



# THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

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ADELAIDE, THURSDAY, 30 APRIL 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](mailto: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](http://www.governmentgazette.sa.gov.au)

Department of the Premier and Cabinet  
Adelaide, 30 April 2009

HIS Excellency the Governor's Deputy in Executive Council has been pleased to appoint the undermentioned to the Independent Gambling Authority, pursuant to the provisions of the Independent Gambling Authority Act 1995:

Member: (from 1 May 2009 until 30 April 2012)  
Margaret Wallace

By command,  
PAUL CAICA, for Premier

MGA09/006 SC

Department of the Premier and Cabinet  
Adelaide, 30 April 2009

HIS Excellency the Governor's Deputy in Executive Council has been pleased to appoint the Honourable Michael John Wright, MP, Minister for Police, Minister for Emergency Services and Minister for Recreation, Sport and Racing to be also Acting Minister for Mineral Resources Development, Acting Minister for Urban Development and Planning and Acting Minister for Small Business for the period from 15 May 2009 to 31 May 2009 inclusive, during the absence of the Honourable Paul Holloway, MLC.

By command,  
PAUL CAICA, for Premier

MUDP09/009CS

Department of the Premier and Cabinet  
Adelaide, 30 April 2009

HIS Excellency the Governor's Deputy in Executive Council has been pleased to appoint the Honourable Jay Wilson Weatherill, MP, Minister for Environment and Conservation, Minister for Early Childhood Development, Minister for Aboriginal Affairs and Reconciliation and Minister Assisting the Premier in Cabinet Business and Public Sector Management to be also Acting Minister for Transport, Acting Minister for Infrastructure and Acting Minister for Energy for the period from 15 May 2009 to 31 May 2009 inclusive, during the absence of the Honourable Patrick Frederick Conlon, MP.

By command,  
PAUL CAICA, for Premier

MUDP09/009CS

Department of the Premier and Cabinet  
Adelaide, 30 April 2009

HIS Excellency the Governor's Deputy in Executive Council has been pleased to appoint Andrew Vernon Fletcher to the position of Chief Executive Officer, Defence SA, for a term commencing on 1 September 2009 and expiring on 31 August 2012, pursuant to Part 4 of the Public Sector Management Act 1995.

By command,  
PAUL CAICA, for Premier

DSA2009/02CS

#### CROWN LANDS ACT 1929: SECTION 5

TAKE NOTICE that pursuant to the Crown Lands Act 1929, I, JAY WEATHERILL, Minister for Environment and Conservation, Minister of the Crown to whom the administration of the Crown Lands Act 1929 is committed DO HEREBY dedicate the Crown Land defined in The Schedule as a Reserve for Drainage Purposes and declare that such land shall be under the care, control and management of the South Eastern Water Conservation and Drainage Board.

#### The Schedule

Allotment 2 in Deposited Plan 73335, Hundred of Mayurra, County of Grey, exclusive of all necessary roads, being the whole of the land comprised in Crown Record Volume 6020, Folio 490.

Dated 30 April 2009.

JAY WEATHERILL, Minister for Environment  
and Conservation

DEH 09/3172

#### CROWN LANDS ACT 1929: SECTION 5

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

1. Dedicate the Crown Land defined in The First Schedule as Reserves for Drainage Purposes and declare that such land shall be under the care, control and management of the Waikerie Irrigation Trust Incorporated.
2. Dedicate the Crown Land defined in The Second Schedule as Reserves for Water Supply Purposes and declare that such land shall be under the care, control and management of the Waikerie Irrigation Trust Incorporated.

#### The First Schedule

Sections 472, 474, 482, 491, 492, 493 and 499, Hundred of Holder, County of Albert and Sections 504, 829, 885, 888, Allotment 100 in Deposited Plan 74721, Allotments 37, 39 and 40 in Deposited Plan 72138, Allotment 2 in Deposited Plan 26948, Allotments 102, 103, 104 and 105 in Deposited Plan 66478, Hundred of Waikerie, County of Albert, exclusive of all necessary roads, subject to:

1. An existing right of way over Section 474, Hundred of Holder (Land Grant Volume 4341, Folio 483).
2. Existing free and unrestricted rights of way over portion of Allotment 102 marked F on Deposited Plan 66478, Hundred of Waikerie.

#### The Second Schedule

Sections 477 and 480, Hundred of Holder, County of Albert and Sections 818, 825, 827, 830, 833, 836, 843, 846, 847, 849, 850, 857, 860, 886, 887, 979, 987, 988, 1059, 1060, 1061, 1062, 1115, 1116, 1138, 1141, Allotment 587, Town of Waikerie and Allotments 33 and 34 in Deposited Plan 77618, Hundred of Waikerie, County of Albert, exclusive of all necessary roads, subject to:

1. An existing right of way over portion of Section 825, Hundred of Waikerie marked A on Filed Plan 49994 (RLG 10946532).
2. An existing easement over portion of Section 886, Hundred of Waikerie marked A on Filed Plan 34853 (Land Grant Volume 4401, Folio 245).

Dated 30 April 2009.

JAY WEATHERILL, Minister for Environment  
and Conservation

DEH 11/4353

#### DEVELOPMENT ACT 1993, SECTION 25 (17): DISTRICT COUNCIL OF MOUNT BARKER—INDUSTRY POLICY DEVELOPMENT PLAN AMENDMENT

#### Preamble

1. The Development Plan Amendment entitled 'District Council of Mount Barker—Industry Policy 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 30 April 2009.

PAUL HOLLOWAY, Minister for Urban  
Development and Planning

DEVELOPMENT ACT 1993, SECTION 25 (17): DISTRICT  
COUNCIL OF MOUNT BARKER—SIGNIFICANT TREES  
DEVELOPMENT PLAN AMENDMENT

*Preamble*

1. The Development Plan Amendment entitled 'District Council of Mount Barker—Significant Trees 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 30 April 2009.

PAUL HOLLOWAY, Minister for Urban  
Development and Planning

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DEVELOPMENT ACT 1993

*Alteration to the South Australian Housing Code*

*Preamble*

1. The Building Code of Australia as in force from time to time is adopted by the Development Regulations 2008, as part of the Building Rules under the Development Act 1993.

2. The 2002 edition of the South Australian Housing Code is called up in the South Australian Appendix to Volume Two of the Building Code of Australia.

3. The South Australian Housing Code has been altered.

NOTICE

PURSUANT to section 4 (7) of the Development Act 1993, notice is given of an alteration to the 2002 edition of the South Australian Housing Code, that alteration being Amendment No. 17 as published by the Department of Planning and Local Government.

Amendment 17 to the South Australian Housing Code will take effect for the purposes of the Development Act 1993, from 1 May 2009.

Dated 24 April 2009.

PAUL HOLLOWAY, Minister for Urban  
Development and Planning

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DEVELOPMENT ACT 1993

*Alteration to Minister's Specification SA 78A—Housing on  
Designated Aboriginal Lands*

*Preamble*

1. Section 108 of the Development Act 1993, provides that a code adopted by the regulations may refer to a standard or other document prepared or published by a prescribed body.

2. Regulation 106 (2) (a) prescribes the Minister as a prescribed body for the purposes of section 108.

3. Regulation 78A refers to Minister's Specification 78A.

NOTICE

PURSUANT to section 108 of the Development Act 1993, notice is given of an alteration to Minister's Specification SA 78A—Housing on Designated Aboriginal Lands, that alteration constituting the May 2009 version.

The May 2009 version of Minister's Specification SA 78A will take effect for the purposes of the Development Act 1993 on 1 May 2009.

Dated 23 April 2009.

PAUL HOLLOWAY, Minister for Urban  
Development and Planning

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DEVELOPMENT ACT 1993, SECTION 29 (2) (b) (i): AMENDMENT TO THE RENMARK PARINGA (DC) DEVELOPMENT PLAN

Preamble

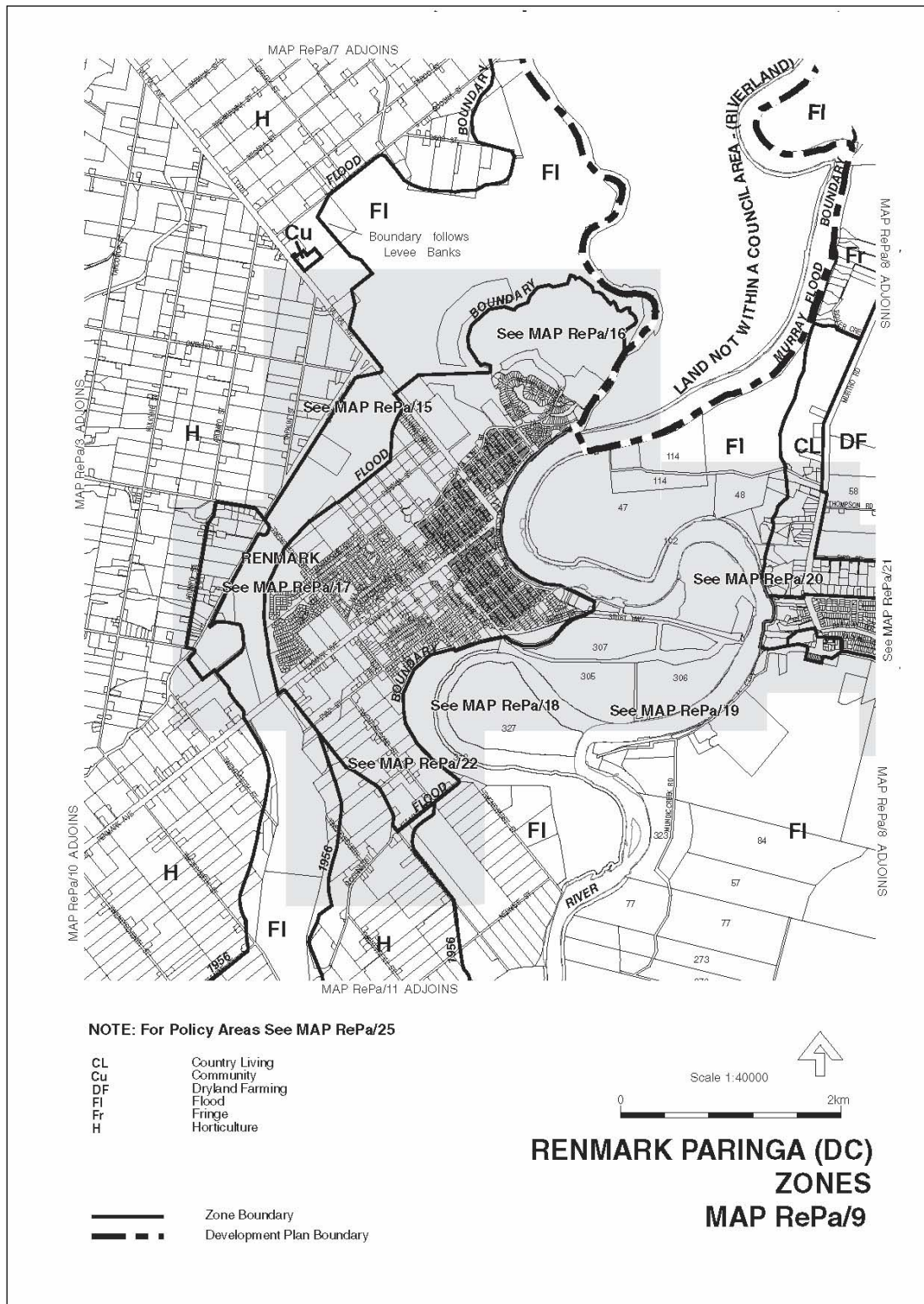
It is necessary to amend the Renmark Paringa (DC) Development Plan dated 8 March 2007.

NOTICE

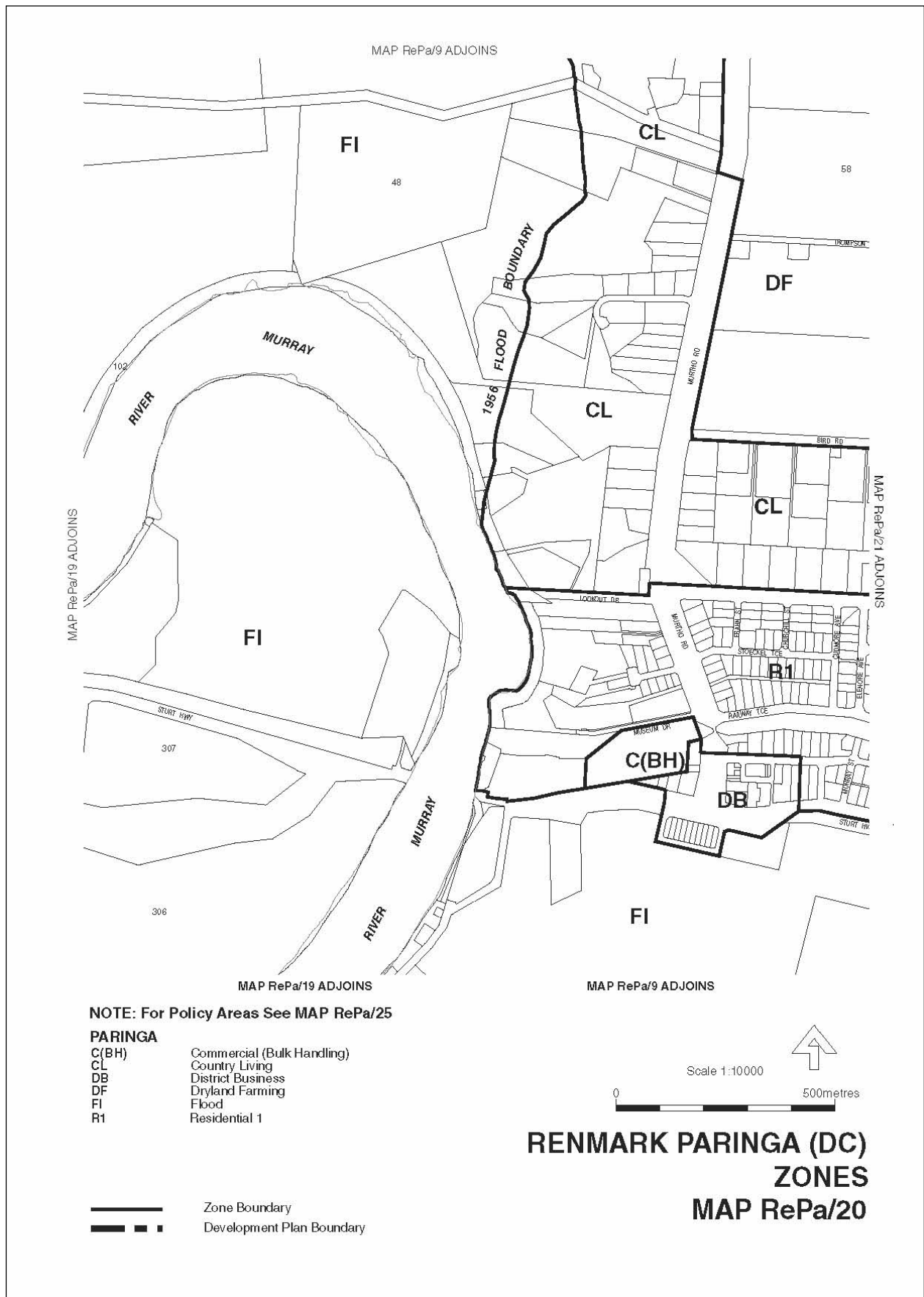
PURSUANT to section 29 (2) (b) (i) of the Development Act 1993, I, Paul Holloway, being the Minister administering the Act, amend the Renmark Paringa (DC) Development Plan dated 8 March 2007 as follows:

- (a) delete Zones Map RePa/9 and replace with Zones Map RePa/9 (Attachment A);
- (b) delete Zones Map RePa/20 and replace with Zones Map RePa/20 (Attachment B);
- (c) delete Policy Areas Map RePa/25 and replace with Policy Areas Map RePa/25 (Attachment C).

ATTACHMENT A



ATTACHMENT B



NOTE: For Policy Areas See MAP RePa/25

- PARINGA**
- C(BH) Commercial (Bulk Handling)
  - CL Country Living
  - DB District Business
  - DF Dryland Farming
  - FI Flood
  - R1 Residential 1

- Zone Boundary
- - - Development Plan Boundary

**RENMARK PARINGA (DC)  
ZONES  
MAP RePa/20**





## FISHERIES MANAGEMENT ACT 2007: SECTION 79

TAKE note that the notice made under section 79 of the Fisheries Management Act 2007, dated 24 April 2009, referring to the Gulf St Vincent Prawn Fishery, is hereby revoked.

Take note that the notice made under section 79 of the Fisheries Management Act 2007, dated 23 December 2008 and published in the *South Australian Government Gazette* on page 2, dated 8 January 2009, being the fourth notice on that page, referring to the Gulf St Vincent Prawn Fishery, is hereby varied such that it will not be unlawful for a person fishing pursuant to a Gulf St Vincent Prawn Fishery Licence to use prawn trawl nets in the area specified in Schedule 1 during the period specified in Schedule 2.

## SCHEDULE 1

The waters of the Gulf St Vincent Prawn Fishery, south of the following co-ordinates: Commencing at position latitude 35°07.00'S, longitude 137°45.00'E, then to position latitude 35°12.00'S, longitude 137°54.00'E, then to position latitude 35°24.00'S, longitude 137°41.00'E, then to position latitude 35°32.00'S, longitude 137°48.00'E, then to position latitude 35°39.00'S, longitude 137°38.00'E, then returning to position latitude 35°07.00'S, longitude 137°45.00'E.

## SCHEDULE 2

From 1830 hours on 28 April 2009 to 0630 hours on 2 May 2009.

Dated 28 April 2009.

S. SLOAN, Program Leader, Fisheries Management

## FISHERIES MANAGEMENT ACT 2007: SECTION 79

TAKE note that the notice made under section 79 of the Fisheries Management Act 2007, dated 29 October 2008, published in the *South Australian Government Gazette*, referring to the Spencer Gulf Prawn Fishery, is hereby varied such that it will be unlawful for a person fishing pursuant to a Spencer Gulf Prawn Fishery Licence to use prawn trawl nets in the areas specified in Schedule 1, during the period specified in Schedule 2.

## SCHEDULE 1

The waters of the Spencer Gulf Prawn Fishery that are:

1. North of the following co-ordinates: Commencing at position latitude 33°46.00'S, longitude 137°44.00'E, then to position latitude 33°39.70'S, longitude 137°36.20'E, then to position latitude 33°47.40'S, longitude 137°32.80'E, then to position latitude 33°47.90'S, longitude 137°34.40'E, then to position latitude 33°54.10'S, longitude 137°27.20'E, then to position latitude 33°50.00'S, longitude 137°20.00'E, then to position latitude 33°53.00'S, longitude 137°12.00'E, then to position latitude 33°58.00'S, longitude 137°15.00'E, then to position latitude 34°17.00'S, longitude 136°53.00'E, then to position latitude 34°17.00'S, longitude 136°44.00'E, then to position latitude 34°06.00'S, longitude 136°50.00'E, then to position latitude 33°53.00'S, longitude 136°36.00'E.

2. Within the following co-ordinates: Commencing at position latitude 34°19.00'S, longitude 137°30.00'E, then to position latitude 34°19.00'S, longitude 137°20.00'E, then to position latitude 34°23.00'S, longitude 137°15.00'E, then to position latitude 34°54.00'S, longitude 137°15.00'E.

## SCHEDULE 2

From 1830 hours on 24 April 2009 to 0600 hours on 27 April 2009.

Dated 24 April 2009.

S. SLOAN, Program Leader, Fisheries Management

## FISHERIES MANAGEMENT ACT 2007: SECTION 79

TAKE note that the notice made under section 79 of the Fisheries Management Act 2007, dated 22 April 2009, referring to the Gulf St Vincent Prawn Fishery, is hereby revoked.

Take note that the notice made under section 79 of the Fisheries Management Act 2007, dated 23 December 2008, and published in the *South Australian Government Gazette* on page 2, dated 8 January 2009, being the fourth notice on that page, referring to the

Gulf St Vincent Prawn Fishery, is hereby varied such that it will not be unlawful for a person fishing pursuant to a Gulf St Vincent Prawn Fishery Licence to use prawn trawl nets in the area specified in Schedule 1 during the period specified in Schedule 2.

## SCHEDULE 1

The waters of the Gulf St Vincent Prawn Fishery, within the following co-ordinates: Commencing at position latitude 34°49.00'S, longitude 138°20.00'E, then to position latitude 34°50.00'S, longitude 138°15.00'E, then to position latitude 34°54.00'S, longitude 138°16.25'E, then to position latitude 34°57.00'S, longitude 138°18.00'E, then returning to position latitude 34°49.00'S, longitude 138°20.00'E.

## SCHEDULE 2

From 1830 hours on 24 April 2009 to 0630 hours on 2 May 2009.

Dated 24 April 2009.

S. SLOAN, Program Leader, Fisheries Management

## FISHERIES MANAGEMENT ACT 2007: SECTION 79

TAKE note that the notice made under section 79 of the Fisheries Management Act 2007, dated 23 December 2008, and published in the *South Australian Government Gazette* on page 2, dated 8 January 2009, being the fourth notice on that page, referring to the Gulf St Vincent Prawn Fishery, is hereby varied such that it will not be unlawful for a person fishing pursuant to a Gulf St Vincent Prawn Fishery Licence to use prawn trawl nets in the area specified in Schedule 1 during the period specified in Schedule 2.

## SCHEDULE 1

The waters of the Gulf St Vincent Prawn Fishery, within the following co-ordinates: Commencing at position latitude 34°49.00'S, longitude 138°20.00'E, then to position latitude 34°50.00'S, longitude 138°15.00'E, then to position latitude 34°57.00'S, longitude 138°17.00'E, then to position latitude 34°57.00'S, longitude 138°23.50'E, then returning to position latitude 34°49.00'S, longitude 138°20.00'E.

## SCHEDULE 2

From 1830 hours on 22 April 2009 to 0630 hours on 2 May 2009.

Dated 22 April 2009.

S. SLOAN, Program Leader, Fisheries Management

## FISHERIES MANAGEMENT ACT 2007: SECTION 79

TAKE note that the notice made under section 79 of the Fisheries Management Act 2007, dated 9 April 2009, referring to the Spencer Gulf Prawn Fishery, is hereby revoked.

Take note that the notice made under section 79 of the Fisheries Management Act 2007, dated 29 October 2008, published in the *South Australian Government Gazette*, referring to the Spencer Gulf Prawn Fishery, is hereby varied such that it will be unlawful for a person fishing pursuant to a Spencer Gulf Prawn Fishery Licence to use prawn trawl nets in the areas specified in Schedule 1, during the period specified in Schedule 2.

## SCHEDULE 1

The waters of the Spencer Gulf Prawn Fishery that are:

1. North of the following co-ordinates: Commencing at position latitude 33°46.00'S, longitude 137°44.00'E, then to position latitude 33°39.70'S, longitude 137°36.20'E, then to position latitude 33°47.40'S, longitude 137°32.80'E, then to position latitude 33°47.90'S, longitude 137°34.40'E, then to position latitude 33°54.10'S, longitude 137°27.20'E, then to position latitude 33°50.00'S, longitude 137°20.00'E, then to position latitude 33°53.00'S, longitude 137°12.00'E, then to position latitude 33°58.00'S, longitude 137°15.00'E, then to position latitude 34°17.00'S, longitude 136°53.00'E, then to position latitude 34°17.00'S, longitude 136°44.00'E, then to position latitude 34°06.00'S, longitude 136°50.00'E, then to position latitude 33°53.00'S, longitude 136°36.00'E.

2. Within the following co-ordinates: Commencing at position latitude 34°19.00'S, longitude 137°30.00'E, then to position latitude 34°19.00'S, longitude 137°20.00'E, then to position latitude 34°23.00'S, longitude 137°15.00'E, then to position latitude 34°54.00'S, longitude 137°15.00'E.

SCHEDULE 2

From 1830 hours on 22 April 2009 to 0600 hours on 24 April 2009.

Dated 22 April 2009.

S. SLOAN, Program Leader, Fisheries Management

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 Cumberland Arms Hotel (SA) Pty Ltd as trustee for the Cumberland Arms Unit Trust has applied to the Licensing Authority for the transfer of a Hotel and Gaming Machine Licence in respect of premises situated at 205 Waymouth Street, Adelaide, S.A. 5000 and known as Cumberland Arms Hotel.

The applications have been set down for hearing on 3 June 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: 27 May 2009).

The applicant's address for service is c/o Richards Commercial Lawyers, 46 Fullarton Road, Norwood, S.A. 5067 (Attention: Tom Pledge).

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Phone 8226 8410, Fax: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 27 April 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 Freeman Farming Pty Ltd has applied to the Licensing Authority for a Producer's Licence in respect of premises situated at Section 72, Wilkinson Road, Murtho, S.A. 5340 and to be known as Woolshed Brewery.

The application has been set down for callover on 29 May 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 callover date (viz: 22 May 2009).

The applicant's address for service is c/o Tom Freeman, P.O. Box 462, Renmark, S.A. 5341.

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 April 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 Reillyolmes Australia Pty Ltd has applied to the Licensing Authority for a Special Circumstances Licence in respect of premises situated at 48 Standen Street, Murray Bridge, S.A. 5232 and to be known as A.G. Mart.

The application has been set down for callover on 29 May 2009 at 9 a.m.

*Conditions*

The following licence conditions are sought:

- Trading Hours:
  - Monday to Friday: 10 a.m. to 8 p.m.
  - Saturday: 10 a.m. to 9 p.m.
- To sell imported Asian Alcohol for consumption off the licensed premises.

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 callover date (viz: 22 May 2009).

The applicant's address for service is c/o Jennifer Jean, P.O. Box 3137, Rundle Mall, S.A. 5001.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Phone 8226 8410, Fax: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 27 April 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 Elizabeth Mary Blanks and Richard Grant Smith have applied to the Licensing Authority for a Producer's Licence in respect of premises situated at 30 Foggo Road, McLaren Vale, S.A. 5171 and to be known as Five Lazy Acres Vineyard.

The application has been set down for callover on 29 May 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 applicants at the applicants' address, at least seven days before the callover date (viz: 22 May 2009).

The applicants' address for service is c/o Elizabeth Blanks, P.O. Box 751, McLaren Vale, S.A. 5171.

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 24 April 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 Devnass Investments Pty Ltd as trustee for Schirripa Investment Trust and Megapace Pty Ltd as trustee for Megapace Investment Trust have applied to the Licensing Authority for the removal of a Producer's Licence in respect of premises situated at 114 Second Avenue, Joslin, S.A. 5070 and to be situated at 101 and 102 Rymill Road, Ashbourne, S.A. 5157 and known as Ashbourne Hills Vineyards.



The application has been set down for callover on 29 May 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 applicants at the applicants' address, at least seven days before the callover date (viz: 22 May 2009).

The applicants' address for service is c/o Grant Plush, P.O. Box 229, Glenelg, S.A. 5045.

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 April 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 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 a 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 callover on 29 May 2009 at 9 a.m.

##### *Conditions*

The following licence conditions are sought:

- Variation to an Extended Trading Authorisation for the premises to permit trading (in addition to currently approved hours) in:

Areas 8 and 9 of the premises, as follows:

Tuesday to Thursday: Midnight to 12.30 a.m. the following day;

Friday and Saturday: Midnight to 1.30 a.m. the following day;

Sunday: 8 a.m. to 11 a.m. and 8 p.m. to midnight.

Area 7 of the premises so that this area can operate as a Smoke Court for the adjacent Areas 5 and 6, during the following hours:

Tuesday to Sunday: Midnight to 3 a.m. the following day;

Christmas Day: Midnight to 2 a.m.;

Good Friday: Midnight to 2 a.m.

- Variation to the existing Entertainment Consent for the premises to permit the provision of entertainment in Areas 8 and 9 of the premises during all trading hours for these areas.

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 callover date (viz: 22 May 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 22 April 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 Chimo Retreats Pty Ltd has applied to the Licensing Authority for the transfer of a Restaurant Licence in respect of premises situated at 31-33 Murray Street, Angaston, S.A. 5353, known as Murdock Indulge and to be known as Murdock Indulge Barossa.

The application has been set down for hearing on 1 June 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 seven days before the hearing date (viz: 25 May 2009).

The applicant's address for service is c/o Teusner & Co., P.O. Box 70, Tanunda, 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 22 April 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 PCG Hotels Pty Ltd has applied to the Licensing Authority for the transfer of a Special Circumstances Licence in respect of premises situated at T2052C Westfield, 297 Diagonal Road, Oaklands Park, S.A. 5046, known as Shenannigans Irish Pub and to be known as The S Bar.

The application has been set down for hearing on 28 May 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 seven days before the hearing date (viz: 21 May 2009).

The applicant's address for service is c/o Mark Hamilton, Grope Hamilton Lawyers, Level 2/15 Bentham Street, Adelaide, S.A. 5000.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Phone 8226 8410, Fax: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 22 April 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 Roxby Downs Club Inc. has applied to the Licensing Authority for Alterations and Redefinition, variation to an Extended Trading Authorisation and variation to Entertainment Consent in respect of premises situated at 21 Burgoyne Street, Roxby Downs, S.A. 5725 and known as Roxby Downs Club.

The application has been set down for callover on 22 May 2009 at 9 a.m.

##### *Conditions*

The following licence conditions are sought:

- Alterations to the internal layout of premises as per plans lodged with this office.

- Redefinition to include proposed sportsbar courtyard, restaurant courtyard, gaming room courtyard and bottle shop as per plans lodged with this office.
- Variation to Extended Trading Authorisation to include all the abovementioned areas other than the bottle shop.
- Variation to areas Entertainment Consent applies to include the sportsbar courtyard and restaurant courtyard 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, before the callover date (viz: 21 May 2009).

The applicant's address for service is c/o Rinaldo D'Aloia, 208 Carrington Street, Adelaide, S.A. 5000.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Phone 8226 8410, Fax: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 22 April 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 Equation Nominees Pty Ltd has 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 the corner of South and West Terrace, Adelaide, S.A. 5000 and known as Rydges South Park Adelaide.

The application has been set down for callover on 22 May 2009 at 9 a.m.

##### *Conditions*

The following licence conditions are sought:

- Alterations and Redefinition to include an Al Fresco area adjacent to Area 2 as per plans lodged with this office.
- Alterations and Redefinition to Area 6 for internal changes and to include a Balcony Area as per plans lodged with this office.
- Variation to an Extended Trading Authorisation to include the abovementioned Al Fresco Area as per plans lodged with this office.
- Variation to Entertainment Consent to include Area 1, Area 2 and the Al Fresco Area 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, at least seven days before the callover date (viz: 15 May 2009).

The applicant's address for service is c/o Duncan Basheer Hannon, Barristers and Solicitors, G.P.O. Box 2, Adelaide, S.A. 5001 (Attention: Peter Pedler or 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 22 April 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 Adelaide Hills Craft Brewing Pty Ltd has applied to the Licensing Authority for a variation to Conditions in respect of premises situated at 3A, 1 Adelaide-Lobethal Road, Lobethal, S.A. 5241 and known as Lobethal Bierhaus.

The application has been set down for callover on 29 May 2009 at 9 a.m.

##### *Conditions*

The following licence conditions are:

- Variation to Conditions 2 and 4, hours of operation to be as follows:

##### Condition 2:

The sale of liquor on the licensed premises for consumption on the licensed premises shall be limited to the following hours:

Monday to Thursday: 10 a.m. to 6 p.m.;

Friday, Saturday and Sunday: 10 a.m. to 11 p.m.;

Public Holidays: 10 a.m. to 11 p.m.;

Lobethal Lights Festival: 10 a.m. to 11 p.m.;

Good Friday (to a diner in a designated area with or ancillary to a meal provided by the licensee in that area): 10 a.m. to 6 p.m.;

Christmas Day (to a diner in a designated area with or ancillary to a meal provided by the licensee in that area): 10 a.m. to 6 p.m.

##### Condition 4:

The sale of liquor on the licensed premises for consumption off the licensed premises shall be limited to the licensee's own product and shall be limited to the following hours:

Monday to Thursday: 10 a.m. to 6 p.m.;

Friday, Saturday and Sunday: 10 a.m. to 11 p.m.;

Public Holidays: 10 a.m. to 11 p.m.;

Lobethal Lights Festival: 10 a.m. to 11 p.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 callover date (viz: 22 May 2009).

The applicant's address for service is c/o Philip Jones, 3A Main Street, Lobethal, S.A. 5241.

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 April 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 Steve Moignard as trustee for the Hundred of Comaum Trust has applied to the Licensing Authority for a Producer's Licence in respect of premises situated at Lot 1, Comaum School Road, Coonawarra, S.A. 5263 and to be known as the Hundred of Comaum Vineyard.

The application has been set down for callover on 29 May 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 callover date (viz: 22 May 2009).

The applicant's address for service is c/o Steve Moignard, P.O. Box 105, Coonawarra, S.A. 5263.

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 April 2009.

Applicant

#### LIQUEUR LICENSING ACT 1997

##### *Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Arizona Holdings Pty Ltd has applied to the Licensing Authority for the transfer of a Restaurant Licence in respect of premises situated at 25 Main Street, Hahndorf, S.A. 5245 and known as Cottage Kitchen and to be known as Bistro 25.

The application has been set down for hearing on 27 May 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: 20 May 2009).

The applicant's address for service is c/o Jeffrey Donald Gebler, 11 Otranto Street, Bridgewater, S.A. 5155.

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 April 2009.

Applicant

#### LIQUEUR LICENSING ACT 1997

##### *Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Innamincka Hotel Pty Ltd has applied to the Licensing Authority for a Redefinition and variation to Entertainment Consent in respect of premises situated at South Terrace, Innamincka, S.A. 5731 and known as Innamincka Hotel.

The application has been set down for callover on 29 May 2009 at 9 a.m.

##### *Conditions*

The following licence conditions are sought:

- Redefinition of the designated Dining Area as per plans lodged with this office.
- Variation to current Entertainment Consent to apply to proposed areas adjacent to Area 1, Area 2 and Area 3 as per plans lodged.

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 callover date (viz: 22 May 2009).

The applicant's address for service is c/o Leon Cartledge, PMB 3, via Leigh Creek, S.A. 5731.

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 24 April 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: Curnamona Energy Limited

Location: Prospect Hill area—Approximately 145 km east-south-east of Marree.

Pastoral Lease: Moolawatana Pastoral.

Term: 1 year

Area in km<sup>2</sup>: 30

Ref.: 2008/00452

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

H. THOMAS, Mining Registrar

#### MINING ACT 1971

PURSUANT to section 15 (5) of the Mining Act 1971 ('Act'), I advise that the Minerals and Energy Division of Primary Industries and Resources SA, will be undertaking stream geochemical and geophysical orientation surveys in the Myponga area approximately 60 km south-south-west of Adelaide.

The area is bounded as follows:

Commencing at a point being the intersection of latitude 35°23'S and longitude 138°27'E, thence east to longitude 138°30'E, south to latitude 35°25'S, east to longitude 138°32'E, south to latitude 35°27'S, west to longitude 138°31'E, south to latitude 35°29'S, west to longitude 138°30'E, south to latitude 35°30'S, west to longitude 138°21'E, north to latitude 35°27'S, east to longitude 138°22'E, north to latitude 35°26'S, east to longitude 138°24'E, north to latitude 35°24'S, east to longitude 138°27'E, and north to the point of commencement, but excluding Myponga Conservation Park, Nixon-Skinner Conservation Park, Spring Mount Conservation Park and Yulte Conservation Park, all the within latitudes and longitudes being geodetic and expressed in terms of the Australian Geodetic Datum as defined on p. 4984 of *Commonwealth Gazette* No. 84 dated 6 October 1966 (AGD66).

Total Area: 153 km<sup>2</sup>.

Reference: T02631.

The purpose of the field investigation is to evaluate the mineral potential and geochemical signature data for this geological terrain, and to understand its relationship to other parts of the State.

Pursuant to section 15 (7) of the Act, I hereby advise that applications for mining tenements may not be received or considered in respect of the land described above until the completion date of 30 April 2010. The completion date may be extended by further notice in the *Gazette*.

Copies of the plan are available by phoning the Mining Registrar on telephone (08) 8463 3097.

H. THOMAS, Mining Registrar

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## PETROLEUM ACT 2000

*Grant of Preliminary Survey Licence—PSL 20*

NOTICE is hereby given that the abovementioned Preliminary Survey Licence has been granted with effect from 27 April 2009, under the provisions of the Petroleum Act 2000, pursuant to delegated powers dated 28 March 2002, *Gazetted* 11 April 2002, page 1573.

| No. of Licence | Licensee                | Locality     | Date of Expiry | Approximate Area in km <sup>2</sup> | Reference |
|----------------|-------------------------|--------------|----------------|-------------------------------------|-----------|
| PSL 20         | KJM Contractors Pty Ltd | Cooper Basin | 26 April 2010  | 581                                 | 27/2/561  |

*General Description of Preliminary Survey Licence Area*

All that part of the State of South Australia, bounded as follows:

The land bounded by a line commencing at a point being the intersection of latitude 27°45'00" S GDA94 and longitude 140°40'00" E GDA94, thence north-easterly to latitude 27°43'00" S GDA94 and longitude 140°48'00" E GDA94, thence south-westerly to latitude 28°09'00" S GDA94 and longitude 140°43'00" E GDA94, thence north-westerly to latitude 28°07'00" S GDA94 and longitude 140°35'00" E GDA94 and north-easterly to the point of commencement.

Area: 581 km<sup>2</sup> approximately.

Dated 27 April 2009.

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

## PETROLEUM ACT 2000

*Suspension of Geothermal Exploration Licences—  
GELs 128, 129, 161, 162, 163, 206 and 213*

PURSUANT to section 90 of the Petroleum Act 2000, notice is hereby given that the abovementioned Geothermal Exploration Licences have been suspended under the provisions of the Petroleum Act 2000, from and including 30 April 2009 until 31 July 2009, pursuant to delegated powers dated 28 March 2002, *Gazetted* 11 April 2002, page 1573.

The expiry date of GELs 128, 129, 161, 162 and 163 is now determined to be 2 September 2009.

The expiry date of GEL 206 is now determined to be 2 September 2010.

The expiry date of GEL 213 is now determined to be 2 September 2011.

Dated 27 April 2009.

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

Further details on the above matter are available on AEMC's website [www.aemc.gov.au](http://www.aemc.gov.au). All documents in relation to the above matter are published on the AEMC's website and are 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

30 April 2009.

## RADIATION PROTECTION AND CONTROL ACT 1982

## SECTION 44

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

PURSUANT to section 44 of the Radiation Protection and Control Act 1982, I, Keith Baldry, Director of the Radiation Protection Division of the Environment Protection Authority, being a person to whom the powers of the Minister under that section have been delegated under the Act, exempt from Regulation 45 of the Radiation Protection and Control (Ionising Radiation) Regulations 2000, any person who conducts *in vivo* research involving the use of ionising radiation on a human being, provided that the requirements set out in the Schedule are complied with.

## THE SCHEDULE

1. All research that is the subject of this exemption must have been assessed and approved by a properly constituted Human Research Ethics Committee ('the Committee').

2. The Committee must have been provided with the following written details for their consideration prior to granting approval for such research:

- full details of the research that the applicant intends to undertake;
- the reasons why it is necessary to expose a research participant to ionising radiation for the purposes of the research;
- a medical physicist's assessment or verification of the radiation doses and risks associated with the radiation exposure;

## NATIONAL ELECTRICITY LAW

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

Under section 95, EnergyAustralia has requested the *EnergyAustralia Participant Derogation (Settlement Residue Auctions) Extension* Rule (Project No. ERC0088). The proposal seeks to extend EnergyAustralia's existing Participant Derogation Rule by three years to 30 June 2012. The AEMC intends to expedite the Rule proposal under section 96 on the grounds that it considers the proposed Rule is non-controversial, subject to the receipt of written objections.

In relation to the proposal: written objections must be received by **14 May 2009** and submissions must be received by **28 May 2009**. Written objections and submissions may be forwarded to [submissions@aemc.gov.au](mailto:submissions@aemc.gov.au) and must cite the Project No. in its title.

Submissions should be submitted in accordance with the AEMC's *Guidelines for making written submissions on Rule change proposals*. The AEMC publishes all submissions on its website subject to a claim of confidentiality.



- (d) the manner in which the radiation doses and risks are provided to the research participant in the information sheet (this written statement must have been verified by a medical physicist); and
- (e) the precautions that the applicant will be taking to keep such exposure to a minimum.

3. In considering whether or not to approve an application for research, the Committee must have regard to:

- (a) the justification for the radiation exposure;
- (b) the radiation dose to which the research participant may be exposed and the associated radiation risk;
- (c) the balance between the likely benefits and risks that may be caused by the exposure of the research participant to ionising radiation;
- (d) the manner in which the radiation doses and risks are provided to the research participant in the information sheet;
- (e) the precautions to be taken by the applicant to keep such exposure to a minimum;
- (f) the general objective as specified in section 23 of the Radiation Protection and Control Act 1982; and
- (g) the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) 'Code of Practice for the Exposure of Humans to Ionizing Radiation for Research Purposes (2005)' published as Radiation Protection Series No. 8 on 27 May 2005, and as subsequently amended from time to time.

4. The exposure of any research participant for the purposes of research under this notice must be limited to that approved by the Committee and must be subject to any conditions imposed on the approval by the Committee. In any case the effective dose given to any research participant solely for the purposes of research must not exceed the following values:

- (a) from conception to birth—0.1 millisievert;
- (b) from birth to 18 years—0.5 millisievert in any year; and
- (c) in any other case—5 millisieverts in any year.

5. The Radiation Protection Division of the Environment Protection Authority (EPA) must be notified in writing of the Committee's approval of any application for research prior to any research participant being exposed to ionising radiation as part of that research.

Dated 27 April 2009.

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

ROADS (OPENING AND CLOSING) ACT 1991:  
SECTION 24

**NOTICE OF CONFIRMATION OF ROAD  
PROCESS ORDER**

*Road Closure*

*Walkway, Wattle Drive—McDonald Court, Risdon Park South*

BY Road Process Order made on 18 March 2009, the Port Pirie Regional Council ordered that:

1. The whole of the walkway (allotment 67 in Deposited Plan 10775) situate between Wattle Drive and McDonald Court, more particularly delineated and lettered 'A' in Preliminary Plan No. 08/0073 be closed.

2. The whole of the land subject to closure be transferred to Salvatore Capurso, Maria Domenica Capurso, Mauro Capurso and Vittoria Anna Capurso in accordance with agreement for transfer dated 16 March 2009, entered into between the Port Pirie Regional Council and S., M. D., M. and V. A. Capurso.

On 17 April 2009 that order was confirmed by the Minister for Infrastructure conditionally upon the deposit by the Registrar-General of Deposited Plan 80733 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 30 April 2009.

P. M. KENTISH, Surveyor-General

ROADS (OPENING AND CLOSING) ACT 1991:  
SECTION 24

**NOTICE OF CONFIRMATION OF ROAD  
PROCESS ORDER**

*Road Closure, North Coast Road, Cassini*

BY Road Process Order made on 14 October 2008, the Kangaroo Island Council ordered that:

1. Portion of North Coast Road adjoining section 93, Hundred of Duncan more particularly delineated and lettered 'A' in Preliminary Plan No. 08/0050 be closed.

2. Issue a Certificate of Title to the Kangaroo Island Council for the whole of the land subject to closure which land is being retained by the Council for public purposes.

On 8 April 2009 that order was confirmed by the Minister for Infrastructure conditionally upon the deposit by the Registrar-General of Deposited Plan 79919 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 30 April 2009.

P. M. KENTISH, Surveyor-General

ROADS (OPENING AND CLOSING) ACT 1991:  
SECTION 24

**NOTICE OF CONFIRMATION OF ROAD  
PROCESS ORDER**

*Road Opening and Closing  
Main Road, Coromandel Valley*

BY Road Process Order made on 16 February 2009, the City of Onkaparinga ordered that:

1. Portion of allotment 9 in Filed Plan 149094, more particularly delineated and numbered '1' in Preliminary Plan No. 08/0052 be opened as road, forming a re-alignment of Main Road.

2. Portion of the public road (Main Road) adjoining the south-east boundary of allotment 9 in Filed Plan 149094 being the greater portion of the land lettered 'A' in Preliminary Plan No. 08/0052 be closed.

3. The whole of the land subject to closure be transferred to Craig Edward Cowling and Kendra Lynette Eddy in accordance with agreement for exchange dated 23 December 2008 between the City of Onkaparinga and C. E. Cowling and K. L. Eddy.

4. The following easement be granted over portion of the land subject to that closure:

Grant to the South Australian Water Corporation an easement for sewerage purposes.

On 17 April 2009 that order was confirmed by the Minister for Infrastructure conditionally upon the deposit by the Registrar-General of Deposited Plan 80581 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 30 April 2009.

P. M. KENTISH, Surveyor-General

## TRAINING AND SKILLS DEVELOPMENT ACT 2008

### Part 4—Apprenticeships/Traineeships

Pursuant to the provision of the Training and Skills Development Act 2008, the Training and Skills Commission (TaSC) gives notice that determines the following Trades or Declared Vocations in addition to the gazette notices of:

- |                      |                    |                     |                    |
|----------------------|--------------------|---------------------|--------------------|
| 1. 25 September 2008 | 2. 23 October 2008 | 3. 13 November 2008 | 4. 4 December 2008 |
| 5. 18 December 2008  | 6. 29 January 2009 | 7. 12 February 2009 | 8. 5 March 2009    |
| 9. 12 March 2009     | 10. 26 March 2009  |                     |                    |

### Trades or Declared Vocations and Required Qualifications and Training Contract Conditions for the CSC07 Correctional Services Training Package

| *Trade/#Declared Vocation | Code     | Title  | Nominal Duration | Probationary Period |
|---------------------------|----------|--|------------------|---------------------|
| #Correctional Officer     | CSC30107 | Certificate III in Correctional Practice             | 12 months        | 1 month             |
|                           | CSC30207 | Certificate III in Correctional Practice (Custodial) | 12 months        | 1 month             |
|                           | CSC30307 | Certificate III in Correctional Practice (Community) | 12 months        | 1 month             |
|                           | CSC40107 | Certificate IV in Correctional Practice              | 12 months        | 1 month             |

## TRADE STANDARDS REGULATIONS 2000

*Exemption from Safety Standards—Children's Folding Chairs*

TAKE notice that I, Mal Hemmerling, Commissioner for Consumer Affairs, am satisfied that it is appropriate to exempt the two children's folding chairs as specified in the Schedule below, pursuant to Clause 3 of Schedule 1 of the Trade Standards Regulations 2000.

## SCHEDULE

The children's folding chairs supplied by Funtastic Limited with frame numbers 'J1003' and 'ZJ001' ('the chairs'), are exempted from the provisions of Schedule 1, Clause 2 (1) of the Trade Standards Regulations 2000. The exemption applies to both chairs which have the trapping spaces at the knuckle joints located underneath the fabric seat, and the base of the legs of the folding chair.

Dated 24 April 2009.

MAL HEMMERLING, Commissioner for  
Consumer Affairs

## NOTICE TO MARINERS

No. 22 OF 2009

*South Australia—River Murray—Lake Alexandrina—  
Scientific Equipment Deployed*

SA WATER will be deploying scientific equipment on Lake Alexandrina in the bay area between the lake opening and Pomanda Island in the following positions:

Latitude 35°25'24.57"S, longitude 139°18'34.19"E;  
Latitude 35°24'56.59"S, longitude 139°19'26.10"E;  
Latitude 35°24'24.84"S, longitude 139°20'23.17"E;  
Latitude 35°23'34.60"S, longitude 139°21'16.82"E;  
Latitude 35°22'32.26"S, longitude 139°21'41.88"E.

This equipment will be under the waters surface and the positions will be marked with buoys. The site adjacent to Pomanda Point will be marked with a 700 mm diameter buoy with a St Andrews Cross topmark while the remainder marked by a yellow buoy and a flag.

The equipment will remain in these locations until 1 September 2009 and mariners are advised to exercise caution when navigating in the area.

Adelaide, 21 April 2009.

PATRICK CONLON, Minister for Transport

DTEI 2009/00683

## NOTICE TO MARINERS

No. 23 OF 2009

*South Australia—Spencer Gulf—Port Bonython—Channel  
Marker Light Not Operating*

MARINERS are advised that No. 7 starboard hand channel marker light Fl.G. 3 secs in position latitude 33°02.214'S, longitude 137°45.982'E is not operating. Weather permitting, the light will be repaired in a few weeks. Mariners are advised to exercise caution when navigating in the area.

Charts affected: Aus 136.

Adelaide, 24 April 2009.

PATRICK CONLON, Minister for Transport

DTEI 2009/00683

## NOTICE TO MARINERS

No. 24 OF 2009

*South Australia—Gulf St Vincent—Adelaide—Damage to  
Semaphore Jetty*

SEVERE recent storms have caused damage to the Semaphore Jetty. Several dislodged timber planks from the jetty are reported to be floating and are a potential danger to vessels operating in the vicinity. The power to the jetty has also been switched off as a safety precaution.

Mariners are advised to exercise extreme caution when navigating in the area.

Charts affected: Aus 137.

Adelaide, 27 April 2009.

PATRICK CONLON, Minister for Transport

DTEI 2009/00683

**WATER MAINS AND SEWERS**

Office of the South Australian Water Corporation  
Adelaide, 30 April 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 TEA TREE GULLY  
Keith Street, Ridgehaven. p18

**BAROSSA COUNTRY LANDS WATER DISTRICT**

LIGHT REGIONAL COUNCIL  
In and across Parkers Road, Ward Belt. p30-37

**BUNDALEER COUNTRY LANDS WATER DISTRICT**

WAKEFIELD REGIONAL COUNCIL  
Port Wakefield Road, Port Wakefield. p10-15

**MUNDALLIO COUNTRY LANDS WATER DISTRICT**

PORT AUGUSTA CITY COUNCIL  
Across and in Carlton Parade, Wamikata and Port Augusta. p41 and 42

**PENOLA WATER DISTRICT**

WATTLE RANGE COUNCIL  
Gordon Street, Penola. p16

**PORT LINCOLN WATER DISTRICT**

CITY OF PORT LINCOLN  
Smith Street, Port Lincoln. p17

**REDBANKS WATER DISTRICT**

DISTRICT COUNCIL OF MALLALA  
Hall Road, Redbanks. p1

**SADDLEWORTH WATER DISTRICT**

CLARE AND GILBERT VALLEYS COUNCIL  
In and across Marrabel Road, Saddleworth. p25-29  
In and across Warren Road, Saddleworth. p25-27

**WAKEFIELD WATER DISTRICT**

WAKEFIELD REGIONAL COUNCIL  
In and across Minnie Street, Port Wakefield. p9  
Easement in lot 13 in LTRO FP 139811, Minnie Street, Port Wakefield. p9

Government road west of lot 31 in LTRO FP 139811, Port Wakefield. p9  
Easement in lot 32 in LTRO FP 139811, Minnie Street, Port Wakefield. p9  
Port Wakefield Road, Port Wakefield. p9 and 10

#### **YORKE PENINSULA COUNTRY LANDS WATER DISTRICT**

DISTRICT COUNCIL OF YORKE PENINSULA  
Minlaton-Yorketown Road, Minlaton. p39 and 40

#### **WATER MAINS ABANDONED**

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

#### **BAROSSA COUNTRY LANDS WATER DISTRICT**

LIGHT REGIONAL COUNCIL  
Parkers Road, Ward Belt. p30-37

#### **BUNDALEER COUNTRY LANDS WATER DISTRICT**

WAKEFIELD REGIONAL COUNCIL  
Port Wakefield Road, Port Wakefield. p10-15

#### **MUNDALLIO COUNTRY LANDS WATER DISTRICT**

PORT AUGUSTA CITY COUNCIL  
Across and in Carlton Parade, Port Augusta. p41 and 42

#### **SADDLEWORTH WATER DISTRICT**

CLARE AND GILBERT VALLEYS COUNCIL  
In and across Marrabel Road, Saddleworth. p26 and 27  
Warren Road, Saddleworth. p26 and 27

#### **WAKEFIELD WATER DISTRICT**

WAKEFIELD REGIONAL COUNCIL  
Minnie Street, Port Wakefield. p9  
Easement in lot 13 in LTRO FP 139811, Minnie Street, Port Wakefield. p9  
Government road west of lot 31 in LTRO FP 139811, Port Wakefield. p9  
Easement in lot 32 in LTRO FP 139811, Minnie Street, Port Wakefield. p9  
Port Wakefield Road, Port Wakefield. p9 and 10

#### **YORKE PENINSULA COUNTRY LANDS WATER DISTRICT**

DISTRICT COUNCIL OF YORKE PENINSULA  
Minlaton-Yorketown Road, Minlaton. p39

#### **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**

CITY OF CHARLES STURT  
Military Road, Tennyson. FB 1182 p17

CITY OF MARION  
Across Sunshine Avenue, Warradale. FB 1182 p22  
Ailsa Avenue, Warradale. FB 1182 p22

CITY OF PORT ADELAIDE ENFIELD  
Cormack Road, Wingfield. FB 1182 p16

CITY OF WEST TORRENS  
Bransby Avenue, North Plympton. FB 1182 p21

#### **ALDINGA DRAINAGE AREA**

CITY OF ONKAPARINGA  
Palmer Street, Aldinga Beach. FB 1182 p20

#### **MURRAY BRIDGE COUNTRY DRAINAGE AREA**

THR RURAL CITY OF MURRAY BRIDGE  
Across Forest Drive, Murray Bridge. FB 1183 p17  
Easement in lot 204 in LTRO DP 66454, Forest Drive, Murray Bridge. FB 1183 p17

#### **PORT AUGUSTA COUNTRY DRAINAGE AREA**

PORT AUGUSTA CITY COUNCIL  
Across Stirling Road, Port Augusta. FB 1182 p19  
Clarke Street, Port Augusta. FB 1182 p19

#### **STIRLING COUNTRY DRAINAGE AREA**

ADELAIDE HILLS COUNCIL  
Across Leamington Road, Aldgate. FB 1182 p18  
Easement in lot 2 in LTRO FP 102007, Leamington Road and lot 4 in LTRO FP 105356, Ludgate Hill Road, Aldgate. FB 1182 p18

#### **ADDENDUM**

Addendum to notice in "Government Gazette" of 23 January 1975

#### **"SEWERS LAID"**

"Notice is hereby given that the following sewers have been laid down by the Minister of Works in the undermentioned drainage areas and are now available for house connections."

#### **"VICTOR HARBOR COUNTRY DRAINAGE AREA"**

"DISTRICT OF ENCOUNTER BAY"  
"Antrim Street, Victor Harbor—88.1 m of 150 mm P.V.C. sewer from 150 mm sewer Hindmarsh Road running north-westerly to lot 74. This sewer is available for house connections on the north-eastern side only."

To this notice add "and is also available for a house connection to lot 101 in LTRO DP 71090."

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

South Australia

## **Statutes Amendment (Real Estate Industry Reform) Act (Commencement) Proclamation 2009**

### **1—Short title**

This proclamation may be cited as the *Statutes Amendment (Real Estate Industry Reform) Act (Commencement) Proclamation 2009*.

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

The remaining provisions of the *Statutes Amendment (Real Estate Industry Reform) Act 2007* (No 28 of 2007) will come into operation on 1 August 2009.

### **Made by the Governor's Deputy**

with the advice and consent of the Executive Council  
on 30 April 2009

MCA07/049CS

South Australia

## **Statutes Amendment (Transport Portfolio) Act (Commencement) Proclamation 2009**

### **1—Short title**

This proclamation may be cited as the *Statutes Amendment (Transport Portfolio) Act (Commencement) Proclamation 2009*.

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

The following provisions of the *Statutes Amendment (Transport Portfolio) Act 2008* (Act No 26 of 2008) will come into operation on 1 June 2009:

- (a) section 5;
- (b) section 8;
- (c) section 18;
- (d) section 28.

### **Made by the Governor's Deputy**

with the advice and consent of the Executive Council  
on 30 April 2009

MTR09/030

South Australia

## **Local Government (Boundary Adjustment—City of Holdfast Bay and The Corporation of the City of Marion) Proclamation 2009**

under sections 9 and 11 of the *Local Government Act 1999*

### **1—Short title**

This proclamation may be cited as the *Local Government (Boundary Adjustment—City of Holdfast Bay and The Corporation of the City of Marion) Proclamation 2009*.

### **2—Commencement**

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

### **3—Boundary adjustment**

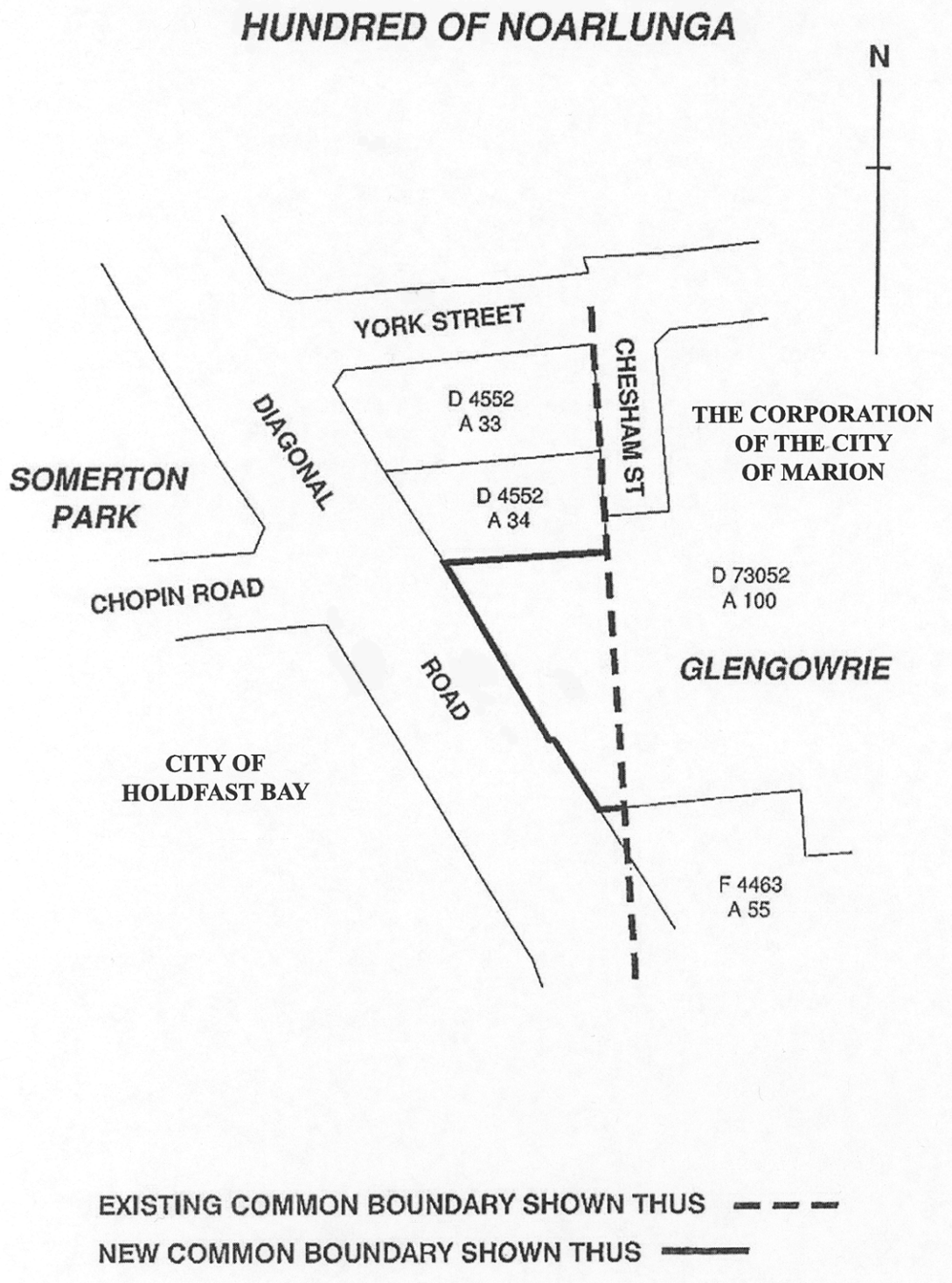
The boundaries of the areas of the City of Holdfast Bay and the The Corporation of the City of Marion are altered so that the land described in Schedule 1 is wholly within the area of The Corporation of the City of Marion (and consequential amendments are made to the boundaries of any relevant wards).

### **Schedule 1—Description of boundary adjustment**

Allotment 100 of Deposited Plan 73052, Hundred of Noarlunga, being the whole of the land comprised in Certificate of Title Register Book Volume 6017 Folio 255.



### Schedule 2—Plan of boundary adjustment



#### Made by the Governor's Deputy

on the recommendation of the Boundary Adjustment Facilitation Panel and with the advice and consent of the Executive Council  
on 30 April 2009

09MLG0006CS

South Australia

## **Oaths (Appointments) Proclamation 2009**

under section 33 of the *Oaths Act 1936*

### **1—Short title**

This proclamation may be cited as the *Oaths (Appointments) Proclamation 2009*.

### **2—Commencement**

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

### **3—Appointment of persons to take declarations and attest instruments**

The following police officers are appointed to take declarations and attest the execution of instruments:

Paul Anthony Adams  
Samuel Domenic Agostino  
Kenneth Ivan Allchurch  
David George Angus  
Craig Andrew Arthur  
Michelle Claire Atkinson  
Samantha Jane Attard  
Kieran Shannon Baggoley  
Neil Craig Bailey  
Anthony Deane Baker  
Sonya Kate Baldwin  
Michaela Bangerter  
Graham Gordon Bassell  
Glenn Andrew Batty  
Sharon Michelle Beaumont  
Darryl Norrie Beckmann  
Catherine Michele Beer  
Peter Douglas Benn  
Tristan John Bennet  
James Bentley  
John Douglas Bland  
Stephen John Borgardt  
Benjamin Peter Boucher  
Adam Owen Bough

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Amanda Boughen  
Allan Keith Bourke  
Kym Andrew Bowden  
Anthony William Brain  
Ashlee Bridge  
David Charles Bridge  
Caroline Anne Bristow  
Chad Ian Brook  
Timothy James Brooks  
Ian Michael Browne  
Andrew Peter Bruce  
Graeme Denis Bubner  
Scott Buckmaster  
Russell Dean Burr  
Barbara Ann Bushell  
Gary Thomas Camac  
Shawn Donald Carter  
Bradley Robert Chapman  
Philip Clague  
Diane Patricia Coles  
Scott James Collins  
Rebecca Anne Corbridge  
Jason Andrew Crocker  
Adam David Crouch  
Carly Brooke Crowe  
Darren William Curtis  
Alexander Peter Davis  
Dean Leslie Dawson  
William Bernwall Devlin  
Ricky John Dixon  
Rachel Dredge  
Leanne Gaye Drummond  
Amy Nicole Dwyer  
Vasilios Economou  
Damien Anthony Eichner  
Ian James Forster

Kimberley Foster  
Craig Alan Fowler  
Deane Robert Fox  
Darryl James Foyle  
Amanda Jane Francis  
Samuel Paul Frick  
Julian Russell Fry  
Stephen George Garden  
William Percival Gibson  
Peter Wayne Gladigau  
Marc Alphonse Gregurev  
Derek John Griffiths  
Glen Kevin Hadden  
Ronald Benno Hain  
Colin Frederick Hand  
Joanne Lee Hand  
Jarred Michael Hanton  
Cassandra Lee Hartley  
Alison Joan Heaft  
Andrzej Kazimierz Gerard Hejka  
Nicholas Paul Hempel  
Lucas James Herbert  
Andrew James Hewlett-Parker  
Campbell Ross Hill  
Scott Ian Hodder  
Sean Patrick Holland  
Bradley Troy Houston  
Lynda Ann Howie  
Glenn Dean Jeffries  
Howden John Jennings  
Thomas Alexander Jepps  
Shane Ross Johnson  
Craig Anthony Johnston  
Donald Leslie Johnston  
Adrian Wayne Jones  
Melise Brooke Kalms

Lauren Kate Kearns  
Andrew Glanville Kemp  
Fiona Jayne Kerrish  
Daniel Alan Lacey  
Bobby Slobodan Lackovic  
Jeff Matthew Lang  
Oliver Joseph Thomas Laurence  
Kelly Marie Lavington  
Glenn Paul Lawrie  
Daniel Jon Lee  
David Paul MacAdam  
Paul David Manns  
Peter Dawe Martin  
Sonya Lee Mastrovas  
Nello Matricciani  
Douglas David May  
Nathan Samuel McAuliffe  
Ryan John McClean  
Gavin John McCulloch  
Mark Ronald McEachern  
Kylie-Anne Jayne McGrath  
Shawn Gregory McGregor  
Christopher Glen McInerney  
Ian Lyall McKay  
Sean Peter McMahon  
Vicki Kate McNally  
Anna Louise McPherson  
Darren Scott Mead  
Stuart David Mee  
Dirk Horst Meyer  
Pieter Shane Middleton  
Karen Anne Mowday  
Alison Clare Moyle  
Christopher John Mudie  
Dennis Edward Mulroney  
Jessica Jade Newall

Paul Ingram Nunn  
Jodie Leigh O'Brien  
Jason Paul O'Malley  
Benjamin Charles O'Shaughnessy  
Michael Dennis Parry  
Harold James Parsons  
Matthew Shawn Patterson  
Terence Hugh Patterson  
Andrew Jarvis Payne  
Christopher John Payne  
Nadeane Joy Paynter  
Jillian Gwen Pearce  
Lauren Ann Pearce  
Corey John Pearson  
Adam James Pemberton  
Ann Elizabeth Perugini  
Beraniece Eileen Pfitzner  
Barry Richard Phillips  
Simon John Pichl  
Gregory Pill  
David James Pluckhahn  
Carl Poynter  
Mergene Donald Presser  
Cameron James Price  
Amanda Gay Prosser  
Jane Elizabeth Radunz  
Stuart Alexander Rees  
Brett Douglas Riddle  
Keith Malcolm Robb  
David Michael Roberts  
Mark William Roberts  
John Arnold Rodgers  
Leon Peter Rusak  
Imran Dale Rusul  
Amit Sareen  
David William Scutchings



Nicole Louise Selfe  
Josef Gerold Seppelt  
David Leslie Sheldon  
Christie Honor Siebum  
Anita Sinclair  
Philip William Skurray  
John Bernard Slattery  
Kurt Gavan Slaven  
Luke Jason Smith  
Terry John Smith  
Peter Anthony Sodomka  
John Michael Southon  
Darren Wayne Stallard  
Murray Donald Stanley  
Matthew Byron Steinbeck  
Brian David Stringer  
Stephen Allan Stubbs  
Mark Sutherland  
John Swift  
Jarrad Evan Sykes  
Michael Tajnikar  
Charles Lawrence Theakstone  
Belinda Marie Thomas  
Mark Edgar Thomas  
Samuel Peter Thomas  
Douglas James Thompson  
William Thompson  
Nicola Jane Toone  
Viet Xuan Tran  
Kon Tsakarellos  
Michael Robert Tuohy  
Jemyer Louise Ulyett  
Erin Branford Vanderwoude  
David Paul Veldhoen  
David James Venner  
Nicole Lee Viant

Kevin Arthur Virgin  
Sharon Lynne Walker-Roberts  
Paul Joseph Ward  
Craig Ronald Warman  
Brian Lester Watkins  
Sequoiah Lindsay Watkins  
Suzanne Waydock  
Shannon William Webb  
Steven James Westcott  
Kelly Elizabeth Weston  
Robert Scott White  
Bryan John Whitehorn  
Lisa Jane Wilby  
Malcolm Kenneth Williams  
Brenton Kym Williamson  
Brent William Wilson  
Luke Hamilton Wilson  
Mira Wilson  
Catherine Louise Windle  
Craig Gregory Wolfe  
Kim Leanne Wood  
Julianne Worthley  
Mehrdad Yazarloo  
Lannon James Zacher  
Larl William Abdul Zada  
Allan Ziegler  
Paul Jeffrey Zuromski

**Made by the Governor's Deputy**

with the advice and consent of the Executive Council  
on 30 April 2009

JP/09/007CS

South Australia

## **Mutual Recognition (South Australia) (Temporary Exemptions) Variation Regulations 2009**

under the *Mutual Recognition (South Australia) Act 1993*

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### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of *Mutual Recognition (South Australia) (Temporary Exemptions) Regulations 1999***

- 4 Insertion of regulation 7
    - 7 Temporary exemptions—*Plastic Shopping Bags (Waste Avoidance) Act 2008*
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Mutual Recognition (South Australia) (Temporary Exemptions) Variation Regulations 2009*.

#### **2—Commencement**

These regulations will come into operation on 4 May 2009.

#### **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 *Mutual Recognition (South Australia) (Temporary Exemptions) Regulations 1999***

#### **4—Insertion of regulation 7**

After regulation 6 insert:

#### **7—Temporary exemptions—*Plastic Shopping Bags (Waste Avoidance) Act 2008***

- (1) For the purposes of section 5 of the Act and section 15 of the Commonwealth Act, the *Plastic Shopping Bags (Waste Avoidance) Act 2008* is declared to be a law to which section 15 of the Commonwealth Act applies.

- (2) The exemption from the Commonwealth Act under this regulation has effect for a period of 12 months following the commencement of this 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's Deputy**

with the advice and consent of the Executive Council  
on 30 April 2009

No 45 of 2009

ZWCS09/0001

South Australia

## **Trans-Tasman Mutual Recognition (South Australia) Variation Regulations 2009**

under the *Trans-Tasman Mutual Recognition (South Australia) Act 1999*

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### **Contents**

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#### **Part 2—Variation of *Trans-Tasman Mutual Recognition (South Australia) Regulations 1999***

- 4 Insertion of regulation 7
    - 7 Temporary exemptions—*Plastic Shopping Bags (Waste Avoidance) Act 2008*
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Trans-Tasman Mutual Recognition (South Australia) Variation Regulations 2009*.

#### **2—Commencement**

These regulations will come into operation on 4 May 2009.

#### **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 *Trans-Tasman Mutual Recognition (South Australia) Regulations 1999***

#### **4—Insertion of regulation 7**

After regulation 6 insert:

#### **7—Temporary exemptions—*Plastic Shopping Bags (Waste Avoidance) Act 2008***

- (1) For the purposes of section 5 of the Act and section 46 of the Commonwealth Act, the *Plastic Shopping Bags (Waste Avoidance) Act 2008* is declared to be exempt from the operation of the Commonwealth Act.

- (2) The exemption from the Commonwealth Act under this regulation has effect for a period of 12 months following the commencement of this 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's Deputy**

with the advice and consent of the Executive Council  
on 30 April 2009

No 46 of 2009

ZWCS09/0001



South Australia

# Land and Business (Sale and Conveyancing) Variation Regulations 2009

under the *Land and Business (Sale and Conveyancing) Act 1994*

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- 6 Variation of regulation 12—Sale of land—prescribed inquiries
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- 8 Variation of Schedule 2—Contracts for sale of land or businesses—bodies to whom inquiries are to be made
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## Schedule 1—Transitional provisions

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- 

## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Land and Business (Sale and Conveyancing) Variation Regulations 2009*.

### 2—Commencement

- (1) Subject to this regulation, these regulations come into operation on the day on which they are made.
- (2) Part 3 and Schedule 1 clause 1 will come into operation on 1 August 2009.
- (3) Part 4 and Schedule 1 clause 2 will come into operation on 1 September 2009.

### 3—Variation provisions

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

## Part 2—Variation of *Land and Business (Sale and Conveyancing) Regulations 1995*

### 4—Variation of regulation 3—Interpretation

- (1) Regulation 3(1)—after the definition of *council* insert:

*Crown lease* means a leasehold interest granted by the Crown under an Act;
- (2) Regulation 3(1)—after the definition of *domestic partner* insert:

*prescribed body* means a body prescribed for the purposes of section 12(2) of the Act (see regulation 15).

### 5—Variation of regulation 5—Qualified accountant

- (1) Regulation 5(a)—delete paragraph (a) and substitute:
  - (a) CPA Australia; or
- (2) Regulation 5—after paragraph (d) insert:

or

  - (e) the National Tax and Accountants' Association Limited as a Fellow.

### 6—Variation of regulation 12—Sale of land—prescribed inquiries

- (1) Regulation 12(1)(f)—delete paragraph (f) and substitute:
  - (f) to inquire—

- (i) in relation to a charge or prescribed encumbrance specified in column 1 of table 1 in Schedule 2, of the bodies specified in column 2 opposite, whether or not the council, a statutory authority or a prescribed body has the benefit of such a charge or prescribed encumbrance over the land; and
  - (ii) in relation to a matter specified in column 1 of table 2 in Schedule 2, of the bodies specified in column 2 opposite, whether or not the matter affects, presently or prospectively, title to, or the possession or enjoyment of, the land; and
- (2) Regulation 12(1)(h)—delete "community lot or unit" and substitute:
- lot or unit

### **7—Variation of regulation 15—Sale of land—provision of information, etc by councils, statutory authorities and prescribed bodies**

- (1) Regulation 15(1)—delete "or statutory authority " and substitute:
- , statutory authority or prescribed body
- (2) Regulation 15—after subregulation (1) insert:
- (1a) For the purposes of section 12(2) of the Act, an administrative unit of the Public Service is a prescribed body.

### **8—Variation of Schedule 2—Contracts for sale of land or businesses—bodies to whom inquiries are to be made**

Schedule 2, tables 1 and 2—delete "Department for Environment, Heritage and Aboriginal Affairs", wherever occurring, and substitute in each case:

Department for Transport, Energy and Infrastructure

### **9—Substitution of Schedule 3**

Schedule 3—delete the Schedule and substitute:

## **Schedule 3—Contracts for sale of land or businesses—fees**

### **1—Fees payable to councils**

For particulars and documentary material to be provided by a council—

- (a) for particulars—
  - (i) in relation to 1 strata unit \$20.00
  - (ii) in relation to 2 strata units on the same strata plan \$40.00
  - (iii) in relation to 3 or more strata units on the same strata plan \$60.00
  - (iv) for each certificate of title to land under the *Real Property Act 1886*, or Crown lease, in respect of which particulars are to be provided

|  |          |
|--|----------|
| (A) if the applicant requests that the particulars be provided within 24 hours after receipt of the request  | \$30.00  |
| (B) in any other case  | \$20.00  |
| (b) for documentary material—the actual cost incurred by the council in producing a copy of the document.  |          |
| <b>2—Fees payable to statutory authorities or prescribed bodies</b>  |          |
| (1) For particulars and documentary material to be provided by a statutory authority or prescribed body (other than where particulars are to be provided for the purposes of a section 7 statement)— |          |
| (a) for particulars—   |          |
| (i) in relation to 1 strata unit   | \$15.00  |
| (ii) in relation to 2 strata units on the same strata plan   | \$28.00  |
| (iii) in relation to 3 or more strata units on the same strata plan  | \$43.00  |
| (iv) in any other case—in relation to each certificate of title to land under the <i>Real Property Act 1886</i> , or Crown lease, in respect of which particulars are to be provided                 | \$15.00  |
| (b) for documentary material—the actual cost incurred by the statutory authority or prescribed body in producing a copy of the document.   |          |
| (2) For a section 7 statement or update—   |          |
| (a) for a section 7 statement to be provided by the Department in relation to a certificate of title to land under the <i>Real Property Act 1886</i> or a Crown lease                                | \$225.00 |
| (b) for an update of such a statement (where the application is made not more than 90 days after the original statement was issued) to be provided by the Department                                 | \$112.00 |
| (3) For a section 7 statement or update for a related title—   |          |
| (a) for a section 7 statement to be provided by the Department in relation to a related title  | \$33.70  |
| (b) for an update of such a statement (where the application is made not more than 90 days after the original statement was issued) to be provided by the Department                                 | \$8.60   |

**3—Interpretation**

In this Schedule—

**Department** means the Department for Transport, Energy and Infrastructure;

**related title** means a certificate of title to, or a Crown lease of, land that—

- (a) is contiguous with, and owned or held pursuant to a Crown lease by the same person as, land in relation to which a section 7 statement is to be provided by the Department; and
- (b) is valued by the Valuer-General under the *Valuation of Land Act 1971* conjointly with, and is to be sold at the same time as, the land in relation to which the section 7 statement is to be provided;

**section 7 statement** means a statement, produced by the Department for the purposes of the preparation of a vendor's statement in relation to land, that includes—

- (a) particulars and documentary material provided by the Department under the Act or these regulations for the purposes of the preparation of the vendor's statement; and
- (b) a search copy of the certificate of title to the land or, in the case of a Crown lease, a copy of the lease;

*strata unit* includes a community lot (or development lot) and *strata plan* includes a community plan.

**Note—**

The fees payable to a strata corporation or a community corporation for the provision of information are fixed by regulations under the *Strata Titles Act 1988* and the *Community Titles Act 1996*, respectively.

## **Part 3—Variation of *Land and Business (Sale and Conveyancing) Regulations 1995***

### **10—Variation of regulation 3—Interpretation**

Regulation 3(1)—before the definition of *Act* insert:

*acquired a relevant interest in the land* has the same meaning as in section 7 of the Act;

### **11—Variation of regulation 7—Sale of land—form of vendor's statement**

Regulation 7(d)—delete "obtained title to" and substitute:

acquired a relevant interest in

### **12—Variation of regulation 9—Sale of small business—form of vendor's statement**

Regulation 9(c)(iii)—delete "obtained title to" and substitute:

acquired a relevant interest in

### **13—Variation of Schedule 1—Contracts for sale of land or businesses—forms**

- (1) Schedule 1, Form 1, Part B—delete the item in Part B headed "**Methods of service**" (including the Note at the end of the item) and substitute:

**Methods of service**

The cooling-off notice must be—

- (a) given to the vendor personally; or
- (b) posted by registered post to the vendor at the following address: (being the vendor's last known address); or
- (c) transmitted by fax to the following fax number: (being a number provided to you by the vendor for the purpose of service of the notice); or
- (d) left for the vendor's agent (with a person apparently responsible to the agent) at, or posted by registered post to the agent at, the following address: (being \*the agent's address for service under the *Land Agents Act 1994*/an address nominated by the agent to you for the purpose of service of the notice).

Note—Section 5(3) of the *Land and Business (Sale and Conveyancing) Act 1994* places the onus of proving the giving of the cooling-off notice on the purchaser. It is therefore strongly recommended that—

- (a) if you intend to serve the notice by leaving it for the vendor's agent at the agent's address for service or an address nominated by the agent, you obtain an acknowledgment of service of the notice in writing;
  - (b) if you intend to serve the notice by fax, you obtain a transmission report in relation to the sending of the fax.
- (2) Schedule 1, Form 1, Schedule, Division 2, item headed "PARTICULARS OF TRANSACTIONS IN LAST 12 MONTHS"—delete the item and substitute:

**\*\*PARTICULARS OF TRANSACTIONS IN LAST 12 MONTHS**

If the vendor, within 12 months before the date of the contract of sale—

- (a) obtained title to the land; or
- (b) obtained an option to purchase the land; or
- (c) entered into a contract to purchase the land (whether on the vendor's own behalf or on behalf of another),

the vendor must provide the following particulars of all transactions relating to the acquisition of the interest that occurred within that 12 month period:

- 1 The name and address of each party to the transaction and of each person in whom an interest vested as a result of the transaction:
- 2 The date and nature of each instrument registered on the certificate of title or, if no such instrument has been registered, the date and nature of each document forming the whole or part of a contract relating to the transaction:
- 3 Particulars of the consideration provided for the purposes of the transaction:

The above particulars must be provided for each transaction.

- (3) Schedule 1, Form 2, Part B—delete the item in Part B headed "**Methods of service**" (including the Note at the end of the item) and substitute:

**Methods of service**

The cooling-off notice must be—

- (a) given to the vendor personally; or
- (b) posted by registered post to the vendor at the following address:  
(being the vendor's last known address); or
- (c) transmitted by fax to the following fax number:  
(being a number provided to you by the vendor for the purpose of service of the notice); or
- (d) left for the vendor's agent (with a person apparently responsible to the agent) at, or posted by registered post to the agent at, the following address:  
(being \*the agent's address for service under the *Land Agents Act 1994*/an address nominated by the agent to you for the purpose of service of the notice).

Note—Section 5(3) of the *Land and Business (Sale and Conveyancing) Act 1994* places the onus of proving the giving of the cooling-off notice on the purchaser. It is therefore strongly recommended that—

- (a) if you intend to serve the notice by leaving it for the vendor's agent at the agent's address for service or an address nominated by the agent, you obtain an acknowledgment of service of the notice in writing;
  - (b) if you intend to serve the notice by fax, you obtain a transmission report in relation to the sending of the fax.
- (4) Schedule 1, Form 2, Schedule 2, Division 2, item headed "PARTICULARS OF TRANSACTIONS IN LAST 12 MONTHS"—delete the item and substitute:

**\*\*PARTICULARS OF TRANSACTIONS IN LAST 12 MONTHS**

If the vendor, within 12 months before the date of the contract of sale—

- (a) obtained title to the land; or
- (b) obtained an option to purchase the land; or
- (c) entered into a contract to purchase the land (whether on the vendor's own behalf or on behalf of another),

the vendor must provide the following particulars of all transactions relating to the acquisition of the interest that occurred within that 12 month period:

- 1 The name and address of each party to the transaction and of each person in whom an interest vested as a result of the transaction:
- 2 The date and nature of each instrument registered on the certificate of title or, if no such instrument has been registered, the date and nature of each document forming the whole or part of a contract relating to the transaction:
- 3 Particulars of the consideration provided for the purposes of the transaction:

The above particulars must be provided for each transaction.

## **Part 4—Variation of *Land and Business (Sale and Conveyancing) Regulations 1995***

### **14—Variation of regulation 3—Interpretation**

- (1) Regulation 3(1)—after the definition of *council* insert:

***council search report*** means a report by a council that provides particulars and documentary material under the Act or these regulations for the purposes of the preparation of a vendor's statement in relation to land;

- (2) Regulation 3(1)—after the definition of *prescribed body* insert:

***property interest report*** means a report, produced by the Department for Transport, Energy and Infrastructure for the purposes of the preparation of a vendor's statement in relation to land, that includes—

- (a) particulars and documentary material provided by the Department under the Act or these regulations for the purposes of the preparation of the statement; and

- (b) a search copy of the certificate of title to the land or, in the case of a Crown lease, a copy of the lease.

### **15—Variation of regulation 7—Sale of land—form of vendor's statement**

- (1) Regulation 7(b) and (c)—delete paragraphs (b) and (c) and substitute:
  - (b) Part 1 of the table of particulars set out in Division 1 of the Schedule of Form 1; and
  - (c) such items in Part 2 of that table as contain prescribed encumbrances or charges that affect, presently or prospectively, title to, or the possession or enjoyment of, the land subject to the sale; and
- (2) Regulation 7—after paragraph (e) insert:
  - and
  - (f) if the land subject to the sale is a community lot under the *Community Titles Act 1996* or a unit under the *Strata Titles Act 1988*—the notice in Division 3 of the Schedule of Form 1.

### **16—Variation of regulation 9—Sale of small business—form of vendor's statement**

- (1) Regulation 9(c)(i) and (ii)—delete subparagraphs (i) and (ii) and substitute:
  - (i) Part 1 of the table of particulars set out in Form 2 Schedule 2 Division 1; and
  - (ii) such items in Part 2 of that table as contain prescribed encumbrances or charges that affect, presently or prospectively, title to, or the possession or enjoyment of, the land subject to the sale; and
- (2) Regulation 9(c)—after subparagraph (iv) insert:
  - (v) if the land subject to the sale is a community lot under the *Community Titles Act 1996* or a unit under the *Strata Titles Act 1988*—the notice in Form 2 Schedule 2 Division 3; and
- (3) Regulation 9(d)—delete "the Stock Act 1990" and substitute:

*Livestock Act 1997*

### **17—Variation of regulation 10—Sale of small business—prescribed particulars**

Regulation 10(b)—delete "the Stock Act 1990" and substitute:

*Livestock Act 1997*

### **18—Variation of regulation 12—Sale of land—prescribed inquiries**

Regulation 12(1)(h)—after "community or strata corporation" insert:

(or, where specified, the Lands Titles Registration Office)

### **19—Variation of regulation 16—Defences**

Regulation 16(a)(iii)—delete "the community or strata corporation" and substitute:

the community or strata corporation (or, where Division 2 of the Schedule of Form 1 or Division 2 of Schedule 2 of Form 2 indicates that the information may be obtained from the community or strata corporation or the Lands Titles Registration Office—the community or strata corporation or the Lands Titles Registration Office)



**20—Substitution of Schedule 1**

Schedule 1—delete the Schedule and substitute:

**Schedule 1—Contracts for sale of land or businesses—  
forms**

**Form 1—Vendor's statement (section 7)**

*Land and Business (Sale and Conveyancing) Act 1994*

**Contents**

Preliminary

Part A—Parties and land

Part B—Purchaser's cooling-off rights and proceeding with the purchase

Part C—Statement with respect to required particulars

†Part D—Certificate with respect to prescribed inquiries by registered agent  
Schedule

**Preliminary**

**To the purchaser:**

The purpose of a statement under section 7 of the *Land and Business (Sale and Conveyancing) Act 1994* is to put you on notice of certain particulars concerning the land to be acquired.

If you intend to carry out building work on the land, change the use of the land or divide the land, you should make further inquiries to determine whether this will be permitted. For example, building work may not be permitted on land not connected to a sewerage system or common drainage scheme if the land is near a watercourse, dam, bore or the River Murray and Lakes.

The *Aboriginal Heritage Act 1988* protects any Aboriginal site or object on the land. Details of any such site or object may be sought from the "traditional owners" as defined in that Act.

If you desire additional information, it is up to you to make further inquiries as appropriate.

**Instructions to the vendor for completing this statement:**

† means strike out or omit the Part, Division, Particulars or item if not applicable.

\* means strike out or omit the option that is not applicable.

If there is insufficient space to provide any particulars required, continue on attachments.

**Part A—Parties and land**

1 Purchaser:  
Address:

†2 Purchaser's registered agent:  
Address:

3 Vendor:  
Address:

- †4 Vendor's registered agent:  
Address:
- 5 Date of contract (if made before this statement is served):
- 6 Description of the land:  
*[Identify the land including any certificate of title reference]*

## **Part B—Purchaser's cooling-off rights and proceeding with the purchase**

### **To the purchaser:**

### **Right to cool-off**

(section 5)

#### **1—Right to cool-off and restrictions on that right**

You may notify the vendor of your intention not to be bound by the contract for the sale of the land UNLESS—

- (a) you purchased by auction; or
- (b) you purchased on the same day as you, or some person on your behalf, bid at the auction of the land; or
- (c) you have, before signing the contract, received independent advice from a legal practitioner and the legal practitioner has signed a certificate in the prescribed form as to the giving of that advice; or
- (d) you are a body corporate; or
- (e) the contract is made by the exercise of an option to purchase not less than 5 clear business days after the grant of the option and not less than 2 clear business days after service of this form; or
- (f) the sale is by tender and the contract is made not less than 5 clear business days after the day fixed for the closing of tenders and not less than 2 clear business days after service of this form; or
- (g) the contract also provides for the sale of a business that is not a small business.

#### **2—Time for service**

The cooling-off notice must be served—

- (a) if this form is served on you before the making of the contract—before the end of the second clear business day after the day on which the contract was made; or
- (b) if this form is served on you after the making of the contract—before the end of the second clear business day from the day on which this form is served.

However, if this form is not served on you at least 2 clear business days before the time at which settlement takes place, the cooling-off notice may be served at any time before settlement.

### 3—Form of cooling-off notice

The cooling-off notice must be in writing and must be signed by you.

### 4—Methods of service

The cooling-off notice must be—

- (a) given to the vendor personally; or
- (b) posted by registered post to the vendor at the following address:  
(being the vendor's last known address); or
- (c) transmitted by fax to the following fax number:  
(being a number provided to you by the vendor for the purpose of service of the notice); or
- (d) left for the vendor's agent (with a person apparently responsible to the agent) at, or posted by registered post to the agent at, the following address:  
(being \*the agent's address for service under the *Land Agents Act 1994*/an address nominated by the agent to you for the purpose of service of the notice).

#### Note—

Section 5(3) of the *Land and Business (Sale and Conveyancing) Act 1994* places the onus of proving the giving of the cooling-off notice on the purchaser. It is therefore strongly recommended that—

- (a) if you intend to serve the notice by leaving it for the vendor's agent at the agent's address for service or an address nominated by the agent, you obtain an acknowledgment of service of the notice in writing;
- (b) if you intend to serve the notice by fax, you obtain a transmission report in relation to the sending of the fax.

### 5—Effect of service

If you serve such a cooling-off notice on the vendor, the contract will be taken to have been rescinded at the time when the notice was served. You are then entitled to the return of any money you paid under the contract other than—

- (a) the amount of any deposit paid if the deposit did not exceed \$100;  
or
- (b) an amount paid for an option to purchase the land.

### Proceeding with the purchase

If you wish to proceed with the purchase—

- (a) it is strongly recommended that you take steps to make sure your interest in the property is adequately insured against loss or damage;
- (b) pay particular attention to the provisions in the contract as to time of settlement—it is essential that the necessary arrangements are made to complete the purchase by the agreed date—if you do not do so, you may be in breach of the contract;
- (c) you are entitled to retain the solicitor or registered conveyancer of your choice.

**Part C—Statement with respect to required particulars****(section 7(1))****To the purchaser:**

\*I/We,

of

being the \*vendor(s)/person authorised to act on behalf of the vendor(s) in relation to the transaction state that the Schedule contains all particulars required to be given to you pursuant to section 7(1) of the *Land and Business (Sale and Conveyancing) Act 1994*.

Date:

Signed:

**†Part D—Certificate with respect to prescribed inquiries by registered agent****(section 9)****To the purchaser:**

I,

certify \*that the responses/that, subject to the exceptions stated below, the responses to the inquiries made pursuant to section 9 of the *Land and Business (Sale and Conveyancing) Act 1994* confirm the completeness and accuracy of the particulars set out in the Schedule.

Exceptions:

Date:

Signed:

\*Vendor's/Purchaser's agent

\*Person authorised to act on behalf of \*Vendor's/Purchaser's agent

**Schedule—Division 1—Particulars of mortgages, charges and prescribed encumbrances affecting the land****(section 7(1)(b))****Note—**

Section 7(3) of the Act provides that this statement need not include reference to charges arising from the imposition of rates or taxes less than 12 months before the date of service of the statement.

All the particulars required by column 3 of the table below in relation to a mortgage, charge or prescribed encumbrance referred to in column 1 must be set out in column 3 unless—

- (a) a copy of a document is attached to this statement and—
  - (i) all the required particulars are contained in that document; and
  - (ii) those parts of the document that contain the required particulars are identified in column 3; or

- (b) the mortgage, charge or prescribed encumbrance—
- (i) is one of the following items in the table:
- (A) under the heading "General"—
- Lease, agreement for lease, tenancy agreement or licence
  - Mortgage of land;
- (B) under the heading "Other"—
- Caveat
  - Lien or notice of a lien
  - Charge of any kind affecting the land (not included in another item); and
- (ii) is registered on the certificate of title to the land; and
- (iii) is to be discharged or satisfied prior to or at settlement.

### Table of particulars

| Column 1<br>Prescribed encumbrance | Column 2<br>Is the<br>encumbrance to be<br>discharged or<br>satisfied prior to<br>or at settlement? | Column 3<br>Other particulars required |
|------------------------------------|---|--|
|------------------------------------|---|--|

#### Part 1—Items that must be included in statement

*[If an item is not applicable strike it out or write "NOT APPLICABLE" or "N/A" in column 1.]*

#### General

|  |         |   |
|--|---------|---|
| Easement<br>(whether over the land or<br>annexed to the land)<br>Note—"Easement" includes<br>rights of way and party wall<br>rights. | *YES/NO | Description of land subject to<br>easement:<br><br>Nature of easement:<br><br>Are you aware of any<br>encroachment on the easement?<br>*YES/NO<br>(If YES, give details):<br><br>If there is an encroachment, has<br>approval for the encroachment<br>been given? *YES/NO<br>(If YES, give details):<br><br><i>[attach additional page(s) if<br/>           more than 1 easement]</i> |
|--|---------|---|

| Column 1<br>Prescribed encumbrance  | Column 2<br>Is the<br>encumbrance to be<br>discharged or<br>satisfied prior to<br>or at settlement? | Column 3<br>Other particulars required  |
|---|---|---|
| Lease, agreement for lease, tenancy agreement or licence<br><br>(The information does not include information about any sublease or subtenancy. That information may be sought by the purchaser from the lessee or tenant or sublessee or subtenant.) | *YES/NO   | Names of parties:<br><br>Period of lease, agreement for lease etc:<br>From        to<br><br>Amount of rent or licence fee:<br>\$        per        (period)<br><br>Is the lease, agreement for lease etc in writing? *YES/NO<br><br>If the lease or licence was granted under an Act relating to the disposal of Crown lands, specify—<br><br>(a)    the Act under which the lease or licence was granted:<br><br>(b)    the outstanding amounts due (including any interest or penalty): |
| Mortgage of land  | *YES/NO   | Number of mortgage (if registered):<br>Name of mortgagee:   |
| Restrictive covenant  | *YES/NO   | Nature of restrictive covenant:<br><br>Name of person in whose favour restrictive covenant operates:<br><br>Does the restrictive covenant affect the whole of the land being acquired? *YES/NO<br>(If NO, give details):<br><br>Does the restrictive covenant affect land other than that being acquired? *YES/NO   |

| Column 1<br>Prescribed encumbrance   | Column 2<br>Is the<br>encumbrance to be<br>discharged or<br>satisfied prior to<br>or at settlement? | Column 3<br>Other particulars required   |
|--|---|--|
| <b><i>Development Act 1993</i></b>   |   |  |
| Part 3—Development Plan  | *YES/NO   | <p>Title or other brief description of zone or policy area in which the land is situated (as shown in the Development Plan):</p> <p>Is the land situated in a designated State Heritage Area?<br/>*YES/NO</p> <p>Is the land designated as a place of local heritage value?<br/>*YES/NO</p> <p>Is there a current Development Plan Amendment released for public consultation by a council on which consultation is continuing or on which consultation has ended but whose proposed amendment has not yet come into operation? *YES/NO</p> <p>If YES, state the name of the council:</p> <p>Is there a current Development Plan Amendment released for public consultation by the Minister on which consultation is continuing or on which consultation has ended but whose proposed amendment has not yet come into operation? *YES/NO</p> |
| section 42—Condition (that continues to apply) of a development authorisation  | *YES/NO   | <p>Date of authorisation:</p> <p>Name of relevant authority that granted authorisation:</p> <p>Condition(s) of authorisation:</p>  |
| <b>Repealed Act conditions</b>   |   |  |
| Condition (that continues to apply) of an approval or authorisation granted under the <i>Building Act 1971</i> (repealed), the <i>City of Adelaide Development Control Act 1976</i> (repealed), the <i>Planning Act 1982</i> (repealed) or the <i>Planning and Development Act 1966</i> (repealed) | *YES/NO   | Nature of condition(s):  |

| Column 1<br>Prescribed encumbrance  | Column 2<br>Is the<br>encumbrance to be<br>discharged or<br>satisfied prior to<br>or at settlement? | Column 3<br>Other particulars required  |
|---|---|---|
| <b>Part 2—Items to be included if land affected</b>   |   |   |
| <i>[If an item is not applicable, strike it out or write "NOT APPLICABLE" or "N/A" in column 1, or else omit the items and headings that are not applicable.]</i> |   |   |
| <b><i>Aboriginal Heritage Act 1988</i></b>  |   |   |
| section 9—Registration in central archives of an Aboriginal site or object  | *YES/NO   | Particulars of register entry:  |
| section 24—Directions prohibiting or restricting access to, or activities on, a site or an area surrounding a site  | *YES/NO   | Date of notice:<br>Site or area to which notice relates:<br>Directions (as stated in notice):                           |
| Part 3 Division 6—Aboriginal heritage agreement   | *YES/NO   | Date of agreement:<br>Description of property subject to agreement:<br>Names of parties:<br>Terms of agreement:         |
| <b><i>Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986</i></b><br>(repealed)  |   |   |
| section 60—Notice for costs of destruction or control of plants on road reserve   | *YES/NO   | Date of notice:<br>Name of control board giving notice:<br>Amount payable (as stated in the notice):                    |
| <b><i>Crown Rates and Taxes Recovery Act 1945</i></b>   |   |   |
| section 5—Notice requiring payment  | *YES/NO   | Date of notice:<br>Land in respect of which Crown rates and taxes are owing:<br>Amount owing (as stated in the notice): |
| <b><i>Development Act 1993</i></b>  |   |   |
| section 50(1)—Requirement to vest land in a council or the Crown to be held as open space   | *YES/NO   | Date requirement given:<br>Name of body giving requirement:<br>Nature of requirement:<br>Contribution payable (if any): |



| Column 1<br>Prescribed encumbrance  | Column 2<br>Is the<br>encumbrance to be<br>discharged or<br>satisfied prior to<br>or at settlement? | Column 3<br>Other particulars required   |
|---|---|--|
| section 50(2)—Agreement to vest land in a council or the Crown to be held as open space | *YES/NO   | Date of agreement:<br>Names of parties:<br>Terms of agreement:<br>Contribution payable (if any):   |
| section 55—Order to remove or perform work  | *YES/NO   | Date of order:<br>Terms of order:<br>Building work (if any) required to be carried out:<br>Amount payable (if any):  |
| section 56—Notice to complete development   | *YES/NO   | Date of notice:<br>Requirements of notice:<br>Building work (if any) required to be carried out:<br>Amount payable (if any):   |
| section 57—Land management agreement  | *YES/NO   | Date of agreement:<br>Names of parties:<br>Terms of agreement:   |
| section 60—Notice of intention by building owner  | *YES/NO   | Date of notice:<br>Building work proposed (as stated in the notice):<br>Other building work as required pursuant to the Act:   |
| section 69—Emergency order  | *YES/NO   | Date of order:<br>Name of authorised officer who made order:<br>Name of authority that appointed the authorised officer:<br>Nature of order:<br>Amount payable (if any): |
| section 71—Fire safety notice   | *YES/NO   | Date of notice:<br>Name of authority giving notice:<br>Requirements of notice:<br>Building work (if any) required to be carried out:<br>Amount payable (if any):         |

| Column 1<br>Prescribed encumbrance  | Column 2<br>Is the<br>encumbrance to be<br>discharged or<br>satisfied prior to<br>or at settlement? | Column 3<br>Other particulars required   |
|---|---|--|
| section 84—Enforcement notice   | *YES/NO   | Date notice given:<br>Name of the relevant authority giving notice:<br>Nature of directions contained in notice:<br>Building work (if any) required to be carried out:<br>Amount payable (if any): |
| section 85(6), 85(10) or 106—Enforcement order  | *YES/NO   | Date order made:<br>Name of court that made order:<br>Action number:<br>Names of parties:<br>Terms of order:<br>Building work (if any) required to be carried out:                                 |
| Part 11 Division 2—Proceedings  | *YES/NO   | Date of commencement of proceedings:<br>Date of determination or order (if any):<br>Terms of determination or order (if any):  |
| <b><i>Emergency Services Funding Act 1998</i></b>                                       |   |  |
| section 16—Notice to pay levy   | *YES/NO   | Date of notice:<br>Amount of levy payable:   |
| <b><i>Environment Protection Act 1993</i></b>   |   |  |
| section 59—Environment performance agreement that is registered in relation to the land | *YES/NO   | Date of agreement:   |
| section 93—Environment protection order that is registered in relation to the land      | *YES/NO   | Date of issue:<br>Compliance date(s) specified in the order:   |
| section 99—Clean-up order that is registered in relation to the land                    | *YES/NO   | Date of issue:<br>Compliance date(s) specified in the order:<br>Amount of charge on the land (if applicable and known):  |

| Column 1<br>Prescribed encumbrance   | Column 2<br>Is the<br>encumbrance to be<br>discharged or<br>satisfied prior to<br>or at settlement? | Column 3<br>Other particulars required  |
|--|---|---|
| section 100—Clean-up<br>authorisation that is registered<br>in relation to the land      | *YES/NO   | Date of issue:<br><br>Amount of charge on the land (if<br>known):   |
| <i>Fences Act 1975</i>   |   |   |
| section 5—Notice of intention<br>to perform fencing work                                 | *YES/NO   | Date of notice:<br><br>Name and address of person to<br>whom notice was given or from<br>whom notice was received:<br><br>Particulars of relevant boundary:<br><br>Kind of fence proposed to be<br>constructed or nature of work<br>proposed to be done to existing<br>fence:<br><br>Cost or estimated cost of fence or<br>work (as stated in the notice):<br><br>Amount sought by proponent<br>from adjoining owner (as stated<br>in the notice):<br><br>If there is a cross-notice under<br>section 6, give details of—<br><ul style="list-style-type: none"> <li>(a) the proposals objected<br/>to:</li> <li>(b) the counter proposals:</li> </ul> |
| <i>Fire and Emergency Services Act 2005</i>  |   |   |
| section 56—Notice of action<br>required concerning<br>flammable materials on land        | *YES/NO   | Date of notice:<br><br>Name of council:<br><br>Requirements of notice (as stated<br>therein):<br><br>Amount payable (if any):   |
| section 83—Notice of action<br>required to protect against<br>outbreak or spread of fire | *YES/NO   | Date of notice:<br><br>Name of authority giving notice:<br><br>Requirements of notice (as stated<br>therein):<br><br>Amount payable (if any):   |

| Column 1<br>Prescribed encumbrance  | Column 2<br>Is the<br>encumbrance to be<br>discharged or<br>satisfied prior to<br>or at settlement? | Column 3<br>Other particulars required  |
|---|---|---|
| <b><i>Food Act 2001</i></b>   |   |   |
| section 44—Improvement notice   | *YES/NO   | Date of notice:<br>Name of authorised officer who served notice:<br>Name of authority that appointed officer:<br>Requirements of notice:  |
| section 46—Prohibition order  | *YES/NO   | Date of order:<br>Name of authority or person who served order:<br>Requirements of order:   |
| <b><i>Fruit and Plant Protection Act 1992</i></b>   |   |   |
| section 14 or 15—Notice or order concerning disease   | *YES/NO   | Date of notice or order:<br>Date of Gazette in which notice published (if applicable):<br>Nature of requirement, restriction or prohibition:  |
| <b><i>Ground Water (Qualco-Sunlands) Control Act 2000</i></b>   |   |   |
| Part 6—risk management allocation   | *YES/NO   | Is a waterlogging and salinity risk management allocation attached to the whole or any part of the land? *YES/NO<br>If YES, give details of the allocation and the land to which it is attached:            |
| section 56—Notice to pay share of Trust costs, or for unauthorised use of water, in respect of irrigated property | *YES/NO   | Date of notice:<br>Amount payable (as stated in notice):  |
| <b><i>Heritage Places Act 1993</i></b>  |   |   |
| section 14(2)(b)—Registration of an object of heritage significance   | *YES/NO   | Date of registration:<br>Description and location of object registered:   |
| section 17 or 18—Provisional registration or registration   | *YES/NO   | Description of place registered:<br>Has the place been designated as a place of geological, palaeontological or speleological significance or archaeological significance? *YES/NO<br>If YES, give details: |

| Column 1<br>Prescribed encumbrance   | Column 2<br>Is the<br>encumbrance to be<br>discharged or<br>satisfied prior to<br>or at settlement? | Column 3<br>Other particulars required  |
|--|---|---|
| section 30—Stop order  | *YES/NO   | Date of order:<br>Terms of order:   |
| Part 6—Heritage agreement  | *YES/NO   | Date of agreement:<br>Description of property subject<br>to agreement:<br>Names of parties:<br>Terms of agreement:                            |
| section 38—"No<br>development" order   | *YES/NO   | Date of order:<br>Terms of order:   |
| <b><i>Highways Act 1926</i></b>  |   |   |
| Part 2A—Declaration as to<br>access from any road abutting<br>the land               | *YES/NO   | Date of declaration:<br>Description of boundary of land<br>affected:  |
| <b><i>Housing Improvement Act 1940</i></b>   |   |   |
| section 23—declaration that<br>house is undesirable or unfit<br>for human habitation | *YES/NO   | Date of declaration:<br>Those particulars required to be<br>provided by a council under<br>section 23:  |
| Part 7 (rent control for<br>substandard houses)—notice<br>or declaration             | *YES/NO   | Date of notice or declaration:<br>Those particulars required to be<br>provided by the housing<br>authority under section 60:                  |
| <b><i>Land Acquisition Act 1969</i></b>  |   |   |
| section 10—Notice of<br>intention to acquire   | *YES/NO   | Date of notice:<br>Name of Authority who served<br>notice:<br>Description of land intended to<br>be acquired (as described in the<br>notice): |
| <b><i>Land Tax Act 1936</i></b>  |   |   |
| Notice, order or demand for<br>payment of land tax                                   | *YES/NO   | Date of notice, order or demand:<br>Amount payable (as stated in the<br>notice):  |

| Column 1<br>Prescribed encumbrance  | Column 2<br>Is the<br>encumbrance to be<br>discharged or<br>satisfied prior to<br>or at settlement? | Column 3<br>Other particulars required   |
|---|---|--|
| <b><i>Local Government Act 1934</i></b>   |   |  |
| Notice, order, declaration,<br>charge, claim or demand given<br>or made under the Act | *YES/NO   | Date of notice, order etc:<br><br>Name of council by which, or<br>person by whom, notice, order<br>etc is given or made:<br><br>Land subject thereto:<br><br>Nature of requirements contained<br>in notice, order etc:<br><br>Time for carrying out<br>requirements:<br><br>Amount payable (if any): |
| <b><i>Local Government Act 1999</i></b>   |   |  |
| Notice, order, declaration,<br>charge, claim or demand given<br>or made under the Act | *YES/NO   | Date of notice, order etc:<br><br>Name of council by which, or<br>person by whom, notice, order<br>etc is given or made:<br><br>Land subject thereto:<br><br>Nature of requirements contained<br>in notice, order etc:<br><br>Time for carrying out<br>requirements:<br><br>Amount payable (if any): |
| <b><i>Metropolitan Adelaide Road Widening Plan Act 1972</i></b>                       |   |  |
| section 6—Restriction on<br>building work   | *YES/NO   | Does the restriction apply to all<br>of the land? *YES/NO<br>(If NO, give details about the<br>part of the land to which the<br>restriction applies):  |
| <b><i>Mining Act 1971</i></b>   |   |  |
| Mining tenement (other than<br>an exploration licence)                                | *YES/NO   | Type of tenement:<br><br>Terms of tenement:<br><br>Condition(s) (if any) the<br>tenement is subject to:  |
| Proclamation with respect to a<br>private mine  | *YES/NO   | Date of proclamation:  |

| Column 1<br>Prescribed encumbrance  | Column 2<br>Is the<br>encumbrance to be<br>discharged or<br>satisfied prior to<br>or at settlement? | Column 3<br>Other particulars required   |
|---|---|--|
| <i>Native Vegetation Act 1991</i>   |   |  |
| Part 4 Division 1—Heritage agreement  | *YES/NO   | Date of agreement:<br>Description of property subject to agreement:<br>Names of parties:<br>Terms of agreement:      |
| Part 5 Division 1—Refusal to grant consent, or condition of a consent, to clear native vegetation         | *YES/NO   | Date of refusal or grant of consent:<br>If consent given, condition(s) (if any) of the consent:                      |
| <i>Natural Resources Management Act 2004</i>  |   |  |
| section 97—Notice to pay levy in respect of costs of regional NRM board                                   | *YES/NO   | Date of notice:<br>Amount of levy payable:   |
| section 105—Notice to pay levy in respect of right to take water or taking of water                       | *YES/NO   | Date of notice:<br>Amount of levy payable:   |
| section 115—Notice declaring a penalty  | *YES/NO   | Date of notice:<br>Amount of penalty payable:  |
| section 123—Notice to prepare an action plan for compliance with general statutory duty                   | *YES/NO   | Date of notice:<br>Name of authority or person that issued notice:<br>Requirements of notice (as specified therein): |
| section 130—Notice to rectify effects of unauthorised activity  | *YES/NO   | Date of notice:<br>Name of relevant authority that issued notice:<br>Requirements of notice (as specified therein):  |
| section 131—Notice to maintain watercourse or lake in good condition                                      | *YES/NO   | Date of notice:<br>Name of relevant authority that issued notice:<br>Requirements of notice (as specified therein):  |
| section 132—Notice restricting the taking of water or directing action in relation to the taking of water | *YES/NO   | Date of notice:<br>Water resource to which notice applies:<br>Requirements of notice (as specified therein):         |

| Column 1<br>Prescribed encumbrance   | Column 2<br>Is the<br>encumbrance to be<br>discharged or<br>satisfied prior to<br>or at settlement? | Column 3<br>Other particulars required   |
|--|---|--|
| section 134—Notice to remove or modify a dam, embankment, wall or other obstruction or object                                  | *YES/NO   | Date of notice:<br>Requirements of notice (as specified therein):  |
| section 135—Condition (that remains in force) of a permit  | *YES/NO   | Date of permit:<br>Name of relevant authority that granted permit:<br>Condition(s) of permit:                      |
| section 145—Notice to take remedial or other action in relation to a well  | *YES/NO   | Date of notice:<br>Location of well:<br>Requirements of notice (as specified therein):                             |
| section 181—Notice of instruction as to keeping of animal or plant in control area   | *YES/NO   | Date of notice:<br>Name of authorised officer who issued notice:<br>Requirements of notice (as specified therein): |
| section 183—Notice to prepare an action plan for the destruction or control of animals or plants                               | *YES/NO   | Date of notice:<br>Name of authorised officer who issued notice:<br>Requirements of notice (as specified therein): |
| section 185—Notice to pay costs of destruction or control of animals or plants on road reserve                                 | *YES/NO   | Date of notice:<br>Name of authority that issued notice:<br>Amount payable (as specified in notice):               |
| section 187—Notice requiring control or quarantine of animal or plant  | *YES/NO   | Date of notice:<br>Requirements of notice (as specified therein):  |
| section 193—Protection order to secure compliance with specified provisions of the Act   | *YES/NO   | Date of order:<br>Name of authority or person who issued order:<br>Requirements of order (as specified therein):   |
| section 195—Reparation order requiring specified action or payment to make good damage resulting from contravention of the Act | *YES/NO   | Date of order:<br>Name of authority or person who issued order:<br>Requirements of order (as specified therein):   |



| Column 1<br>Prescribed encumbrance  | Column 2<br>Is the<br>encumbrance to be<br>discharged or<br>satisfied prior to<br>or at settlement? | Column 3<br>Other particulars required  |
|---|---|---|
| section 197—Reparation authorisation authorising specified action to make good damage resulting from contravention of the Act             | *YES/NO   | Date of authorisation:<br>Name of relevant authority that issued authorisation:<br>Person authorised to take action:<br>Requirements of authorisation (as specified therein): |
| <b><i>Phylloxera and Grape Industry Act 1995</i></b>  |   |   |
| section 23(1)—Notice of contribution payable  | *YES/NO   | Date of notice:<br>Name of person or body giving notice:<br>Terms of notice:<br>Amount payable (as stated in notice):   |
| <b><i>Public and Environmental Health Act 1987</i></b>  |   |   |
| Part 3—Notice   | *YES/NO   | Date of notice:<br>Name of council or other authority giving notice:<br>Requirements of notice:   |
| section 36—Direction to avert spread of disease   | *YES/NO   | Date direction given:<br>Name of authority giving direction:<br>Nature of direction:  |
| <i>Public and Environmental Health (Waste Control) Regulations 1995</i> Part 2—Condition (that continues to apply) of an approval         | *YES/NO   | Date of approval:<br>Name of relevant authority that granted the approval:<br>Condition(s) of approval:   |
| <i>Public and Environmental Health (Waste Control) Regulations 1995</i> regulation 19—Maintenance order (that has not been complied with) | *YES/NO   | Date of order:<br>Name of authority giving order:<br>Requirements of order:   |
| <b><i>Sewerage Act 1929</i></b>   |   |   |
| Notice, order or demand for payment of sewerage rates, other amounts payable or other requirements made under the Act                     | *YES/NO   | Date of notice, order or demand:<br>Amount payable (as stated in the notice):<br>Nature of requirement made:  |

| Column 1<br>Prescribed encumbrance   | Column 2<br>Is the<br>encumbrance to be<br>discharged or<br>satisfied prior to<br>or at settlement? | Column 3<br>Other particulars required   |
|--|---|--|
| <b><i>Upper South East Dryland Salinity and Flood Management Act 2002</i></b>                                      |   |  |
| section 23—Notice of contribution payable  | *YES/NO   | Date of notice:<br>Terms of notice:<br>Amount payable:   |
| <b><i>Water Resources Act 1997</i></b>   |   |  |
| section 18 (repealed)—Condition (that remains in force) of a permit  | *YES/NO   | Date of permit:<br>Name of relevant authority that granted permit:<br>Condition(s) of permit:  |
| section 125 (or a corresponding previous enactment)—Notice to pay levy   | *YES/NO   | Date of notice:<br>Amount of levy payable:   |
| <b><i>Waterworks Act 1932</i></b>  |   |  |
| Notice, order or demand for payment of water rates, other amounts payable or other requirements made under the Act | *YES/NO   | Date of notice, order or demand:<br>Amount payable (as stated in the notice):<br>Nature of requirement made:                         |
| <b>Other</b>   |   |  |
| Caveat   | *YES/NO   | Name and address of caveator:<br>Particulars of interest claimed:  |
| Lien or notice of a lien   | *YES/NO   | Land or other property subject to lien:<br>Nature of lien:<br>Name and address of person who has imposed lien or given notice of it: |
| Charge of any kind affecting the land (not included in another item)   | *YES/NO   | Person or body in whose favour charge exists:<br>Nature of charge:<br>Amount of charge (if known):                                   |

### †Schedule—Division 2—Other particulars

#### (section 7(1)(b))

#### †Particulars of transactions in last 12 months

If the vendor, within 12 months before the date of the contract of sale—

- (a) obtained title to the land; or

- (b) obtained an option to purchase the land; or
- (c) entered into a contract to purchase the land (whether on the vendor's own behalf or on behalf of another),

the vendor must provide the following particulars of all transactions relating to the acquisition of the interest that occurred within that 12 month period:

- 1 The name and address of each party to the transaction and of each person in whom an interest vested as a result of the transaction:
- 2 The date and nature of each instrument registered on the certificate of title or, if no such instrument has been registered, the date and nature of each document forming the whole or part of a contract relating to the transaction:
- 3 Particulars of the consideration provided for the purposes of the transaction:

The above particulars must be provided for each transaction.

**†Particulars relating to community lot (including strata lot) or development lot**

- 1 Name of community corporation:  
Address of community corporation:
  - 2 Application must be made in writing to the community corporation for the particulars and documents referred to in 3 and 4. Application must also be made in writing to the community corporation for the documents referred to in 6 unless those documents are obtained from the Lands Titles Registration Office.
  - 3 Particulars supplied by the community corporation or known to the vendor:
    - (a) particulars of contributions payable in relation to the lot (including details of arrears of contributions related to the lot):
    - (b) particulars of assets and liabilities of the community corporation:
    - (c) particulars of expenditure that the community corporation has incurred, or has resolved to incur, and to which the owner of the lot must contribute, or is likely to be required to contribute:
    - (d) if the lot is a development lot, particulars of the scheme description relating to the development lot and particulars of the obligations of the owner of the development lot under the development contract:
    - (e) if the lot is a community lot, particulars of the lot entitlement of the lot:
- [State "not known" next to any particulars not supplied by the community corporation by the date of this statement and not known to the vendor.]*
- 4 Documents supplied by the community corporation that are enclosed:
    - (a) a copy of the minutes of the general meetings of the community corporation and management committee \*for the 2 years preceding this statement/since the deposit of the community plan;  
(\*Strike out whichever is the greater period)

- (b) a copy of the statement of accounts of the community corporation last prepared;
- (c) a copy of current policies of insurance taken out by the community corporation.

*[State "not supplied" next to any document not supplied by the community corporation by the date of this statement.]*

- 5 If "not known" or "not supplied" has been specified for an item in 3 or 4, set out the date of the application made to the community corporation and give details of any other steps taken to obtain the particulars or documents concerned:
- 6 The following documents are enclosed:
- †(a) a copy of the scheme description (if any) and the development contract (if any);
  - (b) a copy of the by-laws of the community scheme.
- †7 The following additional particulars are known to the vendor or have been supplied by the community corporation:
- 8 Further inquiries may be made to the secretary of the community corporation or the appointed community scheme manager.  
Name:  
Address:

**Note—**

- 1 A community corporation must (on application by or on behalf of a current or prospective owner or other relevant person) provide the particulars and documents referred to in 3(a)—(d) and 4 and must also make available for inspection any information required to establish the current financial position of the corporation: see sections 139 and 140 of the *Community Titles Act 1996*.
- 2 Copies of the scheme description, the development contract or the by-laws of the community scheme may be obtained from the community corporation or from the Lands Titles Registration Office.
- 3 All owners of a community lot or a development lot are bound by the by-laws of the community scheme. The by-laws regulate the rights and liabilities of owners of lots in relation to their lots and the common property and matters of common concern.
- 4 For a brief description of some of the matters that need to be considered before purchasing a community lot, see Division 3 of this Schedule.

**†Particulars relating to strata unit**

- 1 Name of strata corporation:  
Address of strata corporation:
- 2 Application must be made in writing to the strata corporation for the particulars and documents referred to in 3 and 4. Application must also be made in writing to the strata corporation for the articles referred to in 6 unless the articles are obtained from the Lands Titles Registration Office.

- 3 Particulars supplied by the strata corporation or known to the vendor:
- (a) particulars of contributions payable in relation to the unit (including details of arrears of contributions related to the unit):
  - (b) particulars of the assets and liabilities of the strata corporation:
  - (c) particulars of expenditure that the strata corporation has incurred, or has resolved to incur, and to which the unit holder of the unit must contribute, or is likely to be required to contribute:
  - (d) particulars of the unit entitlement of the unit:
- [State "not known" next to any particulars not supplied by the strata corporation by the date of this statement and not known to the vendor.]*
- 4 Documents supplied by the strata corporation that are enclosed:
- (a) a copy of the minutes of the general meetings of the strata corporation and management committee \*for the 2 years preceding this statement/since the deposit of the strata plan;  
(\*Strike out whichever is the greater period)
  - (b) a copy of the statement of accounts of the strata corporation last prepared;
  - (c) a copy of current policies of insurance taken out by the strata corporation.
- [State "not supplied" next to any document not supplied by the strata corporation by the date of this statement.]*
- 5 If "not known" or "not supplied" has been specified for an item in 3 or 4, set out the date of the application made to the strata corporation and give details of any other steps taken to obtain the particulars or documents concerned:
- 6 A copy of the articles of the strata corporation is enclosed.
- †7 The following additional particulars are known to the vendor or have been supplied by the strata corporation:
- 8 Further inquiries may be made to the secretary of the strata corporation or the appointed strata manager.  
Name:  
Address:

**Note—**

- 1 A strata corporation must (on application by or on behalf of a current owner, prospective purchaser or other relevant person) provide the particulars and documents referred to in 3(a)—(c), 4 and 6 and must also make available for inspection its accountancy records and minute books, the duplicate certificate of title for the common property and any documents in its possession relating to the design and construction of the buildings or improvements on the site or relating to the strata scheme.
- 2 Copies of the articles of the strata corporation may also be obtained from the Lands Titles Registration Office.
- 3 All owners of a strata unit are bound by the articles of the strata corporation. The articles regulate the rights and liabilities of owners of units in relation to their units and the common property and matters of common concern.
- 4 For a brief description of some of the matters that need to be considered before purchasing a strata unit, see Division 3 of this Schedule.

### †Particulars of building indemnity insurance

**Note—**

Building indemnity insurance is not required for—

- (a) domestic building work for which approval under the *Development Act 1993* or the repealed *Building Act 1971* is or was not required; or
- (b) minor domestic building work (see section 3 of the *Building Work Contractors Act 1995*); or
- (c) domestic building work commenced before 1 May 1987; or
- (d) building work in respect of which an exemption from the application of Division 3 of Part 5 of the *Building Work Contractors Act 1995* applies under the *Building Work Contractors Regulations 1996*; or
- (e) building work in respect of which an exemption from the application of Division 3 of Part 5 of the *Building Work Contractors Act 1995* has been granted under section 45 of that Act.

- 1 Name(s) of person(s) insured:
- 2 Name of insurer:
- 3 Limitations on the liability of the insurer:
- 4 Name of builder:
- 5 Builder's licence number:
- 6 Date of issue of insurance:
- 7 Description of insured building work:

### **Exemption from holding insurance under the *Building Work Contractors Act 1995***

If particulars of insurance are not given—

Has an exemption been granted under section 45 of the *Building Work Contractors Act 1995* from the requirement to hold an insurance policy in accordance with Division 3 of Part 5 of that Act? \*YES/NO

If YES, give details:

- (a) Date of the exemption:
- (b) Name of builder granted the exemption:
- (c) Licence number of builder granted the exemption:
- (d) Details of building work to which the exemption applies:
- (e) Details of conditions (if any) to which the exemption is subject:

### †Particulars relating to asbestos in buildings on land

**Note—**

*Asbestos* means asbestos as defined in the *Occupational Health, Safety and Welfare Regulations 1995*.

Is there a building on the land (other than a private residence) where material that consists of or contains asbestos is installed? \*YES/NO

If YES—

- (a) Is there a register of the type, condition and location of the asbestos?  
\*YES/NO
- (b) Have policies and procedures been established to control the asbestos and prevent or minimise the exposure of any person to airborne asbestos fibres?  
\*YES/NO  
If YES, give details:
- (c) Is any asbestos to be removed before settlement? \*YES/NO  
If YES, give details:

### †Particulars relating to court or tribunal process

If process has issued out of any court or tribunal in relation to a claim—

- (a) that is stated to affect the land or the value of which is \$5 000 or more; and
- (b) that presently affects (or may prospectively affect) title to, or the possession or enjoyment of, the land,

the vendor must provide the following particulars:

- 1 Name of court or tribunal:
- 2 Names of parties:
- 3 Nature of claim:
- 4 Amount of claim (if applicable):
- 5 Amount of judgment (if applicable):
- 6 Name of judgment creditor (if applicable):

### †Particulars of water allocation for irrigation purposes

#### †1—Land in an irrigation district under the *Irrigation Act 1994*

If the land forms part of an irrigation district constituted by or under the *Irrigation Act 1994*—

- (a) Specify the amount of the water allocation in respect of the land under that Act:
- (b) Is there an existing agreement to transfer the whole or part of the water allocation from the land or to purchase an additional allocation for the benefit of the land? \*YES/NO  
If YES, attach a copy of the agreement.
- (c) Has the irrigation authority given notice under section 47(2) of that Act of a proposal to exclude the land from the irrigation district? \*YES/NO  
If YES, attach a copy of the notice.
- (d) Has the irrigation authority given notice under section 54 of that Act? \*YES/NO  
If YES, specify—
  - (i) the date on which notice was given:
  - (ii) the requirements of the notice:

- (iii) the amount (if any) payable under section 54(7) of that Act:

## †2—Land in the Renmark Irrigation District

If the land is situated within the Renmark Irrigation District—

- (a) Specify the amount of the water allocation in respect of the land:
- (b) Set out any terms and conditions to which the supply of water is subject:
- (c) Has the Renmark Irrigation Trust given notice under section 65D of the *Renmark Irrigation Trust Act 1936* or regulation 33 of the *Renmark Irrigation Trust Regulations 1994*? \*YES/NO  
If YES, specify—
  - (i) the date on which notice was given:
  - (ii) the requirements of the notice:
  - (iii) the amount (if any) payable under section 65D(3)(b) or regulation 33:

## †3—Land not within any kind of irrigation district

- (1) If the land is neither part of an irrigation district constituted by or under the *Irrigation Act 1994* nor situated within the Renmark Irrigation District, is there an existing agreement under section 37 of that Act for the supply of water to the land? \*YES/NO
- †(2) If YES and the agreement is a notional agreement by virtue of clause 5 of Schedule 2 of that Act—
  - (a) Has the irrigation authority given notice under that clause of termination of the agreement? \*YES/NO  
If YES, specify—
    - (i) the date on which notice was given:
    - (ii) the date of termination of the agreement:
  - (b) Is there an existing agreement to transfer the whole or part of the water allocation applying in respect of the land? \*YES/NO  
If YES, attach a copy of the agreement;
  - (c) Has the irrigation authority given notice under section 54 of that Act? \*YES/NO  
If YES, specify—
    - (i) the date on which notice was given:
    - (ii) the requirements of the notice:
    - (iii) the amount (if any) payable under section 54(7) of that Act:



**Note—**

A notional agreement for the supply of water exists under clause 5 of Schedule 2 of the *Irrigation Act 1994* if—

- (a) immediately before 1 July 1994 a water allocation applied in respect of land under any of the following Acts: *Irrigation Act 1930*, *The Irrigation on Private Property Act 1939*, *The Lower River Broughton Irrigation Trust Act 1938*, *The Kingsland Irrigation Company Act 1922*, *The Pyap Irrigation Trust Act 1923* or *The Ramco Heights Irrigation Act 1963*; and
- (b) water was supplied to the land, or drained from the land, under an Act referred to in paragraph (a) during the rating period occurring immediately before 1 July 1994; and
- (c) the land is not land used to carry on the business of primary production (managed as a single unit for the purpose) to which a water allocation applies under the *Irrigation Act 1994*.

†(2) If YES and the agreement is not a notional agreement—

- (a) Attach a copy of the agreement.
- (b) Does the agreement continue for the benefit of successive occupiers of the land? \*YES/NO
- (c) Has the irrigation authority given notice under section 54 of that Act? \*YES/NO  
If YES, specify—
  - (i) the date on which notice was given:
  - (ii) the requirements of the notice:
  - (iii) the amount (if any) payable under section 54(7) of that Act:

**†Particulars relating to environment protection****Note—**

In the following questions—

**environmental assessment** means an assessment of the actual, or potential for, contamination of land (including surface or underground waters);

**manufacturing activity** means any activity involving the chemical or physical transformation of materials or components (whether by machine or otherwise);

**prescribed fee** means the fee prescribed by the *Environment Protection (Fees and Levy) Regulations 1994* for examining or obtaining copies of information on the Public Register;

**Public Register** means the Public Register maintained by the Environment Protection Authority.

**1—Activities undertaken on land**

- (1) Is the vendor aware of any of the following activities having occurred on the land after the vendor acquired an interest in the land:
  - (a) a manufacturing activity;
  - (b) the keeping of a dangerous substance pursuant to a licence under the *Dangerous Substances Act 1979*;

- (c) the distribution of chemicals or fuels;
- (d) the management or disposal of any waste materials, including any land fill that could be contaminated?

\*YES/NO

If YES, give details of the activity or activities that the vendor is aware of:

- (2) Has the vendor been advised by anyone that any of the activities listed above occurred on the land before the vendor acquired an interest in the land? \*YES/NO

If YES, give details of the activity or activities that the vendor is aware of:

## 2—Environmental assessments

- (1) Is the vendor aware of any environmental assessment (including any not yet completed) of the land, any part of the land or any industrial facility on the land having been carried out after the vendor acquired an interest in the land? \*YES/NO

If YES, give details of the assessment or assessments that the vendor is aware of:

- (2) Has the vendor been advised by anyone that any such environmental assessment was carried out before the vendor acquired an interest in the land? \*YES/NO

If YES, give details of the assessment or assessments that the vendor is aware of:

- (3) Does the Environment Protection Authority hold a copy of a report on any environmental assessment of the land or a part of the land carried out at any time—

- (a) by or on behalf of the owner or occupier of the land—

- (i) pursuant to an authorisation, agreement or order under section 52(1)(b), 59, 93, 99 or 100 of the *Environment Protection Act 1993*; or

- (ii) for the purposes of a notification given under section 83 of that Act; or

- (b) by the Environment Protection Authority (whether alone or jointly with another authority); or

- (c) by a Contaminated Site Auditor recognised by the Environment Protection Authority for the purposes of carrying out such an assessment?

\*YES/NO

**Note—**

If YES, the purchaser may examine or obtain a copy of the report from the Environment Protection Authority on payment of a fee to be calculated as if the report were on the Public Register.

## 3—Waste depots

- (1) Was a licence to operate a waste depot on the land ever issued under the repealed *South Australian Waste Management Commission Act 1979*, a record of which is on the Public Register? \*YES/NO

- (2) Was a licence to operate a waste depot on the land ever issued under the repealed *Waste Management Act 1987*, a record of which is on the Public Register? \*YES/NO

**Note—**

The purchaser may obtain details of the records referred to in (1) and (2) from the Public Register on payment of the prescribed fee.

- (3) Is an environmental authorisation currently in force under the *Environment Protection Act 1993* in the form of a licence to operate a waste depot on the land, a record of which is on the Public Register? \*YES/NO

**Note—**

The transfer of an environmental authorisation is subject to the conditions of the authorisation and the approval of the Environment Protection Authority.

- (4) Was an environmental authorisation ever issued under the *Environment Protection Act 1993* in the form of a licence to operate a waste depot on the land, being a licence that is no longer in force and a record of which is on the Public Register? \*YES/NO

**Note—**

The purchaser may examine or obtain a copy of the licences referred to in (3) and (4) from the Public Register on payment of the prescribed fee.

#### **4—Production of certain waste**

- (1) Was a licence under the repealed *South Australian Waste Management Commission Act 1979* ever issued for the production of waste of a prescribed kind (within the meaning of that Act) on the land, a record of which is on the Public Register? \*YES/NO
- (2) Was a licence under the repealed *Waste Management Act 1987* ever issued for the production of prescribed waste (within the meaning of that Act) on the land, a record of which is on the Public Register? \*YES/NO
- (3) Is an environmental authorisation currently in force under the *Environment Protection Act 1993* in the form of a licence to carry out an activity that produces listed waste (within the meaning of that Act) on the land, a record of which is on the Public Register? \*YES/NO

**Note—**

The transfer of an environmental authorisation is subject to the conditions of the authorisation and the approval of the Environment Protection Authority.

- (4) Was an environmental authorisation ever issued under the *Environment Protection Act 1993* in the form of a licence to carry out an activity that produces listed waste (within the meaning of that Act) on the land, being a licence that is no longer in force and a record of which is on the Public Register? \*YES/NO

**Note—**

The purchaser may examine or obtain a copy of the licences referred to in (1), (2), (3) and (4) from the Public Register on payment of the prescribed fee.

## 5—Waste on land

Did the former South Australian Waste Management Commission under the repealed *Waste Management Act 1987* have any record of waste (within the meaning of that Act) being deposited on the land between 1 January 1983 and 30 April 1995, details of which are on the Public Register?

\*YES/NO

### Note—

The purchaser may obtain those details from the Public Register on payment of the prescribed fee.

### Note—

The purchaser is advised that other matters under the *Environment Protection Act 1993* may be recorded on the Public Register in relation to the land, such as—

- environment protection orders, clean-up orders, clean-up authorisations or environment performance agreements;
- environmental authorisations (ie, works approvals, licences or exemptions);
- activities undertaken on the land under licences no longer in force;
- court proceedings or orders.

If so, details of them may be obtained from the Public Register on payment of the prescribed fee.

If any environment protection order, clean-up order, clean-up authorisation or environment performance agreement has been registered on the certificate of title for the land, it will be noted in the items under the heading *Environment Protection Act 1993* in the Table of Particulars in this Statement. Details of such a registered document may also be obtained from the Lands Titles Registration Office.

## †Particulars relating to *Livestock Act 1997*

- 1 Has any notice under section 33 or 37 of the *Livestock Act 1997* been made that affects, presently or prospectively, enjoyment of the land? \*YES/NO  
If YES, give details of the following:

Date of notice:

Terms of notice:

- 2 Has any order under section 38, or notice under section 72, of the *Livestock Act 1997* been issued to the vendor in relation to the land or any building on the land? \*YES/NO  
If YES, give details of the following:

Date of order or notice:

Terms of order or notice:

## †Schedule—Division 3—Community lots and strata units

### Matters to be considered in purchasing a community lot or strata unit

The property you are buying is on strata or community title. There are **special obligations and restrictions** that go with this kind of title. Make sure you understand these. If unsure, seek legal advice before signing a contract. For example:

### **Governance**

You will automatically become a member of the **body corporate**, which includes all owners and has the job of maintaining the common property and enforcing the rules. Decisions, such as the amount you must pay in levies, will be made by vote of the body corporate. You will need to take part in meetings if you wish to have a say. If outvoted, you will have to live with decisions that you might not agree with.

If you are buying into a mixed-use development (one that includes commercial as well as residential lots), owners of some types of lots may be in a position to outvote owners of other types of lots. Make sure you fully understand your voting rights, see later.

### **Use of your property**

You, and anyone who visits or occupies your property, will be bound by rules in the form of **articles or by-laws**. These can restrict the use of the property, for example, they can deal with keeping pets, car parking, noise, rubbish disposal, short-term letting, upkeep of buildings and so on. Make sure that you have read the articles or by-laws before you decide whether this property will suit you.

Depending on the rules, you might not be permitted to make changes to the exterior of your unit, such as installing a television aerial or an air-conditioner, building a pergola, attaching external blinds etc without the permission of the body corporate. A meeting may be needed before permission can be granted. Permission may be refused.

Note that the articles or by-laws **could change** between now and when you become the owner: the body corporate might vote to change them. Also, if you are buying before the community plan is registered, then any by-laws you have been shown are just a draft.

### **Are you buying a debt?**

If there are unpaid contributions owing on this property, you can be made to pay them. You are entitled to **know the financial state of the body corporate** and you should make sure you see its records before deciding whether to buy. As a prospective owner, you can write to the body corporate requiring to see the records, including minutes of meetings, details of assets and liabilities, contributions payable, outstanding or planned expenses and insurance policies. There is a fee. To make a request, write to the secretary or management committee of the body corporate.

### **Expenses**

The body corporate can **require you to maintain your property**, even if you do not agree, or can carry out maintenance and bill you for it.

The body corporate can **require you to contribute** to the cost of upkeep of the common property, even if you do not agree. Consider what future maintenance or repairs might be needed on the property in the long term.

### **Guarantee**

As an owner, you are a **guarantor** of the liabilities of the body corporate. If it does not pay its debts, you can be called on to do so. Make sure you know what the liabilities are before you decide to buy. Ask the body corporate for copies of the financial records.

## Contracts

The body corporate can make contracts. For example, it may engage a body corporate manager to do some or all of its work. It may contract with traders for maintenance work. It might engage a caretaker to look after the property. It might make any other kind of contract to buy services or products for the body corporate. Find out **what contracts the body corporate is committed to and the cost**.

The body corporate will have to raise funds from the owners to pay the money due under these contracts. As a guarantor, you could be liable if the body corporate owes money under a contract.

## Buying off the plan

If you are buying a property that has not been built yet, then you **cannot be certain** what the end product of the development process will be. If you are buying before a community plan has been deposited, then any proposed development contract, scheme description or by-laws you have been shown could change.

## Mixed use developments—voting rights

You may be buying into a group that is run by several different community corporations. This is common in mixed use developments, for example, where a group of apartments is combined with a hotel or a group of shops. If there is more than one corporation, then you should not expect that all lot owners in the group will have equal voting rights. The corporations may be structured so that, even though there are more apartments than shops in the group, the shop-owners can outvote the apartment owners on some matters. Make enquiries so that you understand how many corporations there are and what voting rights you will have.

## Further information

The Real Estate Institute of South Australia provides an information service for enquiries about real estate transactions, see [www.reisa.com.au](http://www.reisa.com.au).

Information and a booklet about strata and community titles is available from the Legal Services Commission of South Australia at [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au).

You can also seek advice from a legal practitioner.

## Form 2—Vendor's statement (section 8)

*Land and Business (Sale and Conveyancing) Act 1994*

## Contents

Preliminary

Part A—Parties and business

Part B—Purchaser's cooling-off rights and proceeding with the purchase

Part C—Statement with respect to required particulars

Part D—Certificate of qualified accountant with respect to trading statement

†Part E—Certificate with respect to prescribed inquiries by registered agent

Schedule 1

†Schedule 2

## Preliminary

### To the purchaser:

The purpose of a statement under section 8 of the *Land and Business (Sale and Conveyancing) Act 1994* is to put you on notice of certain particulars concerning the business to be acquired and any land to be acquired as part of that business.

If you intend to carry out building work on the land, change the use of the land or divide the land, you should make further inquiries to determine whether this will be permitted. For example, building work may not be permitted on land not connected to a sewerage system or common drainage scheme if the land is near a watercourse, dam, bore or the River Murray and Lakes.

The *Aboriginal Heritage Act 1988* protects any Aboriginal site or object on the land. Details of any such site or object may be sought from the "traditional owners" as defined in that Act.

If you desire additional information, it is up to you to make further inquiries as appropriate.

### Instructions to the vendor for completing this statement:

† means strike out or omit the Part, Schedule, Division, Particulars or item if not applicable.

\* means strike out or omit the option that is not applicable.

If there is insufficient space to provide any particulars required, continue on attachments.

The particulars set out under the headings "Particulars relating to environment protection" and "Particulars relating to *Livestock Act 1997*" in Schedule 2 Division 2 must be included if the matters set out under those headings affect, presently or prospectively, the business the subject of the sale, regardless of whether land is sold under the contract for sale of the business. If land is sold under the contract, the particulars must be included in relation to both the land and the business the subject of the sale.

## Part A—Parties and business

- 1 Purchaser:  
Address:
- †2 Purchaser's registered agent:  
Address:
- 3 Vendor:  
Address:
- †4 Vendor's registered agent:  
Address:
- 5 Date of contract (if made before this statement is served):
- 6 Description of business:  
Address where business carried on:
- †7 Description of the land:  
*[Identify the land including any certificate of title reference]*

## **Part B—Purchaser's cooling-off rights and proceeding with the purchase**

**To the purchaser:**

### **Right to cool-off**

(section 5)

#### **1—Right to cool-off and restrictions on that right**

You may notify the vendor of your intention not to be bound by the contract for the sale of the business UNLESS—

- (a) this form has been served on you not less than 5 clear business days before the making of the contract; or
- (b) you have, before signing the contract, received independent legal advice from a legal practitioner and the legal practitioner has signed a certificate in the prescribed form as to the giving of that advice; or
- (c) you purchased by auction; or
- (d) you purchased on the same day as you, or some person on your behalf, bid at the auction of the business; or
- (e) the sale is by tender and the contract is made not less than 5 clear business days after the day fixed for the closing of tenders and not less than 5 clear business days after service of this form; or
- (f) the contract is made by the exercise of an option to purchase the business not less than 5 clear business days after the grant of the option and not less than 5 clear business days after service of this form; or
- (g) the business is not a small business.

#### **2—Time for service**

The cooling-off notice must be served—

- (a) before the end of the fifth clear business day after the day on which this form is served on you; or
- (b) before settlement takes place,

whichever is the earlier.

#### **3—Form of cooling-off notice**

The cooling-off notice must be in writing and must be signed by you.

#### **4—Methods of service**

The cooling-off notice must be—

- (a) given to the vendor personally; or
- (b) posted by registered post to the vendor at the following address: (being the vendor's last known address); or



- (c) transmitted by fax to the following fax number:  
(being a number provided to you by the vendor for the purpose of service of the notice); or
- (d) left for the vendor's agent (with a person apparently responsible to the agent) at, or posted by registered post to the agent at, the following address:  
(being \*the agent's address for service under the *Land Agents Act 1994*/an address nominated by the agent to you for the purpose of service of the notice).

**Note—**

Section 5(3) of the *Land and Business (Sale and Conveyancing) Act 1994* places the onus of proving the giving of the cooling-off notice on the purchaser. It is therefore strongly recommended that—

- (a) if you intend to serve the notice by leaving it for the vendor's agent at the agent's address for service or an address nominated by the agent, you obtain an acknowledgment of service of the notice in writing;
- (b) if you intend to serve the notice by fax, you obtain a transmission report in relation to the sending of the fax.

## **5—Effect of service**

If you serve such a cooling-off notice on the vendor, the contract will be taken to have been rescinded at the time when the notice was served. You are then entitled to the return of any money you paid under the contract other than—

- (a) the amount of any deposit paid if the deposit did not exceed \$100;  
or
- (b) an amount paid for an option to purchase the business.

## **Proceeding with the purchase**

If you wish to proceed with the purchase—

- (a) it is strongly recommended that you take steps to make sure that the business and your interest in the property are adequately insured against loss or damage;
- (b) pay particular attention to the provisions in the contract as to time of settlement—it is essential that the necessary arrangements are made to complete the purchase by the agreed date—if you do not do so, you may be in breach of the contract;
- (c) you are entitled to retain the solicitor or registered conveyancer of your choice.

## **Part C—Statement with respect to required particulars**

(section 8(1))

### **To the purchaser:**

\*I/We,  
of

being the \*vendor(s)/person authorised to act on behalf of the vendor(s) in relation to the transaction state—

- (a) that the particulars set out in Schedule 1—
  - (i) are correct; and
  - (ii) are the particulars in relation to the business required to be given to you pursuant to section 8(1)(b) of the *Land and Business (Sale and Conveyancing) Act 1994* (the *Act*); and
- †(b) that the sale of the business involves the sale of land and that Schedule 2 contains all particulars required to be given to you pursuant to section 7(1) of the Act.

Date:

Signed:

## **Part D—Certificate of qualified accountant with respect to trading statement**

(section 8(2))

**To the purchaser:**

I,

†for [*name of business that the accountant represents*]

of

being a member of [*professional accounting body*]

and a qualified accountant, certify—

- (a) that \*I have/a person acting on my behalf has examined the records and accounts of the business for each of the financial years recorded on the trading statement in Division 1 of Schedule 1; and
- †(b) that—
  - (i) in my opinion, the trading statement fairly and accurately represents the financial operations of the business; and
  - (ii) I am not aware of any circumstances that would render any particulars included in the trading statement inaccurate or misleading.

OR

†(b) that—

- †(i) in my opinion, the trading statement fairly and accurately represents the financial operations of the business, subject to the following qualifications:

*[Insert qualifications];*and

OR

- †(i) in my opinion, the trading statement may not fairly and accurately represent the financial operations of the business because:

*[Provide clarification on individual items contained in Division 1 of Schedule 1 or general comments on the information contained in the records and accounts of the business, eg comments on the state of the records or accounts, the basis for deriving results, highlight and comment on included estimates etc. If space is insufficient, continue on attachments.];* and

- (ii) I am not aware of any other circumstances that would render any particulars included in the trading statement inaccurate or misleading.

Date:

Signed:

Note—

This certificate must be signed by the accountant personally and cannot be signed by the vendor even if he or she is a qualified accountant.

## †Part E—Certificate with respect to prescribed inquiries by registered agent

(section 9)

To the purchaser:

I,  
certify \*that the responses/that, subject to the exceptions stated below, the responses to the inquiries made pursuant to section 9 of the *Land and Business (Sale and Conveyancing) Act 1994* confirm the completeness and accuracy of the particulars set out in Schedule 2.

Exceptions:

Date:

Signed:

\*Vendor's/Purchaser's agent

\*Person authorised to act on behalf of \*Vendor's/Purchaser's agent

## Schedule 1—Division 1—Prescribed particulars relating to business

(section 8(1)(b))

Note—

*Financial year* means the year in respect of which the accounts of the business are made up. If by reason of any alteration of the date on which the financial year of the business terminates, the accounts have been made up for a period greater or less than 1 year, that period may be regarded as a financial year.

If the vendor has carried on the business for less than 3 financial years, this statement must be completed for the period commencing on the day that the vendor commenced to carry on the business and ending immediately prior to the first day of the following financial year, and thereafter for each successive financial year.

If the vendor has carried on the business for a period in which the financial year does not terminate, this statement applies to the period from the day on which the vendor commenced to carry on the business to the date specified in this Schedule.

### 1—Summary

Name of vendor:

Location of business:

Date vendor commenced in the business:

| Financial Year<br>or Period | Average<br>Weekly<br>Sales<br>\$ | Gross Income<br>Per<br>Annum/Week<br>\$ | Overhead<br>Costs Per<br>Annum/Week<br>\$ | Net Profit Per<br>Annum/Week<br>\$ | Normal<br>Daily<br>Trading<br>Hours<br>From:<br>To: |
|-----------------------------|----------------------------------|---|---|------------------------------------|---|
| Commencing<br>on:           |                                  |   |   |                                    | S<br>M<br>T   |
| Ending on:                  |                                  |   |   |                                    | W<br>T<br>F<br>S                                    |
| Commencing<br>on:           |                                  |   |   |                                    | S<br>M<br>T   |
| Ending on:                  |                                  |   |   |                                    | W<br>T<br>F<br>S                                    |
| Commencing<br>on:           |                                  |   |   |                                    | S<br>M<br>T   |
| Ending on:                  |                                  |   |   |                                    | W<br>T<br>F<br>S                                    |

## 2—Plant and equipment

Depreciated value of plant and equipment as at the end of the last financial year: \$

**Note—**

A depreciation Schedule must be attached.

## 3—Trading statement for last 3 financial years

|  | Period<br>From:<br>To: | Period<br>From:<br>To: | Period<br>From:<br>To: |
|--|------------------------|------------------------|------------------------|
| Gross takings (sales)                              |                        |                        |                        |
| <i>Less:</i>                                       |                        |                        |                        |
| cost of goods sold                                 |                        |                        |                        |
| opening stock                                      |                        |                        |                        |
| <i>plus</i> purchases                              |                        |                        |                        |
| <i>less</i> closing stock                          |                        |                        |                        |
| Profit from sales                                  | \$                     | \$                     | \$                     |
| Profit from sales as a percentage of gross takings | %                      | %                      | %                      |
| <i>Add</i>   |                        |                        |                        |
| other income received:                             |                        |                        |                        |
| fees   |                        |                        |                        |
| commissions  |                        |                        |                        |
| other [ <i>specify</i> ]                           |                        |                        |                        |
| <b>GROSS INCOME</b>                                | \$                     | \$                     | \$                     |

|   | <b>Period<br/>From:<br/>To:</b> | <b>Period<br/>From:<br/>To:</b> | <b>Period<br/>From:<br/>To:</b> |
|---|---------------------------------|---------------------------------|---------------------------------|
| <i>Less:</i>  |                                 |                                 |                                 |
| Advertising   |                                 |                                 |                                 |
| Accounting fees   |                                 |                                 |                                 |
| Bad debts   |                                 |                                 |                                 |
| ADI charges (excluding interest)  |                                 |                                 |                                 |
| Cleaning and laundry  |                                 |                                 |                                 |
| Depreciation  |                                 |                                 |                                 |
| Directors' fees   |                                 |                                 |                                 |
| Equipment hire  |                                 |                                 |                                 |
| Insurance   |                                 |                                 |                                 |
| Leasing or rental purchase of:  |                                 |                                 |                                 |
| • equipment/plant   |                                 |                                 |                                 |
| • motor vehicles  |                                 |                                 |                                 |
| Licences, trade subscriptions   |                                 |                                 |                                 |
| Light and power   |                                 |                                 |                                 |
| Motor vehicles expenses   |                                 |                                 |                                 |
| Rates and taxes   |                                 |                                 |                                 |
| Rent  |                                 |                                 |                                 |
| Repairs and maintenance   |                                 |                                 |                                 |
| Stamps (for resale)   |                                 |                                 |                                 |
| Stationery and postage  |                                 |                                 |                                 |
| Superannuation employer contributions:                                    |                                 |                                 |                                 |
| • award/productivity superannuation                                       |                                 |                                 |                                 |
| • Commonwealth superannuation guarantee charge/levy                       |                                 |                                 |                                 |
| • employer superannuation scheme  |                                 |                                 |                                 |
| Telephone   |                                 |                                 |                                 |
| Training expenses (other than by way of wages or salary paid to employee) |                                 |                                 |                                 |
| Wages and salaries  |                                 |                                 |                                 |
| WorkCover levy  |                                 |                                 |                                 |
| Wrappings   |                                 |                                 |                                 |
| Sundries  |                                 |                                 |                                 |
| Other expenses [ <i>specify</i> ]   |                                 |                                 |                                 |

|  | <b>Period<br/>From:<br/>To:</b> | <b>Period<br/>From:<br/>To:</b> | <b>Period<br/>From:<br/>To:</b> |
|--|---------------------------------|---------------------------------|---------------------------------|
| Trading Profit   | \$                              | \$                              | \$                              |
| <i>Add:</i>  |                                 |                                 |                                 |
| Personal expenses of owner (ie drawings) where included above. |                                 |                                 |                                 |
| Goods taken for own use  |                                 |                                 |                                 |
| Private expenses/cash  |                                 |                                 |                                 |
| (Proprietor's) wages   |                                 |                                 |                                 |
| NET PROFIT   | \$                              | \$                              | \$                              |
| Net profit before income tax as a percentage of gross income   |                                 | %                               | %                               |

### **Schedule 1—Division 2—Further prescribed particulars relating to business**

#### **(section 8(1)(b))**

- 1 (1) The vendor has carried on the business for a period of \*years/months commencing on:
- (2) The vendor has carried on the business at the present location for \*years/months.
- (3) The name of the registered proprietor of the fee simple of the location at which the business is presently carried on is:

†The name of the person who granted to the vendor the lease or licence to occupy that location is:

**Note—**

If the purchaser is not acquiring the fee simple of the location at which the business is presently carried on, it is necessary for the purchaser to ensure that he or she has a right to occupy the location.

- 2 (1) The vendor's \*lease/tenancy agreement/licence is \*verbal/in writing but not registered on the certificate of title/registered on the certificate of title.
- (2) The particulars of the vendor's \*lease/tenancy agreement/licence are as follows:
  - (a) date of current \*lease/tenancy agreement/licence:
  - (b) term of current \*lease/tenancy agreement/licence:
  - (c) date of expiry of current \*lease/tenancy agreement/licence:
  - (d) rates and taxes payable by \*landlord/licensor:
  - (e) rates and taxes payable by \*tenant/licensee:
  - (f) right of renewal for the following period:
  - (g) present rent: \$                    per
  - (h) due date for next adjustment of rent:

- (i) rent adjustment provisions for the term of the \*lease/tenancy agreement/licence:
- (3) Have any written notices been given by the landlord or licensor to the vendor pursuant to the terms of the \*lease/tenancy agreement/licence that have not been complied with? \*YES/NO  
If YES, give details:
- (4) Is the vendor aware of any written notice served on the landlord or licensor, or any circumstance, that may prospectively have a significant adverse effect on the business? \*YES/NO  
If YES, give details:
- 3 (1) The following goods (including plant, equipment, fixtures, fittings and stock in trade) in which any person has a present or contingent interest (whether by virtue of a mortgage, charge, lease or otherwise) are included in the sale:

| Description of goods | Nature of interest and date of grant or creation | Name and address of person entitled to that interest |
|----------------------|--|--|
|----------------------|--|--|

- (2) The following goods may have been used by the vendor or may have been included in the vendor's books of account (including depreciation Schedules) but are to be retained by the vendor and not sold to the purchaser of the business:
- 4 Has any order been given under section 46 of the *Food Act 2001* prohibiting the use of unclean, insanitary or unfit equipment for the manufacture, processing, transportation, preservation, display or other handling of food for sale? \*YES/NO  
If YES, specify—  
Date order given:  
Name of authority or person giving the order:  
Requirements of the order:
- 5 (1) Is any plant to be sold that contains, or has on it, any material that consists of or contains asbestos? \*YES/NO  
If YES—
- (a) Is there a register of the type, condition and location of the asbestos? \*YES/NO
- (b) Have policies and procedures been established to control the asbestos and to prevent or minimise the exposure of any person to airborne asbestos fibres? \*YES/NO  
If YES, give details:
- (c) Is any asbestos to be removed before settlement? \*YES/NO  
If YES, give details:
- (2) Is there any building (other than a private residence) used in the business where any material that consists of or contains asbestos is installed? \*YES/NO  
If YES—
- (a) Is there a register of the type, condition and location of the asbestos? \*YES/NO

(b) Have policies and procedures been established to control the asbestos and to prevent or minimise the exposure of any person to airborne asbestos fibres? \*YES/NO

If YES, give details:

(c) Is any asbestos to be removed before settlement? \*YES/NO

If YES, give details:

**Note—**

*Asbestos* means asbestos as defined in the *Occupational Health, Safety and Welfare Regulations 1995*.

- 6 During the period between the end of the most recent financial year or period covered in the summary of Division 1 of Schedule 1 and the date appearing in Part C of this statement—
- (a) the business \*was/was not satisfactorily maintained
  - (b) no circumstances adversely affecting the business arose except the following:
  - (c) the average weekly sales have been: \$
  - (d) the daily hours of trading have been:
- 7 During the period referred to in item 6, have any circumstances arisen or have any trading practices been adopted (including any substantial discounting of goods or services) that have affected—
- (a) the gross profit of the business in dollar terms? \*YES/NO
  - (b) the gross profit of the business in percentage terms? \*YES/NO
- If the answer to either question is YES, give full particulars:
- †8(1) The asking price of the business (excluding stock and freehold interest in land (if any) being sold) is:
- (2) The estimated value of stock to be acquired with the business is:
  - (3) The asking price for the business (including estimated value of stock but excluding price for land sold) is:
- († Strike out or omit this item if the sale is by auction)
- 9 (1) Does the business operate as a \*company/sole trader/partnership/association, charitable or other organisation?
- (2) Does the vendor work in the business? \*YES/NO
  - (3) Does any other person work in the business? \*YES/NO
  - (4) If the business operates as a partnership, are all of the other persons who work in the business partners in the business? \*YES/NO
  - (5) Has the vendor ever been registered with WorkCover Corporation as an employer? \*YES/NO  
If YES, is the vendor currently so registered? \*YES/NO
  - (6) Is a WorkCover Statement attached for each location of the business? \*YES/NO



**Note—**

**WorkCover Statement** means the *WorkCover Statement For Sale of a Business* issued by the WorkCover Corporation in a form approved by the Corporation.

The WorkCover Statement must be attached if any person is employed in the business.

**To the purchaser:**

You must register with WorkCover Corporation as an employer within 14 days of commencing to employ workers otherwise significant penalties may be imposed.

You should determine whether the vendor has any workers that are being paid workers compensation (particularly where their employment has been or is about to be terminated). If an injured worker's employment has been or is about to be terminated, you may be required to take on the vendor's obligations under the *Workers Rehabilitation and Compensation Act 1986*. The net levy rate payable by you (compared to that currently paid by the vendor) may be affected by your willingness to retain, employ or re-employ disabled workers with compensable injuries.

- 10 The following persons (including the vendor and members of the vendor's family whether or not remunerated) are engaged in the business in the following full-time and part-time positions on the days, for the hours and at the rates of pay set out below:

| <sup>1</sup> Position/functions (if any) | Relationship to vendor | Days per week | Hours per .... | Rate of pay |
|--|------------------------|---------------|----------------|-------------|
|  |                        |               |                | \$<br>per   |

<sup>1</sup>If a person works in the business more than 20 hours per week, also provide the employee's name in the first column.

Where the days or hours worked, or the rate of pay, or both, cannot be described as required above, provide alternative details:

- 11 Is there any current entitlement in excess of 3 working days in respect of any employee to—
- Long service leave \*YES/NO
  - Annual recreation leave \*YES/NO
  - Sick leave \*YES/NO
  - Other leave \*YES/NO
- If YES, specify type of leave:
- 12 The vendor's income tax return was lodged by—
- Name:
- Address:
- Occupation:
- The year of the last return being:

## †Schedule 2—Division 1—Particulars of mortgages, charges and prescribed encumbrances affecting the land

### (section 7(1)(b))

#### Note—

Section 7(3) of the Act provides that this statement need not include reference to charges arising from the imposition of rates or taxes less than 12 months before the date of service of the statement.

All the particulars required by column 3 of the table below in relation to a mortgage, charge or prescribed encumbrance referred to in column 1 must be set out in column 3 unless—

- (a) a copy of a document is attached to this statement and—
  - (i) all the required particulars are contained in that document; and
  - (ii) those parts of the document that contain the required particulars are identified in column 3; or
- (b) the mortgage, charge or prescribed encumbrance—
  - (i) is one of the following items in the table:
    - (A) under the heading "General"—
      - Lease, agreement for lease, tenancy agreement or licence
      - Mortgage of land;
    - (B) under the heading "Other"—
      - Caveat
      - Lien or notice of a lien
      - Charge of any kind affecting the land (not included in another item); and
  - (ii) is registered on the certificate of title to the land; and
  - (iii) is to be discharged or satisfied prior to or at settlement.

**Table of particulars**

| Column 1<br>Prescribed encumbrance | Column 2<br>Is the<br>encumbrance to be<br>discharged or<br>satisfied prior to<br>or at settlement? | Column 3<br>Other particulars required |
|------------------------------------|---|--|
|------------------------------------|---|--|

**Part 1—Items that must be included in statement**

*[If an item is not applicable strike it out or write "NOT APPLICABLE" or "N/A" in column 1.]*

**General**

|  |                |  |
|--|----------------|--|
| <p>Easement<br/>(whether over the land or annexed to the land)<br/>Note—"Easement" includes rights of way and party wall rights.</p>   | <p>*YES/NO</p> | <p>Description of land subject to easement:<br/><br/>Nature of easement:<br/><br/>Are you aware of any encroachment on the easement?<br/>*YES/NO<br/>(If YES, give details):<br/><br/>If there is an encroachment, has approval for the encroachment been given? *YES/NO<br/>(If YES, give details):<br/><br/><i>[attach additional page(s) if more than 1 easement]</i></p>   |
| <p>Lease, agreement for lease, tenancy agreement or licence<br/><br/>(The information does not include information about any sublease or subtenancy. That information may be sought by the purchaser from the lessee or tenant or sublessee or subtenant.)</p> | <p>*YES/NO</p> | <p>Names of parties:<br/><br/>Period of lease, agreement for lease etc:<br/>From        to<br/><br/>Amount of rent or licence fee:<br/>\$        per        (period)<br/><br/>Is the lease, agreement for lease etc in writing? *YES/NO<br/><br/>If the lease or licence was granted under an Act relating to the disposal of Crown lands, specify—<br/><br/>(a)    the Act under which the lease or licence was granted:<br/><br/>(b)    the outstanding amounts due (including any interest or penalty):</p> |
| <p>Mortgage of land</p>  | <p>*YES/NO</p> | <p>Number of mortgage (if registered):<br/>Name of mortgagee:</p>  |

| Column 1<br>Prescribed encumbrance  | Column 2<br>Is the<br>encumbrance to be<br>discharged or<br>satisfied prior to<br>or at settlement? | Column 3<br>Other particulars required  |
|---|---|---|
| Restrictive covenant  | *YES/NO   | Nature of restrictive covenant:<br><br>Name of person in whose favour restrictive covenant operates:<br><br>Does the restrictive covenant affect the whole of the land being acquired? *YES/NO<br>(If NO, give details):<br><br>Does the restrictive covenant affect land other than that being acquired? *YES/NO   |
| <i>Development Act 1993</i>   |   |   |
| Part 3—Development Plan   | *YES/NO   | Title or other brief description of zone or policy area in which the land is situated (as shown in the Development Plan):<br><br>Is the land situated in a designated State Heritage Area? *YES/NO<br><br>Is the land designated as a place of local heritage value? *YES/NO<br><br>Is there a current Development Plan Amendment released for public consultation by a council on which consultation is continuing or on which consultation has ended but whose proposed amendment has not yet come into operation? *YES/NO<br><br>If YES, state the name of the council:<br><br>Is there a current Development Plan Amendment released for public consultation by the Minister on which consultation is continuing or on which consultation has ended but whose proposed amendment has not yet come into operation? *YES/NO |
| section 42—Condition (that continues to apply) of a development authorisation | *YES/NO   | Date of authorisation:<br><br>Name of relevant authority that granted authorisation:<br><br>Condition(s) of authorisation:  |

| Column 1<br>Prescribed encumbrance   | Column 2<br>Is the<br>encumbrance to be<br>discharged or<br>satisfied prior to<br>or at settlement? | Column 3<br>Other particulars required  |
|--|---|---|
| <b>Repealed Act conditions</b>   |   |   |
| Condition (that continues to apply) of an approval or authorisation granted under the <i>Building Act 1971</i> (repealed), the <i>City of Adelaide Development Control Act 1976</i> (repealed), the <i>Planning Act 1982</i> (repealed) or the <i>Planning and Development Act 1966</i> (repealed) | *YES/NO   | Nature of condition(s):   |
| <b>Part 2—Items to be included if land affected</b>  |   |   |
| <i>[If an item is not applicable, strike it out or write "NOT APPLICABLE" or "N/A" in column 1, or else omit the items and headings that are not applicable.]</i>  |   |   |
| <b><i>Aboriginal Heritage Act 1988</i></b>   |   |   |
| section 9—Registration in central archives of an Aboriginal site or object   | *YES/NO   | Particulars of register entry:  |
| section 24—Directions prohibiting or restricting access to, or activities on, a site or an area surrounding a site   | *YES/NO   | Date of notice:<br>Site or area to which notice relates:<br>Directions (as stated in notice):                           |
| Part 3 Division 6—Aboriginal heritage agreement  | *YES/NO   | Date of agreement:<br>Description of property subject to agreement:<br>Names of parties:<br>Terms of agreement:         |
| <b><i>Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986</i></b><br>(repealed)   |   |   |
| section 60—Notice for costs of destruction or control of plants on road reserve  | *YES/NO   | Date of notice:<br>Name of control board giving notice:<br>Amount payable (as stated in the notice):                    |
| <b><i>Crown Rates and Taxes Recovery Act 1945</i></b>  |   |   |
| section 5—Notice requiring payment   | *YES/NO   | Date of notice:<br>Land in respect of which Crown rates and taxes are owing:<br>Amount owing (as stated in the notice): |

| Column 1<br>Prescribed encumbrance  | Column 2<br>Is the<br>encumbrance to be<br>discharged or<br>satisfied prior to<br>or at settlement? | Column 3<br>Other particulars required   |
|---|---|--|
| <i>Development Act 1993</i>   |   |  |
| section 50(1)—Requirement to vest land in a council or the Crown to be held as open space | *YES/NO   | Date requirement given:<br>Name of body giving requirement:<br>Nature of requirement:<br>Contribution payable (if any):  |
| section 50(2)—Agreement to vest land in a council or the Crown to be held as open space   | *YES/NO   | Date of agreement:<br>Names of parties:<br>Terms of agreement:<br>Contribution payable (if any):   |
| section 55—Order to remove or perform work  | *YES/NO   | Date of order:<br>Terms of order:<br>Building work (if any) required to be carried out:<br>Amount payable (if any):  |
| section 56—Notice to complete development   | *YES/NO   | Date of notice:<br>Requirements of notice:<br>Building work (if any) required to be carried out:<br>Amount payable (if any):   |
| section 57—Land management agreement  | *YES/NO   | Date of agreement:<br>Names of parties:<br>Terms of agreement:   |
| section 60—Notice of intention by building owner  | *YES/NO   | Date of notice:<br>Building work proposed (as stated in the notice):<br>Other building work as required pursuant to the Act:   |
| section 69—Emergency order  | *YES/NO   | Date of order:<br>Name of authorised officer who made order:<br>Name of authority that appointed the authorised officer:<br>Nature of order:<br>Amount payable (if any): |

| Column 1<br>Prescribed encumbrance   | Column 2<br>Is the<br>encumbrance to be<br>discharged or<br>satisfied prior to<br>or at settlement? | Column 3<br>Other particulars required  |
|--|---|---|
| section 71—Fire safety notice  | *YES/NO   | Date of notice:<br>Name of authority giving notice:<br>Requirements of notice:<br>Building work (if any) required<br>to be carried out:<br>Amount payable (if any):   |
| section 84—Enforcement<br>notice   | *YES/NO   | Date notice given:<br>Name of the relevant authority<br>giving notice:<br>Nature of directions contained in<br>notice:<br>Building work (if any) required<br>to be carried out:<br>Amount payable (if any): |
| section 85(6), 85(10) or 106—<br>Enforcement order   | *YES/NO   | Date order made:<br>Name of court that made order:<br>Action number:<br>Names of parties:<br>Terms of order:<br>Building work (if any) required<br>to be carried out:                                       |
| Part 11 Division 2—<br>Proceedings   | *YES/NO   | Date of commencement of<br>proceedings:<br>Date of determination or order (if<br>any):<br>Terms of determination or order<br>(if any):  |
| <b><i>Emergency Services Funding Act 1998</i></b>  |   |   |
| section 16—Notice to pay levy  | *YES/NO   | Date of notice:<br>Amount of levy payable:  |
| <b><i>Environment Protection Act 1993</i></b>  |   |   |
| section 59—Environment<br>performance agreement that is<br>registered in relation to the<br>land | *YES/NO   | Date of agreement:  |
| section 93—Environment<br>protection order that is<br>registered in relation to the<br>land      | *YES/NO   | Date of issue:<br>Compliance date(s) specified in<br>the order:   |

| Column 1<br>Prescribed encumbrance   | Column 2<br>Is the<br>encumbrance to be<br>discharged or<br>satisfied prior to<br>or at settlement? | Column 3<br>Other particulars required   |
|--|---|--|
| section 99—Clean-up order that is registered in relation to the land               | *YES/NO   | Date of issue:<br>Compliance date(s) specified in the order:<br>Amount of charge on the land (if applicable and known):  |
| section 100—Clean-up authorisation that is registered in relation to the land      | *YES/NO   | Date of issue:<br>Amount of charge on the land (if known):   |
| <b><i>Fences Act 1975</i></b>  |   |  |
| section 5—Notice of intention to perform fencing work                              | *YES/NO   | Date of notice:<br>Name and address of person to whom notice was given or from whom notice was received:<br>Particulars of relevant boundary:<br>Kind of fence proposed to be constructed or nature of work proposed to be done to existing fence:<br>Cost or estimated cost of fence or work (as stated in the notice):<br>Amount sought by proponent from adjoining owner (as stated in the notice):<br>If there is a cross-notice under section 6, give details of—<br>(a) the proposals objected to:<br>(b) the counter proposals: |
| <b><i>Fire and Emergency Services Act 2005</i></b>                                 |   |  |
| section 56—Notice of action required concerning flammable materials on land        | *YES/NO   | Date of notice:<br>Name of council:<br>Requirements of notice (as stated therein):<br>Amount payable (if any):   |
| section 83—Notice of action required to protect against outbreak or spread of fire | *YES/NO   | Date of notice:<br>Name of authority giving notice:<br>Requirements of notice (as stated therein):<br>Amount payable (if any):   |



| Column 1<br>Prescribed encumbrance  | Column 2<br>Is the<br>encumbrance to be<br>discharged or<br>satisfied prior to<br>or at settlement? | Column 3<br>Other particulars required  |
|---|---|---|
| <b><i>Food Act 2001</i></b>   |   |   |
| section 44—Improvement notice   | *YES/NO   | Date of notice:<br>Name of authorised officer who served notice:<br>Name of authority that appointed officer:<br>Requirements of notice:  |
| section 46—Prohibition order  | *YES/NO   | Date of order:<br>Name of authority or person who served order:<br>Requirements of order:   |
| <b><i>Fruit and Plant Protection Act 1992</i></b>   |   |   |
| section 14 or 15—Notice or order concerning disease   | *YES/NO   | Date of notice or order:<br>Date of Gazette in which notice published (if applicable):<br>Nature of requirement, restriction or prohibition:  |
| <b><i>Ground Water (Qualco-Sunlands) Control Act 2000</i></b>   |   |   |
| Part 6—risk management allocation   | *YES/NO   | Is a waterlogging and salinity risk management allocation attached to the whole or any part of the land? *YES/NO<br>If YES, give details of the allocation and the land to which it is attached:            |
| section 56—Notice to pay share of Trust costs, or for unauthorised use of water, in respect of irrigated property | *YES/NO   | Date of notice:<br>Amount payable (as stated in notice):  |
| <b><i>Heritage Places Act 1993</i></b>  |   |   |
| section 14(2)(b)—Registration of an object of heritage significance   | *YES/NO   | Date of registration:<br>Description and location of object registered:   |
| section 17 or 18—Provisional registration or registration   | *YES/NO   | Description of place registered:<br>Has the place been designated as a place of geological, palaeontological or speleological significance or archaeological significance? *YES/NO<br>If YES, give details: |

| Column 1<br>Prescribed encumbrance   | Column 2<br>Is the<br>encumbrance to be<br>discharged or<br>satisfied prior to<br>or at settlement? | Column 3<br>Other particulars required  |
|--|---|---|
| section 30—Stop order  | *YES/NO   | Date of order:<br>Terms of order:   |
| Part 6—Heritage agreement  | *YES/NO   | Date of agreement:<br>Description of property subject<br>to agreement:<br>Names of parties:<br>Terms of agreement:                            |
| section 38—"No<br>development" order   | *YES/NO   | Date of order:<br>Terms of order:   |
| <b><i>Highways Act 1926</i></b>  |   |   |
| Part 2A—Declaration as to<br>access from any road abutting<br>the land               | *YES/NO   | Date of declaration:<br>Description of boundary of land<br>affected:  |
| <b><i>Housing Improvement Act 1940</i></b>   |   |   |
| section 23—declaration that<br>house is undesirable or unfit<br>for human habitation | *YES/NO   | Date of declaration:<br>Those particulars required to be<br>provided by a council under<br>section 23:  |
| Part 7 (rent control for<br>substandard houses)—notice<br>or declaration             | *YES/NO   | Date of notice or declaration:<br>Those particulars required to be<br>provided by the housing<br>authority under section 60:                  |
| <b><i>Land Acquisition Act 1969</i></b>  |   |   |
| section 10—Notice of<br>intention to acquire   | *YES/NO   | Date of notice:<br>Name of Authority who served<br>notice:<br>Description of land intended to<br>be acquired (as described in the<br>notice): |
| <b><i>Land Tax Act 1936</i></b>  |   |   |
| Notice, order or demand for<br>payment of land tax                                   | *YES/NO   | Date of notice, order or demand:<br>Amount payable (as stated in the<br>notice):  |

| Column 1<br>Prescribed encumbrance  | Column 2<br>Is the<br>encumbrance to be<br>discharged or<br>satisfied prior to<br>or at settlement? | Column 3<br>Other particulars required   |
|---|---|--|
| <i>Local Government Act 1934</i>  |   |  |
| Notice, order, declaration, charge, claim or demand given or made under the Act | *YES/NO   | Date of notice, order etc:<br>Name of council by which, or person by whom, notice, order etc is given or made:<br>Land subject thereto:<br>Nature of requirements contained in notice, order etc:<br>Time for carrying out requirements:<br>Amount payable (if any): |
| <i>Local Government Act 1999</i>  |   |  |
| Notice, order, declaration, charge, claim or demand given or made under the Act | *YES/NO   | Date of notice, order etc:<br>Name of council by which, or person by whom, notice, order etc is given or made:<br>Land subject thereto:<br>Nature of requirements contained in notice, order etc:<br>Time for carrying out requirements:<br>Amount payable (if any): |
| <i>Metropolitan Adelaide Road Widening Plan Act 1972</i>                        |   |  |
| section 6—Restriction on building work  | *YES/NO   | Does the restriction apply to all of the land? *YES/NO<br>(If NO, give details about the part of the land to which the restriction applies):   |
| <i>Mining Act 1971</i>  |   |  |
| Mining tenement (other than an exploration licence)                             | *YES/NO   | Type of tenement:<br>Terms of tenement:<br>Condition(s) (if any) the tenement is subject to:   |
| Proclamation with respect to a private mine                                     | *YES/NO   | Date of proclamation:  |

| Column 1<br>Prescribed encumbrance  | Column 2<br>Is the<br>encumbrance to be<br>discharged or<br>satisfied prior to<br>or at settlement? | Column 3<br>Other particulars required   |
|---|---|--|
| <i>Native Vegetation Act 1991</i>   |   |  |
| Part 4 Division 1—Heritage agreement  | *YES/NO   | Date of agreement:<br>Description of property subject to agreement:<br>Names of parties:<br>Terms of agreement:      |
| Part 5 Division 1—Refusal to grant consent, or condition of a consent, to clear native vegetation         | *YES/NO   | Date of refusal or grant of consent:<br>If consent given, condition(s) (if any) of the consent:                      |
| <i>Natural Resources Management Act 2004</i>  |   |  |
| section 97—Notice to pay levy in respect of costs of regional NRM board                                   | *YES/NO   | Date of notice:<br>Amount of levy payable:   |
| section 105—Notice to pay levy in respect of right to take water or taking of water                       | *YES/NO   | Date of notice:<br>Amount of levy payable:   |
| section 115—Notice declaring a penalty  | *YES/NO   | Date of notice:<br>Amount of penalty payable:  |
| section 123—Notice to prepare an action plan for compliance with general statutory duty                   | *YES/NO   | Date of notice:<br>Name of authority or person that issued notice:<br>Requirements of notice (as specified therein): |
| section 130—Notice to rectify effects of unauthorised activity  | *YES/NO   | Date of notice:<br>Name of relevant authority that issued notice:<br>Requirements of notice (as specified therein):  |
| section 131—Notice to maintain watercourse or lake in good condition                                      | *YES/NO   | Date of notice:<br>Name of relevant authority that issued notice:<br>Requirements of notice (as specified therein):  |
| section 132—Notice restricting the taking of water or directing action in relation to the taking of water | *YES/NO   | Date of notice:<br>Water resource to which notice applies:<br>Requirements of notice (as specified therein):         |

| Column 1<br>Prescribed encumbrance   | Column 2<br>Is the<br>encumbrance to be<br>discharged or<br>satisfied prior to<br>or at settlement? | Column 3<br>Other particulars required   |
|--|---|--|
| section 134—Notice to remove or modify a dam, embankment, wall or other obstruction or object                                  | *YES/NO   | Date of notice:<br>Requirements of notice (as specified therein):  |
| section 135—Condition (that remains in force) of a permit  | *YES/NO   | Date of permit:<br>Name of relevant authority that granted permit:<br>Condition(s) of permit:                      |
| section 145—Notice to take remedial or other action in relation to a well  | *YES/NO   | Date of notice:<br>Location of well:<br>Requirements of notice (as specified therein):                             |
| section 181—Notice of instruction as to keeping of animal or plant in control area   | *YES/NO   | Date of notice:<br>Name of authorised officer who issued notice:<br>Requirements of notice (as specified therein): |
| section 183—Notice to prepare an action plan for the destruction or control of animals or plants                               | *YES/NO   | Date of notice:<br>Name of authorised officer who issued notice:<br>Requirements of notice (as specified therein): |
| section 185—Notice to pay costs of destruction or control of animals or plants on road reserve                                 | *YES/NO   | Date of notice:<br>Name of authority that issued notice:<br>Amount payable (as specified in notice):               |
| section 187—Notice requiring control or quarantine of animal or plant  | *YES/NO   | Date of notice:<br>Requirements of notice (as specified therein):  |
| section 193—Protection order to secure compliance with specified provisions of the Act   | *YES/NO   | Date of order:<br>Name of authority or person who issued order:<br>Requirements of order (as specified therein):   |
| section 195—Reparation order requiring specified action or payment to make good damage resulting from contravention of the Act | *YES/NO   | Date of order:<br>Name of authority or person who issued order:<br>Requirements of order (as specified therein):   |

| Column 1<br>Prescribed encumbrance  | Column 2<br>Is the<br>encumbrance to be<br>discharged or<br>satisfied prior to<br>or at settlement? | Column 3<br>Other particulars required  |
|---|---|---|
| section 197—Reparation authorisation authorising specified action to make good damage resulting from contravention of the Act             | *YES/NO   | Date of authorisation:<br>Name of relevant authority that issued authorisation:<br>Person authorised to take action:<br>Requirements of authorisation (as specified therein): |
| <b><i>Phylloxera and Grape Industry Act 1995</i></b>  |   |   |
| section 23(1)—Notice of contribution payable  | *YES/NO   | Date of notice:<br>Name of person or body giving notice:<br>Terms of notice:<br>Amount payable (as stated in notice):   |
| <b><i>Public and Environmental Health Act 1987</i></b>  |   |   |
| Part 3—Notice   | *YES/NO   | Date of notice:<br>Name of council or other authority giving notice:<br>Requirements of notice:   |
| section 36—Direction to avert spread of disease   | *YES/NO   | Date direction given:<br>Name of authority giving direction:<br>Nature of direction:  |
| <i>Public and Environmental Health (Waste Control) Regulations 1995</i> Part 2—Condition (that continues to apply) of an approval         | *YES/NO   | Date of approval:<br>Name of relevant authority that granted the approval:<br>Condition(s) of approval:   |
| <i>Public and Environmental Health (Waste Control) Regulations 1995</i> regulation 19—Maintenance order (that has not been complied with) | *YES/NO   | Date of order:<br>Name of authority giving order:<br>Requirements of order:   |
| <b><i>Sewerage Act 1929</i></b>   |   |   |
| Notice, order or demand for payment of sewerage rates, other amounts payable or other requirements made under the Act                     | *YES/NO   | Date of notice, order or demand:<br>Amount payable (as stated in the notice):<br>Nature of requirement made:  |

| Column 1<br>Prescribed encumbrance   | Column 2<br>Is the<br>encumbrance to be<br>discharged or<br>satisfied prior to<br>or at settlement? | Column 3<br>Other particulars required   |
|--|---|--|
| <b><i>Upper South East Dryland Salinity and Flood Management Act 2002</i></b>                                      |   |  |
| section 23—Notice of contribution payable  | *YES/NO   | Date of notice:<br>Terms of notice:<br>Amount payable:   |
| <b><i>Water Resources Act 1997</i></b>   |   |  |
| section 18 (repealed)—Condition (that remains in force) of a permit  | *YES/NO   | Date of permit:<br>Name of relevant authority that granted permit:<br>Condition(s) of permit:  |
| section 125 (or a corresponding previous enactment)—Notice to pay levy   | *YES/NO   | Date of notice:<br>Amount of levy payable:   |
| <b><i>Waterworks Act 1932</i></b>  |   |  |
| Notice, order or demand for payment of water rates, other amounts payable or other requirements made under the Act | *YES/NO   | Date of notice, order or demand:<br>Amount payable (as stated in the notice):<br>Nature of requirement made:                         |
| <b>Other</b>   |   |  |
| Caveat   | *YES/NO   | Name and address of caveator:<br>Particulars of interest claimed:  |
| Lien or notice of a lien   | *YES/NO   | Land or other property subject to lien:<br>Nature of lien:<br>Name and address of person who has imposed lien or given notice of it: |
| Charge of any kind affecting the land (not included in another item)   | *YES/NO   | Person or body in whose favour charge exists:<br>Nature of charge:<br>Amount of charge (if known):                                   |

### †Schedule 2—Division 2—Other particulars

(section 7(1)(b) and section 8(1)(b))

#### †Particulars of transactions in last 12 months

If the vendor, within 12 months before the date of the contract of sale—

- (a) obtained title to the land; or

- (b) obtained an option to purchase the land; or
- (c) entered into a contract to purchase the land (whether on the vendor's own behalf or on behalf of another),

the vendor must provide the following particulars of all transactions relating to the acquisition of the interest that occurred within that 12 month period:

- 1 The name and address of each party to the transaction and of each person in whom an interest vested as a result of the transaction:
- 2 The date and nature of each instrument registered on the certificate of title or, if no such instrument has been registered, the date and nature of each document forming the whole or part of a contract relating to the transaction:
- 3 Particulars of the consideration provided for the purposes of the transaction:

The above particulars must be provided for each transaction.

**†Particulars relating to community lot (including strata lot)**

- 1 Name of community corporation:  
Address of community corporation:
- 2 Application must be made in writing to the community corporation for the particulars and documents referred to in 3 and 4. Application must also be made in writing to the community corporation for the documents referred to in 6 unless those documents are obtained from the Lands Titles Registration Office.
- 3 Particulars supplied by the community corporation or known to the vendor:
  - (a) particulars of contributions payable in relation to the lot (including details of arrears of contributions related to the lot):
  - (b) particulars of assets and liabilities of the community corporation:
  - (c) particulars of expenditure that the community corporation has incurred, or has resolved to incur, and to which the owner of the lot must contribute, or is likely to be required to contribute:
  - (d) particulars of the lot entitlement of the lot:

*[State "not known" next to any particulars not supplied by the community corporation by the date of this statement and not known to the vendor.]*

- 4 Documents supplied by the community corporation that are enclosed:
  - (a) a copy of the minutes of the general meetings of the community corporation and management committee \*for the 2 years preceding this statement/since the deposit of the community plan;  
(\*Strike out whichever is the greater period)
  - (b) a copy of the statement of accounts of the community corporation last prepared;
  - (c) a copy of current policies of insurance taken out by the community corporation.

*[State "not supplied" next to any document not supplied by the community corporation by the date of this statement.]*



- 5 If "not known" or "not supplied" has been specified for an item in 3 or 4, set out the date of the application made to the community corporation and give details of any other steps taken to obtain the particulars or documents concerned:
- 6 The following documents are enclosed:
- †(a) a copy of the scheme description (if any) and the development contract (if any);
  - (b) a copy of the by-laws of the community scheme.
- †7 The following additional particulars are known to the vendor or have been supplied by the community corporation:
- 8 Further inquiries may be made to the secretary of the community corporation or the appointed community scheme manager.  
Name:  
Address:

**Note—**

- 1 A community corporation must (on application by or on behalf of a current or prospective owner or other relevant person) provide the particulars and documents referred to in 3(a)—(c) and 4 and must also make available for inspection any information required to establish the current financial position of the corporation: see sections 139 and 140 of the *Community Titles Act 1996*.
- 2 Copies of the scheme description, the development contract or the by-laws of the community scheme may be obtained from the community corporation or from the Lands Titles Registration Office.
- 3 All owners of a community lot are bound by the by-laws of the community scheme. The by-laws regulate the rights and liabilities of owners of lots in relation to their lots and the common property and matters of common concern.
- 4 For a brief description of some of the matters that need to be considered before purchasing a community lot, see Division 3 of this Schedule.

**†Particulars relating to strata unit**

- 1 Name of strata corporation:  
Address of strata corporation:
- 2 Application must be made in writing to the strata corporation for the particulars and documents referred to in 3 and 4. Application must also be made in writing to the strata corporation for the articles referred to in 6 unless the articles are obtained from the Lands Titles Registration Office.
- 3 Particulars supplied by the strata corporation or known to the vendor:
  - (a) particulars of contributions payable in relation to the unit (including details of arrears of contributions related to the unit):
  - (b) particulars of the assets and liabilities of the strata corporation:
  - (c) particulars of expenditure that the strata corporation has incurred, or has resolved to incur, and to which the unit holder of the unit must contribute, or is likely to be required to contribute:
  - (d) particulars of the unit entitlement of the unit:

*[State "not known" next to any particulars not supplied by the strata corporation by the date of this statement and not known to the vendor.]*

- 4 Documents supplied by the strata corporation that are enclosed:
- (a) a copy of the minutes of the general meetings of the strata corporation and management committee \*for the 2 years preceding this statement/since the deposit of the strata plan; (\*Strike out whichever is the greater period)
  - (b) a copy of the statement of accounts of the strata corporation last prepared;
  - (c) a copy of current policies of insurance taken out by the strata corporation.

*[State "not supplied" next to any document not supplied by the strata corporation by the date of this statement.]*

- 5 If "not known" or "not supplied" has been specified for an item in 3 or 4, set out the date of the application made to the strata corporation and give details of any other steps taken to obtain the particulars or documents concerned:
- 6 A copy of the articles of the strata corporation is enclosed.
- †7 The following additional particulars are known to the vendor or have been supplied by the strata corporation:
- 8 Further inquiries may be made to the secretary of the strata corporation or the appointed strata manager.  
Name:  
Address:

**Note—**

- 1 A strata corporation must (on application by or on behalf of a current owner, prospective purchaser or other relevant person) provide the particulars and documents referred to in 3(a)—(c), 4 and 6 and must also make available for inspection its accountancy records and minute books, the duplicate certificate of title for the common property and any documents in its possession relating to the design and construction of the buildings or improvements on the site or relating to the strata scheme.
- 2 Copies of the articles of the strata corporation may also be obtained from the Lands Titles Registration Office.
- 3 All owners of a strata unit are bound by the articles of the strata corporation. The articles regulate the rights and liabilities of owners of units in relation to their units and the common property and matters of common concern.
- 4 For a brief description of some of the matters that need to be considered before purchasing a strata unit, see Division 3 of this Schedule.

**†Particulars of building indemnity insurance**

**Note—**

Building indemnity insurance is not required for—

- (a) domestic building work for which approval under the *Development Act 1993* or the repealed *Building Act 1971* is or was not required; or
- (b) minor domestic building work (see section 3 of the *Building Work Contractors Act 1995*); or

- (c) domestic building work commenced before 1 May 1987; or
- (d) building work in respect of which an exemption from the application of Division 3 of Part 5 of the *Building Work Contractors Act 1995* applies under the *Building Work Contractors Regulations 1996*; or
- (e) building work in respect of which an exemption from the application of Division 3 of Part 5 of the *Building Work Contractors Act 1995* has been granted under section 45 of that Act.

- 1 Name(s) of person(s) insured:
- 2 Name of insurer:
- 3 Limitations on the liability of the insurer:
- 4 Name of builder:
- 5 Builder's licence number:
- 6 Date of issue of insurance:
- 7 Description of insured building work:

**Exemption from holding insurance under the *Building Work Contractors Act 1995***

If particulars of insurance are not given—

Has an exemption been granted under section 45 of the *Building Work Contractors Act 1995* from the requirement to hold an insurance policy in accordance with Division 3 of Part 5 of that Act? \*YES/NO

If YES, give details:

- (a) Date of the exemption:
- (b) Name of builder granted the exemption:
- (c) Licence number of builder granted the exemption:
- (d) Details of building work to which the exemption applies:
- (e) Details of conditions (if any) to which the exemption is subject:

**†Particulars relating to asbestos in buildings on land**

Note—

*Asbestos* means asbestos as defined in the *Occupational Health, Safety and Welfare Regulations 1995*.

Is there a building on the land (other than a private residence) where material that consists of or contains asbestos is installed? \*YES/NO

If YES—

- (a) Is there a register of the type, condition and location of the asbestos?  
\*YES/NO
- (b) Have policies and procedures been established to control the asbestos and prevent or minimise the exposure of any person to airborne asbestos fibres?  
\*YES/NO  
If YES, give details:
- (c) Is any asbestos to be removed before settlement? \*YES/NO  
If YES, give details:

**†Particulars relating to court or tribunal process**

If process has issued out of any court or tribunal in relation to a claim—

- (a) that is stated to affect the land or the value of which is \$5 000 or more; and
- (b) that presently affects (or may prospectively affect) title to, or the possession or enjoyment of, the land,

the vendor must provide the following particulars:

- 1 Name of court or tribunal:
- 2 Names of parties:
- 3 Nature of claim:
- 4 Amount of claim (if applicable):
- 5 Amount of judgment (if applicable):
- 6 Name of judgment creditor (if applicable):

**†Particulars of water allocation for irrigation purposes****†1—Land in an irrigation district under the *Irrigation Act 1994***

If the land forms part of an irrigation district constituted by or under the *Irrigation Act 1994*—

- (a) Specify the amount of the water allocation in respect of the land under that Act:
- (b) Is there an existing agreement to transfer the whole or part of the water allocation from the land or to purchase an additional allocation for the benefit of the land? \*YES/NO  
If YES, attach a copy of the agreement.
- (c) Has the irrigation authority given notice under section 47(2) of that Act of a proposal to exclude the land from the irrigation district? \*YES/NO  
If YES, attach a copy of the notice.
- (d) Has the irrigation authority given notice under section 54 of that Act? \*YES/NO  
If YES, specify—
  - (i) the date on which notice was given:
  - (ii) the requirements of the notice:
  - (iii) the amount (if any) payable under section 54(7) of that Act:

**†2—Land in the Renmark Irrigation District**

If the land is situated within the Renmark Irrigation District—

- (a) Specify the amount of the water allocation in respect of the land:
- (b) Set out any terms and conditions to which the supply of water is subject:

- (c) Has the Renmark Irrigation Trust given notice under section 65D of the *Renmark Irrigation Trust Act 1936* or regulation 33 of the *Renmark Irrigation Trust Regulations 1994*? \*YES/NO  
If YES, specify—
- (i) the date on which notice was given:
  - (ii) the requirements of the notice:
  - (iii) the amount (if any) payable under section 65D(3)(b) or regulation 33:

**†3—Land not within any kind of irrigation district**

- (1) If the land is neither part of an irrigation district constituted by or under the *Irrigation Act 1994* nor situated within the Renmark Irrigation District, is there an existing agreement under section 37 of that Act for the supply of water to the land? \*YES/NO
- †(2) If YES and the agreement is a notional agreement by virtue of clause 5 of Schedule 2 of that Act—
- (a) Has the irrigation authority given notice under that clause of termination of the agreement? \*YES/NO  
If YES, specify—
    - (i) the date on which notice was given:
    - (ii) the date of termination of the agreement:
  - (b) Is there an existing agreement to transfer the whole or part of the water allocation applying in respect of the land? \*YES/NO  
If YES, attach a copy of the agreement;
  - (c) Has the irrigation authority given notice under section 54 of that Act? \*YES/NO  
If YES, specify—
    - (i) the date on which notice was given:
    - (ii) the requirements of the notice:
    - (iii) the amount (if any) payable under section 54(7) of that Act:

**Note—**

A notional agreement for the supply of water exists under clause 5 of Schedule 2 of the *Irrigation Act 1994* if—

- (a) immediately before 1 July 1994 a water allocation applied in respect of land under any of the following Acts: *Irrigation Act 1930*, *The Irrigation on Private Property Act 1939*, *The Lower River Broughton Irrigation Trust Act 1938*, *The Kingsland Irrigation Company Act 1922*, *The Pyap Irrigation Trust Act 1923* or *The Ramco Heights Irrigation Act 1963*; and
- (b) water was supplied to the land, or drained from the land, under an Act referred to in paragraph (a) during the rating period occurring immediately before 1 July 1994; and
- (c) the land is not land used to carry on the business of primary production (managed as a single unit for the purpose) to which a water allocation applies under the *Irrigation Act 1994*.

- †(2) If YES and the agreement is not a notional agreement—
- (a) Attach a copy of the agreement.
  - (b) Does the agreement continue for the benefit of successive occupiers of the land? \*YES/NO
  - (c) Has the irrigation authority given notice under section 54 of that Act? \*YES/NO  
If YES, specify—
    - (i) the date on which notice was given:
    - (ii) the requirements of the notice:
    - (iii) the amount (if any) payable under section 54(7) of that Act:

### †Particulars relating to environment protection

#### Note—

In the following questions—

**environmental assessment** means an assessment of the actual, or potential for, contamination of land (including surface or underground waters);

**manufacturing activity** means any activity involving the chemical or physical transformation of materials or components (whether by machine or otherwise);

**prescribed fee** means the fee prescribed by the *Environment Protection (Fees and Levy) Regulations 1994* for examining or obtaining copies of information on the Public Register;

**Public Register** means the Public Register maintained by the Environment Protection Authority.

### 1—Activities undertaken on land

- (1) Is the vendor aware of any of the following activities having occurred on the land after the vendor acquired an interest in the land:
- (a) a manufacturing activity;
  - (b) the keeping of a dangerous substance pursuant to a licence under the *Dangerous Substances Act 1979*;
  - (c) the distribution of chemicals or fuels;
  - (d) the management or disposal of any waste materials, including any land fill that could be contaminated?

\*YES/NO

If YES, give details of the activity or activities that the vendor is aware of:

- (2) Has the vendor been advised by anyone that any of the activities listed above occurred on the land before the vendor acquired an interest in the land? \*YES/NO
- If YES, give details of the activity or activities that the vendor is aware of:

## 2—Environmental assessments

- (1) Is the vendor aware of any environmental assessment (including any not yet completed) of the land, any part of the land or any industrial facility on the land having been carried out after the vendor acquired an interest in the land? \*YES/NO  
If YES, give details of the assessment or assessments that the vendor is aware of:
- (2) Has the vendor been advised by anyone that any such environmental assessment was carried out before the vendor acquired an interest in the land? \*YES/NO  
If YES, give details of the assessment or assessments that the vendor is aware of:
- (3) Does the Environment Protection Authority hold a copy of a report on any environmental assessment of the land or a part of the land carried out at any time—
  - (a) by or on behalf of the owner or occupier of the land—
    - (i) pursuant to an authorisation, agreement or order under section 52(1)(b), 59, 93, 99 or 100 of the *Environment Protection Act 1993*; or
    - (ii) for the purposes of a notification given under section 83 of that Act; or
  - (b) by the Environment Protection Authority (whether alone or jointly with another authority); or
  - (c) by a Contaminated Site Auditor recognised by the Environment Protection Authority for the purposes of carrying out such an assessment?

\*YES/NO

**Note—**

If YES, the purchaser may examine or obtain a copy of the report from the Environment Protection Authority on payment of a fee to be calculated as if the report were on the Public Register.

## 3—Waste depots

- (1) Was a licence to operate a waste depot on the land ever issued under the repealed *South Australian Waste Management Commission Act 1979*, a record of which is on the Public Register? \*YES/NO
- (2) Was a licence to operate a waste depot on the land ever issued under the repealed *Waste Management Act 1987*, a record of which is on the Public Register? \*YES/NO

**Note—**

The purchaser may obtain details of the records referred to in (1) and (2) from the Public Register on payment of the prescribed fee.

- (3) Is an environmental authorisation currently in force under the *Environment Protection Act 1993* in the form of a licence to operate a waste depot on the land, a record of which is on the Public Register? \*YES/NO

**Note—**

The transfer of an environmental authorisation is subject to the conditions of the authorisation and the approval of the Environment Protection Authority.

- (4) Was an environmental authorisation ever issued under the *Environment Protection Act 1993* in the form of a licence to operate a waste depot on the land, being a licence that is no longer in force and a record of which is on the Public Register? \*YES/NO

**Note—**

The purchaser may examine or obtain a copy of the licences referred to in (3) and (4) from the Public Register on payment of the prescribed fee.

#### **4—Production of certain waste**

- (1) Was a licence under the repealed *South Australian Waste Management Commission Act 1979* ever issued for the production of waste of a prescribed kind (within the meaning of that Act) on the land, a record of which is on the Public Register? \*YES/NO
- (2) Was a licence under the repealed *Waste Management Act 1987* ever issued for the production of prescribed waste (within the meaning of that Act) on the land, a record of which is on the Public Register? \*YES/NO
- (3) Is an environmental authorisation currently in force under the *Environment Protection Act 1993* in the form of a licence to carry out an activity that produces listed waste (within the meaning of that Act) on the land, a record of which is on the Public Register? \*YES/NO

**Note—**

The transfer of an environmental authorisation is subject to the conditions of the authorisation and the approval of the Environment Protection Authority.

- (4) Was an environmental authorisation ever issued under the *Environment Protection Act 1993* in the form of a licence to carry out an activity that produces listed waste (within the meaning of that Act) on the land, being a licence that is no longer in force and a record of which is on the Public Register? \*YES/NO

**Note—**

The purchaser may examine or obtain a copy of the licences referred to in (1), (2), (3) and (4) from the Public Register on payment of the prescribed fee.

#### **5—Waste on land**

Did the former South Australian Waste Management Commission under the repealed *Waste Management Act 1987* have any record of waste (within the meaning of that Act) being deposited on the land between 1 January 1983 and 30 April 1995, details of which are on the Public Register? \*YES/NO

**Note—**

The purchaser may obtain those details from the Public Register on payment of the prescribed fee.



**Note—**

The purchaser is advised that other matters under the *Environment Protection Act 1993* may be recorded on the Public Register in relation to the land, such as—

- environment protection orders, clean-up orders, clean-up authorisations or environment performance agreements;
- environmental authorisations (ie, works approvals, licences or exemptions);
- activities undertaken on the land under licences no longer in force;
- court proceedings or orders.

If so, details of them may be obtained from the Public Register on payment of the prescribed fee.

If any environment protection order, clean-up order, clean-up authorisation or environment performance agreement has been registered on the certificate of title for the land, it will be noted in the items under the heading *Environment Protection Act 1993* in the Table of Particulars in this Statement. Details of such a registered document may also be obtained from the Lands Titles Registration Office.

**†Particulars relating to *Livestock Act 1997*****†1—Sale of land**

- (1) Has any notice under section 33 or 37 of the *Livestock Act 1997* been made that affects, presently or prospectively, enjoyment of the land? \*YES/NO  
If YES, give details of the following:

Date of notice:

Terms of notice:

- (2) Has any order under section 38, or notice under section 72, of the *Livestock Act 1997* been issued to the vendor in relation to the land or any building on the land? \*YES/NO  
If YES, give details of the following:

Date of order or notice:

Terms of order or notice:

**†2—Sale of small business**

Has any notice or order been issued under the *Livestock Act 1997* in relation to any livestock, livestock products or other property (other than land or any building on the land) included in the sale? \*YES/NO  
If YES, give details of the following:

Date of notice or order:

Terms of notice or order:

**†Schedule 2—Division 3—Community lots and strata units****Matters to be considered in purchasing a community lot or strata unit**

The property you are buying is on strata or community title. There are **special obligations and restrictions** that go with this kind of title. Make sure you understand these. If unsure, seek legal advice before signing a contract. For example:

### **Governance**

You will automatically become a member of the **body corporate**, which includes all owners and has the job of maintaining the common property and enforcing the rules. Decisions, such as the amount you must pay in levies, will be made by vote of the body corporate. You will need to take part in meetings if you wish to have a say. If outvoted, you will have to live with decisions that you might not agree with.

If you are buying into a mixed-use development (one that includes commercial as well as residential lots), owners of some types of lots may be in a position to outvote owners of other types of lots. Make sure you fully understand your voting rights, see later.

### **Use of your property**

You, and anyone who visits or occupies your property, will be bound by rules in the form of **articles or by-laws**. These can restrict the use of the property, for example, they can deal with keeping pets, car parking, noise, rubbish disposal, short-term letting, upkeep of buildings and so on. Make sure that you have read the articles or by-laws before you decide whether this property will suit you.

Depending on the rules, you might not be permitted to make changes to the exterior of your unit, such as installing a television aerial or an air-conditioner, building a pergola, attaching external blinds etc without the permission of the body corporate. A meeting may be needed before permission can be granted. Permission may be refused.

Note that the articles or by-laws **could change** between now and when you become the owner: the body corporate might vote to change them. Also, if you are buying before the community plan is registered, then any by-laws you have been shown are just a draft.

### **Are you buying a debt?**

If there are unpaid contributions owing on this property, you can be made to pay them. You are entitled to **know the financial state of the body corporate** and you should make sure you see its records before deciding whether to buy. As a prospective owner, you can write to the body corporate requiring to see the records, including minutes of meetings, details of assets and liabilities, contributions payable, outstanding or planned expenses and insurance policies. There is a fee. To make a request, write to the secretary or management committee of the body corporate.

### **Expenses**

The body corporate can **require you to maintain your property**, even if you do not agree, or can carry out maintenance and bill you for it.

The body corporate can **require you to contribute** to the cost of upkeep of the common property, even if you do not agree. Consider what future maintenance or repairs might be needed on the property in the long term.

### **Guarantee**

As an owner, you are a **guarantor** of the liabilities of the body corporate. If it does not pay its debts, you can be called on to do so. Make sure you know what the liabilities are before you decide to buy. Ask the body corporate for copies of the financial records.

### **Contracts**

The body corporate can make contracts. For example, it may engage a body corporate manager to do some or all of its work. It may contract with traders for maintenance work. It might engage a caretaker to look after the property. It might make any other kind of contract to buy services or products for the body corporate. Find out **what contracts the body corporate is committed to and the cost**.

The body corporate will have to raise funds from the owners to pay the money due under these contracts. As a guarantor, you could be liable if the body corporate owes money under a contract.

### **Buying off the plan**

If you are buying a property that has not been built yet, then you **cannot be certain** what the end product of the development process will be. If you are buying before a community plan has been deposited, then any proposed development contract, scheme description or by-laws you have been shown could change.

### **Mixed use developments—voting rights**

You may be buying into a group that is run by several different community corporations. This is common in mixed use developments, for example, where a group of apartments is combined with a hotel or a group of shops. If there is more than one corporation, then you should not expect that all lot owners in the group will have equal voting rights. The corporations may be structured so that, even though there are more apartments than shops in the group, the shop-owners can outvote the apartment owners on some matters. Make enquiries so that you understand how many corporations there are and what voting rights you will have.

### **Further information**

The Real Estate Institute of South Australia provides an information service for enquiries about real estate transactions, see [www.reisa.com.au](http://www.reisa.com.au).

Information and a booklet about strata and community titles is available from the Legal Services Commission of South Australia at [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au).

You can also seek advice from a legal practitioner.

## **Form 3—Certificate of legal practitioner and waiver by purchaser**

*Land and Business (Sale and Conveyancing) Act 1994*

### **Part A—Certificate of legal practitioner**

(sections 5 and 16)

1 I certify that—

*[Name(s) of purchaser(s)] of [Address(es) of purchaser(s)]*

\*has/have received independent advice from me in relation to the land or business described below concerning—

- † the signing of a proposed contract for the purchase of the land or business and the loss by the purchaser, on the provision of my advice and the execution of this certificate, of any cooling-off period otherwise applicable to the proposed contract under section 5 of the *Land and Business (Sale and Conveyancing) Act 1994*.

† the waiving of compliance with the requirement under section 7 of the *Land and Business (Sale and Conveyancing) Act 1994* that the vendor, at least 10 clear days before the date of settlement, serve or cause to be served on the purchaser a vendor's statement.

† the waiving of compliance with the requirement under section 8 of the *Land and Business (Sale and Conveyancing) Act 1994* that the vendor, at least 5 clear business days before the date of settlement, serve or cause to be served on the purchaser a vendor's statement.

†2 Description of the land:

†3 Description of the business:

*[include the address of any premises at which the business is conducted]*

4 Name(s) of vendor(s):

Date:

Signed:

Name of legal practitioner:

Name of firm:

Address of firm:

\* Strike out the option that is not applicable.

† Strike out the item if it is not applicable.

## **Part B—Instrument of waiver by purchaser**

### **(section 16)**

#### **To the vendor(s):**

\*I/We —

*[Name(s) of purchaser(s)] of [Address(es) of purchaser(s)]*

being the purchaser(s) of the land or business described in Part A above, having sought and obtained independent advice from:

*[Name of legal practitioner]*

being the legal practitioner whose certificate in relation to the giving of that advice is contained in Part A above—

† waive the requirement under section 7 of the *Land and Business (Sale and Conveyancing) Act 1994* that the vendor, at least 10 clear days before the date of settlement, serve, or cause to be served, on the purchaser a vendor's statement setting out the purchaser's cooling-off rights under section 5 of the Act and the particulars required by section 7.

† waive the requirement under section 8 of the *Land and Business (Sale and Conveyancing) Act 1994* that the vendor, at least 5 clear business days before the date of settlement, serve, or cause to be served, on the purchaser a vendor's statement setting out the purchaser's cooling-off rights under section 5 of the Act and the particulars required by section 8.

Date:

Signed:

\* Strike out the option that is not applicable.

† Strike out the item if it is not applicable.

## Form 4—Notice in relation to sale by auction

*Land and Business (Sale and Conveyancing) Act 1994*

(section 11)

The vendor's statement relating to matters affecting the \*land/business may be inspected [*specify times and places*].

Auctioneer

\* Strike out the option that is not applicable.

## 21—Substitution of Schedule 2

Schedule 2—delete the Schedule and substitute:

### Schedule 2—Contracts for sale of land or businesses— inquiries

Table 1—Mortgages, charges and prescribed encumbrances

| Column 1<br>Mortgage, charge or prescribed<br>encumbrance specified as item in<br>Form 1 Schedule Division 1 and Form 2<br>Schedule 2 Division 1  | Column 2<br>Body to whom inquiry is to be made                      |
|---|---|
| (1) All items under the following headings (except where otherwise specified):<br><br><i>Development Act 1993</i><br>(section 71 only)<br><br><i>Fire and Emergency Services Act 2005</i><br><br><i>Local Government Act 1934</i><br><br><i>Local Government Act 1999</i>   | The council   |
| (2) All items under the following headings (except where otherwise specified):<br><br><i>Development Act 1993</i><br>(other than section 60 and section 71)<br><br><i>Food Act 2001</i><br><br><i>Housing Improvement Act 1940</i><br><br><i>Public and Environmental Health Act 1987</i><br>(other than section 36)<br><br>Repealed Act conditions | Department for Transport, Energy and Infrastructure and the council |
| (3) All other items (other than <i>Development Act 1993</i> section 60 and <i>Fences Act 1975</i> section 5)  | Department for Transport, Energy and Infrastructure                 |

Table 2—Matters affecting land

| <b>Column 1</b><br><b>Matters specified in Form 1 Schedule</b><br><b>Division 2 and Form 2 Schedule 2</b><br><b>Division 2</b>  | <b>Column 2</b><br><b>Body to whom inquiry is to be made</b>  |
|---|---|
| Particulars of building indemnity insurance (all items under that heading)  | The council   |
| Particulars of water allocation for irrigation purposes (all items under that heading)  | Department for Transport, Energy and Infrastructure   |
| Particulars relating to environment protection (items 2(3), 3, 4 and 5 under that heading)  | Department for Transport, Energy and Infrastructure   |
| Particulars relating to <i>Livestock Act 1997</i> (the following items under that heading: a notice under section 33, 37 or 72 of the Act or an order under section 38 of the Act, in relation to the land or a building on the land) | Department for Transport, Energy and Infrastructure or Department of Primary Industries and Resources |

**22—Variation of Schedule 3—Contracts for sale of land or businesses—fees**

- (1) Schedule 3, clause 1—delete "For particulars and documentary material" and substitute:  
For a council search report
- (2) Schedule 3, clause 1(a)—delete "for particulars—" and substitute:  
for particulars in the report—
- (3) Schedule 3, clause 1(b)—delete "for documentary material—" and substitute:  
for documentary material in the report—
- (4) Schedule 3, clause 2(1)—delete "section 7 statement" and substitute:  
property interest report
- (5) Schedule 3, clause 2(2)—delete "section 7 statement" and substitute:  
property interest report
- (6) Schedule 3, clause 2(2)(a)—delete "section 7 statement" and substitute:  
property interest report
- (7) Schedule 3, clause 2(2)(b)—delete "statement" wherever occurring and substitute in each case:  
report
- (8) Schedule 3, clause 2(3)—delete "section 7 statement" and substitute:  
property interest report
- (9) Schedule 3, clause 2(3)(a)—delete "section 7 statement" and substitute:  
property interest report
- (10) Schedule 3, clause 2(3)(b)—delete "statement" wherever occurring and substitute in each case:  
report

- (11) Schedule 3, clause 3, definition of *related title*—delete "section 7 statement" wherever occurring and substitute in each case:
- property interest report
- (12) Schedule 3, clause 3, definition of *section 7 statement*—delete the definition

## Schedule 1—Transitional provisions

### 1—Transitional provision relating to Part 3

- (1) A vendor's statement for the purposes of section 7 of the *Land and Business (Sale and Conveyancing) Act 1994* prepared before the commencement of Part 3 of these regulations will be taken to comply with the *Land and Business (Sale and Conveyancing) Regulations 1995* as varied by Part 3 if the statement—
- (a) was prepared not more than 2 months before the commencement of that Part; and
  - (b) complies with the Act and regulations as in force immediately before the commencement of that Part; and
  - (c) is accurate as at the date of service of the statement on the purchaser.
- (2) A vendor's statement for the purposes of section 8 of the *Land and Business (Sale and Conveyancing) Act 1994* prepared before the commencement of Part 3 of these regulations will be taken to comply with the *Land and Business (Sale and Conveyancing) Regulations 1995* as varied by Part 3 if the statement—
- (a) was prepared not more than 2 months before the commencement of that Part; and
  - (b) complies with the Act and regulations as in force immediately before the commencement of that Part; and
  - (c) is accurate as at the date of service of the statement on the purchaser.
- (3) A reference in this clause to the date of service of a vendor's statement is, where a notice of amendment to the statement is served for the purposes of section 10 of the *Land and Business (Sale and Conveyancing) Act 1994*, a reference to the presumed date of service of the statement under that section.

### 2—Transitional provision relating to Part 4

- (1) A vendor's statement for the purposes of section 7 of the *Land and Business (Sale and Conveyancing) Act 1994* prepared before the commencement of Part 4 of these regulations will be taken to comply with the *Land and Business (Sale and Conveyancing) Regulations 1995* as varied by Part 4 if the statement—
- (a) was prepared not more than 2 months before the commencement of Part 4; and
  - (b) complies with the Act and regulations as in force—
    - (i) if prepared before the commencement of Part 3 of these regulations—immediately before the commencement of Part 3;
    - (ii) if prepared after the commencement of Part 3—immediately before the commencement of Part 4; and
  - (c) is accurate as at the date of service of the statement on the purchaser.

- (2) A vendor's statement for the purposes of section 8 of the *Land and Business (Sale and Conveyancing) Act 1994* prepared before the commencement of Part 4 of these regulations will be taken to comply with the *Land and Business (Sale and Conveyancing) Regulations 1995* as varied by Part 4 if the statement—
- (a) was prepared not more than 2 months before the commencement of Part 4; and
  - (b) complies with the Act and regulations as in force—
    - (i) if prepared before the commencement of Part 3 of these regulations—immediately before the commencement of Part 3;
    - (ii) if prepared after the commencement of Part 3—immediately before the commencement of Part 4; and
  - (c) is accurate as at the date of service of the statement on the purchaser.
- (3) A reference in this clause to the date of service of a vendor's statement is, where a notice of amendment to the statement is served for the purposes of section 10 of the *Land and Business (Sale and Conveyancing) Act 1994*, a reference to the presumed date of service of the statement under that section.

**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's Deputy**

with the advice and consent of the Executive Council  
on 30 April 2009

No 47 of 2009

MCA07/049CS



South Australia

## **Motor Vehicles Variation Regulations 2009**

under the *Motor Vehicles Act 1959*

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### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of *Motor Vehicles Regulations 1996***

- 4 Variation of regulation 13AA—Return or recovery of number plates—exceptions
  - 5 Variation of Schedule 6—Expiation fees
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Motor Vehicles Variation Regulations 2009*.

#### **2—Commencement**

These regulations will come into operation on the day on which section 5 of the *Statutes Amendment (Transport Portfolio) Act 2008* 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 *Motor Vehicles Regulations 1996***

#### **4—Variation of regulation 13AA—Return or recovery of number plates—exceptions**

Regulation 13AA(1)—delete subregulation (1) and substitute:

- (1) The Registrar is not required to give a person a direction under section 47C(2) of the Act requiring the return of number plates issued for a motor vehicle if—
  - (a) the Registrar is satisfied that—
    - (i) the vehicle is, or is to be, periodically registered for terms of less than 12 months on each occasion; or

- (ii) the number plates are the subject of an agreement between the Registrar and the person under section 47A of the Act under which the person has acquired a right to attach the plates to any motor vehicle registered in the person's name from time to time; or
  - (iii) the vehicle has been purchased by a motor vehicle dealer or auctioneer; or
- (b) the Registrar considers that there are reasonable grounds for not requiring the person to return the plates.

### 5—Variation of Schedule 6—Expiation fees

- (1) Schedule 6, Part 1, table—before the item relating to section 16(9) of the Act insert:

|      |  |       |
|------|--|-------|
| 9(1) | <i>Driving unregistered motor vehicle on road or causing unregistered motor vehicle to stand on road</i> | \$250 |
| 9(3) | <i>Being owner of unregistered motor vehicle found standing on road</i>                                  | \$250 |

- (2) Schedule 6, Part 1, table—after the item relating section 16(9) of the Act insert:

|        |  |       |
|--------|--|-------|
| 43A(3) | <i>Causing or permitting unregistered heavy vehicle to be driven on road</i>   | \$250 |
| 43A(7) | <i>Failing to carry temporary configuration certificate in vehicle or to produce it for inspection by police officer or authorised officer</i> | \$25  |

- (3) Schedule 6, Part 1, table, item relating to section 102(1) of the Act—delete the item and substitute:

|        |  |       |
|--------|--|-------|
| 102(1) | <i>Driving uninsured motor vehicle on road or causing uninsured motor vehicle to stand on road</i> | \$500 |
| 102(2) | <i>Being owner of uninsured motor vehicle found standing on road</i>                               | \$500 |

**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's Deputy

with the advice and consent of the Executive Council  
on 30 April 2009

No 48 of 2009

South Australia

## Road Traffic (Miscellaneous) Variation Regulations 2009

under the *Road Traffic Act 1961*

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### Contents

#### Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### Part 2—Variation of *Road Traffic (Miscellaneous) Regulations 1999*

- 4 Variation of regulation 4—Interpretation
  - 5 Variation of regulation 14—Apparatus approved as photographic detection devices
  - 6 Variation of regulation 17—Operation and testing of photographic detection devices referred to in regulation 14(1)(a) for offences committed at intersections, marked foot crossings or level crossings
  - 7 Variation of regulation 19—Operation and testing of photographic detection devices referred to in regulation 14(1)(c)
  - 8 Insertion of regulation 19AA  
19AA Operation and testing of photographic detection devices referred to in regulation 14(1)(d) for certain offences
  - 9 Substitution of Schedule 4  
Schedule 4—Notice
- 

### Part 1—Preliminary

#### 1—Short title

These regulations may be cited as the *Road Traffic (Miscellaneous) Variation Regulations 2009*.

#### 2—Commencement

These regulations will come into operation on the day on which section 28 of the *Statutes Amendment (Transport Portfolio) Act 2008* 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 *Road Traffic (Miscellaneous) Regulations 1999***

### **4—Variation of regulation 4—Interpretation**

- (1) Regulation 4(1)—after the definition of *level crossing offence* insert:

*reckless or dangerous driving offence* means an offence against section 46(1) of the Act;
- (2) Regulation 4(1)—after the definition of *red light offence* insert:

*registration offence* has the same meaning as in section 79B of the Act;
- (3) Regulation 4—after subregulation (1) insert:
  - (2) In these regulations, *intersection*, *level crossing*, *marked foot crossing*, *stop line* and *traffic lights* have the same respective meanings as in the *Australian Road Rules*.

### **5—Variation of regulation 14—Apparatus approved as photographic detection devices**

- (1) Regulation 14(1)(a)—delete "an offence against section 46(1) of the Act," and substitute:

a reckless or dangerous driving offence, a registration offence,
- (2) Regulation 14(1)(c)—delete "an offence against section 46(1) of the Act" and substitute:

a reckless or dangerous driving offence, a registration offence
- (3) Regulation 14(1)(d)—delete "an offence against section 46(1) of the Act," and substitute:

a reckless or dangerous driving offence, a registration offence,

### **6—Variation of regulation 17—Operation and testing of photographic detection devices referred to in regulation 14(1)(a) for offences committed at intersections, marked foot crossings or level crossings**

- (1) Regulation 17(1)(a)—delete paragraph (a)
- (2) Regulation 17—after subregulation (2) insert:
  - (3) Where a photographic detection device referred to in regulation 14(1)(a) is used to provide evidence of reckless or dangerous driving offences or registration offences committed at an intersection, marked foot crossing or level crossing, the provisions of subregulation (2) must be complied with.

### **7—Variation of regulation 19—Operation and testing of photographic detection devices referred to in regulation 14(1)(c)**

- Regulation 19—after its present contents (now to be designated as subregulation (1)) insert:
- (2) Where a photographic detection device referred to in regulation 14(1)(c) is used to provide evidence of reckless or dangerous driving offences or registration offences, the provisions of subregulation (1) must be complied with.

**8—Insertion of regulation 19AA**

After regulation 19 insert:

**19AA—Operation and testing of photographic detection devices referred to in regulation 14(1)(d) for certain offences**

Where a photographic detection device referred to in regulation 14(1)(d) is used to provide evidence of reckless or dangerous driving offences or registration offences, the provisions of regulation 19A must be complied with.

## 9—Substitution of Schedule 4

Schedule 4—delete Schedule 4 and substitute:

### Schedule 4—Notice

(Section 79B(5) and (6))

#### Road Traffic Act 1961, Notice under section 79B(5) & (6) Photographic detection devices – Your questions answered

- Q1. There is more than one vehicle in the photograph. How do you know it is my vehicle that was speeding?**
- A1.** There will often be more than one vehicle travelling in the same direction in the photograph. However, this does not mean that your vehicle cannot be accurately identified as being involved in an alleged offence.
- If the photograph was taken by a mobile speed camera, a template is used to mark the detection zone of the camera so that the infringing vehicle can be pinpointed and identified.
- If the photograph was taken by a fixed speed camera, the infringing vehicle is identified by its position on the road and its lane of travel. A detection area, or 'loop', has been installed in each traffic lane and a photograph is taken as the vehicle crosses that loop.
- Q2. What type of cameras will be able to detect unregistered and uninsured vehicles?**
- A2.** ALL safety cameras including Safe-T-Cam, red light and speed. These cameras are constantly being installed in South Australia.
- Q3. What happens with unregistered and uninsured offences detected by camera if I drive through a camera more than once?**
- A3.** There will be a grace period of 7 days from the first offence detected by camera. If your vehicle is detected by camera again **after** the grace period, you will have to pay an expiation fee or fine for each offence until you register and insure your vehicle. The grace period ends before 7 days if you are detected road-side and charged with or given an expiation notice for driving the vehicle unregistered or uninsured. The grace period will not apply if you have been charged with or given an expiation notice for driving the vehicle unregistered or uninsured, since it was last registered.
- Q4. Can I be issued with an expiation notice if I am speeding through a green or yellow (amber) traffic light, or only through a red traffic light?**
- A4.** At intersections, junctions or crossings where combined red light and speed cameras have been installed, you can be detected speeding through all phases of the traffic lights (green, yellow or red). If you are speeding through a red light, a single
- expiation notice listing both the speeding and red light offences will be issued to you.
- Q5. If I pay the expiation fee, will I also incur demerit points?**
- A5.** Yes. Demerit points will be incurred for speeding, red light or level crossing offences detected by a camera. No demerit points will be incurred for unregistered and uninsured offences. If you accumulate 12 or more demerit points in a 3 year period you will face a period of disqualification from driving. Provisional licence holders will face a period of disqualification if they breach their licence conditions or accumulate 4 or more demerit points. If a provisional licence holder incurs one or more demerit points before reaching the age of 19, the period for which their provisional conditions apply may be extended.
- Q6. If the offence is minor or there are extenuating circumstances, can demerit points be reduced or not imposed?**
- A6.** Only a court can reduce the number of demerit points. You are advised to seek independent legal advice to consider your options.
- Q7. What if I did not see the speed limit sign?**
- A7.** It is your responsibility as a driver to be aware of and obey the speed limit at all times. Failure to be aware of the speed limit is not a ground for the withdrawal of an expiation notice or summons.
- Q8. If I want to see the photographic evidence, what do I need to do?**
- A8.** You are entitled to see the photographic evidence. A copy of the photographic evidence on which the allegation is based:
- (a) will, if you complete the Request for Photographic Evidence form at the foot of this page and forward it by post to **Commissioner of Police Expiation Notice Branch, GPO Box 2029 Adelaide SA 5001 (or by fax to (08) 8463 4361)** be sent by post to you at the address nominated by you on the form (or in the absence of a nominated address, to your last known address); and
- (b) may be viewed by appointment with the Expiation Notice Branch by telephoning **(08) 8463 4388**.

REQUEST FOR PHOTOGRAPHIC EVIDENCE Please forward a copy of the Traffic Camera Photograph relating to the following:  
(Note the Expiation Notice DUE DATE WILL NOT BE EXTENDED upon request for photographic evidence)

|                         |                      |                      |                      |
|-------------------------|----------------------|----------------------|----------------------|
| Expiation Notice Number | <input type="text"/> | Vehicle Registration | <input type="text"/> |
| TO: Name                | <input type="text"/> |                      |                      |
| Address                 | <input type="text"/> |                      |                      |
| Suburb / Town           | <input type="text"/> |                      |                      |
| State                   | <input type="text"/> | Postcode             | <input type="text"/> |
|                         |                      | Signature            | <input type="text"/> |
|                         |                      | Date                 | <input type="text"/> |

**Defences available to registered owners**

- Q9. What if I was not driving the vehicle at the time?**  
**A9.** If the vehicle is registered in your name, an expiation notice or summons will automatically be sent to you. If you were not driving the vehicle at the time of the alleged offence, you can nominate the driver by completing a Statutory Declaration (as the registered owner of the vehicle) and forwarding it to the Commissioner of Police. The Statutory Declaration must state that you were not driving the vehicle and provide the name and address of the person who was driving.  
 Depending on the information you have provided, the expiation notice or summons may be withdrawn and an expiation notice or summons issued to the driver you have named.
- Q10. What if I don't know who was driving my vehicle at the time?**  
**A10.** If you do not know who the driver was at the time of the alleged offence and can show that you have tried to find out his or her identity 'by the exercise of reasonable diligence', you can send a Statutory Declaration to the Commissioner of Police, stating the reasons why the driver's identity is unknown to you and what inquiries (if any) you have made to find out who was driving the vehicle.  
 The Commissioner may ask you for further evidence in support of your claim and, in relation to the question of withdrawal of the expiation notice or summons, will give due consideration to the evidence you have provided.  
**However**, owners who lend their vehicle or allow it to be taken for a test drive should record the driver's details. Failure to identify the driver in these circumstances will not be considered as grounds for withdrawal of an expiation notice or summons.
- Q11. What if I have sold the vehicle to someone else and I receive an expiation notice or summons?**  
**A11.** You can send a completed Statutory Declaration to the Commissioner of Police, stating the name and address of the person or company to whom you sold the vehicle.
- Q12. What if the vehicle is registered to a company?**  
**A12.** If an expiation notice or summons is issued to a company, the expiation fee or fine that may be imposed is higher than that payable by a natural person. Where the registered owner of the vehicle is a company, an officer of the company acting with the authority of the company must forward a Statutory Declaration to the Commissioner of Police stating the name and address of the person who was driving the vehicle at the time of the alleged offence.  
 If the vehicle was not being driven at the time by any officer or employee of the company acting in the ordinary course of his or her duties as such, and the company does not know and could not, "by the exercise of reasonable diligence", have known who was driving the vehicle at the time, the officer of the company must forward a Statutory Declaration stating the reasons why the identity of the driver is not known to the company and what inquiries (if any) the company has made to find out who was driving the vehicle.  
 The Commissioner may ask for further evidence in support of the claim and, in relation to the question of withdrawal of the expiation notice or summons, will give due consideration to the evidence you have provided.  
**However**, a company is expected to keep records of people who use company vehicles. Failure to nominate the driver in this circumstance will not be considered as grounds for withdrawal of an expiation notice or summons.
- Q13. If I will be sending a Statutory Declaration should I also pay the expiation notice?**  
**A13.** No. If you nominate another person as the driver of the vehicle at the time of the alleged offence, *do not* forward any payment on behalf of that person.  
 An expiation notice or summons will be sent to the nominated person.  
 If you are unable to send a completed Statutory Declaration, you must pay the expiation fee unless you choose to defend the allegation in court.
- Q14. What if my vehicle appears to have been involved in the alleged speeding, red light, level crossing, unregistered or uninsured offence, but no such offence was in fact committed?**  
**A14.** You will have a defence if you can prove that your vehicle was not used in the commission of the alleged offence.

**How to complete a Statutory Declaration**

If you believe you have a defence to the offence alleged in the enclosed expiation notice, expiation reminder notice or summons, you must complete a Statutory Declaration and forward it to the Commissioner of Police by post to **Commissioner of Police Expiation Notice Branch GPO Box 2029 Adelaide SA 5001 or by fax to (08) 8463 4361**

**You must provide the following information:**

- your full name and address;
- expiation notice number;
- motor vehicle registration number; **and**,
- the full name and address of the person or company you wish to nominate or the reasons why the driver's identity is not known and what enquiries you have made to ascertain the driver's identity; or,
- information about the defence you have to the allegation; or,
- the full name and address of the person to whom you sold the vehicle.

**The Statutory Declaration must be witnessed by one of the following:**

- Justice of the Peace (including ID No.)
- Proclaimed Manager
- Proclaimed Police Officer
- Commissioner for taking affidavits

The Statutory Declaration must be received by the Commissioner of Police *before the due date for payment specified in the enclosed expiation notice or expiation reminder notice* or, if the enclosed document is a summons, *within 21 days after the date of issue of the summons*. The Commissioner of Police will, in relation to the question of withdrawal of the expiation notice, reminder notice or complaint, give due consideration to any exculpatory evidence that is verified by statutory declaration and furnished to the Commissioner within these periods.

**NOTE:** It is an offence to make a Statutory Declaration that you know to be untrue in a material particular. Maximum penalty is 4 years imprisonment.

**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's Deputy**

with the advice and consent of the Executive Council  
on 30 April 2009

No 49 of 2009



South Australia

## **Development (Mawson Lakes) Variation Regulations 2009**

under the *Development Act 1993*

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### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of *Development Regulations 2008***

- 4 Variation of Schedule 9—Public notice categories
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Development (Mawson Lakes) 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 *Development Regulations 2008***

#### **4—Variation of Schedule 9—Public notice categories**

Schedule 9—after clause 26 insert:

- 27 Except where the development falls within Part 1 of this Schedule, any development in that part of the area of the City of Salisbury defined in the relevant Development Plan as the MFP (The Levels) Zone.

#### **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's Deputy**

with the advice and consent of the Executive Council  
on 30 April 2009

No 50 of 2009

MUDP08/030CS

South Australia

## **Primary Industry Funding Schemes (Sheep Industry Fund) Variation Regulations 2009**

under the *Primary Industry Funding Schemes Act 1998*

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### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of *Primary Industry Funding Schemes (Sheep Industry Fund) Regulations 1999***

- 4 Variation of regulation 6—Contributions
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Primary Industry Funding Schemes (Sheep Industry Fund) Variation Regulations 2009*.

#### **2—Commencement**

These regulations will come into operation on 1 May 2009.

#### **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 *Primary Industry Funding Schemes (Sheep Industry Fund) Regulations 1999***

#### **4—Variation of regulation 6—Contributions**

Regulation 6(1)—delete "\$0.40" and substitute:

\$0.35

#### **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's Deputy**

with the advice and consent of the Executive Council  
on 30 April 2009

No 51 of 2009

MAFF09/007CS

South Australia

## **Fair Work (General) Regulations 2009**

under the *Fair Work Act 1994*

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### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Declared employer for public employees
- 5 Employment excluded from Act

#### **Part 2—Enterprise agreements**

- 6 Notice to be given by association
- 7 Notice to be given by employer
- 8 Requirements for signing an enterprise agreement

#### **Part 3—Miscellaneous**

- 9 Unfair dismissal
- 10 Awards relating to disabled workers
- 11 Continuous service

Schedule 1—Notice of intention to negotiate enterprise agreement under the *Fair Work Act 1994*

Schedule 2—Recognised organisations

Schedule 3—Revocation of *Industrial and Employee Relations (General) Regulations 1994*

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### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Fair Work (General) Regulations 2009*.

#### **2—Commencement**

These regulations will come into operation on 1 September 2009.

#### **3—Interpretation**

In these regulations, unless the contrary intention appears—  
*Act* means the *Fair Work Act 1994*.

#### 4—Declared employer for public employees

The following are declared to be employers of public employees for the purposes of paragraph (a) of the definition of *employer* in section 4(1) of the Act:

- (a) in respect of employees of the Lotteries Commission of South Australia—that body;
- (b) in respect of employees of TransAdelaide—that body;
- (c) in respect of other public employees—the person for the time being holding or acting in the position of Chief Executive of the Department of the Premier and Cabinet.

#### 5—Employment excluded from Act

- (1) Pursuant to section 6(b) of the Act, employment which consists of part-time or casual employment performed in or about a private residence is excluded from the ambit of the Act provided that the work is wholly or mainly performed for a domestic purpose.
- (2) In this regulation work is performed for a *domestic purpose* if it is not performed for the purpose of the employer's trade or business.

### Part 2—Enterprise agreements

#### 6—Notice to be given by association

- (1) Pursuant to section 75(2)(b) of the Act, an association which proposes to enter into an enterprise agreement on behalf of a group of employees must give notice of that proposal to the group of employees in accordance with this regulation.
- (2) An association acting under subregulation (1) must take reasonable steps to ensure—
  - (a) that a written notice is given to each employee currently constituting the group proposed to be bound by the enterprise agreement; and
  - (b) where practicable, that a written notice is displayed at the employees' workplace.
- (3) A notice prepared under this regulation—
  - (a) must be expressed in plain English; and
  - (b) must state the full name of the association; and
  - (c) must provide the name and the phone number of an officer of the association who can be contacted for further information in relation to the proposed enterprise agreement; and
  - (d) must identify the group of employees who would or might be bound by the proposed enterprise agreement with enough particularity to enable an employee to determine whether or not they are or might be in the group; and
  - (e) must contain a statement advising employees in the group—
    - (i) that if the association is authorised by a majority of the employees constituting the group to negotiate on their behalf, the association may enter into an enterprise agreement under the Act which would bind all members of the group; and

- (ii) that any employee within the group who is a member of the association will be taken to have given an authorisation for the purposes of the Act unless the employee, by written notice to the association, withdraws the authorisation; and
  - (f) must provide details of the means by which an employee within the group who is not a member of the association may give an authorisation to the association for the purposes of the Act; and
  - (g) must be signed by or on behalf of the association.
- (4) The association should, so far as is reasonably practicable, ensure that a notice displayed in a workplace under this regulation is in such languages as are appropriate for a significant number of the employees to whom the notice is addressed.
- (5) If an employee reasonably requests that a notice given to the employee under this regulation be supplied in a language other than English, the association must take reasonable steps to provide the employee with a copy of the notice in the language requested.

### **7—Notice to be given by employer**

- (1) Pursuant to section 76(1) of the Act, an employer must give notice in accordance with this regulation that negotiations for an enterprise agreement are about to begin.<sup>1</sup>
- (2) The employer must take reasonable steps to ensure—
- (a) that a written notice is given to each employee currently constituting the group proposed to be bound by the enterprise agreement; and
  - (b) where reasonably practicable, that a written notice, in such languages as are appropriate for a significant number of the employees to whom the notice is addressed, is displayed at the employees' workplace.
- (3) A notice prepared under this regulation—
- (a) must be expressed in plain language; and
  - (b) must include a statement that the employer proposes to begin negotiations on the terms of an enterprise agreement and propose a date and place for the commencement of those negotiations; and
  - (c) must identify the group of employees who would or might be bound by the proposed enterprise agreement with enough particularity to enable an employee to determine whether or not they are or might be in the group; and
  - (d) may outline the employer's proposed procedure for negotiations on the terms of the enterprise agreement, including the anticipated time frame for the negotiations and any proposed consultative arrangements; and
  - (e) may outline matters that the employer proposes to be subject to negotiations for an agreement; and
  - (f) must be signed by or on behalf of the employer; and
  - (g) may take the form of the notice set out in Schedule 1.
- (4) If an employee reasonably requests that a notice given to the employee under this regulation be supplied in a language other than English, the employer must take reasonable steps to provide the employee with a copy of the notice in the language requested.

- (5) Two or more employers who may be involved in negotiations on the terms of the same enterprise agreement may, if they think fit, give a notice under this regulation jointly.

**Note—**

- 1 Under section 76(1) of the Act notice is not required if the agreement is negotiated to settle an industrial dispute, or the Commission determines that there is good reason in the circumstances of the case to exempt the employer from this requirement.

## **8—Requirements for signing an enterprise agreement**

- (1) Pursuant to section 77(1)(g) of the Act, an enterprise agreement must be signed—
- (a) on behalf of an employer, by—
    - (i) the employer; or
    - (ii) a person duly authorised by the employer to sign on the employer's behalf;
  - (b) on behalf of the employees, by—
    - (i) those employees currently constituting the group proposed to be bound by the enterprise agreement and who approve of the agreement; or
    - (ii) an authorised officer of an association which has been authorised to enter into the agreement on behalf of the employees under section 75(2) of the Act; or
    - (iii) a person duly authorised by those employees currently constituting the group proposed to be bound by the enterprise agreement, and who approve of the agreement, to sign the agreement on their behalf.
- (2) If an enterprise agreement contains a provision authorised under section 77(1)(d) of the Act, the agreement must also be signed by an authorised officer of the association of employees that has been given the right to represent the industrial interests of the employees to the exclusion of another association of employees.

## **Part 3—Miscellaneous**

### **9—Unfair dismissal**

Pursuant to section 105A(2) of the Act, the following classes of employees are excluded from the ambit of Part 6 of Chapter 3 of the Act:

- (a) employees serving a period of probation or a qualifying period of employment, provided that the duration of the period or the maximum duration of the period—
  - (i) is determined in advance; and
  - (ii) is reasonable, having regard to the nature and circumstances of the employment;
- (b) casual employees, except where—
  - (i) the employee has been engaged by the employer on a regular and systematic basis for a sequence of periods of employment during a period of at least six months; and
  - (ii) the employee has, or would have had, a reasonable expectation of continuing employment by the employer;



- (c) employees whose conditions of employment are governed by an award, enterprise agreement or contract of employment that makes specific arrangements concerning unfair dismissal that, when considered as a whole, provide protection that is at least equivalent to the protection afforded to employees under Part 6 of Chapter 3 of the Act.

## **10—Awards relating to disabled workers**

- (1) Pursuant to section 113(1)(c) of the Act, the bodies or organisations listed in Schedule 2 are declared to be recognised organisations for the purposes of section 113 of the Act.
- (2) Pursuant to section 113(3) of the Act, an award under section 90 of the Act cannot regulate the wages or salary payable to a person to whom section 113 of the Act applies.
- (3) For the purposes of subregulation (2), wages or salary do not include—
  - (a) amounts payable by way of rates or shift premiums; or
  - (b) amounts payable for overtime; or
  - (c) allowances.

## **11—Continuous service**

- (1) Pursuant to clause 1(3) of Schedule 8 of the Act, in ascertaining whether an employee's period of service is continuous the following events or matters are to be disregarded:
  - (a) a—
    - (i) suspension, stand down or other interruption; or
    - (ii) termination,by the employer of the employee's employment for the purpose of avoiding the employer's obligations under section 1 of Schedule 8 of the Act;
  - (b) an absence from work by the employee on authorised leave;
  - (c) subject to subregulation (2), an absence from work by the employee due to—
    - (i) the employee's illness; or
    - (ii) an accident to the employee;
  - (d) subject to subregulation (3), an absence from work by the employee, if there was reasonable cause for the absence;
  - (e) subject to subregulation (4), an absence from work by the employee due to concerted or collective industrial action;
  - (f) any other absence from work, unless notice is given under subregulation (5) in relation to that absence.
- (2) Subregulation (1)(c) does not apply to an absence from work unless—
  - (a) if the employee is required by the terms of an award or order of a court or tribunal that has power to fix wages and other terms and conditions of employment, or an agreement certified or approved by such a body, to—
    - (i) notify the employer of an absence from work; and
    - (ii) substantiate the reason for that absence,the employee complies with those terms; or

- (b) in any other case—the employee informs the employer within 24 hours after the commencement of the absence, or within such longer period as is reasonable in the circumstances, as to—
  - (i) the employee's absence and inability to attend work; and
  - (ii) whether the absence is due to illness or accident; and
  - (iii) the likely duration of the absence.
- (3) Subregulation (1)(d) does not apply to an absence from work unless—
  - (a) if the employee is required by the terms of an award or order of a court or tribunal that has power to fix wages and other terms and conditions of employment, or an agreement certified or approved by such a body, to—
    - (i) notify the employer of an absence from work; and
    - (ii) substantiate the reason for that absence,the employee complies with those terms; or
  - (b) in any other case—the employee informs the employer within 24 hours after the commencement of the absence, or within such longer period as is reasonable in the circumstances, of—
    - (i) the employee's absence and inability to attend work; and
    - (ii) the reason for the absence; and
    - (iii) the likely duration of the absence.
- (4) Subregulation (1)(e) does not apply to an absence from work if the Commission has determined that, for the purpose of determining the employee's entitlement to notice of termination of the employee's employment or to compensation instead of notice, the absence is to be taken as breaking the employee's continuity of service.
- (5) For the purposes of subregulation (1)(f), the employer may give to the employee notice in writing in accordance with subregulation (6) that the absence from work is to be taken as breaking the employee's continuity of service with the employer.
- (6) A notice under subregulation (5) (if any) must be given—
  - (a) by delivering it to the employee personally or posting it to the employee's last known address; and
  - (b) during, or within 14 days after the end of, the period of absence.
- (7) A notice given by an employer under subregulation (5)—
  - (a) may be withdrawn by the employer; and
  - (b) if withdrawn, is taken not to have been given.

## Schedule 1—Notice of intention to negotiate enterprise agreement under the *Fair Work Act 1994*

### To all employees

- 1 **Take notice** that *(name of employer)* proposes to begin negotiations for an enterprise agreement.
- 2 The—
  - (a) proposed date for commencement of negotiations<sup>1</sup> is:
  - (b) proposed place for commencement of negotiations is:
- 3 It is proposed that the enterprise agreement will bind the following employees: *(insert here the names, categories or classes of employees—the description used should be sufficiently precise to allow employees to determine whether or not they are in the group that the employer proposes will be bound)*
- 4 Employees have the right to be represented in the negotiation of, and in any proceedings for approval of, the enterprise agreement by the Employee Ombudsman, an employee association registered under the Act, or another agent of your choice.<sup>2</sup>
- 5 Employees to be involved in these negotiations can gain access to copies of the industrial awards which currently regulate their employment in the following manner: *(insert here the name of the relevant award and the proposed method of access to the award in the workplace eg insert the name of a person who employees can contact to examine a copy of the award)*

#### **Award**

#### **How to obtain access**

Employees should note that under the *Fair Work Act 1994* your employer is bound to provide you with a copy of your award upon request unless you have previously requested a copy of the award in the last 12 months or your employer has been relieved of the obligation to provide a copy of the award by the Industrial Relations Commission of South Australia. *(This clause need only be completed where employees conditions of employment are currently governed by an award.<sup>3</sup>)*

- 6 **Additional information:**  
*(An employer may here, for example, outline the employer's proposed procedure for negotiations on the terms of the enterprise agreement including the anticipated time frame and proposed consultative arrangements, or may outline matters that may, according to the employer's proposals, be subject to negotiations for an agreement or any other appropriate information—add annexure if required)*
- 7 **Signature of employer or authorised person:**  
Date:

#### **Notes—**

- 1 Under section 76(1) of the Act this date cannot be less than 14 days from the date that this notice is given to employees.

- 2 Under section 76(2) of the Act an employer is required to inform employees of their right to representation in the negotiation and proceedings for approval of an enterprise agreement. Employers should also note that under section 76(3) of the Act an employer who is aware that an employee is a member of a registered association must take reasonable steps to inform the association that negotiations for an enterprise agreement are about to begin.
- 3 Under section 76(4) of the Act an employer is required to ensure that employees have reasonable access to any applicable award.

## Schedule 2—Recognised organisations

| Organisation or body  | Principal location                               |
|---|--|
| Autism Association of South Australia Incorporated  | 262 Marion Road<br>NETLEY SA 5037                |
| Barkuma Incorporated (except for that part known as Personnel Employment (SA) a Division of Barkuma Incorporated) | Level 1, 260 Currie Street<br>ADELAIDE SA 5000   |
| Barossa Enterprises Incorporated  | 55 Basedow Road<br>TANUNDA SA 5352               |
| Bedford Industries Incorporated   | 615 Goodwood Road<br>PANORAMA SA 5041            |
| Bordertown Handy Help   | 63 Farquhar Street<br>BORDERTOWN SA 5268         |
| Finding Workable Solutions Incorporated   | 44-46 George Main Road<br>VICTOR HARBOUR SA 5211 |
| Gambier Contracts Incorporated  | 3 Eucalypt Drive<br>MT. GAMBIER SA 5290          |
| Heritage Industries Incorporated  | Attamurra Road<br>MT. GAMBIER SA 5290            |
| Invicta Services Ltd.   | 47 King William Street<br>KENT TOWN SA 5067      |
| LEPSH Incorporated  | Coronation Place<br>PT. LINCOLN SA 5606          |
| Melaleuca Centre Incorporated   | 76 Princess Highway<br>MENINGIE SA 5264          |
| Millicent Work Option Centre Incorporated   | 16-18 George Street<br>MILLICENT SA 5280         |
| Minda Incorporated  | King George Avenue<br>BRIGHTON SA 5048           |
| Muscular Dystrophy Association of S.A. Incorporated   | 36-38 Henley Beach Road<br>MILE END SA 5031      |
| Orana Incorporated  | 26 Watson Avenue<br>NETLEY SA 5037               |
| Phoenix Society Incorporated  | 18 Ashwin Parade<br>TORRENSVILLE SA 5031         |
| Product Action Incorporated   | 64 O.G. Road<br>KLEMZIG SA 5087                  |
| Royal Society for the Blind of South Australia Incorporated   | 254 Angus Street<br>ADELAIDE SA 5000             |

| <b>Organisation or body</b>       | <b>Principal location</b>   |
|-----------------------------------|---|
| SA Group Enterprises Incorporated | Mark Oliphant Building<br>Ground Floor, Level 1B (North Wing)<br>Laffer Drive<br>BEDFORD PARK SA 5042 |
| Strathmont Centre                 | Grand Junction Road<br>OAKDEN SA 5086   |
| Tatiara Treats                    | 63 Farquhar Street<br>BORDERTOWN SA 5268  |
| Wirrawee Incorporated             | 25 Adgerey Road<br>KADINA SA 5554   |

### **Schedule 3—Revocation of *Industrial and Employee Relations (General) Regulations 1994***

The *Industrial and Employee Relations (General) Regulations 1994* are revoked.

#### **Made by the Governor's Deputy**

with the advice and consent of the Executive Council  
on 30 April 2009

No 52 of 2009

MIR09/018CS

South Australia

## **Fair Work (Representation) Regulations 2009**

under the *Fair Work Act 1994*

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Fair Work (Representation) Regulations 2009*.

### 2—Commencement

These regulations will come into operation on 1 September 2009.

### 3—Interpretation

In these regulations, unless the contrary intention appears—

*Act* means the *Fair Work Act 1994*;

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

*recognised advocate* means—

- (a) a person who is an officer or employee of an association and whose registration as a registered agent under the Act is supported by that association; or
- (b) a person whose registration as a registered agent under the Act is supported by an employer of public employees.

## Part 2—General right of representation

### 4—Party may be represented by any person

A party or intervener may be represented in proceedings before the Court or Commission by a person of his or her choice provided that the person is not acting for fee or reward.<sup>1</sup>

#### Note—

- 1 This regulation is intended to state a general principal and does not derogate from the provisions regarding representation contained in sections 151 and 152 of the Act.

## **Part 3—Registered agents**

### **5—The register**

The register of registered agents maintained under section 152(1) of the Act will be divided into 2 parts—

- (a) 1 part relating to persons who are recognised advocates; and
- (b) the other part relating to other registered agents.

### **6—Qualifications and experience**

- (1) Subject to subregulation (2), the following qualifications and experience are prescribed for the purposes of section 152(2)(a) of the Act:
  - (a) extensive experience in industrial relations;
  - (b) a high level of written and oral communication skills;
  - (c) a sound understanding of the human, social and political factors which influence industrial relations;
  - (d) experience in undertaking negotiations in the industrial relations field;
  - (e) experience in appearing as an advocate before industrial authorities;
  - (f) experience in the interpretation and implementation of awards, industrial agreements and industrial relations policies;
  - (g) reasonable knowledge of the legislative framework within which industrial relations operate.
- (2) A person who is a recognised advocate will be taken to have the qualifications and experience necessary to obtain registration.

### **7—Application for registration**

- (1) An application by a recognised advocate for registration as a registered agent must be made in writing to the Registrar and, if the Registrar is satisfied that the application is duly made under these regulations, the Registrar must register the person as a registered agent (on that part of the register relating to recognised advocates).
- (2) An application by any other person for registration as a registered agent must—
  - (a) be made to the Registrar; and
  - (b) contain the information set out in Schedule 1; and
  - (c) be accompanied by 2 references—
    - (i) which are supplied by persons who are actively involved in industrial relations; and
    - (ii) which provide information relating to the applicant's qualifications and experience for the purposes of section 152(2)(a) of the Act; and
  - (d) be accompanied by the appropriate fee fixed under these regulations; and
  - (e) be accompanied by a statutory declaration from the applicant that he or she has read and understands the code of conduct established by these regulations, and that he or she agrees to abide by that code.



- (3) A person who has applied for registration as a registered agent under subregulation (2) must, within 3 business days after the day on which the application is made, cause notice of the application to be advertised in a newspaper circulating generally throughout the State.

## 8—Disqualification

- (1) A person is disqualified from registration as an agent if the person—
- (a) is an undischarged bankrupt, or a person whose affairs are being administered under the laws relating to bankruptcy; or
  - (b) has, within the preceding period of 5 years, been convicted or found guilty of an offence involving dishonesty or been a director or officer of a body corporate so convicted or found guilty during that period; or
  - (c) has, within the preceding period of 5 years, been convicted or found guilty of contempt of court or has been the subject of a finding of unprofessional conduct by a court or tribunal; or
  - (d) has, within the preceding period of 5 years, been found by the Court to have breached the code of conduct established under these regulations or a code of conduct established under a corresponding previous enactment.
- (2) Subregulation (1)(d) does not apply to a recognised advocate.
- (3) For the purposes of section 152(2)(b) of the Act a person who applies for registration or renewal of registration must satisfy the Registrar that he or she is not disqualified in accordance with this regulation.

## 9—Person ceasing to be a recognised advocate

If—

- (a) in relation to a person who is registered as a registered agent under paragraph (a) of the definition of *recognised advocate*—
  - (i) the person ceases to be an officer or employee of the relevant association; or
  - (ii) the relevant association ceases to support the person's registration;
- (b) in relation to a person who is registered as a registered agent under paragraph (b) of the definition of *recognised advocate*—the relevant employer of public employees ceases to support the person's registration,

the person ceases to be entitled to be registered on that part of the register relating to recognised advocates (but the person may, if he or she thinks fit, apply for registration as a registered agent in his or her own right).

## 10—Code of conduct

- (1) The code of conduct set out in Schedule 2 is established under section 152(5) of the Act.
- (2) However, Part 1 of the code of conduct does not apply to recognised advocates.

## 11—Fees

- (1) The fees payable for the purposes of registration as a registered agent are fixed by Schedule 3.
- (2) No fee is payable by a recognised advocate.

- (3) The fees are payable to the Industrial Relations Court of South Australia.
- (4) If a renewal fee prescribed by Schedule 3 is not paid as required by the Schedule, the Registrar may serve on the relevant person a notice in writing to the effect that his or her registration as an agent under the Act will lapse if the fee is not paid within 14 days after the notice is served.
- (5) The Registrar may extend (and further extend) the period within which a renewal fee must be paid.
- (6) Subject to an extension under subregulation (5), if a renewal fee is not paid within the time that applies under subregulation (4), the person's registration as an agent under the Act is automatically cancelled.

## 12—Penalty

A person who breaches, or fails to comply with, a regulation is guilty of an offence.

Maximum Penalty: \$2 500.

## Schedule 1—Application for registration as an agent (not being a recognised advocate)

*Fair Work (Representation) Regulations 2009*—regulation 7(2)

An application form required by regulation 7(2) must contain the following information:

- 1 Full name:
- 2 Address:  
Post Code:
- 3 Address for service of notices:  
Post Code:
- 4 Contact telephone number:
- 5 Details of relevant qualifications and experience required under the Act and the regulations:
- 6 Are you, or have you ever been, a bankrupt or a person whose affairs have been or are being administered under the laws relating to bankruptcy? If "yes", give details and include relevant dates.
- 7 Have you within the last five years been convicted or found guilty of any offence involving dishonesty or have you been a director or officer of a body corporate so convicted or found guilty, or are any such proceedings pending? If "yes", give details of the offence, the relevant court and the penalty. If proceedings are pending, give details of the nature of the allegations, the present position of the proceedings, the relevant court and the date of the hearing of the proceedings. If applicable, give details of your position in any body corporate so convicted or found guilty or in respect of which such proceedings are pending.
- 8 Have you within the last 5 years been convicted or found guilty of contempt of court or been the subject of a finding of unprofessional conduct by a court or tribunal, or are any such proceedings pending? If "yes", give details of the circumstances and the relevant court or tribunal. If proceedings are pending, give details of the nature of the allegations, the present position of the proceedings, the relevant court or tribunal and the date of the hearing of the proceedings.

- 9 I declare that I am not a person—
- (a) whose name has been struck off the role of legal practitioners; or
  - (b) who, although a legal practitioner, is not entitled to practise the profession of law because of any disciplinary action taken against me; or
  - (c) who is disqualified by regulation from registration.

Date:

Signed:

### **Information**

Address should show an address of premises (not a post office box).

The applicant should attach copies of any documentation relating to his or her qualifications or experience which he or she is able to provide.

The application must be accompanied by two references, the relevant application fee, and a statutory declaration from the applicant (see regulation 7).

The application must be lodged with the Registrar.

## **Schedule 2—Code of conduct to be observed by registered agents**

### **Part 1—Duties to the community**

#### **1—Trust money**

- (1) A registered agent who receives money for or on behalf of a person must, subject to any lien or lawful claim of the registered agent, hold the money in trust for the person and must, subject to the terms of the trust, pay or disperse the money as the person directs.
- (2) A registered agent must, as soon as practicable after receipt of trust money, deposit the money in a trust account.
- (3) A registered agent must not withdraw or permit trust money to be withdrawn from a trust account established under this clause except as authorised by this code, or for the purpose of satisfying a lien or lawful claim of the registered agent on that money.
- (4) This clause does not prevent or render unlawful the withdrawal from the trust account of trust money in accordance with the order of a court or the Commission.
- (5) A registered agent must keep detailed accounts of all trust money that he or she receives, and of disbursements or other dealings with that money, so as—
  - (a) to accurately disclose the state of the trust account and dealings with money deposited in the trust account; and
  - (b) to enable the accounts to be conveniently and properly audited.

#### **2—Trust accounts to be audited**

- (1) A registered agent or partnership of registered agents, must, by 1 March in each year, have his, her or their trust account audited up to 31 December in the preceding year by a chartered accountant at the agent's own cost or expense.
- (2) A registered agent must, within 7 days of a request in writing by an auditor, produce to the auditor all books, papers and accounts which the auditor may require to carry out an audit under this code.

### **3—Filing of auditor's certificate**

A registered agent must, by 31 March in each year, file with the Registrar a certificate from the auditor which certifies that the trust account has been properly kept and that all money received or paid into that account has been properly and lawfully dealt with and paid to the persons entitled to the money.

### **4—Removal of agent's name from register**

If—

- (a) a registered agent fails or refuses to file a certificate from an auditor within the stipulated time; or
- (b) the certificate filed by a registered agent does not certify to the matters required by this code; or
- (c) a registered agent breaches a clause of this code,

the registered agent is liable to have his or her name removed from the register of registered agents.

## **Part 2—Duties to clients**

### **5—Agent to act on client's instructions**

A registered agent must use all proper available legal means to advance a client's interests as the client instructs.

### **6—Agent must advise client of basis for calculating charges**

Before performing work for a client a registered agent must advise the client of the basis that will be used for calculating the agent's charges.

### **7—Confidentiality**

- (1) Subject to this clause, a registered agent must not disclose information which has come to him or her in the course of handling a matter.
- (2) This clause does not apply to—
  - (a) communications authorised by an Act or law;
  - (b) communications that are incidental to the normal conduct of a matter;
  - (c) communications that have been specifically authorised by the client.
- (3) This clause applies whether or not a registered agent's services have been terminated.

### **8—Disclosure of interest**

- (1) A registered agent must make a full and frank disclosure to his or her client of an interest he or she may have in a transaction or matter in which he or she is acting for that client.
- (2) If an interest disclosed by a registered agent under this clause, is or might be, adverse to the interests of the agent's client, the agent must terminate his or her services unless specifically instructed by the client to continue to act.

**9—Disclosure of potential conflict of interest**

A registered agent must at all times make a full and frank disclosure to his or her client of a matter or thing which could reasonably be regarded by the client as raising a conflict of interest on the part of the registered agent.

**10—Agent may act for more than 1 party**

A registered agent may act for more than 1 party provided that all parties are informed he or she is so acting and there is no conflict of interest in his or her so acting.

**11—Agent to work in timely fashion**

A registered agent must use reasonable endeavours to complete work for a client in a competent manner and within a reasonable time.

**12—Agent to apprise client of developments**

A registered agent must keep a client apprised of significant developments in a matter entrusted to him or her by the client unless the client has instructed the registered agent to do otherwise.

**13—Agent must not give advice to advance illegal purpose**

A registered agent must not tender advice to a client if the registered agent knows that the client is requesting the advice to advance an illegal purpose.

**14—Agent may decline to act in certain circumstances**

If an instruction of a client is such as to prevent the proper performance by a registered agent of his or her duties, the registered agent must decline to act further and he or she must advise the client accordingly.

**15—Agent to assist new agent after termination of instructions**

- (1) If a client has terminated a registered agent's instructions in a matter, the registered agent must offer such assistance, advice or information as may be necessary to enable another registered agent or a legal practitioner to take over the conduct of the matter, and to take such matter in hand promptly and expediently.
- (2) Nothing in this clause affects a lien which may be lawfully imposed by a registered agent on documents which he or she holds for or on behalf of a client.

**Part 3—Duties to court and commission****16—Agent must not make untruthful statement**

A registered agent must not make a statement of fact, or purported fact, to the Court or the Commission unless the registered agent has previously established the truth of the statement for himself or herself, or has material in his or her possession that would lead a reasonable person to believe that the statement was true.

### **17—Agent must distinguish between statements of fact and statements based on instructions**

A registered agent must clearly distinguish to the Court or the Commission between—

- (a) statements that are intended to be statements of fact made by the registered agent; and
- (b) statements that are made on the instructions that the registered agent has received from his or her client and which depend on the credit of that client.

### **18—Imputations against character prohibited**

A registered agent must not make allegations or imputations to the Court or the Commission against the character of a person unless—

- (a) the allegation or imputation is relevant to the issues in the case; and
- (b) is supported by written material in the possession of that agent or the instructions given to him or her by the party whom that agent represents.

### **19—Duty to guard against becoming conduit for certain questions**

A registered agent has a duty to guard against being made the channel for questions that are only intended to insult or annoy a witness or other person, and to exercise his or her own judgement both as to the substance and the form of the questions that he or she puts.

### **20—Undertaking must be carried out**

A registered agent must ensure that an undertaking given by him or her to the Court or Commission is carried out.

### **21—Duty relating to discovery of documents**

A registered agent whose client has been directed by the Court or Commission to make discovery of books, documents, or other writings which are in his or her possession or control and which relate to the matters in issue between the parties, must examine those books, documents or other writings as far as possible to ensure that the order for discovery is complied with and that all books, documents and other writings, even if adverse to the interests of the client, have been properly discovered.

## **Part 4—Duties to others**

### **22—Agent not to communicate with another's client without permission**

A registered agent must not directly or indirectly communicate with a client of a legal practitioner, a registered organisation or another registered agent in the same transaction, except with the express approval of that legal practitioner, registered organisation or other registered agent.

### **23—Observation of party allowed**

- (1) Subject to this clause, a registered agent may instruct another person to make observations of an opposing party if those observations are directed towards the ascertainment of evidence which might be tendered at the hearing of a matter.

- (2) A registered agent must not instruct another person—
- (a) to communicate with an opposing party with a view to obtaining admissions contrary to the interests of that party; or
  - (b) to commit illegal conduct; or
  - (c) to do anything which would be improper for the registered agent to do themselves.

### **Schedule 3—Fees**

|   |  |       |
|---|--|-------|
| 1 | On lodging an application for registration as a registered agent—for each year of registration | \$192 |
| 2 | Renewal fee (during the continuation of registration)—for each year of registration            | \$192 |

### **Schedule 4—Revocation of *Industrial and Employee Relations (Representation) Regulations 1994***

The *Industrial and Employee Relations (Representation) Regulations 1994* are revoked.

#### **Made by the Governor's Deputy**

with the advice and consent of the Executive Council  
on 30 April 2009

No 53 of 2009

MIR09/018CS

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## CITY OF CAMPBELLTOWN

## PUBLIC CONSULTATION

*Periodical Review of Elector Representation*

NOTICE is hereby given that pursuant to the provisions of section 12 (7) of the Local Government Act 1999, the Council is carrying out a review to determine whether alterations are required in respect to elector representation, including ward boundaries and composition of Council.

Council currently has 15 Elected Members, comprising a Mayor, four Area Councillors and 10 Ward Councillors. The representation review will explore whether Council should keep this structure, or have fewer Elected Members, adjust the number of wards and consider the retention of Area Councillors.

*Representation Options Paper*

A Representation Options Paper detailing information regarding the review is available during office hours from:

- Council's Office, 172 Montacute Road;
- Campbelltown Library, 171 Montacute Road;
- Athelstone Library, 338 Gorge Road;
- Website: [www.campbelltown.sa.gov.au](http://www.campbelltown.sa.gov.au); or
- by contacting the Manager Governance on 8366 9222.

*Written Submissions*

Written submissions are invited from interested persons and should be directed to the Chief Executive Officer, P.O. Box 1, Campbelltown, S.A. 5074 or email:

[cityof@campbelltown.sa.gov.au](mailto:cityof@campbelltown.sa.gov.au),

to be received by 5 p.m. on Friday, 12 June 2009.

P. DI IULIO, Chief Executive Officer

## CITY OF MOUNT GAMBIER

*Exclusion of Land from Classification as Community Land*

NOTICE is hereby given that pursuant to section 193 (4) of the Local Government Act 1999, the Council of the City of Mount Gambier has resolved that the following properties which are to be purchased (or already obtained) by Council be held as Operational Land and be excluded from Classification as Community Land:

Council Meeting—21 April 2009:

- (i) 18 Ferrers Street, Mount Gambier—allotment 369 in Filed Plan 194071 and contained in certificate of title volume 5667, folio 77;
- (ii) 24 Margaret Street, Mount Gambier—section 392, Hundred of Blanche and contained in certificate of title volume 5523, folio 74.

Council Meeting—16 September 2008:

- (iii) 40 James Street, Mount Gambier—allotment 88 of section 1100 and contained in certificate of title volume 5588, folio 811.

Council Meeting—15 June 2005:

- (iv) Bay Road (Railway Lands) Mount Gambier—allotment 52 in Deposited Plan 47378 and contained in certificate of title volume 5962, folio 701.

G. MULLER, Chief Executive Officer

## CITY OF PORT LINCOLN

*Revocation of Classification of Community Land*

NOTICE is hereby given that pursuant to section 194 (3) (b) of the Local Government Act 1999, the Council of the City of Port Lincoln has resolved to revoke the classification of the parcel of land, part Allotment 101 in Deposited Plan 55761, certificate of title volume 5858, folio 759, as community land.

G. DODD, Chief Executive Officer

## CITY OF SALISBURY

*Appointment of Public Officer*

NOTICE is hereby given that, in accordance with section 56A (22) of the Development Act 1993, the City of Salisbury, resolved on 8 December 2008, to appoint Stephen Hains as Public Officer of the Council's Development Assessment Panel:

Contact Details:

Stephen Hains,  
Public Officer, Development Assessment Panel,  
City of Salisbury, P.O. Box 8, Salisbury, S.A. 5108.

Telephone: (08) 8406 8212.

Email: [city@salisbury.sa.gov.au](mailto:city@salisbury.sa.gov.au)

S. HAINS, City Manager

## CITY OF WHYALLA

*Revoking Community Land—Finalisation*

NOTICE is hereby given that pursuant to section 194 of the Local Government Act 1999, Council at its meeting held on 20 April 2009, upon approval from the Minister for State/Local Government Relations, resolved to finalise the revocation of the following parcels of land from the Classification of Community Land:

Lot 103, Broadbent Terrace, Whyalla, CR5917/33.

Lot 105, Broadbent Terrace, Whyalla, CR5917/35.

Part Lot 100, Cudmore Terrace, Whyalla, CR5917/30.

Please contact Stewart Payne on 8640 3444 for further details.

P. CAMERON, Chief Executive Officer

## CITY OF WHYALLA

*Review of Elector Representation*

NOTICE is hereby given that the Corporation of the City of Whyalla is undertaking a review to determine whether a change of arrangements in respect to elector representation will result in the electors of the area being more adequately and fairly represented.

Pursuant to the provisions of section 12 (7) of the Local Government Act 1999, Council has prepared a Representation Options Paper that examines the advantages and disadvantages of the various options available in regards to the composition and structure of Council and the division of the Council area into wards.

Copies of the Representation Options Paper are available for inspection and/or purchase at the Civic Building, Darling Terrace, Whyalla, or by telephoning 8640 3479.

Interested persons are invited to make a written submission to:

Chief Executive Officer,  
Whyalla City Council,  
P.O. Box 126,  
Whyalla, S.A. 5600,

by close of business on Friday, 12 June 2009.

Information regarding the representation review can be obtained by contacting Carmel Westbrook on (08) 8640 3424.

P. CAMERON, Chief Executive Officer

## ADELAIDE HILLS COUNCIL

## ROADS (OPENING AND CLOSING) ACT 1991

*Road Closing—Birch Road, Stirling*

NOTICE is hereby given, pursuant to section 10 of the Roads (Opening and Closing) Act 1991, that the Adelaide Hills Council proposes to make a Road Process Order to close and transfer to the Australian Rail Track Corporation Ltd the portion of the public road (Birch Road) situate adjoining Avenue Road, allotment 3 in Deposited Plan 23398, allotment 6 in Filed Plan 217940 and allotment 122 in Filed Plan 208498, more particularly delineated and lettered 'A' on Preliminary Plan No. 09/0030.

A copy of all the abovementioned plans and statements of persons affected are available for public inspection at the office of the Council, Onkaparinga Valley Road, Woodside 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, 28 Onkaparinga Valley Road, Woodside, S.A. 5244 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 30 April 2009.

P. PEPPIN, Chief Executive Officer

#### ALEXANDRINA COUNCIL

##### *Periodical Review of Elector Representation*

NOTICE is hereby given that Alexandrina Council has undertaken a review to determine whether alterations are required in respect to elector representation, including ward boundaries and the composition of Council. As an outcome of this review Council proposes to retain the existing ward structure and retain the existing numbers of elected members from within those wards. Council also proposes to have its presiding member to be elected from the whole of the area and be titled as Mayor.

##### *Report*

Council has prepared a report which details the review process, public consultation undertaken and the proposal Council considers could be carried into effect. A copy of this report is available from the Alexandrina Council Offices, 11 Cadell Street, Goolwa and 1 Colman Terrace, Strathalbyn, during office hours as well as Council's website [www.alexandrina.sa.gov.au](http://www.alexandrina.sa.gov.au).

Written submissions are invited from interested persons from 30 April 2009 and should be directed to The Chief Executive Officer, P.O. Box 21, Goolwa, S.A. 5214, facsimile (08) 8555 3603 or email [alex@alexandrina.sa.gov.au](mailto:alex@alexandrina.sa.gov.au), to be received by close of business on Friday, 29 May 2009.

Any person(s) making a written submission to this round of consultation, or that have made a written submission in response to the Options Paper, will be given the opportunity to appear before a meeting of Council or Council Committee to be heard in support of their submission.

J. COOMBE, Chief Executive

#### THE BAROSSA COUNCIL

##### *Review of Elector Representation*

NOTICE is hereby given that the Barossa Council is undertaking a review to determine whether a change of arrangements in respect to elector representation will result in the electors of the area being more adequately and fairly represented.

Pursuant to the provisions of section 12 (7) of the Local Government Act 1999, notice is hereby given that Council has prepared a representation options paper that examines the advantages and disadvantages of the various options available in regards to the composition and structure of Council, and the division of the Council area into wards.

Copies of the representation options paper are available for inspection and/or purchase at the Council Office, 43-51 Tanunda Road, Nuriootpa, S.A. 5355.

Interested persons are invited to make a written submission to the Chief Executive Officer, P.O. Box 867, Nuriootpa, S.A. 5355, by close of business on Friday, 12 June 2009.

Information regarding the representation review can be obtained by contacting Ben Dornier on telephone (08) 8563 8418.

D. MORCOM, Chief Executive Officer

#### DISTRICT COUNCIL OF BARUNGA WEST

##### *Appointment of an Authorised Officer*

NOTICE is hereby given that the Council, at its meeting held on 14 April 2009, revoke the appointment of John Dalle-Nogare as an Authorised Officer for the District Council of Barunga West, and hereby appoint Peter Bryant Timoney as an Authorised Officer for the District Council of Barunga West, in respect of the following legislation:

Environmental Protection Act 1993 (Part 10, Division 1);  
Dog and Cat Management Act 1995 (Sections 27 (1) and 68 (1));  
Impounding Act 1920;  
Expiation of Offences Act 1996;  
Public and Environmental Health Act 1987 (Section 7 (1));  
Public and Environmental Health (Waste Control) Regulation;  
Food Act 1986 (Section 8 (2));  
Supported Residential Facilities Act 1992 (Section 21);  
Housing Improvement Act 1940.

N. HAND, District Manager

#### DISTRICT COUNCIL OF THE COPPER COAST

##### *Review of Elector Representation*

NOTICE is hereby given that the District Council of the Copper Coast is undertaking a review to determine whether a change of arrangements in respect to elector representation will result in the electors of the area being more adequately and fairly represented.

Pursuant to the provisions of section 12 (7) of the Local Government Act 1999, Council has prepared a Representation Options Paper that examines the advantages and disadvantages of the various options available in regards to the composition and structure of Council and the division of the Council area into wards. Copies of the Representation Options Paper are available for inspection at the Council Office, 51 Taylor Street, Kadina or from Council's website [www.coppercoast.sa.gov.au](http://www.coppercoast.sa.gov.au).

Interested persons are invited to make a written submission to the Chief Executive Officer, by close of business on Wednesday, 17 June 2009. Submissions can be forwarded to Council via the following:

Post: 51 Taylor Street, Kadina, S.A. 5554.

Fax: (08) 8821 2736.

Email: [info@coppercoast.sa.gov.au](mailto:info@coppercoast.sa.gov.au).

Information regarding the representation review can be obtained by contacting Greg O'Connor on telephone (08) 8821 1600.

P. DINNING, Chief Executive Officer

#### DISTRICT COUNCIL OF ELLISTON

##### *Road Renaming*

NOTICE is hereby given that Council at its meeting held on 20 April 2009, resolved to rename Waterloo Bay Road, as denoted in Deposited Plan 79379 (Waterloo Bay Heights), to Waterloo Bay Drive.

##### *Change of Meeting Venue*

Notice is hereby given that Council at its meeting held on 20 April 2009, resolved to hold its 18 May 2009 meeting in the Lock Hall commencing at 9.30 a.m.

R. GREGOR, Chief Executive Officer

#### DISTRICT COUNCIL OF LOXTON WAIKERIE

##### *Periodical Review of Elector Representation*

NOTICE is hereby given that pursuant to section 12 of the Local Government Act 1999, the Council has undertaken a representation review to determine whether the community would benefit from an alteration to the composition and structure of the Council.

The Council has prepared a report pursuant to section 12 (8a) of the Local Government Act 1999. The report provides information on the public consultation undertaken on the Representation Options Paper, the Council's response to the issues arising from the submissions made as part of that process and sets out the proposal the Council considers should be carried into effect.

The proposal the Council considers should be carried into effect:

Election of the Principal Member of Council:

The Principal Member of Council be appointed or elected as a representative of the area as a whole and the title of Mayor be used for the Principal Member.

Number of Councillors:

The number of Councillors is proposed to be 10.

Election for Councillors:

The election for Councillors be as Area Councillors.

Name of the Council:

The name of the Council remain as the District Council of Loxton Waikerie.

*Availability of the Council Report*

The Council Report is now available for public consultation. Interested persons may obtain a copy of the report from:

Loxton Office: 29 East Terrace, Loxton.

Waikerie Office: Strangman Road, Waikerie,

or download from the Council website:

[www.loxtonwaikerie.sa.gov.au](http://www.loxtonwaikerie.sa.gov.au).

*Written Submissions*

Interested persons are invited to make written submissions during the public consultation period from 4 May 2009 to 25 May 2009. Any person who makes a written submission will be invited to address the Council on the submission, personally or by representation.

Written submissions must be received by 5 p.m. on Monday, 25 May 2009, addressed to:

Elector Representation Review,  
The Acting Chief Executive Officer,  
District Council of Loxton Waikerie,  
P.O. Box 409,  
Loxton, S.A. 5333.

Or faxed to 8584 6622.

Or emailed to: [council@loxtonwaikerie.sa.gov.au](mailto:council@loxtonwaikerie.sa.gov.au).

For further information on the Representation Review please contact the Acting Chief Executive Officer, Peter Sellar, telephone 8584 8000 or email [council@loxtonwaikerie.sa.gov.au](mailto:council@loxtonwaikerie.sa.gov.au).

P. SELLAR, Acting Chief Executive Officer

DISTRICT COUNCIL OF PETERBOROUGH

ROADS (OPENING AND CLOSING) ACT 1991

*Road Closing—East Terrace and Park Street, Yongala*

NOTICE is hereby given, pursuant to section 10 of the Roads (Opening and Closing) Act 1991, that the District Council of Peterborough proposes to make a Road Process Order to close and transfer to the Australian Rail Track Corporation Ltd the portions of the public roads (un-named road, East Terrace and Park Street) situate adjoining sections 467, 476, 470, 477 and 478, Hundred of Yongala, more particularly delineated and lettered 'A', 'B', 'C' and 'D' on Preliminary Plan No. 09/0028.

*Road Closing—Lancelot Road, Dawson Road, Henry Street and William Street, Peterborough*

Notice is hereby given, pursuant to section 10 of the Roads (Opening and Closing) Act 1991, that the District Council of Peterborough proposed to make a Road Process Order to close and transfer to the Australian Rail Track Corporation Ltd portions of the public roads (Lancelot Road, Dawson Road, Henry Street and William Street) situate adjoining allotment 762 in Filed Plan 185654, allotment 763 in Filed Plan 182655, allotment 896 in Filed Plan 185788, piece 105 in Filed Plan 34205, piece 65 in Filed Plan 218477 and allotment 777 in Filed Plan 185669 more particularly delineated and lettered 'A', 'B', 'C' and 'D' (respectively) on Preliminary Plan No. 09/0029.

A copy of all the abovementioned plans and statements of persons affected are available for public inspection at the office of the Council, Main Street, Peterborough 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 121, Peterborough, S.A. 5422 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 30 April 2009.

T. D. BARNES, Chief Executive Officer

DISTRICT COUNCIL OF PETERBOROUGH

*Assignment of Names for Public Roads and Streets*

NOTICE is hereby given that Council, pursuant to section 219 of the Local Government Act 1999, allocated public road and street names within the surveyed townships of Peterborough, Yongala, Oodlawirra, Dawson, Nackara, Lancelot and Thornton as well as district roads within the District Council of Peterborough at the Ordinary Meeting of Council held on Monday, 19 January 2009, with further amendments at the Ordinary Meeting of Council held on Monday, 20 April 2009.

The approved names can be viewed on maps at the District Council of Peterborough Main Office or on:

[www.naturemaps.sa.gov.au](http://www.naturemaps.sa.gov.au).

Listed below are the names for gazettal:

*Peterborough Township*

|                     |                   |
|---------------------|-------------------|
| Alexander Crescent  | Kealley Terrace   |
| Badger Street       | King Street       |
| Badger Street North | Kitchener Street  |
| Birmingham Avenue   | Koch Street       |
| Bourke Street       | Little Street     |
| Bowman Avenue       | Lloyd Street      |
| Bridges Street      | Main Street       |
| Brown Street West   | McKenna Street    |
| Brown Street East   | McNamara Road     |
| Buckingham Street   | Meadows Street    |
| Buxton Crescent     | Moscow Street     |
| Callary Street      | Olifent Street    |
| Cheffers Street     | Oswald Street     |
| Chinner Street      | Palmer Street     |
| Clair Street        | Park Street       |
| Clarke Street       | Paterson Street   |
| Collins Street      | Pine Street       |
| Cotton Road         | Price Road        |
| Critchley Street    | Princess Street   |
| Cyanide Street      | Queen Street      |
| Dawson Road         | Railway Street    |
| Dickson Street      | Railway Terrace   |
| Eager Road          | Rohde Street      |
| Earl Crescent       | Sambell Road      |
| Edith Street        | Silver Street     |
| Ellen Street        | South Terrace     |
| Fowlers Road        | Telford Avenue    |
| George Street       | Threadgold Street |
| Gibb Road           | Torr Street       |
| Government Road     | Tripney Avenue    |
| Graefe Road         | Victoria Street   |
| Grove Street        | Wall Street       |
| Hawthorne Street    | Watkins Road      |
| Henry Street        | West Terrace      |
| High Street         | Wicki-Ridge Road  |
| Hill Street West    | William Street    |
| Hill Street East    | Windsor Crescent  |
| Howard Street       | Wright Street     |
| Hurlstone Street    | Yankee Dip Road   |
| Jervois Street      |                   |

*Yongala Township*

|                 |                 |
|-----------------|-----------------|
| Berryman Road   | Noble Road      |
| Carroll Street  | North Terrace   |
| Chomel Street   | O'Dea Road      |
| Cockburn Street | Park Street     |
| Cradock Road    | Pine Drive Road |
| Deakin Street   | Potter Road     |
| Duggan Road     | Rosa Terrace    |
| East Terrace    | Second Street   |

|                    |                            |                     |                      |
|--------------------|----------------------------|---------------------|----------------------|
| First Street       | South Terrace              | Belalie Road        | Madex Road           |
| Fourth Street      | Spavin Street              | Belgala Vale Road   | Mafeking Road        |
| Fuller Road        | Steer Road                 | Bennett Road        | Mahoney Road         |
| Gloucester Place   | Stott Street               | Beth Road           | Mallee Dam Road      |
| Harding Street     | Symes Road                 | Betty Road          | Malycha Road         |
| Hobby Road         | Third Street               | Bills Road          | Markey Road          |
| Lawson Street      | Victory Street             | Black Rock Road     | Martin Road          |
| Litster Road       | West Terrace               | Blind Road          | Maxwell Road         |
| Main Street        |                            | Booborowie Road     | McAuley Road         |
|                    | <i>Dawson Township</i>     | Boondocks Road      | McBride Road         |
| Breeding Street    | Porter Street              | Boscence Road       | McCormick Road       |
| Burden Street      | Rawlins Street             | Bosley Road         | McCouve Road         |
| Cohen Street       | Renton Street              | Bowen Road          | McCoys Well Road     |
| Eighth Street      | Second Street              | Bradtke Road        | McGrath Road         |
| First Street       | Seventh Street             | Brady Road          | McKenzie Road        |
| Fourth Street      | Sixth Street               | Brannigan Road      | McKeough Road        |
| High Street        | Stigwood Street            | Briggs Road         | McLeod Road          |
| Melrose Street     | Stuart Street              | Bula Road           | McMahon Road         |
| Need Street        | Talbot Street              | Bulyaninnie Road    | McMurtrie Road       |
| North Terrace      | Third Street               | Bundara Road        | McNeil Road          |
| Nottle Street      | Trudgen Street             | Bundeena Road       | McPherson Road       |
|                    | <i>Oodlawirra Township</i> | Bunerong Road       | Mercer Road          |
| Boucaut Terrace    | North East Terrace         | Burford Road        | Merngenia Road       |
| Chartres Street    | Pine Creek Road            | Burt Road           | Metheun Road         |
| Cornish Street     | Railway Terrace            | Buttomuck Hill Road | Meyers Road          |
| Evans Street       | Rowe Street                | Buttomuck Trig Road | Milkan Road          |
| Fleming Road       | Sawley Street              | Buzza Road          | Milkia Road          |
| Hurst Road         | South West Terrace         | Byrne Road          | Miller Road          |
| James Street       | West Terrace               | Cahill Road         | Mills Road           |
| North Terrace      |                            | Canowie Belt Road   | Milne Road           |
|                    | <i>Nackara Township</i>    | Carmody Road        | Minvalara Road       |
| Borowicki Street   | Lockyer Street             | Carpenter Road      | Morgan Road          |
| Cross Street       | Nackara Terrace            | Casey Road          | Morgan East Road     |
| Foote Street       | North East Terrace         | Cave Road           | Morowie Road         |
| High Street        | Railway Terrace            | Cavenagh Road       | Mount Cone Road      |
| Lenartowicz Street | South West Terrace         | Chadwick Road       | Moy Road             |
|                    | <i>Lancelot Township</i>   | Chapman Road        | Moyses Road          |
| Bishop Street      | Lillywhite Street          | Cherry Road         | Mount Grainger Road  |
| Boehm Road         | Perkins Street             | Chip Hut Road       | Mutton Road          |
| Burton Street      | Sullivan Street            | Churchland Road     | Nackara Road         |
| Choat Street       | Tait Street                | Clancy Road         | Nantabibbie Road     |
| Fox Street         | Tassell Street             | Clapp Road          | Noblet Road          |
| Heithersay Street  | Wills Street               | Clarcken Road       | Noonan Road          |
| Hoffman Street     | Yates Street               | Clay Road           | North Whydown Road   |
|                    | <i>Thornton Township</i>   | Clune Road          | Norton Road          |
| Ballantyne Road    | Morse Road                 | Coles Road          | O'Brien Road         |
| Barnard Street     | Morton Street              | Cook Road           | O'Connell Road       |
| Cemetery Road      | North Terrace              | Copley Road         | O'Doughnerty Road    |
| Cock Road          | Nourse Street              | Copp Road           | Old Boolrenunga Road |
| Darley Street      | Raymond Street             | Copper Mine Road    | Old Orroroo Road     |
| East Terrace       | Slaughter Yard Road        | Coward Road         | Old Whydown Road     |
| English Street     | Snoad Road                 | Cowman Road         | Old Yard Road        |
| Fogarty Street     | South Terrace              | Cox Road            | Olive Grove Road     |
| Harris Road        | Thyer Road                 | Crabb Road          | Omar Road            |
| Hedley Street      | West Terrace               | Crack Road          | O'Reilly Road        |
| Hunt Street        | Whiteford Street           | Cram Road           | Orroroo Paratoo Road |
|                    | <i>District Roads</i>      | Cramp Road          | O'Toole Road         |
| Abbott Road        | Kensley Road               | Crawford Road       | Owens Road           |
| Alchin Road        | Klei Road                  | Creek Road          | Pandappa Road        |
| Alex Bore Road     | Klingner Road              | Crocker Road        | Paradise Road        |
| Alf Road           | Lambert Road               | Crowhurst Road      | Paratoo Siding Road  |
| Allingame Road     | Lambing Camp Well Road     | Crowley Road        | Parkindula Road      |
| Anderson Road      | Lancelot Road              | Culverston Road     | Parkvilla Road       |
| Andrews Road       | Landing Ground Road        | Cummings Road       | Parnaroo Road        |
| Antuar Road        | Lang Road                  | Cunningham Road     | Parr Road            |
| Appleby Road       | Lawn Road                  | Currants Road       | Paterson Road        |
| Arscott Road       | Lawrie Road                | Curry Road          | Paynter Road         |
| Atherton Road      | Ley Road                   | Curtis Road         | Peak Road            |
| Ayliffe Road       | Liddy Road                 | Dalton Road         | Pendle Road          |
| Bailey Road        | Lock Road                  | Dann Road           | Pfeiffer Road        |
| Bain Road          | Longford Road              | Davies Road         | Philps Road          |
| Baird Road         | Lookout Dam Road           | Davina Road         | Pink Road            |
| Barclay Road       | Loutt Road                 | Dawlish Road        | Pinley Dam Road      |
| Barry Road         | Lucas Road                 | Dawson Gorge Road   | Pitcairn Road        |
| Bates Road         | Luck Road                  | Day Road            | Pohlner Road         |
| Battersby Road     | Macky Dams Road            | Deb Road            | Polomka Road         |
|                    |                            | Deed Road           | Porcupine Well Road  |
|                    |                            | Deep Creek Road     | Power Road           |
|                    |                            | Deep Well Road      | Pugsley Road         |
|                    |                            | Dennis Road         | Putt Well Road       |
|                    |                            | Dermody Road        | Pye Road             |
|                    |                            | Deviation Road      | Quarry Road          |

Ding Road  
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Dowden Road  
Dowdy Road  
Downing Road  
Drew Road  
Duckford Road  
Dunn Road  
Dusthole Road  
Earls Road  
East Arthur Bore Road  
East Lynne Road  
Eckert Road  
Eddy Road  
Edmonds Road  
Edson Road  
Ehrke Road  
Eldoratrilla Road  
Erskine Road  
Fairview Road  
Farrell Road  
Faulkner Road  
Feehan Road  
Ferguson Road  
Fewster Road  
Field Road  
Finlay Road  
Fitzpatrick Road  
Flaherty Road  
Ford Road  
Franklin Road  
Franklyn Valley Road  
Frost Road  
Garden Road  
Garner Road  
Gay Road  
Gebhardt Road  
Gerke Road  
Gert Road  
Giddings Road  
Gill Road  
Gillies Road  
Glenn Road  
Grant Road  
Green Road  
Greenfield Road  
Grubb Road  
Gruhl Road  
Gumbowie Road  
Gumbowie Reservoir Road  
Hall Road  
Hams Road  
Hass Road  
Hatwell Road  
Hayman Road  
Hefferan Road  
Hennessy Road  
Hern Road  
High Hill Road  
Hillgrange Road  
Hills Paddock Road  
Hockey Road  
Hogg Road  
Holmes Road  
Hope Gully Road  
Hore Road  
Hosie Road  
Hucks Road  
Huddleston Road  
Ind Road  
Inglis Road  
Jeffcott Road  
Job Road  
Johnston Road  
Jones Road  
Jubilee Road  
Just Road

Quinns Road  
Quinns Bore Road  
Quintrell Road  
Rallysingh Road  
Rasmus Road  
Rees Road  
Reservoir Road  
Retallack Road  
Richards Road  
Ringwood Road  
Rucioch Road  
Ryan Road  
Sandland Road  
Sawers Road  
Scharbies Road  
Schebella Road  
Scholze Road  
School House Road  
Schulze Road  
Scotts Road  
Sellars Road  
Shanks Road  
Shattock Road  
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Sheilds Road  
Sheridan Road  
Shinnick Road  
Simon Road  
Sleep Road  
Smart Road  
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Sobzak Road  
Sparks Road  
Spears Well Road  
Spring Road  
Staircase Road  
Steggles Road  
Stone Road  
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Tarcowie Road  
Taylor Road  
Ted Road  
The Depot Road  
Thoman Road  
Thompson Road  
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Tohl Road  
Townsend Road  
Trader Road  
Travellers Rest Road  
Trig Reserve Road  
Tuilkilkey Road  
Two Sisters Road  
Ucolta Road  
Udnawadloo Road  
Virgin Road  
Waite Road  
Walkhungry Road  
Ward Road  
Warner Road  
Waroonee Ranges Road  
Watkins Road  
Webb Road  
Wehr Road  
Wells Road  
Whitebanks Road  
Whites Well Road  
Whittle Road  
Whyngoon Road  
Wilbur Road  
William Dam Road  
Williams Road  
Willmott Road  
Wilson Road  
Winchester Road  
Winter Road  
Woodcutters Road  
Woods Road  
Yalpara Road

Keatley Road  
Keays Road  
Kelly Road  
Kennedy Road

Yatina Road  
Yongala Vale Road  
Young Road  
Zenker Road

T. D. BARNES, Chief Executive Officer

PORT PIRIE REGIONAL COUNCIL

ROADS (OPENING AND CLOSING) ACT 1991

*Road Closing—South Terrace, Redhill*

NOTICE is hereby given, pursuant to section 10 of the Roads (Opening and Closing) Act 1991, that the Port Pirie Regional Council proposes to make a Road Process Order to close and transfer to the Australian Rail Track Corporation Ltd the portions of South Terrace and un-named public road situate adjoining sections 805, 806, 815, Hundred of Redhill, allotments L and M in Road Plan 1549, allotment 922 in Filed Plan 218545 and piece 10 in Deposited Plan 67646, more particularly delineated and lettered 'A' and 'B' on Preliminary Plan No. 09/0031.

*Road Closing—Crystal Brook*

Notice is hereby given, pursuant to section 10 of the Roads (Opening and Closing) Act 1991, that the Port Pirie Regional Council proposes to make a Road Process Order to close and transfer to the Australian Rail Track Corporation Ltd the portion of the un-named public road situate between Railway Terrace and Darbon Terrace and sections 877 and 878, Hundred of Crystal Brook, more particularly delineated and lettered 'A' on Preliminary Plan No. 09/0032.

A copy of all the abovementioned plans and statements of persons affected are available for public inspection at the office of the Council, 115 Ellen Street, Port Pirie 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 45, Port Pirie, S.A. 5540, 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 30 April 2009.

DR A. JOHNSON, Chief Executive Officer

PORT PIRIE REGIONAL COUNCIL

ROADS (OPENING AND CLOSING) ACT 1991

*Road Closure*

*Scrub Track, Koolunga*

NOTICE is hereby given, pursuant to section 10 of the Roads (Opening and Closing) Act 1991, that the Port Pirie Regional Council proposes to make a Road Process Order to close and merge with section 193, portion of Scrub Track situate adjoining sections 192 and 193, Hundred of Koolunga, as delineated and lettered 'A' on Preliminary Plan No. 09/0022.

*Road Closure—Koolunga*

Notice is hereby given, pursuant to section 10 of the Roads (Opening and Closing) Act 1991, that the Port Pirie Regional Council proposes to make a Road Process Order to close and merge with adjoining sections 307 and 306 the whole of the un-named Public Road situate east of Levee Bank Road and between sections 300 and 302 to 308 inclusive, Hundred of Koolunga, as delineated and lettered 'A' and 'B' on Preliminary Plan No. 09/0023.

A copy of the plans and statements of persons affected are available for public inspection at the Council Office, 115 Ellen Street, Port Pirie, S.A. 5540 and the Adelaide office of the Surveyor-General, 101 Grenfell Street, Adelaide, 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 45, Port Pirie, S.A. 5540, 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.

A. JOHNSON, Chief Executive Officer

#### WAKEFIELD REGIONAL COUNCIL

##### *Review of Elector Representation*

NOTICE is hereby given that Wakefield Regional Council is undertaking a review in respect to elector representation to ensure that the electors of the area are adequately and fairly represented.

Pursuant to the provisions of section 12 (7) of the Local Government Act 1999, Council has prepared a Representation Options Paper that examines the advantages and disadvantages of various options available in regard to the composition and structure of Council. Copies of the Representation Options Paper are available from the Council office or can be viewed on our website at [www.wakefieldrc.sa.gov.au](http://www.wakefieldrc.sa.gov.au). Alternatively, ring us on 8862 0800 and we will forward a copy of the document to you.

We are seeking community feedback on the options being considered and therefore invite you to comment. Interested persons are invited to make a written submission to the Chief Executive Officer, P.O. Box 167, Balaklava, S.A. 5461, by close of business on Thursday, 11 June 2009.

Further information regarding the representation review can be obtained by contacting Steve Jonas on 8862 0800.

P. J. BARRY, Chief Executive Officer

#### WAKEFIELD REGIONAL COUNCIL

##### *Exclusion of Land from Classification as Community Land*

NOTICE is hereby given that Council, at its ordinary meeting held on 22 April 2009, resolved pursuant to section 193 (4) of the Local Government Act 1999, to exclude proposed Lot 50 in Deposited Plan 80167, Hundred of Balaklava, from Classification as Community Land for the approved Town Community Wastewater Management Scheme Treatment Plant and holding dam.

P. BARRY, Chief Executive Officer

#### WUDINNA DISTRICT COUNCIL

##### BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

##### *By-law No. 2—Moveable Signs*

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

##### *Definitions*

##### 1. In this by-law:

##### 1.1 'footpath' means:

1.1.1 that part of a road between the boundary of the road and the edge of the carriageway on the same side as that boundary (and includes a median strip being that portion of the street or road bounded on each side by a carriageway); or

1.1.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;

1.2 'moveable sign' has the same meaning as in the Local Government Act 1999;

1.3 'road' has the same meaning as in the Local Government Act 1999;

1.4 'township area' means any area speed-limited to less than the default speed-limit for non-built up areas (100 kph).

##### *Construction*

##### 2. A moveable sign displayed on a footpath must:

2.1 be of kind known as a 'A' frame or sandwich board sign, an 'inverted T' sign, or a flat sign;

2.2 be constructed and maintained in good quality and condition;

2.3 be of strong construction with no sharp or jagged edges or corners;

2.4 not be unsightly or offensive in appearance;

2.5 be constructed of timber, metal, plastic or plastic coated cardboard, or a mixture of such materials;

2.6 not exceed 1 200 mm in height, 600 mm in width and 600 mm in depth;

2.7 in the case of an 'A' frame or sandwich board sign:

2.7.1 be hinged or joined at the top;

2.7.2 be of such construction that its sides are securely fixed or locked in position when erected; and

2.8 in the case of an 'inverted T' sign, not contain struts or members that run between the display area and the base of the sign.

##### *Position*

##### 3. A moveable sign:

3.1 must not be positioned on any part of a road apart from the footpath;

3.2 must not be positioned on a footpath that is less than 2.5 m wide;

3.3 must not be positioned closer than 1.9 m from any other structure, fixed object, tree, bush or plant;

3.4 must not be positioned within 1 m of an entrance to any business premises;

3.5 must not be positioned within 6 m of the corner of a building or road;

3.6 must not be positioned on the sealed part of a footpath, if there is any unsealed part on which the sign can be placed in accordance with this by-law;

3.7 must not be positioned so as to interfere with the reasonable movement of persons or vehicles using the footpath or road in the vicinity of where the moveable sign is positioned.

##### *Eyre Highway*

##### 4. A moveable sign:

4.1 subject to subclause 4.2, must not be placed on the Eyre Highway;

4.2 may, with the Council's permission, be placed along the Eyre Highway within a township area.

##### *Restrictions*

##### 5. A moveable sign must not be placed on a footpath:

5.1 unless it only displays material which advertises a business being conducted on premises adjacent to the sign, or the goods and services available from that business;

5.2 if another moveable sign which relates to the same business is already displayed on the footpath;

5.3 unless the business to which it relates is open;

5.4 unless it is securely fixed in position such that it cannot be blown over or swept away;

5.5 in such a position or in such circumstances that the safety of any other user of the footpath or road is at risk.

##### *Exemptions*

##### 6. This by-law does not apply to a moveable sign that is:

6.1 placed on a footpath pursuant to an authorisation under the Local Government Act or another Act;

6.2 designed to direct people to the open inspection of any land or building that is available for purchase or lease;

6.3 related to a State or Commonwealth election and is displayed during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day;

- 6.4 related to an election held under this Act or the Local Government (Elections) Act 1999 and is displayed during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day;
- 6.5 of a prescribed class.
7. Clauses 3 and 5.1 do not apply to a moveable sign which is used:
- 7.1 to advertise a garage sale taking place from residential premises;
- 7.2 as a directional sign to an event run by a charitable body.
8. Clause 5.1 does not apply where permission has been granted for the moveable sign to be displayed contrary to that requirement.

#### *Removal of Moveable Signs*

9. The owner of, or other person:
- 9.1 entitled to recover a moveable sign removed pursuant to section 227 (2) of the Local Government Act 1999, must pay to the Council any reasonable costs incurred by the Council in removing, storing and disposing of the moveable sign before being entitled to recover the moveable sign;
- 9.2 responsible for, a moveable sign must remove or relocate the moveable sign at the request of an authorised person if, in the reason of opinion of that authorised person and notwithstanding compliance with this by-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of a location of the moveable signs;
- 9.3 responsible for, a moveable sign must remove or relocate the moveable sign at the request of an authorised person for the purpose of special events, parades, road works or in any other circumstances which, in the reasonable opinion of the authorised person, requires relocation or removal of the moveable sign to protect the public safety or to protect or enhance the amenity of a particular locality.

This by-law was duly made and passed at a meeting of the Wudinna District Council held on 21 April 2009, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

A. F. MCGUIRE, Chief Executive Officer

#### WUDINNA DISTRICT COUNCIL

##### DEVELOPMENT ACT 1993

#### *Better Development Plan and Minor Amendments Development Plan Amendment Prepared by the Council— Draft for Public Consultation*

NOTICE is hereby given that the Wudinna District Council has, pursuant to section 24 of the Development Act 1993, prepared a draft Development Plan Amendment to amend the Wudinna (DC) Development Plan.

The Development Plan Amendment will amend the Wudinna (DC) Development Plan by:

- Converting the existing Development Plan to the Better Development Plan format which includes the replacement of general and Council-wide policy with a range of general policy modules and the replacement of existing zone names and zone policy with new zone names and policy suitably amended to meet local circumstances.
- Modifying policy in the Primary Production Zone to provide additional options for land division where appropriate, allow for stand-alone tourist development and the occupation and sale of disused farmhouses.

- Adopting the new Bulk Handling Zone for silo areas in each township.
- Modifying Zoning at Wudinna per the following:
  - Converting portions of the Commercial (Wudinna) Zone and Rural Living (Wudinna) Zone south of the Eyre Highway and west of Cocata Road, comprised of allotments 93 and 94 and sections 77, 78, 91 and 92, Hundred of Pygery, to an Industry Zone.
  - Creating a Mixed Use Zone over the remainder of the existing Commercial Zone south of the Eyre Highway plus the remainder of the existing Rural Living (Wudinna) Zone.
  - Modifying the Residential Zone at Wudinna to align with the property boundary at section 58, Hundred of Pygery.
  - Creating a Rural Living Zone on the north-eastern boundary of the Wudinna township.
- Amending Zoning at Minnipa so as to include the area of the Minnipa Aerodrome in the Airfield Zone.
- Amending Zoning at Warramboe to incorporate the whole of the township of Warramboe into a Settlement Zone (excluding the area designated as a Bulk Handling Zone).
- Increasing the conforming floor area for residential outbuildings to 120 m<sup>2</sup> where the size of the allotment is at least 800 m<sup>2</sup>.

A copy of the draft Development Plan Amendment will be available for public inspection during normal office hours at the Council Office, 11 Burton Terrace, Wudinna and on the Council website at [www.wudinna.sa.gov.au](http://www.wudinna.sa.gov.au). A copy of the draft Development Plan Amendment on CD can be obtained from the Council office at no charge.

The draft Development Plan Amendment will be on display from 1 May 2009 until 30 June 2009. Written submissions regarding the draft Development Plan Amendment should be submitted no later than 5 p.m. on 30 June 2009. All submissions should be addressed to Alan McGuire, Chief Executive Officer, Wudinna District Council, P.O. Box 6, Wudinna, S.A. 5652 and should clearly indicate whether you wish to be heard in support of your submission.

Copies of all submissions will be available for inspection by interested persons at the Wudinna District Council Offices, 11 Burton Terrace, Wudinna, from 1 July 2009 and a public meeting will be held at 3 p.m. on 21 July 2009, in the Council Chambers, 11 Burton Terrace, Wudinna, at which time interested persons may appear to be heard in relation to the draft Development Plan Amendment and their submission. The public meeting will not be held if no submissions are received or if no submission makes a request to be heard.

Queries should be directed to Mike Thompson, Manager, Environment and Community Services on 8680 2002 or Council's Planning Consultant, Stewart Payne on 0417 824 721.

A. F. MCGUIRE, Chief Executive Officer

#### DISTRICT COUNCIL OF YORKE PENINSULA

##### *Adoption of Annual Service Charge*

NOTICE is hereby given that the District Council of Yorke Peninsula at its meeting held on 12 August 2008, for the financial year ending 30 June 2009, resolved to declare an annual service charge for the waste collection (the Waste and Recycling) service based upon the nature and level of usage of the service as follows:

1. \$130 for a two bin service; and
2. \$145 for a three bin service.

R. K. BRUHN, Chief Executive Officer

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

- Bennett, Marion Tool*, late of 1 Laphorne Lane, Exeter, retired process worker, who died on 10 February 2009.
- Challis, Cicely Mildred*, late of 1A Mount Barker Road, Hahndorf, of no occupation, who died on 26 July 2007.
- Ettridge, Mary Edith Priscilla*, late of 61-63 Oxford Terrace, Port Lincoln, of no occupation, who died on 16 January 2009.
- Gardiner, James David*, late of 545 Mount Barker Road, Bridgewater, fitter, who died on 16 October 2008.
- Kennedy, Dorothy Caithness*, late of 160 O.G. Road, Felixstow, of no occupation, who died on 6 February 2009.
- Martin, Lola Fay*, late of 3 Gray Street, Riverton, home duties, who died on 8 February 2009.
- Maxwell, Alfred Ernest Snowdon*, late of 156 Main North Road, Prospect, of no occupation, who died on 26 June 2008.
- McLean, Claremont Allan Lloyd*, late of 67 Porter Street, Salisbury, of no occupation, who died on 26 February 2009.
- McPhail, Hartley Leonard*, late of 79 Robsart Street, Parkside, retired transport driver, who died on 2 February 2009.
- Piro, Barbara Mary*, late of 37 Gray Street, Plympton, home duties, who died on 22 October 2008.
- Richards, Edith Amie Gladys*, late of 15 Railway Terrace, Taillem Bend, widow, who died on 9 February 2009.
- Roberts, Charles Barry*, late of 24 Fuller Crescent, Elizabeth East, rigger and boilermaker, who died on 19 January 2009.
- Selder, Leonardus Johannes Maria*, late of 86 Flinders Avenue, Whyalla Stuart, rail plant inspector, who died on 16 August 2008.
- Watson, Murray Harvey*, late of 36 Furner Road, Mitchell Park, retired postman, who died on 23 February 2009.
- Wood, Anita Joyce*, late of 3 Donald Street, Salisbury, home duties, who died on 3 December 2008.

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 29 May 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 30 April 2009.

M. I. BODYCOAT, Public Trustee

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# ATTENTION

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

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