



THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

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ADELAIDE, THURSDAY, 29 OCTOBER 2009

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GOVERNMENT GAZETTE NOTICES

ALL poundkeepers' and private advertisements forwarded for publication in the *South Australian Government Gazette* must be PAID FOR PRIOR TO INSERTION; and all notices, from whatever source, should be legibly written on one side of the paper only and sent to **Government Publishing SA** so as to be *received no later than 4 p.m. on the Tuesday preceding the day of publication. Phone 8207 1045 or Fax 8207 1040. E-mail: governmentgazette@dpc.sa.gov.au*. 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, 29 October 2009

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the South Australian Superannuation Board, pursuant to the provisions of the Superannuation Act 1988:

Deputy Member: (from 29 October 2009 until 1 October 2012)

Leah Joy York (Deputy to McMahon)
Aaron Lucas Chia (Deputy to Griggs)

By command,

JENNIFER RANKINE, for Premier

T&F09/077CS

Department of the Premier and Cabinet
Adelaide, 29 October 2009

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable Paul Holloway, MLC, Minister for Mineral Resources Development, Minister for Urban Development and Planning and Minister for Small Business to be also Acting Attorney-General, Acting Minister for Justice and Acting Minister for Veterans' Affairs for the period from 2 November 2009 to 4 November 2009 inclusive, during the absence of the Honourable Michael John Atkinson, MP.

By command,

JENNIFER RANKINE, for Premier

AGO0182/06CS

Department of the Premier and Cabinet
Adelaide, 29 October 2009

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable Tom Koutsantonis, MP, Minister for Correctional Services, Minister for Gambling, Minister for Youth, Minister for Volunteers and Minister Assisting the Minister for Multicultural Affairs to be also Acting Minister for Multicultural Affairs for the period from 2 November 2009 to 4 November 2009 inclusive, during the absence of the Honourable Michael John Atkinson, MP.

By command,

JENNIFER RANKINE, for Premier

AGO0182/06CS

Department of the Premier and Cabinet
Adelaide, 29 October 2009

HIS Excellency the Governor in Executive Council has been pleased to appoint Sarah Elizabeth Bolt as Police Complaints Authority for a term of seven years commencing on 10 December 2009 and expiring on 9 December 2016, pursuant to Section 5 of the Police (Complaints and Disciplinary Proceedings) Act 1985.

By command,

JENNIFER RANKINE, for Premier

AGO0263/02CS

Department of the Premier and Cabinet
Adelaide, 29 October 2009

HIS Excellency the Governor in Executive Council has been pleased to appoint the people listed as Special Justices of the Peace for South Australia for the terms specified, pursuant to Section 7 (1) of the Justices of the Peace Act 2005:

For a term of one year commencing on 29 October 2009 and expiring on 28 October 2010:

Raymond Thomas Hicks
Andrew William Paterson
Michael Sachsse

For a term of one year commencing on 6 November 2009 and expiring on 5 November 2010:

Bryan Kenneth Hearn
Robert John Peebles Shaw

By command,

JENNIFER RANKINE, for Premier

09/047CS

Department of the Premier and Cabinet
Adelaide, 29 October 2009

HIS Excellency the Governor in Executive Council has revoked the appointment of John Zaccaria as Deputy Registrar-General and Deputy Registrar-General of Deeds, pursuant to Section 13 (3) of the Real Property Act 1886, Section 6 (1) of the Registration of Deeds Act 1935 and Section 36 of the Acts Interpretation Act 1915.

By command,

JENNIFER RANKINE, for Premier

CSA37-01

Department of the Premier and Cabinet
Adelaide, 29 October 2009

HIS Excellency the Governor in Executive Council has been pleased to allow and countersign the proposed amendments to By-laws 19 and 28 of the Flinders University of South Australia, approved by the Council of the University on 4 June 2009, pursuant to Section 20 (6) of The Flinders University of South Australia Act 1966.

By command,

JENNIFER RANKINE, for Premier

METFE09/009CS

DEVELOPMENT ACT 1993, SECTION 28 (1): DECLARATION OF INTERIM OPERATION OF NARACOORTE LUCINDALE COUNCIL—NARACOORTE INDUSTRY DEVELOPMENT PLAN AMENDMENT

NOTICE

PURSUANT to section 28 (1) of the Development Act 1993, I, Paul Holloway, Minister for Urban Development and Planning, am of the opinion that it is necessary in the interest of the orderly and proper development of the area affected by the 'Naracoorte Lucindale Council—Naracoorte Industry Development Plan Amendment' that the Plan Amendment should come into operation without delay on an interim basis on 29 October 2009.

Dated 29 October 2009.

PAUL HOLLOWAY, Minister for Urban
Development and Planning

DEVELOPMENT ACT 1993, SECTION 25 (17): DISTRICT COUNCIL OF GRANT—CALULA LOW DENSITY RESIDENTIAL DEVELOPMENT PLAN AMENDMENT

Preamble

1. The Development Plan amendment entitled 'District Council of Grant—Calula Low Density Residential Development Plan Amendment' (the Plan Amendment) has been finalised in accordance with the provisions of the Development Act 1993.

2. The Minister for Urban Development and Planning has decided to approve the Plan Amendment.

NOTICE

PURSUANT to section 25 of the Development Act 1993, I—

(a) approve the Plan Amendment; and

- (b) fix the day on which this notice is published in the *Gazette* as the day on which the Plan Amendment will come into operation.

Dated 29 October 2009.

PAUL HOLLOWAY, Minister for Urban
Development and Planning

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

Preamble

1. On 25 January 2006 the Minister for Urban Development and Planning gave notice in the *Government Gazette* that he was of the opinion that it was appropriate for the proper assessment of development of major environmental, social or economic importance that section 46 of the Development Act 1993, applied to any development of a kind listed in Schedule 1 of that notice in the parts of the State listed in Schedule 2 of that notice.

2. A proposal from Bradken Resources Pty Ltd (hereafter 'the proponent') to upgrade and expand an existing foundry located on Cromwell Road in Kilburn was the subject of a development application lodged in March 2006.

3. In accordance with the declaration referred to in paragraph 1 of the preamble of this Notice, the application has been under consideration under Division 2 of Part 4 of the Development Act 1993. The proposal has been the subject of a Public Environmental Report and an Assessment Report under sections 46 and 46C of the Development Act 1993, and is hereafter referred to as the 'proposed Major Development'.

4. On 13 December 2007 the Governor granted a provisional development authorisation subject to conditions and reserved matters.

5. Application was made to the Development Assessment Commission as delegate of the Governor, for a decision regarding several variations to the current development, primarily related to changes in construction timing, internal spaces, height and width reduction of some sheds and several technical details. Approval was granted on 20 October 2008.

6. Application was made to the Development Assessment Commission as delegate of the Governor, for a decision regarding the reserved matter relating to the Construction Environmental Management Plan and Environmental Management and Monitoring Plan. Approval was granted on 5 February 2009.

7. Application was made to the Development Assessment Commission as delegate of the Governor, for a decision regarding the reserved matter relating to the proposed management of stormwater as required in Decision (b) (iii) by the Governor. Approval was granted on 5 March 2009.

8. The proponent has now sought to satisfy the reserved matter relating to the proposed Stage 1—Building extension over an existing Gantry Crane. The Development Assessment Commission is satisfied that the application does not require the preparation of a further or amended Environmental Impact Statement, and that the amended proposal does not change the essential nature of the development.

Decision

PURSUANT to section 48 of the Development Act 1993 and with the advice and consent of the Executive Council and having due regard to the matters set out in section 48 (5) and all other relevant matters, I:

- (a) grant a provisional development authorisation in relation to the proposed major development, subject to the conditions and notes to the proponent below;
- (b) pursuant to section 48 (6) and Regulation 64 (1) reserve my decision on compliance with the Building Rules in relation to all aspects of the proposed major development (refer to Notes to the Applicant below for further information);
- (c) specify all matters relating to this provisional development authorisation as matters in respect of which conditions of this authorisation may be varied or revoked, or new conditions attached; and

- (d) specify for the purposes of section 48 (11) (b) the period of two years from the date hereof as the time within which substantial work must be commenced on site, failing which I may cancel this authorisation.

CONDITIONS OF APPROVAL

1. Except where minor amendments may be required by other legislation, or by conditions imposed herein, the proposed major development shall be undertaken in strict accordance with:

- (a) The following documents:
 - Development application dated March 2006 (except to the extent that it may be varied by a subsequent document in this paragraph).
 - Public Environmental Report, Proposed Upgrading and Expansion of an Existing Foundry, 80 Cromwell Road, Kilburn, prepared by Bradken Resources Pty Ltd, dated February 2007 (except to the extent that it may be varied by a subsequent document in this paragraph).
 - Response Document, prepared by Bradken Resources Pty Ltd for the Proposed Expansion and Upgrading of an Existing Foundry, 80 Cromwell Road, Kilburn, dated June 2007.
 - Assessment Report prepared by the Minister for Urban Development and Planning, dated November 2007.
 - Amendment to major development approval application letter dated 26 June 2008, File: F2618.
 - Amendment to major development approval application letter dated 19 September 2008, Ref. No.: KG-SW-00-19092008.
 - 'Construction Environmental Management Plan (Revision 2)' and 'Environmental Management and Monitoring Plan (Revision 7)' as have been prepared by the proponent to the reasonable satisfaction of the Environment Protection Authority, as contained in the letter EPA 05/11365 and EPA Authorisation 13845.
 - Application from Vic Barone (Katnich Dodd) dated 16 September 2009, and accompanying certified plans.

2. The proponent shall submit further information and application(s) in relation to the matters that have been reserved.

3. Construction and overall operational noise shall not exceed:

- (a) 58 dB(A) between the hours of 7 a.m. and 10 p.m. when measured and adjusted at the nearest existing residential dwelling in accordance with the current environment protection noise policy; and
- (b) 50 dB(A) between the hours of 10 p.m. and 7 a.m. when measured and adjusted at the nearest existing residential dwelling in accordance with the current environment protection noise policy.

4. All reasonable and practicable measures shall be employed so that work practices achieve a short term maximum noise level of 60 dB(A) when measured and adjusted at the nearest existing residential dwelling in accordance with the current environment protection noise policy.

5. The proponent shall submit a post construction noise compliance assessment report (to the reasonable satisfaction of the Environment Protection Authority) prepared by an acoustic engineer* to verify that the above noise criteria are achieved. This must be submitted to the Environment Protection Authority within three months of completion of the development.

(* an acoustic engineer is defined as someone who is eligible for membership of both the Australian Institute of Engineers and the Australian Acoustical Society).

6. The noise reduction measures specified in the following sections of the Bradken Public Environmental Report, February 2007, shall be implemented as per the specifications below:

- (a) Volume 1, section 5.4.2.1, pp. 51-53;
- (b) Volume 2, Appendix Q, section 3.1 'Assumptions' of the 'Preliminary Noise Model—Foundry Upgrade, Bradken, December 2006'; and

(c) the car park fence specified in page 3 of Sonus report S2048C2, 20 October 2006.

7. Construction shall be carried out in accordance with the following specifications:

- The Environment Protection Authority information sheet Construction Noise: (http://www.environment.sa.gov.au/epa/pdfs/info_construction.pdf); and
- Volume 2, Appendix M, 'Construction Environmental Management Plan', October 2006'.

8. Noisy construction activities shall be limited to the following times:

- Monday to Saturday: 7 a.m. to 7 p.m.
- Sunday and Public Holidays: If Sunday or Public Holiday work is essential, noise should be kept to a minimum. In these cases work shall not start before 9 a.m. and shall be finished by 7 p.m.

9. All on-site operations shall comply with Work Instruction BK3-E-005 Environmental Noise Control:

- scheduling of particularly noisy machines after 9 a.m. e.g. Jackhammers, Rock Breakers, Piling equipment;
- locating equipment so that impact on neighbouring premises is minimised;
- between work periods, shut down or throttle to a minimum, machines such as backhoes, cranes, bobcats, loaders and generators;
- all equipment to be properly maintained, with special attention to mufflers and other noise control devices. Equipment failing to meet acceptable noise levels shall not be used; and
- preparation of a Traffic Management Plan in conjunction with contractors, suppliers and the Local Government to minimise traffic impacts.

The above construction noise requirements shall be put into any tender contract conditions.

10. An Energy audit shall be undertaken and submitted to the Sustainability and Climate Change Division of the Department of Premier and Cabinet within 12 months of commencement of operation of the new plant, to assess:

- (a) electricity consumption per tonne melted by the Electric Arc Furnace to confirm the performance claimed by the manufacturer; and
- (b) total emissions per tonne of dressed casting.

11. Upon commissioning of the Electric Arc Furnace and plant equipment, appropriate testing shall be carried out to verify the data used to predict the ground level concentrations in the Public Environmental Report.

12. Scrap steel stored on-site shall be located within the designated scrap steel storage area within the Furnace Building.

13. The cutting of scrap steel shall only be carried out within an area whereby any generated fume or particulate is extracted to pollution control equipment.

14. Particulate monitoring (PM10) shall be undertaken to record the particulate levels at the site boundary pre and post expansion and during the construction phase.

15. The proponent shall demonstrate that the proposed ventilation system prevents the escape of fugitive material under all operating conditions.

16. The Furnace Building (incorporating the Electric Arc Furnace, mould pouring and mould cooling operations) shall be managed and extracted to an extent whereby the building remains under negative pressure to limit the generation of fugitive emissions.

17. Mould pouring and cooling shall occur within the Furnace Building whereby fumes, odours and particulates from cooling moulds are extracted to pollution control equipment.

18. Used foundry sand shall be stored within a designated bunker or within an enclosure.

19. Where material is stored within a bunker, the material shall remain below the height of the storage bunker walls.

20. The materials stored in bunkers shall be suitably conditioned by moisture or by some other means to prevent the generation of fugitive emissions during handling.

21. Landscaping of the site shall commence prior to demolition and construction activities and when established, must be maintained in good health and condition at all times. Plants must be replaced when dead or become seriously diseased within the first growing season after death or becoming seriously distressed. Plants used shall be mature and quick growing to ensure screening is achieved in a timely manner.

22. Inert clay soil shall be used to cap the screening mounds.

23. All external lights shall be directed and shielded in such a way as to prevent undue glare from the site and any lighting that is not in use for operational or security reasons shall be switched off.

24. The applicant shall ensure that stormwater not complying with the Environment Protection (Water Quality) Policy 2003, criteria is not discharged from the site without prior effective treatment.

25. The following building finishes shall be used:

- the walls section to an elevation of up to 3 m from ground surface to be finished in colorbond 'shale grey';
- the wall sections above 3 m and up to the roof to be finished in colorbond 'surf mist'; and
- detailed elements such as doors, canopies, downpipes etc., to be finished in colorbond 'deep ocean'.

26. One secure bicycle park shall be established per 10 full-time employees.

NOTES TO PROPONENT

1. All matters relating to this provisional development authorisation are matters in respect of which conditions of this authorisation may be varied or revoked, or new conditions attached.

2. A decision on building rules will only be made after a Building Rules assessment and certification has been undertaken and issued by a Private Certifier or the City of Port Adelaide Enfield, in accordance with the provisions of the Development Act 1993 and after the Minister for Urban Development and Planning receives a copy of all relevant certification documentation, as outlined in Regulation 64 of the Development Regulations 1993.

3. Pursuant to Development Regulation 64, the applicant is advised that the City of Port Adelaide Enfield or private certifier conducting a Building Rules assessment must:

- (a) provide to the Minister a certification in the form set out in Schedule 12A of the Development Regulations 1993, in relation to the building works in question; and
- (b) to the extent that may be relevant and appropriate:
 - (i) issue a Schedule of Essential Safety Provisions under Division 4 of Part 12;
 - (ii) assign a classification of the buildings under these regulations;
 - (iii) ensure that the appropriate levy has been paid under the Construction Industry Training Fund 1993.

Regulation 64 of the Development Regulations 1993, provides further information about the type and quantity of all Building Rules certification documentation for Major Developments required for referral to the Minister for Urban Development and Planning.

4. The City of Port Adelaide Enfield or private certifier undertaking the Building Rules assessment must ensure that the assessment and certification are consistent with this provisional development authorisation (including Conditions or Notes that apply in relation to this provisional development authorisation).

5. An application to vary the Major Development or any of its components may be submitted. Whether a new Public Environmental Report and Assessment Report need to be prepared will depend on the nature of the variation and the lapse of time since the preparation of the Public Environmental Report.

6. 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 the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.

7. An environmental authorisation exists for the foundry operation at this development site. The applicant is required to contact the Environment Protection Authority before acting on this development authorisation to ascertain the need for any additional or amended licensing requirements. Additional conditions may be attached to any amended licence granted by the Environment Protection Authority.

8. Any information sheets, guidelines documents, codes of practice, technical bulletins etc. that are referenced in this response have been provided to the planning authority or may be accessed on the following website:

<http://www.environment.sa.gov.au/epa/pub.html>.

9. The 'Construction Environmental Management Plan' and 'Environmental Management and Monitoring Plan' should be prepared taking into consideration relevant Environment Protection policies and guideline documents, including, the Environment Protection (Air Quality) Policy 1994, the Environment Protection (Water Quality) Policy 2003, the Occupational Health and Safety Regulations, Environment Protection Authority Guidelines on Odour Assessment, using odour source modelling 2003, Environment Protection Authority Handbook for Pollution Avoidance on Commercial and Residential Building Sites 2004 and the Environment Protection Authority Stormwater Pollution Prevention Code of Practice for the Building and Construction Industry. The EPA is to be notified of any significant changes to the 'Construction Environmental Management Plan' and 'Environmental Management and Monitoring Plan'.

10. Stormwater should be managed to the reasonable satisfaction of the EPA and be in accordance with the Environment Protection (Water Quality) Policy 2003.

11. Residents that are likely to be impacted by construction activities should be pre-warned of any planned construction activity which is likely to be particularly noisy. Notification should be in writing and not less than seven days in advance of the planned activity.

12. The Minister has a specific power to require testing, monitoring and auditing under section 48C of the Development Act 1993.

13. For the purposes of section 48 (11) (b) the period of two years from the last decision, 30 October 2008 as the time within which substantial work must be commenced on-site, failing which the Governor may cancel this authorisation.

Given under my hand at Adelaide, 22 October 2009.

T. BYRT, Presiding Member, Development
Assessment Commission

DEVELOPMENT ACT 1993, SECTION 27 (5) (a): RESIDENTIAL PARKS AND CARAVAN AND TOURIST PARKS
DEVELOPMENT PLAN AMENDMENT

Preamble

Pursuant to section 27 (3) (b) of the Development Act 1993, the Environment, Resources and Development Committee of Parliament has suggested amendments to the Residential Parks and Caravan and Tourist Parks Development Plan Amendment approved on 11 December 2008.

Pursuant to section 27 (5) (a), it is necessary to amend the Gawler (CT) Development Plan.

NOTICE

PURSUANT to section 27 (5) of the Development Act 1993 (the Act), I, Paul Holloway, being the Minister administering the Act, declare the amendments, as attached, to be authorised amendments to the Gawler (CT) Development Plan (the Plan) dated 11 December 2008.

Dated 27 October 2009.

PAUL HOLLOWAY, Minister for Urban Development and Planning

AUTHORISED AMENDMENTS TO THE GAWLER (CT) DEVELOPMENT PLAN DATED 11 DECEMBER 2008

1. I amend the Residential Park Zone as follows:

1.1 At page 125, delete the following from the statement of Desired Character:

‘, and should be limited for the Dalkeith Caravan Park to the enhancement of community facilities’

‘No further intensification or expansion of long-term residential accommodation will be undertaken within the Dalkeith Caravan Park due to its location outside of the urban boundary.’

1.2 At page 126, delete the following from Principle of Development Control 1:

‘(except within the Dalkeith Caravan Park)’

1.3 At page 126, delete Principle of Development Control 2 and renumber the following Principles of Development Control accordingly.

1.4 At page 128, delete the following from Principle of Development Control 15:

‘(except within the Dalkeith Caravan Park)’

2. I amend the mapping within the Plan as follows:

2.1 Replace Maps Ga/4, Ga/8, Ga/10 and Ga/11 with the contents of Attachment A.

ATTACHMENT A



NOTE : For Policy Areas See MAP Ga/14

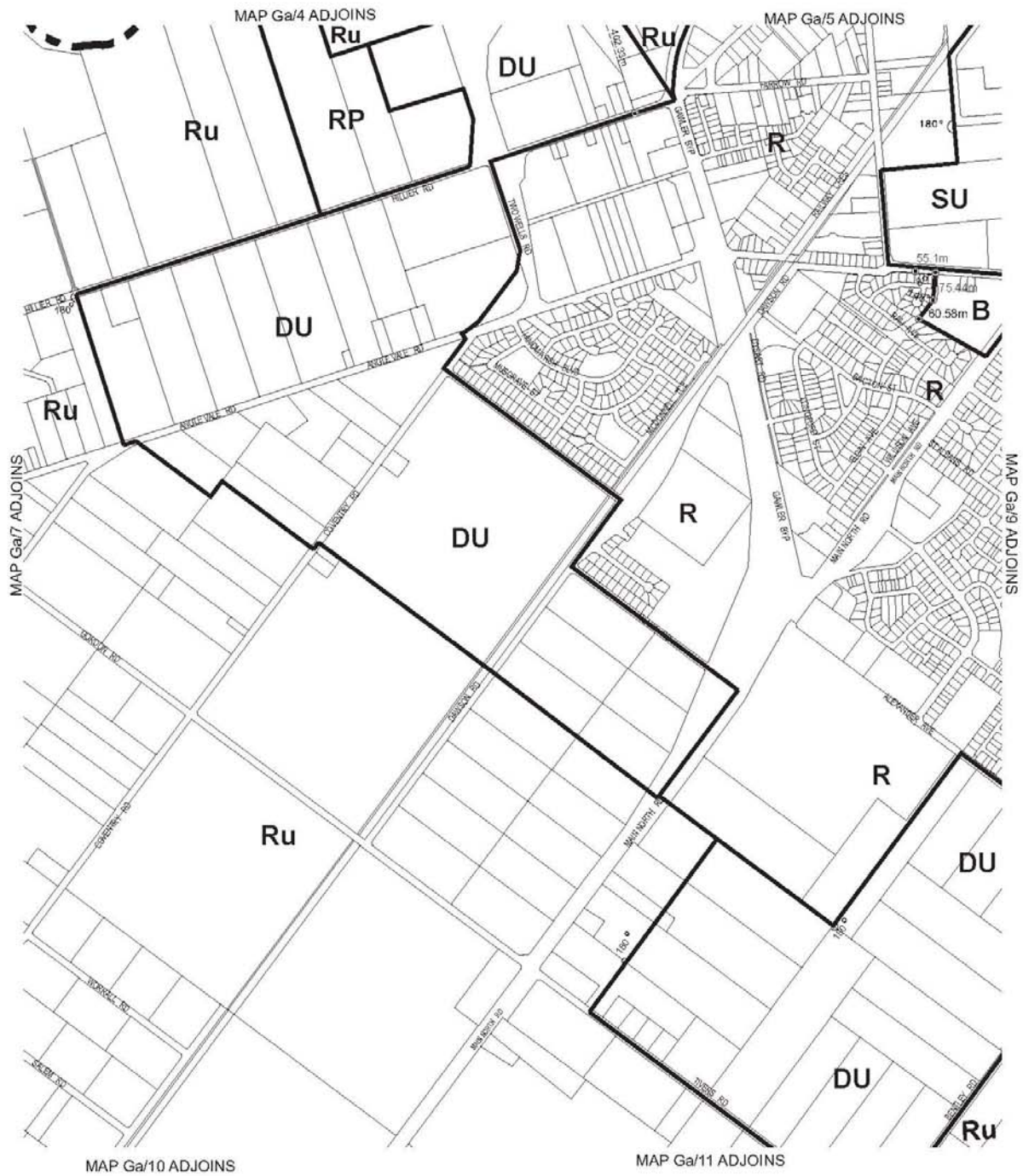
- Ru Rural
- RuL Rural Living
- DU Deferred Urban
- RP Residential Park

Scale 1:15000



**GAWLER (CT)
ZONES
MAP Ga/4**

- Zone Boundary
- Development Plan Boundary



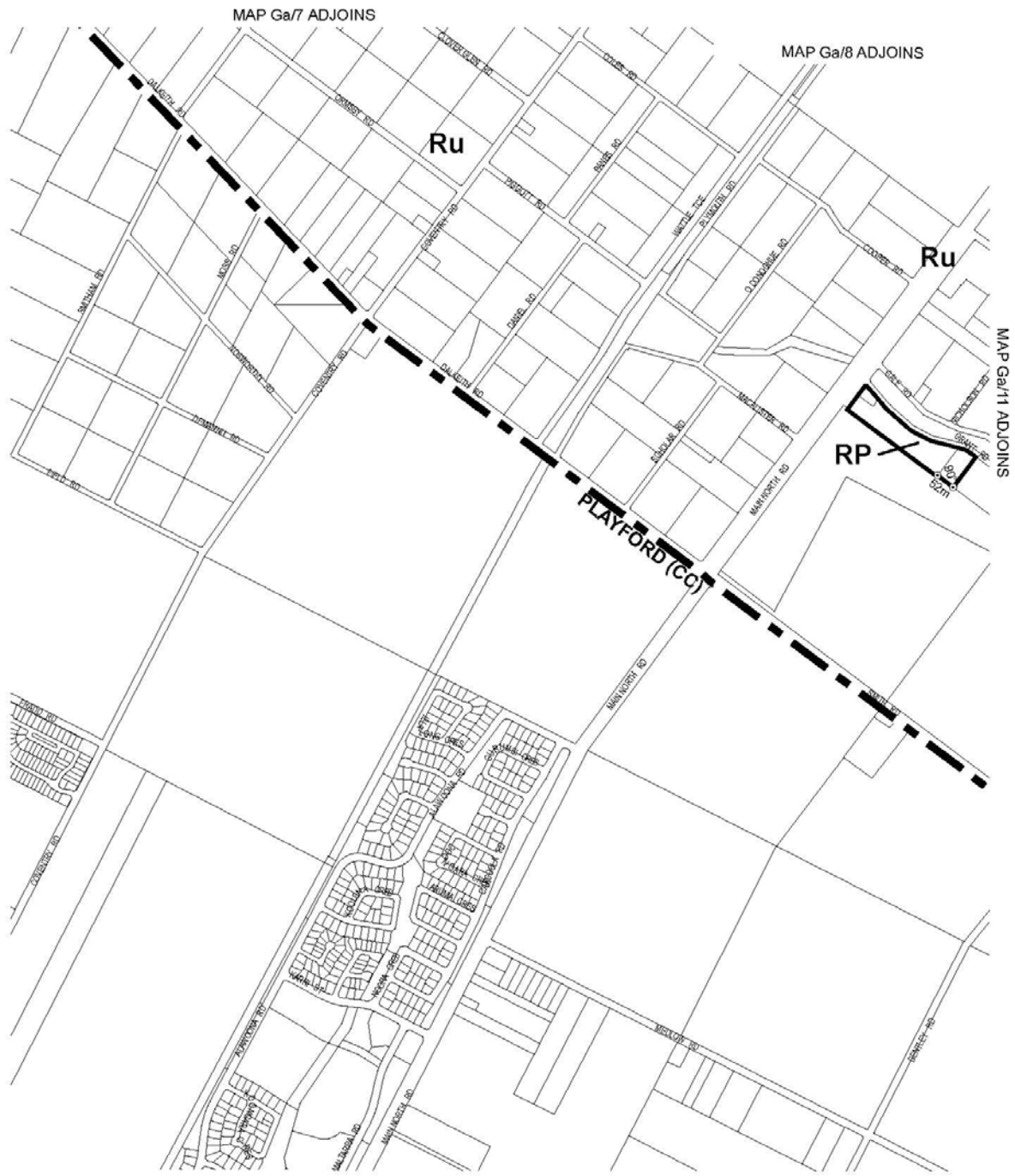
NOTE : For Policy Areas See MAP Ga/18

- B Business
- R Residential
- Ru Rural
- SU Special Uses
- DU Deferred Urban
- RP Residential Park

- Zone Boundary
- Development Plan Boundary

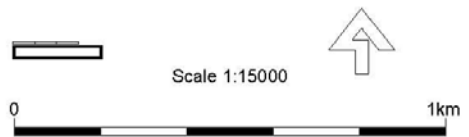


**GAWLER (CT)
ZONES
MAP Ga/8**

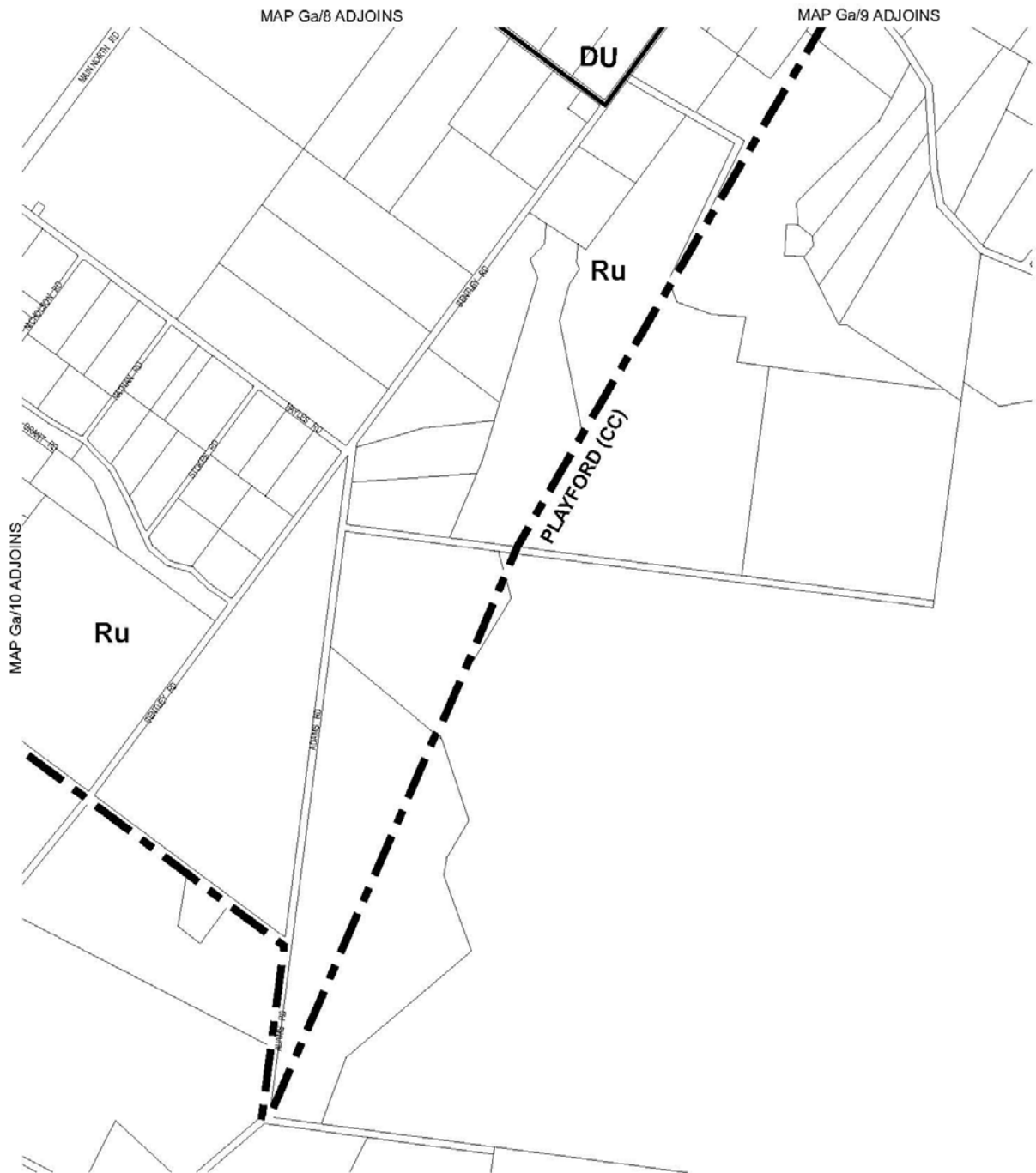


RP Residential Park
Ru Rural

— Zone Boundary
- - - Development Plan Boundary

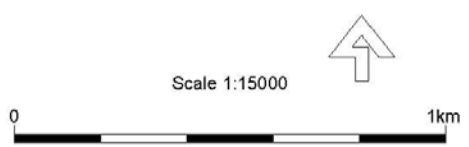


**GAWLER (CT)
ZONES
MAP Ga/10**



Ru Rural
DU Deferred Urban

— Zone Boundary
- - - Development Plan Boundary



**GAWLER (CT)
ZONES
MAP Ga/11**

DEVELOPMENT ACT 1993, SECTION 27 (5) (a): RESIDENTIAL PARKS AND CARAVAN AND TOURIST PARKS DEVELOPMENT PLAN AMENDMENT

Preamble

Pursuant to section 27 (3) (b) of the Development Act 1993, the Environment, Resources and Development Committee of Parliament has suggested amendments to the Residential Parks and Caravan and Tourist Parks Development Plan Amendment approved on 11 December 2008.

Pursuant to section 27 (5) (a), it is necessary to amend the Norwood, Payneham and St Peters Development Plan by removing the Caravan and Tourist Park Zone.

In removing this zone the previous zoning of Residential 2 (St Peters) applies to the area of the Norwood, Payneham and St Peters (City) Development Plan affected by the Residential Parks and Caravan and Tourist Parks Development Plan Amendment approved on 11 December 2008.

NOTICE

PURSUANT to section 27 (5) of the Development Act 1993 (the Act), I, Paul Holloway, being the Minister administering the Act, declare the amendments, as attached, to be authorised amendments to the Norwood, Payneham and St Peters (City) Development Plan (the Plan) dated 18 December 2008.

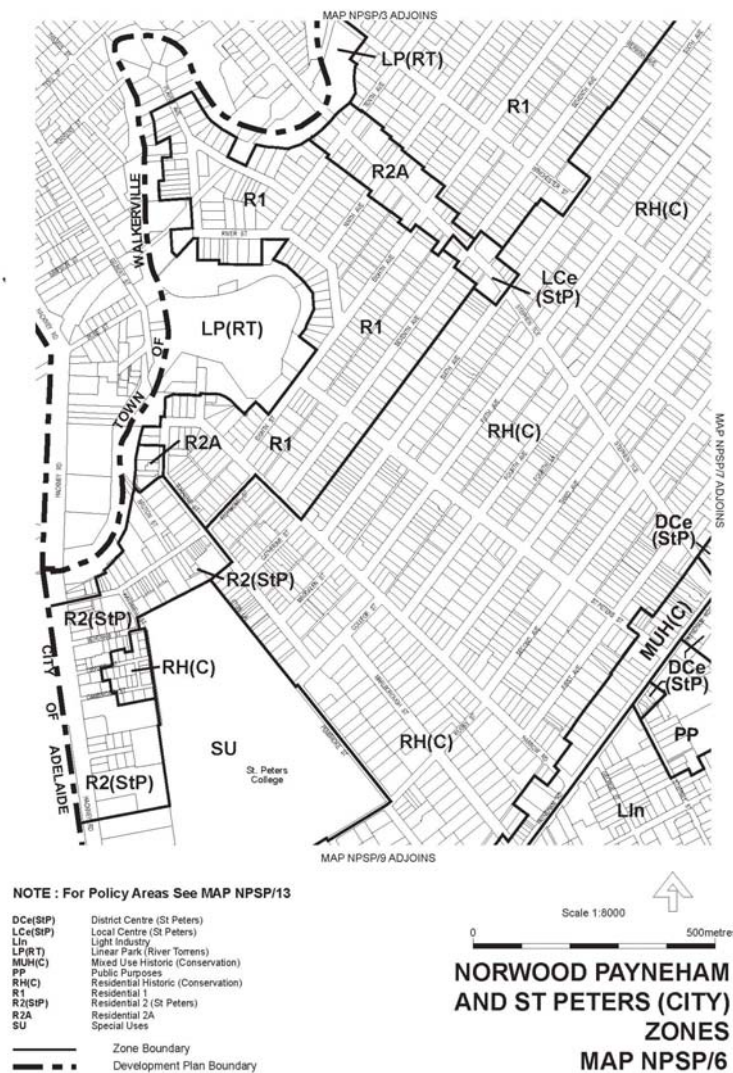
Dated 28 October 2009.

PAUL HOLLOWAY, Minister for Urban Development and Planning

AUTHORISED AMENDMENTS TO THE NORWOOD, PAYNEHAM AND ST PETERS (CITY) DEVELOPMENT PLAN DATED 18 DECEMBER 2008

1. Delete the Caravan and Tourist Park Zone.
2. Amend the mapping within the Plan as follows to apply the Residential 2 (St Peters) Zone to the land affected by the Caravan and Tourist Park Zone.
3. Delete Map NPSP/6 and insert the contents of Attachment A.

ATTACHMENT A



ELECTORAL ACT 1985

Part 6—Registration of Political Parties

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

Name of Party: Democratic Labor Party of Australia

Abbreviation: DLP

Dated 29 October 2009.

K. MOUSLEY, Electoral Commissioner

ECSA 175/09

FIRE AND EMERGENCY SERVICES ACT 2005

SECTION 78

Fire Danger Season

THE South Australian Country Fire Service hereby:

1. Fixes the date of the Fire Danger Season within the part of the State defined as the Adelaide Metropolitan Fire Ban District so as to commence on 1 December 2009 and to end on 30 April 2010.

2. Fixes the date of the Fire Danger Season within the part of the State defined as the Eastern Eyre Peninsula Fire Ban District so as to commence on 1 November 2009 and to end on 15 April 2010.

3. Fixes the date of the Fire Danger Season within the part of the State defined as the Flinders Fire Ban District so as to commence on 1 November 2009 and to end on 15 April 2010.

4. Fixes the date of the Fire Danger Season within the part of the State defined as the Kangaroo Island Fire Ban District so as to commence on 1 December 2009 and to end on 30 April 2010.

5. Fixes the date of the Fire Danger Season within the part of the State defined as the Lower Eyre Peninsula Fire Ban District so as to commence on 1 November 2009 and to end on 15 April 2010.

6. Fixes the date of the Fire Danger Season within the part of the State defined as the Lower South East Fire Ban District so as to commence on 22 November 2009 and to end on 30 April 2010.

7. Fixes the date of the Fire Danger Season within the part of the State defined as the Mid North Fire Ban District so as to commence on 15 November 2009 and to end on 30 April 2010.

8. Fixes the date of the Fire Danger Season within the part of the State defined as the Mt Lofty Ranges Fire Ban District so as to commence on 1 December 2009 and to end on 30 April 2010.

9. Fixes the date of the Fire Danger Season within the part of the State defined as the Murraylands Fire Ban District so as to commence on 15 November 2009 and to end on 15 April 2010.

10. Fixes the date of the Fire Danger Season within the part of the State defined as the North East Pastoral Fire Ban District so as to commence on 1 November 2009 and to end on 31 March 2010.

11. Fixes the date of the Fire Danger Season within the part of the State defined as the North West Pastoral Fire Ban District so as to commence on 1 November 2009 and to end on 31 March 2010.

12. Fixes the date of the Fire Danger Season within the part of the State defined as the Riverland Fire Ban District so as to commence on 15 November 2009 and to end on 15 April 2010.

13. Fixes the date of the Fire Danger Season within the part of the State defined as the Upper South East Fire Ban District so as to commence on 15 November 2009 and to end on 15 April 2010.

14. Fixes the date of the Fire Danger Season within the part of the State defined as the West Coast Fire Ban District so as to commence on 1 November 2009 and to end on 15 April 2010.

15. Fixes the date of the Fire Danger Season within the part of the State defined as the Yorke Peninsula Fire Ban District so as to commence on 15 November 2009 and to end on 30 April 2010.

E. FERGUSON, Chief Officer, S.A. Country Fire Service

FISHERIES MANAGEMENT ACT 2007: SECTION 59

TAKE notice that pursuant to section 115 of the Fisheries Management Act 2007, Dr Charlie Huveneers of the South Australian Research and Development Institute—Aquatic Sciences ('SARDI Aquatic Sciences'), 2 Hamra Avenue, West Beach, S.A. 5024, (the 'exemption holder'), or a person acting as his agent, is exempt from sections 70 and 71 of the Fisheries Management Act 2007 and Regulation 23 of the Fisheries Management (General) Regulations 2007, but only insofar as he will not be guilty of an offence when using berley and undertaking tagging of pelagic shark species listed in Schedule 1 in South Australian waters (the 'exempted activity'), subject to the conditions set out in Schedule 2, from the 30 October 2009 until 30 September 2010 inclusive, unless varied or revoked earlier.

SCHEDULE 1

- Mako shark (*Isurus oxyrinchus*);
- Blue shark (*Prionace glauca*);
- Dusky Whaler (*Carchorhinus obscurus*);
- Bronze Whaler (*Carchorhinus brachyurus*);
- Hammerhead shark (*Sphyrna spp.*);
- Thresher shark (*Alopixis spp.*);
- White shark (*Carcharodon carcharias*).

SCHEDULE 2

1. The exemption holder or his agents may only catch, tag and release the species listed in Schedule 1. No other species may be taken or retained by the exemption holder or his agents whilst undertaking the exempted activity.

2. The use of berley must not be undertaken within the following waters:

- Gulf St Vincent;
- Spencer Gulf;
- within three nautical miles of the mainland of the State;
- any island or reef that forms part of the State and is exposed at the low water mark.

3. The exemption holder or his agents must not conduct any recreational fishing whilst undertaking the exempted activity.

4. The exemption holder or his agents may only use recreational fish gear; fishing gear provided by SARDI Aquatic Sciences; or, if the agent is a licensed commercial fisher, gear endorsed on the agent's commercial fishing licence.

5. Only the following persons may act as an agent of the exemption holder:

- Employees of SARDI Aquatic Sciences; and
- Other persons accompanied by an employee of SARDI Aquatic Sciences.

6. An agent, other than an employee of SARDI Aquatic Sciences, must be accompanied by an employee of SARDI Aquatic Sciences at all times whilst undertaking the exempted activity.

7. The exemption holder must provide each of his agents with a short letter confirming that they may act as his agent prior to commencing the exempted activity.

8. The exemption holder must notify PIRSA Fishwatch on 1800 065 522 at least two hours prior to conducting the exempted activity and answer a series of questions about the exempted activity. The exemption holder will need to have a copy of the exemption at the time of making the call, and be able to provide information about the area and time of the exempted activity, the vehicles and boats involved, the number of agents undertaking the exempted activity and other related questions. Exemption No. 9902273.

9. While engaged in the exempted activity, the exemption holder must be in possession of a copy of this notice. A copy of this notice and such a letter must be produced to a PIRSA Fisheries Compliance Officer if requested.

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

Dated 21 October 2009.

M. SMALLRIDGE, Director of Fisheries

FISHERIES MANAGEMENT ACT 2007: SECTION 79

Closure of Pipi Fishery—Commercial

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

SCHEDULE 1

The act of taking or an act preparatory to the taking of pipi (*Donax deltooides*) for the purpose of trade or business.

SCHEDULE 2

From midnight on 31 October 2009 until midnight on 30 November 2009.

Dated 26 October 2009.

M. SMALLRIDGE, Director of Fisheries

FISHERIES MANAGEMENT ACT 2007: SECTION 79

Closure of Pipi Fishery—Commercial

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

SCHEDULE 1

The act of taking or an act preparatory to the taking of pipi (*Donax deltooides*) for the purpose of trade or business.

SCHEDULE 2

From midnight on 31 December 2009 until midnight on 14 January 2010 inclusive.

Dated 26 October 2009.

M. SMALLRIDGE, Director of Fisheries

FISHERIES MANAGEMENT ACT 2007: SECTION 115

TAKE notice that pursuant to section 115 of the Fisheries Management Act 2007, any unlicensed person (the 'exemption holders'), is exempt from the notice dated 26 October 2009 under section 79 of the Fisheries Management Act 2007, prohibiting the taking of pipi (*Donax deltooides*) but only insofar as the exemption holder shall not be guilty of an offence when taking not more than 300 pipi in any one day (the 'exempted activity'), subject to the conditions contained in Schedule 1, from midnight on 31 October 2009 until midnight on 31 May 2010, unless varied or revoked earlier.

SCHEDULE 1

1. The exempted activity must not be undertaken on the Younghusband Peninsula between the Murray Mouth and Kingston SE.

2. The exemption holders may only take a maximum of 300 pipi (*Donax deltooides*) per person on any one day for recreational purposes.

3. Pipsis taken pursuant to this notice must not be used for the purpose of trade or business.

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

Dated 27 October 2009.

M. SMALLRIDGE, Director of Fisheries

FISHERIES MANAGEMENT ACT 2007: SECTION 79

GOOLWA BEACH CLOSURE

Closure of Pipi Fishery—Commercial

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

SCHEDULE 1

The act of taking or an act preparatory to the taking of pipi (*Donax deltooides*) for the purpose of trade or business.

SCHEDULE 2

The Sir Richard Peninsula between the Murray Mouth and Port Elliot.

SCHEDULE 3

From midnight on 31 October 2009 until midnight on 31 May 2010.

Dated 26 October 2009.

M. SMALLRIDGE, Director of Fisheries

FISHERIES MANAGEMENT ACT 2007: SECTION 79

COORONG BEACH CLOSURE

Closure of Pipi Fishery—Commercial

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

SCHEDULE 1

The act of taking or an act preparatory to the taking of pipi (*Donax deltooides*) for recreational purposes.

SCHEDULE 2

The Younghusband Peninsula between the Murray Mouth and Kingston SE.

SCHEDULE 3

From midnight on 31 October 2009 until midnight on 31 May 2010.

Dated 27 October 2009.

M. SMALLRIDGE, Director of Fisheries

FISHERIES MANAGEMENT ACT 2007: SECTION 79

Closure of Pipi Fishery—Recreational

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

SCHEDULE 1

The act of taking or an act preparatory to the taking of pipi (*Donax deltooides*) for recreational purposes.

SCHEDULE 2

From midnight on 31 October 2009 until midnight on 31 May 2010.

Dated 26 October 2009.

M. SMALLRIDGE, Director of Fisheries

FISHERIES MANAGEMENT ACT 2007: SECTION 115

TAKE notice that pursuant to section 115 of the Fisheries Management Act 2007, Steve Alexander, 73 Warrengie Drive, Meningie, S.A. 5264 (the 'exemption holder'), holder of Lakes and Coorong Fishery Licence No. L38, is exempt from the provisions of sections 53 (2) and 55 (3) of the Fisheries Management Act 2007, but only insofar as he may take fish within the waters of Lake Albert using the gear specified in Schedule 1 (the 'exempted activity'), subject to the conditions set out in Schedule 2, from 28 October 2009 until 31 October 2009, unless varied or revoked earlier.

SCHEDULE 1

- 75 gill nets with a maximum length of 50 m.

SCHEDULE 2

1. The exemption holder may only take species of fish listed in Schedule 1 of the Fisheries Management (Lakes and Coorong Fishery) Regulations 2006.

2. The exemption holder may only engage in the exempted activity when fishing pursuant to Lakes and Coorong Fishery Licence No. L38 and may only use a boat to engage in the exempted activity if that boat is registered by endorsement on Lakes and Coorong Fishery Licence No. L38.

3. The exempted activity may only be undertaken within the waters of Lake Albert.

4. The exemption holder must include all fish taken pursuant to this exemption on the monthly catch and effort summary provided to the South Australian Research and Development Institute (SARDI).

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

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

Dated 23 October 2009.

M. SMALLRIDGE, Director of Fisheries

FISHERIES MANAGEMENT ACT 2007: SECTION 115

TAKE notice that pursuant to section 115 of the Fisheries Management Act 2007, Glendan Darryl Hill, P.O. Box 113, Meningie, S.A. 5264 (the 'exemption holder'), holder of Lakes and Coorong Fishery Licence No. L03, is exempt from the provisions of section 53 (3) of the Fisheries Management Act 2007 and Clauses 84, 87 and 97 of Schedule 6 of the Fisheries Management (General) Regulations 2007, but only insofar as he may take fish within the waters of Lake Albert using the gear specified in Schedule 1 (the 'exempted activity'), subject to the conditions set out in Schedule 2, from 23 October 2009 until 31 October 2009, unless varied or revoked earlier.

SCHEDULE 1

- 1 hauling net with a maximum length of 500 m.
- 1 hauling net with a maximum length of 700 m.

SCHEDULE 2

1. The exemption holder may only take species of fish listed in Schedule 1 of the Fisheries Management (Lakes and Coorong Fishery) Regulations 2006.

2. The nets listed in Schedule 1 may be used with a power winch to haul the nets.

3. The exemption holder may only engage in the exempted activity when fishing pursuant to Lakes and Coorong Fishery Licence No. L03 and may only use a boat to engage in the exempted activity if that boat is registered by endorsement on Lakes and Coorong Fishery Licence No. L03.

4. The exempted activity may only be undertaken within the waters of Lake Albert.

5. The exemption holder must include all fish taken pursuant to this exemption on the monthly catch and effort summary provided to the South Australian Research and Development Institute (SARDI).

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

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

Dated 23 October 2009.

M. SMALLRIDGE, Director of Fisheries

FISHERIES MANAGEMENT ACT 2007: SECTION 115

TAKE notice that pursuant to section 115 of the Fisheries Management Act 2007, Michael Scott Gibbs, 113 Narrung Road, Meningie, S.A. 5264 (the 'exemption holder'), holder of Lakes and Coorong Fishery Licence No. L43, is exempt from the provisions of sections 53 (2) and 55 (3) of the Fisheries Management Act 2007, but only insofar as he may take fish within the waters of Lake Albert using the gear specified in Schedule 1 (the 'exempted activity'), subject to the conditions set out in Schedule 2, from 23 October 2009 until 31 October 2009, unless varied or revoked earlier.

SCHEDULE 1

- 50 gill nets with a maximum length of 50 m.

SCHEDULE 2

1. The exemption holder may only take species of fish listed in Schedule 1 of the Fisheries Management (Lakes and Coorong Fishery) Regulations 2006.

2. The exemption holder may only engage in the exempted activity when fishing pursuant to Lakes and Coorong Fishery Licence No. L43 and may only use a boat to engage in the exempted activity if that boat is registered by endorsement on Lakes and Coorong Fishery Licence No. L43.

3. The exempted activity may only be undertaken within the waters of Lake Albert.

4. The exemption holder must include all fish taken pursuant to this exemption on the monthly catch and effort summary provided to the South Australian Research and Development Institute (SARDI).

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

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

Dated 23 October 2009.

M. SMALLRIDGE, Director of Fisheries

FISHERIES MANAGEMENT ACT 2007: SECTION 115

TAKE notice that pursuant to section 115 of the Fisheries Management Act 2007, Perry Richard Gibbs, 95 Narrung Road, Meningie, S.A. 5264 (the 'exemption holder'), holder of Lakes and Coorong Fishery Licence No. L12, is exempt from the provisions of sections 53 (2) and 55 (3) of the Fisheries Management Act 2007 but only insofar as he may take fish within the waters of Lake Albert using the gear specified in Schedule 1 (the 'exempted activity'), subject to the conditions set out in Schedule 2, from 23 October 2009 until 31 October 2009, unless varied or revoked earlier.

SCHEDULE 1

- 50 gill nets with a maximum length of 50 m.

SCHEDULE 2

1. The exemption holder may only take species of fish listed in Schedule 1 of the Fisheries Management (Lakes and Coorong Fishery) Regulations 2006.

2. The exemption holder may only engage in the exempted activity when fishing pursuant to Lakes and Coorong Fishery Licence No. L12 and may only use a boat to engage in the exempted activity if that boat is registered by endorsement on Lakes and Coorong Fishery Licence No. L12.

3. The exempted activity may only be undertaken within the waters of Lake Albert.

4. The exemption holder must include all fish taken pursuant to this exemption on the monthly catch and effort summary provided to the South Australian Research and Development Institute (SARDI).

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

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

Dated 23 October 2009.

M. SMALLRIDGE, Director of Fisheries

FISHERIES MANAGEMENT ACT 2007: SECTION 115

TAKE notice that pursuant to section 115 of the Fisheries Management Act 2007, Brian Brooks, Lot 9 Yumalia Road, Meningie, S.A. 5264, holder of Lakes and Coorong Fishery Licence No. L42, or a master registered on Lakes and Coorong Fishery Licence No. L42 (the 'exemption holders'), are exempt from the provisions of sections 53 (2) and 55 (3) of the Fisheries Management Act 2007, but only insofar as they may take fish within the waters of Lake Albert using the gear specified in Schedule 1 (the 'exempted activity'), subject to the conditions set out in Schedule 2, from 23 October 2009 until 31 October 2009, unless varied or revoked earlier.

SCHEDULE 1

- 50 gill nets with a maximum length of 50 m.
- 1 hauling net with a maximum length of 550 m, maximum depth of 5 m and a minimum mesh size of 50 mm.

SCHEDULE 2

1. The exemption holders may only take species of fish listed in Schedule 1 of the Fisheries Management (Lakes and Coorong Fishery) Regulations 2006.

2. The exemption holders may only engage in the exempted activity when fishing pursuant to Lakes and Coorong Fishery Licence No. L42 and may only use a boat to engage in the exempted activity if that boat is registered by endorsement on Lakes and Coorong Fishery Licence No. L42.

3. The exempted activity may only be undertaken within the waters of Lake Albert.

4. The exemption holders must include all fish taken pursuant to this exemption on the monthly catch and effort summary provided to the South Australian Research and Development Institute (SARDI).

5. While engaged in the exempted activity, the exemption holders must be in possession of a copy of this notice. Such notice must be produced to a PIRSA Fisheries Officer if requested.

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

Dated 23 October 2009.

M. SMALLRIDGE, Director of Fisheries

HARBORS AND NAVIGATION REGULATIONS 2009

SCHEDULE 4: PORT ADELAIDE

Notice of 'prescribed day'

I, PATRICK CONLON, Minister for Transport, fix 30 October 2009, as the prescribed day for the purposes of the item relating to Port Adelaide in Schedule 4 of the Harbors and Navigation Regulations 2009 (see *Gazette*, 27 August 2009, page 3888).

Dated 26 October 2009.

PATRICK CONLON, Minister for Transport

LAND ACQUISITION ACT 1969

(SECTION 16)

Notice of Acquisition

THE COMMISSIONER OF HIGHWAYS (the 'Authority'), 33 Warwick Street, Walkerville, S.A. 5081, acquires the following interests in the following land:

Definition of Land Acquired

Comprising an unencumbered estate in fee simple in that piece of land situated at Lot 37, Taylors road, Virginia, being portion of Allotment 37 in Deposited Plan 76443, comprised in certificate of title volume 6015, folio 235 and being the whole of the land numbered '96' on a plan numbered D81811 that has been lodged in the Lands Titles Office.

This notice is given under section 16 of the Land Acquisition Act 1969.

Compensation

A person who has or had an interest in the land that is divested or diminished by the acquisition or the enjoyment of which is adversely affected by the acquisition who does not receive an offer of compensation from the Authority may apply to the Authority for compensation.

Inquiries

Inquiries should be directed to:

Jim Tuppin,
P.O. Box 1,
Walkerville, S.A. 5081
Telephone: (08) 8343 2760

Dated 27 October 2009.

The Common Seal of the Commissioner of Highways was hereto affixed by direction of the Commissioner of Highways in the presence of:

D. THOMAS, Manager, Property Planning and Management Services, (Authorised Officer), Department for Transport, Energy and Infrastructure

DTEI 2007/11509/01

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 D. C. A. Tavern Pty Ltd as trustee for D. & N. Gentile Family Trust has applied to the Licensing Authority for the transfer of a Hotel and Gaming Machine Licence in respect of premises situated at Lot 56, Scott Road, Kersbrook, S.A. 5231 and known as Kersbrook Tavern.

The application has been set down for hearing on 19 November 2009 at 9 a.m.

Any person may object to the applications by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least two days before the hearing date (viz: 17 November 2009).

The applicant's address for service is c/o Dominic and Natalie Gentile, 31 Allchurch Avenue, Redwood Park, S.A. 5097.

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 22 October 2009.

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 Independent Pub Group Pty Ltd has applied to the Licensing Authority for the transfer of a Hotel and Gaming Machine Licence in respect of premises situated at 75 Port Wakefield Road, Bolivar, S.A. 5110 and known as Whitehorse Inn Hotel.

The application has been set down for hearing on 24 November 2009 at 9.30 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the hearing date (viz: 17 November 2009).

The applicant's address for service is c/o Minter Ellison Lawyers, G.P.O. Box 1272, Adelaide, S.A. 5001 (Attention: Con Andonis).

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 22 October 2009.

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 Thai Orchid Enterprises Pty Ltd has applied to the Licensing Authority for Alterations and Redefinition in respect of premises situated at 255 Esplanade, Henley Beach, S.A. 5022 and known as Thai Orchid.

The application has been set down for hearing on 9 November 2009 at 2 p.m.

Conditions

The following licence conditions are sought:

- Alterations and Redefinition to construct a balcony area looking over Henley Square as per plans lodged with this office.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, on or before the hearing date (viz: 8 November 2009).

The applicant's address for service is c/o Chi Ngou, 255 Esplanade, Henley Beach, S.A. 5022.

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 22 October 2009.

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 L. K. Vineyard Management Pty Ltd has applied to the Licensing Authority for the removal of a Producer's Licence in respect of premises situated at Lot 35, Warena Road, Clare, S.A. 5453 and to be situated at 12 Main North Road, Clare S.A. 5453 and known as The Last Word Wines.

The application has been set down for hearing on 11 November 2009 at 11.30 a.m.

Conditions

The following licence conditions are sought:

- Redefinition to include a designated Sampling and Dining Area as per plans lodged with this office.
- Variation to Licence conditions to remove the following condition:

All activities associated with the Producer's Licence are to meet the criteria under 'Home Activity' as defined in the Development Regulations 1993.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, on or before the hearing date (viz: 10 November 2009).

The applicant's address for service is c/o Ilona Schutz, P.O. Box 63, Clare, S.A. 5453.

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 October 2009.

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 McLaren Wines Pty Ltd has applied to the Licensing Authority for the transfer of a Special Circumstances Licence and variation to Conditions in respect of premises situated at Lot 3, corner of Foggo Road and Kangarilla Road, McLaren Vale, S.A. 5171 and known as Redhead Studio.

The application has been set down for hearing on 12 November 2009 at 11.30 a.m.

Conditions

The following licence conditions are sought:

- Variation to conditions to vary Condition 2:

From:

The following wines may be sold or supplied for consumption on or off the licensed premises without the restrictions imposed by Condition 1:

Wines produced by the Applicant, Justin Lane or by participating wineries;

Defined as wineries which produce with either wholly or partly on the premises in accordance with section 39 (2) of the Act, save for the requirement to use Australian Primary Produce; and

Wines produced by or under exclusive licence for Direct Wines Ltd in accordance with section 39 (2) of the Act, save for the requirement to use Australian Primary Produce, for so long as that company shall remain a shareholder of one half or more of the shares in the applicant.

To:

The following liquor may be sold or supplied for consumption on or off the licensed premises without the restrictions imposed by Condition 1:

Liquor produced by the licensee or related body corporate.

- Variation to conditions to delete Condition 9 which reads:

The licensed premises shall at all times be used as an operation winery and shall operate between the hours of 7 a.m. and 7 p.m., Monday to Friday during vintage and between 8 a.m. and 5 p.m. during non-vintage.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, on or before the hearing date (viz: 11 November 2009).

The applicant's address for service is c/o David Watts and Associates, 1 Cator Street, Glenside, S.A. 5065.

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 21 October 2009.

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 Encore Hotels Pty Ltd as trustee for Hackney Hotel Trust and Azif Pty Ltd as trustee for Anthony Smith Family Trust No. 2 have applied to the Licensing Authority for Alterations, Redefinition, variation to an Extended Trading Authorisation and variation to Entertainment Consent in respect of premises situated at 95 Hackney Road, Hackney, S.A. 5069 and known as Hackney Hotel.

The application has been set down for hearing on 18 November 2009 at 9 a.m.

Conditions

The following licence conditions are sought:

- Alterations to Ground Floor to create a private dining and verandah area adjacent to Areas 4 and 1 as per plans lodged with this office.
- Variation to Extended Trading Authorisation to include the abovementioned areas on the following day and times:
Sunday: 8 a.m. to 11 a.m. and 8 p.m. to Midnight.
- Alterations and Redefinition of the First Floor to include a new function room as per plans lodged with this office.
- Variation to an Extended Trading Authorisation to include the abovementioned area for the following days and times:
Tuesday to Thursday: Midnight to 12.30 a.m. the following day;
Friday to Saturday: Midnight to 1.30 a.m. the following day;
Sunday: 8 p.m. to Midnight.
- Variation to Entertainment Consent to include the proposed function room for the abovementioned days and times.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicants at the applicants' address, at least two days before the hearing date (viz: 16 November 2009).

The applicants' address for service is c/o DMAW Lawyers, Level 3, 80 King William Street, Adelaide, S.A. 5000 (Attention: Craig Vozzo or Adrian Battiston).

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 23 October 2009.

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 BDC Enterprises Australia Pty Ltd has applied to the Licensing Authority for a Restaurant Licence in respect of premises situated at Tenancy TO3A/6 Hallett Cove Shopping Centre, Ramrod Avenue, Hallett Cove, S.A. 5158 and to be known as Vietnam Bay Restaurant.

The application has been set down for hearing on 18 November 2009 at 10 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least two days before the hearing date (viz: 16 November 2009).

The applicant's address for service is c/o Adcock Conveyancing, P.O. Box 53, Hindmarsh, S.A. 5007 (Attention: Kathy Stainski).

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 21 October 2009.

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 Meridee Anne Adams as trustee for Meridee Adams Family Trust and Simon Benjamin Sheffield as trustee for Simon Sheffield Family Trust have applied to the Licensing Authority for the transfer of a Restaurant Licence in respect of premises situated at 211 (A) The Parade, Norwood, S.A. 5067, and known as Mondo Food Wine Coffee.

The application has been set down for hearing on 18 November 2009 at 11.30 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicants at the applicants' address, at least two days before the hearing date (viz: 16 November 2009).

The applicants' address for service is c/o Simon Sheffield, 1/7 Nora Street, Maylands, 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 22 October 2009.

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 Eilis Mary Mitchell and Patricia Nora Anderson as trustees for Mitchell Family Trust have applied to the Licensing Authority for a Producer's Licence in respect of premises situated at 7 Kingston Terrace, Auburn, S.A. 5451 and to be known as Eilis Mitchell Wines.

The application has been set down for hearing on 19 November 2009 at 11.30 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicants at the applicants' address, at least two days before the hearing date (viz: 17 November 2009).

The applicants' address for service is c/o Jenkin Anderson Allard, P.O. Box 118, Auburn, S.A. 5451 (Attention: Greg Anderson).

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 22 October 2009.

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 Twin Bays Wine Company Pty Ltd has applied to the Licensing Authority for the removal of a Producer's Licence in respect of premises situated at Lot 1, Martin Road, Yankalilla, S.A. 5203, to be situated at 246 Melbourne Street, North Adelaide, S.A. 5006 and to be known as Twin Bays.

The application has been set down for hearing on 19 November 2009 at 11 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least two days before the hearing date (viz: 17 November 2009).

The applicant's address for service is c/o Bruno Giorgio, 246 Melbourne Street, North Adelaide, S.A. 5006.

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 22 October 2009.

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 Piccadilly Hills Pty Ltd as trustee for Harvest Farms Unit Trust has applied to the Licensing Authority for a Producer's Licence in respect of premises situated at Lot 7, Harris Road, Lenswood, S.A. 5240 and to be known as Piccadilly Hills.

The application has been set down for hearing on 19 November 2009 at 10.30 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least two days before the hearing date (viz: 17 November 2009).

The applicant's address for service is c/o Clelands Lawyers, 208 Carrington Street, Adelaide, S.A. 5000 (Attention: Leon McEvoy).

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 22 October 2009.

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 Collett Wines Pty Ltd has applied to the Licensing Authority for Redefinition, variation to an Extended Trading Authorisation, Entertainment Consent and variations to Conditions in respect of premises situated at Douglas Gully Road, McLaren Flat, S.A. 5171 and known as Woodstock.

The application has been set down for hearing on 19 November 2009 at 9 a.m.

Conditions

The following licence conditions are sought:

- Redefinition to include the courtyard dining area and surrounding grounds as per plans lodged with this office.
- Variation to Extended Trading Authorisation to include the abovementioned proposed redefined areas in accordance with the currently approved Extended Trading Authorisation as per plans lodged with this office.
- Entertainment Consent to apply to the hours of operation of the licence but not exceeding 10 p.m. outside and 1 a.m. inside.
- Variation to Licence Conditions to include the following:

To sell for consumption off the licensed premises at any time on any day wine produced by the licensee or a related company.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least two days before the hearing date (viz: 17 November 2009).

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

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 23 October 2009.

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 059 144 286 Pty Ltd has applied to the Licensing Authority for a Special Circumstances Licence with Responsible Person Exemption in respect of premises situated at 616 Torrens Road, Woodville North, S.A. 5012 and to be known as Evans Clarke National.

The application has been set down for hearing on 24 November 2009 at 10 a.m.

Conditions

The following licence conditions are sought:

- To sell liquor for consumption off the licensed premises:

Liquor may be sold only by way of a *bona fide* public auction (including on-line auctions); any liquor so sold shall be on behalf of third party vendors.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the hearing date (viz: 17 November 2009).

The applicant's address for service is c/o David Watts and Associates, 1 Cator Street, Glenside, S.A. 5065.

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 23 October 2009.

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 Kingscote Bowling Club Inc. has applied to the Licensing Authority for an Extension of Trading Area in respect of premises situated at Kohinoor Road, Kingscote, S.A. 5223 and known as Kingscote Bowling Club Inc.

The application has been set down for hearing on 25 November 2009 at 9 a.m.

Conditions

The following licence conditions are sought:

- Both Greens 1 and 2 will be licensed.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least two days before the hearing date (viz: 23 November 2009).

The applicant's address for service is c/o Margaret Edwards, P.O. Box 35, Kingscote, S.A. 5223.

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 October 2009.

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 John Peter Adamopoulos has applied to the Licensing Authority for a Producer's Licence in respect of premises situated at Lot 91, Flagstaff Hill Road, Currency Creek, S.A. 5214 and to be known as Showblock Estate.

The application has been set down for hearing on 26 November 2009 at 9.30 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the hearing date (viz: 19 November 2009).

The applicant's address for service is c/o John Adamopoulos, 199 The Esplanade, Henley Beach, S.A. 5022.

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 22 October 2009.

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 Barry Frederick Price has applied to the Licensing Authority for the transfer of a Restaurant Licence in respect of premises situated at 37 Bay Road, Mount Gambier, S.A. 5290, known as Le Cavalier Restaurant and to be known as Le Cavalier Court Motel & Restaurant.

The application has been set down for hearing on 26 November 2009 at 11.30 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the hearing date (viz: 19 November 2009).

The applicant's address for service is c/o Fiona Tilley, 102 Commercial Street East, Mount Gambier, S.A. 5290.

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 23 October 2009.

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 Donald Henderson and Melanie Dawn Henderson have applied to the Licensing Authority for a Producer's Licence in respect of premises situated at Lot 50, Saint Andrews Terrace, Willunga, S.A. 5172 and to be known as Brierly Vineyards.

The application has been set down for hearing on 30 November 2009 at 10.30 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicants at the applicants' address, at least seven days before the hearing date (viz: 23 November 2009).

The applicants' address for service is c/o Donald Henderson, P.O. Box 34, Willunga, S.A. 5172.

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 23 October 2009.

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 Brunner Travel Pty Ltd and Sunbolt Holdings Pty Ltd have applied to the Licensing Authority for the transfer of a Restaurant Licence in respect of premises situated at 7 Hay Street, Goolwa, S.A. 5214 known as Whistlestop Cafe and Antiques and to be known as Rankines at the Whistlestop.

The application has been set down for hearing on 30 November 2009 at 11 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicants at the applicants' address, at least seven days before the hearing date (viz: 23 November 2009).

The applicants' address for service is c/o Peter Rankine, P.O. Box 460, Goolwa, S.A. 5214.

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 October 2009.

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 Geraldine Frater, Lot 22, Barossa Valley Highway, Rowland Flat, S.A. 5352 has applied to the Licensing Authority for a Direct Sales Licence in respect of the Business to be known as E.G. Distribution.

The application has been set down for hearing on 1 December 2009 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the hearing date (viz: 24 November 2009).

The applicant's address for service is c/o Geraldine Frater, P.O. Box 905, Rowland Flat, S.A. 5352.

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 October 2009.

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: Doray Minerals Limited

Location: Lake Gairdner area—Approximately 90 km south-south-east of Tarcoola.

Pastoral Lease: Lake Everard

Term: 1 year

Area in km²: 81

Ref.: 2009/00133

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

S. WATSON, 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: Uranium Exploration Australia Limited

Location: Lake Eyre South area—Approximately 70 km west-south-west of Marree.

Pastoral Lease: Stuarts Creek

Term: 1 year

Area in km²: 965

Ref.: 2009/00170

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

S. WATSON, 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: Uranium Exploration Australia Limited

Location: Stuart Shelf 1 area—Approximately 60 km north-north-east of Coober Pedy.

Pastoral Lease: Mount Barry

Term: 1 year

Area in km²: 542

Ref.: 2009/00176

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

S. WATSON, 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: Uranium Exploration Australia Limited

Location: Stuart Shelf 5 area—Approximately 60 km south-west of Leigh Creek.

Pastoral Lease: Nilpena

Term: 1 year

Area in km²: 206

Ref.: 2009/00182

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

S. WATSON, 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: Uranium Exploration Australia Limited

Location: Stuart Shelf 6 area—Approximately 30 km north-north-west of Port Augusta.

Pastoral Leases: Mount Arden, Wilkatana

Term: 1 year

Area in km²: 52

Ref.: 2009/00183

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

S. WATSON, 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: Carpentaria Exploration Limited

Location: South Dam area—Approximately 70 km north-east of Burra.

Term: 1 year

Area in km²: 86

Ref.: 2009/00229

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

S. WATSON, Mining Registrar

NATIONAL ELECTRICITY LAW

THE Australian Energy Market Commission (AEMC) gives notice under the National Electricity Law of the following matter.

Under section 107, the period of time for the making of the draft determination on the *Cost Recovery for Other Services Directions* Rule proposal has been extended to **26 November 2009**.

Further details and all documents on the above matter are available on the AEMC's website www.aemc.gov.au. The relevant documents are also available for inspection at the offices of the AEMC.

John Tamblyn
Chairman
Australian Energy Market Commission
Level 5, 201 Elizabeth Street
Sydney, N.S.W. 2000
Telephone: (02) 8296 7800
Facsimile: (02) 8296 7899

29 October 2009.

NATIONAL PARKS AND WILDLIFE (NATIONAL PARKS)
REGULATIONS 2001*National Parks and Wildlife Reserves—Fire Restrictions*

PURSUANT to Regulation 16 (1) of the National Parks and Wildlife (National Parks) Regulations 2001, I, Leanne Burch, the Acting Executive Director of National Parks and Wildlife, impose fire restrictions for National Parks and Wildlife Reserves as listed in Schedule 1 below.

The purpose of these fire restrictions is to ensure the safety of visitors using the Reserves and in the interests of protecting the Reserves and neighbouring properties.

Dated 27 October 2009.

L. BURCH, Acting Director, National
Parks and Wildlife

SCHEDULE 1

1. ADELAIDE REGION

Lofty Districts

All Reserves: Wood fires or solid fuel fires and gas fires are prohibited throughout the year, other than as follows: Gas fires only are permitted within Morialta Conservation Park, Black Hill Conservation Park, Para Wirra Recreation Park, Mount George Conservation Park, Sandy Creek Conservation Park, Belair National Park, Cleland Conservation Park, Brownhill Creek Recreation Park, Mark Oliphant Conservation Park and Onkaparinga River National Park in designated areas only, other than on days of total fire ban.

Designated fixed gas barbecues in Belair National Park may be used on days of total fire ban except when the Director has formally closed the Reserve in accordance with Regulation 8 (3) (b) of the National Parks and Wildlife (National Parks) Regulations 2001.

Fleurieu District

Newland Head Conservation Park: Wood fires or solid fuel fires are prohibited throughout the year.

All other Reserves: All wood fires or solid fuel fires are prohibited from 1 December 2009 to 30 April 2010. Gas fires are permitted other than on days of total fire ban.

For further information, please contact the Adelaide Regional Office on (08) 8336 0901 or CFS Fire Bans Hotline 1300 362 361.

2. NORTHERN AND YORKE REGION

Southern Flinders District

All Reserves: All wood fires or solid fuel fires are prohibited throughout the year, other than as follows: Mambrey Creek Campground; wood fires or solid fuel fires are prohibited from 1 November 2009 to 15 April 2010, fires are permitted outside these dates in designated areas only. Gas fires are permitted other than on days of total fire ban for all Reserves.

Mid North and Yorke Districts

All Reserves: All wood fires or solid fuel fires are prohibited from 15 November 2009 to 30 April 2010. Gas fires are permitted other than on days of total fire ban.

Red Banks Conservation Park, Spring Gully Conservation Park, Pandappa Conservation Park and Mokota Conservation Parks: All wood fires and solid fuel fires are prohibited throughout the year.

For further information, please contact the Northern and Yorke Regional Office on (08) 8841 3400 or CFS Fire Bans Hotline 1300 362 361.

3. OUTBACK REGION

The following reserves: Vulkathunha-Gammon Ranges National Park, Coongie Lakes National Park, Wabma Kadarbu Mount Sprints Conservation Park, Witjira National Park, Lake Eyre National Park, Simpson Desert Conservation Park, Simpson Desert Regional Reserve, Tallaringa Conservation Park and Innamincka Regional Reserve: All wood fires or solid fuel fires are prohibited from 1 November 2009 to 31 March 2010. Gas fires are permitted other than on days of total fire ban.

Flinders Ranges National Park: Wood fires are not permitted during the fire danger season from 1 November 2009 to 15 April 2010. Gas and fuel stoves are permitted except on days of total fire ban when no fires are permitted. Wood fires are not permitted inside Wilpena Pound. Gas fires are only permitted at Coinda camp except on days of total fire ban. Outside of fire ban season, wood fires are only permitted at designated areas in campgrounds.

For further information, please contact the Port Augusta Regional Office (08) 8648 5300 or the Wilpena Visitor Centre (08) 8648 0048 or CFS Fire Bans Hotline 1300 362 361.

4. WEST REGION

Eyre and Far West Districts

All Reserves: All wood fires or solid fuel fires are prohibited from 1 November 2009 to 15 April 2010. Gas fires are permitted other than on days of total fire ban.

Note: Wood fires are permitted between high water mark and low water mark in the following parks: Lincoln National Park and Coffin Bay National Park, providing the following conditions are applied:

- (a) it is not a total fire ban day;
- (b) wood has been supplied from outside the park;
- (c) an adult is in attendance; and
- (d) the fire is extinguished before departure.

Gawler Ranges District

All Reserves: All wood fires or solid fuel fires are prohibited from 1 November 2009 to 31 March 2010. Gas fires are permitted other than on days of total fire ban.

For further information, please contact the Port Lincoln Office on (08) 8688 3111 or CFS Fire Bans Hotline 1300 362 361.

5. KANGAROO ISLAND REGION

All Reserves (except Antechamber Bay campground): All wood fires or solid fuel fires are prohibited throughout the year. Gas fires are permitted other than on days of total fire ban.

Wood fires are permitted in designated areas within the antechamber camp ground outside of the fire danger season from 30 April 2010 to 1 December 2010.

For further information, please contact the Kangaroo Island Office on (08) 8553 2381, Flinders Chase National Park on (08) 8559 7235 or CFS Fire Bans Hotline 1300 362 361.

6. SOUTH EAST REGION

All Reserves: All wood fires or solid fuel fires are prohibited from 15 November 2009 to 30 April 2010. Gas fires are permitted other than on days of total fire ban.

Wood fires are permitted between high water mark and low water mark of the ocean beach foreshore of the following reserves: Piccaninnie Ponds Conservation Park, Little Dip conservation Park and Coorong National Park, other than on days of total fire ban.

All wood fires or solid fuel fires are prohibited throughout the year within the following reserves: Aberdour Conservation Park, Bool Lagoon Game Reserve, Ewens Ponds Conservation Park, Lark From Conservation park, Lower Glenelg River Conservation Park, Mount Monster Conservation Park, Piccaninnie Ponds Conservation Park (above high water mark), and Poocher Swamp game Reserve.

For further information, please contact the Mount Gambier Office on (08) 8735 1177 or CFS Fire Bans Hotline 1300 362 361.

7. MURRAYLANDS REGION

All Reserves: All wood fires or solid fuel fires are prohibited from 15 November 2009 to 15 April 2010. Gas fires are permitted other than on days of total fire ban.

For further information, please contact the Murraylands Regional Office on (08) 8595 2111 or CFS Fire Bans Hotline 1300 362 361.

NATIONAL PARKS AND WILDLIFE (NATIONAL PARKS) REGULATIONS 2001

Re-opening of Coorong National Park

PURSUANT to Regulations 8 (3) (a), 8 (3) (d) and 11 (1) of the National Parks and Wildlife (National Parks) Regulations 2001, I, Leanne Burch, Acting Director of National Parks and Wildlife, advise that the current closure to vehicular traffic, of part of the Coorong National Park which commenced at 6 a.m. on Friday, 8 May 2009, will end at 11.59 p.m. on Thursday, 29 October 2009.

The closure applied to the whole of the Youngusband Peninsula north of a line traversing the Peninsular from east to west commencing 3 km north of 42 Mile Crossing.

Effective from midnight on Thursday, 29 October 2009, the Ocean Beach, on the Youngusband Peninsula 3.5 km north of 42 Mile Crossing and a line approximately 7 km south of Tea Tree Crossing will be re-opened to vehicles.

The purpose of the closure was in the interest of public safety following severe weather events in early winter 2009.

Dated 23 October 2009.

L. BURCH, Acting Director of National Parks and Wildlife

NATIONAL PARKS AND WILDLIFE (NATIONAL PARKS) REGULATIONS 2001

Closure of Simpson Desert Regional Reserve and Simpson Desert Conservation Park

PURSUANT to Regulations 8 (3) (a), 8 (3) (d) of the National Parks and Wildlife (National Parks) Regulations 2001, I, Leanne Burch, Acting Director of National Parks and Wildlife, close to the public the whole of the Simpson Desert Regional Reserve and the whole of Simpson Desert Conservation Park from 6 p.m. on Monday, 30 November 2009 to 6 p.m. on Monday, 15 March 2010.

The purpose of the closure is in the interest of public safety as a result of anticipated high daytime temperatures likely to be experienced in the reserves during the closure period.

Dated 23 October 2009.

L. BURCH, Acting Director of National Parks and Wildlife

NATIONAL PARKS AND WILDLIFE (NATIONAL PARKS) REGULATIONS 2001

Closure of Simpson Desert Regional Reserve and Simpson Desert Conservation Park

PURSUANT to Regulations 8 (3) (a) and 8 (3) (d) of the National Parks and Wildlife (National Parks) Regulations 2001, I, Leanne Burch, Acting Director of National Parks and Wildlife, close to the public the whole of the Simpson Desert Regional Reserve and the whole of Simpson Desert Conservation Park from 6 p.m. on Monday, 30 November 2009 to 6 p.m. on Monday, 15 March 2010.

The purpose of the closure is in the interest of public safety as a result of anticipated high daytime temperatures likely to be experienced in the reserves during the closure period.

Dated 23 October 2009.

L. BURCH, Acting Director of National Parks and Wildlife

PLANT HEALTH ACT 2009

PURSUANT to the Plant Health Act 2009, I, Paul Caica, Minister for Agriculture, Food and Fisheries, make the following notice:

1. Application

The notice of 14 August 1997 under the Fruit and Plant Protection Act 1992 is hereby revoked.

2. Interpretation

In this notice:

- ‘the Act’ means the Plant Health Act 2009;
- ‘inspector’ means an inspector appointed pursuant to section 41 of the Act;
- ‘soil’ does not include clean sand;
- ‘the Standard’ means the document published by Primary Industries and Resources South Australia entitled the ‘Plant Quarantine Standard South Australia’.

3. Section 4—Declaration of Pests

3.1 The following are declared to be pests for the purposes of the Act:

(1) The pests specified by common name and scientific name immediately below:

<i>Common Name</i>	<i>Scientific Name</i>
Bacterial Wilt (of potato)	<i>Ralstonia solanacearum</i>
Black Spot (of citrus)	<i>Guignardia citricarpa</i>
Boil Smut (of maize)	<i>Ustilago maydis</i>
Branched Broomrape	<i>Orobanche ramosa</i>
Citrus Blight	
Citrus Canker	<i>Xanthomonas axonopodis</i>
Citrus Red Mite	<i>Panonychus citri</i>
European House Borer	<i>Hylotrupes bajulus</i>
Fire Blight	<i>Erwinia amylovora</i>
Fruit Flies	pest species of <i>Tephritidae</i> family
Garlic Rust	<i>Puccinia allii</i>
Grapevine Leaf Rust	<i>Phakopsora euvitis</i>
Green Snail	<i>Helix aperta</i>
Java Downy Mildew (of maize)	<i>Peronospora maydis</i>
Melon Thrips	<i>Thrips palmi</i>
Needle Blight	<i>Mycosphaerella pini</i> (syn <i>Dothistroma pini</i>)
Noxious Insects	<i>Chortoicetes terminifera</i> / <i>Austroicetes cruciata</i>
Onion Smut	<i>Urocystis cepulae</i>
Parlatoria Date Scale	<i>Parlatoria blanchardii</i>
Phylloxera	<i>Daktulosphaera vitifoliae</i>

<i>Common Name</i>	<i>Scientific Name</i>
Potato Cyst Nematodes	<i>Globodera pallida</i> and <i>Globodera</i> <i>rostochiensis</i>
Purple Round Scale	<i>Chrysomphalus ficus</i>
Red Imported Fire Ant	<i>Solenopsis invicta</i>
Scab (of citrus)	<i>Elsinoe fawcetti</i>
Sweet Orange Stem Pitting	Citrus Tristeza Virus
White Louse Scale	<i>Unaspis citri</i>
Wilt (of tomato plants)	<i>Fusarium oxysporum</i> Race 3

- (2) Any emergent pest that warrants immediate application of the Act and subsequent declaration under subparagraph (1).

4. Section 5—*Quarantine Stations*

The following places are declared to be quarantine stations:

- (1) Primary Industries and Resources SA
Ceduna Quarantine Inspection Station
Eyre Highway
Ceduna.
- (2) Primary Industries and Resources SA
Oodla Quarantine Inspection Station
Barrier Highway
Oodla Wirra.
- (3) Primary Industries and Resources SA
Pinnaroo Quarantine Inspection Station
Mallee Highway
Pinnaroo.
- (4) Primary Industries and Resources SA
Yamba Quarantine Inspection Station
Sturt Highway
Yamba.
- (5) Primary Industries and Resources SA
Prosser Street
Port Augusta.
- (6) Primary Industries and Resources SA
Riddoch Highway
Struan.
- (7) Primary Industries and Resources SA
Krummel Street
Mount Gambier.
- (8) Primary Industries and Resources SA
Loxton Research Centre
Bookpurnong Road
Loxton.
- (9) Primary Industries and Resources SA
Plant Health Operations
46 Prospect Road
Prospect.
- (10) Primary Industries and Resources SA
Research and Advisory Centre
Research Road
Nuriootpa.
- (11) Primary Industries and Resources SA
Adelaide Produce Market
Diagonal Road
Pooraka.
- (12) Primary Industries and Resources SA
Swamp Road
Lenswood.
- (13) Primary Industries and Resources SA
Ral Ral Avenue
Renmark.
- (14) Primary Industries and Resources SA
Verran Terrace
Port Lincoln.
- (15) Plant Research Centre
SARDI
Hartley Grove
Urrbrae.
- (16) SARDI Entomology
Waite Quarantine Insectary
Waite Road
Urrbrae.
- (17) Compartments 2 and 3
Glasshouse 109
Division of Plant Industry
Commonwealth, Scientific and Industrial Research
Organisation
Hartley Grove
Urrbrae.
- (18) Scotts Refrigerated Freight Way
Comley Street
Export Park
Adelaide Airport, West Beach.
- (19) Squires Cold Stores Pty Ltd
Railway Yards off Lipson Street
Port Adelaide.
- (20) Squires Cold Stores Pty Ltd
Railway Terrace
Mile End.
- (21) Woolworths Pty Ltd
599 Main North Road
Gepps Cross.
- (22) St George Produce
469 Waterloo Corner Road
Burton.
- (23) Adelaide Produce Market Ltd
Diagonal Road
Pooraka.

5. Section 7—*Prohibition on introducing pest affected plants or plant related products*

5.1 A prohibition applies to the importation or introduction into the State of the following:

- (1) any pest declared under this Notice;
- (2) any fruit, plant or soil affected by such a pest and in particular those fruits and plants specified in Condition 1 of the Standard;
- (3) packaging in which any fruit or plant affected by such a pest has been packed;
- (4) goods with which any fruit or plant affected by such a pest has come into contact.

5.2 The items below must not be imported or introduced into the State unless the provisions of the Standard have been complied with:

- (1) the following fruit, vegetables, plants and plant products being, in my opinion, fruit, vegetables, plants and plant products of species that are likely to introduce a pest into the State:
 - Allium spp* (onion, garlic, chives, leek, shallots, etc.);
 - Apple (fruit and plants);
 - Avocado (fruit and plants);
 - Babaco;
 - Banana;
 - Beans;
 - Capsicum;
 - Chilli;
 - Carambola;
 - Casimiroa (white sapote);
 - Citrus (fruit and plants);
 - Cucumbers;
 - Cucurbits;
 - Custard apple;
 - Cut Flowers;
 - Date Palm (fruit and plants);
 - Durian;
 - Eggplant;
 - Feijoa;
 - Fig;
 - Fire Blight hosts;
 - Fodder/Hay;
 - Gourd, bitter;
 - Grapes and grape products (marc, must and juice);

- Grapevines (cuttings, rootlings, plants/plant parts and tissue cultures);
 Guava;
 Jackfruit;
 Kiwi fruit (Chinese gooseberry);
 Leaf vegetables;
 Lettuce;
 Loofa (smooth);
 Longan;
 Loquat;
 Lychee (or Litchi, Lichi);
 Maize seed;
 Mango;
 Mangosteen;
 Medlar;
 Melons (watermelon, rockmelon, honeydew, etc.);
 Miscellaneous host fruits of fruit flies (Tephritidae family);
 Okra;
 Olive;
 Passionfruit;
 Papaw;
 Peas;
 Persimmon;
Pinus plants;
 Plant nursery stock;
 Pome fruits;
 Potatoes (tubers and plants);
 Prickly pear;
 Pumpkin;
 Quince;
 Rambutan;
 Raspberry;
 Rooted plants and cuttings;
 Root vegetables;
 Sapodilla;
 Sapote, black;
 Silverbeet;
 Soursop;
 Squash;
 Star apple;
 Stone fruits;
 Strawberry;
 Tamarillo;
 Tobacco;
 Tomatoes;
 Zucchini;
- (2) soil;
- (3) any plant growing in soil or to which soil is adhering;
- (4) any equipment including any harvester, machinery, tools, bulk bins, containers or posts that has been used in the production or manipulation of grapes or grapevines in the States of New South Wales, Queensland or Victoria;
- (5) any used agricultural machinery;
- (6) plant diagnostic samples.
- 5.3 Subparagraph 5.2 does not apply in relation to any item the importation or introduction of which is prohibited under subparagraph 5.1.
6. Section 14—Quarantine Areas
- 6.1 The following areas are declared to be quarantine areas:
- (1) for the purposes of the disease Onion Smut:
- (i) Hundred of Glen Roy—That part registered in certificate of title volume 4349, folio 338 and defined by the following co-ordinates:
- | Latitude | Longitude |
|--------------|---------------|
| 36°42'45.1"S | 140°35'36.9"E |
| 36°42'55.3"S | 140°35'43.6"E |
| 36°42'59.3"S | 140°35'37.9"E |
| 36°42'46.9"S | 140°35'29.0"E |
- (ii) Hundred of Burdett—That part registered in certificate of title volume 5499, folio 861 and defined by the following co-ordinates:
- | Latitude | Longitude |
|--------------|---------------|
| 35°08'25.1"S | 139°19'31.4"E |
| 35°08'33.1"S | 139°19'22.1"E |
| 35°08'29.9"S | 139°19'18.5"E |
| 35°08'21.8"S | 139°19'27.2"E |
- (iii) Hundred of Munno Para—That part registered in certificate of title volume 2488, folio 63 and defined by the following co-ordinates:
- | Latitude | Longitude |
|--------------|---------------|
| 34°41'36.6"S | 138°34'19.9"E |
| 34°41'12.5"S | 138°34'35.9"E |
| 34°41'21.9"S | 138°34'57.2"E |
| 34°41'45.4"S | 138°34'40.9"E |
- (iv) Hundred of Finnis—That part registered in certificate of title volume 5490, folio 998 and defined by the following co-ordinates:
- | Latitude | Longitude |
|--------------|---------------|
| 34°52'47.3"S | 139°21'32.2"E |
| 34°52'59.6"S | 139°21'32.5"E |
| 34°52'53.1"S | 139°21'32.9"E |
| 34°52'52.0"S | 139°21'34.0"E |
| 34°52'51.1"S | 139°21'34.0"E |
| 34°52'48.1"S | 139°21'32.3"E |
- (v) Hundred of Finnis—That part registered in certificate of title volume 5413, folio 969 and defined by the following co-ordinates:
- | Latitude | Longitude |
|--------------|---------------|
| 34°58'27.5"S | 139°17'47.2"E |
| 34°58'30.2"S | 139°17'54.5"E |
| 34°58'35.7"S | 139°17'56.6"E |
| 34°58'29.2"S | 139°17'46.6"E |
- (vi) Hundred of Forster—That part registered in certificate of title volume 290, folio 4 and defined by the following co-ordinates:
- | Latitude | Longitude |
|--------------|---------------|
| 34°50'48.6"S | 139°36'44.6"E |
| 34°50'52.5"S | 139°36'42.9"E |
| 34°50'49.4"S | 139°36'36.1"E |
| 34°50'45.6"S | 139°36'38.3"E |
- (2) for the purposes of fruit flies, any area within 1.5 km radius of the centre of a fruit fly out-break, the centre being the point where eggs, larvae or adults of fruit flies have been detected;
- (3) for the purpose of excluding fruit flies from the Riverland of South Australia:
- (i) the County of Hamley; and
- (ii) the Hundreds of Bookpurnong, Cadell, Gordon, Holder, Katarapko, Loveday, Markaranka, Moorook, Murtho, Parcoola, Paringa, Pooginook, Pyap, Stuart, Waikerie, Eba, Fisher, Forster, Hay, Murkbo, Nildottie, Paisley, Ridley and Skurray.
- 6.2 The quarantine areas established under subparagraph 6.1 (1) and indexed by Roman numerals cease to exist on the following dates:
- Subparagraph (i) on 18 October 2010;
 Subparagraph (ii) on 19 October 2010;
 Subparagraph (iii) on 14 September 2014;
 Subparagraph (iv) on 18 October 2014;
 Subparagraph (v) on 7 December 2016;
 Subparagraph (vi) on 3 October 2017.
- 6.3 Measures to be taken in Quarantine Areas:
- (1) The owner of any commercial premises within an area declared to be a quarantine area for the purposes of Onion Smut must take the measures prescribed in the Standard for eradication of that disease.
- (2) The owner of any commercial premises within a quarantine area established for the purposes of fruit flies must take the measures prescribed in the Standard for the eradication of such flies.

6.4 Measures for the exclusion of fruit flies from the Riverland of South Australia ('the Riverland'):

- (1) Host fruits of fruit flies ('fruit') must not be imported or introduced into the Riverland unless:
 - (i) in the case of fruit produced in a State or Territory other than South Australia, the fruit complies with the provisions of the Standard;
 - (ii) in the case of fruit produced in any part of South Australia outside the Riverland such fruit has been certified by an inspector under the Act as having been either:
 - grown in an area free of fruit flies as defined by the Standard; or
 - treated against fruit flies by a method set out in the Standard.
- (2) Subparagraph (1) (ii) does not apply to commercially grown fruit unless that fruit has been produced in an area within a 15 km radius of a fruit fly outbreak declared within South Australia.
- (3) Subparagraph (1) does not apply to host fruits that have been purchased within South Australia and are accompanied by the retail purchase docket applicable to that produce.

7. Section 59—Incorporation of Codes and Standards

7.1 The Plant Quarantine Standard South Australia (the Standard) is hereby adopted under section 59 of the Act and provides the basis on which items listed under 5.2 of this notice may be imported into the State.

Dated 21 October 2009.

PAUL CAICA, Minister for Agriculture,
Food and Fisheries

ROADS (OPENING AND CLOSING) ACT 1991:
SECTION 24

**NOTICE OF CONFIRMATION OF ROAD
PROCESS ORDER**

*Road Closure
Shirley Crescent, West Beach*

BY Road Process Order made on 22 June 2009, the City of Charles Sturt ordered that:

1. Portion of Shirley Crescent situate adjoining the frontages to allotments 26, 27 and 28 in Deposited Plan 6456, more particularly delineated and lettered 'A', 'B' and 'C' (respectively) in Preliminary Plan No. 08/0119 be closed.

2. The whole of the land subject to closure lettered 'A' and 'B' be transferred to David McArthur Long and Evelyn Elizabeth O'Daly in accordance with agreement for transfer dated 10 June 2009 entered into between the City of Charles Sturt and D. M. Long and E. E. O'Daly.

3. The whole of the land subject to closure lettered 'C' be transferred to Brian John Mitchell in accordance with agreement for transfer dated 13 May 2009 entered into between the City of Charles Sturt and B. J. Mitchell.

On 22 October 2009 that order was confirmed by the Minister for Infrastructure conditionally upon the deposit by the Registrar-General of Deposited Plan 81900 being the authority for the new boundaries.

Pursuant to section 24 (5) of the Roads (Opening and Closing) Act 1991, NOTICE of the order referred to above and its confirmation is hereby given.

Dated 29 October 2009.

P. M. KENTISH, Surveyor-General

ROAD TRAFFIC ACT 1961

Authorised Officers to Conduct Breath Analysis

I, MALCOLM ARTHUR HYDE, Commissioner of Police, pursuant to section 47K (3) (a) of the Road Traffic Act 1961, do hereby certify that on 16 October 2009, the following police officers were authorised to conduct breath analysis:

PD Number	Officer Name
72259	Bellamy, Adrian Stanley
72039	Blundell, Steven
72499	Bryant, Chad
79725	Dennis, Adam Trevor
79492	Hermel, Simon Dean
79624	Jury, David James
55992	MacNeill, Maggie Ann

Dated 16 October 2009.

MALCOLM ARTHUR HYDE, Commissioner
of Police

SUPREME COURT OF SOUTH AUSTRALIA

*Pursuant to Practice Direction 12 of the Supreme Court
Practice Directions 2006 (SA)*

PURSUANT to Practice Direction 12 of the Supreme Court Practice Directions 2006 (SA), I give notice that on 26 October 2009, I appointed the following persons as Senior Counsel, to rank in seniority in the order in which their names appear:

- Martin Andrew Frayne
- Simon Frederick Stretton
- Stuart William Henry
- Hugh Anthony Lempriere Abbott
- Grant Raymond Algie

Dated 26 October 2009.

The Honourable JOHN DOYLE, AC,
Chief Justice of South Australia

TRAINING AND SKILLS DEVELOPMENT ACT 2008

*Guidelines for Records to be Kept by Employers of
Apprentices and Trainees*

Preamble

In South Australia, the Training and Skills Commission is charged with responsibility for administering the State's traineeship and apprenticeship system. It derives its authority from the Training and Skills Development Act 2008 ('the Act').

Section 70 of the Act provides for the Commission to stipulate records that an employer who employs an apprentice/trainee must keep and retain for at least seven years after the relevant training contract expires or is terminated.

Definitions

In these Guidelines:

- A training contract is an agreement approved under Part 4 of the Act between a registered employer and an apprentice/trainee, through which the employer agrees to employ and train the apprentice/trainee in a particular trade or declared vocation and qualification.
- An apprentice/trainee is a person (who may be either an apprentice or trainee) undertaking training in a trade or declared vocation under a training contract under section 4 of the Act.

Required Record Keeping

An employer employing a trainee/apprentice must keep the following records during the life of the training contract and retain them for at least seven years after the expiry or termination of the training contract to which the record relates.

Training and Employment Related Records

1. Training Contract and Training Plan.
2. Letter of appointment (where required under the relevant industrial arrangement).
3. Induction records.
4. On-the-job training and competency assessment records.
5. Records that identify the type of work performed by the apprentice/trainee, e.g. certificates of compliance in relation to work performed under supervision by apprentices (in electrical, plumbing, gas fitting or any other trade where a certificate of compliance is required to be issued for work done), profiling records, job log books or job journals.
6. Disciplinary records.
7. A time record for each apprentice/trainee for each day while at work or training (both on the job and off the job training), including start and finish work/training times and meal or other break times.
8. A time record for the person/s responsible for supervising the apprentice/trainee for each day while at work, including start and finish work times and meal or other break times.

Pay and Entitlement Related Records

9. Pay records for every pay period. This includes the rate of remuneration paid to the apprentice/trainee, the gross and net amounts paid to the apprentice/trainee, any deductions made from the gross amount paid to the apprentice/trainee and any incentive based payment, bonus, loading, penalty rate, monetary allowance or separately identifiable entitlement paid to the apprentice/trainee.
10. Leave Records, including leave taken and the balance of any outstanding leave (if any). This includes annual leave, personal/carer's and compassionate leave, parental leave and community service leave.

Other Records

11. Qualifications and/or evidence of relevant experience and skills in relation to the person(s) who supervise, or who are to supervise, the apprentice/trainee.
12. Appropriate business licences and/or worker registrations, e.g. building work contractor's licence, plumbing contractor's licence, electrical worker's registration.
13. Records that confirm compliance with orders of the Industrial Relations Commission where orders have been made.

Dated 29 October 2009.

PROF. DENISE BRADLEY, AC, Training and Skills Commission

WATER MAINS AND SEWERS

Office of the South Australian Water Corporation
Adelaide, 29 October 2009

WATER MAINS LAID

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

ADELAIDE WATER DISTRICT

CITY OF CHARLES STURT
Woodmore Street, Woodville North. p10

CITY OF ONKAPARINGA
Lewsey Street, McLaren Vale. p7
Ann Road, Morphett Vale. p8

CITY OF PORT ADELAIDE ENFIELD
Fisher Street, Blair Athol. p4

CITY OF TEA TREE GULLY
Across Shepherd Street, Ridgehaven. p9
Danum Street, Ridgehaven. p9

ARNO BAY WATER DISTRICT

DISTRICT COUNCIL OF CLEVE
Across Lincoln Highway, Arno Bay. p12
In and across Boakes Drive, Arno Bay. p12
Easement in section 321, hundred of Boothby, Arno Bay. p12
Alexandria Terrace, Arno Bay. p12

BUNDALEER COUNTRY LANDS WATER DISTRICT

NORTHERN AREAS COUNCIL
Main North Road, Yacka. p28
Pipeline Road, Yacka. p28

COWELL WATER DISTRICT

DISTRICT COUNCIL OF FRANKLIN HARBOUR
Burton Street, Cowell. p19

CUMMINS WATER DISTRICT

DISTRICT COUNCIL OF LOWER EYRE PENINSULA
Across and in Warrow Road, Cummins. p5

THE TOWNSHIP OF FREELING WATER DISTRICT

LIGHT REGIONAL COUNCIL
Warnest Street, Freeling. p13
Schaefer Street, Freeling. p13

KANMANTOO WATER DISTRICT

DISTRICT COUNCIL OF MOUNT BARKER
Nursery Road, Kanmantoo. p2

KAPUNDA WATER DISTRICT

LIGHT REGIONAL COUNCIL
Willow Drive, Kapunda. p14

MURRAY BRIDGE WATER DISTRICT

THE RURAL CITY OF MURRAY BRIDGE
Culburra Avenue, Murray Bridge East. p16

NARACOORTE WATER DISTRICT

NARACOORTE LUCINDALE COUNCIL
Ormerod Street, Naracoorte. p17

PORT AUGUSTA WATER DISTRICT

PORT AUGUSTA CITY COUNCIL
Francis Street, Stirling North. p20

TOD RIVER COUNTRY LANDS WATER DISTRICT

DISTRICT COUNCIL OF CLEVE
Golf Drive, Cleve. p6
Across Schmitt Road, Arno Bay. p11
Public road south-west of sections 196 and 183, hundred of Boothby, Arno Bay. p11 and 12

DISTRICT COUNCIL OF TUMBY BAY
Brooker Road, Port Neill. p21-25

TWO WELLS WATER DISTRICT

DISTRICT COUNCIL OF MALLALA
Bethesda Road, Lewiston. p15

WHYALLA WATER DISTRICT

THE CORPORATION OF THE CITY OF WHYALLA
Across and in Peters Street, Whyalla Playford. p3

WATER MAINS ABANDONED

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

ARNO BAY WATER DISTRICT

DISTRICT COUNCIL OF CLEVE
Alexandria Terrace, Arno Bay. p12
Easement in section 321, hundred of Boothby, Arno Bay. p12
Across Boakes Drive, Arno Bay. p12

BUNDALEER COUNTRY LANDS WATER DISTRICT

NORTHERN AREAS COUNCIL
Main North Road, Yacka. p28

TOD RIVER COUNTRY LANDS WATER DISTRICT

DISTRICT COUNCIL OF TUMBY BAY
Brooker Road, Port Neill. p21-25

WATER MAINS LAID

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

MOUNT COMPASS WATER DISTRICT

ALEXANDRINA COUNCIL
Waterworks land (lot 5 in LTRO DP 24441), Victor Harbor Road, Mount Compass. p18

OUTSIDE MOUNT COMPASS WATER DISTRICT

ALEXANDRINA COUNCIL
In and across Victor Harbor Road, Mount Compass. p18

SEWERS LAID

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

ADELAIDE DRAINAGE AREA

CAMPBELLTOWN CITY COUNCIL
Koonga Avenue, Rostrevor. FB 1187 p20

CITY OF CHARLES STURT
Edgecombe Street, Woodville North. FB 1187 p2
Across and in Woodmore Street, Woodville North. FB 1187 p2

CITY OF HOLDFAST BAY
Highland Avenue, Glenelg North. FB 1187 p3
MacArthur Avenue, North Brighton. FB 1187 p18

CITY OF MARION
Barramundi Drive, Hallett Cove. FB 1187 p7

CITY OF NORWOOD PAYNEHAM AND ST PETERS
Aberdare Avenue, Trinity Gardens. FB 1187 p22

CITY OF ONKAPARINGA
Cottage Lane, Hackham. FB 1187 p8
Goldsmith Drive, Noarlunga Downs. FB 1187 p10
Across Witton Road, Christies Beach. FB 1187 p19
Clovelly Avenue, Christies Beach. FB 1187 p19

CITY OF PLAYFORD
Davoren Road, Andrews Farm. FB 1187 p21
Easement in lots 103-101 in LTRO DP 80647, Kilsby Street, Elizabeth Park. FB 1187 p23

CITY OF PORT ADELAIDE ENFIELD
Moreshead Street, Greenacres. FB 1187 p4
Oswald Street, Croydon Park. FB 1187 p9

MURRAY BRIDGE COUNTRY DRAINAGE AREA

THE RURAL CITY OF MURRAY BRIDGE
Easements in lot 9 in LTRO DP 65444, Meyer Road and lots 63-61 in LTRO DP 80066, Caroline Street, Murray Bridge. FB 1161 p8

PORT LINCOLN COUNTRY DRAINAGE AREA

CITY OF PORT LINCOLN
Southwater Drive, Port Lincoln. FB 1187 p11
Easement in lot 13 in LTRO DP 62759, Southwater Drive, Port Lincoln. FB 1187 p11

WHYALLA COUNTRY DRAINAGE AREA

THE CORPORATION OF THE CITY OF WHYALLA
Lewthwaite Street, Whyalla Norrie. FB 1187 p12
Norrie Avenue, Whyalla Playford. FB 1187 p13
In public utility reserve (lot 7085), Whyalla Stuart. FB 1187 p14
Ash Street, Whyalla Stuart. FB 1187 p15
Dennis Street, Whyalla Stuart. FB 1187 p16

SEWERS ABANDONED

Notice is hereby given that the undermentioned sewer has been abandoned by the South Australian Water Corporation.

PORT LINCOLN COUNTRY DRAINAGE AREA

CITY OF PORT LINCOLN
Easement in lot 13 in LTRO DP 62759, Southwater Drive, Port Lincoln. FB 1187 p11

SEWERS LAID

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

PORT LINCOLN COUNTRY DRAINAGE AREA

CITY OF PORT LINCOLN
Sewerage land (section 925, hundred of Port Lincoln), Bridge Crescent, Port Lincoln. FB 1187 p17

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

GOVERNMENT GAZETTE ADVERTISEMENT RATES

To apply from 1 July 2009

	\$		\$
Agents, Ceasing to Act as.....	42.75	Firms:	
Associations:		Ceasing to Carry on Business (each insertion).....	28.50
Incorporation	21.70	Discontinuance Place of Business	28.50
Intention of Incorporation	53.50	Land—Real Property Act:	
Transfer of Properties	53.50	Intention to Sell, Notice of.....	53.50
Attorney, Appointment of.....	42.75	Lost Certificate of Title Notices	53.50
Bailiff's Sale.....	53.50	Cancellation, Notice of (Strata Plan)	53.50
Cemetery Curator Appointed.....	31.75	Mortgages:	
Companies:		Caveat Lodgement.....	21.70
Alteration to Constitution	42.75	Discharge of.....	22.70
Capital, Increase or Decrease of	53.50	Foreclosures.....	21.70
Ceasing to Carry on Business	31.75	Transfer of.....	21.70
Declaration of Dividend.....	31.75	Sublet.....	10.90
Incorporation	42.75	Leases—Application for Transfer (2 insertions) each	10.90
Lost Share Certificates:		Lost Treasury Receipts (3 insertions) each	31.75
First Name.....	31.75	Licensing.....	63.50
Each Subsequent Name.....	10.90	Municipal or District Councils:	
Meeting Final.....	35.75	Annual Financial Statement—Forms 1 and 2	598.00
Meeting Final Regarding Liquidator's Report on		Electricity Supply—Forms 19 and 20.....	425.00
Conduct of Winding Up (equivalent to 'Final		Default in Payment of Rates:	
Meeting')		First Name	85.00
First Name.....	42.75	Each Subsequent Name.....	10.90
Each Subsequent Name.....	10.90	Noxious Trade.....	31.75
Notices:		Partnership, Dissolution of.....	31.75
Call.....	53.50	Petitions (small).....	21.70
Change of Name	21.70	Registered Building Societies (from Registrar-	
Creditors.....	42.75	General).....	21.70
Creditors Compromise of Arrangement	42.75	Register of Unclaimed Moneys—First Name.....	31.75
Creditors (extraordinary resolution that 'the Com-		Each Subsequent Name	10.90
pany be wound up voluntarily and that a liquidator		Registers of Members—Three pages and over:	
be appointed').....	53.50	Rate per page (in 8pt)	272.00
Release of Liquidator—Application—Large Ad.....	85.00	Rate per page (in 6pt)	359.00
—Release Granted	53.50	Sale of Land by Public Auction.....	54.00
Receiver and Manager Appointed.....	49.50	Advertisements.....	3.00
Receiver and Manager Ceasing to Act.....	42.75	¼ page advertisement	127.00
Restored Name.....	40.00	½ page advertisement	254.00
Petition to Supreme Court for Winding Up.....	74.50	Full page advertisement.....	498.00
Summons in Action.....	63.50	Advertisements, other than those listed are charged at \$3.00 per	
Order of Supreme Court for Winding Up Action.....	42.75	column line, tabular one-third extra.	
Register of Interests—Section 84 (1) Exempt.....	96.00	Notices by Colleges, Universities, Corporations and District	
Removal of Office.....	21.70	Councils to be charged at \$3.00 per line.	
Proof of Debts	42.75	Where the notice inserted varies significantly in length from	
Sales of Shares and Forfeiture.....	42.75	that which is usually published a charge of \$3.00 per column line	
Estates:		will be applied in lieu of advertisement rates listed.	
Assigned	31.75	South Australian Government publications are sold on the	
Deceased Persons—Notice to Creditors, etc.....	53.50	condition that they will not be reproduced without prior	
Each Subsequent Name.....	10.90	permission from the Government Printer.	
Deceased Persons—Closed Estates	31.75		
Each Subsequent Estate	1.40		
Probate, Selling of	42.75		
Public Trustee, each Estate	10.90		

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@dpc.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 2009

Acts, Bills, Rules, Parliamentary Papers and Regulations						
Pages	Main	Amends	Pages	Main	Amends	
1-16	2.60	1.20	497-512	36.25	35.25	
17-32	3.50	2.20	513-528	37.25	36.00	
33-48	4.55	3.25	529-544	38.50	37.25	
49-64	5.75	4.40	545-560	39.50	38.50	
65-80	6.70	5.55	561-576	40.50	39.50	
81-96	7.80	6.45	577-592	41.75	40.00	
97-112	8.90	7.60	593-608	43.00	41.50	
113-128	9.95	8.75	609-624	43.75	42.75	
129-144	11.10	9.85	625-640	45.00	43.25	
145-160	12.20	10.90	641-656	46.00	45.00	
161-176	13.30	12.00	657-672	46.75	45.50	
177-192	14.50	13.10	673-688	48.75	46.75	
193-208	15.60	14.40	689-704	49.50	47.75	
209-224	16.50	15.20	705-720	50.25	49.00	
225-240	17.60	16.30	721-736	52.00	50.00	
241-257	18.90	17.20	737-752	52.50	51.00	
258-272	19.90	18.30	753-768	53.50	52.00	
273-288	21.00	19.70	769-784	54.50	53.50	
289-304	21.90	20.60	785-800	55.50	54.50	
305-320	23.20	21.80	801-816	57.00	55.00	
321-336	24.20	22.80	817-832	58.00	57.00	
337-352	25.40	24.10	833-848	59.00	58.00	
353-368	26.25	25.20	849-864	60.00	58.50	
369-384	27.50	26.25	865-880	61.50	60.00	
385-400	28.75	27.25	881-896	62.00	60.50	
401-416	29.75	28.25	897-912	63.50	62.00	
417-432	31.00	29.50	913-928	64.00	63.50	
433-448	32.00	30.75	929-944	65.00	64.00	
449-464	32.75	31.50	945-960	66.00	64.50	
465-480	33.25	32.50	961-976	68.50	65.50	
481-496	35.25	33.25	977-992	69.50	66.00	

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SEWERAGE ACT 1929

Addition of Land to Stirling Country Drainage Area

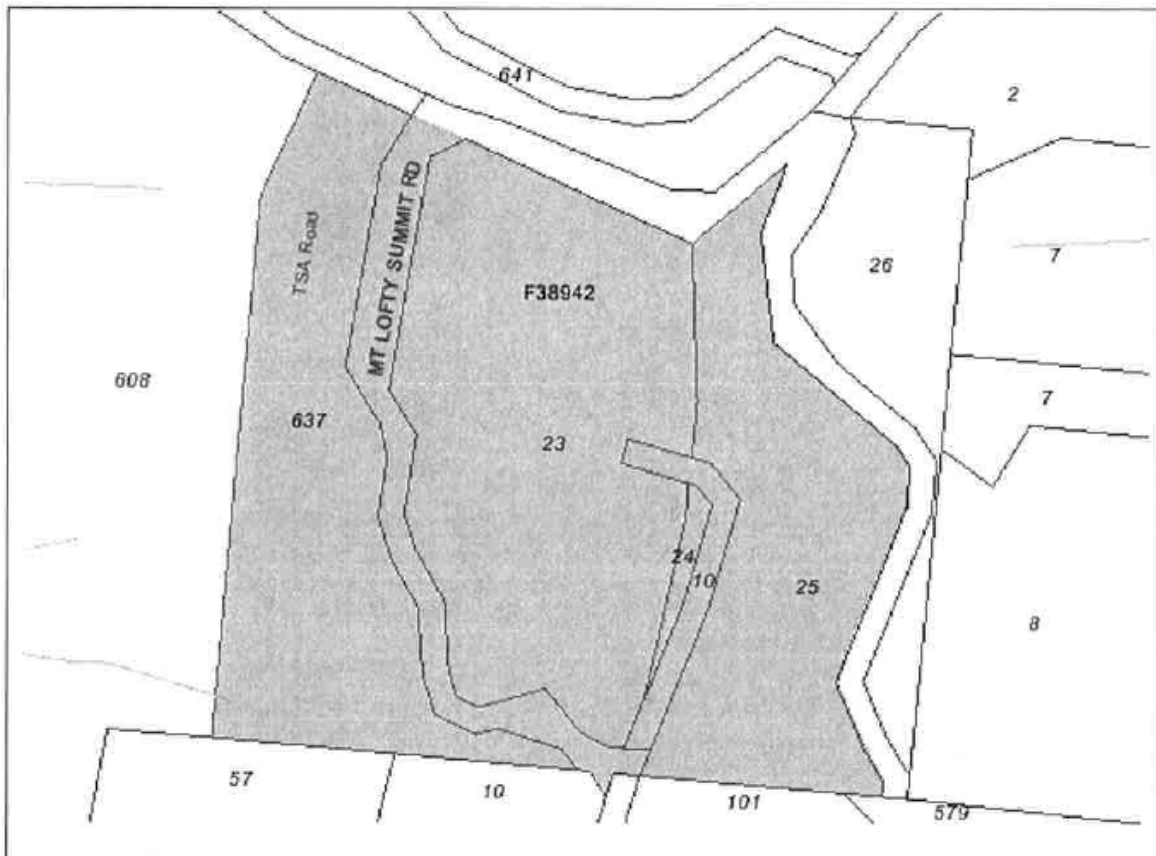
PURSUANT to section 18 of the Sewerage Act 1929, the South Australian Water Corporation:

- (a) adds to the Stirling Country Drainage Area the land shown on the plan in the Schedules; and
- (b) declares that this notice will have effect from 1 July 2009.

D1426
SA Water 09/08728
Mapsheet: 662848H

SCHEDULE

MAP 1

**CRAFERS
HUNDRED OF ADELAIDE**

NOT TO SCALE

LAND TO BE ADDED TO STIRLING COUNTRY DRAINAGE AREA SHOWN
AS SHADED AREA

D1426
SA Water 09/08728
Mapsheet: 662848J

SCHEDULE
MAP 2
CRAFERS
HUNDRED OF ADELAIDE

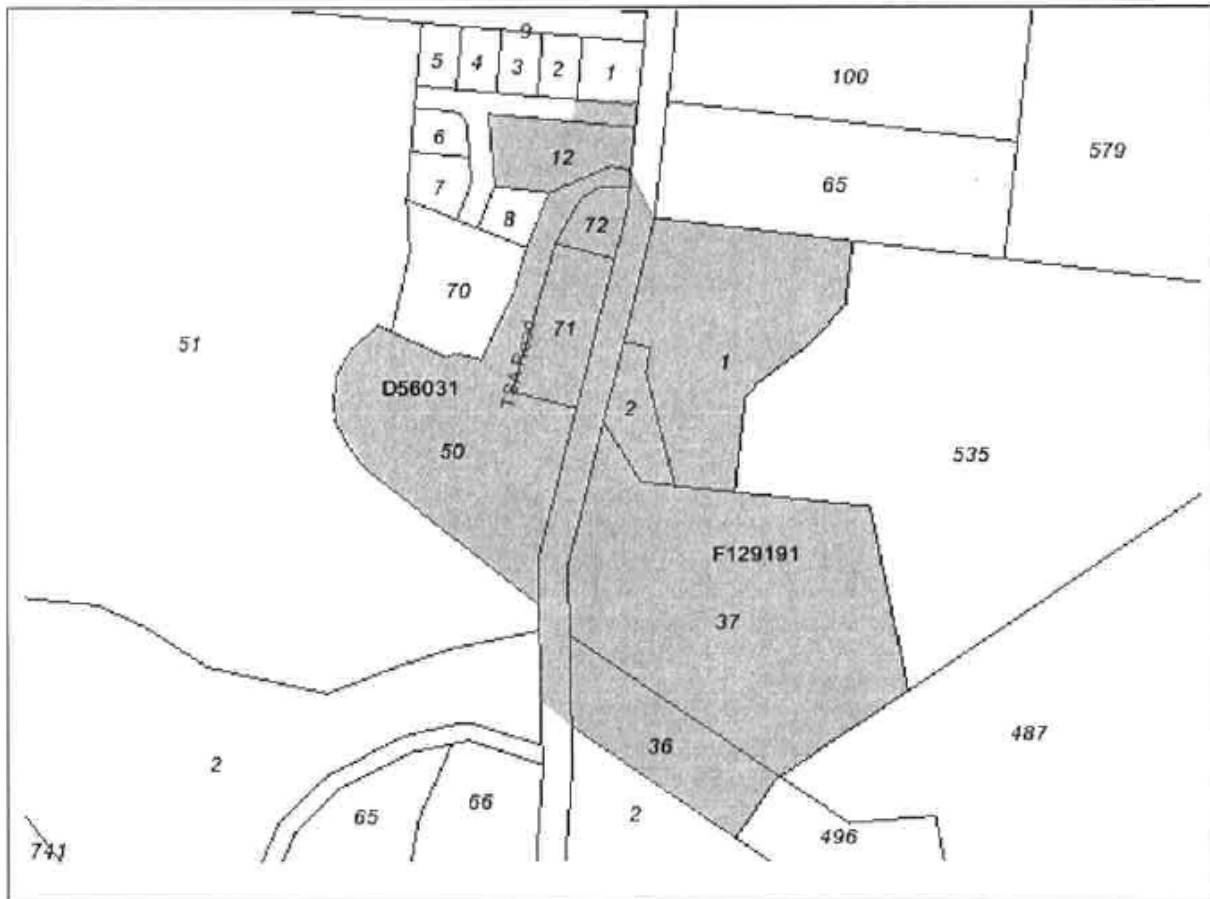


NOT TO SCALE

LAND TO BE ADDED TO STIRLING COUNTRY DRAINAGE AREA SHOWN AS SHADED AREA

D1426
SA Water 09/08728
Mapsheet: 662828G

SCHEDULE
MAP 3
CRAFERS
HUNDRED OF ADELAIDE

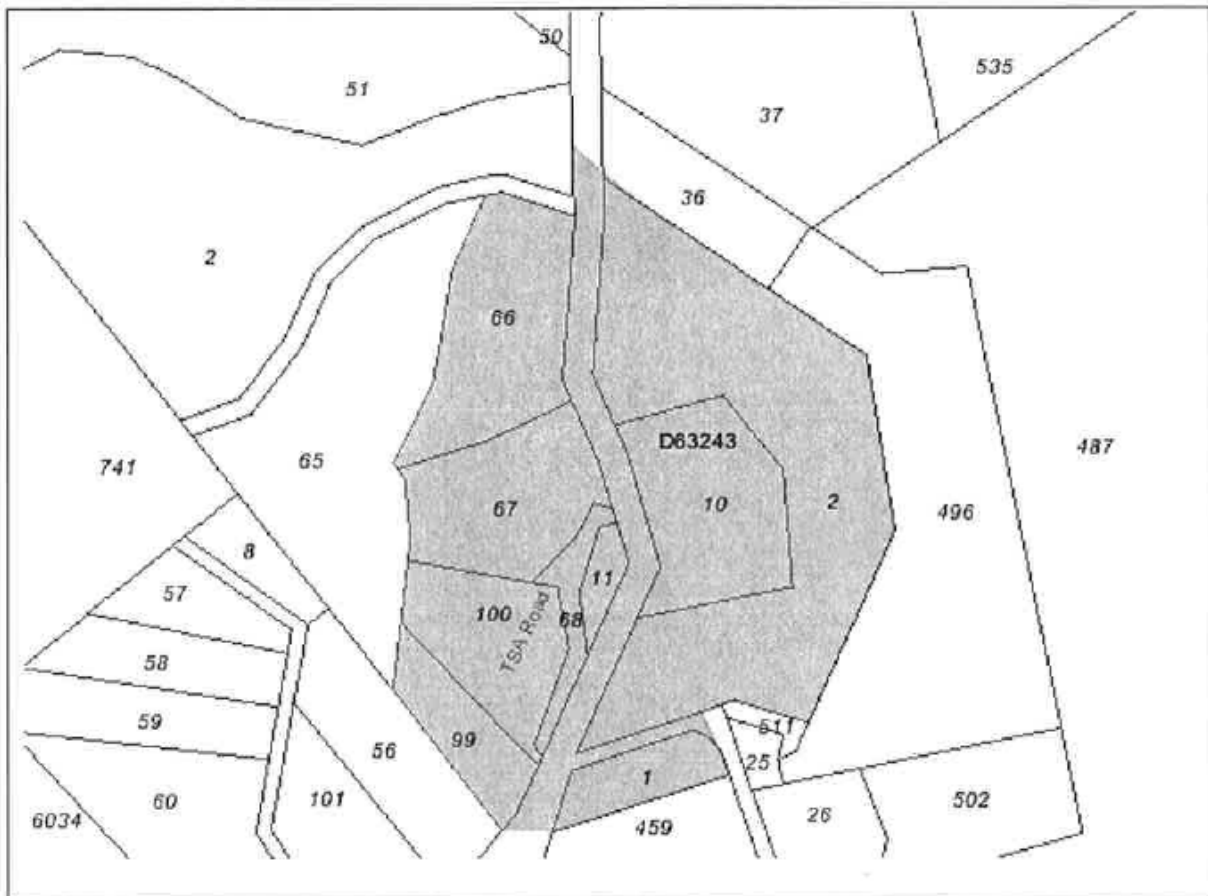


NOT TO SCALE

LAND TO BE ADDED TO STIRLING COUNTRY DRAINAGE AREA SHOWN AS SHADED AREA

D1426
SA Water 09/08728
Mapsheet: 662828G

SCHEDULE
MAP 4
CRAFERS
HUNDRED OF ADELAIDE

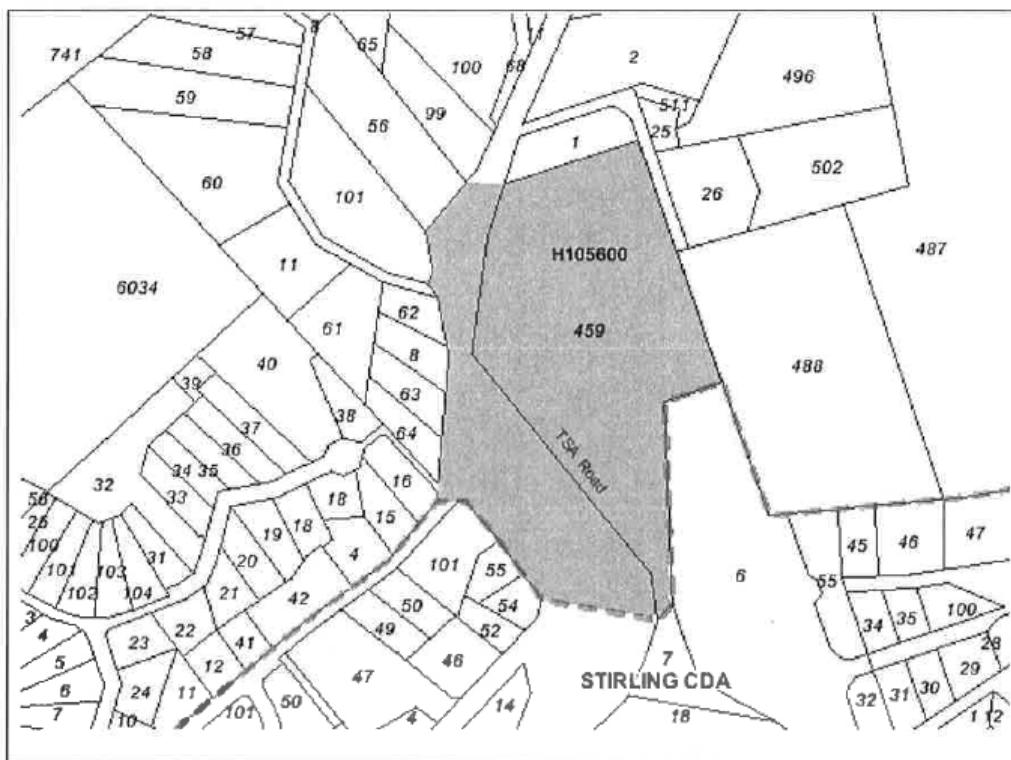


NOT TO SCALE

LAND TO BE ADDED TO STIRLING COUNTRY DRAINAGE AREA SHOWN AS SHADED AREA

D1426
SA Water 09/08728
Mapsheets: 662828G

SCHEDULE
MAP 5
CRAFERS
HUNDRED OF ADELAIDE



NOT TO SCALE

BOUNDARY OF STIRLING COUNTRY DRAINAGE AREA PREVIOUSLY
PROCLAIMED SHOWN AS DASHED LINES

LAND TO BE ADDED TO STIRLING COUNTRY DRAINAGE AREA SHOWN
AS SHADED AREA

Dated 26 October 2009.

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

A. SCHIRIPA, Manager, Billing and Collection

In the presence of:

P. WEEKS, Team Leader Rating

WATERWORKS ACT 1932

Addition of Land to Adelaide Water District

PURSUANT to section 6 of the Waterworks Act 1932, the South Australian Water Corporation:

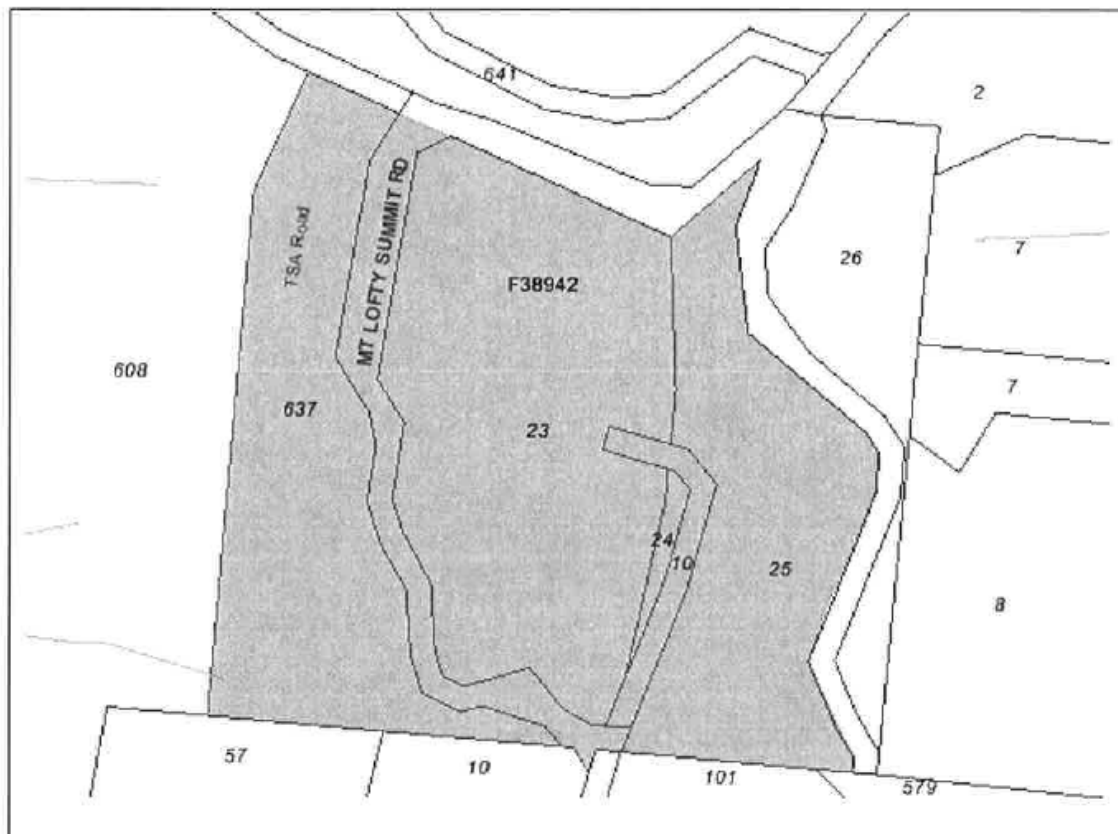
- (a) adds to the Adelaide Water District the land shown on the plan in the Schedules; and
- (b) declares that this notice will have effect from 1 July 2009.

W1425
SA Water 09/07497
Mapsheet: 662848H

SCHEDULE

MAP 1

CRAFERS
HUNDRED OF ADELAIDE



NOT TO SCALE

LAND TO BE ADDED TO ADELAIDE WATER DISTRICT SHOWN AS SHADED AREA

W1425
SA Water 09/07497
Mapsheet: 662848J

SCHEDULE
MAP 2
CRAFERS
HUNDRED OF ADELAIDE

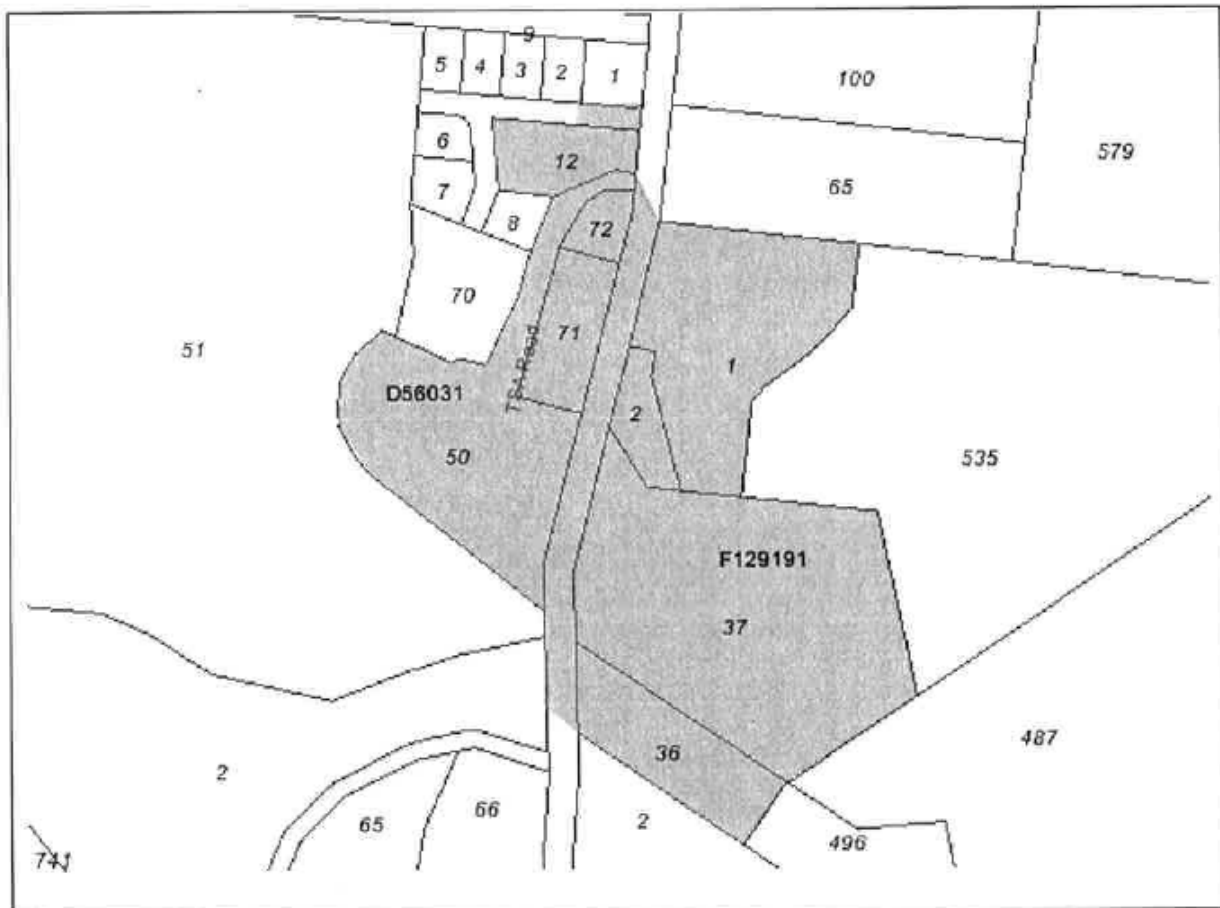


NOT TO SCALE

LAND TO BE ADDED TO ADELAIDE WATER DISTRICT SHOWN AS SHADED AREA

W1425
SA Water 09/07497
Mapsheet: 662848R

SCHEDULE
MAP 3
CRAFERS
HUNDRED OF ADELAIDE

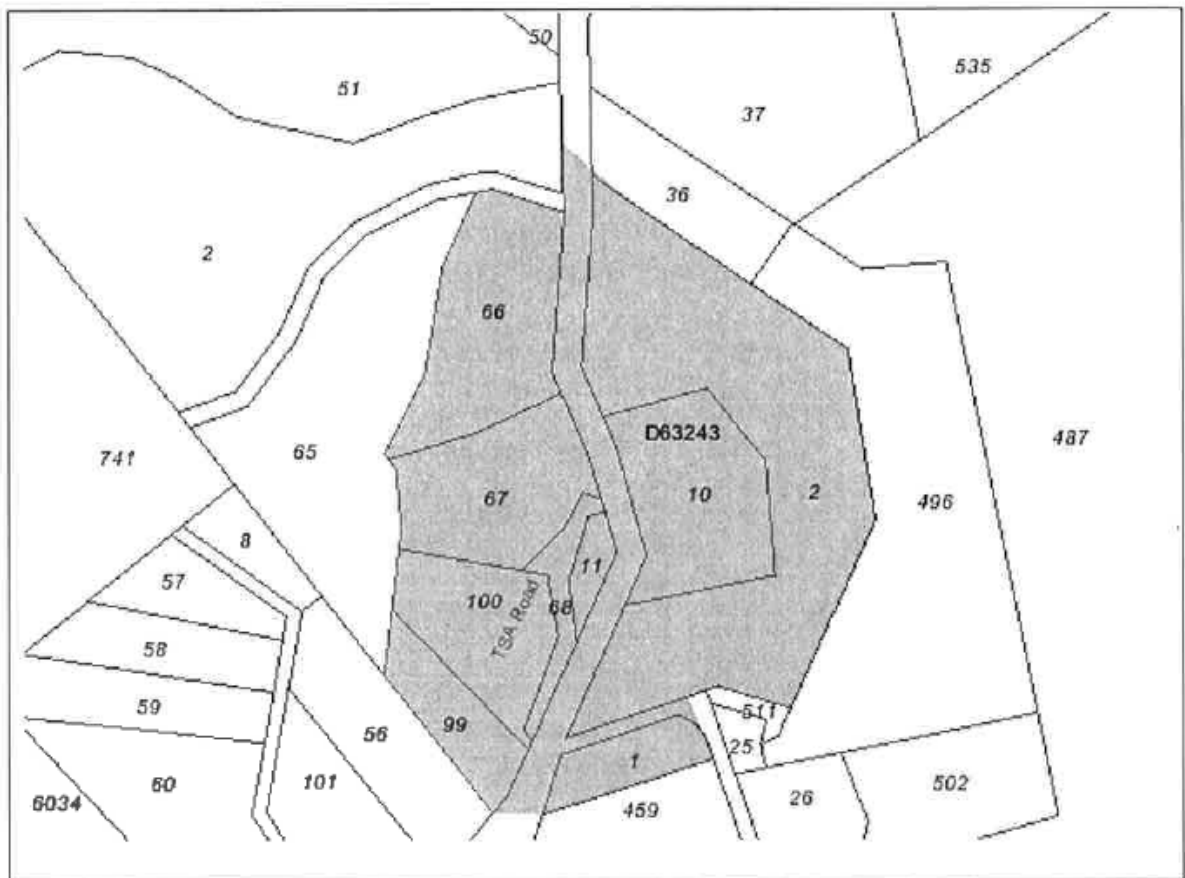


NOT TO SCALE

LAND TO BE ADDED TO ADELAIDE WATER DISTRICT SHOWN AS SHADED AREA

W1425
SA Water 09/07497
Mapsheet: 662848R

SCHEDULE
MAP 4
CRAFERS
HUNDRED OF ADELAIDE

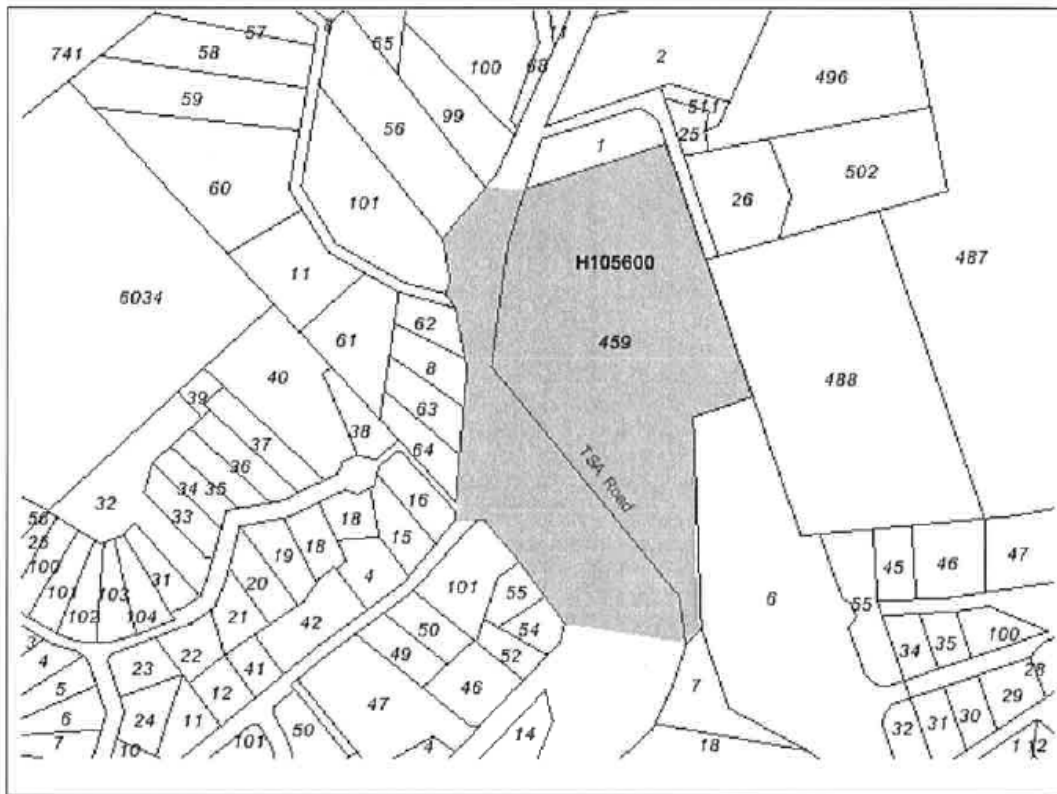


NOT TO SCALE

LAND TO BE ADDED TO ADELAIDE WATER DISTRICT SHOWN AS
SHADED AREA

W1425
SA Water 09/07497
Mapsheet: 662848R

SCHEDULE
MAP 5
CRAFERS
HUNDRED OF ADELAIDE



NOT TO SCALE

LAND TO BE ADDED TO ADELAIDE WATER DISTRICT SHOWN AS
SHADED AREA

Dated 26 October 2009.

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

A. SCHIRRIPA, Manager, Billing and Collection

In the presence of:

P. WEEKS, Team Leader Rating

WATERWORKS ACT 1932

Removal of Land from Mundallio Country Lands Water District and Addition to Port Augusta Water District

PURSUANT to section 6 of the Waterworks Act 1932, the South Australian Water Corporation:

- (a) removes from the Mundallio Country Lands Water District and adds to the Port Augusta Water District all the land contained in:
- (i) Deposited Plan 81583; and
- (b) declares that this notice will have effect from 1 July 2009.

Dated 26 October 2009.

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

A. SCHIRRIPIA, Manager Billing and Collection

In the presence of:

P. WEEKS, Team Leader Rating

SAWATER 09/08721 W1427

WATERWORKS ACT 1932

Addition of Land to Whyalla Water District

PURSUANT to section 6 of the Waterworks Act 1932, the South Australian Water Corporation:

- (a) adds to the Whyalla Water District all the land contained in:
- (i) Deposited Plan 79748 (except the portion of that land in allotment 1000); and
- (b) declares that this notice will have effect from 1 July 2009.

Dated 27 October 2009.

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

A. SCHIRRIPIA, Manager Billing and Collection

In the presence of:

P. WEEKS, Team Leader Rating

SAWATER 09/06017 W1417

WILDERNESS PROTECTION REGULATIONS 2006

Wilderness Protection Areas Fire Restrictions

PURSUANT to Regulation 12 (1) of the Wilderness Protection Regulations 2006, I, Leanne Burch, the Acting Director of National Parks and Wildlife, impose fire restrictions for National Parks and Wildlife Reserves as listed in Schedule 1 below.

The purpose of these fire restrictions is to ensure the safety of visitors using the Reserves and in the interests of protecting the Reserves and neighbouring properties.

Dated 27 October 2009.

L. BURCH, Acting Director, National Parks and Wildlife

SCHEDULE 1

1. WEST REGION

Yellabinna, Hambidge and hincks Wilderness Areas: All wood fire or solid fuel fires are prohibited from 1 November 2009 to 15 April 2010. Gas fires are permitted other than on days of total fire ban.

Memory Cove Wilderness Area: All wood fires or solid fuel fires are prohibited to low water mark throughout the year. Gas fires are permitted other than on days of total fire ban.

For further information, please contact the Port Lincoln Office on (08) 8688 3111 or CFS Fire Bans Hotline 1300 362 361.

2. KANGAROO ISLAND REGION

Wood fires or solid fuel fires are prohibited throughout the year. Gas fires are permitted other than on days of total fire ban.

For further information, please contact the Kangaroo Island Office on (08) 8553 2381, Flinders Chase National Park on (08) 8559 7235 or CFS Fire Bans Hotline 1300 362 361.

3. MURRAYLANDS REGION

All wood fires or solid fuel fires are prohibited from 15 November 2009 to 15 April 2010. Gas fires are permitted other than on days of total fire ban.

For further information, please contact the Murraylands Regional Office on (08) 8595 2111 or CFS Fire Bans Hotline 1300 362 361.

WILDERNESS PROTECTION REGULATIONS 2006

Closure of sections of Western River Wilderness Protection Area

PURSUANT to Regulation 6 (2) (c) of the Wilderness Protection Regulations 2006, I, Leanne Burch, Acting Director of National Parks and Wildlife close to the public the following area of Western River Wilderness Protection Area from 6 p.m. on Sunday, 20 December 2009 until 6 a.m. on Saturday, 26 June 2010.

South Eastern section closed within the following co-ordinates:

Northern Boundary—674850N, 6046850E to 678300N, 6046850E, following a line defined by the Watters Boundary Track.

Eastern Boundary—678300N, 6046850E to 677900N, 6043700E, following a line defined by the Thistleton Boundary Track.

Southern Boundary—677900N, 6043700E to 674750N, 6043850E, following a line defined by the Southern Boundary Track.

Western Boundary—674750N, 6043850E to 674850N, 6046850E, following a line defined by the Forestry Boundary Track.

Northings and Eastings are in Universal Transverse Mercator Projection, Zone 53.

Datum: Geocentric Datum of Australia 1994.

The purpose of the closure is to ensure the safety of the public during an animal control and monitoring program within the reserve during the period indicated.

Use of Firearms within the Reserve

PURSUANT to Regulations 6 (4), 16 (1) and 34 of the Wilderness Protection Regulations 2006, I, Leanne Burch, Acting Director of National Parks and Wildlife grant permission to staff employed by the Kangaroo Island Natural Resources Management Board in possession of both a current Hunting Permit and a firearm to enter and remain in above section of Western River Wilderness Protection Area from 6 p.m. on Sunday, 20 December 2009 until 6 a.m. on Saturday, 26 June 2010, for the purpose of taking feral animals.

This permission is conditional upon the observance by each of those persons of the requirements of the Wilderness Protection Act 1992, Wilderness Protection Regulations 2006 and the National Parks and Wildlife (Hunting) Regulations 1996, including those requiring compliance with the Director's requests, requirements and orders of a Warden.

Dated 23 October 2009.

L. BURCH, Acting Director of National Parks and Wildlife

[REPUBLISHED]

IN *Government Gazette* No. 60, 27 August 2009, pages 3853-3855 are to be replaced with this notice:

WORKCOVER CORPORATION ACT 1994
WORKERS REHABILITATION AND COMPENSATION ACT 1986

Determination of Board of WorkCover Corporation of South Australia

THE Board of the WorkCover Corporation of South Australia determines as follows, pursuant to section 17 of the *WorkCover Corporation Act 1994*, section 72 of the *Workers Rehabilitation and Compensation Act 1986* and all other enabling powers:

1. Citation

This determination may be cited as the *WorkCover Levy Review Determination 2002*.

2. Continuation of WorkCover Levy Review Panel

The WorkCover Levy Review Panel ('the Panel') established by the Board's determination of 29 June 2000 (see *South Australian Government Gazette*, 29 June 2000, page 3472) is hereby continued.

3. Function and powers under section 72 of Workers Rehabilitation and Compensation Act 1986

The function of the Panel shall be to perform the functions of the Board under section 72 of the *Workers Rehabilitation and Compensation Act 1986* ('the Act') as delegate of the Board under that section in reviewing decisions of the Corporation pursuant to subsections 66 (4), 66 (5), 66 (6), 67 (1), 67 (2), 67 (3), 67 (4), 69 (4) (b), 70 (1), 70 (2), 70 (3), 70 (4), 71 (1), 71 (2) of the Act and (subject to the succeeding clauses of this determination) the powers of the Board under section 72 of the Act (other than the power to review a decision of the Corporation on a matter of law going to the validity of that decision) are delegated to the Panel for that purpose.

4. Constitution of Panel

- (1) Subject to Clause 4 (2B), the Panel shall comprise four members appointed by the Board consisting of:
 - (a) a President, who shall be a legal practitioner (wherever in Australia admitted), and who shall decide any questions of law falling within the delegated functions of the Panel;
 - (b) a member with expertise in the interests of registered employers;
 - (c) a member with expertise in the interests of workers; and
 - (d) a member with expertise in the interests of the Corporation.
- (2) Where the anticipated unavailability of appointed members or the anticipated volume of work necessitates, deputy members may be appointed by the Board.
- (2A) A Deputy President or other Deputy Member has the powers and duties of the position held by the person for whom he or she deputises.
- (2B) Where the Panel is reviewing a decision of the Corporation pursuant to section 67 (1) of the Act to impose a Balancing Payment (as defined in the Levy Adjustment Scheme determined by the Corporation or its delegate from time to time) on an employer, the President sitting alone may, after hearing from the parties to the review on the matter, appoint a person with appropriate technical expertise (e.g., an actuary) as a temporary member of the Panel for the purposes of reviewing that decision. Such temporary member would sit on the Panel in substitution for the member ordinarily sitting pursuant to clause 4 (1) (d) of this Determination.
- (3) The President may sit alone:
 - (a) to give directions;
 - (b) to determine procedural matters;
 - (c) for the promotion of conciliation;
 - (d) to seek evidence; or
 - (e) to dispose of an application on a matter of law falling within the delegated functions of the Panel involving no disputes of fact and no exercise of discretion, but (subject to this clause) the Panel shall otherwise sit as a Panel of four.
- (4) A decision of a majority of members of the Panel, other than a decision as to a matter of law falling within the delegated functions of the Panel, shall be the decision of the Panel, but a member not agreeing with a decision of the majority may give reasons for not agreeing.
- (4A) In the event of the Panel being equally divided in opinion as to the decision to be made, the Panel's decision shall be in accordance with the opinion of the President or Deputy President.
- (4B) A quorum of the Panel shall be three members, provided that members representing each interest referred to in subclause (1) or (where applicable) deputies thereof have been offered, in the opinion of the President, a reasonable opportunity to sit.
- (5) If a member of the Panel becomes unavailable after the commencement of a hearing, the application must be heard again by the Panel properly constituted or (with the concurrence of the parties) adjourned until the absent member becomes available again, unless the decision of the remaining members is unanimous.
- (6) However, no hearing may commence or continue without the President or a Deputy President.

5. Indemnity of members

Any liability attaching to a member of the Panel (including a temporary member appointed pursuant to Clause 4 (2B)) for an act or omission by the member, or by the Panel, in good faith and in the exercise or purported exercise of a power or function, or in the discharge or purported exercise of a duty, of the member or the Panel is assumed by the Corporation.

6. Tenure of members

- (1) Members (other than the President) shall be appointed for a term of two years, except in the event of a casual vacancy, where a member may be appointed for two years or for the balance of the term of the former member at the option of the Board.
- (1A) The President of the Panel shall be appointed for a term of five years.

- (2) A deputy of a member shall be appointed for a term specified by the Board in the instrument of appointment, not exceeding the balance of the term of the member for whom the deputy is to deputise.
- (3) A member of the Panel whose term has expired may, if a new appointment has not been made, continue to sit as a member of the Panel until a new appointment is made.
- (4) A former member of the Panel may sit as a member of the Panel for the purpose of completing the hearing and determination of part-heard proceedings.

7. Conciliation as condition precedent to jurisdiction

- (1) Upon receipt of any application lodged under section 72 (1) of the Act, the registry of the Panel will forward a copy to the Corporation, which will reconsider the decision (disregarding any question of whether the application is out of time) and must inform the Panel and the applicant within 14 days of the result of the reconsideration (and its attitude to any question of an extension of time).
- (1AA) Where—
 - (a) the applicant has sought an extension of time for the making of the application or, in the opinion of the Corporation, the application for review is out of time, and
 - (b) the Corporation intends to oppose an extension of time, and
 - (c) the Corporation considers proper reason exists for considering the extension of time before undertaking reconsideration,
 the Corporation may request the application to be referred to the President of the Panel to consider the extension of time.
- (1AB) If an application is referred to the President under sub-clause (1AA), the President may grant a provisional extension of time and make such other procedural directions as the President thinks appropriate, but only if the President agrees that proper reason exists for departing from the usual practice under sub-clause (1). A provisional extension of time does not prevent the Panel from refusing an extension of time, if appropriate, when dealing with the application for review on the merits.
- (1AC) If the President refuses to make a provisional extension of time, the applicant may request that the extension of time be referred to the Panel for final determination. A finding by the President that proper reason does not exist for departing from the usual practice under sub-clause (1) is not a refusal.
- (1AD) In this clause, consideration of an extension of time includes consideration of the question whether an application is in fact out of time.
- (1A) Where the Corporation considers it impracticable to complete reconsideration within 14 days (and gives the registry of the Panel appropriate reasons for so considering), the registry may grant an extension of time for the reconsideration.
- (1B) Before granting an extension of time for reconsideration that exceeds seven days, the registry must invite the employer to indicate whether it has any objections to the proposed extension of time for reconsideration and the reasons for any objection. If there is any such objection, the registry must refer the question to the President of the Panel to determine.
- (2) If—
 - (a) the Corporation, on reconsideration of a disputed decision, confirms the decision; or
 - (b) the Corporation, on reconsideration of a disputed decision, varies the decision and the applicant expresses dissatisfaction with the variation,
 the registry of the Panel must refer the dispute for conciliation by a conciliator who will use his or her best endeavours to bring the applicant and the Corporation to an agreed resolution of the matters referred to in the application, and the Panel may not hear and determine any application unless it is satisfied that conciliation has been attempted and failed or it is satisfied that such attempts have no realistic prospects of success.
- (3) If, during the hearing of any matter, it appears to the Panel that there is a realistic prospect of a negotiated outcome being achieved, it may refer the matter back for further conciliation or the Panel may make such other attempts to promote conciliation as it thinks appropriate.
- (4) In this clause ‘conciliation’ includes:
 - (a) counselling;
 - (b) mediation;
 - (c) neutral evaluation;
 - (d) case appraisal;
 - (e) conciliation; and
 - (f) any combination of the above,
 and the format of conciliation in any particular case shall be at the discretion of the conciliator in consultation with the parties, with the proviso that any confidential information provided during conciliation may be withheld from the Panel if the provider of that information so requests;
 and ‘the Corporation’ includes:
 - (a) the operating unit of the Corporation that made the reviewable decision to which an application for review relates, and
 - (b) the General Counsel, Senior Lawyer, or other legal practitioner employed by the Corporation.

8. Principles of operation of Panel

- (1) The Panel shall be bound by and is hereby directed to follow the principles of natural justice.
- (2) Subject to subclause (1), the Panel:
 - (a) shall act according to equity, good conscience and the substantial merits of the case, without regard to technicalities and legal forms;
 - (b) is not bound by the rules of evidence, but may inform itself by such means and such material as it thinks fit; and
 - (c) shall act as expeditiously as the circumstances of a particular case permit.

- (3) The Panel must ascertain whether the parties to any proceedings desire to be heard by way of oral evidence or submissions and must in that event give at least 14 days notice of the date, time and place of hearing, but if both parties to particular proceedings wish to have the application determined on the documents the Panel need not hold a hearing but must give the parties at least 14 days notice to make final written submissions before proceeding to make a determination.
- (4) If only one party to proceedings desires to present oral evidence or submissions, the Panel must give the other party at least 14 days notice of the hearing and inform that party that there is a danger that at the hearing the Panel may hear things from the first party that the other party will be unable to respond to if it does not attend.
- (5) A party may appear in person or (if a body corporate) by any proper officer or may be represented by counsel or by any duly appointed and authorised agent.
- (6) A party engaging representation must do so at its own cost.

9. Powers of President of Panel

The President of the Panel, or a Deputy President acting in that office may, while so acting, exercise the powers of, and is hereby appointed as, an authorised officer under the Act. For the purposes of this clause, operating units of the Corporation and its agents are directed to comply with any requirements of the President or Deputy President as though they were subject to section 110 of the Act.

10. Reservation of Board's discretion to decide

The Panel is required to determine all applications that fail to resolve through reconsideration or at conciliation, unless the Corporation, within 14 days of receipt of any application, advises the Board that the particular dispute is of unusual significance and the Board or its relevant Board Committee, prior to the hearing of the application by the Panel, serves notice on the Panel and the applicant that the Panel is to make a recommendation only and refer the matter to the relevant Board Committee.

11. Consolidation of previous Determinations

It is the intention of the Board that this Determination represent a consolidation of the WorkCover Levy Review Determination 2002 (*South Australian Government Gazette*, 27 June 2002, p.2731) and subsequent amendments thereof, together with further amendments as provided for herein.

12. Transitional

The amendment to this Determination made by the Board on 29 November 2007 will operate immediately. The amendments made by the Board on 24 September 2009 will operate from the date of publication in the *South Australian Government Gazette*.

Dated 24 September 2009.

P. BENTLEY, Board Chairperson, WorkCover Corporation

South Australia

Environment Protection (Water Quality) Amendment Notice 2009

under section 32 of the *Environment Protection Act 1993*

Part 1—Preliminary

1—Short title

This notice may be cited as the *Environment Protection (Water Quality) Amendment Notice 2009*.

2—Commencement

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

3—Amendment provisions

In this notice, a provision under a heading referring to the amendment of a specified policy under the *Environment Protection Act 1993* amends the policy so specified.

Part 2—Amendment of *Environment Protection (Water Quality) Policy 2003*

4—Revocation of clause 33

Clause 33—delete the clause

5—Amendment of clause 34—Sewerage systems and sewage treatment systems

(1) Clause 34—before subclause (1) insert:

(a1) In this clause—

community wastewater management system means a system for the collection and management of wastewater generated in a town, regional area or other community, but does not include the undertaking;

sewerage system means—

- (a) the undertaking; or
- (b) a community wastewater management system;

undertaking has the same meaning as in the *Sewerage Act 1929*.

(2) Clause 34(1)—after "untreated matter" insert:

stored in or

(3) Clause 34(3) to (5) (inclusive)—delete subclauses (3) to (5) (inclusive) and substitute:

- (3) If a person operates a sewerage system or sewage treatment system, the *Code of Practice for Wastewater Overflow Management 2008* prepared by the Authority applies.

- (4) If a person reuses, or supplies for reuse, wastewater collected—
- (a) by a community wastewater management system; or
 - (b) from a sewage treatment system,

the *South Australian Reclaimed Water Guidelines 1999* prepared by the Department of Human Services and the Environment Protection Agency apply.

- (5) If a person reuses, or supplies for reuse, sludge collected—
- (a) by a community wastewater management system; or
 - (b) from a sewage treatment system,

the *South Australian Biosolids Guidelines for the Safe Handling, Reuse or Disposal of Biosolids 1996* prepared by the Authority apply.

- (4) Clause 34(6)—delete "(4) or (5) to give effect to the guidelines" and substitute:

(3), (4) or (5) to give effect to the code or guidelines

Made by the Minister for Environment and Conservation on the recommendation of the Authority under clause 6(3) of the *Environment Protection (Water Quality) Policy 2003*

on 18 July 2009

South Australia

Cross-border Justice Act (Commencement) Proclamation 2009

1—Short title

This proclamation may be cited as the *Cross-border Justice Act (Commencement) Proclamation 2009*.

2—Commencement of Act

- (1) Subject to subclause (2), the *Cross-border Justice Act 2009* (No 18 of 2009) will come into operation on 1 November 2009.
- (2) The following provisions of the Act will come into operation on 1 December 2009:
 - (a) section 67(b);
 - (b) section 68(2)(b) and (e);
 - (c) section 108;
 - (d) section 110;
 - (e) section 117;
 - (f) section 119;
 - (g) section 137;
 - (h) Schedule 1 Part 4.

Made by the Governor

with the advice and consent of the Executive Council
on 29 October 2009

AGO0163/09CS

South Australia

Fire and Emergency Services (Review) Amendment Act (Commencement) Proclamation 2009

1—Short title

This proclamation may be cited as the *Fire and Emergency Services (Review) Amendment Act (Commencement) Proclamation 2009*.

2—Commencement of Act

The *Fire and Emergency Services (Review) Amendment Act 2009* (No 44 of 2009) will come into operation on 1 November 2009.

Made by the Governor

with the advice and consent of the Executive Council
on 29 October 2009

MES09/008CS

South Australia

Maritime Services (Access) (Miscellaneous) Amendment Act (Commencement) Proclamation 2009

1—Short title

This proclamation may be cited as the *Maritime Services (Access) (Miscellaneous) Amendment Act (Commencement) Proclamation 2009*.

2—Commencement of Act

The *Maritime Services (Access) (Miscellaneous) Amendment Act 2009* (No 21 of 2009) will come into operation on 1 November 2009.

Made by the Governor

with the advice and consent of the Executive Council
on 29 October 2009

MFI09/028

South Australia

Administrative Arrangements (Administration of Cross-border Justice Act) Proclamation 2009

under section 5 of the *Administrative Arrangements Act 1994*

1—Short title

This proclamation may be cited as the *Administrative Arrangements (Administration of Cross-border Justice Act) Proclamation 2009*.

2—Commencement

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

3—Administration of Act committed to Attorney-General

The administration of the *Cross-border Justice Act 2009* is committed to the Attorney-General.

Made by the Governor

with the advice and consent of the Executive Council
on 29 October 2009

AGO0163/09CS

South Australia

Maritime Services (Access) Variation Proclamation 2009

under sections 10 and 45 of the *Maritime Services (Access) Act 2000*

Part 1—Preliminary

1—Short title

This proclamation may be cited as the *Maritime Services (Access) Variation Proclamation 2009*.

2—Commencement

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

3—Variation provisions

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

Part 2—Variation of proclamation made under sections 5 and 10 of the *Maritime Services (Access) Act 2000* (*Gazette 25.10.2001 p4686*)

4—Variation of clause 1

Clause 1, paragraph (g)—delete paragraph (g)

5—Variation of clause 2

Clause 2—after paragraph (d) insert:

- (da) loading or unloading vessels by means of port facilities that are bulk handling facilities situated at Port Adelaide Outer Harbor berth number 8.

Made by the Governor

on the recommendation of the Essential Services Commission and with the advice and consent of the Executive Council
on 29 October 2009

MSI08/008

South Australia

Youth Court (Designation and Classification of Special Justices) Proclamation 2009

under section 9 of the *Youth Court Act 1993*

1—Short title

This proclamation may be cited as the *Youth Court (Designation and Classification of Special Justices) Proclamation 2009*.

2—Commencement

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

3—Designation and classification of special justices

The special justices named in Schedule 1 are—

- (a) designated as special justices of the Youth Court of South Australia; and
- (b) classified as members of the Court's ancillary judiciary; and
- (c) declared to be members of the Court's ancillary judiciary—
 - (i) in relation to those special justices listed in Schedule 1 clause 1—for a term from 6 November 2009 until 5 November 2010;
 - (ii) in relation to those special justices listed in Schedule 1 clause 2—for a term of 1 year.

Schedule 1—Special justices of Court

1—Special justices to be members of the Court's ancillary judiciary until 5 November 2010

Bryan Kenneth Hearn

Robert John Peebles Shaw

2—Special justices to be members of the Court's ancillary judiciary for a period of 12 months

Raymond Thomas Hicks

Andrew William Paterson

Michael Sachsse

Made by the Governor

with the advice and consent of the Executive Council
on 29 October 2009

AGO09/047CS

South Australia

Dust Diseases Variation Regulations 2009

under the *Dust Diseases Act 2005*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Dust Diseases Regulations 2006*

- 4 Variation of regulation 4—Prescribed industrial and commercial processes—section 8(2)
 - 5 Substitution of Schedule 1
 - Schedule 1—Prescribed industrial and commercial processes (regulation 4)
 - 1 Interpretation
 - 2 Prescribed industrial and commercial processes
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Dust Diseases Variation Regulations 2009*.

2—Commencement

These regulations will come into operation 4 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 *Dust Diseases Regulations 2006*

4—Variation of regulation 4—Prescribed industrial and commercial processes—section 8(2)

- (1) Regulation 4(1)—delete "column 1 of the table in Schedule 1" and substitute:
column 2 of the table in Schedule 1 clause 2
- (2) Regulation 4(2)—delete "column 2 of the table in Schedule 1" and substitute:
column 3 of the table in Schedule 1 clause 2

5—Substitution of Schedule 1

Schedule 1—delete Schedule 1 and insert:

Schedule 1—Prescribed industrial and commercial processes (regulation 4)

1—Interpretation

In this Schedule—

prescribed business means a business (whether incorporated or otherwise) that, at the time the relevant industrial or commercial process occurred, employed more than 20 persons.

2—Prescribed industrial and commercial processes

	<u>Industrial or commercial process</u>	<u>Relevant date</u>
1	Mining or milling of asbestos, or associated packing or transportation of asbestos	1 January 1940
2	Manufacture of products containing asbestos	1 January 1940
3	Packing or transportation of products containing asbestos by the manufacturer of the products	1 January 1940
4	Sale or supply of products containing asbestos by the manufacturer of the products	1 January 1940
5	Use of products containing asbestos by the manufacturer of the products	1 January 1940
6	Design of any object or thing containing asbestos or products containing asbestos—	
	(a) in the case of a prescribed business	1 January 1960
	(b) in any other case	1 July 1971
7	Sale (whether wholesale or retail) or other supply of products containing asbestos by a person other than the manufacturer of the product—	
	(a) in the case of a prescribed business	1 January 1960
	(b) in any other case	1 July 1971
8	Installation of products containing asbestos (whether in buildings, plant and equipment, vehicles or vessels or otherwise)—	
	(a) in the case of a prescribed business	1 January 1960
	(b) in any other case	1 July 1971
9	Use of products containing asbestos by a person other than the manufacturer of the product—	
	(a) in the case of a prescribed business	1 January 1960
	(b) in any other case	1 July 1971

<u>Industrial or commercial process</u>	<u>Relevant date</u>
10 Any industrial or commercial process involving asbestos or products containing asbestos (not being a process referred to in items 1 to 9 above, and not including where the only involvement of asbestos or products containing asbestos in the process is the presence of asbestos or the product in a structure comprising or forming part of the premises in which the process occurred)	1 January 1976

Made by the Governor

with the advice and consent of the Executive Council
on 29 October 2009

No 252 of 2009

AGO0102/07CS

South Australia

Cross-border Justice Regulations 2009

under the *Cross-border Justice Act 2009*

Contents

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- 2 Commencement
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Part 3—General

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- 6 Custody orders—recommendation about place of custody
- 7 Calculation of reduction in amount of fines (section 130)

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Division 2—Modifications of *Bail Act 1985*

- 10 Amendment of section 3—Interpretation
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- 12 Amendment of section 5—Bail authorities
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- 14 Amendment of section 7—Guarantee of bail
- 15 Amendment of section 11—Conditions of bail

Division 3—Modifications of *Correctional Services Act 1982*

- 16 Amendment of section 4—Interpretation
- 17 Insertion of section 65
 - 65 Division does not apply to cross-border prisoners

Division 4—Modifications of *Criminal Law (Forensic Procedures) Act 2007*

- 18 Amendment of section 3—Interpretation

Division 5—Modifications of *Criminal Law Consolidation Act 1935*

- 19 Amendment of section 269A—Interpretation
- 20 Substitution of section 269V
 - 269V Custody, supervision and care

Division 6—Modifications of *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007*

21 Amendment of section 3—Interpretation

Division 7—Modifications of *Criminal Law (Sentencing) Act 1988*

22 Amendment of section 3—Interpretation

23 Insertion of section 31AA

31AA Commencement of sentences imposed in cross-border proceedings

24 Insertion of section 47A

47A Hours of community service under non-custodial orders made in cross-border proceedings

25 Amendment of section 50—Community corrections officer may give reasonable directions

Division 8—Modifications of *Evidence Act 1929*

26 Insertion of section 59IPA

59IPA Application of Division

27 Amendment of section 59IQ—Appearance etc by audio visual link or audio link

Division 9—Modifications of *Magistrates Act 1983*

28 Insertion of section 5A

5A Cross-border magistrates

Division 10—Modifications of *Magistrates Court Act 1991*

29 Amendment of section 7A—Constitution of Court

30 Substitution of section 23

23 Production of persons held in custody

Division 11—Modifications of *Oaths Act 1936*

31 Amendment of section 7—Oaths to be taken by judicial officers

Division 12—Modifications of *Police Act 1998*

32 Substitution of section 59

59 Appointment of special constables

Division 13—Modifications of *Police Regulations 1999*

33 Substitution of regulation 69

69 Illness or injury of prisoners

Division 14—Modifications of *Prisoners (Interstate Transfer) Act 1982*

34 Insertion of section 6A

6A Relationship with cross-border laws

35 Insertion of section 6B

6B Application of this Part to State prisoners imprisoned in another participating jurisdiction

36 Insertion of section 8A

8A Effect of orders under this Part on persons imprisoned under law of another participating jurisdiction

Division 15—Modifications of *Road Traffic Act 1961*

37 Amendment of section 5—Interpretation

38 Amendment of section 41D—Use of equipment to examine or process things

39 Amendment of Schedule 1—Oral fluid and blood sample processes

Division 16—Modifications of *Summary Offences Act 1953*

- 40 Amendment of section 78—Person apprehended without warrant, how dealt with
- 41 Amendment of section 78A—Power of arrest in cases of certain offences committed outside the State
- 42 Repeal of section 80
- 43 Repeal of sections 83B to 83C

Division 17—Modifications of *Summary Procedure Act 1921*

- 44 Insertion of section 30
 - 30 Representation of prosecuting authority
- 45 Amendment of section 69A—Examination of defendant
- 46 Amendment of section 99H—Registration of foreign restraining orders
- 47 Insertion of section 99HA
 - 99HA Notification of restraining orders made in cross-border proceedings
 - 99HB Enforcement of unregistered foreign restraining orders

Division 18—Modifications of *Young Offenders Act 1993*

- 48 Amendment of whole Act
- 49 Amendment of section 4—Interpretation
- 50 Insertion of section 5A
 - 5A Ex officio juvenile justice officers
- 51 Amendment of section 23—Limitation on power to impose custodial sentence
- 52 Amendment of section 40—Leave of absence

Division 19—Modification of *Youth Court Act 1993*

- 53 Amendment of section 14—Constitution of Court

Schedule 1—WA/SA/NT region

- 1 Description of boundary line
- 2 Areas in which police officers stationed or carry out duties

Part 1—Preliminary**1—Short title**

These regulations may be cited as the *Cross-border Justice Regulations 2009*.

2—Commencement

- (1) Subject to subregulation (2), these regulations will come into operation on the day on which section 146 of the *Cross-border Justice Act 2009* comes into operation.
- (2) Part 4 Division 18 and Division 19 will come into operation on the day on which Schedule 1 Part 4 of the *Cross-border Justice Act 2009* comes into operation.

3—Interpretation

In these regulations—

Act means the *Cross-border Justice Act 2009*.

Part 2—Cross-border regions

4—WA/SA/NT region

- (1) The WA/SA/NT region is a cross-border region that—
 - (a) straddles the State's borders with Western Australia and the Northern Territory; and
 - (b) is bounded by a line described in Schedule 1 clause 1.
- (2) The map in Schedule 1 clause 2 indicates the areas in the WA/SA/NT region in which police officers of participating jurisdictions may be stationed or carry out duties.

Part 3—General

5—Definitions (section 7)

- (1) Pursuant to paragraph (b) of the definition of *authorised officer* in section 7(1) of the Act, an office holder of a participating jurisdiction is an authorised officer for the purpose of carrying out a custodial order if the office holder is authorised under the law of the jurisdiction to carry out in that jurisdiction an order or other authority made or otherwise given under that law that is to the same or similar effect as the custodial order.
- (2) For the purposes of the definition of *community corrections officer* in section 7(1) of the Act, a community corrections officer, if the jurisdiction is the State, is an officer or employee of the Department within the meaning of the *Correctional Services Act 1982* whose duties include the supervision of offenders in the community.
- (3) For the purposes of the definition of *juvenile justice officer* in section 7(1) of the Act, a juvenile justice officer, if the jurisdiction is the State, is an officer or employee of an administrative unit of the Public Service whose duties include the supervision of young offenders in the community.

6—Custody orders—recommendation about place of custody

A judicial officer or registrar who issues—

- (a) a warrant of commitment under section 99 of the Act; or
- (b) a remand warrant under section 101 of the Act,

may note on the warrant any recommendation about the place at which the person who is the subject of the warrant should be kept in custody under the warrant.

7—Calculation of reduction in amount of fines (section 130)

For the purposes of section 130(2)(a)(iii) of the Act, the amount by which a fine is reduced because an offender who is a youth (within the meaning of the *Young Offenders Act 1993*) has satisfactorily performed all or some of the required hours of a community service order made under section 70L of the *Criminal Law (Sentencing) Act 1988* must be calculated in accordance with section 70L(4) and (5) of that Act.

Part 4—Modifications of other laws of State

Division 1—Interpretation

8—Terms used in modifications

If a term is given a meaning in section 7 of the Act, it has the same meaning in a modification prescribed by these regulations unless the contrary intention appears in the modification.

Note—

Under section 14 of the Act, in order to give effect to the Act, a law of the State must be applied with the modifications prescribed by these regulations as if the law had been altered in that way.

9—Modification provisions

- (1) Pursuant to section 13(a) of the Act, this Part prescribes modifications of the law of the State.
- (2) In this Part, a provision under a heading referring to the modification of a specified Act or specified regulations modifies the Act or regulations specified.
- (3) If a substituted provision as it appears in this Part includes text that is struck out or underlined, the provision of the specified Act or regulations is modified by the deletion of the text that is struck out and the insertion of the text that is underlined.

Division 2—Modifications of *Bail Act 1985*

10—Amendment of section 3—Interpretation

- (1) Section 3(1), definition of *community corrections officer*—delete the definition and substitute:

community corrections officer means—

- (a) in relation to a child—an officer or employee of an administrative unit of the Public Service whose duties include the supervision of young offenders in the community;
- (b) in any other case—an officer or employee of an administrative unit of the Public Service whose duties include the supervision of adult offenders in the community,

and includes a community corrections officer of another participating jurisdiction;

community corrections officer, of another participating jurisdiction, means—

- (a) if the jurisdiction is Western Australia—a community corrections officer as defined in section 4(2) of the *Sentence Administration Act 2003* of Western Australia; or
- (b) if the jurisdiction is the Northern Territory—
 - (i) a parole officer as defined in section 3(1) of the *Parole of Prisoners Act* of the Northern Territory; or
 - (ii) a supervising officer or surveillance officer as respectively defined in the *Prisons (Correctional Services) Act* of the Northern Territory;

- (2) Section 3(1)—after the definition of *intervention program manager* insert:

police station includes a police station in another participating jurisdiction;

11—Insertion of section 3A

After section 3 insert:

3A—Application to persons in custody in participating jurisdictions

This Act applies in relation to a person in the custody of a police officer in a participating jurisdiction who has a connection with a cross-border region.

12—Amendment of section 5—Bail authorities

Section 5(1)—delete subsection (1) and substitute:

- (1) The following are constituted as bail authorities for the purposes of this Act:

- (a) the Supreme Court;
- (b) a court before which the eligible person has been charged with the offence in respect of which the eligible person has been taken into custody;
- (c) a court before which the eligible person has appeared for trial or sentencing;
- (d) where the eligible person—
 - (i) is charged with a summary offence only; or
 - (ii) is charged with an indictable offence but has not appeared before a court for trial or sentencing,

the Magistrates Court;

- (e) where the eligible person—
 - (i) has been arrested on a warrant (other than a warrant endorsed by the court or justice issuing the warrant with a statement excluding the granting of bail by a member of the police force); or
 - (ii) has not appeared before a court charged with the offence in respect of which he or she has been taken into custody,

a member of the police force (including a member of the police force of another participating jurisdiction who holds a secondary office as a police officer of the State) who is of or above the rank of sergeant or who is in charge of a police station;

- (ea) where the eligible person is appearing before a court in answer to a summons or for allegedly failing to observe a condition of a recognizance—that court;
- (eb) where the eligible person is appearing, or is to appear, as a witness before a court—that court;
- (f) a person authorised or required to release the eligible person on bail under subsection (2).

13—Amendment of section 6—Nature of bail agreement

Section 6(3)—delete subsection (3) and substitute:

- (3) Where a bail authority decides to release a person on bail, the bail agreement may be entered into before the bail authority or, unless the bail authority otherwise directs, before—
 - (a) if the bail agreement is entered into in this State—a justice; or
 - (b) a member of the police force (including a member of the police force of another participating jurisdiction who holds a secondary office as a police officer of the State) of or above the rank of sergeant or in charge of a police station; or
 - (c) if the person is in prison—the person who is in charge of the prison; or
 - (d) any other person specified by the bail authority or any other person of a class specified by the bail authority.

14—Amendment of section 7—Guarantee of bail

Section 7(3)—delete subsection (3) and substitute:

- (3) A guarantee of bail may be entered into before the bail authority granting bail or, unless the bail authority otherwise directs, before—
 - (a) a justice; or
 - (b) a member of the police force (including a member of the police force of another participating jurisdiction who holds a secondary office as a police officer of the State) of or above the rank of sergeant or in charge of a police station; or
 - (c) if the person who is to be released on bail is in prison—the person who is in charge of the prison; or
 - (d) any other person specified by the bail authority or any other person of a class specified by the bail authority.

15—Amendment of section 11—Conditions of bail

(1) Section 11(6)—delete subsection (6) and substitute:

- (6) It is a condition of every bail agreement that the person released in pursuance of the agreement will not leave the State for any reason—
 - (a) if the person is under the supervision of a community corrections officer—without the permission of the Chief Executive (or his or her nominee) of the administrative unit of which the community corrections officer is an officer or employee;
 - (b) in any other case—without the permission of—
 - (i) a judge or magistrate; or
 - (ii) a member of the police force (including a member of the police force of another participating jurisdiction who holds a secondary office as a police officer of the State) of or above the rank of sergeant or in charge of a police station.

(2) Section 11—after subsection (6) insert:

- (6a) For the purposes of subsection (6), an area of the cross-border region that is within Western Australia or the Northern Territory will be taken to be part of the State.

Division 3—Modifications of *Correctional Services Act 1982*

16—Amendment of section 4—Interpretation

Section 4(1), definition of *prisoner*—delete the definition and substitute:

prisoner means a person committed to a correctional institution pursuant to an order of a court or a warrant of commitment and includes a person who is in prison under a custodial order of a participating jurisdiction;

17—Insertion of section 65

Before section 66 insert:

65—Division does not apply to cross-border prisoners

This Division does not apply in relation to a person who is in prison under a custodial order of another participating jurisdiction.

Division 4—Modifications of *Criminal Law (Forensic Procedures) Act 2007*

18—Amendment of section 3—Interpretation

(1) Section 3(1)—after the definition of *corresponding law* insert:

dentist means—

- (a) a person who is registered as a dentist under the *Dental Practice Act 2001*; or
- (b) an individual who is registered under the *Dental Act 1939* of Western Australia; or
- (c) a dentist or dental specialist who has a right of practice under the *Health Practitioners Act* of the Northern Territory;

(2) Section 3(1), definition of *medical practitioner*—delete the definition and substitute:

medical practitioner means—

- (a) a person who is registered on the general register under the *Medical Practice Act 2004*; or
- (b) an individual who is a medical practitioner, as that term is defined in section 4 of the *Medical Practitioners Act 2008* of Western Australia; or
- (c) a medical practitioner who has a right of practice under the *Health Practitioners Act* of the Northern Territory,

and includes, in relation to a forensic procedure involving the mouth or teeth or an impression left by the mouth or teeth, a dentist;

(3) Section 3(1)—after the definition of *police officer* insert:

police station includes a police station in another participating jurisdiction;

Division 5—Modifications of *Criminal Law Consolidation Act 1935*

19—Amendment of section 269A—Interpretation

Section 269A(1), definition of *psychiatrist*—delete the definition and substitute:

psychiatrist means—

- (a) a person registered on the specialist register under the *Medical Practice Act 2004* as a specialist in psychiatry; or
- (b) a medical practitioner whose name is contained in a register of psychiatrists prepared and maintained under section 17 of the *Mental Health Act 1996* of Western Australia; or
- (c) a person who holds an appointment, or may be appointed, as an authorised psychiatric practitioner under section 22 of the *Mental Health and Related Services Act* of the Northern Territory;

20—Substitution of section 269V

Section 269V—delete the section and substitute:

269V—Custody, supervision and care

- (1) If a defendant is committed to detention under this Part, the defendant is in the custody of the Minister and the Minister may give directions for the custody, supervision and care of the defendant the Minister considers appropriate.
- (2) The Minister may—
 - (a) place the defendant under the custody, supervision and care of another (who may, subject to subsection (4), be a person in another participating jurisdiction); and
 - (b) if there is no practicable alternative—direct that a defendant be kept in custody in a prison (which may, subject to subsection (4), be a prison in another participating jurisdiction).
- (3) Supervisory responsibilities arising from conditions on which a person is released on licence are to be divided between the Parole Board and the Minister in the following way:
 - (a) the supervisory responsibilities are to be exercised by the Minister insofar as they relate to treating or monitoring the mental condition of the person;
 - (b) the supervisory responsibilities are in all other respects to be exercised by the Parole Board.
- (4) The Minister may not direct that a defendant be placed under the custody, supervision and care of a person, or kept in custody in a prison, in another participating jurisdiction unless—
 - (a) if that other jurisdiction is Western Australia—the CEO within the meaning of the *Mental Health Act 1996* of Western Australia; or
 - (b) if that other jurisdiction is the Northern Territory—the CEO within the meaning of the *Mental Health and Related Services Act* of the Northern Territory,
has consented to the defendant being so placed or kept.

Division 6—Modifications of *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007*

21—Amendment of section 3—Interpretation

Section 3(1)—after the definition of *motor vehicle* insert:

place includes a place in another participating jurisdiction;

Division 7—Modifications of *Criminal Law (Sentencing) Act 1988*

22—Amendment of section 3—Interpretation

Section 3(1), definition of *community corrections officer*—delete the definition and substitute:

community corrections officer means—

- (a) an officer or employee of the Department within the meaning of the *Correctional Services Act 1982* whose duties include the supervision of offenders in the community; or
- (b) a community corrections officer of another participating jurisdiction;

community corrections officer, of another participating jurisdiction, means—

- (a) if the jurisdiction is Western Australia—a community corrections officer as defined in section 4(2) of the *Sentence Administration Act 2003* of Western Australia; or
- (b) if the jurisdiction is the Northern Territory—
 - (i) a parole officer as defined in section 3(1) of the *Parole of Prisoners Act* of the Northern Territory; or
 - (ii) a supervising officer or surveillance officer as respectively defined in the *Prisons (Correctional Services) Act* of the Northern Territory;

23—Insertion of section 31AA

After section 31 insert:

31AA—Commencement of sentences imposed in cross-border proceedings

- (1) This section applies if an offender—
 - (a) is convicted of 1 or more offences in a cross-border proceeding of a prescribed court of the State; and
 - (b) is sentenced to imprisonment for 1 or more of those offences.
- (2) If, at the time of conviction, the offender is serving or yet to serve 1 or more sentences of imprisonment under the law of another participating jurisdiction (the *interstate sentences*), each of the sentences referred to in subsection (1)(b) (the *State sentences*) is to be served concurrently with the interstate sentences unless the court specifies differently under subsection (3).

- (3) The court may specify when 1 or more of the State sentences commences.
- (4) For the purposes of subsection (3)—
 - (a) none of the State sentences can commence later than the end of the last interstate sentence to end; and
 - (b) if a non-parole period applies in respect of any of the interstate sentences—the first State sentence to commence after the end of the non-parole period must commence immediately after the end of that period.

24—Insertion of section 47A

After section 47 insert:

47A—Hours of community service under non-custodial orders made in cross-border proceedings

- (1) The section applies if an offender—
 - (a) is convicted of 1 or more offences in a cross-border proceeding of a prescribed court of the State; and
 - (b) the court makes a non-custodial order for 1 or more of those offences under which the offender is required to perform community service.
- (2) If, at the time of conviction, the offender is performing or yet to perform community service under 1 or more non-custodial orders of another participating jurisdiction (the *interstate orders*), the hours of community service performed under the interstate orders count as hours of community service performed under each of the non-custodial orders referred to in subsection (1)(b) (the *State orders*) unless the court specifies differently under subsection (3).
- (3) The court may specify that the number of hours of community service to be performed under 1 or more of the State orders is in addition to any community service the offender has to perform under the interstate orders.
- (4) For the purposes of subsection (3), an offender cannot do the additional hours of work under a State order until the offender has done the hours of work under the interstate orders or the interstate orders have ceased to be in force, whichever is earlier.
- (5) To avoid doubt, section 47(1)(b) applies in relation to community service performed under non-custodial orders of the State and does not apply in relation to community service performed under non-custodial orders of another participating jurisdiction.

25—Amendment of section 50—Community corrections officer may give reasonable directions

Section 50(1)—delete subsection (1) and substitute:

- (1) A community corrections officer responsible for supervising a person—
 - (a) may give reasonable directions to the person—

- (i) requiring the person to report to the officer on a regular basis; or
 - (ii) requiring the person to notify the officer of any change in the person's place of residence or employment; or
 - (iii) requiring the person to obtain the officer's written permission before leaving the State participating jurisdiction in which the person was sentenced for any reason; or
 - (iv) requiring the person to reside, or not to reside, in any particular place or area or with any particular person; or
 - (v) requiring the person to take up, or not to take up, any particular employment, to be punctual in reporting to work or not to give up some particular employment; and
- (b) may give the person other directions of a kind authorised by the Minister for Correctional Services, either generally or in relation to that person.

Division 8—Modifications of *Evidence Act 1929*

26—Insertion of section 59IPA

Before section 59IQ insert:

59IPA—Application of Division

This Division applies to any cross-border proceedings of a prescribed court of the State.

27—Amendment of section 59IQ—Appearance etc by audio visual link or audio link

- (1) Section 59IQ(1)—delete subsection (1) and substitute:
- (1) A court may, subject to this Division and any relevant rules of court, receive evidence or submissions from a person who is in ~~the State~~ participating jurisdiction but not physically present in the courtroom by means of an audio visual link or an audio link.
- (2) Section 59IQ(5)—delete subsection (5) and substitute:
- (1) The personal attendance of a defendant who is in custody is, however, required if—
 - (a) the proceeding is—
 - ~~(i) the defendant's first appearance before a court in connection with the charge or charges for which the defendant is in custody; or~~

- (ii) a preliminary examination of an indictable offence that involves the taking of oral evidence (but this subparagraph does not prevent the use of an audio visual link for parts of the proceeding that do not involve the taking of oral evidence or for incidental proceedings such as an adjournment or an application for bail or further remand in custody that do involve the taking of oral evidence); or
- (iii) a proceeding for which the defendant's personal attendance is required by regulation,
(but in any of the above cases, the defendant may ask the court to be allowed to use an audio visual link and, if the court agrees, the defendant need not attend personally before the court); or
- (b) the proceeding is an investigation into the defendant's fitness to stand trial; or
- (c) the court is of the opinion that there are good reasons in the circumstances of the particular case for requiring the defendant's personal attendance and directs accordingly; or
- (d) there are other matters to be dealt with on the same occasion for which the defendant's personal attendance is necessary or desirable.

Division 9—Modifications of *Magistrates Act 1983*

28—Insertion of section 5A

After section 5 insert:

5A—Cross-border magistrates

- (1) If the Governor is of the opinion that it is necessary to do so to facilitate the administration of justice in a cross-border region, the Governor may, on the recommendation of the Attorney-General, appoint a magistrate of another participating jurisdiction to be a magistrate.
- (2) The instrument of appointment must specify—
 - (a) the period of appointment; and
 - (b) any conditions on which the appointee holds office.
- (3) The Governor may vary any matter specified in the instrument of appointment other than the period of appointment.
- (4) A magistrate whose appointment is varied under subsection (3) must be notified in writing of the variation.
- (5) The conditions of service (including remuneration) of a cross-border magistrate are those that the cross-border magistrate is entitled to under the law of that other jurisdiction.
- (6) A cross-border magistrate has the same functions, protection and immunity as a magistrate.

- (7) A person who is a magistrate of another participating jurisdiction appointed as a cross-border magistrate ceases to be a cross-border magistrate if the person ceases to be a magistrate of that other jurisdiction.
- (8) If, at the end of the period of a cross-border magistrate's appointment, a case is pending before the magistrate—
 - (a) the cross-border magistrate must finish dealing with the case; and
 - (b) for that purpose, the appointment is taken to be extended until the cross-border magistrate has done so.
- (9) A reference in an enactment other than this Act to a magistrate includes a reference to a cross-border magistrate unless the contrary intention appears.
- (10) Parts 3, 4 and 5 do not apply in relation to a cross-border magistrate.
- (11) In this section—

cross-border magistrate means a magistrate appointed under subsection (1).

Division 10—Modifications of *Magistrates Court Act 1991*

29—Amendment of section 7A—Constitution of Court

Section 7A—after subsection (2) insert:

- (2aa) However, the Court may not, when sitting in another participating jurisdiction, be constituted of a special justice.

30—Substitution of section 23

Section 23—delete the section and substitute:

23—Production of persons held in custody

If the Court requires the attendance before it of any person who is held in custody in the State or another participating jurisdiction, the Court may—

- (a) issue a summons or a notice requiring the custodian to produce that person before the Court at a nominated time and place; or
- (b) issue a warrant authorising the sheriff, or a member of the police force, to take the person from the custodian and bring him or her before the Court.

Division 11—Modifications of *Oaths Act 1936*

31—Amendment of section 7—Oaths to be taken by judicial officers

- (1) Section 7(1)—delete subsection (1) and substitute:

- (1) Each of the following officers, namely—
 - (a) the Chief Justice, puisne judges and Masters of the Supreme Court;

- (b) the Chief Judge, other Judges and Masters of the District Court;
- (c) magistrates (including cross-border magistrates);
- (d) justices of the peace,

shall, before proceeding to discharge any official duties, take the oath of allegiance and the judicial oath.

(2) Section 7(3)—delete subsection (3) and substitute:

(3) Subject to subsection (3a)—

- (a) the oaths to be taken under this section by the puisne judges of the Supreme Court must be taken before the Governor or the Chief Justice, as the Governor may determine (however, in the absence of a determination by the Governor, the oaths must be taken before the Chief Justice);
- (b) the oaths to be taken under this section by any other judicial officer to whom this section applies (other than a justice of the peace or a cross-border magistrate) must be taken before the Chief Justice.

(3) Section 7—after subsection (3a) insert:

- (3b) A cross-border magistrate may take the oaths to be taken under this section in another participating jurisdiction before the most senior judge of the Supreme Court of that other jurisdiction that is available at the time the oath is to be taken.

(4) Section 7—after subsection (5) insert:

(6) In this section—

cross-border magistrate means a magistrate appointed under section 5A(1) of the *Magistrates Act 1983*.

Division 12—Modifications of *Police Act 1998*

32—Substitution of section 59

Section 59—delete the section and substitute:

59—Appointment of special constables

The Commissioner may, by instrument in writing, appoint a person to be a special constable either for the whole ~~State or for a part of the State~~ of a participating jurisdiction or for a part of a participating jurisdiction specified in the instrument of appointment.

Division 13—Modifications of *Police Regulations 1999***33—Substitution of regulation 69**

Regulation 69—delete the regulation and substitute:

69—Illness or injury of prisoners

- (1) If it is necessary to obtain medical assistance for a prisoner who is ill or injured, the officer in charge of a police station—
 - (a) must, if practicable, cause the prisoner to be conveyed to—
 - (i) an incorporated hospital within the meaning of the *Health Care Act 2008*; or
 - (ii) a public hospital or a private hospital within the meaning of the *Hospitals and Health Services Act 1927* of Western Australia; or
 - (iii) a hospital within the meaning of the *Medical Services Act* of the Northern Territory; or
 - (b) if that is not practicable, must cause the prisoner to be attended by a police medical officer or other legally qualified medical practitioner.
- (2) In this regulation—

medical practitioner means—

 - (a) a person who is registered on the general register under the *Medical Practice Act 2004*; or
 - (b) an individual who is a medical practitioner, as that term is defined in section 4 of the *Medical Practitioners Act 2008* of Western Australia; or
 - (c) a medical practitioner who has a right of practice under the *Health Practitioners Act* of the Northern Territory.

Division 14—Modifications of *Prisoners (Interstate Transfer) Act 1982***34—Insertion of section 6A**

After section 6 insert:

6A—Relationship with cross-border laws

This Act does not apply in relation to the transfer from South Australia to another participating jurisdiction of a person who—

- (a) is serving a sentence of imprisonment in South Australia under a warrant of commitment issued under—
 - (i) the *Cross-border Justice Act 2009*; or
 - (ii) the *Cross-border Justice Act 2008* of Western Australia; or
 - (iii) the *Cross-border Justice Act* of the Northern Territory; and

- (b) has a connection with a cross-border region that is partly in that other jurisdiction.

35—Insertion of section 6B

Before section 7 insert:

6B—Application of this Part to State prisoners imprisoned in another participating jurisdiction

This Part applies in relation to a person who is serving in another participating jurisdiction a State sentence of imprisonment under a warrant of commitment issued under the *Cross-border Justice Act 2009* as if the person were a State prisoner serving a sentence of imprisonment in South Australia.

36—Insertion of section 8A

After section 8 insert:

8A—Effect of orders under this Part on persons imprisoned under law of another participating jurisdiction

- (1) Subsection (3) applies in relation to a person who is serving in South Australia—
 - (a) a State sentence of imprisonment; and
 - (b) a sentence of imprisonment under a warrant of commitment issued under—
 - (i) the *Cross-border Justice Act 2008* of Western Australia; or
 - (ii) the *Cross-border Justice Act* of the Northern Territory.
- (2) Subsection (3) applies in relation to a person who is serving in another participating jurisdiction—
 - (a) a State sentence of imprisonment under a warrant of commitment issued under the *Cross-border Justice Act 2009*; and
 - (b) a sentence of imprisonment under the law of another participating jurisdiction.
- (3) An order of transfer issued under this Part (a *State order*) in relation to a person referred to in subsection (1) or (2) has no effect—
 - (a) to the extent that, but for this subsection, it authorises or requires the doing of an act or thing under this Act in relation to the person in the person's capacity as a person on whom a sentence of imprisonment under the law of the jurisdiction referred to in subsection (1)(b) or (2)(b) has been imposed; and
 - (b) unless and until an order of transfer corresponding to the State order is in force under the interstate law of that jurisdiction.

Division 15—Modifications of *Road Traffic Act 1961***37—Amendment of section 5—Interpretation**

(1) Section 5(1)—after the definition of *mass limit* insert:

medical practitioner means—

- (a) a person who is registered on the general register under the *Medical Practice Act 2004*; or
- (b) an individual who is a medical practitioner, as that term is defined in section 4 of the *Medical Practitioners Act 2008* of Western Australia; or
- (c) a medical practitioner who has a right of practice under the *Health Practitioners Act* of the Northern Territory;

(2) Section 5(1)—after the definition of *photographic detection device* insert:

police station includes a police station in another participating jurisdiction;

38—Amendment of section 41D—Use of equipment to examine or process things

Section 41D(2)—delete subsection (2) and substitute:

(2) If—

- (a) it is not practicable to examine or process the things at the vehicle or premises; or
- (b) the occupier of the vehicle or premises consents in writing,

the things may be moved to another place (which may be a place within another participating jurisdiction) so that the examination or processing can be carried out in order to determine whether they are things that may be seized.

39—Amendment of Schedule 1—Oral fluid and blood sample processes

Schedule 1, clause 1, definition of *registered nurse*—delete the definition and substitute:

registered nurse means—

- (a) a person who is a registered nurse within the meaning of the *Nursing and Midwifery Practice Act 2008*; or
- (b) a person who is a registered nurse under the *Nurses Act 1992* of Western Australia; or
- (c) a registered nurse who has right of practice under the *Health Practitioners Act* of the Northern Territory.

Division 16—Modifications of *Summary Offences Act 1953***40—Amendment of section 78—Person apprehended without warrant, how dealt with**

Section 78(6)—after the definition of *the nearest police station* insert:

police station includes a police station in another participating jurisdiction;

41—Amendment of section 78A—Power of arrest in cases of certain offences committed outside the State

Section 78A—after subsection (5) insert:

- (6) To avoid doubt, a proceeding under this section in respect of an offence to which this section applies is only a cross-border proceeding if—
 - (a) the offence is an offence under the law of another participating jurisdiction; and
 - (b) the person arrested for the offence has a connection with a cross-border region that is partly in that other jurisdiction.

42—Repeal of section 80

Section 80—delete the section

43—Repeal of sections 83B to 83C

Sections 83B to 83C (inclusive)—delete the sections

Division 17—Modifications of *Summary Procedure Act 1921***44—Insertion of section 30**

After section 29 insert:

30—Representation of prosecuting authority

A police officer of another participating jurisdiction may appear on behalf of a prosecuting authority that is the State or a police officer in a cross-border proceeding of a prescribed court if—

- (a) the person who is the subject of the proceeding has a connection with a cross-border region that is partly in that other jurisdiction; and
- (b) the police officer is authorised to appear as a prosecuting authority under the law of that other jurisdiction.

45—Amendment of section 69A—Examination of defendant

(1) Section 69A(1)—delete subsection (1) and substitute:

- (1) If the Court finds proved a matter alleged in a complaint (not being a charge of an offence), the Court may order that the defendant be examined by a medical practitioner or psychologist directed by the Court to conduct the examination and that the defendant submit to the examination.

(2) Section 69A(3)—delete subsection (3) and substitute:

- (3) For the purpose of enabling the defendant to be examined as mentioned in this section, the court may order that the defendant be taken to a suitable place for the examination (which may be a place in another participating jurisdiction).

(3) Section 69A—after subsection (4) insert:

(5) In this section—

medical practitioner means—

- (a) a person who is registered on the general register under the *Medical Practice Act 2004*; or
- (b) an individual who is a medical practitioner, as that term is defined in section 4 of the *Medical Practitioners Act 2008* of Western Australia; or
- (c) a medical practitioner who has a right of practice under the *Health Practitioners Act* of the Northern Territory;

psychologist means—

- (a) a person who is registered as a psychologist under the *Psychological Practices Act 1973*; or
- (b) a person who is registered as a psychologist under the *Psychologists Act 2005* of Western Australia; or
- (c) a psychologist who has a right of practice under the *Health Practitioners Act* of the Northern Territory.

46—Amendment of section 99H—Registration of foreign restraining orders

Section 99H—after subsection (1) insert:

- (1a) If the Principal Registrar receives from a registrar of a prescribed court of another participating jurisdiction a copy of a foreign restraining order as made or varied in a cross-border proceeding of that court, the Principal Registrar must register the order in the Court.
- (1b) If the Principal Registrar registers a foreign restraining order as varied in a cross-border proceeding pursuant to subsection (1a), the registration of the foreign restraining order as made is cancelled.

47—Insertion of section 99HA

After section 99H insert:

99HA—Notification of restraining orders made in cross-border proceedings

- (1) This section applies in relation to a restraining order made by a prescribed court of the State if—
 - (a) the order is made or varied in a cross-border proceeding for the purposes of which the person who is bound by the order has a connection with a cross-border region; and
 - (b) the person for whose benefit the order is made indicates at the time the order is made or varied that the person wants the order as made or varied to be registered in another participating jurisdiction; and
 - (c) the region is partly in that other jurisdiction.

- (2) The Principal Registrar must cause a copy of the order as made or varied to be delivered to—
 - (a) if that other jurisdiction is Western Australia—the registrar of the Magistrates Court of Western Australia; and
 - (b) if that other jurisdiction is the Northern Territory—the Clerk of the Local Court of the Northern Territory.

99HB—Enforcement of unregistered foreign restraining orders

- (1) This section applies if a police officer reasonably believes—
 - (a) that a person in the State is a person against whom an unregistered foreign restraining order made by a court of another participating jurisdiction is in force in that other jurisdiction; and
 - (b) that the person against whom, or for whose benefit, that unregistered foreign restraining order is made ordinarily resides in a cross-border region that is partly in that other jurisdiction.
- (2) The police officer must as soon as practicable after forming that belief—
 - (a) make a declaration in writing stating the belief and setting out the grounds for the belief; and
 - (b) give the declaration to the Commissioner of Police.
- (3) The declaration is in force for 72 hours after it is made.
- (4) While the declaration is in force, the police officer may exercise powers in relation to the person against whom the unregistered foreign order is made as if the order were registered.
- (5) In relation to the exercise of powers under subsection (4), this Part has effect for all purposes in respect of any breach of the unregistered foreign restraining order as if the order were registered.
- (6) In this section—

unregistered foreign restraining order means a foreign restraining order that is not registered under section 99H.

Division 18—Modifications of *Young Offenders Act 1993*

48—Amendment of whole Act

Act—delete "an officer of the Department" wherever occurring and substitute in each case:
a juvenile justice officer

49—Amendment of section 4—Interpretation

- (1) Section 4, definition of *home detention officer*—delete the definition and substitute:

home detention officer means ~~an employee of the Department~~ a juvenile justice officer assigned to the position of a home detention officer or authorised by the Minister (individually or by class) to exercise the powers of a home detention officer under this Act;

- (2) Section 4—after the definition of *homicide* insert:

juvenile justice officer means—

- (a) an officer of the Department; or
- (b) a person who holds office as a juvenile justice officer under section 5A;

- (3) Section 4—after the definition of *Judge* insert:

lock-up includes a lock-up in another participating jurisdiction;

- (4) Section 4—after the definition of police officer insert:

police station includes a police station in another participating jurisdiction;

prison includes a prison in another participating jurisdiction under its cross-border laws;

- (5) Section 4, definition of *training centre*—delete the definition and substitute:

training centre means—

- (a) a training centre established by the Minister under section 36 of the *Family and Community Services Act 1972*; or
- (b) a detention centre in another participating jurisdiction under its cross-border laws;

- (6) Section 4—after the definition of *Training Centre Review Board* insert:

watch-house includes a watch-house in another participating jurisdiction;

50—Insertion of section 5A

After section 5 insert:

5A—Ex officio juvenile justice officers

The following persons hold office as juvenile justice officers for the purposes of this Act:

- (a) an officer of the Department within the meaning of the *Young Offenders Act 1994* of Western Australia whose duties include the supervision of offenders in the community under that Act;
- (b) public sector employees of the Northern Territory whose duties include the supervision of offenders in the community under the *Youth Justice Act* of the Northern Territory.

51—Amendment of section 23—Limitation on power to impose custodial sentence

Section 23(7)—delete subsection (7) and substitute:

- (7) If a youth is serving detention in a prison under subsection (6), the prison laws of the participating jurisdiction in which the sentence is being served apply to and in relation to the youth.

- (8) In this section—

prison laws of a participating jurisdiction means—

- (a) if the jurisdiction is the State—the *Correctional Services Act 1982*;
or

- (b) if the jurisdiction is Western Australia—the *Prisons Act 1981* of Western Australia; or
- (c) if the jurisdiction is the Northern Territory—the *Prisons (Correctional Services) Act* of the Northern Territory.

52—Amendment of section 40—Leave of absence

Section 40(2)—delete subsection (2) and substitute:

- (2) Leave of absence under this section may be subject to such conditions as the Chief Executive thinks fit, including, if the Chief Executive thinks appropriate, a condition that the youth will be in the custody of and supervised by 1 or more ~~officers of the Department~~ juvenile justice officers authorised by the Minister for the purpose.

Division 19—Modification of *Youth Court Act 1993*

53—Amendment of section 14—Constitution of Court

Section 14—after subsection (4) insert:

- (4a) However, the Court may not, when sitting in another participating jurisdiction, be constituted of a special justice.

Schedule 1—WA/SA/NT region

1—Description of boundary line

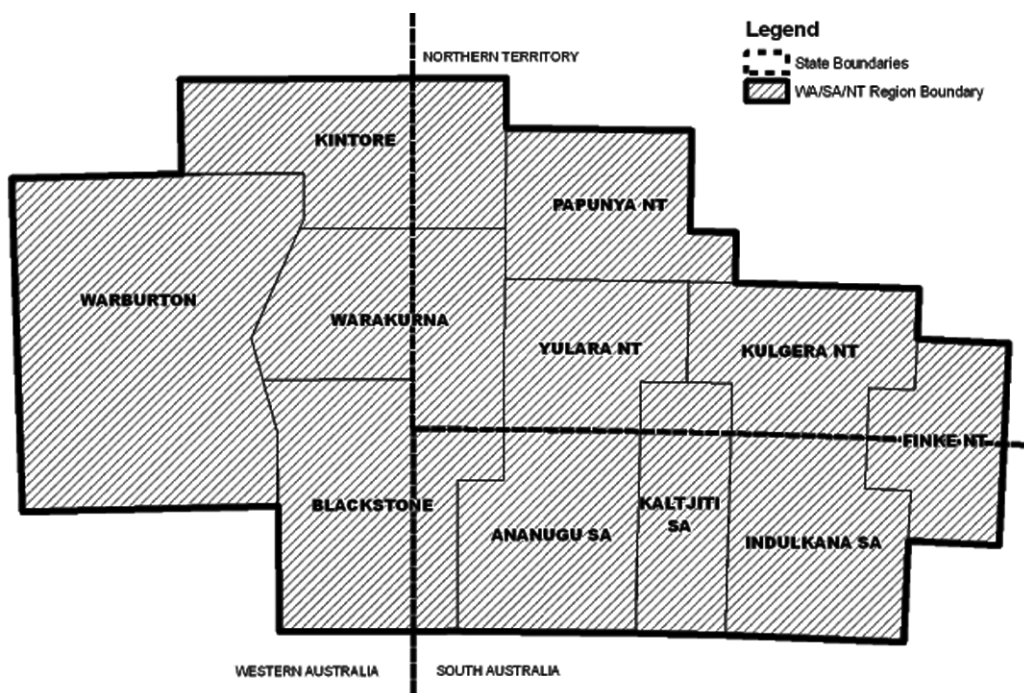
The WA/SA/NT region is bounded by a line starting at point 1 in the sequence specified in the table then, initially in an easterly direction, along a straight line between each of the points in the sequence to point 18 then to point 1.

Point no.	Longitude (E)	Latitude (S)
1	124°40'9.726"	-23°26'26.696"
2	126°29'59.085"	-23°26'50.559"
3	126°30'2.638"	-22°30'0.724"
4	129°59'43.09"	-22°29'59.842"
5	130°0'0.315"	-22°59'58.596"
6	131°59'59.524"	-22°59'59.741"
7	132°0'3.867"	-24°0'0.641"
8	132°29'45.2"	-24°0'5.62"
9	132°30'4.694"	-24°29'40.966"
10	134°30'1.249"	-24°30'0.759"
11	134°30'4.258"	-25°0'5.185"
12	135°30'0.12"	-25°0'1.22"
13	135°30'7.027"	-26°59'43.989"
14	134°30'13.305"	-27°0'11.385"
15	134°30'51.407"	-28°0'11.092"
16	127°30'0.049"	-28°0'0.49"
17	127°30'3.326"	-26°45'5.594"
18	124°39'56.52"	-26°44'1.484"

Note—

Coordinate references are to Geocentric Datum of Australia 1994 (GDA94) coordinates.

2—Areas in which police officers stationed or carry out duties



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 29 October 2009

No 253 of 2009

AGO0163/09CS

South Australia

Fire and Emergency Services (Review) Variation Regulations 2009

under the *Fire and Emergency Services Act 2005*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Fire and Emergency Services (Review) Variation Regulations 2009*.

2—Commencement

These regulations will come into operation on the day on which the *Fire and Emergency Services (Review) Amendment Act 2009* comes into operation.

3—Variation provisions

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

Part 2—Variation of *Fire and Emergency Services Regulations 2005*

4—Variation of regulation 6—Constitution of an SACFS brigade

Regulation 6(5)—delete subregulation (5)

5—Variation of regulation 14—Constitution of an SACFS group

Regulation 14(4)—delete subregulation (4)

6—Insertion of regulation 24A

After regulation 24 insert:

24A—Dissolution of an SACFS organisation—consultation requirements

- (1) This regulation sets out the requirements envisaged by section 68(8) of the Act.
- (2) The Chief Officer must, before determining to dissolve an SACFS organisation, consult with—
 - (a) the members of the organisation; and
 - (b) the local community; and
 - (c) the Country Fire Service Volunteers Association,in relation to the matter.
- (3) For the purposes of subregulation (2), the Chief Officer must—
 - (a) organise a meeting at which the Chief Officer, or a representative or representatives of the Chief Officer, can meet with the members of the organisation (or their representative or representatives); and
 - (b) organise a public meeting within the local community; and
 - (c) invite the Country Fire Service Volunteers Association to—

- (i) make written submissions to the Chief Officer in relation to the matter; or
 - (ii) have a representative, or representatives, attend a meeting with the Chief Officer or a representative or representatives of the Chief Officer,
- as the Association sees fit.
- (4) The Chief Officer must give notice of a public meeting under subregulation (3)(b) by advertisement in a newspaper circulating throughout the local area.
 - (5) The Chief Officer must also give notice of a public meeting to any member of the House of Assembly whose electoral district includes any part of the area in relation to which the SACFS organisation is constituted.
 - (6) The Chief Officer, or a person appointed by the Chief Officer, must chair a public meeting.
 - (7) If—
 - (a) a resolution expressing opposition to the dissolution of the SACFS organisation is passed (by majority vote) at a public meeting held under this regulation; but
 - (b) the Chief Officer determines to dissolve the SACFS organisation in any event,then the Chief Officer must furnish to the Minister a written report in relation to the matter.
 - (8) The Minister must, within 6 sitting days after receiving a report under subregulation (6), have copies of the report laid before both Houses of Parliament.

7—Substitution of Part 3 Division 3

Part 3 Division 3—delete Division 3 and substitute:

Division 3—Fire prevention authorities and plans—country areas and urban bushfire risk areas

26—Bushfire Management Area Plans

For the purposes of section 73A(7)(c), the period of 6 weeks is prescribed.

8—Insertion of regulation 32A

Before regulation 33 insert:

32A—Fires permitted under section 79(2) of Act

- (1) For the purposes of section 79(2) of the Act, a fire may be lighted or maintained in the open air in the following circumstances:
 - (a) a fire for cooking or personal comfort may be lighted or maintained provided that—

- (i) the fire is contained in a properly constructed fire place, a portable cooking appliance or a trench at least 30 cm deep; and
 - (ii) the space immediately around and above the fire is cleared of all flammable material to a distance of at least 4 m; and
 - (iii) the fire does not occupy an area in excess of 1 m²; and
 - (iv) a person who is able to control the fire is present at the site of the fire from the time it is lighted to the time it is completely extinguished; and
 - (v) an appropriate agent adequate to extinguish the fire is at hand;
- (b) a fire for the burning of refuse may be lighted or maintained provided that—
- (i) the fire is contained within a properly constructed incinerator; and
 - (ii) the space immediately around and above the fire is cleared of all flammable material to a distance of at least 4 m; and
 - (iii) a supply of water adequate to extinguish the fire is at hand; and
 - (iv) a person who is able to control the fire is present at the site of the fire from the time it is lighted to the time it is completely extinguished;
- (c) a fire for heating bitumen, welding, gas-cutting, soldering or charring may be lighted or maintained provided that—
- (i) a shield or guard of fire-resistant material is positioned around the fire to prevent the escape of sparks, hot metal or slag; and
 - (ii) the space immediately around and above the fire is cleared of all flammable material to a distance of at least 4 m, or wetted sufficiently to prevent the spread of fire; and
 - (iii) a supply of water adequate to extinguish the fire is at hand; and
 - (iv) if any equipment is removed from the fire, the equipment is immediately placed in a fire-proof receptacle; and
 - (v) a person who is able to control the fire is present at the site of the fire from the time it is lighted to the time it is completely extinguished;
- (d) a fire may be lighted and maintained in accordance with the conditions of a permit;
- (e) a fire may be lighted and maintained if specifically authorised for the purposes of section 79(2) of the Act under another regulation.

- (2) The Chief Officer may, by notice in the Gazette, prohibit or restrict the lighting and maintaining of fires under subregulation (1)(a), (b) or (c) in the whole or a specified part of the State.
- (3) The Chief Officer may, by further notice in the Gazette, vary or revoke a notice under subregulation (2).
- (4) The Chief Officer must consult with any council for an area that would be affected by a notice under this regulation before the notice is made.

9—Variation of regulation 33—Permits

Regulation 33—after subregulation (10) insert:

- (11) A person whose permit is revoked may appeal to the Commission against that revocation.
- (12) An appeal must be instituted by written notice of appeal setting out in detail the grounds of appeal.
- (13) On an appeal, the Commission may—
 - (a) confirm the revocation;
 - (b) direct that a new permit be issued.

10—Variation of regulation 34—Special provisions relating to gas and electric cooking appliances

Regulation 34(1)—delete "section 79(2)(e)" and substitute:

section 79(2)

11—Variation of regulation 35—Fires during fire danger season—orchards and vineyards

Regulation 35—delete "section 79(2)(e)" and substitute:

section 79(2)

12—Variation of regulation 36—Fires in the open air on a total fire ban day

Regulation 36—delete "sections 79(2)(e)" and substitute:

sections 79(2)

13—Variation of regulation 41—Welders and other tools

Regulation 41—after subregulation (4) insert:

- (5) Despite subregulations (1) and (2), a person must not operate an appliance referred to in subregulation (1) in the open air for any purpose on a day in relation to which a total fire ban under section 80 of the Act has been imposed in any part of the State to which the total fire ban applies.

14—Substitution of Part 3 Division 4 Subdivision 4

Part 3 Division 4 Subdivision 4—delete Subdivision 4 and substitute:

Subdivision 4—Burning objects and material

47—Burning objects and material

- (1) A person must not smoke in the open air in the country within 2 m of flammable bush or grass (but this prohibition does not operate within a municipality or township).
Maximum penalty: \$1 250.
- (2) A person must not, without lawful excuse, drop or throw a burning object or material from a vehicle.
Maximum penalty: \$5 000.
- (3) A person must not, without lawful excuse, drop or throw a burning object or material in circumstances in which it may come into contact with flammable material and cause a fire in the country.
Maximum penalty: \$5 000.
- (4) A person must not, without lawful excuse, drop or throw any material capable of causing a fire in circumstances in which it may cause a fire in the country.
Maximum penalty: \$5 000.

15—Revocation of Part 3 Division 4 Subdivision 5

Part 3 Division 4 Subdivision 5—delete Subdivision 5

16—Substitution of regulation 51

Regulation 51—delete the regulation and substitute:

51—Caravans

- (1) A person must not use a caravan in the country unless an efficient fire extinguisher that complies with subregulation (2) is carried in the caravan.
- (2) A fire extinguisher required under subregulation (1) must—
 - (a) comply with *Australian Standard 1841.5-1997: Portable Fire Extinguishers—Specific Requirements for Powder Type Extinguishers*; and
 - (b) have a minimum classification and rating of 10B, as defined by *Australian Standard 1850-1997: Portable Fire Extinguishers—Classification, Rating and Performance Testing*; and
 - (c) be maintained in accordance with *Australian Standard 1851.1-1995: Maintenance of Fire Protection Equipment—Portable Fire Extinguishers and Fire Blankets*.

17—Insertion of Part 3A

After regulation 56 insert:

Part 3A—Fire prevention

56A—Duties to prevent fires

- (1) For the purposes of section 105F(5) of the Act, the form set out in Schedule 12 is prescribed.
- (2) For the purposes of section 105F(10) of the Act, the form set out in Schedule 13 is prescribed.

56B—Applications for warrants

- (1) The grounds for an application for a warrant under section 105J of the Act made personally must be verified by affidavit.
- (2) If an application for a warrant is made under section 105J of the Act by telephone—
 - (a) the applicant must inform the magistrate of the applicant's name and identify the position that he or she holds for the purposes of the Act, and the magistrate, on receiving that information, is entitled to assume, without further inquiry, that the applicant holds that position; and
 - (b) the applicant must inform the magistrate of the purpose for which the warrant is required and the grounds on which it is sought; and
 - (c) if it appears to the magistrate from the information given by the applicant that there are reasonable grounds to issue a warrant (taking into account the requirements of the Act), the magistrate must inform the applicant of the facts that justify, in the magistrate's opinion, the issue of the warrant, and must not proceed to issue the warrant unless the applicant undertakes to make an affidavit verifying those facts; and
 - (d) if the applicant gives such an undertaking, the magistrate may then make out and sign a warrant, noting on the warrant the facts that justify, in the magistrate's opinion, the issue of the warrant; and
 - (e) the warrant is taken to have been issued, and comes into force, when signed by the magistrate; and
 - (f) the magistrate must inform the applicant of the terms of the warrant; and
 - (g) the applicant must, as soon as practicable after the issue of the warrant, forward to the magistrate an affidavit verifying the facts referred to in paragraph (c).
- (3) A magistrate by whom a warrant is issued must file the warrant, or a copy of the warrant, and the affidavit verifying the grounds on which the application for the warrant was made, in the Magistrates Court.

56C—Prescribed rate of interest

- (1) For the purposes of section 105J(9) of the Act, the prescribed rate of interest will be the designated rate applying at the time at which the period fixed by the Minister under subsection (9)(b)(i) of that section expires.
- (2) For the purposes of this regulation, the designated rate will be the fixed-rate unsecured personal loan rate fixed by the National Australia Bank Limited as at the commencement of the financial year during which the period referred to in subregulation (1) expires (or, if there is more than 1 such rate, the average of all such rates to 2 decimal places).

18—Variation of regulation 64—Dissolution of organisation (section 116)

Regulation 64—after its present contents (now to be designated as subregulation (1)) insert:

- (2) The Chief Officer must, before determining to dissolve an SASES unit, consult with—
 - (a) the members of the unit; and
 - (b) the local community; and
 - (c) S.A.S.E.S. Volunteers' Association Incorporated,in relation to the matter.
- (3) For the purposes of subregulation (2), the Chief Officer must—
 - (a) organise a meeting at which the Chief Officer, or a representative or representatives of the Chief Officer, can meet with the members of the unit (or their representative or representatives); and
 - (b) organise a public meeting within the local community; and
 - (c) invite S.A.S.E.S. Volunteers' Association Incorporated to—
 - (i) make written submissions to the Chief Officer in relation to the matter; or
 - (ii) have a representative, or representatives, attend a meeting with the Chief Officer or a representative or representatives of the Chief Officer,as the Association sees fit.
- (4) The Chief Officer must give notice of a public meeting under subregulation (3)(b) by advertisement in a newspaper circulating throughout the local area.
- (5) The Chief Officer must also give notice of a public meeting to any member of the House of Assembly whose electoral district includes any part of the area in relation to which the SASES unit is constituted.
- (6) The Chief Officer, or a person appointed by the Chief Officer, must chair a public meeting.
- (7) If—
 - (a) a resolution expressing opposition to the dissolution of the SASES unit is passed (by majority vote) at a public meeting held under this section; but

- (b) the Chief Officer determines to dissolve the SASES unit in any event,

then the Chief Officer must furnish to the Minister a written report in relation to the matter.

- (8) The Minister must, within 6 sitting days after receiving a report under subregulation (7), have copies of the report laid before both Houses of Parliament.

19—Insertion of regulations 71, 72 and 73

After regulation 70 insert:

71—Expiation of offences

- (1) Pursuant to Schedule 5 clause 14 of the Act, the following expiation fees are fixed for alleged offences against the following sections of the Act:

Section	Expiation Fee
Section 79(1) if—	\$315
(a) the offence falls within the ambit of 1 of the following subparagraphs:	
(i) if the fire is for cooking or personal comfort—the offence consists of a failure to comply with a requirement imposed under regulation 32A(1)(a);	
(ii) if the fire is for the burning of refuse—the offence consists of a failure to comply with a requirement imposed under regulation 32A(1)(b);	
(iii) if the fire is for heating bitumen, welding, gas-cutting, soldering, grinding or charring—the offence consists of a failure to comply with a requirement imposed under regulation 32A(1)(c);	
(iv) if the fire is lighted or maintained pursuant to a permit issued under section 81 of the Act for burning off land—the offence consists of a failure to comply with a condition of the permit prescribed by regulation 33(4)(a), (b), (d) or (e);	
(v) if the fire is lighted or maintained pursuant to a permit issued under section 81 of the Act other than for burning off land—the offence consists of a failure to comply with a condition of the permit prescribed by regulation 33(5)(a), (b) or (c);	
(vi) if the fire is lighted or maintained for a gas fire or electric element for cooking purposes under subregulation (1) of regulation 34—the offence consists of a failure to comply with a requirement imposed under that subregulation; and	

Section	Expiation Fee
(b) the fire does not contravene a prohibition or restriction under regulation 32A(2).	
Section 89 if the offence consists of a breach of, or failure to comply with, 1 or more of the following:	\$315
(a) in the case of an offence involving the operation, during the fire danger season, of a stationary engine not enclosed by non-flammable material in the open air—regulation 37(3)(a) or (b);	
(b) in the case of an offence involving the operation, during the fire danger season, of an internal combustion engine in connection with harvesting a flammable crop, moving a flammable crop on the land holding where it has been harvested or spreading lime or fertilizer—regulation 38(2)(d);	
(c) in the case of an offence involving the operation, during the fire danger season, of an internal combustion engine in connection with cutting flammable bush, grass, pasture or stubble—regulation 38(3)(a)(i) or (b)(i);	
(d) in the case of an offence involving the operation, during the fire danger season, of an electric welder, a mechanical cutting tool, a gas appliance, an angle grinder or a mechanical grinding tool—regulation 41(2)(a) or (b);	
(e) in the case of an offence involving the use, during the fire danger season, of an appliance to generate smoke for the manipulation of bees—regulation 42(2);	
(f) in the case of an offence involving the use, during the fire danger season, of an appliance as a rabbit fumigator—regulation 43(2)(a) or (b);	
(g) in the case of an offence involving the use, during the fire danger season, of an appliance as a bird scarer—regulation 44(3)(a);	
(h) in the case of an offence involving the blasting of any tree, wood or timber by the use of explosive materials—regulation 46(2)(a).	
Section 105F(1)	\$315
Section 105F(8)	\$315
(2) Pursuant to Schedule 5, clause 14 of the Act, the following expiation fees are fixed for alleged offences against the following regulations:	

Regulation	Expiation Fee
Regulation 47(1)	\$315
Regulation 47(2), (3) or (4)	\$500
Regulation 51	\$315

72—Prescribed persons

For the purposes of section 148(3)(c) of the Act, each Chief Officer is a prescribed person.

73—Transitional provisions—2009 Amendment Act

- (1) In this regulation—

commencement day means the day on which the 2009 Amendment Act comes into operation;

principal Act means the *Fire and Emergency Services Act 2005*;

2009 Amendment Act means the *Fire and Emergency Services (Review) Amendment Act 2009*.

- (2) To avoid doubt, a person holding an appointment as a fire prevention officer under the principal Act immediately before the commencement day will continue as a fire prevention officer on and after that day and will be taken to have qualifications and experience appropriate to the office of fire prevention officer as envisaged by section 105B of the principal Act.
- (3) A regional bushfire prevention committee in existence immediately before the commencement day will continue to be constituted until the Governor divides the State into bushfire management areas under section 72 of the principal Act (as enacted by the 2009 Amendment Act), and will then lapse.
- (4) While a regional bushfire prevention committee continues in existence under subregulation (3)—
- (a) the Chief Officer of SACFS may continue to fill casual vacancies in the membership of the committee;
 - (b) Schedule 4 of the principal Act, as in existence immediately before the commencement day, will be taken to continue to apply to and in relation to the committee; and
 - (c) the committee may, in relation to its region, perform or exercise any function or power vested in a bushfire management committee under the principal Act as amended by the 2009 Amendment Act.

20—Revocation of Schedule 2

Schedule 2—delete the Schedule

21—Revocation of Schedule 6

Schedule 6—delete the Schedule

22—Substitution of Schedule 12

Schedule 12—delete the Schedule and substitute:

Schedule 12—Section 105F notice

Pursuant to section 105F of the *Fire and Emergency Services Act 2005*
 (Name of owner), who is the owner of
 land at required to take the following action to
 comply with the requirements of that section

Notes—

- 1 Section 105F requires that an owner of private land must take reasonable steps—
 - (a) to prevent or inhibit the outbreak of fire on the land; and
 - (b) to prevent or inhibit the spread of fire through the land; and
 - (c) to protect property on the land from fire; and
 - (d) to minimise the threat to human life from a fire on the land.

- 2 The following matters may be considered relevant to determining whether a breach of these requirements has occurred:
 - (a) the nature of the land;
 - (b) whether the land is in a country, metropolitan, township or other setting;
 - (c) the activities carried out on the land (including whether flammable or combustible materials or substances are used or stored on the land);
 - (d) other statutory standards or requirements that apply to or in relation to the land.

Other matters may also be taken into account.

- 3 A code of practice prescribed under the Act may also be relevant to your circumstances.

- 4 If you fail to comply with a requirement of this notice—
 - (a) you may be liable to a significant fine; and
 - (b) an authorised person may proceed to carry out the work required by the notice and recover the costs against you.

- 5 You are entitled to appeal against a requirement of this notice. Your rights of appeal are set out in the *Fire and Emergency Services Act 2005*.

- 6 Your appeal should be instituted within 14 days of receiving this notice. A copy of the appeal notice must be sent to the authority that issued this notice.
- 7 **You may wish to discuss the matter with the authority that issued this notice before you institute an appeal**

.....
(Authority issuing the notice)

.....
(Date)

23—Variation of Schedule 13

- (1) Schedule 13—delete "section 83 notice" and substitute:
section 105F notice
- (2) Schedule 13—delete "section 83 of" and substitute:
section 105F of

24—Revocation of Schedule 18

Schedule 18—delete the Schedule

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 29 October 2009

No 254 of 2009

South Australia

Liquor Licensing (Dry Areas—Short Term) Variation Regulations 2009

under the *Liquor Licensing Act 1997*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Liquor Licensing (Dry Areas—Short Term) Regulations 1997*

- 4 Variation of Schedule 1—Short term dry areas
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Liquor Licensing (Dry Areas—Short Term) Variation Regulations 2009*.

2—Commencement

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

3—Variation provisions

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

Part 2—Variation of *Liquor Licensing (Dry Areas—Short Term) Regulations 1997*

4—Variation of Schedule 1—Short term dry areas

Schedule 1—after the item headed "Spalding—Area 1" insert:

Streaky Bay—Area 1

(there is no plan for this area)

The area in and adjacent to the town of Streaky Bay bounded as follows: commencing at the point at which the prolongation in a straight line of the western boundary of Linklater Street intersects the low water mark of Streaky Bay, then generally

6 pm on
31 December 2009 to
8 am on 1 January 2010.

The consumption of liquor is prohibited and the possession of liquor is prohibited.

easterly along the low water mark to the point at which it is intersected by the prolongation in a straight line of the eastern boundary of Burke Street, then south-easterly along that prolongation and boundary of Burke Street to the northern boundary of the Flinders Highway, then easterly along that boundary of the Flinders Highway to the western boundary of Hospital Drive, then in a straight line by the shortest route (across the Flinders Highway) to the point at which the western boundary of East Terrace meets the southern boundary of the Flinders Highway, then south-easterly along the western boundary of East Terrace to the point at which it intersects the south-western boundary of Mudge Terrace, then north-westerly along the south-western boundary of Mudge Terrace to the point at which it meets the southern boundary of Wells Street, then generally south-westerly and westerly along the southern boundary of Wells Street to the point at which it intersects the western boundary of Linklater Street, then northerly along the western boundary of Linklater Street and the prolongation in a straight line of that boundary to the point of commencement. The area includes the whole of any jetty, boat ramp or other structure that projects below the low water mark from within the area described above (as well as any area beneath such a structure).

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 29 October 2009

No 255 of 2009

09MCA0033CS

South Australia

Liquor Licensing (Dry Areas—Short Term) Variation Regulations 2009

under the *Liquor Licensing Act 1997*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
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Part 2—Variation of *Liquor Licensing (Dry Areas—Short Term) Regulations 1997*

- 4 Variation of Schedule 1—Short term dry areas
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Liquor Licensing (Dry Areas—Short Term) Variation Regulations 2009*.

2—Commencement

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

3—Variation provisions

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

Part 2—Variation of *Liquor Licensing (Dry Areas—Short Term) Regulations 1997*

4—Variation of Schedule 1—Short term dry areas

Schedule 1—after the item headed "Beachport—Area 1" insert:

Coffin Bay—Area 1

(there is no plan for this area)

<p>The area in and adjacent to the town of Coffin Bay bounded as follows: commencing at the point at which the prolongation in a straight line of the northern boundary of Section 665 Hundred of Lake Wangary intersects the low water mark of Coffin Bay, then generally northerly, easterly, southerly, south-easterly and north-easterly along the low water mark to the point at which it is intersected by the prolongation in a straight line of the western boundary of Section 131 Hundred of Lake Wangary, then southerly along that prolongation and boundary of Section 131 to the northern boundary of Lot 57 DP 54186, then generally south-westerly and south-easterly along the northern and south-western boundaries of Lot 57 to the point at which the south-western boundary is intersected by the prolongation in a straight line of the north-western boundary of Section 273 Hundred of Lake Wangary, then south-westerly along that prolongation and boundary of Section 273 to the point at which it meets the eastern boundary of Section 295 Hundred of Lake Wangary, then south-westerly, north-westerly, north-easterly and north-westerly along the north-eastern and northern boundaries of Section 295 to the western boundary of the Section, then southerly along the western boundaries of Section 295, Lots 212 and 211 of DP 71703, Lot 101 of DP 56785 and Lot 6 DP 25759 to the northern boundary of Section 665 Hundred of Lake Wangary, then generally westerly, north-westerly, northerly and westerly along the northern boundary of that Section to the point at which it meets the eastern boundary of Section 667</p>	<p>5 pm on 31 December 2009 to 9 am on 1 January 2010.</p>	<p>The consumption of liquor is prohibited and the possession of liquor is prohibited.</p>
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Hundred of Lake Wangary, then westerly along the northern boundary of Section 667, the northern boundary of Section 665 Hundred of Lake Wangary and the prolongation in a straight line of the northern boundary of Section 665 to the point of commencement. The area includes the whole of any jetty, boat ramp or other structure that projects below the low water mark from within the area described above (as well as any area beneath such a structure).

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 29 October 2009

No 256 of 2009

09MCA0032CS

South Australia

Essential Services Commission Variation Regulations 2009

under the *Essential Services Commission Act 2002*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Essential Services Commission Regulations 2004*

- 4 Revocation of regulation 3
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Essential Services Commission Variation Regulations 2009*.

2—Commencement

These regulations will come into operation on the day on which the *Maritime Services (Access) (Miscellaneous) Amendment Act 2009* comes into operation.

3—Variation provisions

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

Part 2—Variation of *Essential Services Commission Regulations 2004*

4—Revocation of regulation 3

Regulation 3—delete the regulation

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 29 October 2009

No 257 of 2009

MSI08/008

South Australia

Fisheries Management (Lakes and Coorong Fishery) Regulations 2009

under the *Fisheries Management Act 2007*

Contents

1	Short title
2	Commencement
3	Interpretation
4	Constitution of fishery
5	Maximum number of licences that may be in force
6	Transfer of licence
7	Registration
8	Revocation of registration
9	Mesh net and yabby pot entitlements
10	Individual pipi catch quota system
11	Use of agents in fishing activities
12	Certain boats need not be registered
13	Restriction on taking of pipi
14	Restriction on use of cockle rakes
15	Information to be provided to Minister before pipi are taken
16	Pipi to be landed within State
17	Disposal of pipi
18	Catch and disposal records—pipi
19	Periodic returns

Schedule 1—Aquatic resources prescribed for Lakes and Coorong Fishery

Schedule 2—Revocation and transitional provisions

1	Revocation of <i>Fisheries Management (Lakes and Coorong Fishery) Regulations 2006</i>
2	Eligibility to be granted fishery licence
3	Continuation of fishery licence, registration and other entitlements
4	Fees for taking of pipi

1—Short title

These regulations may be cited as the *Fisheries Management (Lakes and Coorong Fishery) Regulations 2009*.

2—Commencement

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

3—Interpretation

(1) In these regulations, unless the contrary intention appears—

Act means the *Fisheries Management Act 2007*;

cockle rake has the same meaning as in the *Fisheries Management (General) Regulations 2007*;

Department means the administrative unit of the Public Service responsible, through the Minister, for the administration of the Act;

eligible licence means—

- (a) any of the following licences in respect of the fishery:
 - (i) a licence numbered L03, L08 or L10;
 - (ii) any licence numbered in the range L12 to L20;
 - (iii) a licence numbered L26 or L27;
 - (iv) any licence numbered in the range L29 to L31;
 - (v) any licence numbered in the range L33 to L39;
 - (vi) a licence numbered L41, L43, L44, L45 or L47; or
- (b) a licence in respect of the Marine Scalefish Fishery numbered M236, M301 or M489;

fishery means the Lakes and Coorong Fishery constituted by these regulations;

Lakes and Coorong means the waters of the Coorong, Lake Alexandrina, Lake Albert, and the coastal waters adjacent to South Australia between the location on Mean High Water Springs closest to 35°31'23.50" South, 138°46'23.83" East (Beach Road, Goolwa) and the location on Mean High Water Springs closest to 36°49'34.59" South, 139°50'55.95" East (Kingston SE Jetty);

Marine Scalefish Fishery means the fishery of that name constituted by the *Fisheries Management (Marine Scalefish Fisheries) Regulations 2006*;

Mean High Water Springs means the line representing the average of all high water observations at the time of spring tide over a period of 19 years;

mesh net has the same meaning as in the *Fisheries Management (General) Regulations 2007*, and includes a drum net as defined in those regulations;

mesh net entitlement means the maximum number of mesh nets that the holder of a licence in respect of the fishery may lawfully use at any 1 time for the purpose of taking aquatic resources under the licence;

pipi means Pipi (*Donax* spp);

pipi quota entitlement—see regulation 10;

yabby pot has the same meaning as in the *Fisheries Management (General) Regulations 2007*, and includes a drop net and hoop net as defined in those regulations;

yabby pot entitlement means the maximum number of yabby pots that the holder of a licence in respect of the fishery may lawfully use at any 1 time to take aquatic resources under the licence.

- (2) In these regulations—
- (a) a reference to the *taking of aquatic resources* includes a reference to an act preparatory to, or involved in, the taking of the aquatic resources; and
 - (b) all lines in spatial descriptions are geodesics based on the Geocentric Datum of Australia 1994 (**GDA94**) as defined in the Commonwealth of Australia Gazette GN35 of 6 September 1995, and all coordinates are expressed in terms of GDA94;
 - (c) common and scientific fish names are given according to *AS:SSA-001* Australian Fish Names Standard published by Seafood Services Australia in July 2007, as amended from time to time.

4—Constitution of fishery

- (1) The Lakes and Coorong Fishery is constituted.
- (2) The Lakes and Coorong Fishery consists of—
 - (a) the taking of aquatic resources specified in Schedule 1 in the Lakes and Coorong; and
 - (b) the taking of Razorfish (*Pinna bicolor*) in the Lakes and Coorong for the purpose of bait.

5—Maximum number of licences that may be in force

The maximum number of licences that may be in force in respect of the fishery is the number of licences in force in respect of the fishery immediately before the commencement of this regulation.

6—Transfer of licence

- (1) Licences in respect of the fishery are transferable.
- (2) An application for consent to the transfer of a licence must be accompanied by—
 - (a) the licence to be transferred; and
 - (b) a form of return as required by regulation 19 completed by the holder of the licence up to the date of application.
- (3) The Minister may only consent to the transfer of a licence if satisfied as to the following:
 - (a) that any fees or other amounts payable in relation to the licence under the Act or the repealed Act have been paid in full;
 - (b) that the licence to be transferred has not been suspended;
 - (c) that no proceedings alleging an offence against the Act or the repealed Act are pending or likely to be commenced in the State against the holder of the licence;
 - (d) that the transferee is a natural person of at least 15 years of age and is a fit and proper person to hold a licence in respect of the fishery;
 - (e) if a boat registered for use under the licence is the subject of, or registered for use under, or is otherwise referred to in, a licence, permit, authority or other entitlement to take aquatic resources granted under a law of the Commonwealth or a corresponding law—

- (i) that the entitlement is either to be transferred together with the licence to the transferee or to be surrendered on or before the transfer of the licence; or
- (ii) that—
 - (A) the transfer of the licence separately from the entitlement is not likely to result in fishing activities that over-exploit or endanger the aquatic resources of the State; and
 - (B) the person or body that granted the entitlement concurs with the separate transfer of the licence.

7—Registration

- (1) An application by the holder of a licence in respect of the fishery—
 - (a) to register a boat or device for use under the licence; or
 - (b) to register a person as a master of a boat that may be used under the licence,must be accompanied by the documents specified in the application form.
- (2) A person other than the holder of a licence in respect of the fishery cannot be registered as a master of a boat used under the licence unless the holder of the licence is already registered as the master of a registered boat used under a fishery licence.

8—Revocation of registration

- (1) The Minister may, on application by the holder of a licence in respect of the fishery, revoke the registration of—
 - (a) a boat or device used under the licence; or
 - (b) a person as a master of a boat that may be used under the licence.
- (2) An application for revocation of registration must—
 - (a) be made in a manner and form approved by the Minister; and
 - (b) be signed by the applicant and be completed in accordance with the instructions contained in the form; and
 - (c) be accompanied by the documents specified in the application form.

9—Mesh net and yabby pot entitlements

- (1) The Minister may impose or vary conditions on licences in respect of the fishery fixing mesh net entitlements as follows:
 - (a) a mesh net entitlement may be fixed by condition of a licence but must not exceed 100;
 - (b) if a person becomes the holder of a licence as a result of the transfer of the licence, the mesh net entitlement under that licence will be fixed at 25 subject to any subsequent variation under paragraph (c);
 - (c) on joint application made to the Minister by the holders of any 2 licences in respect of the fishery, the mesh net entitlement under 1 of the licences may be increased by 25, provided that—
 - (i) the other licence is first surrendered to the Minister; and

- (ii) if the entitlement as so increased would exceed 100, the entitlement is fixed at 100 only.
- (2) The Minister may impose or vary conditions on licences in respect of the fishery fixing yabby pot entitlements as follows:
 - (a) a yabby pot entitlement may be fixed by condition of a licence but must not exceed 100;
 - (b) if a person becomes the holder of a licence as a result of the transfer of the licence, the yabby pot entitlement under that licence will be fixed at 50 subject to any subsequent variation under paragraph (c);
 - (c) on joint application made to the Minister by the holders of any 2 licences in respect of the fishery, a yabby pot entitlement under 1 of the licences may be increased by a number equal to the yabby pot entitlement under the other licence, provided that—
 - (i) the other licence is first surrendered to the Minister; and
 - (ii) if the entitlement as so increased would exceed 100, the entitlement is fixed at 100 only.
- (3) An application to vary a mesh net or yabby pot entitlement must—
 - (a) be made in a manner and form approved by the Minister; and
 - (b) be signed by the applicants and be completed in accordance with the instructions contained in the form.

10—Individual pipi catch quota system

- (1) In this regulation—
 - pipi quota entitlement* or *quota entitlement*, in relation to an eligible licence in respect of the fishery, means the maximum number of kilograms of pipi that may be taken by the holder of the licence during a quota period, being the product of—
 - (a) the unit entitlement under the licence; and
 - (b) the unit value for the fishery and that quota period,subject to any variation applying during that quota period;
 - quota period*—a quota period for the fishery for the taking of pipi is a period commencing on 1 November in any year and ending on 31 May next;
 - unit entitlement* under a licence means the number of pipi units allocated to the licence for the time being;
 - unit value* means the number of kilograms of pipi determined by the Minister to be the value of a pipi unit for the fishery and a quota period.
- (2) The Minister must determine the number of kilograms of pipi that is to be the value of a pipi unit for the fishery and each quota period.
- (3) The Minister may impose or vary conditions of eligible licences in respect of the fishery fixing pipi quota entitlements as follows:

- (a) for the quota period commencing on 1 November 2009, an eligible licence in respect of the fishery specified in column 1 of the table below may be allocated the number of pipi units for that quota period specified alongside in column 2:

Column 1	Column 2
Eligible licence	Number of pipi units
L03	9.47
L08	94.01
L10	40.75
L12	9.47
L13	9.47
L14	78.50
L15	32.75
L16	19.86
L17	9.47
L18	14.47
L19	9.47
L20	35.42
L26	9.47
L27	111.41
L29	45.00
L30	49.20
L31	14.77
L33	9.47
L34	9.47
L35	9.47
L36	35.33
L37	20.21
L38	20.67
L39	9.47
L41	21.28
L43	9.47
L44	60.11
L45	152.61
L47	23.12

- (b) for the quota period commencing on 1 November 2010 or 1 November in any subsequent year, an eligible licence in respect of the fishery may be allocated a number of pipi units for that quota period equal to the number of pipi units allocated to that licence immediately before the commencement of that quota period;

- (c) on joint application made to the Minister by the holders of any 2 licences in respect of the fishery subject to a condition fixing a pipi quota entitlement, the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences and decrease the unit entitlement under the other licence by a corresponding number of units;
 - (d) on joint application made to the Minister by the holder of a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement (the *first licence*) and the holder of a licence in respect of the Marine Scalefish Fishery subject to such a condition (the *second licence*)—
 - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence and the conditions of the second licence may be varied so as to increase the unit entitlement under that licence by a corresponding number of units; or
 - (ii) the conditions of the first licence may be varied so as to increase the unit entitlement under that licence and the conditions of the second licence may be varied so as to decrease the unit entitlement under that licence by a corresponding number of units;
 - (e) if the total catch of pipi taken by the holder of a licence in respect of the fishery during a quota period exceeded the pipi quota entitlement under the licence for that quota period, the conditions of the licence may be varied so as to decrease the pipi quota entitlement—
 - (i) if the catch exceeded the quota entitlement by not more than 500 kg—by 1 kg for each kilogram taken in excess of the quota entitlement; or
 - (ii) if the catch exceeded the quota entitlement by more than 500 kg but not more than 2 000 kg—by 2 kg for each kilogram taken in excess of the quota entitlement;
 - (f) if—
 - (i) the holder of a licence in respect of the fishery is convicted of an offence of contravening a condition of the licence fixing a pipi quota entitlement; and
 - (ii) the conduct constituting the offence involved the taking of more than 2 000 kg of pipi in excess of the quota entitlement,the conditions of the licence may be varied so as to decrease the pipi quota entitlement under the licence for 3 quota periods following the conviction by 1 kg for each kilogram taken in excess of the quota entitlement for the quota period during which the offence was committed.
- (4) If a variation of a unit entitlement is to have effect only for the balance of the quota period during which the variation is made, the variation must be expressed to have such effect.
- (5) An application to vary unit entitlements must—
- (a) be made in a manner and form approved by the Minister; and
 - (b) be signed by the applicants and completed in accordance with the instructions contained in the form; and
 - (c) be accompanied by the appropriate fee fixed in the *Fisheries Management (Fees) Regulations 2007*.

11—Use of agents in fishing activities

- (1) The holder of a licence in respect of the fishery, or the registered master of a registered boat used under such a licence, must not cause or permit a person to be engaged on the shore as an agent of the holder of the licence in a fishing activity of a class that constitutes the fishery unless—
 - (a) the holder of the licence or the registered master is at the same time also engaged on the shore in a fishing activity of a class that constitutes the fishery; and
 - (b) the holder of the licence or the registered master (as the case may be) and the other person remain, while so engaged, within 700 m of each other.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) The holder of a licence in respect of the fishery or the registered master of a registered boat used under such a licence must not cause or permit a person to be engaged on a boat as an agent of the holder of the licence in a fishing activity of a class that constitutes the fishery unless—
 - (a) the holder of the licence or the registered master is at the same time also engaged on a registered boat in a fishing activity of a class that constitutes the fishery; and
 - (b) the holder of the licence or the registered master (as the case may be) and the other person remain, while so engaged, within 500 m of each other.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) The holder of a licence in respect of the fishery or the registered master of a registered boat used under such a licence must not cause or permit more than 2 persons to be engaged at the same time on the shore as agents of the holder of the licence in a fishing activity of a class that constitutes the fishery (other than the taking of pipi under an eligible licence).

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (4) The holder of an eligible licence in respect of the fishery or the registered master of a registered boat used under such a licence must not cause or permit more than 4 persons to be engaged at the same time on the shore as agents of the holder of the licence in the taking of pipi under the licence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (5) The Minister may impose conditions on an eligible licence in respect of the fishery limiting the fishing activities that may be engaged in by agents of the holder of the licence in connection with the taking of pipi under the licence.

- (6) The holder of a licence in respect of the fishery or the registered master of a registered boat used under such a licence must not cause or permit more than 2 persons to be engaged at the same time on a boat as agents of the holder of the licence in a fishing activity of a class that constitutes the fishery.

Maximum penalty: \$5 000.

Expiation fee: \$315.

12—Certain boats need not be registered

- (1) A boat used by a person as the agent of the holder of a licence in respect of the fishery in a fishing activity of a class that constitutes the fishery need not be registered if the boat is marked with the same distinguishing mark and in the same way as a registered boat.
- (2) An unregistered boat that is marked as referred to in subregulation (1) need not be in the charge of a registered master.

13—Restriction on taking of pipi

- (1) The holder of a licence in respect of the fishery must not take pipi for a commercial purpose unless the licence is subject to a condition fixing a pipi quota entitlement.
Maximum penalty: \$5 000.
Expiation fee: \$315.
- (2) The holder of a licence in respect of the fishery (other than an eligible licence) must not take pipi under the licence except for the purpose of bait to be used to take aquatic resources under the licence.
Maximum penalty: \$5 000.
Expiation fee: \$315.

14—Restriction on use of cockle rakes

The holder of an eligible licence in respect of the fishery must not use, or cause, suffer or permit the use of, more than 3 cockle rakes at any 1 time for the purpose of taking pipi under the licence.

Maximum penalty: \$5 000.
Expiation fee: \$315.

15—Information to be provided to Minister before pipi are taken

- (1) At least 1 hour before the commencement of fishing activities involving the taking of pipi under an eligible licence in respect of the fishery, the Minister must be informed by telephone of—
 - (a) the name of the person making the telephone call; and
 - (b) the date on which, and the time at which, the fishing activities are to be engaged in; and
 - (c) the location at which the fishing activities are to be engaged in; and
 - (d) the number of the licence under which the fishing activities are to be engaged in; and
 - (e) the name of the holder of the licence; and
 - (f) if a registered boat is to be used for the purpose of engaging in the fishing activities—the name of the registered master of the boat.
- (2) If subregulation (1) is not complied with, the holder of the licence is guilty of an offence.
Maximum penalty: \$5 000.
Expiation fee: \$315.

16—Pipi to be landed within State

The holder of an eligible licence in respect of the fishery must ensure that all pipi taken under the licence are landed within the State.

Maximum penalty: \$5 000.

Expiation fee: \$315.

17—Disposal of pipi

The holder of an eligible licence in respect of the fishery must ensure that all pipi taken under the licence are delivered or consigned to a registered fish processor.

Maximum penalty: \$5 000.

Expiation fee: \$315.

18—Catch and disposal records—pipi

(1) In this regulation—

approved container means a container approved by the Minister for the purposes of containing pipi;

G-CDR book means the document issued by the Department containing blank G-CDR forms;

G-CDR form means the form produced by the Department entitled *Pipi Cockle Catch and Disposal Record*.

(2) The holder of an eligible licence in respect of the fishery or the registered master of a registered boat used under such a licence must comply with the following provisions in respect of pipi taken under the licence:

- (a) before the pipi are removed to a place that is 100 m or more above Mean High Water Springs of coastal waters, he or she must ensure that—
 - (i) the pipi are placed in an approved container and sealed with a tag issued by the Minister; and
 - (ii) a G-CDR form in respect of the pipi is completed; and
 - (iii) the original G-CDR form is placed in an envelope and secured to the container containing the pipi or, if there is more than 1 container containing the pipi, to 1 of those containers;
- (b) if a tag is damaged in the process of sealing a container—he or she must ensure that the damaged tag is threaded onto a replacement tag used to seal the container and that the number of the replacement tag is recorded on the G-CDR form;
- (c) if a tag is lost—he or she must ensure that the Minister is immediately notified of the loss;
- (d) he or she must ensure—
 - (i) that the G-CDR form is posted to the Minister within 48 hours of its completion; or
 - (ii) if, within 48 hours of completion of the G-CDR form, the form is transmitted by fax to a fax number nominated by the Minister for the purposes of this subparagraph—that the G-CDR form is posted to the Minister within 4 days of its completion;

- (e) he or she must ensure that G-CDR forms are completed in consecutive order and that all forms in a G-CDR book are completed before a new G-CDR book is used;
- (f) he or she must ensure that the sealed containers containing the pipi are not opened before the pipi are delivered or consigned to a registered fish processor.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) The holder of an eligible licence in respect of the fishery must ensure that if a G-CDR form completed in respect of pipi taken under the licence is cancelled, all copies of the form are marked with the word "cancelled" and the original copy of the form is delivered to the Minister within 24 hours of the cancellation.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (4) The holder of an eligible licence in respect of the fishery must keep completed G-CDR books for a period of 5 years.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (5) The holder of an eligible licence in respect of the fishery must keep copies of completed G-CDR forms for a period of 3 years.

Maximum penalty: \$5 000.

Expiation fee: \$315.

19—Periodic returns

- (1) The holder of a licence in respect of the fishery must—
 - (a) complete a return, in a form determined by the Minister, in respect of each calendar month during the currency of the licence; and
 - (b) include in the return such information as the Minister requires; and
 - (c) date and sign the return and certify that the information contained in the return is complete and accurate, and post and deliver the return to the Minister within 15 days of the end of the month to which it relates.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) If the holder of a licence takes no aquatic resources under the licence during a particular calendar month, he or she is required by subregulation (1) to furnish a return in respect of that period indicating that no aquatic resources were taken.

- (3) The holder of a licence must—

- (a) make a copy of each return he or she completes under this regulation before the return is sent or delivered to the Minister; and
- (b) retain a copy for the period of 1 year from the last day of the month to which the return relates.

Maximum penalty: \$5 000.

Expiation fee: \$315.

Schedule 1—Aquatic resources prescribed for Lakes and Coorong Fishery

Annelids

Bloodworm (Class Polychaeta)

Tubeworm (Class Polychaeta)

Crustaceans

Crab of all species (Family Portunidae)

Freshwater Prawn (*Macrobrachium australiensis*)

Yabby (*Cherax* spp)

Molluscs

Southern Calamari (*Sepioteuthis australis*)

Cockle (*Anadara* & *Katelaysia* spp)

Mussels (*Mytilus* spp)

Freshwater Mussels (Family Hyriidae)

Pipi (*Donax* spp)

Gould's Squid (*Nototodarus gouldii*)

Scalefish

Australian Anchovy (*Engraulis australis*)

Barracouta (*Thyrsites atun*)

Black Bream (*Acanthopagrus butcheri*)

Bony Bream (*Nematalosa erebi*)

Carp of all species (Family Cyprinidae)

Cod of all marine species (Family Moridae)

Congolli (*Pseudaphritis urvilli*)

Dory of all species (Family Zeidae)

Flathead (*Platycephalus* spp)

Flounder of all species (Family Bothidae or Pleuronectidae)

Garfish (*Hyporhamphus melanochir*)

Australian Herring (*Arripis georgianus*)

Mullet of all species (Family Mugilidae)

Mulloway (*Argyrosomus hololepidotus*)

Murray Cod (*Maccullochella peelii*)

Golden Perch (*Macquaria ambigua*)

Redfin (*Perca fluviatilis*)

Bight Redfish (*Centroberyx gerrardi*)

Redfish (*Centroberyx affinis*)

Western Australian Salmon (*Arripis truttaceus*)

Australian Sardine (*Sardinops sagax*)

Snapper (*Pagrus auratus*)

Snook (*Sphyraena novaehollandiae*)
Southern Sole (*Aserragodes haackeanus*)
Swallowtail (*Centroberyx lineatus*)
Sea Sweep (*Scorpius aequipinnis*)
Blue-eye Trevalla (*Hyperoglyphe antarctica*)
Trevally (*Caranginae* spp)
Brown Trout (*Salmo trutta*)
Rainbow Trout (*Oncorhynchus mykiss*)
Whiting of all species (Family Sillaginidae)
Bluethroat Wrasse (*Notolabrus tetricus*)

Shark

Rays of all species (Class Elasmobranchii)
Shark of all species (Class Elasmobranchii) other than White Shark (*Carcharodon carcharias*)
Skate of all species (Class Elasmobranchii)

Schedule 2—Revocation and transitional provisions

1—Revocation of *Fisheries Management (Lakes and Coorong Fishery) Regulations 2006*

The *Fisheries Management (Lakes and Coorong Fishery) Regulations 2006* are revoked.

2—Eligibility to be granted fishery licence

Only a person who was, immediately before 30 June 2009, the holder of a licence in respect of the fishery, may make an application under section 54 of the Act for a licence in respect of the fishery.

3—Continuation of fishery licence, registration and other entitlements

Subject to the Act and these regulations—

- (a) a licence in respect of the fishery held by a person immediately before the revocation of the *Fisheries Management (Lakes and Coorong Fishery) Regulations 2006* by clause 1 of this Schedule (the **revoked regulations**) will continue to be held by the person as a licence under these regulations; and
- (b) registration under the revoked regulations of a boat or device for use under any such licence will continue; and
- (c) registration of a person as a master of a boat that may be used under any such licence will continue; and
- (d) any mesh net entitlement fixed under the revoked regulations by condition of any such licence will be the number of mesh nets registered for use under the licence immediately before the commencement of this Schedule; and
- (e) any yabby pot entitlement fixed under the revoked regulations by condition of any such licence will be the number of yabby pots registered for use under the licence immediately before the commencement of this Schedule.

4—Fees for taking of pipi

- (1) Despite regulation 5(3) of the *Fisheries Management (Fees) Regulations 2007*, if the holder of an eligible licence in respect of the fishery is allocated a number of pipi units under regulation 10(3) for the quota period commencing on 1 November 2009, the holder of the licence must, before 31 December 2009, pay an additional annual fee of \$1 000 plus \$204.10 for each pipi unit of the pipi quota entitlement under the licence.
- (2) An additional annual fee payable under this clause may be paid by equal instalments at intervals fixed by the Minister.

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 29 October 2009

No 258 of 2009

MAFF09/025CS

South Australia

Fisheries Management (Marine Scalefish Fisheries) Variation Regulations 2009

under the *Fisheries Management Act 2007*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Fisheries Management (Marine Scalefish Fisheries) Variation Regulations 2009*.

2—Commencement

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

3—Variation provisions

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

Part 2—Variation of *Fisheries Management (Marine Scalefish Fisheries) Regulations 2006*

4—Variation of regulation 3—Interpretation

- (1) Regulation 3(1)—after the definition of *blue crab fishing zone* insert:

cockle rake has the same meaning as in the *Fisheries Management (General) Regulations 2007*;

- (2) Regulation 3(1)—after the definition of *domestic partner* insert:

eligible licence means—

- (a) any of the following licences in respect of the Lakes and Coorong Fishery:

- (i) a licence numbered L03, L08 or L10;
- (ii) any licence numbered in the range L12 to L20;
- (iii) a licence numbered L26 or L27;
- (iv) any licence numbered in the range L29 to L31;
- (v) any licence numbered in the range L33 to L39;
- (vi) a licence numbered L41, L43, L44, L45 or L47; or

- (b) a licence in respect of the Marine Scalefish Fishery numbered M236, M301 or M489;

- (3) Regulation 3(1)—after the definition of *Gulf St. Vincent Blue Crab Fishing Zone* insert:

Lakes and Coorong has the same meaning as in the *Fisheries Management (Lakes and Coorong Fishery) Regulations 2009*;

Lakes and Coorong Fishery means the fishery of that name constituted by the *Fisheries Management (Lakes and Coorong Fishery) Regulations 2009*;

- (4) Regulation 3(1), definition of *PF-CDR form*—delete the definition and substitute:

PF-CDR form means the form produced by the Department entitled *PIRSA Sardine Catch and Disposal Record*;

pipi means Pipi (*Donax* spp);

pipi quota entitlement—see regulation 16A;

5—Insertion of regulation 16A

After regulation 16 insert:

16A—Individual pipi catch quota system

- (1) In this regulation—

pipi quota entitlement or *quota entitlement*, in relation to an eligible licence, means the maximum number of kilograms of pipi that may be lawfully taken by the holder of the licence during a quota period, being the product of—

- (a) the unit entitlement under the licence; and
- (b) the unit value for that quota period,

subject to any variation applying during that quota period;

quota period—a quota period for the Marine Scalefish Fishery for the taking of pipi is a period commencing on 1 November in any year and ending on 31 May next;

unit entitlement under a licence means the number of pipi units allocated to the licence for the time being;

unit value means the number of kilograms of pipi determined by the Minister to be the value of a pipi unit for a quota period.

- (2) The Minister must determine the number of kilograms of pipi that is to be the value of a pipi unit for each quota period.
- (3) The Minister may impose or vary conditions of eligible licences in respect of the Marine Scalefish Fishery fixing pipi quota entitlements as follows:
 - (a) for the quota period commencing on 1 November 2009, an eligible licence in respect of the Marine Scalefish Fishery specified in column 1 of the table below may be allocated a number of pipi units for that quota period specified alongside in column 2:

Column 1	Column 2
Eligible licence	Number of pipi units
M236	14.25
M301	12.11
M489	0.00

- (b) for the quota period commencing on 1 November 2010 or 1 November in any subsequent year, an eligible licence in respect of the Marine Scalefish Fishery may be allocated a number of pipi units equal to the number of pipi units allocated to the licence immediately before the commencement of that quota period;
- (c) on joint application made to the Minister by the holders of any 2 licences in respect of the Marine Scalefish Fishery subject to a condition fixing a pipi quota entitlement, the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences and decrease the unit entitlement under the other licence by a corresponding number of units;
- (d) on joint application made to the Minister by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a pipi quota entitlement (the **first licence**) and the holder of a licence in respect of the Lakes and Coorong Fishery subject to such a condition (the **second licence**)—
 - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence and the conditions of the second licence may be varied so as to increase the unit entitlement under that licence by a corresponding number of units; or

- (ii) the conditions of the first licence may be varied so as to increase the unit entitlement under that licence and the conditions of the second licence may be varied so as to decrease the unit entitlement under that licence by a corresponding number of units;
- (e) if the total catch of pipi taken by the holder of a licence in respect of the Marine Scalefish Fishery during a quota period exceeded the pipi quota entitlement under the licence for that quota period, the conditions of the licence may be varied so as to decrease the pipi quota entitlement—
 - (i) if the catch exceeded the quota entitlement by not more than 500 kg—by 1 kg for each kilogram taken in excess of the quota entitlement; or
 - (ii) if the catch exceeded the quota entitlement by more than 500 kg but not more than 2 000 kg—by 2 kg for each kilogram taken in excess of the quota entitlement;
- (f) if—
 - (i) the holder of a licence in respect of the Marine Scalefish Fishery is convicted of an offence of contravening a condition of the licence fixing a pipi quota entitlement; and
 - (ii) the conduct constituting the offence involved the taking of more than 2 000 kg of pipi in excess of the quota entitlement,

the conditions of the licence may be varied so as to decrease the pipi quota entitlement under the licence for 3 quota periods following the conviction by 1 kg for each kilogram taken in excess of the quota entitlement for the quota period during which the offence was committed.
- (4) If a variation of a unit entitlement is to have effect only for the balance of the quota period during which the variation is made, the variation must be expressed to have such effect.
- (5) An application to vary unit entitlements must—
 - (a) be made in a manner and form approved by the Minister; and
 - (b) be signed by the applicants and completed in accordance with the instructions contained in the form; and
 - (c) be accompanied by the appropriate fee fixed in the *Fisheries Management (Fees) Regulations 2007*.

6—Variation of regulation 18—Individual sardine catch quota system

- (1) Regulation 18(2), definition of *unit entitlement*—delete "pilchard" and substitute:
sardine
- (2) Regulation 18(2), definition of *unit value*—delete "pilchard" and substitute:
sardines

- (3) Regulation 18(2), definition of *unit value*—delete "Director" and substitute:

Minister

7—Insertion of regulations 18A to 18C

After regulation 18 insert:

18A—Restriction on taking of pipi

- (1) The holder of a licence in respect of a marine scalefish fishery must not take pipi for a commercial purpose unless the licence is subject to a condition fixing a pipi quota entitlement.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) The holder of a licence in respect of a marine scalefish fishery (other than an eligible licence) must not take pipi under the licence except for the purpose of bait to be used to take aquatic resources under the licence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

18B—Restriction on use of cockle rakes

The holder of a licence in respect of a marine scalefish fishery must not use, or cause, suffer or permit the use of, more than 3 cockle rakes at any 1 time for the purpose of taking pipi under the licence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

18C—Pipi to be landed within State

The holder of an eligible licence in respect of the Marine Scalefish Fishery must ensure that all pipi taken under the licence are landed within the State.

Maximum penalty: \$5 000.

Expiation fee: \$315.

8—Insertion of regulation 19A

After regulation 19 insert:

19A—Information to be provided to Minister before pipi are taken

- (1) At least 1 hour before the commencement of fishing activities involving the taking of pipi under an eligible licence in respect of the Marine Scalefish Fishery, the Minister must be informed by telephone of—

- (a) the name of the person making the telephone call; and
- (b) the date on which, and the time at which, the fishing activities are to be engaged in; and
- (c) the location at which the fishing activities are to be engaged in; and

- (d) the number of the licence under which the fishing activities are to be engaged in; and
 - (e) the name of the holder of the licence; and
 - (f) if a registered boat is to be used for the purpose of engaging in the fishing activities—the name of the registered master of the boat.
- (2) If subregulation (1) is not complied with, the holder of the licence is guilty of an offence.
- Maximum penalty: \$5 000.
Expiation fee: \$315.

9—Variation of regulation 21—Use of agents in fishing activities

- (1) Regulation 21(2)—after "fishery" last occurring insert:
(other than the taking of pipi under an eligible licence in the Lakes and Coorong)
- (2) Regulation 21—after subregulation (2) insert:
- (2a) The holder of an eligible licence in respect of the Marine Scalefish Fishery or the registered master of a registered boat used under such a licence must not cause or permit more than 4 persons to be engaged at the same time on the shore as agents of the holder of the licence in the taking of pipi under the licence in the Lakes and Coorong.
- Maximum penalty: \$5 000.
Expiation fee: \$315.
- (2b) The Minister may impose conditions on an eligible licence in respect of the Marine Scalefish Fishery limiting the fishing activities that may be engaged in by agents of the holder of the licence in connection with the taking of pipi under the licence in the Lakes and Coorong.

10—Insertion of regulation 22C

After regulation 22B insert:

22C—Disposal of pipi

The holder of an eligible licence in respect of the Marine Scalefish Fishery must ensure that all pipi taken under the licence are delivered or consigned to a registered fish processor.

Maximum penalty: \$5 000.

Expiation fee: \$315.

11—Insertion of regulation 25A

After regulation 25 insert:

25A—Catch and disposal records—pipi

- (1) In this regulation—

approved container means a container approved by the Minister for the purposes of containing pipi;

G-CDR book means the document issued by the Department containing blank G-CDR forms;

G-CDR form means the form produced by the Department entitled *Pipi Cockle Catch and Disposal Record*.

- (2) The holder of an eligible licence in respect of the fishery or the registered master of a registered boat used under such a licence must comply with the following provisions in respect of pipi taken under the licence:
- (a) before the pipi are removed to a place that is 100 m or more above Mean High Water Springs of coastal waters, he or she must ensure that—
 - (i) the pipi are placed in an approved container and sealed with a tag issued by the Minister; and
 - (ii) a G-CDR form in respect of the pipi is completed; and
 - (iii) the original G-CDR form is placed in an envelope and secured to the container containing the pipi or, if there is more than 1 container containing the pipi, to 1 of those containers;
 - (b) if a tag is damaged in the process of sealing a container—he or she must ensure that the damaged tag is threaded onto a replacement tag used to seal the container and that the number of the replacement tag is recorded on the G-CDR form;
 - (c) if a tag is lost—he or she must ensure that the Minister is immediately notified of the loss;
 - (d) he or she must ensure—
 - (i) that the G-CDR form is posted to the Minister within 48 hours of its completion; or
 - (ii) if, within 48 hours of completion of the G-CDR form, the form is transmitted by fax to a fax number nominated by the Minister for the purposes of this subparagraph—that the G-CDR form is posted to the Minister within 4 days of its completion;
 - (e) he or she must ensure that G-CDR forms are completed in consecutive order and that all forms in a G-CDR book are completed before a new G-CDR book is used;
 - (f) he or she must ensure that the sealed containers containing the pipi are not opened before the pipi are delivered or consigned to a registered fish processor.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) The holder of an eligible licence in respect of the Marine Scalefish Fishery must ensure that if a G-CDR form completed in respect of pipi taken under the licence is cancelled, all copies of the form are marked with the word "cancelled" and the original copy of the form is delivered to the Minister within 24 hours of the cancellation.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (4) The holder of an eligible licence in respect of the Marine Scalefish Fishery must keep completed G-CDR books for a period of 5 years.
Maximum penalty: \$5 000.
Expiation fee: \$315.
- (5) The holder of an eligible licence in respect of the Marine Scalefish Fishery must keep copies of completed G-CDR forms for a period of 3 years.
Maximum penalty: \$5 000.
Expiation fee: \$315.

12—Variation of regulation 26—Catch and disposal records—sardines

- (1) Regulation 26(1), definition of *PF-CDR form*—delete the definition
- (2) Regulation 26(4)—delete "pilchards taken pursuant to" and substitute:
sardines taken under

13—Variation of Schedule 2—Transitional provisions

Schedule 2—after clause 1 insert:

2—Fees for taking of pipi

- (1) Despite regulation 5(3) of the *Fisheries Management (Fees) Regulations 2007*, if the holder of an eligible licence in respect of the Marine Scalefish Fishery is allocated a number of pipi units under regulation 16A(3) for the quota period commencing on 1 November 2009, the holder of the licence must, before 31 December 2009, pay an additional annual fee of \$204.10 for each pipi unit of the pipi quota entitlement under the licence.
- (2) An additional annual fee payable under this clause may be paid by equal instalments at intervals fixed by the Minister.

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 29 October 2009

No 259 of 2009

MAFF09/025CS

South Australia

Fisheries Management (Fish Processors) Variation Regulations 2009

under the *Fisheries Management Act 2007*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Fisheries Management (Fish Processors) Regulations 2007*

- 4 Insertion of regulation 9B
9B Delivery of pipi
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Fisheries Management (Fish Processors) Variation Regulations 2009*.

2—Commencement

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

3—Variation provisions

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

Part 2—Variation of *Fisheries Management (Fish Processors) Regulations 2007*

4—Insertion of regulation 9B

After regulation 9A insert:

9B—Delivery of pipi

- (1) In this regulation—

eligible licence has the same meaning as in the *Fisheries Management (Lakes and Coorong Fishery) Regulations 2009*;

G-CDR book means the document issued by the Department containing blank G-CDR forms;

G-CDR form means the form produced by the Department entitled *Pipi Cockle Catch and Disposal Record*;

Lakes and Coorong Fishery means the fishery of that name constituted by the *Fisheries Management (Lakes and Coorong Fishery) Regulations 2009*;

Marine Scalefish Fishery has the same meaning as in the *Fisheries Management (Marine Scalefish Fisheries) Regulations 2006*;

pipi means Pipi (*Donax* spp).

- (2) If pipi purchased or obtained by a registered fish processor from—
- (a) the holder of—
 - (ii) an eligible licence in respect of the Lakes and Coorong Fishery; or
 - (i) an eligible licence in respect of the Marine Scalefish Fishery; or
 - (b) an agent of the holder of such a licence; or
 - (c) another registered fish processor who purchased or obtained the pipi from a person referred to in paragraph (a) or (b),

are consigned or delivered to the registered fish processor in containers sealed with tags issued by the Minister, the registered fish processor must not unseal the containers except at registered premises of the fish processor.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (3) A registered fish processor must keep the blue copies of all completed G-CDR forms relating to the pipi purchased or obtained by the registered fish processor from a person referred to in subregulation (2) for a period of 7 years.

Maximum penalty: \$2 500.

Expiation fee: \$210.

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 29 October 2009

No 260 of 2009

MAFF09/025CS

South Australia

Fisheries Management (Demerit Points) Variation Regulations 2009

under the *Fisheries Management Act 2007*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Fisheries Management (Demerit Points) Regulations 2009*

- 4 Variation of Schedule 1—Demerit point offences and demerit points
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Fisheries Management (Demerit Points) Variation Regulations 2009*.

2—Commencement

These regulations will come into operation on the day on which the *Fisheries Management (Lakes and Coorong Fishery) Regulations 2009* come into operation.

3—Variation provisions

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

Part 2—Variation of *Fisheries Management (Demerit Points) Regulations 2009*

4—Variation of Schedule 1—Demerit point offences and demerit points

- (1) Schedule 1, Part 2, table, clause 7—after the item relating to regulation 9A(3) insert:

reg 9B(2) *Unsealing containers of Pipi other than at registered premises—*

- (a) if the offence is expiated 15
- (b) in any other case 75

reg 9B(3)	<i>Failing to keep completed forms relating to Pipi purchased by registered fish processor—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50

(2) Schedule 1, Part 2, table, clause 9—delete clause 9 and substitute:

**9—Fisheries Management (Lakes and Coorong Fishery)
Regulations 2009**

Regulations	Description of offence	Demerit points
reg 11(1)	<i>Causing or permitting agents to be engaged in fishing activities on shore when licence holder or registered master is not also so engaged etc at the same time—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
reg 11(2)	<i>Causing or permitting agents to be engaged in fishing activities on boat when licence holder or registered master is not also so engaged etc at the same time—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
reg 11(3)	<i>Causing or permitting more than prescribed number of agents to be engaged in fishing activities on shore at the same time—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
reg 11(4)	<i>Causing or permitting more than prescribed number of agents to be engaged in taking Pipi on shore at the same time—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
reg 11(6)	<i>Causing or permitting more than prescribed number of agents to be engaged in fishing activities on boat at the same time—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
reg 13(1)	<i>Holder of licence taking Pipi for commercial purpose without quota entitlement—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75

Regulations	Description of offence	Demerit points
reg 13(2)	<i>Holder of licence (other than eligible licence) taking Pipi except for purpose of bait to be used under licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
reg 14	<i>Using more than 3 cockle rakes at any 1 time for purpose of taking Pipi under licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
reg 15(2)	<i>Failing to provide certain information to Minister before Pipi are taken—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
reg 16	<i>Failing to land Pipi taken under licence within State—</i>	
	(a) if the offence is expiated	20
	(b) in any other case—	
	(i) first offence	60
	(ii) second offence	80
	(iii) third or subsequent offence	100
reg 17	<i>Failing to ensure all Pipi taken under licence are consigned or delivered to registered fish processor—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
reg 18(2)	<i>Failing to comply with subregulation (2) by failing to complete form in respect of Pipi before removal of Pipi (paragraph (a)(ii))—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75

Regulations	Description of offence	Demerit points
reg 18(2)	<i>Failing to comply with subregulation (2) by failing to place Pipi in approved sealed container (paragraph (a)(i)), failing to place completed form in envelope issued by Minister and secure it to approved container (paragraph (a)(iii)), failing to ensure damaged tag is threaded onto replacement tag etc (paragraph (b)), failing to ensure Minister is immediately notified of loss of tag (paragraph (c)), failing to ensure form is posted or faxed to Minister (paragraph (d)), failing to ensure forms are completed in consecutive order etc (paragraph (e)) or failing to ensure sealed approved containers containing Pipi are not opened before delivery or consignment to fish processor (paragraph (f))—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
reg 18(3)	<i>Failing to ensure cancelled form in respect of Pipi is marked or failing to ensure original form is delivered—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
reg 18(4)	<i>Failing to keep completed G-CDR books in respect of Pipi—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
reg 18(5)	<i>Failing to keep completed forms in respect of Pipi—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
reg 19(1)	<i>Failing to complete or deliver monthly catch return—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
reg 19(3)	<i>Failing to make and retain copy of monthly catch return—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
(3) Schedule 1, Part 2, table, clause 10—after the item relating to regulation 17(5) insert:		
reg 18A(1)	<i>Holder of licence taking Pipi for commercial purpose without quota entitlement—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75

- | | | |
|------------|---|-----|
| reg 18A(2) | <i>Holder of licence (other than eligible licence) taking Pipi except for purpose of bait to be used under licence—</i> | |
| | (a) if the offence is expiated | 15 |
| | (b) in any other case— | |
| | (i) first offence | 45 |
| | (ii) second offence | 60 |
| | (iii) third or subsequent offence | 75 |
| reg 18B | <i>Using more than 3 cockle rakes at any 1 time for purpose of taking Pipi under eligible licence—</i> | |
| | (a) if the offence is expiated | 15 |
| | (b) in any other case | 50 |
| reg 18C | <i>Failing to land Pipi taken under eligible licence within State—</i> | |
| | (a) if the offence is expiated | 20 |
| | (b) in any other case— | |
| | (i) first offence | 60 |
| | (ii) second offence | 80 |
| | (iii) third or subsequent offence | 100 |
- (4) Schedule 1, Part 2, table, clause 10—after the item relating to regulation 19(2) insert:
- | | | |
|------------|--|----|
| reg 19A(2) | <i>Failing to provide certain information to Minister before Pipi are taken—</i> | |
| | (a) if the offence is expiated | 15 |
| | (b) in any other case | 75 |
- (5) Schedule 1, Part 2, table, clause 10—after the item relating to regulation 21(2) insert:
- | | | |
|------------|---|----|
| reg 21(2a) | <i>Causing or permitting more than prescribed number of agents to be engaged in taking Pipi under eligible licence on shore at same time—</i> | |
| | (a) if the offence is expiated | 15 |
| | (b) in any other case | 50 |
- (6) Schedule 1, Part 2, table, clause 10—after the item relating to regulation 22B insert:
- | | | |
|---------|---|----|
| reg 22C | <i>Failing to ensure all Pipi taken under eligible licence are consigned or delivered to registered fish processor—</i> | |
| | (a) if the offence is expiated | 15 |
| | (b) in any other case— | |
| | (i) first offence | 45 |
| | (ii) second offence | 60 |
| | (iii) third or subsequent offence | 75 |

(7) Schedule 1, Part 2, table, clause 10—after the item relating to regulation 25(4) insert:

reg 25A(2)	<i>Failing to comply with subregulation (2) by failing to complete form in respect of Pipi before removal of Pipi</i> (paragraph (a)(ii))—	
	(a) if the offence is expiated	15
	(b) in any other case	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
reg 25A(2)	<i>Failing to comply with subregulation (2) by failing to place Pipi in approved sealed container ((paragraph (a)(i)), failing to place completed form in envelope issued by Minister and secure it to approved container (paragraph (a)(iii)), failing to ensure damaged tag is threaded onto replacement tag etc (paragraph (b)), failing to ensure Minister is immediately notified of loss of tag (paragraph (c)), failing to ensure form is posted or faxed to Minister (paragraph (d)), failing to ensure forms are completed in consecutive order etc (paragraph (e)) or failing to ensure sealed bags containing Pipi are not opened before delivery or consignment to fish processor (paragraph (f))—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
reg 25A(3)	<i>Failing to ensure cancelled form in respect of Pipi is marked or failing to ensure original form is delivered—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
reg 25A(4)	<i>Failing to keep completed G-CDR books in respect of Pipi—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
reg 25A(5)	<i>Failing to keep completed forms in respect of Pipi—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50

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 29 October 2009

No 261 of 2009

MAFF09/025CS

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CITY OF MOUNT GAMBIER
LOCAL GOVERNMENT ACT 1999

By-law No. F—Smoking on Council Land

TO prohibit any person, smoking or having control over an ignited tobacco product within 15 metres of any children's play equipment that is installed on Council land.

Definitions

F1. In this by-law:

'Children's play equipment' means equipment or other devices installed on Council land for the purpose of children's play.

'Tobacco product' has the same meaning as in the Tobacco Products Regulation Act 1997.

'Council Land' means all the land, excluding roads, owned by the Council or under the Council's care, control and management.

Smoking

F2. A person must not, on Council land, smoke, hold or otherwise have control over an ignited tobacco product within 15 metres of any children's play equipment.

The foregoing by-law was duly made and passed at a meeting of the Council of the City of Mount Gambier held on 20 October 2009, by the absolute majority of the Members for the time being constituting the Council, there being at least two-thirds of the Members present.

G. MULLER, Chief Executive Officer

CITY OF PLAYFORD

Road Renaming—Enterprise Court, Andrews Farm

NOTICE is hereby given that, pursuant to section 219 of the Local Government Act 1999, Council has resolved to rename Enterprise Court, Andrews Farm in Deposited Plan 73850, to Silk Road.

T. JACKSON, Chief Executive Officer

CITY OF PORT AUGUSTA

ROADS (OPENING AND CLOSING) ACT 1991

Road Closure—Hundred of Jenkins

NOTICE is hereby given, pursuant to section 10 of the Roads (Opening and Closing) Act 1991, that The Corporation of the City of Port Augusta proposes to make a Road Process Order to close, transfer and merge with the adjoining Allotment 409 in Deposited Plan 47644, owned by the Commonwealth of Australia (Department of Defence), the whole of the unnamed public road adjoining the west boundaries of the said Allotment 409, more particularly delineated and lettered 'A' on Preliminary Plan No. 09/0071.

A copy of the plan and a statement of persons affected are available for public inspection at the office of the Council, 4 Mackay Street, Port Augusta and the Adelaide office of the Surveyor-General during normal office hours.

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

The application for easement or objection must be made in writing to the Council, P.O. Box 1704, Port Augusta, S.A. 5700 within 28 days of this notice and a copy must be forwarded to the Surveyor-General, G.P.O. Box 1354, Adelaide, S.A. 5001. Where a submission is made, the Council will give notification of a meeting at which the matter will be considered.

Dated 28 October 2009.

G. PERKIN, Chief Executive Officer

LIGHT REGIONAL COUNCIL

Road Closure

NOTICE is hereby given that Council, at its meeting held on 20 October 2009, passed the following resolution:

That Council resolve, pursuant to the provisions of section 359 of the Local Government Act 1934, as amended, to exclude until further notice, all vehicles from that portion of Schneider Road, Ebenezer, between Carrara Hill Road and Ebenezer Road.

B. CARR, Chief Executive Officer

DISTRICT COUNCIL OF LOWER EYRE PENINSULA

FINAL RECOMMENDATION

Periodical Review of Elector Representation

NOTICE is hereby given that the District Council of Lower Eyre Peninsula in accordance with the requirements of section 12 (4) of the Local Government Act 1999, has reviewed its composition and elector representation arrangements.

Certification

Pursuant to section 12 (13) (a) of the said Act, the Electoral Commissioner has certified that the review undertaken by Council satisfies the requirement of section 12 and may therefore now be put into effect as from the day of the first general election held after the expiration of five months from the publication of this notice.

The representation arrangements (unchanged) are as follows:

1. Retain the existing structure of no wards.
2. Retain the existing representation levels of:
 - 2.1 A Mayor elected by the Council members.
 - 2.2 Seven elected members (including the Mayor) from across the Council area.

R. PEARSON, Chief Executive Officer

DISTRICT COUNCIL OF PETERBOROUGH

Road Naming

NOTICE is hereby given that Council at its meeting held on 18 May 2009, resolved to name the formally un-named road running approximately parallel to Main Street, Peterborough, on the southern side of Main Street, between High Street to between Meadows Street and Railway Street as Don Ferguson Drive. See attached plan.

PLAN



Road Renaming

Notice is hereby given that Council at its meeting held on 19 October 2009, resolved to rename Dawson Road between Malycha Road and McNamara Road to Cemetery Road, Dawson Road between McNamara Road and Wilmington-Ucolta Road to Sale Yard Road and Pandappa Road between Gillies Road and Parnaroo Road to Stock Route Road.

T. D. BARNES, Chief Executive Officer

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

- Chew, Winifred Edith*, late of 81 Kesters Road, Para Hills West, home duties, who died on 8 August 2009.
- Cranwell, Allen William*, late of 26 River Road, Port Noarlunga, retired public servant, who died on 25 July 2009.
- Cunningham, John Bernard*, late of 54 Woodcroft Drive, Morphett Vale, retired electrician, who died on 31 August 2009.
- Dick, Edith Nellie*, late of 57 Hill Street, Campbelltown, widow, who died on 2 August 2009.
- Griffin, Miriam Ann*, late of 5 Eversley Avenue, Enfield, retired payroll officer, who died on 6 March 2008.
- Henley, Estelle Averal*, late of 1 Cumnock Street, Jamestown, of no occupation, who died on 5 June 2009.
- Kyriacou, Kanela*, late of 9 Winchester Street, St Peters, of no occupation, who died on 10 September 2009.
- Larner, Florence Maud*, late of 20 Norseman Avenue, Westbourne Park, of no occupation, who died on 9 August 2009.
- Leonard, Kevin Oliver*, late of 54 Colin Street, Loxton, retired rail freight shunter, who died on 25 September 2008.
- Lia, Egon Kristian*, late of 42 Richardson Road, Elizabeth South, retired service plumber, who died on 15 August 2009.
- Martin, Lilian*, late of 35 Washington Street, Goolwa, of no occupation, who died on 30 May 2009.
- Murphy, James Michael*, late of 6 Mumford Avenue St Agnes, of no occupation, who died on 6 September 2009.
- Newbery, Olive Mary*, late of 24-34 Avenue Road, Glynde, retired domestic, who died on 6 August 2009.
- Ramsay, Ian Malcolm*, late of 2 Kalyra Road, Belair, retired managing director, who died on 6 August 2009.
- Stribling, Valmai Eleanor*, late of 39 Finnis Street, Marion, retired bank officer, who died on 19 September 2009.

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 27 November 2009, 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 29 October 2009.

M. I. BODYCOAT, Public Trustee

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