ricov	Miss Rylee

SCHEDULE 2

1. The exemption is valid from 1730 hours on 8 May 2005 until 1100 hours on 9 May 2005, when all fish is off-loaded at Wallaroo. All trawling activity is to be completed by 0730 hours with nets out of the water.

2. The exemption holder must comply with the instructions from the Committee at Sea and work in the allotted trawl station.

3. All fish, other than prawns, southern calamari and slipper lobster taken during the exempted activity for stock assessment purposes, are to be returned to the water immediately after capture.

4. All fish taken pursuant to the exempted activity are to be processed in accordance with the instructions of the Committee at Sea.

5. All fish taken pursuant to the exempted activity must be removed from the vessel prior to that vessel undertaking normal fishing activity.

6. Prawns, southern calamari and slipper lobster taken pursuant to the exempted activity must not be retained by the exemption holder, his agent, crew or any other person.

7. The exemption holder must return to Wallaroo (the designated port of landing) by 1100 hours by the last day of the survey and off-load any survey fish.

8. While engaged in the exempted activity or unloading of the survey catch, 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 if requested.

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

Dated 3 May 2005.

J. PRESSER, Principal Fisheries Manager

FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, the holder of a prawn fishery licence issued pursuant to the Fisheries (Scheme of Management—Prawn Fisheries) Regulations 1991, for the Spencer Gulf Prawn Fishery listed in Schedule 1 (the 'exemption holders') or their registered master are exempt from the notices made under section 43 of the Fisheries Act 1982, prohibiting the taking of western king prawns (*Melicertus latisulcatus*), in that the exemption holders shall not be guilty of an offence when using prawn trawl nets in accordance with the conditions of their fishery licence for the purpose of stock assessment survey (the 'exempted activity') subject to the conditions contained in Schedule 2.

SCHEDULE 1

Licence Number	Licence Holder	Boat Name
P34	Frank Bralic	<i>C Vita B</i>
P14	Clyde Haldane	<i>Bartallumba K</i>
P08	Anton Blaslov	<i>Grozdana B</i>
P20	Ivan Bralic	<i>Emma Rose</i>

SCHEDULE 2

1. The exemption is valid from 1830 hours on 8 May 2005 until 1100 hours on 9 May 2005, when all fish is off-loaded at Wallaroo. All trawling activity is to be completed by 0630 hours with nets out of the water.

2. The exemption holder must comply with the instructions from the Committee at Sea and work in the allotted trawl station.

3. All fish, other than prawns, southern calamari and slipper lobster taken during the exempted activity for stock assessment purposes, are to be returned to the water immediately after capture.

4. All fish taken pursuant to the exempted activity are to be processed in accordance with the instructions of the Committee at Sea.

5. All fish taken pursuant to the exempted activity must be removed from the vessel prior to that vessel undertaking normal fishing activity.

6. Prawns, southern calamari and slipper lobster taken pursuant to the exempted activity must not be retained by the exemption holder, his agent, crew or any other person.

7. The exemption holder must return to Wallaroo (the designated port of landing) by 1100 hours by the last day of the survey and off-load any survey fish.

8. While engaged in the exempted activity or unloading of the survey catch, 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 if requested.

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

Dated 3 May 2005.

J. PRESSER, Principal Fisheries Manager

FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, David Foster, 13 Furner Crescent, Port Hughes, S.A. 5558 (the 'principal exemption holder'), and the class of persons specified in Schedule 1 (the 'other exemption holders'), are exempt from clauses 66, 77A and 77C of Schedule 1 of the Fisheries (General) Regulations 2000, but only insofar as the exemption holders may exceed the prescribed boat limits during a chartered fishing trip on the *Misty Jay* in accordance with the allowable limits specified in Schedule 2 (the 'exempted activity'), subject to the conditions specified in Schedule 3, from 5 May 2005 until 30 June 2005, unless varied or revoked earlier.

SCHEDULE 1

Any person or persons who charter the boat *Misty Jay* from David Foster for the purpose of recreational fishing.

SCHEDULE 2

1. Where the number of 'other exemption holders' exceeds six, all of the 'other exemption holders' on board the boat are each restricted to taking no more than one half of the daily bag limit (rounded up to the nearest whole number if necessary) for those species of scalefish (except King George whiting) subject to a limit as specified in the Fisheries (General) Regulations 2000, in any one day.

2. Where the number of 'other exemption holders' exceeds three, all of the 'other exemption holders' on board the boat are each restricted to taking no more than 10 King George whiting in any one day.

3. Where the number of 'other exemption holders' exceeds six, all of the 'other exemption holders' on board the boat are each restricted to taking no more than eight cuttlefish or eight calamary or eight cuttlefish and/or calamary in combination, in any one day.

4. Where the number of 'other exemption holders' exceeds six, all of the 'other exemption holders' on board the boat are each restricted to taking either one gummy shark or one school shark in any one day.

SCHEDULE 3

1. The principal exemption holder, its employees or agents must not take any fish during the chartered fishing trip.

2. The principal exemption holder must not use any boat other than the *Misty Jay* for the purpose of engaging in the exempted activity.

3. Neither the principal exemption holder nor the other exemption holders may sell any fish taken pursuant to this notice.

4. The principal exemption holder must not accept any fish taken by the other exemption holders as all or part of the consideration for the charter agreement.

5. The principal exemption holder must contact PIRSA Fishwatch on 1800 065 522 at least 24 hours prior to commencing the exempted activity and advise the time and date of departure of the *Misty Jay* and the estimated time of return to port.

6. While engaged in the exempted activity the principal exemption holder must have in their possession a copy of this notice. Such notice must be produced to a PIRSA Fisheries Officer if requested.

7. The exemption holders 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 4 May 2005.

W. ZACHARIN, Director of Fisheries

GEOGRAPHICAL NAMES ACT 1991

Notice to Assign to Alter the Name of a Place

NOTICE is hereby given, pursuant to the provisions of the above Act that, I, PETER MACLAREN KENTISH, Surveyor-General and delegate appointed by Michael Wright, Minister for Administrative Services, Minister of the Crown to whom the administration of the Geographical Names Act 1991 is committed, DO HEREBY assign the name MAGNER HILL to that feature currently identified as MAGNUS HILL, located on the 1:50 000 Booleroo Mapsheet (6532-2) at GDA94, co-ordinates 277389 East and 6354652 North.

Dated 27 April 2005.

P. M. KENTISH, Surveyor-General

DAIS 22-413/04/0027

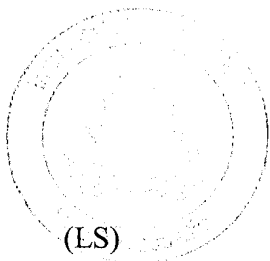
INDUSTRIAL AND EMPLOYEE RELATIONS ACT 1994**INDUSTRIAL PROCEEDINGS RULES, 1995**

I, WILLIAM DAVID JENNINGS, the Senior Judge of the Industrial Relations Court and President of the Industrial Relations Commission of South Australia, by virtue of the provisions of Section 178 of the Industrial and Employee Relations Act 1994, and all the other enabling powers, do hereby make the following Rules which are to commence on 16 May 2005. These Rules replace existing Rules 2, 3, 20, 22, 24, 30, 35 and add new Rule 35A and include the amended and new Forms as referred to in the Rules.

The following Rules are to commence on 16 May 2005.

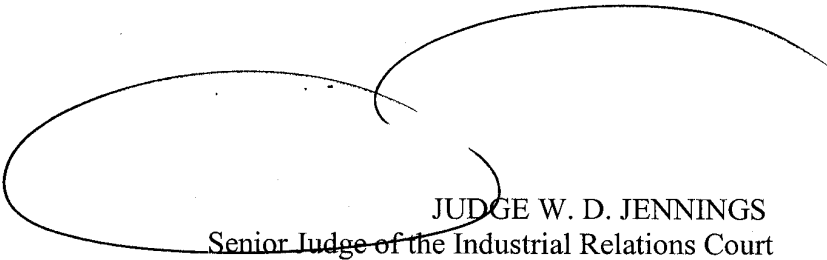
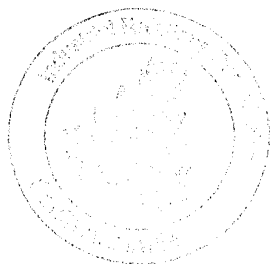
Given under my hand and the seals of the Industrial Relations Court of South Australia and of the Industrial Relations Commission of South Australia.

Dated this 2nd day of May 2005.



(LS)

(LS)



JUDGE W. D. JENNINGS
Senior Judge of the Industrial Relations Court
President of the Industrial Relations Commission of South Australia

RULE TWO
EFFECT OF NON-COMPLIANCE

- (1) No breach or non-compliance with these Rules shall invalidate any proceeding unless the Tribunal otherwise directs.
- (2) Nothing in these Rules shall prohibit the Tribunal on its own motion from excusing a party from compliance with any of these Rules or substituting in place of the Rule so excused some other obligation more appropriate to the circumstances of the proceedings.
- (3) Reference in these Rules to a numbered form is a reference to the appropriate form in the First Schedule to these Rules.
- (4) Unless otherwise provided in the Act the prescription of any appropriate form is directory only, and a form may be altered or varied as the nature of the case may require.
- (5) Subject to the Act the Tribunal shall have power to act at any time to give effect to the purpose of these Rules and, without limiting the generality of this power, it may in any case in which it thinks proper:
 - (a) dispense with compliance with any part of these Rules;
 - (b) do all or any acts or give any directions relating to the conduct of a proceeding as it thinks proper to dispose of that proceeding expeditiously;
 - (c) in the event of non-compliance by any party with a procedural direction, strike out any proceedings or any step in proceedings in whole or in part on such terms as it thinks just.

RULE THREE INTERPRETATION

In these Rules, except where a contrary intention appears:

(1) words and expressions defined in Section 4 of the Act shall have the meanings therein respectively assigned to them;

(2) the words hereinafter mentioned shall mean as follows:

“**the Act**” means the *Fair Work Act 1994* and any Act amending the same or substituted therefor and where a Section is mentioned the reference is to that Section of the Act as it may from time to time be amended or the corresponding provision of any amending or substituted Act;

“**the Commission**” means the Industrial Relations Commission of South Australia however constituted and includes the Full Commission;

“**the Court**” means the Industrial Relations Court of South Australia however constituted and includes the Full Court;

“**the President**” means the President of the Commission and includes a Deputy President appointed to act as President;

“**proceeding**” means any claim, cause, matter, application, hearing, trial, reference, case stated, appeal or other step whatsoever before the Commission, or the Court however constituted, or the Registrar pursuant to the Act or in consequence of any jurisdiction invested in it or that member as the case may be by any other Act whether in Chambers or open Court or otherwise;

“**the Registrar**” means the Industrial Registrar appointed pursuant to the Act and shall include the Deputy Industrial Registrar;

“**registered agent**” means a person who is named on the list of registered agents pursuant to Section 152 of the Act;

“**Registry**” means the office of the Registrar wherever situated;

“**Rules**” means the *Industrial Proceedings Rules, 1995* as amended from time to time and includes any forms prescribed thereunder and any appendices to such Rules;

“**the Senior Judge**” means the Senior Judge of the Court;

“**Tribunal**” includes the Commission, the Court, the President, the Senior Judge, a Judge, a Deputy President, a Commissioner, a Magistrate or the Registrar when exercising or discharging any jurisdiction power or duty conferred upon it or a member respectively by any Act or an Award, or Agreement;

(3) the *Acts Interpretation Act 1915*, shall apply to the construction of these Rules in the same manner as if these Rules had been enacted by Parliament.

RULE TWENTY
UNFAIR DISMISSAL PROCEEDINGS

- (1) Except for referrals from other authorities which are governed by sub-rule (24), an application pursuant to Section 106 shall be made in accordance with Form 3 and shall be lodged in the Registry personally or by post, facsimile transmission or email.
- (2) Unless otherwise directed by the President, the Registrar must provide a copy of the Section 106 application to the respondent as identified in the application by any means contemplated by Rule 13.
- (3) The Commission will fix a time and place for the conference required by Section 155B of the Act and provide the applicant and respondent with a notice confirming the hearing.
- (4) Where the Commission has determined that the conference will be conducted outside of the metropolitan area of Adelaide, the proceedings will be conducted at a place that is as far as practicable within reasonable proximity of the location where the employment of the applicant was based.
- (5) The conference conducted for the purposes of Section 155B may be held by utilising video and/or telephone facilities if directed by the Member who is to preside over the conference.
- (6) The Commission may direct that additional documentation as it considers necessary, must accompany the notices provided to the parties under this Rule.
- (7) The respondent named in a Section 106 application must, within 10 days of being provided with a copy of the application, file a response in accordance with Form 4. This response is to be lodged in the Registry personally or by post, facsimile transmission or email.
- (8) The Registrar must cause to be provided to the applicant at his or her address for service a copy of any Form 4 lodged in accordance with these rules.
- (9) All parties to the proceedings shall attend a conference pursuant to Section 155B to be presided over by a Member of the Commission at a date, time and place specified in the notice of sitting for the purpose of:
 - (a) exploring the possibility of resolving the matters in issue by conciliation;
 - (b) ensuring that the parties are fully informed of the possible consequences of taking the proceedings further; and
 - (c) if the proceedings are to progress further and the parties are involved in 2 or more sets of proceedings under the Act, exploring the possibility of hearing and determining some or all of the proceedings concurrently.

- (10) If a respondent is a body corporate, or the State of South Australia, or the Commissioner for Public Employment, it shall be represented at the conference by a duly authorised employee or officer who is familiar with the matters in issue and who has the authority to bind the respondent to any agreement.
- (11) The Commission Member presiding at the conference will determine the manner in which the proceedings are to be conducted and in so doing may give directions as to the conduct of the parties and their representatives. The Member may also adjourn the conference to other times and places as the needs of the matter require.
- (12) Subject to sub-rules (14), (15), (19) and (20) nothing said or done at the conference by either party or any other person attending is admissible on the hearing of the arbitration except by the consent of the parties; save that it will become admissible in relation to any application for costs in respect of the proceedings.
- (13) If the conference resolves some or all of the matters in issue between the parties, the Member of the Commission may make and sign a written memorandum of the terms of settlement which shall be filed in the Registry and may be received in evidence in any proceedings.
- (14) If the application is not discontinued or settled and the Member of the Commission presiding at the conference considers that further conciliation would not be appropriate, then the Member will conclude the conference by issuing a written memorandum in accordance with Form 5 which may also contain:
 - (a) an order requiring the parties to confirm the assertions and the basis of their positions as outlined in the Form 3 and Form 4 as lodged.
 - (b) an order requiring the applicant to provide better particulars concerning the Section 106 application or as to an application pursuant to Section 167 of the Act, a copy of which shall be filed in the Registry;
 - (c) an order that the respondent employer provide better particulars including written reasons for the dismissal of the employee, given at the time, or to be relied upon to the applicant if not already given, or if there is a denial of a dismissal then the grounds upon which the dismissal is denied, a copy of which shall be filed in the Registry;
 - (d) an order requiring the respondent employer to confirm the basis of any jurisdictional challenge to the application being heard and determined, a copy of which shall be filed in the Registry;
 - (e) a statement confirming the relevant costs provisions under the Act;
 - (f) an order that all parties provide discovery in accordance with Rule 25.

- (15) Before, or not more than 3 business days after the conclusion of the conference, the Member of the Commission must prepare a memorandum -
- (a) which will include a preliminary assessment of the merits of the claim (or, if there is more than 1 claim, of each claim) and any defence of the claim (or claims); and
 - (b) recommending to the parties how best to proceed to resolution of the questions in issue between them (or, if in the Member's opinion the application patently lacks merit, recommending that the claim be withdrawn),
- and forward it to the parties, provided that any memorandum so prepared is subject to sub-rule (12).
- (16) Upon the filing of Form 5, the Commission will give directions as to the date, time and place of the hearing and determination of the application and the parties will be given notice.
- (17) Nothing in this rule shall prevent the Commission making procedural and interlocutory orders as are reasonable for the effective conduct of proceedings.
- (18) Nothing in this rule shall derogate from the power of the President to direct that the application be heard forthwith or at some other time or before some other Member of the Commission.
- (19) The application lodged pursuant to sub-rule (1) and the response lodged pursuant to sub-rule (7) will not be taken to be formal pleadings. The Commission may where appropriate, including during proceedings conducted pursuant to Section 155B of the Act, grant leave to amend an application or a response lodged pursuant to the relevant sub-rule. This may include for example the alteration of particulars and with the consent of the parties, the name of the respondent so as to cite the correct employer of the applicant.
- (20) A breach of either the terms of a memorandum to which sub-rule (13) applies or any other written agreement reached between the parties in consequence of the Section 155B conference, will allow the aggrieved party to approach the Commission for further and other relief by lodging an application for directions.
- (21) Where an applicant in a proceeding relating to a Section 106 application fails to attend the proceeding in person or by a representative, the Commission may, if satisfied that the applicant had reasonable notice and a reasonable opportunity to be heard, dismiss the application.
- (22) Nothing in this rule will prevent the Commission from waiving compliance with the Rule or making directions for the processing of an application in a manner not contemplated in the relevant Rule where the circumstances warrant.

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- (23) For the purposes of Section 155B proceedings under this Rule, reference to the Commission will include the Court or a Stipendiary Magistrate where the President so directs.
- (24) Where an authority under another Act purports to refer a matter to the Commission pursuant to Chapter 3 Part 6 of the Act, the proceedings will be commenced by the filing of a statement by the authority setting out the nature of the matter and the parties said to be involved. Any such matter will then be conducted in a manner as directed by the Commission including where appropriate, as otherwise contemplated by this rule.

**RULE TWENTY-TWO
DISCONTINUANCE AND WITHDRAWAL**

- (1) Subject to sub-rule (3), in all proceedings an applicant may at any time up to fourteen days prior to the date the matter is set down for trial discontinue the application either wholly or in part and after that date may only discontinue with the consent of all parties or with the leave of the Tribunal.
- (2) A discontinuance will be made by filing a notice of discontinuance in accordance with sub-rule (1) and serving the notice within five days of filing on all parties.
- (3) An applicant claiming relief pursuant to Section 106 of the Act may file a notice of discontinuance at any time, subject to any rights of the other parties to make an application for costs.

**RULE TWENTY-FOUR
INDUSTRIAL DISPUTES**

- (1) Where a party seeks that the Commission conduct proceedings in relation to an alleged industrial dispute they are to notify the Commission in writing detailing:
 - names of the parties in dispute and their representatives;
 - contact persons' names;
 - contact details including fax, telephone and email; and
 - name of Award or Agreement, if any, applying; and
 - a summary of matters said to be in dispute including any industrial action taken or threatened.
- (2) The notifier is required to provide a copy of the notice to all other parties at the same time as notifying the Commission.
- (3) Where a matter is referred to the Commission under the *Training and Skills Development Act 2003* or any other Act, it will be effected by the relevant authority providing the details set out in sub-rule (1).
- (4) Where a party seeks the Commission to mediate pursuant to Section 197 they shall make application pursuant to Rule 41A.

RULE THIRTY
ENTERPRISE AGREEMENTS

- (1) Parties seeking approval of an Enterprise Agreement pursuant to Section 79 of the Act are to file an original copy executed by or on behalf of all the parties thereto and three other copies which may be unsigned. The Enterprise Agreement shall be accompanied by an original completed Application for Approval of an Enterprise Agreement in accordance with Form 34, and three copies thereof.
- (2) Upon the filing of an Application for approval pursuant to Section 79, the Commission will determine whether the application will be subject to a hearing.
- (3) Where the Commission determines that a hearing is required in relation to an application lodged pursuant to this Rule, a notice of sitting will be issued to the parties and their representatives (if any) and to the Employee Ombudsman.
- (4) Where the Commission determines that a hearing is not required in relation to an application for approval pursuant to Section 79, a notice will be issued to the parties and their representatives (if any) and the Employee Ombudsman to that effect and published in a daily newspaper circulating throughout South Australia.
- (5) Where a notice is issued under sub-rule (4) and a person, including the Employee Ombudsman, who is eligible to intervene in any proceedings that might be conducted in relation to the matter wish to be heard, they are to advise the Commission and the other parties in writing within the period specified in the notice.
- (6) Any matter where written advice is provided as contemplated by sub-rule (5) will then be determined in a manner as considered appropriate by the Commission.
- (7) Where a party seeks to have the Commission conduct conciliation or issue directions in accordance with Section 76A Best Endeavours Bargaining they are to file an application in accordance with Form 35 and provide a copy of the application to all other parties considered to have an interest in the matter.
- (8) An Application to Vary or Rescind an Enterprise Agreement in consequence of the succession, assignment or transmission of a business or undertaking pursuant to Section 81 of the Act shall be lodged in the Registry in accordance with Form 36.
- (9) An Application to Vary an Enterprise Agreement pursuant to Section 84 of the Act shall be lodged in the Registry in accordance with Form 37.
- (10) An Application to Rescind an Enterprise Agreement pursuant to Section 84 shall be lodged in the Registry in accordance with Form 38.
- (11) An Application to Release a party from or Vary an Enterprise Agreement pursuant to Section 85 of the Act shall be lodged in the Registry in accordance with Form 39 and the applicant is to provide a copy of any such application to all other parties to the Agreement upon filing.

- (12) Upon the filing of an Application pursuant to Sections 76A, 81, 84 or 85 the Commission shall issue to the parties a notice of hearing or give any other directions regarding the determination of the matter as considered appropriate.
- (13) The Commission will, in accordance with Section 83(2), issue a written notice to the parties who were represented at the approval proceedings, advising them that the term of the approved Agreement is about to end. This notice may include, in circumstances considered appropriate by the Commission, the convening of a conference which the parties are expected to attend.
- (14) Where the parties to an approved Enterprise Agreement have received a notice issued in accordance with sub-rule (13) and a conference has not been convened, and such is sought by a party, that party shall notify the Commission of the same by written request.
- (15) Except in the case of a Provisional Enterprise Agreement, the employer parties to an Enterprise Agreement shall upon receipt display a copy of any notice issued by the Commission in accordance with this Rule, at the relevant workplace(s) on a noticeboard(s) to which all the employees affected have access.

**RULE THIRTY-FIVE
MONETARY CLAIMS**

- (1) This Rule shall be read with Rule 11 and where this Rule is silent, then Rule 11 will operate as if incorporated into this Rule.
- (2) All monetary claims pursuant to Section 14 of the Act will be commenced by summons in accordance with Form 7.
- (3) Upon filing and issuing of the summons the Registrar shall set the matter down before a Member of the Court for a directions hearing and shall endorse the date and time of the directions hearing on the summons.
- (4) For the purpose of the issuance of proceedings the named respondent will be the person or persons whom the applicant believes to be responsible at law to be liable to pay the sums sought in the summons, provided that the Court may amend the identity of the respondent to correct any error and make other and ancillary orders consequent thereon.
- (5) Due service of the summons and all other documents shall be deemed to be valid service if served on the named respondents unless those named parties satisfy the Court of the identity of the person or persons who are properly liable to make payment.
- (6) Each respondent who denies liability, whether wholly or in part, shall file and serve an answer in accordance with Form 8, stating concisely the grounds upon and the extent to which, liability is denied.
- (7) Unless the Court otherwise orders, each particular set forth in the summons and the liability of the respondent or respondents to pay the money claimed shall be taken to be admitted unless specifically denied in the answer.
- (8) At the directions hearing, the Court:
 - (a) May make such orders as are necessary with respect to the preparation by the parties to proceedings for the conciliation conference required by Section 155B of the Act, including the provision of further and better particulars of claim or answer or discovery and production of documents pursuant to Rule 25;
 - (b) May adjourn the directions hearing to a further time and date;
 - (c) Shall fix an appropriate time and date for the conference and shall provide the applicant and the respondent with a notice confirming the conference;
 - (d) May direct that the conference take place before the Member of Court presiding at the directions hearing or another Member of the Court or the Commission or, if Section 155B(2) of the Act applies, a Stipendiary Magistrate;
 - (e) May direct that additional documentation as it considers necessary must accompany the notices provided to the parties under this Rule;

- (f) May determine the manner in which the conference is conducted and in so doing may give directions as to the conduct of the parties and their representatives;
 - (g) Where an applicant fails to attend the directions hearing or the conference in person or by a representative, may, if it is satisfied that the applicant had reasonable notice and a reasonable opportunity to be heard, dismiss the application.
- (9) When the Court at a directions hearing or the Member presiding at the conference (“the Member”) has determined that the conference will be conducted outside the metropolitan area of Adelaide, the proceedings will be conducted at a place that is as far as practicable within reasonable proximity of the location where the employment of the applicant was based.
- (10) The conference conducted for the purposes of Section 155B may be held by utilising video and/or telephone facilities if directed by the Court or the Member.
- (11) All parties to the proceedings shall attend a conference pursuant to Section 155B of the Act at a date, time and place specified in the notice confirming the conference for the purpose of:
- (a) exploring the possibility of resolving the matters at issue by conciliation;
 - (b) ensuring that the parties are fully informed of the possible consequences of taking the proceedings further; and
 - (c) if the proceedings are to progress further, and the parties are involved in two or more sets of proceedings under the Act, exploring the possibility of hearing and determining some or all of the proceedings concurrently.
- (12) If a respondent is a Body Corporate, or the State of South Australia, or the Commissioner for Public Employment, it shall be represented at the conference by a duly authorised employee or officer who is familiar with the matters in issue and who has the authority to bind the respondent to any agreement.
- (13) The Member may give further directions in addition to or in variation of any given by the Court at the directions hearing with respect to the conduct of the parties and their representatives in relation to the conference. The Member may also adjourn the conference to other times and places as the needs of the matter require.
- (14) Subject to sub-rules (17), (18) and (22) nothing said or done at the conference by either party or any other person attending is admissible on the hearing of the claim except by the consent of the parties.

- (15) If the conference resolves some or all of the matters in issue between the parties, the Member may make and sign a written memorandum of the terms of settlement which shall be filed in the Registry and may be received in evidence in any proceedings.
- (16) If the claim is not discontinued or settled and the Member considers that further conciliation would not be appropriate, then the Member will conclude the conference.
- (17) Before, or not more than 3 business days after the conclusion of the conference, the Member must prepare a memorandum -
- (a) which will include a preliminary assessment of the merits of the claim (or, if there is more than 1 claim, of each claim) and any defence of the claim (or claims); and
 - (b) recommending to the parties how best to proceed to resolution of the questions in issue between them (or, if in the Member's opinion the application patently lacks merit, recommending that the claim be withdrawn),
- and forward it to the parties, provided that any memorandum so prepared is subject to sub-rule (14).
- (18) Not more than three business days after the conclusion of the conference the Member will issue a written memorandum to the parties in accordance with Form 5A.
- (19) As soon as practicable after the issue of the Form 5A memorandum by the Member, the Court will give notice to the parties of a further directions hearing at which the Court may make such orders as are necessary with respect to the hearing including:
- (a) An order requiring the applicant to provide better particulars concerning the claim or claims.
 - (b) An order that the respondent provide better particulars of the grounds for dispute of the claim or claims.
 - (c) An order requiring the respondent to confirm the basis of any jurisdictional challenge to the claim being heard and determined, a copy of which shall be filed in the Registry.
 - (d) An order that all parties provide discovery in accordance with Rule 25.
- (20) Nothing in this rule shall prevent the Court making such procedural and interlocutory orders as are reasonable for the effective conduct of proceedings.

- (21) Subject to the holding of a conference in accordance with Section 155B of the Act, nothing in this rule shall derogate from the power of the President to direct that the claim be heard by the Court forthwith or at some other time.
- (22) A breach of either the terms of a memorandum to which sub-rule (15) applies or any other written agreement reached between the parties in consequence of the Section 155B conference will allow the aggrieved party to approach the Court for further and other relief by lodging an Application for Directions.
- (23) Nothing in this rule will prevent the Court from waiving compliance with the Rules or making directions for the processing of a claim in a matter not contemplated in the relevant rule where the circumstances warrant.
- (24) The certificate provided for by Section 230 shall be in accordance with Form 33 and shall be issued upon the filing in the Registry of an affidavit proving the default.

RULE 35A
COMPLIANCE NOTICES

- (1) An application under Section 104A(3) of the Act for review of a compliance notice issued under Section 104A(1) must:
 - (a) be in accordance with Form 7A; and
 - (b) be filed within 14 days of the receipt of the notice by the applicant
- (2) On filing of an application for review, the Registrar shall set the matter down for a directions hearing before the Court and shall endorse the date and time of the directions hearing on the application.
- (3) Within 5 days of being provided with a copy of the application endorsed with the date and time of the application, the applicant shall:
 - (a) if an employer, serve the endorsed application on the inspector who issued the notice;
 - (b) if an employee, serve the endorsed application on both the employer issued with the compliance notice and the inspector who issued the notice.
- (4) At the directions hearing the Court may:
 - (a) give directions with respect to service of the application on other persons who may have an interest in the proceedings;
 - (b) make such orders as are reasonable for the effective conduct of the proceedings.

Categories of employment	
<i>Your answers to these questions may indicate whether or not you are excluded from making an application. Further details are available from the Registry.</i>	
17. Award or Agreement covering employment (if known)	What type of Award or Agreement were you employed under immediately before the dismissal? <input type="checkbox"/> State <input type="checkbox"/> Federal <input type="checkbox"/> None Name of Award or Agreement (if applicable):
18. What is your normal gross (before tax) pay every week?	
19. If you receive any extra non-wage benefits in your employment (eg private use of a car), please detail these	
20. Probationary employment	Were you serving a period of probation or qualifying period of employment at the time of your dismissal? <input type="checkbox"/> Yes <input type="checkbox"/> No
21. Type of employment <i>(Tick all relevant boxes)</i>	<input type="checkbox"/> Full-time <input type="checkbox"/> Part-time <input type="checkbox"/> Casual <input type="checkbox"/> Apprenticeship or traineeship <input type="checkbox"/> Contract of employment for a specified period or task.
Reasons for application and remedy sought	
22. Brief summary of reasons given by employer for the termination <i>(You may wish to combine your answers to questions 22 & 23.)</i>	<i>Write here or attach another page. Brief details only are required. You will have an opportunity to expand on these reasons at the conciliation conference, or later at arbitration if required.</i>
23. Briefly explain why you say your dismissal is harsh, unjust or unreasonable. <i>(You may wish to combine your answers to questions 22 & 23.)</i>

Other proceedings before the Industrial Relations Court or Commission	
30. Have you, or do you intend to initiate, other proceedings concerning this employer under this or any other Act?	No <input type="checkbox"/> go to Declaration Yes <input type="checkbox"/> if yes, provide brief details in the space below.
Declaration	
I declare that all the facts in this application are correct to the best of my knowledge and belief.	
<i>The employee must sign this declaration unless the application was prepared by a solicitor, union, registered agent or other representative of the employee.</i>	[signature of employee] Date / /
	[signature of solicitor, union, registered agent or other representative] Date / /

Deliver, post, fax or email completed form (and any attachments) to:

Industrial Registrar
 Industrial Relations Commission of South Australia
 Level 8, Riverside Centre
 North Terrace
 Adelaide SA 5000
 (P.O. Box 8046, Station Arcade SA 5000)

DX 56501 North Terrace Adelaide

email: IRCC/WCT@saugov.sa.gov.au

Office hours: 8.30am – 5.15pm

Tel: (08) 8207 0999 Fax: (08) 8207 0995

www.industrialcommission.sa.gov.au

File number:	of
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FORM NO. 4
(Rule 20(7))

INDUSTRIAL RELATIONS COMMISSION OF SOUTH AUSTRALIA
Fair Work Act 1994

SECTION 106
EMPLOYER RESPONSE (ALLEGED UNFAIR DISMISSAL)

This is a response to an application alleging unfair dismissal.

In this form, "employer" means the person/organisation identified as the employer by the applicant. If you dispute that there was a relevant contract of employment and/or that there was a dismissal, you are still required to complete and return the form and to attend proceedings before the Commission. However, your attention is drawn to question 21.

Within 10 days of receiving this form:

- You must complete and lodge it with the Registrar. Registry address details are provided on the final page.
- An original and one copy of this response may be delivered personally or by post. If lodged by facsimile transmission or email, the original must be available or validated during proceedings.
- You should retain a copy of this response for your records.

Details of employee (the applicant) as stated on application form	
1. Employee name	
Details of you, the employer (the respondent)	
2. Employer's registered name	
3. Employer's trading name <i>(if different to above)</i>	
4. Employer's trading address or registered office	<div style="text-align: right;">Postcode:</div> <div style="display: flex; justify-content: space-between;"> Phone () Fax () </div>
5. Employer's contact person <i>(name and contact details)</i>	<p><i>The person attending the conference must be familiar with the matters in issue and have the authority to bind the employer to any agreement.</i></p> <p>Name:</p> <div style="display: flex; justify-content: space-between;"> Phone () Fax () </div> <p>Mobile:</p> <p>Email:</p>
6. Were you the employer of the applicant at the time of dismissal? <i>(if true employer is unknown, write "unknown")</i>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No <i>(Please refer to the Guide to Unfair Dismissal Matters – you will still have to appear before the Commission.)</i></p> <p><input type="checkbox"/> If No, the employer's name and address is:</p> <div style="text-align: right;">Postcode:</div> <div style="display: flex; justify-content: space-between;"> Phone () Fax () </div>

7. How many employees do you employ?	
8. First language of person attending proceedings <i>(include any relevant dialect)</i>	Is English your first language? <input type="checkbox"/> Yes <input type="checkbox"/> No If No, please specify If No, is an interpreter needed? <input type="checkbox"/> Yes <input type="checkbox"/> No
9. Do you have any special requirements such as difficulties with access, impaired hearing or sight, with which you require assistance at any proceedings in the Commission?	<i>Please detail what level of assistance is required.</i>
About the employment of the applicant	
10. Type of work performed by the applicant <i>(occupation)</i>	
11. Place of work of the applicant <i>(address)</i>	Postcode:
12. Date when the applicant first worked for employer	/ / <i>(Insert date.)</i> <input type="checkbox"/> Not applicable. <i>(If so, please provide details at question 21.)</i>
13. Date termination of employment took effect	/ / <i>(Insert date termination took effect.)</i> <input type="checkbox"/> Not applicable. <i>(If so, please provide details at question 21.)</i>
14. Was the applicant given written notice of termination or a separation certificate?	<input type="checkbox"/> No <input type="checkbox"/> Yes, please attach if not already supplied by the applicant.
Categories of employment	
15. Award or Agreement covering employment <i>(if known)</i>	What type of Award or Agreement was the applicant employed under immediately before the dismissal? <input type="checkbox"/> State <input type="checkbox"/> Federal <input type="checkbox"/> None Name of Award or Agreement <i>(if applicable)</i> :
16. What was the applicant's normal gross (before tax) pay every week?	

File number:	of
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FORM NO. 5
(Rule 20(14))

INDUSTRIAL RELATIONS COMMISSION OF SOUTH AUSTRALIA
Fair Work Act 1994

SECTION 155B
REFERRAL TO ARBITRATION (ALLEGED UNFAIR DISMISSAL)

Applicant

And

Respondent

TO:

TO:

The Commission, as required by section 155B of the *Fair Work Act 1994*, has conducted a conference of the parties to the application filed herein, for the purpose of exploring the possibility of resolving the matters at issue by conciliation. A preliminary assessment of the merits of the claim and any defence to the claim, and a recommendation to the parties how best to proceed to resolution of the questions in issue between them, has been given in writing to the parties. The Commission has ensured that the parties are fully informed of the possible consequences of further proceedings upon the application, however the matters at issue have not been resolved.

The application is therefore referred to arbitration.

I HEREBY DIRECT THAT:

- 1. . . .
 - 2. . . .
 - 3. . . .
- etc.

The parties have intimated that the hearing of the application should occupy days and that the application can conveniently to both parties be held at

NOTE: The parties attention is drawn to section 175(3) of the Fair Work Act 1994 that provides that the Commission may punish non-compliance with a procedural direction by striking out proceedings, or any defence, in whole or in part.

The conference proceedings are now concluded. The parties should note the costs provisions of section 110 of the *Fair Work Act 1994* as follows:

" Costs

- (1) *If an application under this Part proceeds to hearing and the Commission is satisfied that a party to the proceedings clearly acted unreasonably in failing to discontinue or settle the matter before the hearing concluded, the Commission may, on the application of the other party to the proceedings, make an order for costs (including — if relevant — the costs of representation) against the party.*
- (2) *If an employee discontinues proceedings under this Part more than 14 days after the conclusion of the conference of the parties, the Commission may, on the application of the employer, make an order for costs (including — if relevant — the costs of representation) against the employee if the Commission is satisfied that the employee has acted unreasonably.*
- (3) *An application for an order for costs under this section must be made within 14 days after the determination or discontinuance of the proceedings. "*

Dated this day of 20 .

.....
MEMBER OF THE COMMISSION

File number:	of
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FORM NO.5A
(Rule 35(18))

INDUSTRIAL RELATIONS COURT OF SOUTH AUSTRALIA
Fair Work Act 1994

SECTION 155B
REFERRAL FOR FURTHER DIRECTIONS (MONETARY CLAIM)

Applicant

And

Respondent

TO:

TO:

As required by section 155B(1) of the *Fair Work Act 1994*, a conciliation conference of the parties to the claim filed herein has been conducted by the Presiding Member for the purpose of exploring the possibility of resolving the matters at issue by conciliation. A preliminary assessment of the merits of the claim and any defence to the claim, and a recommendation to the parties how best to proceed to resolution of the questions in issue between them, has been given in writing to the parties. The matters at issue have not been resolved. The parties were fully informed at the conference of the possible consequences of further proceedings upon the claim.

The conference proceedings are now concluded.

The claim is therefore referred for further directions by the Industrial Relations Court of South Australia with respect to ascertaining readiness for trial and the fixing of a trial date.

TAKE NOTICE that the above mentioned matter is listed for a directions hearing (*insert details*).

Dated this day of 20 .

.....
PRESIDING MEMBER

FORM NO. 7

(Rule 35(2))

SUMMONS

ATTENTION IS DRAWN to Rule 13(1) of the Industrial Proceedings Rules 1995, which provides that a copy of this summons must be served ***within five working days*** after the issue of this summons.

**IN THE INDUSTRIAL
RELATIONS COURT**

IN THE MATTER of a monetary claim arising
under the Act, an award, an agreement or
contract of employment.

OF SOUTH AUSTRALIA

20 No.

BETWEEN [set out full name of applicant]
[set out address of applicant]
of

Applicant

AND [set out name of respondent]
[set out address of respondent]
of

Respondent

To the abovenamed respondent:

YOU ARE HEREBY SUMMONED to answer the applicant's claim, of which particulars are set out on the attached page:

If you admit the claim you should forthwith pay the amount thereof to the applicant or his solicitor or agent and need thereupon take no further action. If you dispute the whole or any part of the claim you must:-

- (1) attend either personally or by solicitor or agent before the Industrial Relations Court of South Australia, Riverside Centre, North Terrace, Adelaide, (50 metres west of the Railway Station) at o'clock in the noon on the day of 20 for directions with respect to the convening of a conciliation conference;

and

- (2) file an answer thereto in duplicate to the claim in the office of the Court at the said address not more than fourteen days from the date of service.

IF YOU DO NOT ATTEND AND FILE AN ANSWER AN ORDER MAY BE MADE AGAINST YOU IN YOUR ABSENCE WITHOUT FURTHER NOTICE.

Note: Either party may at such party's own cost be represented by a solicitor or agent.

Dated at Adelaide this day of 20

INDUSTRIAL REGISTRAR

(For particulars of this Claim please see over)

PARTICULARS OF CLAIM
(IF SPACE INSUFFICIENT ADDITIONAL SHEETS MAY BE ATTACHED)

The applicant claims the sum of \$ _____ which is payable pursuant to:
[set out reference to the Award, Act, Agreement or Enterprise Agreement under which the claim is made]

The grounds upon which the said sum is claimed are:
[set out brief details of the grounds upon which it is alleged that the sum is due and payable]

The sum claimed is computed as follows:-
[set out a summary of how the amount claimed is arrived at]

(SIGNATURE)
Applicant/Solicitor/Agent for the Applicant
whose address for service is:-

Phone:

COMMUNICATIONS

Industrial Relations Court of S.A.
Riverside Centre
North Terrace
Adelaide SA 5000
(P.O. Box 8046, Station Arcade SA 5000)
(Please quote file number)

Phone: (08) 8207 0999
Facsimile: (08) 8207 0995
(Documents may **not** be filed by
facsimile)

File number:	of
--------------	----

FORM NO. 7A
(Rule 35A(1)(a))

INDUSTRIAL RELATIONS COURT OF SOUTH AUSTRALIA

Fair Work Act 1994

**SECTION 104A
REVIEW OF COMPLIANCE NOTICE**

Instructions:

1. This application, is to be filed at the Office of the Industrial Registrar, Level 8, Riverside Centre, North Terrace, Adelaide (P.O. Box 8046 Station Arcade SA 5000).
2. A copy of the Compliance Notice **must** be attached to this application.
3. If the applicant is an employer, an original and 5 copies should be lodged.
If the applicant is an employee, an original and 6 copies should be lodged.
4. A copy of this application (and attachments) endorsed by the Registrar with the date and time of the directions hearing, is to be served by the applicant on the other parties named herein.

This application for review of a Compliance Notice issued by an Inspector (or the Employee Ombudsman) is made by:

(tick only the relevant category)

- An **employer** on the ground that the employer has in fact complied with the Act, or the relevant Award or Enterprise Agreement (as the case may be).
- An **employee** on the ground that the employer's failure to comply with the Act, or an Award or Enterprise Agreement, is more extensive than stated in the notice.

TO THE PERSONS NAMED IN SECTIONS 3 AND 4 OF THIS FORM (SEE OVER):

YOU ARE DIRECTED TO ATTEND A HEARING before the Industrial Relations Court of South Australia, Riverside Centre, North Terrace, Adelaide, (50 metres west of the Railway Station) at o'clock in the noon on the day of
20 for directions with respect to the conduct of this application.

IF YOU DO NOT ATTEND, THE COMPLIANCE NOTICE MAY BE REVIEWED IN YOUR ABSENCE AND ORDERS MADE WITHOUT FURTHER NOTICE.

Note: Either party may at such party's own cost be represented by a solicitor or agent.

Dated at Adelaide this day of 20

INDUSTRIAL REGISTRAR

1. APPLICANT'S DETAILS

Name of Person filing Application:

Organisation:

Address:

.....

Phone: Fax:

Email:

2. APPLICANT'S REPRESENTATIVE DETAILS (IF ANY)

Name of Person:

Organisation:

Address:

.....

Phone: Fax:

Email:

3. INSPECTOR (OR EMPLOYEE OMBUDSMAN)

Name of Inspector:

Address:

.....

Phone: Fax:

Email:

4. EMPLOYER DETAILS (IF APPLICANT IS EMPLOYEE)

Employer Name:

Contact Person Name:

Address:

.....

Phone: Fax:

Email:

<p>5. MATTER TO BE REVIEWED</p> <p>A copy of the Compliance Notice is to be attached to this application. In the space below, set out your grounds for seeking the Court to review the Notice and also any relevant background. Employees affected by the Compliance Notice should be named or described by reference to their work area, etc. Attach a separate sheet if necessary. If you seek that the Compliance Notice be modified, details of the specific modification sought are to be set out in section 6.</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
--

<p>6. MODIFICATION OF COMPLIANCE NOTICE (IF APPLICABLE)</p> <p>If you seek that the Notice be modified, include here details of the specific modification sought.</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>

<p>7. DECLARATION</p> <p>I declare that all the facts in this application are correct to the best of my knowledge and belief.</p> <p>SIGNED BY: _____ NAME: _____ <small>(Print name)</small></p> <p>DATED: _____</p>
--

FORM NO. 34
(Rule 30(1))

SOUTH AUSTRALIA

IN THE INDUSTRIAL RELATIONS COMMISSION

File No. of

APPLICATION FOR APPROVAL

OF AN

ENTERPRISE AGREEMENT

BETWEEN ONE OR MORE EMPLOYERS AND A GROUP OF EMPLOYEES

PURSUANT TO SECTION 79



To be filed at the Office of the Industrial Registrar, 8th Level Riverside Centre, North Terrace, Adelaide, (PO Box 8046, Station Arcade SA 5000) together with an ORIGINAL signed Agreement AND THREE COPIES of **both** this application and the Agreement.

ANSWER ALL QUESTIONS AS DIRECTED. IF THE SPACE PROVIDED IS INSUFFICIENT, ATTACH A SEPARATE SHEET CLEARLY MARKED WITH THE RELEVANT PART NUMBER.



TITLE OF PROPOSED AGREEMENT



Name of Person filing application: _____

Organisation: _____

Address: _____

Phone: _____ Fax: _____

Email: _____



PART 1: ABOUT THE ENTERPRISE(S):

(i) Name(s) of Business(s) or Workplace(s) covered by this Agreement:

(ii) Address(es) at which the Businesses are carried out:

(iii) Type of Industry (or industries) covered by Businesses or Workplaces:

PART 2: ABOUT THE EMPLOYER PARTIES TO THE AGREEMENT

(Note: If more than one, attach a separate sheet listing all employers and detailing the information sought below)

(i) Full name of employer: _____

(Note: If business name give full registered name and name of registered owner of the business name. If a corporation, give full registered name and ACN number etc.)

Please include Trading Name (if any):

Corporation Number (A.C.N.): (if applicable)

(ii) Full Address:

(IF CORPORATION OR ASSOCIATION, GIVE REGISTERED OFFICE)

Postcode: _____

PART 2: ABOUT THE EMPLOYER PARTIES TO THE AGREEMENT continued

(iii) Contact Person: _____ Position: _____
(SOMEONE WITH AUTHORITY TO SPEAK ABOUT THE AGREEMENT ON BEHALF OF THE EMPLOYER)

(iv) Work Address of Contact Person:

Work Telephone Number: () _____

Work Facsimile Number: () _____

Email: _____

PART 3: ABOUT THE EMPLOYEE PARTIES TO THE AGREEMENT

(i) Describe the group of employees to be covered by the Agreement? (i.e. by business, location, and/or occupational groupings and/or section etc.)

(ii) State total number of employees covered by the Agreement at the time of signing.

Of the total number, how many employees are

Males

Females

Have a first Language other than English

(iii) Do any of the employees suffer from an intellectual disability that prevented them from having a proper understanding of the negotiations? YES NO

If YES, please specify the measures to provide representation for such employees:

PART 3: ABOUT THE EMPLOYEE PARTIES TO THE AGREEMENT continued
(iv) Name Employee Representative(s) (other than Registered Associations) Contact Person(s)

Name: _____

Phone: _____ Fax: _____

Email: _____

Name: _____

Phone: _____ Fax: _____

Email: _____

Name: _____

Phone: _____ Fax: _____

Email: _____

PART 4: INVOLVEMENT OF REGISTERED EMPLOYEE ASSOCIATIONS (IF ANY)

(i) Were any of the employees represented by a Registered Employee Association during the course of negotiations?

 YES **NO**If **YES**, answer (ii)

(ii) State the name and contact person(s) of the association(s):

Association: _____

Contact Person: _____

Phone: _____ Fax: _____

Email: _____

(iii) Is this Agreement formally entered into on behalf of the employee(s) by an association(s)?

 YES **NO**

(Note: Section 75(2) of the Act provides that an Employee Association may enter into an Enterprise Agreement on behalf of the employees if authorised by a majority of employees constituting the group.)

If you have answered YES to the above, answer (iv);

(iv) Nominate the manner in which a majority of employees conferred such authority on the association(s).

 MEMBERSHIP **WRITTEN AUTHORITIES** **MEMBERSHIP AND WRITTEN AUTHORITIES**

Evidence of this may be required in accordance with Section 79(1)(c).

PART 5: EMPLOYEE APPROVAL AND SIGNING OF THE AGREEMENT

(i) Describe how the employees were informed of the contents of the Agreement, the terms of any Award or existing Enterprise Agreement modified by the Agreement, and the intention to apply for approval.

(ii) Have a majority of employees approved the Agreement?

YES **NO**

(iii) Nominate how employees approved the Agreement.

(a) **BALLOT** - If so, describe the Ballot result and the measures undertaken to ensure that all employees were given a reasonable opportunity to participate in the Ballot.

Number of Valid votes in favour Number of Valid votes against

OR

(b) **OTHER MEANS** - (e.g. general meetings, individual endorsement) - if so, describe the method adopted and percentage of employees supporting approval.

% Supporting Approval

(iv) Are there any employees covered by the Agreement who have not signed the Agreement and are not represented by a Registered Association or agent?

YES **NO**

If **YES**, please describe:



PART 6: COMPLIANCE OF EMPLOYER WITH THE REQUIREMENTS OF SECTION 76 OF THE ACT.
continued

(iv) [S.76(4)] Has the employer ensured that employees to be covered by the Agreement who are subject to an Award have reasonable access to the Award?

YES NO Not Applicable

If YES, state briefly how this action was achieved:

PART 7: ABOUT THE AGREEMENT

(i) Does the Agreement contain any conditions of employment including remuneration that are inferior to the minimum standards set out in the Act or established by the Commission?

YES NO

(Note: The Act sets out minimum standards relating to remuneration, sick leave, carers leave, annual leave, bereavement leave and parental leave and gives the Commission power to vary those standards.)

(If YES – The application can only be approved in the circumstances outlined in Section 79(5))

(ii) Is the Agreement **package inferior** to the **package** of remuneration and conditions in any applicable Award?

YES NO

(If YES – The application can only be approved in the circumstances outlined in Section 79(5))

(iii) What is the term of the Agreement?

(Note: Section 83(1) of the Act sets a three year maximum on the term of the agreement)

(iv) Does the Agreement vary or replace an earlier Enterprise Agreement?

YES NO

If YES:

What is the Agreement file number? _____

When does it expire? _____

PART 7: ABOUT THE AGREEMENT continued

(v) What Awards, or Certified Agreements (including those made pursuant to the Commonwealth Workplace Relations Act 1996) currently apply to the work covered by the proposed Agreement? (SET OUT NAMES OF AWARDS OR AGREEMENTS IN FULL)

WHICH CLAUSE(S) OF THE AGREEMENT	CLAUSE NO.
Makes provision for the renegotiation of the Agreement at the end of its term?	
Identifies the business(s) for which it is made?	
Identifies the group of employees to which it relates?	
Sets out procedures for the prevention and settlement of industrial disputes?	

(vi) Does the Agreement provide that sick leave is available to an employee if the leave becomes necessary because of the sickness of a family member? (Note under Section 77(1)(e) of the Act an Enterprise Agreement must provide that such leave is available or specifically excludes the provision of sick leave to such circumstances)

YES NO **Clause No** _____

(vii) Does the Agreement provide for consultation between the employer and the employees bound by the Agreement about changes to the organisation and performance of work? (Note under Section 79(1)(d) of the Act an Enterprise Agreement must make provision for such consultation unless the parties agree that such a provision is not appropriate)

YES NO **Clause No** _____

(viii) Is an order being sought by any party to the Agreement for the suppression of public disclosure of the Agreement or part of the Agreement? (Note: Section 80(4))

YES NO

(ix) Is it intended that the Agreement will cover aspects of the employment of the persons working under it to the exclusion of provisions of any existing Awards or Agreements? (Note under Section 81(3) of the Act an Enterprise Agreement will operate to the exclusion of an Award only to the extent of inconsistency with the Award)

YES NO

PART 8: INFORMATION TO ASSIST THE POTENTIAL HEARING OF THE APPLICATION

Pursuant to Section 79(11) of the Act, the Commission may approve an Enterprise Agreement without proceeding to a formal hearing based upon the information in this form. If a hearing is required, are there any considerations that would assist the Commission to list the matter at a convenient time and location (such as preferred days or time etc)?

If **YES**, please specify:

PART 9: SIGNATURE OF APPLICATION BY OR ON BEHALF OF THE EMPLOYER(S)

I (We) declare that all of the facts in this application are true and accurate to the best of my (our) knowledge and belief:

SIGNED BY: _____ NAME: _____
(PLEASE PRINT)

WITNESS: _____

DATED: _____

SIGNED BY: _____ NAME: _____
(PLEASE PRINT)

WITNESS: _____

DATED: _____

PART 10: SIGNATURE OF APPLICATION BY/ON BEHALF OF EMPLOYEES

I (We) declare that all of the facts in this application are true and accurate to the best of my (our) knowledge and belief:

SIGNED BY: _____ NAME: _____
(PLEASE PRINT)

WITNESS: _____

DATED: _____

SIGNED BY: _____ NAME: _____
(PLEASE PRINT)

WITNESS: _____

DATED: _____

SIGNED BY: _____ NAME: _____
(PLEASE PRINT)

WITNESS: _____

DATED: _____

NOTE: An Enterprise Agreement application should be made within 21 days after the Agreement has been signed.

FORM NO. 35
(Rule 30(7))

SOUTH AUSTRALIA
IN THE INDUSTRIAL RELATIONS COMMISSION
File No. of

APPLICATION FOR CONCILIATION
OR DIRECTIONS
IN CONNECTION WITH BARGAINING FOR
AN ENTERPRISE AGREEMENT
PURSUANT TO SECTION 76A

To be filed at the Office of the Industrial Registrar, 8th Level Riverside Centre, North Terrace, Adelaide, (PO Box 8046, Station Arcade SA 5000) together with ONE COPY of this application.

A COPY OF THIS APPLICATION IS TO BE PROVIDED BY THE APPLICANT TO ALL OTHER PARTIES CONSIDERED TO HAVE AN INTEREST IN THE MATTER (OR THEIR REPRESENTATIVES).

ANSWER ALL QUESTIONS AS DIRECTED. IF THE SPACE PROVIDED IS INSUFFICIENT, ATTACH A SEPARATE SHEET CLEARLY MARKED WITH THE RELEVANT PART NUMBER.

Name of Person filing application: _____
Organisation: _____
Address: _____

Phone: _____ Fax: _____
Email: _____

Application is made pursuant to Section 76A by the party listed above as follows:

- To seek that the Commission conduct conciliation proceedings
- Section 76A(5)

- To seek that the Commission make directions concerning the composition of the employee group
for negotiating purposes
- Section 76A(3)

(TICK ONLY THE RELEVANT CATEGORY)

PART 1: OTHER PARTIES TO THE APPLICATION

For each of the other parties that you consider are involved in the negotiations leading to this application, please supply their name, telephone and facsimile numbers and contact person (if any):

Name: _____
Phone: _____ Fax: _____
Contact Person: _____

Name: _____
Phone: _____ Fax: _____
Contact Person: _____

Name: _____
Phone: _____ Fax: _____
Contact Person: _____

Name: _____
Phone: _____ Fax: _____
Contact Person: _____

Name: _____
Phone: _____ Fax: _____
Contact Person: _____

PART 4: SIGNATURE OF APPLICATION BY OR ONE BEHALF OF THE APPLICANT

I declare that all of the facts in this application are true and accurate to the best of my knowledge and belief:

SIGNED BY: _____ NAME: _____
(PLEASE PRINT)

DATED: _____

PART 1: ABOUT THE AGREEMENT TO BE VARIED OR RESCINDED

(i) Title of Agreement sought to be varied or rescinded

Original File Number: _____

(ii) At what date is/was the term of the Agreement due to expire?
(See Section 81(9))

PART 2: THE PARTIES TO THE APPLICATION

This application is made by or on behalf of the following parties:

- The outgoing employer while still the employer under the Agreement (Section 81(6)(a))
- The incoming employer after taking over the whole or part of the business of the outgoing employer (Section 81(6)(b))
- An employee or a group of employees bound by the Agreement (Section 81(6)(c))
- A Registered Employee Association on behalf of employees bound by the Agreement after the incoming employer has taken over the whole or part of the business (Section 81(6)(d))

(TICK ONLY THE RELEVANT CATEGORY)

PART 3: ABOUT THE EMPLOYER PARTIES TO THE AGREEMENT

(Note: If more than one in each category, attach a separate sheet listing all employers and detailing the information sought below)

(i) Full name of **outgoing** employer(s): _____

Please include Trading Names (if any).

Corporation Number (A.C.N.): (if applicable)

(ii) Full Address of outgoing employers:

(IF CORPORATION OR ASSOCIATION, GIVE REGISTERED OFFICE)

Postcode: _____



PART 3: ABOUT THE EMPLOYER PARTIES TO THE AGREEMENT continued

(iii) Contact Person: _____ Position: _____
(SOMEONE WITH AUTHORITY TO SPEAK ABOUT THE AGREEMENT ON BEHALF OF THE EMPLOYER)

(iv) Work Address of Contact Person:

Work Telephone Number: () _____

Work Facsimile Number: () _____

Email: _____

(v) Full name of **incoming** employer(s): _____

Please include Trading Names (if any).

Corporation Number (A.C.N.): (if applicable)

(vi) Full Address of incoming employer(s):
(IF CORPORATION OR ASSOCIATION, GIVE REGISTERED OFFICE)

Postcode: _____

(vii) Contact Person: _____ Position: _____
(SOMEONE WITH AUTHORITY TO SPEAK ABOUT THE AGREEMENT ON BEHALF OF THE EMPLOYER)

(viii) Work Address of Contact Person:

Work Telephone Number: () _____

Work Facsimile Number: () _____

Email: _____

(ix) When will/did the succession, transfer or transmission of the whole or part of the business or undertaking take place? _____

PART 4: ABOUT THE EMPLOYEE PARTIES TO THE AGREEMENT

(i) State total number of employees covered by the Agreement at the time of this application

Of the total number, how many employees are

Males	<input type="text"/>
Females	<input type="text"/>
Have a first Language other than English	<input type="text"/>

(ii) Are the employees represented by a Registered Association or agent?

YES NO

If you have answered YES to the above:

(iii) State the name and address of the association(s)/agent.

(iv) Employee representative or Registered Association contact person(s)

Name: _____

Organisation: _____

Phone: _____ Fax: _____

Email: _____

Name: _____

Organisation: _____

Phone: _____ Fax: _____

Email: _____

PART 5: THE SUBSTANCE OF THE APPLICATION

(i) Describe the circumstances leading to the application:

PART 5: THE SUBSTANCE OF THE APPLICATION continued

(ii) Describe the precise terms of the variation sought (if rescission only is sought move to question (iii)):

(iii) Is the application made on the basis of a short term crisis in the relevant business or undertaking?

If **YES**, please detail the specific nature of the crisis and how the variation or rescission will assist:

If **NO**, please detail how the variation or rescission will not disadvantage the employees in relation to their terms and conditions of employment:



PART 6: SIGNATURE OF APPLICATION BY OR ON BEHALF OF THE EMPLOYERS (If a party to this application)

I (We) declare that all of the facts in this application are true and accurate to the best of my (our) knowledge and belief:

SIGNED BY: _____ NAME: _____
(PLEASE PRINT)

WITNESS: _____

DATED: _____

PART 7: SIGNATURE OF APPLICATION BY OR ON BEHALF OF EMPLOYEES (If a party to this application)

I (We) declare that all of the facts in this application are true and accurate to the best of my (our) knowledge and belief:

SIGNED BY: _____ NAME: _____
(PLEASE PRINT)

WITNESS: _____

DATED: _____

SIGNED BY: _____ NAME: _____
(PLEASE PRINT)

WITNESS: _____

DATED: _____

SIGNED BY: _____ NAME: _____
(PLEASE PRINT)

WITNESS: _____

DATED: _____

FORM NO. 37
(Rule 30(9))

SOUTH AUSTRALIA

IN THE INDUSTRIAL RELATIONS COMMISSION

File No. of

APPLICATION TO VARY
AN
ENTERPRISE AGREEMENT

BETWEEN ONE OR MORE EMPLOYERS AND A GROUP OF EMPLOYEES

PURSUANT TO SECTION 84

To be filed at the Office of the Industrial Registrar, 8th Level Riverside Centre, North Terrace, Adelaide, (PO Box 8046, Station Arcade SA 5000) together with THREE COPIES of this application.

ANSWER ALL QUESTIONS AS DIRECTED. IF THE SPACE PROVIDED IS INSUFFICIENT, ATTACH A SEPARATE SHEET CLEARLY MARKED WITH THE RELEVANT PART NUMBER.

ATTACH A DOCUMENT SETTING OUT THE SPECIFIC AMENDMENTS.

TITLE OF AGREEMENT SOUGHT TO BE VARIED

Original File Number:

Name of Person filing application: _____

Organisation: _____

Address: _____

Phone: _____ Fax: _____

Email: _____

Application is made by the parties listed herein, for a variation of the said Enterprise Agreement pursuant to Section 84 as follows:

- To give effect to agreed amendments - Section 84(1)(a) Complete all parts except 6 and 7 + attach variation(s) sought
- To correct an ambiguity or uncertainty - Section 84(1)(b) Complete all parts except 4, 5 and 7 + attach variation(s) sought
- To bring the Agreement into conformity with an Undertaking – Section 84(1)(c) Complete all parts except 4, 5 and 6 + attach variation(s) sought

(TICK ONLY THE RELEVANT CATEGORY)

PART 1: THE PARTIES TO THE APPLICATION:

This application is made by or on behalf of the following parties:

- Both the employer(s) and the group of employees
- The employer(s)
- The group of employees bound by the Agreement (or a Registered Employee Association or other Agent on their behalf)

(TICK ONLY THE RELEVANT CATEGORY)

PART 2: ABOUT THE EMPLOYER PARTIES TO THE AGREEMENT

(Note: If more than one, attach a separate sheet listing all employers and detailing the information sought below)

(i) Full name of employer(s): _____

Please include Trading Names (if any):

Corporation Number (A.C.N.): (if applicable)

(ii) Full Address:

(IF CORPORATION OR ASSOCIATION, GIVE REGISTERED OFFICE)

Postcode: _____

PART 2: ABOUT THE EMPLOYER PARTIES TO THE AGREEMENT continued

(iii) Contact Person: _____ Position: _____
(SOMEONE WITH AUTHORITY TO SPEAK ABOUT THE AGREEMENT ON BEHALF OF THE EMPLOYER)

(iv) Work Address of Contact Person:

Work Telephone Number: () _____

Work Facsimile Number: () _____

Email: _____

PART 3: ABOUT THE EMPLOYEE PARTIES TO THE AGREEMENT

(i) State total number of employees covered by the Agreement at the time of this application

Of the total number, how many employees are

Males

Females

Have a first Language other than English

(ii) Are the employees represented by a Registered Association or agent?

YES NO

If you have answered YES to the above:

(iii) State the name and address of the association(s)/agent(s).

(iv) Employee representative or Registered Association contact person(s)

Name: _____

Phone: _____ Fax: _____

Email: _____

Name: _____

Phone: _____ Fax: _____

Email: _____

PART 4: APPROVAL OF THE AMENDMENT [WHERE AMENDMENT IS AGREED - SECTION 84(1)(a)]

(i) Describe how the employees were informed of the contents of the proposed amendment and the intention to apply for approval.

(ii) Have a majority of employees approved the amendment?

YES **NO**

(iii) Nominate how employees approved the amendment.

(a) **BALLOT** - If so, describe the Ballot result and the measures undertaken to ensure that all employees were given a reasonable opportunity to participate in the Ballot.

	Number of Valid votes in favour		Number of Valid votes against
--	---------------------------------	--	-------------------------------

OR

(b) **OTHER MEANS** - (e.g. general meetings, individual endorsement) - if so, describe the method adopted and percentage of employees supporting approval.

% Supporting Approval

(iv) Do any of the employees suffer from an intellectual disability that prevented them from having a proper understanding of the negotiations? **YES** **NO**

If **YES**, specify the measures to provide representation for such employees:

(v) Are there any employees covered by the Agreement who have not signed the proposed amendment and are not represented by a Registered Association or agent?

YES **NO**

If **YES**, please describe:



**PART 5: COMPLIANCE OF EMPLOYER WITH THE REQUIREMENTS OF SECTION 76 OF THE ACT.
[WHERE AMENDMENT IS AGREED - SECTION 84(1)(a)]**

(i) [S.76(1)] Did the employer give employees to be bound by the Agreement 14 days notice of intention to begin negotiations for a variation to the Enterprise Agreement?

YES **NO**

If **YES**, state briefly how this notice was provided:

(Note: Section 76(1) provides that this notice is not required if the Agreement is negotiated to settle an industrial dispute or the Commission grants an exemption from this requirement.)

(ii) [S.76(2)] Has the employer informed the employees of their right to appoint a representative (including the Employee Ombudsman, an Agent of the employee's choice or a Registered Employee Association) in the negotiation and proceedings for approval, before beginning the negotiations?

YES **NO**

If **YES**, state briefly how this information was given:

(iii) [S.76(3)] If the employer was aware that an employee was a member of a Registered Association, did they take reasonable steps to notify the association of the intended negotiations before beginning the negotiations?

YES **NO** **Not Applicable**

If **YES**, state briefly how this notification was made:



PART 5: COMPLIANCE OF EMPLOYER WITH THE REQUIREMENTS OF SECTION 76 OF THE ACT. [WHERE AMENDMENT IS AGREED - SECTION 84(1)(a)] continued

(iv) [S.76(4)] Has the employer ensured that employees covered by the Agreement who continue to be subject to an Award, have reasonable access to the Award?

YES

NO

Not Applicable

If **YES**, state briefly how this action was achieved:

PART 6: CORRECTION OF AMBIGUITY OR UNCERTAINTY [SECTION 84(1)(b) ONLY]

The grounds upon which the variation to the Enterprise Agreement is made are as follows:

PART 7: VARIATION TO BRING AGREEMENT INTO CONFORMITY WITH AN UNDERTAKING ON THE BASIS OF WHICH THE AGREEMENT WAS APPROVED [SECTION 84(1)(C) ONLY]

(i) Confirm the Undertaking(s) as given and the circumstances leading to this application:

PART 8: THE VARIATION(S) SOUGHT [ALL APPLICATIONS]

The amendments sought to the Enterprise Agreement are set out in the attached schedule.

[Set out in precise terms the specific amendments or variation sought]



PART 9: SIGNATURE OF APPLICATION BY OR ON BEHALF OF THE EMPLOYERS (If a party to this application)

I (We) declare that all of the facts in this application are true and accurate to the best of my (our) knowledge and belief:

SIGNED BY: _____ NAME: _____
(PLEASE PRINT)

WITNESS: _____

DATED: _____

PART 10: SIGNATURE OF APPLICATION BY OR ON BEHALF OF EMPLOYEES (If a party to this application)

I (We) declare that all of the facts in this application are true and accurate to the best of my (our) knowledge and belief:

SIGNED BY: _____ NAME: _____
(PLEASE PRINT)

WITNESS: _____

DATED: _____

SIGNED BY: _____ NAME: _____
(PLEASE PRINT)

WITNESS: _____

DATED: _____

SIGNED BY: _____ NAME: _____
(PLEASE PRINT)

WITNESS: _____

DATED: _____

**FORM NO. 38
(Rule 30(10))**

**SOUTH AUSTRALIA
IN THE INDUSTRIAL RELATIONS COMMISSION**

File No. of

APPLICATION TO RESCIND

AN

ENTERPRISE AGREEMENT

BETWEEN ONE OR MORE EMPLOYERS AND A GROUP OF EMPLOYEES

PURSUANT TO SECTION 84

To be filed at the Office of the Industrial Registrar, 8th Level Riverside Centre, North Terrace, Adelaide, (PO Box 8046, Station Arcade SA 5000) together with THREE COPIES of this application.

ANSWER ALL QUESTIONS AS DIRECTED. IF THE SPACE PROVIDED IS INSUFFICIENT, ATTACH A SEPARATE SHEET CLEARLY MARKED WITH THE RELEVANT PART NUMBER.

TITLE OF AGREEMENT SOUGHT TO BE RESCINDED

Original File Number:

Name of Person filing application: _____

Organisation: _____

Address: _____

Phone: _____ Fax: _____

Email: _____

Application is made by the parties listed herein, for the rescission of the said Enterprise Agreement pursuant to Section 84 as follows:

- To give effect to an agreed rescission - Section 84(3) Complete all parts
- To seek the rescission after the term of the Agreement has expired - Section 84(4) Complete all parts (including Part 5 if relevant)

(TICK ONLY THE RELEVANT CATEGORY)

PART 1: THE PARTIES TO THE APPLICATION:

This application is made by or on behalf of the following parties:

- Both the employer and the group of employees
- The employer
- A Registered Association with at least one member subject to the Agreement
- An employee or the group of employees bound by the Agreement

(TICK ONLY THE RELEVANT CATEGORY)

PART 2: ABOUT THE EMPLOYER PARTIES TO THE AGREEMENT

(Note: If more than one, attach a separate sheet listing all employers and detailing the information sought below)

(i) Full name of employer(s): _____

Please include Trading Names (if any).

Corporation Number (A.C.N.): (if applicable)

ii) Full Address:

(IF CORPORATION OR ASSOCIATION, GIVE REGISTERED OFFICE)

Postcode: _____

PART 2: ABOUT THE EMPLOYER PARTIES TO THE AGREEMENT continued

(iii) Contact Person: _____ Position: _____
(SOMEONE WITH AUTHORITY TO SPEAK ABOUT THE AGREEMENT ON BEHALF OF THE EMPLOYER)

(iv) Work Address of Contact Person:

Work Telephone Number: () _____

Work Facsimile Number: () _____

Email: _____

PART 3: ABOUT THE EMPLOYEE PARTIES TO THE AGREEMENT

(i) State total number of employees covered by the Agreement at the time of this application

Of the total number, how many employees are

Males

Females

Have a first Language other than English

(ii) Are the employees represented by a Registered Association or agent?

YES NO

If you have answered YES to the above;

(iii) State the name and address of the association(s)/agent(s).

PART 3: ABOUT THE EMPLOYEE PARTIES TO THE AGREEMENT continued

iv) Employee representative or Registered Association contact person(s)

Name: _____

Phone: _____ Fax: _____

Email: _____

Name: _____

Phone: _____ Fax: _____

Email: _____

PART 4: CIRCUMSTANCES OF APPROVED AGREEMENT

(i) At what date is/was the term of the Agreement due to expire?
(See Section 84(3) and 84(4))

(ii) What are the circumstances leading to the application to rescind?

PART 5: EMPLOYEE APPROVAL OF THE RESCISSION (WHERE APPROPRIATE)

(i) Describe how the employees were informed of the proposed rescission

(ii) Have a majority of employees approved the Rescission (see section 84((6)(a))?

YES NO

(iii) What percentage of employees approved the Rescission? %

(iv) Describe how and when employees approved of the Rescission (eg. secret ballot, general meeting(s), by an authorised committee etc.)

PART 5: EMPLOYEE APPROVAL OF THE RESCISSION (WHERE APPROPRIATE) continued

(v) Do any of the employees suffer from an intellectual disability that prevented them from having a proper understanding of the negotiations? **YES** **NO**

If **YES**, please specify the measures to provide representation for such employees:



PART 6: SIGNATURE OF APPLICATION BY OR ON BEHALF OF THE EMPLOYERS (If a party to this application)

I (We) declare that all of the facts in this application are true and accurate to the best of my (our) knowledge and belief:

SIGNED BY: _____ NAME: _____
(PLEASE PRINT)

WITNESS: _____

DATED: _____

PART 7: SIGNATURE OF APPLICATION BY/ON BEHALF OF EMPLOYEES (If a party to this application)

I (We) declare that all of the facts in this application are true and accurate to the best of my (our) knowledge and belief:

SIGNED BY: _____ NAME: _____
(PLEASE PRINT)

WITNESS: _____

DATED: _____

SIGNED BY: _____ NAME: _____
(PLEASE PRINT)

WITNESS: _____

DATED: _____

SIGNED BY: _____ NAME: _____
(PLEASE PRINT)

WITNESS: _____

DATED: _____

**FORM NO. 39
(Rule 30(11))**

SOUTH AUSTRALIA

IN THE INDUSTRIAL RELATIONS COMMISSION

File No. of

APPLICATION TO RELEASE A PARTY FROM

OR VARY

AN ENTERPRISE AGREEMENT

PURSUANT TO SECTION 85

To be filed at the Office of the Industrial Registrar, 8th Level Riverside Centre, North Terrace, Adelaide, (PO Box 8046, Station Arcade SA 5000) together with ONE COPY of this application.

A COPY OF THIS APPLICATION IS TO BE PROVIDED BY THE APPLICANT TO ALL OTHER PARTIES BOUND BY THE AGREEMENT (OR THEIR REPRESENTATIVES).

ANSWER ALL QUESTIONS AS DIRECTED. IF THE SPACE PROVIDED IS INSUFFICIENT, ATTACH A SEPARATE SHEET CLEARLY MARKED WITH THE RELEVANT PART NUMBER.

Name of Person filing application: _____

Organisation: _____

Address: _____

Phone: _____ Fax: _____

Email: _____

Application is made pursuant to Section 85 by the party listed above as follows:

To seek that the Commission release a party from, or vary the terms of, an Agreement in consequence of industrial action - Section 85(1)

To seek that the Commission include, omit or vary a stand down provision within an Agreement - Section 85(2)

(TICK ONLY THE RELEVANT CATEGORY)

PART 1: ABOUT THE AGREEMENT

(i) Title of Agreement sought to be varied

Original File Number:

(ii) At what date is/was the term of the Agreement due to expire?

PART 2: OTHER PARTIES TO THE APPLICATION

For each of the other parties to the Agreement, please supply their name (organisation), telephone and facsimile numbers and contact person (if any):

Name: _____
Phone: _____ Fax: _____
Contact Person: _____

Name: _____
Phone: _____ Fax: _____
Contact Person: _____

Name: _____
Phone: _____ Fax: _____
Contact Person: _____

Name: _____
Phone: _____ Fax: _____
Contact Person: _____

Name: _____
Phone: _____ Fax: _____
Contact Person: _____

Name: _____
Phone: _____ Fax: _____
Contact Person: _____

PART 5: SIGNATURE OF APPLICATION BY OR ONE BEHALF OF THE APPLICANT

I declare that all of the facts in this application are true and accurate to the best of my knowledge and belief:

SIGNED BY: _____ NAME: _____
(PLEASE PRINT)

DATED: _____

GOVERNMENT GAZETTE ADVERTISEMENT RATES

To apply from 1 July 2004

	\$		\$
Agents, Ceasing to Act as.....	35.50	Firms:	
Associations:		Ceasing to Carry on Business (each insertion).....	23.60
Incorporation	18.10	Discontinuance Place of Business	23.60
Intention of Incorporation	44.75	Land—Real Property Act:	
Transfer of Properties	44.75	Intention to Sell, Notice of.....	44.75
Attorney, Appointment of.....	35.50	Lost Certificate of Title Notices	44.75
Bailiff's Sale.....	44.75	Cancellation, Notice of (Strata Plan)	44.75
Cemetery Curator Appointed.....	26.50	Mortgages:	
Companies:		Caveat Lodgment.....	18.10
Alteration to Constitution	35.50	Discharge of.....	19.00
Capital, Increase or Decrease of	44.75	Foreclosures.....	18.10
Ceasing to Carry on Business	26.50	Transfer of	18.10
Declaration of Dividend.....	26.50	Sublet.....	9.10
Incorporation	35.50	Leases—Application for Transfer (2 insertions) each	9.10
Lost Share Certificates:		Lost Treasury Receipts (3 insertions) each.....	26.50
First Name.....	26.50	Licensing.....	53.00
Each Subsequent Name.....	9.10	Municipal or District Councils:	
Meeting Final.....	29.75	Annual Financial Statement—Forms 1 and 2	499.00
Meeting Final Regarding Liquidator's Report on		Electricity Supply—Forms 19 and 20.....	354.00
Conduct of Winding Up (equivalent to 'Final		Default in Payment of Rates:	
Meeting')		First Name	70.50
First Name.....	35.50	Each Subsequent Name.....	9.10
Each Subsequent Name.....	9.10	Noxious Trade.....	26.50
Notices:		Partnership, Dissolution of	26.50
Call.....	44.75	Petitions (small).....	18.10
Change of Name	18.10	Registered Building Societies (from Registrar-	
Creditors.....	35.50	General).....	18.10
Creditors Compromise of Arrangement	35.50	Register of Unclaimed Moneys—First Name.....	26.50
Creditors (extraordinary resolution that 'the Com-		Each Subsequent Name	9.10
pany be wound up voluntarily and that a liquidator		Registers of Members—Three pages and over:	
be appointed').....	44.75	Rate per page (in 8pt)	226.00
Release of Liquidator—Application—Large Ad.....	70.50	Rate per page (in 6pt)	299.00
—Release Granted	44.75	Sale of Land by Public Auction.....	45.25
Receiver and Manager Appointed.....	41.25	Advertisements.....	2.50
Receiver and Manager Ceasing to Act	35.50	Advertisements, other than those listed are charged at \$2.50 per	
Restored Name.....	33.50	column line, tabular one-third extra.	
Petition to Supreme Court for Winding Up.....	62.00	Notices by Colleges, Universities, Corporations and District	
Summons in Action.....	53.00	Councils to be charged at \$2.50 per line.	
Order of Supreme Court for Winding Up Action.....	35.50	Where the notice inserted varies significantly in length from	
Register of Interests—Section 84 (1) Exempt.....	80.00	that which is usually published a charge of \$2.50 per column line	
Removal of Office.....	18.10	will be applied in lieu of advertisement rates listed.	
Proof of Debts.....	35.50	South Australian Government publications are sold on the	
Sales of Shares and Forfeiture.....	35.50	condition that they will not be reproduced without prior	
Estates:		permission from the Government Printer.	
Assigned	26.50		
Deceased Persons—Notice to Creditors, etc.....	44.75		
Each Subsequent Name.....	9.10		
Deceased Persons—Closed Estates.....	26.50		
Each Subsequent Estate.....	1.15		
Probate, Selling of	35.50		
Public Trustee, each Estate	9.10		

All the above prices include GST

GOVERNMENT GAZETTE NOTICES

ALL 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. Tuesday preceding the day of publication. Phone 8207 1045 or Fax 8207 1040. E-mail: governmentgazette@saugov.sa.gov.au.* Send as attachments in Word format. Please include date the notice is to be published and to whom the notice will be charged. **The Government Gazette is available online at: www.governmentgazette.sa.gov.au.**

MISCELLANEOUS LEGISLATION AND GOVERNMENT PUBLICATIONS PRICES AS FROM 1 JULY 2004

Acts, Bills, Rules, Parliamentary Papers and Regulations					
Pages	Main	Amends	Pages	Main	Amends
1-16	2.15	0.95	497-512	30.25	29.00
17-32	2.90	1.80	513-528	31.25	29.90
33-48	3.80	2.70	529-544	32.00	31.00
49-64	4.75	3.65	545-560	33.00	32.00
65-80	5.60	4.60	561-576	33.75	33.00
81-96	6.50	5.40	577-592	34.75	33.50
97-112	7.40	6.30	593-608	35.75	34.50
113-128	8.30	7.25	609-624	36.50	35.50
129-144	9.35	8.25	625-640	37.25	36.10
145-160	10.20	9.10	641-656	38.25	37.20
161-176	11.20	10.00	657-672	38.75	38.00
177-192	12.00	11.00	673-688	40.50	38.80
193-208	13.00	11.90	689-704	41.25	39.90
209-224	13.80	12.70	705-720	41.75	41.00
225-240	14.70	13.60	721-736	43.50	41.50
241-257	15.70	14.30	737-752	44.00	42.90
258-272	16.60	15.30	753-768	45.00	43.40
273-288	17.50	16.40	769-784	45.50	44.70
289-304	18.30	17.20	785-800	46.50	45.60
305-320	19.30	18.20	801-816	47.25	46.00
321-336	20.10	19.00	817-832	48.25	47.25
337-352	21.20	20.00	833-848	49.25	48.00
353-368	22.00	21.00	849-864	50.00	48.80
369-384	22.90	21.90	865-880	51.00	50.00
385-400	23.80	22.70	881-896	51.50	50.50
401-416	23.70	23.50	897-912	53.00	51.50
417-432	25.75	24.50	913-928	53.50	53.00
433-448	26.60	25.50	929-944	54.50	53.50
449-464	27.50	26.25	945-960	55.50	54.00
465-480	28.00	27.25	961-976	56.50	55.00
481-496	29.25	28.00	977-992	57.50	56.00

Legislation—Acts, Regulations, etc:	\$
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Acts	187.00
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Parliamentary Papers	447.00
Bound Acts	207.00
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Government Gazette	
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Subscription	247.00
Hansard	
Copy	13.50
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Compendium	
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LAND AND BUSINESS (SALE AND CONVEYANCING)
ACT 1994*Exemption*

TAKE notice that pursuant to section 23 (3) of the Land and Business (Sale and Conveyancing) Act 1994, I, Karlene Maywald, Minister for Consumer Affairs, do hereby exempt the persons named in Schedule 1 from the application of section 23 (2) of the Act in relation to the purchase of the land specified in Schedule 2.

SCHEDULE 1

Philip Sidney David-Smith, an officer of Philip David Smith Pty Ltd and Marcus Wallin, an employee of Philip David Smith Pty Ltd.

SCHEDULE 2

The whole of the land described in certificate of title register book volume 5648, folio 258, situated at Lot 297, 5 to 9 Kalimna Road, Nuriootpa, S.A. 5355 and the whole of the land described in certificate of title register book volume 5458, folio 270, situated at Lot 299, 8 Old Sturt Highway, Nuriootpa, S.A. 5355.

Dated 5 May 2005.

Signed for and on behalf of the Minister for Consumer Affairs by the Commissioner for Consumer Affairs:

M. BODYCOAT, Commissioner

LAND AND BUSINESS (SALE AND CONVEYANCING)
ACT 1994*Exemption*

TAKE notice that pursuant to section 23 (3) of the Land and Business (Sale and Conveyancing) Act 1994, I, Karlene Maywald, Minister for Consumer Affairs, do hereby exempt the persons named in Schedule 1 from the application of section 23 (2) of the Act in relation to the purchase of the business specified in Schedule 2.

SCHEDULE 1

Philip Sidney David-Smith, an officer of Philip David Smith Pty Ltd and Marcus Wallin, an employee of Philip David Smith Pty Ltd.

SCHEDULE 2

The business, Barossa Gateway Motel, situated at Lot 297, 5 to 9 Kalimna Road, Nuriootpa, S.A. 5355 and lot 299, 8 Old Sturt Highway, Nuriootpa, S.A. 5355.

Dated 5 May 2005.

Signed for and on behalf of the Minister for Consumer Affairs by the Commissioner for Consumer Affairs:

M. BODYCOAT, Commissioner

LAND AND BUSINESS (SALE AND CONVEYANCING)
ACT 1994*Exemption*

TAKE notice that pursuant to section 23 (3) of the Land and Business (Sale and Conveyancing) Act 1994, I, Karlene Maywald, Minister for Consumer Affairs, do hereby exempt the person named in Schedule 1 from the application of section 23 (2) of the Act in relation to the purchase of the land specified in Schedule 2.

SCHEDULE 1

Corey Michael Gutteridge, an employee of W. B. Real Estate Pty Ltd.

SCHEDULE 2

The whole of the land described in certificate of title register book volume 5115, folio 516, situated at 4 Bundarra Court, Craigmore, S.A. 5114.

Dated 5 May 2005.

Signed for and on behalf of the Minister for Consumer Affairs by the Commissioner for Consumer Affairs:

M. BODYCOAT, Commissioner

LIQUOR LICENSING ACT 1997 AND GAMING MACHINES
ACT 1992*Notice of Application*

NOTICE is hereby given, pursuant to section 52 of the Liquor Licensing Act 1997 and section 29 of the Gaming Machines Act 1992, that R. & K. Carrick Nominees Pty Ltd as trustee for Carrick Hotel Trust has applied to the Licensing Authority for the transfer of a Hotel Licence and Gaming Machine Licence in respect of premises situated at 22 Railway Terrace, Pinnaroo, S.A. 5304 and known as Pinnaroo Hotel.

The application has been set down for hearing on 31 May 2005 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 applicant at the applicant's address given above, at least seven days before the hearing date (viz: 23 May 2005).

The applicant's address for service is c/o Thomson Playford, 101 Pirie Street, Adelaide, S.A. 5000 (Attention: Scott Lumsden).

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. Phone 8226 8410, Fax: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 27 April 2005.

Applicant

LIQUOR LICENSING ACT 1997 AND GAMING MACHINES
ACT 1992*Notice of Application*

NOTICE is hereby given, pursuant to section 52 of the Liquor Licensing Act 1997 and section 29 of the Gaming Machines Act 1992, that Reserve Hotels Pty Ltd as trustee for the NBF Trust and Lamb Spit Restaurant Pty Ltd as trustee for the Lamb Spit Trading Trust have applied to the Licensing Authority for the transfer of a Hotel Licence and a Gaming Machine Licence in respect of premises situated at 51 South Road, Thebarton, S.A. 5031 and known as West Thebarton Hotel.

The applications have been set down for hearing on 6 June 2005 at 10.30 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 applicants at the applicants' address given above, at least seven days before the hearing date (viz: 29 May 2005).

The applicants' address for service is c/o Patsouris & Associates, Barristers and Solicitors, 82 Halifax Street, Adelaide, S.A. 5000.

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 Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Phone 8226 8410, Fax: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 27 April 2005.

Applicants

LIQUOR LICENSING ACT 1997 AND GAMING MACHINES
ACT 1992*Notice of Application*

NOTICE is hereby given, pursuant to section 52 of the Liquor Licensing Act 1997 and section 29 of the Gaming Machines Act 1992, that Elmes Hotels Pty Ltd and R. J. & D. J. Elmes Pty Ltd as trustee for the Watermark Unit Trust have applied to the Licensing Authority for the transfer of a Hotel Licence and a Gaming Machine Licence with variation to the Extended Trading Authorisation in respect of premises situated at 631 Anzac Highway, Glenelg North, S.A. 5045 and known as Watermark Glenelg.

The applications have been set down for hearing on 6 June 2005 at 11 a.m..

Condition

The following licence condition is sought:

- Variation to Extended Trading Authorisation:
Good Friday: Midnight to 2 a.m. and otherwise with or ancillary to a meal provided by the licensee.

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 (viz: 29 May 2005).

The applicants' address for service is c/o Duncan Basheer Hannon, Barristers and Solicitors (Attention: Max Basheer/David Tillett), G.P.O. Box 2, Adelaide, S.A. 5001.

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 Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Phone 8226 8410, Fax: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 28 April 2005.

Applicants

LIQUOR LICENSING ACT 1997 AND GAMING MACHINES ACT 1992

Notice of Application

NOTICE is hereby given, pursuant to section 52 of the Liquor Licensing Act 1997 and section 29 of the Gaming Machines Act 1992, that Hann Hotel Nominees Pty Ltd as trustee for Hann Hotel Trust has applied to the Licensing Authority for the transfer of a Hotel Licence and Gaming Machine Licence in respect of premises situated at Hanson Street, Kingston, S.A. 5275 and known as Royal Mail Hotel.

The applications have been set down for hearing on 9 June 2005 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 applicant at the applicant's address given above, at least seven days before the hearing date (viz: 1 June 2005).

The applicant's address for service is c/o Duncan Basheer Hannon, (Attention: Max Basheer/David Tillett), G.P.O. Box 2, Adelaide, S.A. 5001.

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 Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Phone 8226 8410, Fax: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 2 May 2005.

Applicant

LIQUOR LICENSING ACT 1997 AND GAMING MACHINES ACT 1992

Notice of Application

NOTICE is hereby given, pursuant to section 52 of the Liquor Licensing Act 1997 and section 29 of the Gaming Machines Act 1992, that Anport Pty Ltd has applied to the Licensing Authority for a Hotel Licence with Entertainment Consent, Extended Trading Authorisation and Gaming Machine Licence in respect of premises situated at corner Heaslip Road and Mark Fatchen Drive, Angle Vale, S.A. 5117 and known as Angle Vale Tavern.

The applications have been set down for hearing on 7 June 2005 at 9 a.m.

Conditions

The following licence conditions are sought:

- Extended Trading Authorisation is sought in the areas shown on the plan lodged with this office:
Friday and Saturday: Midnight to 2 a.m. the following day; Sunday: 8 a.m. to 11 a.m. and 8 p.m. to 10 p.m.;
Sunday: 8 a.m. to 11 a.m. and 8 p.m. to 10 p.m.;
Christmas Eve: Midnight to 2 a.m. the following day.

- Entertainment Consent is sought in the areas shown on the plan lodged with this office:

Monday to Thursday: 7 p.m. to Midnight;
Friday and Saturday: 7 p.m. to 2 a.m. the following day;
Sunday: 7 p.m. to 10 p.m.;
Public Holidays: 7 p.m. to Midnight.

- Live entertainment will be limited to background style of entertainment featuring solo and duo performances only.

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 (viz: 30 May 2005).

The applicant's address for service is c/o Edgley Lawyers, G.P.O. Box 468, Adelaide, S.A. 5001.

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 Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Phone 8226 8410, Fax: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 28 April 2005.

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 Qantas Flight Catering Limited has applied to the Licensing Authority for a Special Circumstances Licence in respect of premises situated at Arrival Road, Adelaide Airport, S.A. 5950 and to be known as Qantas Flight Catering.

The application has been set down for hearing on 2 June 2005 at 9 a.m.

Conditions

The following licence condition is sought:

The sale and supply of liquor to airline operators, including by way of direct sales transactions, for consumption off the licensed premises on any day between 4 a.m. and midnight.

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 (viz: 1 June 2005).

The applicant's address for service is c/o Thomson Playford, 101 Pirie Street, Adelaide, S.A. 5000 (Attention Scott Lumsden).

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 Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Phone 8226 8410, Fax: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 26 April 2005.

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 Belinda Darley and Mark Harper have applied to the Licensing Authority for a Producer's Licence in respect of premises situated at 1 Royal Avenue, Burnside, S.A. 5066 and to be known as Harper's Cellar.

The application has been set down for hearing on 3 June 2005 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 (viz: 26 May 2005).

The applicants' address for service is c/o Belinda Darley, 1 Royal Avenue, Burnside, S.A. 5066.

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 Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Phone 8226 8410, Fax: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 29 April 2005.

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 Branson Coach House Pty Ltd has applied to the Licensing Authority for a Producer's Licence in respect of premises situated at Lot 54, Seppeltsfied-Greenock Road (corner Sturt Highway), Greenock, S.A. 5360 and to be known as Branson Coach House.

The application has been set down for hearing on 3 June 2005 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 (viz: 26 May 2005).

The applicant's address for service is c/o Two Hands Wines, P.O. Box 94, Walkerville, S.A. 5081.

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 Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Phone 8226 8410, Fax: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 28 April 2005.

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 Oliviva Pty Ltd has applied to the Licensing Authority for the transfer of a Restaurant Licence in respect of premises situated at 32 East Treeace, Loxton, S.A. 5333 and known as The Country Bakehouse.

The application has been set down for hearing on 6 June 2005 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 applicant at the applicant's address given above, at least seven days before the hearing date (viz: 26 May 2005).

The applicant's address for service is c/o Beger & Co. Lawyers, 213 Payneham Road, St Peters, S.A. 5069.

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 Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Phone 8226 8410, Fax: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 26 April 2005.

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 Yung International Pty Ltd as trustee for the Yung Family Trust has applied to the Licensing Authority for the transfer of a Restaurant Licence in respect of premises situated at 153 Unley Road, Unley, S.A. 5061 and known as Indochina Restaurant.

The application has been set down for hearing on 8 June 2005 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 (viz: 31 May 2005).

The applicant's address for service is c/o 14 Spencer Street, Cowandilla, S.A. 5033.

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 Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Phone 8226 8410, Fax: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 28 April 2005.

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 Elsie Pesor has applied to the Licensing Authority for the transfer of a Restaurant Licence in respect of premises situated at 9 Nile Street, Glenelg, S.A. 5045 and known as Beef and Reef Cafe and to be known as Elsie out of Africa.

The application has been set down for hearing on 8 June 2005 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 applicant at the applicant's address given above, at least seven days before the hearing date (viz: 31 May 2005).

The applicant's address for service is c/o Elsie Pesor, P.O. Box 170, O'Halloran Hill, S.A. 5158.

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 Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Phone 8226 8410, Fax: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 29 April 2005.

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 Four Certain Pty Ltd has applied to the Licensing Authority for the transfer of a Restaurant Licence with section 34 (1) (c), variation to Entertainment Consent and Redefinition of the Licensed Premises in respect of premises situated at Sturt Highway, Lyndoch, S.A. 5351 and known as Errigo's and to be known as The Lord Lyndoch.

The application has been set down for hearing on 9 June 2005 at 9 a.m.

Conditions

The following licence conditions are sought:

- Redefinition of the Licensed Premises to include the ground floor additional areas as shown on the plans lodged with this office.
- Application to vary the Entertainment Consent to apply to the new dining area and function room during the following hours:
 - Thursday—6 p.m. to midnight;
 - Friday—6 p.m. to 1 a.m. the following day;
 - Saturday—6 p.m. to 1 a.m. the following day;
 - Sunday—2 p.m. to 6 p.m.
- Approval under section 34 (1) (c) to sell liquor 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 (viz: 1 June 2005).

The applicant's address for service is c/o Leanne Rose-Clark, c/o Post Office Williamstown, Williamstown, S.A. 5351.

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 Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Phone 8226 8410, Fax: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 29 April 2005.

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: Allender J. F., Basegrove Holdings Pty Ltd, Inca Resources Pty Ltd

Location: Mount Toodla area—Approximately 65 km east of Oodnadatta

Term: 1 year

Area in km²: 188

Ref: 2005/00192

Plan 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

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: SA Coal Corporation Pty Ltd

Location: Lake Phillipson area—Approximately 60 km south-west of Coober Pedy

Term: 1 year

Area in km²: 1 367

Ref: 2005/00215

Plan 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

MINING ACT 1971

NOTICE is hereby given in accordance with section 35A (1) of the Mining Act 1971, that an application for a mining lease over the undermentioned mineral claim has been received. Details of the proposal may be inspected at the Department of Primary Industries and Resources, Mineral Resources Group, Level 5, 101 Grenfell Street, Adelaide, S.A. 5000:

Applicant: Ariverun Pty Ltd

Claim Number: 3350

Location: Allotment 80 in DP47051, Hundred of Paringa—Approximately 13 km east-south-east of Renmark

Area: 10.2 ha

Purpose: Limestone

Reference: T02339

A copy of the proposal has been provided to the District Council of Renmark Paringa.

Written submissions in relation to the granting of the mining lease are invited to be received at the Department of Primary Industries and Resources, Mineral Resources Group, Level 5, 101 Grenfell Street, Adelaide, S.A. 5000 or G.P.O. Box 1671, Adelaide, S.A. 5001 no later than 22 May 2005.

H. TYRTEOS, Mining Registrar

MINING ACT 1971

NOTICE is hereby given in accordance with section 35A (1) of the Mining Act 1971, that an application for a mining lease over the undermentioned mineral claim has been received. Details of the proposal may be inspected at the Department of Primary Industries and Resources, Mineral Resources Group, Level 5, 101 Grenfell Street, Adelaide, S.A. 5000:

Applicant: The Barossa Council

Claim No.: 3422

Location: Lot 2 in DP 41391, Hundred of Para Wirra—Approximately 4 km west of Springton

Area: 23.7 ha

Purpose: To mine sandstone and siltstone for crushed rock products from an open-cut pit

Reference: T2392

A copy of the proposal has been provided to The Barossa Council.

Written submissions in relation to the granting of the mining lease are invited to be received at the Department of Primary Industries and Resources, Mineral Resources Group, Level 5, 101 Grenfell Street, Adelaide, S.A. 5000 or G.P.O. Box 1671, Adelaide, S.A. 5001 no later than 23 May 2005.

H. TYRTEOS, Mining Registrar

MINING ACT 1971

NOTICE is hereby given in accordance with section 35A (1) of the Mining Act 1971, that an application for a mining lease over the undermentioned mineral claim has been received. Details of the proposal may be inspected at the Department of Primary Industries and Resources, Mineral Resources Group, Level 5, 101 Grenfell Street, Adelaide, S.A. 5000:

Applicant: Christopher John Manser

Claim No.: 3420

Location: Lot 21 in DP 55826, Hundred of Blanche—Approximately 10 km west of Mount Gambier

Area: 29.3 ha

Purpose: To mine dolomite for fertilizer/soil conditioner on a seasonal basis from an open-cut mine

Reference: T2395

A copy of the proposal has been provided to the District Council of Grant.

Written submissions in relation to the granting of the mining lease are invited to be received at the Department of Primary Industries and Resources, Mineral Resources Group, Level 5, 101 Grenfell Street, Adelaide, S.A. 5000 or G.P.O. Box 1671 Adelaide, S.A. 5001 no later than 23 May 2005.

H. TYRTEOS, Mining Registrar

NATIONAL ELECTRICITY (SOUTH AUSTRALIA)
ACT 1996

NOTICE UNDER SECTION 6 (2) OF THE NATIONAL ELECTRICITY
LAW AND NATIONAL ELECTRICITY CODE

Extension of Reserve Trader Sunset

NOTICE is hereby given pursuant to section 6 (2) of the National Electricity Law, which forms the Schedule to the National Electricity (South Australia) Act 1996; and clause 8.3.9 (d) of the National Electricity Code approved under section 6 of the National Electricity Law, that amendments are made to clause 3.12.1 and sections 2 (f) and 3 of part 7 of chapter 8 of the National Electricity Code. These amendments to the Code extend the reserve trader arrangements until 1 July 2006 and commence on 5 May 2005.

As required by clause 8.3.9 (d) of the National Electricity Code, a copy of the ACCC's letter granting final authorisation dated 27 April 2005 is set out below.

The amendments referred to above and a copy of the ACCC's letter dated 27 April 2005 can be viewed on the Internet website of National Electricity Code Administrator Limited (ACN 073 942 775) ('NECA') at www.neca.com.au under 'The Code—*Gazette* notices' section of that website.

The National Electricity Code can be viewed on the NECA Internet website at www.neca.com.au and at the offices of NECA and National Electricity Market Management Company Limited (ACN 072 010 327). A list of addresses where the Code can be viewed is available on the NECA website.

Dated 5 May 2005.

27 April 2005

Mr John Eastham
Managing Director
NECA
Level 5, 41 Currie Street
Adelaide, S.A. 5000

Dear John,

Determination—Extension of Reserve Trader Sunset

On 3 March 2005, the Australian Competition and Consumer Commission (ACCC) received applications for authorisation (Nos A90955, A90956 and A90957) of amendments to the National Electricity Code (code). The applications were submitted under Part VII of the Trade Practices Act 1974. The code changes relate to the extension of the reserve trader provisions.

Please find attached a copy of the ACCC's determination in respect of the applications.

The ACCC's determination outlines its analysis and views on the proposed code changes. The ACCC has granted authorisation.

A person dissatisfied with the determination may apply to the Australian Competition Tribunal for its review. A copy of this letter together with the determination will be placed on the Public Register kept by the ACCC.

If you have any queries or require further information please call Elizabeth Wood on (02) 9230 9184.

Yours sincerely,

SEBASTIAN ROBERTS, General Manager,
Regulatory Affairs—Electricity

PETROLEUM ACT 2000

Grant of Petroleum Retention Licence PRL 2

PURSUANT to section 92 (1) of the Petroleum Act 2000, notice is hereby given that the undermentioned Petroleum Production 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.

Description of Area

No. of Licence	Licensee	Locality	Area in km ²	Reference
PRL 2	Origin Energy Resources Ltd SAGASCO Southeast Inc Omega Oil Pty Ltd	Otway Basin of South Australia	1.69	27/2/337

Description of Area

All that part of the State of South Australia, bounded as follows: Commencing at a point being the intersection of latitude 37°25'45"S GDA94 and longitude 140°41'25"E GDA94, thence east to longitude 140°41'40"E GDA94, south to latitude 37°25'50"S GDA94, east to longitude 140°42'05"E GDA94, north to latitude 37°25'45"S GDA94, east to longitude 140°42'25"E GDA94, south to latitude 37°25'50"S GDA94, east to longitude 140°42'40"E GDA94, south to latitude 37°25'55"S GDA94, east to longitude 140°43'00"E GDA94, south to latitude 37°26'05"S GDA94, west to longitude 140°42'45"E GDA94, south to latitude 37°26'10"S GDA94, west to longitude 140°42'00"E GDA94, south to latitude 37°26'15"S GDA94, west to longitude 140°41'15"E GDA94, north to latitude 37°26'00"S GDA94, east to longitude 140°41'25"E GDA94 and north to point of commencement.

Area: 1.69 km² approximately.

Dated 28 April 2005.

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

PETROLEUM ACT 2000

Suspension of Petroleum Exploration Licence—PEL 105

NOTICE is hereby given that the abovementioned Petroleum Exploration Licence has been suspended under the provisions of the Petroleum Act 2000, from and including 28 February 2005 to 27 August 2005, pursuant to delegated powers dated 28 March 2002, *Gazetted* 11 April 2002, page 1573.

The expiry date of PEL 105 is now determined to be 23 October 2008.

Dated 28 April 2005.

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

Written comments should be forwarded to the Manager, Policy and Planning, Department for Environment and Heritage, G.P.O. Box 1047, Adelaide, S.A. 5001 or e-mailed to:

irving.jason@saugov.sa.gov.au.

L. BURCH, Acting Director of National Parks and Wildlife, 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, Keith Baldry, 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 the Women's and Children's Hospital from the requirements of Regulation 104 (2) of the Radiation Protection and Control (Ionising Radiation) Regulations 2000, for the purpose of paediatric emergency radiography within the resuscitation rooms of the Hospital's Emergency Department subject to the following conditions:

- All staff required to attend during the examination must:
 - not expose their thyroid, chest or abdomen to scattered radiation unless they are wearing a protective apron with a shielding value of not less than 0.25 mm lead equivalence;
 - not expose their hands to the useful X-ray beam unless they are wearing protective gloves with a shielding value of not less than 0.25 mm lead equivalence.

2. The direction referred to in condition 1 must be for the purpose of the Royal Australasian College of Surgeons, Policy on Trauma (Injury) 1997 edition only.

3. The Women's and Children's Hospital must, when directed to do so by the Radiation Protection Division, provide the Radiation Protection Division with a written report on diagnostic radiography performed in the resuscitation rooms.

NATIONAL PARKS AND WILDLIFE ACT 1972

Kaiserstuhl Conservation Park Management Plan—Draft

I, LEANNE BURCH, Acting Director of National Parks and Wildlife, hereby give notice under the provisions of section 38 of the National Parks and Wildlife Act 1972, that a draft management plan has been prepared for the Kaiserstuhl Conservation Park.

Copies of the draft management plan may be inspected at or obtained from the Department for Environment and Heritage at:

- 1 Richmond Road, Keswick, S.A. 5035 (G.P.O. Box 1047, Adelaide, S.A. 5001), telephone 8124 4970;
- Northern Lofty District Office (Black Hill Conservation Park, 115 Maryvale Road, Athelstone, S.A. 5076), telephone 8336 0901;
- http://www.environment.sa.gov.au/parks/management_plans.html

Any person may make representations in connection with the draft management plan during the period up to and including Monday, 8 August 2005.

The report must contain statistics of diagnostic radiography authorised and details of any radiation safety issues associated with the examinations during the specified period.

4. The exemption shall take effect commencing on the date of publication of this notice in the *Government Gazette*.

Dated 22 April 2005.

K. BALDRY, Delegate of the Minister for Environment and Conservation

NOTICE TO MARINERS

No. 12 OF 2005

*South Australia—Gulf St Vincent—Rapid Bay
Jetty—Lights Established*

MARINERS are advised that warning lights have been established on the remains of the Rapid Bay Jetty, marking the Eastern and Western Corners. The lights have been established in position:

Eastern Corner: 35°31'63"S, 138°11'319"E, QW1s (On 0.4s-Off 0.6s) 2M

Western Corner 35°31'15"S, 138°11'190"E, QW1s (On 0.5s-Off 0.5s) 2M

Authority: Transport SA

Charts affected: Aus 347, 780

Publications: Australian pilot Vol. 1, 1992 edition, pages 122, 123 Vol. K, to be determined.

Adelaide, Tuesday, 26 April 2005.

P. CONLON, Minister for Transport

TSA 2005/00419

NOTICE TO MARINERS

No. 13 OF 2005

*South Australia—Gulf St Vincent—Port Adelaide—
Dredging Operations*

MARINERS are advised that a cutter suction dredge will be carrying out maintenance dredging operations in the Inner and Outer Harbors of the Port Adelaide River during the months of May, June and July 2005.

The areas that will be affected are Outer Harbor Berths 1-4, Inner Harbor Berths M, N, H, 18-20, 27 and 29, the Approaches to Berths K, N, 27, 29 and the Swinging Basin adjacent to No. 3 Dock.

The dredge will operate using moorings to wharves and anchors. A floating pipeline will be used to place the dredged material ashore.

Whilst in position, the dredge will exhibit the appropriate lights and shapes required by the International Regulations for the Prevention of Collisions at Sea.

Mariners are advised to proceed with caution whilst in the vicinity of the dredge and the floating pipeline.

Navy Chart affected: Aus 137.

Publication affected: Australian pilot Vol. 1. (Seventh Edition, 1992) pages 125-130.

Adelaide, Thursday, 28 April 2005.

P. CONLON, Minister for Transport

FP 2001/1439
TSA 2005/00419

UPPER SOUTH EAST DRYLAND AND SALINITY FLOOD MANAGEMENT ACT 2002

Appointment of Authorised Officers

PURSUANT to section 9 (1) of the Upper South East Dryland and Salinity Flood Management Act 2002, I, John David Hill, Minister for Environment and Conservation in the State of South Australia, do hereby appoint the following persons to be authorised officers, for the purpose as prescribed under the above Act in the State of South Australia:

Claire Louise Harding
Mark Richard Bachmann

This appointment will commence on the date of appointment and will remain in effect for the period the persons are employed or contracted to the Department for Environment and Heritage, or unless earlier revoked or varied.

Dated 30 April 2005.

JOHN HILL, Minister for Environment and Conservation

TRAINING AND SKILLS DEVELOPMENT ACT 2003

Part 4 – Apprenticeships/Traineeships

Pursuant to the provision of the Training and Skills Development Act 2003, the Training and Skills Commission (TaSC) gives notice that determines the following:

Trades, Declared Vocations or Other Occupations

The following schedule is additional to the gazettals of:

- | | | |
|---------------------|----------------------|----------------------|
| 1. 5 February 2004 | 2. 19 February 2004 | 3. 11 March 2004 |
| 4. 1 April 2004 | 5. 1 July 2004 | 6. 15 July 2004 |
| 7. 22 July 2004 | 8. 30 September 2004 | 9. 16 December 2004 |
| 10. 27 January 2005 | 11. 3 February 2005 | 12. 10 February 2005 |
| 13. 10 March 2005 | | |

which set out the Trades, Declared Vocations or Other Occupations and the terms and conditions applicable to the Trades, Declared Vocations or Other Occupations.

Trades, Declared Vocations or Other Occupations, required Qualifications and Contract of Training Conditions for the *Hairdressing Training Package (WRH00)*

*Trade #Declared Vocation / Other Occupation	National Code	Qualification	Nominal Duration	Probationary Period
#Hairdressing School Based Traineeship	WRH20100	Certificate II in Hairdressing	12 months	1 month

South Australia

Prices Variation Regulations 2005

under the *Prices Act 1948*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of Prices Regulations 2001

- 4 Substitution of regulation 3
 - 3 Interpretation
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Prices Variation Regulations 2005*.

2—Commencement

These regulations will come into operation four months after the day on which they are made (see *Subordinate Legislation Act 1978* section 10AA).

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 *Prices Regulations 2001*

4—Substitution of regulation 3

Regulation 3—delete the regulation and substitute:

3—Interpretation

In these regulations—

bread means a food product in the form of a loaf, roll, bun or other piece made by baking leavened dough prepared from flour, water and yeast or other leavening agent, with or without other ingredients.

Made by the Governor

with the advice and consent of the Executive Council
on 5 May 2005

No 32 of 2005

OCBACS011/02

South Australia

WorkCover Corporation (Statutory Reserve and Insurance Assistance Funds—Contractual Arrangements) Regulations 2005

under the *WorkCover Corporation Act 1994*

Contents

- 1 Short title
- 2 Commencement
- 3 Authorisation of contract

Schedule 1—Authorised contract

1—Short title

These regulations may be cited as the *WorkCover Corporation (Statutory Reserve and Insurance Assistance Funds—Contractual Arrangements) Regulations 2005*.

2—Commencement

These regulations will come into operation on the day immediately following the day on which the time for disallowance of these regulations has passed (see section 14(4a) of the *WorkCover Corporation Act 1994*).

3—Authorisation of contract

A contract in the form, or substantially in the form, of the contract contained in Schedule 1 is an authorised contract under section 14(4) of the *WorkCover Corporation Act 1994*.

Schedule 1—Authorised contract

WORKCOVER CORPORATION OF SOUTH AUSTRALIA

INSURANCE AUSTRALIA LIMITED

CLAIMS MANAGEMENT AGREEMENT

CLAIMS MANAGEMENT AGREEMENT**PARTIES**

WorkCover Corporation of South Australia ("the Corporation")

AND

Insurance Australia Limited ABN 11 000 016 722 of Level 26, 388 George Street Sydney in the State of New South Wales ("the Agent")

PURPOSE OF THIS AGREEMENT

- (a) The Corporation's function which is relevant to this Agreement is administering clauses 5 and 5A of Schedule 1 to the WRCA so as to achieve the objectives set out in Section 2(1) of the WRCA.
- (b) The Corporation has the power to enter into any form of contract which is necessary for or incidental to the performance of its functions including (but subject to authorisation by regulation) a contract with a private sector body involving the conferral of power on that body to manage and determine claims under Section 14 of the WCA and, to the extent relevant, clause 5A of Schedule 1 to the WRCA.

TERMS OF THIS AGREEMENT

The Corporation and the Agent agree to be bound by the terms and conditions set out in this Agreement and the annexed conditions ("the Conditions").

PERIOD OF THIS AGREEMENT

This Agreement shall be in force for the period specified in the Conditions.

EARLY TERMINATION OF THIS AGREEMENT

This Agreement may be terminated prior to its expiration in the circumstances prescribed for that purpose in the Conditions.

NATURE OF THE RELATIONSHIP BETWEEN THE CORPORATION AND THE AGENT

It is expressly agreed that the rights, entitlements, duties and obligations of the Corporation and the Agent are to be found entirely in the terms of this Agreement and that no right, interest or expectation shall arise other than that expressly provided for herein.

PROHIBITION AGAINST ASSIGNMENT

It is expressly agreed that this Agreement is personal as between the Corporation and the Agent and is not capable of being assigned or transferred by the Agent or the Corporation.

NO GOODWILL

The Agent acknowledges that it will neither create nor acquire any goodwill in the undertaking of the Claims Management Function on the basis that it is expressly agreed that:

- (a) the Agent has no right, claim or entitlement to a renewal of this Agreement; and
- (b) the Corporation retains the right to enter into further Claims Management Agreements from time to time with respect to the receipt of claims management services.

CONDITIONS**TABLE OF CONTENTS**

1. CORPORATE REQUIREMENTS AND ARRANGEMENTS
2. PERIOD OF AGREEMENT
3. RESPONSIBILITIES OF THE AGENT
4. AUDIT
5. ACCOUNTING AND OTHER INFORMATION
6. REMUNERATION
7. SECURITY
8. DELEGATIONS
9. SUSPENSION, CANCELLATION OR SURRENDER
10. CONSULTATION
11. CONFIDENTIALITY

SCHEDULES

- | | |
|--------------|------------------|
| SCHEDULE A - | REMUNERATION |
| SCHEDULE B - | DEFINITIONS |
| SCHEDULE C - | DELEGATED POWERS |

1. CORPORATE REQUIREMENTS AND ARRANGEMENTS

- 1.1 The Agent cannot, under any circumstances, utilise the name "WorkCover" in either its legal or trading name.
- 1.2 The Agent will notify the Corporation of:
- (a) a change in the effective control of the Agent and its immediate or ultimate holding company; or
 - (b) a change in the direct or indirect ownership of the Agent; or
 - (c) a change exceeding 20% of the shareholding in any period of twelve months in the Agent's holding company.

For the purposes of this condition, a change in effective control means a change in the shareholding of the Agent, or its immediate or ultimate holding company whereby the voting rights attaching to the shares the subject of that change is sufficient to alter the degree of control exercised in the authorised Agent or its immediate or ultimate holding company by the owners of those shares.

2. PERIOD OF AGREEMENT

- 2.1 This Agreement shall be in force for a period of one (1) year commencing on the day on which this Agreement has been executed by both parties to the Agreement (in this clause "the Term").
- 2.2 Not earlier than twelve (12) months and not later than six (6) months prior to the expiration of the Term the Corporation may (subject to clause 2.4) renew the Term for a further period nominated for that purpose by the Corporation (but not exceeding three (3) years) by giving notice to the Agent to that effect.
- 2.3 Upon exercise by the Corporation of its right to extend the Term, this Agreement will be deemed to be amended by amending clause 2.2. by:
- (a) deleting the day nominated as the day on which the Agreement commences and inserting in lieu the date falling at the expiration of the Term referred to in the Corporation's notice given under clause 2.2; and
 - (b) inserting in lieu of the period of one year the period nominated by the Corporation in its notice under clause 2.2,

but in all other respects the Agreement as renewed shall be on the same terms and conditions as this Agreement.

- 2.4 If the Corporation exercises a right under clause 2.2 to renew the Term then, not later than 6 months prior to the date upon which it is intended that the period of renewal should commence, the Corporation and the Agent shall agree what adjustment, if any, to the Agent's remuneration should apply for the period of such renewal. If there shall be no binding and enforceable agreement between the Agent and the Corporation by that time as to the remuneration to be payable to the Agent then, notwithstanding the operation of clause 2.2 and the notice given by the Corporation, there shall be no period of renewal of this Agreement and the Agreement shall come to an end as if the Corporation had not issued the relevant notice under clause 2.2.

3. RESPONSIBILITIES OF THE AGENT

- 3.1 The Agent shall provide the Agent's Services for the period of the Agreement and at the discretion of the Corporation for such longer period thereafter as may be necessary in order to effect an orderly return of the Claims to the Corporation or some other party with whom the Corporation has or intends to enter into an authorised contract or arrangement pursuant to Section 14 of the WCA and/or clause 5A of Schedule 1 to the WRCA with respect to the Claims.
- 3.2 In providing the Agent's Services the Agent shall:
- (a) insofar as may be applicable to the Agent's Services act in a manner consistent with the Relevant Law, including acting in a manner that ensures that the performance of the Claims Management Function by the Agent on behalf of the Corporation satisfies the Corporation's obligations under the Relevant Law without breach of the same; and
 - (b) insofar as they may be applicable to the Agent's Services comply with any guidelines, directions, procedural manuals issued by the Corporation from time to time for the purpose of executing its functions referred to in Section 13 of the WCA.
- 3.3 The Corporation shall from time to time pay to the Agent funds which are to be applied by the Agent in payment of the Claims on the basis that:
- (a) the Corporation will make such funds available as are reasonably required to meet claims as they arise from time to time;
 - (b) the moneys shall be invested by the Agent in an approved form of investment with all income on the investment accruing to the credit of the Corporation and the Agent shall be entitled to an investment fee agreed from time to time between the Corporation and the Agent for that purpose;
 - (c) the Agent shall be entitled to draw amounts from the funds so held by the Agent in payment of the Claims;
 - (d) subject to compliance with Schedule A the Agent shall be entitled to draw moneys from the funds held by the Agent under this clause in payment of the remuneration due to the Agent under this Agreement.

4. AUDIT

The Corporation shall be entitled, upon the giving of reasonable notice, to undertake an audit of the Agent's performance of the Services and its compliance with the Agreement.

5. ACCOUNTING AND OTHER INFORMATION

- 5.1 The Agent shall keep such accounting records as correctly record and explain the transactions concerning the financial position of the Claims which are the subject of the Claims Management Function and maintain such records in accordance with the requirements of the Claims Recording and Reporting Function and otherwise in accordance with standards of the relevant accounting standards.
- 5.2 The Agent shall ensure the accounting returns and any information, data or reports required by the Corporation are accurate and are lodged with the Corporation within the time specified by the Corporation.
- 5.3 The Agent agrees that all information that it receives from the Corporation or which it receives

or creates in or in the course of providing the Agent's Services shall be and remain the property of the Corporation and that:

- (a) the Corporation shall be entitled, upon the giving of reasonable notice, to enter upon the premises of the Agent and inspect and review the same including the taking of copies and other extracts of such documents or to provide access to a nominated third party for that purpose; and
- (b) the Corporation shall be entitled to have possession and control of the same at the expiration or sooner termination of this Agreement;
- (c) all documents concerning completed or finalised Claims shall be delivered to the Corporation when so required by the Corporation.

6. REMUNERATION

- 6.1 The Agent will be entitled to the remuneration specified in Schedule A.
- 6.2 If during the term of the Agreement there is significant alteration in the Agent's functions and obligations to warrant adjustment of the Agent's remuneration, the Corporation and the Agent will negotiate an appropriate adjustment.
- 6.3 After each twelve months' operation of this Agreement, the Corporation, in consultation with the Agent, will review the amount and composition of remuneration payable to the Agent provided that, except in the circumstance dealt with in clause 6.2, the remuneration payable to the Agent shall not be reduced as a result of such a review.
- 6.4 The Corporation's determination of the remuneration payable to the Agent in the future shall be binding upon both the Corporation and the Agent provided that if the Agent is dissatisfied with the determination the Agent may surrender this Agreement by notice in writing to that effect given to the Corporation within thirty (30) days of the Corporation's determination which surrender shall come into effect six (6) months after the date of the giving of the same to the Corporation and, until the effective date of the surrender, the Agent shall be remunerated on the basis that existed prior to the determination of the Corporation.

7. SECURITY

- 7.1 The Agent is to ensure that it has in place at all times during the period of this Agreement an appropriate security system which ensures the confidentiality of all information obtained in respect of the claims in its custody and possession.
- 7.2 The Agent indemnifies the Corporation against any claims, suits, proceedings, damages or losses arising from, or as a result of, any breach of the Agent's security system.

8. DELEGATIONS

The Corporation delegates and, to the extent necessary, sub-delegates the Delegated Powers to the Agent to exercise during the period of this Agreement subject to the provisions of the WCA and the WRCA on the basis that the making of this delegation shall not exclude or limit the Corporation's power to exercise any power or function so delegated.

9. CANCELLATION OF AGREEMENT

- 9.1 If a party is in breach or default of a provision of the Agreement (the "Defaulting Party") then the other party (the "Non-Defaulting Party") shall be entitled to give a notice to the Defaulting Party nominating the relevant breach or default and requiring that such breach or default be remedied within thirty (30) days of receipt by the Defaulting Party of such notice.

- 9.2 If the Defaulting Party does not remedy the breach or default within thirty (30) days of receipt of a notice given pursuant to clause 9.1 then the Non-Defaulting Party may by notice in writing to the Defaulting Party terminate this Agreement.

10. CONSULTATION

The Corporation and the Agent agree that they will engage in consultative processes which are to be used to develop policy, procedures and to provide mechanisms for early intervention and quick resolution of any matters of concern.

11. CONFIDENTIALITY

The Agent agrees on its behalf and on behalf of its employees and agents that it shall act in a manner consistent with the provisions of Section 112(1) of the WRCA as if references therein to "the Corporation" were references to "the Agent" and shall not divulge information in a manner which is inconsistent with the operation of that provision, as if applicable to the Agent within the manner referred to above, except to the extent that the same is authorised by Section 112(2) of the Act as if that subsection were applicable to the Agent.

SCHEDULE A

REMUNERATION

Sixty Dollars (\$60.00) per hour for work performed by way of the Services by the Agent in accordance with this Agreement calculated and payable monthly upon production of a properly itemised and substantiated claim.

SCHEDULE B**DEFINITIONS**

In the Agreement -

"**Agent's Services**" means the aggregate of:

- . the Claims Management Function;
- . the Claims Recording and Reporting Function.

"**this Agreement**" or "**the Agreement**" means the aggregate of the Claims Management Agreement, the Conditions and the Schedules and any amendment or addition thereto contemplated by this Agreement.

"**Claim**" means any form of assertion by a person to an entitlement to receive money from the Corporation pursuant to clause 5(2) of Schedule 1 to the WRCA or a Section 118g policy as defined by clause 5A(6) of Schedule 1 to the WRCA and includes:

- . such an assertion even if it is not successful;
- . anything which is consequential upon such an assertion being successful;
- . the entire amount that the person is or may become entitled to receive from the Corporation pursuant to the relevant provisions of Schedule 1 to the WRCA whether or not a separate or further assertion of an entitlement to receive the same is made by the person.

"**Claims Management**" means the entirety of the functions which are necessary for or incidental to the receipt, assessment, determination, payment, administration, review, finalisation and recording of a Claim.

"**Claims Recording and Reporting Function**" means the recording and retention of all material data concerning any Claim which is the subject of the Claims Management Function and the making of reports and the provision of access to that data in such manner as the Corporation may reasonably require from time to time by notice in writing to the Agent.

"**Delegated Powers**" means all of the functions or powers of the Corporation referred to in Schedule C.

"**Relevant Law**" means:

- . the WRCA and the WCA;
- . any statutory instrument (within the meaning of the Acts Interpretation Act 1915) made under either the WRCA or the WCA;
- . any Act or statutory instrument which is a "substitute" Act or statutory instrument within the meaning of the Acts Interpretation Act, of the foregoing Acts or statutory instruments;
- . any other law capable of application to a Claim;
- . the interpretation of any of the foregoing by a review authority or by a court.

"**WRCA**" means the Workers Rehabilitation and Compensation Act 1986 as amended.

"**WCA**" means the WorkCover Corporation Act 1994 as amended.

Any word or term that has a defined meaning in the WRCA or the WCA shall, unless the contrary intention appears, have the same meaning in these Conditions.

SCHEDULE C**DELEGATED POWERS****1. Grant of Delegation**

Pursuant to Section 17 of the WorkCover Corporation Act 1994 and Clause 5A of Schedule 1 to the WRCA, the Corporation delegates (and, to the extent necessary, subdelegates) to the Agent all of the powers of the Corporation as may be necessary for or incidental to the performance of the Claims Management Function.

2. Revocation and Variation

The Corporation may revoke the delegation of all or any of the Delegated Powers of the Agent at anytime by an instrument in writing either in whole or in part and in particular, and without limiting the foregoing, by addition of any exception, condition or limitation upon such delegations.

3. Compliance with Directions

The Agent shall in the exercise of the delegated powers of the Agent comply with conditions of the delegation and with directions of the Corporation given from time to time in accordance with the Relevant Law and this Agreement.

4. Policies of Corporation

The powers delegated to the Agent shall be exercised in accordance with any policies enunciated by the Corporation and advised to the Agent by notice in writing by an authorised officer.

5. No Sub-Delegation

The Agent may not sub-delegate or otherwise assign any of the Delegated Powers.

6. Further Delegation

The Corporation may delegate to the Agent further powers of the Corporation as it considers necessary for or incidental to the performance of the Claims Management Function in which event the Corporation shall forward to the Agent a further written instrument of delegation which further delegation shall be subject to the operation of this Agreement.

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 5 May 2005

No 33 of 2005

05WKC001CS

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CITY OF PLAYFORD

Renaming Portion of Graeber Road—Smithfield

NOTICE is hereby given that the Council at its meeting held on 26 April 2005, resolved pursuant to section 219 of the Local Government Act 1999, that 1 754 m² of the south-western portion of Graeber Road, Smithfield in Filed Plan 16415 and abutting the north-eastern portion of Iberia Way in Deposited Plan 66805 be renamed Iberia Way.

T. JACKSON, Chief Executive Officer

CITY OF PROSPECT

Making of By-law

NOTICE is hereby given that the Council of the City of Prospect at its meeting held on 26 April 2005 resolved pursuant to the Local Government Act 1999 to make by-laws in respect to the following:

BY-LAW NO. 3—LOCAL GOVERNMENT LAND

This by-law provides for the management and regulation of the use and access to local government land (except roads) under the control of the Council, including the prohibition and regulation of particular activities on local government land.

Copies of the by-law are available for public inspection at the Civic Centre, 128 Prospect Road, Prospect during office hours, Monday to Friday, 8.45 a.m. to 5.15 p.m.

In accordance with the Subordinate Legislation Act 1978 the by-law will be published in full in the *Government Gazette* of 5 May 2005.

The by-law does not come into operation until four months after the day on which it was published in the *Gazette*.

Questions relating to the by-law should be directed to the Director, Infrastructure and Technical Services, Paul Gelston at the Civic Centre or telephone 8342 8005.

R. PINCOMBE, Chief Executive Officer

CITY OF PROSPECT

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

By-law No. 3—Local Government Land

FOR the management and regulation of the use of and access to local government land (other than roads) vested in or under the control of the Council, including the prohibition and regulation of particular activities on local government land.

Repeal

1. The previous By-law No. 3—Local Government Land made or adopted by the Council prior to the date this by-law is made is hereby repealed effective from the day on which this by-law comes into operation.

Definitions

2. In this by-law:

- (1) 'local government land' means land owned by the Council or under the Council's care, control and management (except roads);
- (2) 'liquor' has the same meaning as defined in the Liquor Licensing Act 1997;
- (3) 'open container' means a container which:
 - (a) after the contents thereof have been sealed at the time of manufacture, and:
 - (i) being a bottle, has had its cap, cork or top removed (whether or not it has since been replaced);
 - (ii) being a can, it has been opened or punctured;
 - (iii) being a cask, has had its tap placed in a position to allow it to be used;
 - (iv) being any form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to the contents thereof; or

(b) is a flask, glass or mug or other container used for drinking purposes;

- (4) 'the Council' means the City of Prospect;
- (5) 'authorised person' means a person appointed an authorised person pursuant to section 260 of the Local Government Act 1999;
- (6) 'public place' means a place (including a place on private land) to which the public has access (except a road) but does not include any part of a community parcel divided by a plan of community division under the Community Titles Act 1996;
- (7) 'children's playground' means an area of local government land used for and usually equipped with facilities for recreation, especially by children;
- (8) 'electoral matter' has the same meaning as in the Electoral Act 1985, provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity.

Activities requiring permission

3. No person shall without permission on any local government land:

Working on Vehicles

- (1) perform the work of repairing, washing, painting, panel beating or other work of any nature on or to any vehicle, except for running repairs in the case of breakdown;

Busking

- (2) sing, busk or play a musical instrument for the purpose of or so as to appear to be for the purpose of entertaining others or receiving money;

Horses, Cattle, etc.

- (3) ride, lead or drive any horse, cattle or sheep, except where the Council has set aside a track or other area for use by or in connection with the animal of that kind;

Donations

- (4) ask for or receive or indicate that he or she desires a donation of money or any other thing;

Amplification

- (5) use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound;

Distribution

- (6) give out or distribute to any bystander or passer-by any handbill, book, notice or other printed matter, provided that this restriction shall not apply to any electoral matter given out or distributed by or with the authority of a candidate during the course of a Federal, State or Local Government Election or Referendum in accordance with the Electoral Act 1985;

Canvassing

- (7) convey any advertising, religious or other message to any bystander, passer-by or person provided that this restriction shall not apply to any electoral matter given out or distributed with the authority of a candidate during the course of a Federal, State or Local Government Election or Referendum in accordance with the Electoral Act 1985;

Advertising

- (8) display any sign for the purpose of commercial advertising;

Fires

- (9) light or maintain any fire except:
 - (a) in a place provided by the Council for that purpose; or
 - (b) in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material;

Fireworks

- (10) use, ignite, discharge or explode any fireworks;

Removing Soil, etc.

- (11) carry away or remove any soil, sand, timber, stones, pebbles, other organic or inorganic materials or any part of the land;

Picking Fruit, etc.

- (12) pick fruit, nuts or berries from any trees or bushes;

Digging Soil, etc.

- (13) dig the soil for or collect worms, grubs or insects;

Trees, plants, etc.

- (14) (a) take, uproot or damage any tree, plant or flower;
 (b) remove, take or disturb any soil, stone, wood, tender or bark;
 (c) collect or take any dead wood or timber for the purpose of using the same to make or maintain a fire; or
 (d) ride or drive any vehicle or animal or run, stand or walk on any flower bed or garden plot;

Fauna

- (15) (a) take, interfere with or disturb any animal or bird or the eggs or young of any animal or bird;
 (b) disturb, interfere with or damage any burrow, nest or habitat of any animal or bird; or
 (c) use, possess or have control of any device for the purpose of killing or capturing any animal or bird;

Games

- (16) (a) to which this subparagraph applies, participate in any game, recreation or amusement which involves the use of a ball, missile or other object which by the use thereof may cause injury or discomfort to any person being on or in the vicinity of that land; or
 (b) play any organised competition sport;

Swimming

- (17) swim or bathe in any pond, stream or lake to which this subparagraph applies;

Fishing

- (18) fish in any pond, stream or lake to which this subparagraph applies;

No Liquor

- (19) (a) consume, carry or be in possession or charge of any liquor on any local government land to which this subparagraph applies (provided the land constitutes parks or reserves);
 (b) excepting sealed containers, consume, carry, be in possession or charge of any liquor in an open container on any local government land to which this subparagraph applies (provided the land constitutes parks or reserves);

Weddings

- (20) conduct or participate in a marriage ceremony on any park or reserve;

Closed Lands

- (21) enter or remain on any part of local government land:
 (a) at any time during which the Council has declared that it shall be closed to the public and which is indicated by a sign to that effect;
 (b) where the land is enclosed with fences and/or walls, and gates, at any time when the gates have been closed and locked; or
 (c) where admission charges are payable, to enter without paying those charges;

Camping

- (22) camp or stay overnight thereon;

Tents

- (23) erect any tent, booth, marquee or other structure;

Footway, etc.

- (24) comprising a park or reserve, obstruct any footway, roadway or path.

Posting of Bills, etc.

4. No person shall, without the Council's permission, post any bills, advertisements or other papers or items on a building, structure, stobie pole or tree on local government land or other public place provided that this paragraph does not apply to any electoral matter posted on a building or structure with the authority of a candidate during the course of a Federal, State or Local Government Election or Referendum and in accordance with the Electoral Act 1985.

Prohibited Activities

5. No person shall on local government land:

Smoking

- (1) smoke tobacco or any other substance in any building, or part of any building, or in an area defined as a children's playground to which this subparagraph applies in accordance with paragraph 11 of this by-law;

Missiles

- (2) throw, roll or discharge any stone, substance or missile to the danger of any person or animal therein;

Glass

- (3) wilfully break any glass, china or other brittle material;

Defacing Property

- (4) deface, paint, write, cut names or make marks on any tree, rock, gate, fence, building, sign or other property of the Council therein provided that this paragraph does not apply to any electoral matter posted on a building or structure with the authority of a candidate during the course of a Federal, State or Local Government Election or Referendum and in accordance with the Electoral Act 1985;

Use of Equipment

- (5) use any item of equipment and/or facilities or other Council property other than in the manner and for the purpose for which it was designed or set aside;

Annoyances

- (6) annoy or unreasonably interfere with any other person's use of the land by making a noise or by creating a disturbance that has not been authorised by the Council;

Interference with Permitted Use

- (7) interrupt or disrupt or interfere with any person's use of local government land for which permission has been granted;

Encroachment

- (8) erect or place any fencing, posts or other structures or any other items or substances such as to encroach onto the land that have not been authorised by the Council;

Interference with Land

- (9) interfere with the land or otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.

Removal of Encroachment or Interference

6. Any person who encroaches onto or interferes with local government land contrary to this by-law must at the request of an authorised person, cease the encroachment or interference and remove the source of the encroachment or interference, and reinstate the land to the same standard as the state of the land prior to the encroachment or interference.

Council May Do Work

7. If a person fails to remove an encroachment or interference on local government land in accordance with a request of an authorised person pursuant to paragraph 6 of this by-law, then the Council may:

- (a) undertake the work itself; and
 (b) recover the cost of doing so from that person.

Directions

8. Any person on local government land must comply with any reasonable direction or request from an authorised person relating to:

- (a) that person's use of the land;
- (b) that person's conduct and behaviour on the land;
- (c) that person's safety on the land;
- (d) the safety and enjoyment of the land by other persons.

Removal of Animals

9. If any animal is found on local government land in breach of a by-law:

- (a) any person in charge of the animal shall remove it on the request of an authorised person; and
- (b) an authorised person may remove the animal if a person fails to comply with the request, or if no person is in charge of the animal.

Application

10. The restrictions in this by-law do not apply to any Police Officer, Council employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council or to the driver of an emergency vehicle (within the meaning of the Road Traffic Act 1961 or the Australian Road Rules) while driving that vehicle in relation to an emergency.

Application of Paragraphs

11. Any of paragraphs 3 (5), 3 (18), 3 (19), 3 (20), 3 (21) and 5 (1) of this by-law shall apply only in such part or parts of the area as the Council may by resolution direct (in accordance with section 246 (3) (e) of the Local Government Act 1999).

The foregoing by-law was duly made and passed at a meeting of the Council of the City of Prospect held on 26 April 2005 by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

R. PINCOMBE, Chief Executive Officer

TOWN OF GAWLER

Load Limit—Murray Street, Gawler

NOTICE is hereby given that council at its meeting held on 22 March 2005, declared that pursuant to the provisions of section 359 of the Local Government Act 1999, council resolves to exclude vehicles of the class specified below, from that portion of Murray Street, Gawler between the intersection of Lyndoch Road (Horrocks Place) and Bridge Street South:

- All vehicles with a GVM greater than 10 tonne, with the exception of Passenger Transport Vehicles and Emergency Services Vehicles.

N. JACOBS, Chief Executive Officer

THE BAROSSA COUNCIL

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

By-law No. 1—Permits and Penalties

TO provide for a permit system and continuing penalties in Council by-laws, to clarify the construction of such by-laws, and to repeal by-laws.

A. All previous by-laws made or adopted by the Council, prior to the date this by-law is made, are hereby repealed effective from the day on which this by-law comes into operation.

1. Permits

- 1.1 In any by-law of the Council, unless the contrary intention is clearly indicated, the word 'permission' means the permission of the Council given in writing.
- 1.2 In any by-law of the Barossa Council the word 'Council' means the Barossa Council.
- 1.3 The Council may attach such conditions to a grant of permission as it thinks fit, and may vary or revoke such conditions or impose new conditions by notice in writing to the permit holder.

1.4 Any permit holder shall comply with every such condition.

1.5 The Council may revoke such grant of permission at any time by notice in writing to the permit holder.

2. Offences And Penalties

2.1 Any person who commits a breach of any by-law of the Council shall be guilty of an offence and shall be liable to a maximum penalty being the maximum penalty referred to in the Local Government Act 1999, that may be fixed by by-law for any breach of a by-law.

2.2 Any person who commits a breach of any by-law of the Council of a continuing nature shall be guilty of an offence and, in addition to any other penalty that may be imposed, shall be liable to a further penalty for every day on which the offence is continued, such penalty being the maximum amount referred to in the Local Government Act 1934 and/or Local Government Act 1999 which may be prescribed by by-law for offences of a continuing nature.

3. Construction

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

The foregoing by-law was duly made and passed at a meeting of the Barossa Council held on 19 April 2005 by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

J. JONES, Chief Executive Officer

THE BAROSSA COUNCIL

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

By-law No. 2—Moveable Signs

TO set standards for moveable signs on streets and roads and to provide conditions for and the placement of such signs.

1. Definitions

In this by-law:

- 1.1 'footpath area' means that part of a street or road between the property boundary of the street or road and the edge of the carriageway on the same side as that boundary; and
- 1.2 'moveable sign' has the same meaning as in the Local Government Act 1999.

2. Construction

A moveable sign displayed on a public street or road shall:

- 2.1 be of a kind known as an 'A' Frame or Sandwich Board sign, an 'inverted "T"' sign, or a flat sign;
- 2.2 be well constructed and maintained in good condition so as not to present a hazard to any member of the public;
- 2.3 be of strong construction so as to be stable when in position and to be able to keep its position in adverse weather conditions with no sharp or jagged edges or corners;
- 2.4 not be unsightly or offensive in appearance or content;
- 2.5 not contain flashing parts;
- 2.6 be constructed of timber, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 2.7 not exceed 900 mm in perpendicular height or have a base exceeding 600 mm in length;
- 2.8 not have a display area exceeding 1 m² in total or, if the sign is two-sided, 1 m² on each side;
- 2.9 be stable when in position;
- 2.10 in the case of an 'A' Frame or Sandwich Board sign:
 - 2.10.1 be hinged or joined at the top;
 - 2.10.2 be of such construction that sides shall be securely fixed or locked in position when erected;

- 2.11 in the case of an 'inverted "T"' sign, contain no struts or supports that run between the display area and the base of the sign.

3. Position

A moveable sign shall only be positioned on a public street or road on the footpath area at least 500 mm from the kerb subject to the following conditions:

- 3.1 where there is no kerb to define the footpath, a set back of 500 mm from the edge of the carriageway is required;
- 3.2 in the case of a flat sign, the message of which only contains newspaper headlines and the name of a newspaper, the sign must be resting against the business to which it relates;
- 3.3 there must be no less than 1.2 m wide between the sign and any structure, fixed object, tree, bush or plant (including another moveable sign);
- 3.4 the sign must not be placed on a sealed part of any footpath area, unless the sealed part is wide enough to contain the sign and still leave a clear thoroughfare at least 1.2 m wide;
- 3.5 the sign must not be within 6 m of the corner of a street or road;
- 3.6 the sign must be adjacent to the premises of the business to which it relates.

4. Restrictions

A moveable sign shall:

- 4.1 display material which advertises a business being conducted on commercial premises adjacent to the sign, or the products available from that business;
- 4.2 be limited to one per business;
- 4.3 only be displayed when the business is open;
- 4.4 be securely fixed in position such that it cannot be blown over or swept away;
- 4.5 not be in such a position or in such circumstances that the safety of any user of the street or road is at risk;
- 4.6 not be displayed during the hours of darkness unless it is clearly visible;
- 4.7 not to be displayed on a median strip, traffic island or on a carriageway of a street or road.

5. Exceptions

- 5.1 Paragraph 3.6 and paragraph 4.1 do not apply to a moveable sign which is used:
 - 5.1.1 to advertise a garage sale taking place from residential premises;
 - 5.1.2 as a directional sign to an event run by an incorporated association or a charitable body.
- 5.2 Paragraphs 4.1, 4.2 and 4.3 do not apply to a flat sign, the message of which only contains newspaper headlines and the name of a newspaper.

6. Application

This by-law does not apply if:

- 6.1 the moveable sign is placed pursuant to an authorisation under another Act; or
- 6.2 the moveable sign is designed to direct people to the open inspection of any land or building that is available for purchase or lease; or
- 6.3 the moveable sign is related to a Local Government, State or Commonwealth election and is displayed during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling days.

7. Construction

This by-law is subject to any Act of Parliament and Regulations made thereunder.

The foregoing by-law was duly made and passed at a meeting of the Barossa Council held on 19 April 2005 by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

J. JONES, Chief Executive Officer

THE BAROSSA COUNCIL

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

By-law No. 3—Roads

FOR the management of roads vested in or under the control of the Council.

1. Definitions

In this by-law:

- 1.1 'authorised person' means a person appointed an authorised person pursuant to section 260 of the Local Government Act 1999;
- 1.2 'electoral matter' has the same meaning as in the Electoral Act 1995 provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
- 1.3 'Emergency Vehicle' has the same meaning as in the Australian Road Rules 1999 and the Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999;
- 1.4 'road' has the same meaning as in the Local Government Act 1999.

2. Activities Requiring Permission

No person shall without permission on any road:

- 2.1 *Repairs to Vehicles*
perform the work of repairing, washing, painting, panel-beating or other work of any nature on or to any vehicle, provided that this paragraph shall not extend to running repairs in the case of breakdown;
- 2.2 *Donations*
ask for or receive or indicate that he or she desires a donation of money or any other thing;
- 2.3 *Preaching*
preach or harangue;
- 2.4 *Amplification*
use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound or broadcasting announcements or advertisements;
- 2.5 *Horses, Cattle or Sheep, etc.*
ride, lead or drive any horse, cattle, sheep, bird or other like animal on such portion or portions of the area as the Council may by resolution direct in accordance with section 246 (3) (e) of the Local Government Act 1999;
- 2.6 *Camping*
camp or remain overnight;
- 2.7 *Public Exhibitions and Displays*
allow any public exhibition or display to occur on a road.

3. Posting of Bills

No person shall, without the Council's permission, post any bills, advertisements or other papers or items on a building or structure on a road except for any electoral matter posted on a building or structure with the authority of a candidate during the course of a Federal, State or Local Government election or Referendum.

4. Removal of Animals and Directions to Persons

- 4.1 No person shall allow or permit any horse, cattle, sheep, bird or other like animal to wander on any road unless that animal is under the person's effective control.
- 4.2 If any animal is found on part of a road in breach of a by-law any person in charge of the animal shall immediately remove it from that part on the request of any authorised person.

- 4.3 An authorised person may remove the animal if a person fails to comply with the request, or if no person is in charge of the animal.
- 4.4 An authorised person may direct any person who is considered to be committing or has committed a breach of this by-law to leave that part of the road. Failure to comply with that direction forthwith is a breach of this by-law.

5. Exemptions

The restrictions in this by-law do not apply to any Police Officer, Council Officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council Officer, or an emergency worker when driving an Emergency Vehicle in an emergency situation.

6. Construction

This by-law is subject to any Act of Parliament and Regulations made thereunder.

The foregoing by-law was duly made and passed at a meeting of the Barossa Council held on 19 April 2005 by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

J. JONES, Chief Executive Officer

THE BAROSSA COUNCIL

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

By-law No. 4—Local Government Land

FOR the management of all land vested in or under the control of the Council.

1. Definitions

In this by-law:

- 1.1 'authorised person' means a person appointed an authorised person pursuant to section 260 of the Local Government Act 1999;
- 1.2 'electoral matter' has the same meaning as in the Electoral Act 1995 provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
- 1.3 'local government land' means all land vested in or under the control of the Council (except streets and roads);
- 1.4 'vehicle' has the same meaning as in the Australian Road Rules 1999.

2. Activities Requiring Permission

No person shall without permission, which shall be given in writing by the Council, on any local government land:

2.1 Trading

- 2.1.1 carry on the business of selling or offering or exposing for sale any goods, merchandise, commodity, article or thing; or
- 2.1.2 set up a van or other vehicle or stall or other structure, tray, carpet or device for the purpose of buying or selling any goods, merchandise, commodity, article or thing;

2.2 Attachments

attach, fix, suspend or hang any article or thing from any building, verandah, pergola, post, tree or other structure or object where it might present a nuisance or danger to any person using local government land;

2.3 Entertaining and Ceremonies

- 2.3.1 sing, busk or play any recording or upon any musical instrument so as to appear to be for the purpose of entertaining other persons;
- 2.3.2 conduct or hold any concert, festival, show, public gathering, circus, meeting, performance or any other similar activity;

2.4 Donations

ask for or receive or indicate that he or she desires a donation of money or any other thing;

2.5 Preaching

preach or harangue;

2.6 Distribute

give out or distribute to any bystander or passer-by any handbill, book, notice, or other printed matter, provided that this restriction shall not apply to any handbill or leaflet given out or distributed by or with the authority of a candidate during the course of a Federal, State or Local Government Election or to a handbill or leaflet given out or distributed during the course and for the purpose of a Referendum;

2.7 Handbills on Cars

place or put on any vehicle any handbill, advertisement, notice or printed matter except for any electoral matter posted on a vehicle with the authority of a candidate during the course of a Federal, State or Local Government election or Referendum;

2.8 Amplification

use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound or broadcasting announcements;

2.9 Soil

deposit, dig, carry away or remove any soil, clay, gravel, sand, stones, pebbles or any part of the land;

2.10 Rubbish

throw, cast, place deposit or leave any rubbish or refuse of any kind whatsoever, except in any refuse containers provided for that purpose;

2.11 Picking Fruit, etc.

pick fruit, nuts, seeds or berries from any trees or bushes thereon;

2.12 Games

2.12.1 participate in any game, recreation or amusement which involves the use of a ball, missile or other object which by the use thereof may cause or be likely to cause injury or discomfort to any person being on or in the vicinity of that land or detract from or be likely to detract from another person's lawful use and enjoyment of that land;

2.12.2 play any organised competition sport, as distinct from organised social play, in accordance with paragraph 7 of this by-law;

2.13 Athletic and Ball Sports

2.13.1 to which this subparagraph applies, in accordance with paragraph 7 of this by-law, promote, organise or take part in any organised athletic sport;

2.13.2 to which this subparagraph applies, in accordance with paragraph 7 of this by-law, play or practice the game of golf;

2.14 Smoking

smoke tobacco or any other substance in any building or part thereof;

2.15 Closed Lands

enter or remain on any part of local government land:

2.15.1 at any time during which the Council has declared that the part shall be closed to the public, and which is indicated by a sign adjacent to the entrance to that part;

2.15.2 where the land is enclosed with fences and/or walls, and gates have been closed and locked; or

2.15.3 where admission charges are payable, for that person to enter that part without paying those charges;

2.16 *Tents*

erect any tent or other similar structure for the purpose of habitation for a period of 24 hours or more;

2.17 *Camping*

camp or remain overnight;

2.18 *Fauna*

2.18.1 take, interfere with or disturb any animal or bird or the eggs or young of any animal or bird;

2.18.2 disturb, interfere with or damage any burrow, nest or habitat of any animal or bird; or

2.18.3 use, possess or have control of any device for the purpose of killing or capturing any animal or bird;

2.19 *Flora*

2.19.1 take, uproot or damage any plant;

2.19.2 remove, take or disturb any soil, stone, wood, timber or bark;

2.19.3 collect or take any dead wood or timber for the purpose of using the same to make or maintain a fire; or

2.19.4 run, stand or walk on any flowerbed or garden plot;

2.20 *Animals*

2.20.1 allow any stock to stray into or depasture therein;

2.20.2 allow any animal to damage any flower bed, garden plot, tree, lawn or other item or place;

2.21 *Fires*

light any fire except:

2.21.1 in a place provided by the Council for that purpose; or

2.21.2 in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material;

2.22 *Fireworks*

use, discharge or explode any fireworks;

2.23 *Toilets*

in any public convenience:

2.23.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;

2.23.2 smoke tobacco or any other substance;

2.23.3 deposit anything in a pan, urinal or drain that is likely to cause a blockage;

2.23.4 use it for a purpose for which it was not designed or constructed;

2.23.5 enter any toilet that is set aside for use of the opposite sex except:

(a) where a child under the age of five years is accompanied by an adult person; and/or

(b) to provide assistance to a disabled person;

2.24 *Cemeteries*

comprising a cemetery:

2.24.1 bury or inter any human or animal remains;

2.24.2 erect any memorial;

2.25 *Horses, Cattle or Sheep*

2.25.1 send, drive, lead or take any horse, cattle, sheep or other like animal or permit any horse, cattle, sheep or other like animal to be sent, driven, led or taken;

2.25.2 allow any horse, cattle, sheep or other like animal to be let loose or left unattended,

except where the Council has set aside a track or other area for use by or in connection with an animal of that kind;

2.26 *Canvassing*

Convey any advertising, religious or other message to any bystander, passer-by or other person except for any message or material conveyed for the purpose of a Local, State or Federal election or Referendum.

3. *Posting of Bills*

No person shall without the Council's permission post any bills, advertisements or other papers or items on a building or structure on local government land or other public place except for any electoral matter posted on a building or structure with the authority of a candidate during the course of a Federal, State or Local Government election or Referendum.

4. *Prohibited Activities*

No person shall on any local government land:

4.1 *Use of Equipment*

use any form of equipment or property belonging to the Council other than in the manner and for the purpose for which it was designed or set aside;

4.2 *Repairs to Vehicles*

perform the work of repairing, washing, painting, panel-beating or other work of any nature on or to any vehicle, provided that this paragraph shall not extend to running repairs in the case of breakdown;

4.3 *Annoyances*

annoy or unreasonably interfere with any other person's use of the land or occupation of nearby premises by making a noise or creating a disturbance that has not been authorised by the Council;

4.4 *Directions*

fail to comply with any reasonable direction or request from an authorised person of the Council relating to:

4.4.1 that person's use of the land;

4.4.2 that person's conduct and behaviour on the land;

4.4.3 that person's safety on the land; or

4.4.4 the safety and enjoyment of the land by other persons;

4.5 *Missiles*

throw, roll or discharge any stone, substance or missile to the danger of any person or animal;

4.6 *Glass*

wilfully break any glass, china or other brittle material;

4.7 *Defacing Property*

deface, paint, write, cut names or make marks on or fix bills or advertisements to any tree, rock, gate, fence, building, sign or other property of the Council therein except for any electoral matter posted on a building or structure with the authority of a candidate during the course of a Federal, State or Local Government election or Referendum.

5. *Removal of Animals and Directions to Persons*

5.1 If any animal is found on any part of local government land in breach of a by-law:

5.1.1 any person in charge of the animal shall remove it immediately from the local government land on the request of an authorised person; and

5.1.2 any authorised person may remove it from the local government land if the person fails to comply with the request, or if no person is in charge of the animal.

5.2 An authorised person may direct any person who is considered to be committing or has committed a breach of this by-law to leave that part of the local government land. Failure to comply with that direction forthwith is a breach of this by-law.

6. *Exemptions*

The restrictions in this by-law do not apply to any Police Officer, Council Officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor

while performing work for the Council and while acting under the supervision of a Council Officer.

7. Application of Paragraphs

Any of subparagraphs 2.12.2, 2.13 and 2.25 of this by-law shall apply only in such portion or portions of the area as the Council may by resolution direct in accordance with section 246 (3) (e) of the Local Government Act 1999.

8. Construction

This by-law is subject to any Act of Parliament and Regulations made thereunder.

The foregoing by-law was duly made and passed at a meeting of the Barossa Council held on 19 April 2005 by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

J. JONES, Chief Executive Officer

THE BAROSSA COUNCIL

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

By-law No. 5—Dogs and Cats

FOR the management and control of dogs and cats within the Council's area and to limit the number of dogs and cats kept in premises.

1. Definitions

In this by-law:

- 1.1 'Act' means the Dog and Cat Management Act 1995;
- 1.2 'approved kennel establishment' means a building, structure or area approved by the relevant authority, pursuant to the Development Act 1993, for the keeping of dogs on a temporary or permanent basis;
- 1.3 'cat' means an animal of the species *felis catus* over six months of age;
- 1.4 'dog' means an animal of the species *canis familiaris* but does not include a dingo;
- 1.5 'effective control' has the same meaning as that contained within section 8 of the Act and includes effective control by command providing the dog is in close proximity to the person responsible for control of the dog and that person is able to see the dog at all times;
- 1.6 'premises' means any domestic and non-domestic premises, except an approved kennel establishment;
- 1.7 'public place' means all streets, roads, parklands, reserves, open space, jetties, bridges, foreshore and all other land in the ownership of the Council or under the care, control and management of Council;
- 1.8 'small dwelling' means a flat, a service flat, home unit, or a suite of rooms which is wholly occupied, or designed or intended or adapted to be occupied, as a separate dwelling, but does not include a detached, semi-detached or row dwelling house;
- 1.9 'working dog' means a dog that is used principally for droving or tending of stock.

2. Limit on Dog Numbers

- 2.1 The limit on the number of dogs kept in any dwelling in the township shall be two dogs.
- 2.2 The limit on the number of dogs kept in any dwelling outside of the township shall be three dogs (other than working dogs).
- 2.3 No person shall, without obtaining written permission of the Council, keep any dog on any premises where the number of dogs exceeds the limit unless the premises is an approved kennel establishment.

3. Dog Free Areas

No person shall on any Council land to which this paragraph applies, in accordance with paragraph 7 of this by-law cause, suffer or permit any dog under that person's control, charge or authority to be, or remain in that place.

4. Dogs on Leashes

No person shall on any Council land to which this paragraph applies, in accordance with paragraph 7 of this by-law, cause, suffer or permit any dog under that person's control, charge or authority to be or remain in that public place unless such dog is restrained by a strong leash not exceeding 2 m in length held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.

5. Dog Exercise Areas

- 5.1 Any person may enter upon any part of Council land to which this paragraph applies in accordance with paragraph 7 of this by-law for the purpose of exercising a dog under his or her effective control.
- 5.2 Where a person enters upon such part of Council land for that purpose, he or she shall ensure that the dog or dogs under his or her control remain under effective control (within the meaning of the Act) while on the land.
- 5.3 Signs shall be erected to denote land to which this paragraph applies, and information shall be provided to the public in a manner determined by the Council's City Manager to inform the public about such land.

6. Limit on Cat Numbers

- 6.1 The limit on the number of cats to be kept on any premises shall be two.
- 6.2 No person shall without permission given in writing by the Council keep a cat on any premises where the number of cats being kept on those premises exceeds the limit.

7. Application

Paragraphs 3, 4 and 5 of this by-law shall apply only in such portion or portions of the area as the Council may by resolution direct (in accordance with section 246 (3) (e) of the Local Government Act 1999).

8. Construction

This by-law is subject to any Act of Parliament and Regulations made thereunder.

The foregoing by-law was duly made and passed at a meeting of the Barossa Council held on 19 April 2005 by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

J. JONES, Chief Executive Officer

THE BAROSSA COUNCIL

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

By-law No. 6—Nuisances Caused by Building Sites

TO prevent and suppress certain kinds of nuisance caused by rubbish escaping from land on which building work is being undertaken.

1. Definitions

- 1.1 'authorised person' means a person appointed an authorised person pursuant to section 260 of the Local Government Act 1999;
- 1.2 'building work' has the same meaning as in the Development Act 1993.

2. No Unauthorised Discharge

- 2.1 The person in charge of building work on land shall take whatsoever steps necessary to ensure that all paper, plastic or other building materials (not including soil, sand or stones) on the land associated with the building work is secure so that the same does not blow from the land in a wind.
- 2.2 The obligation contained within Clause 2.1 does not extend to the prevention of such things blowing from land in a wind of such velocity and nature that material from other properties in the area generally are blown from such land.

3. Removal of Discharge

- 3.1 If paper, plastic or other building materials (not including soil, sand or stones) blows from the land in a wind, the person in charge of the building work must remove all such materials from adjacent land at the request in writing of an authorised person.
- 3.2 If the person in charge of building work on land fails to comply with Clause 3.1, then the Council may undertake the work itself and, recover the cost of doing so from that person.

The foregoing by-law was duly made and passed at a meeting of the Barossa Council held on 19 April 2005 by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

J. JONES, Chief Executive Officer

THE BAROSSA COUNCIL
DEVELOPMENT ACT 1993

*The Barossa Council Development Plan—
Kroemer Crossing (North) Plan Amendment Report—
Draft for Public Consultation*

NOTICE is hereby given that The Barossa Council has prepared a draft Plan Amendment Report to amend its current Development Plan as it affects an area north of the Kroemer Crossing locality.

The Plan Amendment Report will amend the Development Plan to include:

- changes to the current Rural (Valley Floor) Zone;
- the introduction of Policy Area to allow alternative uses within a limited section of the Zone;
- amendments to the existing non-complying list for the Zone; and
- facilitation of dwelling, light/service industry, warehouse, and office uses.

The draft Plan Amendment Report will be available for public inspection and purchase during normal office hours from Branch Offices and the main Council Offices, 1 Washington Street, Angaston from Thursday, 5 May 2005 to Thursday, 7 July 2005. Copies of the draft Plan Amendment Report can be purchased for \$5 each. The Report may also be accessed on the Council website at www.barossa.sa.gov.au.

Written submissions regarding the draft Plan Amendment Report can be made to The Barossa Council until Thursday, 7 July 2005. The written submission should also clearly indicate whether you wish to speak at a public hearing regarding your submission. All submissions should be addressed to the Chief Executive Officer, The Barossa Council, P.O. Box 295, Angaston, S.A. 5353.

Copies of all submissions received will be available for inspection by interested persons at the Council Offices from Friday, 8 July 2005 until the date of the public hearing.

If necessary a public hearing will be held in the Angaston Town Hall Annexe, Washington Street, Angaston at 7 p.m. on Wednesday, 20 July 2005. The public hearing may not be held if no submission is made indicating an interest in speaking at a public hearing.

Dated 2 May 2005.

J. JONES, Chief Executive Officer

THE BERRI BARMERA COUNCIL
Appointment

NOTICE is hereby given, that at a meeting of Council held on 26 April 2005, Rebecca Atze was appointed as an Environmental Health Officer of Council, with the following authorisations and delegations:

1. Authorised Officer—pursuant to section 44 of the Local Government Act 1999.
2. Septic Tank Assessment/Approvals Officer—pursuant to section 44 of the Local Government Act 1934, as amended, and Local Government Act 1999, section 6 (1); Delegations

(Authorised Officer)—Public and Environmental Health Act 1987 with respect to powers and responsibilities under the Waste Control Regulations 1995, in particular: Regulations 7, 8, 11, 12 (3) and 4, 13 (1) (a) and (b), 13 (4) and (5), 14 (1) and (2), 16, 17 (1) and (2), 19 (1), (2) and (3), 22 (2), 23 (1), 24 (1) (a) and (b), 24 (2), (3) and (4).

3. Environmental Health Officer—pursuant to section 7 (1) of the Public Environmental and Health Act 1987 and with delegations, pursuant to section 44 of the Local Government Act 1999.

4. Authorised Officer—pursuant to section 94 of the Food Act 2001.

5. Delegated Authority of Council—pursuant to section 88 of the Food Act 2001; delegation of the Food Safety Standard 3.2.3 15 (5), 17 (2) and (3); Food Safety Standard 3.2.3 10 (3) and 14 (3).

6. Authorised Officer—to issue Expiation Notices under the Expiation of Offences Act 1997.

S. RUFUS, Chief Executive Officer

THE BERRI BARMERA COUNCIL

Appointment

NOTICE is hereby given that at a meeting of Council held on 26 April 2005, Lenard Bawden was appointed as Council's General Inspector, with authorisation to fulfil the functions and duties granted under the following delegations:

1. Authorised Officer—section 44 of the Local Government Act 1999.

2. Authorised Officer—section 27 of the Dog and Cat Management Act 1995.

3. Authorised Officer—section 68 of the Dog and Cat Management Act 1995.

4. Authorised Officer—Part 12 of the S.A. Australian Road Rules 1999.

5. Authorised Officer—to issue expiation notices under the Expiation of Offences Act 1997.

6. Fire Prevention Officer—pursuant to section 34 of the Country Fires Act 1989. Delegations pursuant to section 49 of the Country Fires Act 1989 *re* powers and functions under section 40 of the Country Fires Act 1989.

7. Authorised Officer for issuing of permits—section 38 of the Country Fires Act 1989.

8. Authorised Officer—pursuant to section 60B of the South Australian Metropolitan Fire Service Act 1936.

All authorisations and delegations previously issued to Garry Cleaver are revoked.

S. RUFUS, Chief Executive Officer

DISTRICT COUNCIL OF YORKE PENINSULA
DEVELOPMENT ACT 1993

*Industry (Commercial Bulk Handling) Plan Amendment Report
prepared by the Council—Draft for Public Consultation*

THE District Council of Yorke Peninsula has prepared a draft Plan Amendment Report as it affects land to the south of the Township of Maitland.

Matters addressed in the draft Plan Amendment Report include:

- Rezoning land to the south of Maitland which currently accommodates the bulk storage and handling operations of the Australian Wheat Board from General Farming to Industry (Commercial Bulk Handling), to better reflect the existing use of the land.
- Making provision for additional industrial development opportunities within the proposed zone and adjoining the current Industry zone to the south of Maitland.
- Putting in place a Concept Plan for development within the proposed zone together with relevant Development Plan provisions to guide future development within the zone.

The draft Plan Amendment Report and Statement of Investigations will be available for public inspection and purchase during normal working hours, at the Council Offices at 8 Elizabeth Street, Maitland, 18 Main Street, Minlaton, 15 Edithburgh Road, Yorketown, and at Player Street, Warooka.

The PAR may also be accessed on the Councils web site at www.yorke.sa.gov.au.

The Plan will be on display from Wednesday, 11 May, 2005 to 5 p.m. Friday, 8 July, 2005.

Written submissions regarding the draft amendment should be lodged no later than 5 p.m. on Friday, 8 July 2005. All submissions should be addressed to: The Chief Executive Officer, District Council of Yorke Peninsula, P.O. Box 88, Minlaton, S.A. 5575, and should clearly indicate whether you wish to be heard in support of your submission.

Copies of all submissions will be available for inspection by interested persons at the Council Offices from Wednesday, 13 July 2005, until the public hearing.

A hearing will be held on Wednesday, 27 July 2005 at 7 p.m. at the Maitland Auditorium (Town Hall) Robert Street, Maitland. The hearing will not be held if no submissions are received or if no submission has a request to be heard.

Dated 3 May 2005.

S. GRIFFITHS, Chief Executive Officer

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

Beaglehole, Evelyn Merle, late of 437 Salisbury Highway, Parafield Gardens, of no occupation, who died on 27 July 2004.

East, Frank Victor, late of 66 Nelson Road, Valley View, retired wood carter, who died on 24 February 2005.

Jones, Stanley Joseph, late of 56 High Street, Grange, retired master plumber, who died on 19 March 2005.

Pridham, Mary Ann, late of 3 Dudley Street, Semaphore, of no occupation, who died on 23 April 1978.

Rawnsley, John Lewis, late of 17 Hill Street, Kingswood, of no occupation, who died on 11 February 2005.

Swan, Jack, late of 22 Norman Street, Port Pirie, retired bluing of firearms officer, who died on 26 January 2005.

Thomas, James Henry, late of 150 Reynell Road, Woodcroft, retired draftsman, who died on 10 January 2005.

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, S.A. 5000, full particulars and proof of such claims, on or before 3 June 2005, 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 5 May 2005.

C. J. O'LOUGHLIN, Public Trustee

SALE OF PROPERTY

Auction Date: Thursday, 19 May 2005 at 11 a.m.

Location: 15 Norma Crescent, Encounter Bay

NOTICE is hereby given that on the above date at the time and place stated, by virtue of the Warrant of Sale issued out of the Magistrates Court of South Australia, Action No. CHBCI 1761 of 2001, directed to the Sheriff of South Australia in an action wherein South Coast Concrete Pty Ltd is the Plaintiff and John Swanson is the Defendant, I, Mark Stokes, Sheriff of the State of South Australia, will by my auctioneers, Griffin Real Estate, make sale of the estate, right, title or interest whatsoever it may be of the Defendant John Swanson as the registered proprietor of an estate in fee simple in the following:

That piece of land situated in the area named Encounter Bay, being 15 Norma Crescent, being the property comprised in Certificate of Title Register Book Volume 5247, Folio 690.

Further particulars from the auctioneers:

Griffin Real Estate
179 King William Road
Hyde Park, S.A. 5061
Telephone: (08) 8357 3177.

SALE OF PROPERTY

Auction Date: Wednesday, 18 May 2005 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-03-53483/1 and others, are directed to the Sheriff of South Australia in an action wherein Ky Frankiw is the Defendant, I, Mark Stokes, Sheriff of the State of South Australia, will by my auctioneers, Government Auctions SA make sale of the following:

Nissan Silvia
Registration No. N/A.

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