



THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

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ADELAIDE, THURSDAY, 26 AUGUST 2010

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GOVERNMENT GAZETTE NOTICES

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

Department of the Premier and Cabinet
Adelaide, 26 August 2010

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Controlled Substances Advisory Council, pursuant to the provisions of the Controlled Substances Act 1984:

Member: (from 30 August 2010 until 29 August 2011)
Kevin James Buckett

Member: (from 30 August 2010 until 29 August 2013)
Penelope Anne Briscoe
Thomas Ian Osborn
Briony Nola Kennewell
Jason Mark White
Caroline Mary Ward
Julia Mary Nicholls
Lloyd Norman Sansom
Christopher Simon Reynolds
Judy Carol Gillett-Ferguson

Deputy Member: (from 30 August 2010 until 29 August 2011)

Stephen Morris (Deputy to Buckett)

Deputy Member: (from 30 August 2010 until 29 August 2013)

Timothy James Semple (Deputy to Briscoe)
Linda Williams (Deputy to Osborn)
Matthew Russell Goode (Deputy to Kennewell)
David Ng (Deputy to White)
Matthew Oliver Cox (Deputy to Ward)
Lynette Joy Banner (Deputy to Nicholls)
David Leslie Simon (Deputy to Sansom)
Samantha Mead (Deputy to Reynolds)
Judith Ellen Smith (Deputy to Gillett-Ferguson)

By command,

GRACE PORTOLESI, for Premier

HEAC-2010-00041

Department of the Premier and Cabinet
Adelaide, 26 August 2010

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Genetically Modified Crop Advisory Committee, pursuant to the provisions of the Genetically Modified Crops Management Act 2004:

Member: (from 26 August 2010 until 25 August 2013)
Judith Anne Winstanley Levy
Jessica Elizabeth Peters
Heather Lorraine Baldock
Richard John Way
Neil Pontifex
Caroline Louise Rhodes
Gerard Peter McMullen
Michael Shane Bowden
Kristina Roberts
Geoffrey Annison
Rachel Allyson Ankeny

Presiding Member: (from 26 August 2010 until 25 August 2013)

Judith Anne Winstanley Levy

By command,

GRACE PORTOLESI, for Premier

MAFF10/17CS

Department of the Premier and Cabinet
Adelaide, 26 August 2010

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Training and Skills Commission, pursuant to the provisions of the Training and Skills Development Act 2008:

Member: (from 1 September 2010 until 31 August 2012)
John Duncan Anselan Buchanan
Angela Lynne Coker
Paul John Dowd
Janet Margaret Giles

Michael Stockton Keating
Miriam Amena Silva
Lindsay Anne Simmons
Adrian Lee Smith
Peter Vaughan

Deputy Member: (from 1 September 2010 until 31 August 2012)

Ian Ward Curry (Deputy to Giles)
Tarnya Cruickshank (Deputy to Vaughan)
Sally Jane Powell (Deputy to Simmons)

Chair: (from 1 September 2010 until 31 August 2012)
Adrian Lee Smith

Deputy Chair: (from 1 September 2010 until 31 August 2012)
Miriam Amena Silva

By command,

GRACE PORTOLESI, for Premier

METF10/006CS

Department of the Premier and Cabinet
Adelaide, 26 August 2010

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the South Australian Health Practitioners Tribunal, pursuant to the provisions of the Health Practitioner National Law (South Australia) Act 2010:

Panel Member: (from 26 August 2010 until 25 August 2013)

Michael Frank Grieg
Jonathan Sporne
Graham Peet West
David Andrew Sainsbury
Maree Frances O'Keefe
Jennifer Menz
Katrina Ruth Allen
Sally Anne Hampel
Susan Elizabeth White
Anne Christine Holliday
Bernhard Bolingbroke Stefan-Rasmus
Neale Burton
Lynette Joy Banner
David Ng
Christopher Paul Alderman
Pamela Joy Williams
Nicholas Constantine Galatis
Michael Brian Mildren
Ian Philip Todd
Richard John Marotti
Peter Desmond Roberts
Naomi Meredith Haensel
Brenda Margaret Diletto
Timothy Wesley Abrahams
Angelo Salerno
Andrew Leonard Van Essen
Robyn Louise Young
Colby Mark Pearce
Rosemary Joy Kennedy
Adrian Booth
Janet Isabelle Stephenson
Donna Theresa Riseley
Timothy Clarke Hill
Kym Gavin Harris
Angela Mary Pierce
Victoria Farmer
Geoffrey Russell Pitcher
Janet Megan Fuss
Janet Fiona Scott
Katrina Louise Plastow
Dennis Richard Joslin
John Guy Angove
Frank John van der Linden
Nikole Kristina Grbin
Martin Patrick Matthews
Majid Gheisar
Kevin Francis Rooney
Margaret Anne Kirkman
Neil Bruce Murray
Andrew Roy Scott Thomas
Mark Philip William Parsons
David Caryl Blaikie

Vanessa Swan
Christine Belford
Margaret Brown
Michael Charles De Rohan
Elaine Golding
Janne Christine McMahon
Alan Robert Nankivell
Stephanie Mary Newell
William Squire

By command,
GRACE PORTOLESI, for Premier

HEAC-2010-00033

Department of the Premier and Cabinet
Adelaide, 26 August 2010

HIS Excellency the Governor 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 28 August 2010 until 27 August 2013)
Penny Kaempf
Amanda Dianne Blair

Deputy Presiding Member: (from 28 August 2010 until 27 August 2013)
Penny Kaempf

By command,
GRACE PORTOLESI, for Premier

MGA10/005SC

Department of the Premier and Cabinet
Adelaide, 26 August 2010

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable Kevin Owen Foley, MP, Deputy Premier, Treasurer, Minister for Federal/State Relations and Minister for Defence Industries to be also Acting Premier, Acting Minister for Economic Development, Acting Minister for Social Inclusion and Acting Minister for Sustainability and Climate Change for the period from 2 September 2010 to 11 September 2010 inclusive, during the absence of the Honourable Michael David Rann, MP.

By command,
GRACE PORTOLESI, for Premier

DPC030/96PT4CS

Department of the Premier and Cabinet
Adelaide, 26 August 2010

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable John David Hill, MP, Minister for Health, Minister for Mental Health and Substance Abuse, Minister for the Southern Suburbs and Minister Assisting the Premier in the Arts to be also Acting Minister for the Arts for the period from 2 September 2010 to 11 September 2010 inclusive, during the absence of the Honourable Michael David Rann, MP.

By command,
GRACE PORTOLESI, for Premier

DPC030/96PT4CS

Department of the Premier and Cabinet
Adelaide, 26 August 2010

HIS Excellency the Governor in Executive Council has been pleased to appoint the land valuers listed, to the panels established in relation to the regions set out below for the period commencing on 26 August 2010 and expiring on 25 August 2013, pursuant to Section 25A of the Valuation of Land Act 1971:

Name	Qualifications	Regions
Joanne Lee Gaetjens	B. Bus Prop (Val) AAPI, CPV	Metropolitan Adelaide
Peter Robert Lornie	B Commerce AAPI, CPV	Adelaide Hills and Barossa Fleurieu and Kangaroo Island Limestone Coast Metropolitan Adelaide Murray and Mallee Yorke and Mid North
William Fudali	FAPI, CPV	Adelaide Hills and Barossa Fleurieu and Kangaroo Island Metropolitan Adelaide Yorke and Mid North
Janet Rosemary Hawkes	B.App, Sc (Val) MBA AAPI, CPV	Adelaide Hills and Barossa Fleurieu and Kangaroo Island Metropolitan Adelaide
Graham Laurence Martin	B.Bus Prop AAPI, CPV	Metropolitan Adelaide
Kelly Anne Mathews	B.Bus Prop B Mgmt (Mktg) AAPI, CPV	Adelaide Hills and Barossa Metropolitan Adelaide Yorke and Mid North
Allan Marian Romaniuk	B.Bus Prop AAPI, CPV	Adelaide Hills and Barossa Metropolitan Adelaide Yorke and Mid North
Nafsika Saric	B.Bus Prop AAPI, CPV	Metropolitan Adelaide
John Malcolm Richardson	B, App. Sc (Val) AAPI, CPV	Metropolitan Adelaide
Philip Keith Tucker	Dip. Surv (UK) Grad Dip Property AAPI, CPV	Adelaide Hills and Barossa Fleurieu and Kangaroo Island Metropolitan Adelaide
Neil Andrews	B.Bus Prop Grad Dip (Urban and Regional Town Planning) AAPI, CPV	Metropolitan Adelaide

Name	Qualifications	Regions	Name	Qualifications	Regions	
Mario Centofanti	B.Bus Prop AAPI, CPV	Adelaide Hills and Barossa Metropolitan Adelaide Murray and Mallee Yorke and Mid North	Janet Rosemary Hawkes	B.App, Sc (Val) MBA AAPI, CPV	Adelaide Hills and Barossa Fleurieu and Kangaroo Island Metropolitan Adelaide	
Ryan John Stewart	B.Bus Prop AAPI, CPV	Fleurieu and Kangaroo Island Metropolitan Adelaide	Graham Laurence Martin	B.Bus Prop AAPI, CPV	Metropolitan Adelaide	
Matthew Leonard Singleton	B.Bus Prop AAPI, CPV	Adelaide Hills and Barossa Fleurieu and Kangaroo Island Metropolitan Adelaide	Kelly Anne Mathews	B.Bus Prop B Mgmt (Mktg) AAPI, CPV	Adelaide Hills and Barossa Metropolitan Adelaide Yorke and Mid North	
John Lincoln Morgan	B, App. Sc (Val) FAPI, CPV, CPV (PandM)	Adelaide Hills and Barossa Eyre and Western Far North Fleurieu and Kangaroo Island Limestone Coast Metropolitan Adelaide Yorke and Mid North	Allan Marian Romaniuk	B.Bus Prop AAPI, CPV	Adelaide Hills and Barossa Metropolitan Adelaide Yorke and Mid North	
Bartholomew Thomas Quinn	B.Bus Prop AAPI, CPV	Adelaide Hills and Barossa Metropolitan Adelaide	Nafsika Saric	B.Bus Prop AAPI, CPV	Metropolitan Adelaide	
Alan Ronald Ludlow	Dip Tech Valuation FAPI, CPV	Adelaide Hills and Barossa Fleurieu and Kangaroo Island Metropolitan Adelaide	By command, GRACE PORTOLESI, for Premier			
Peter John Allen	AAPI, CPV	Metropolitan Adelaide Murray and Mallee	MFI10/018	Department of the Premier and Cabinet Adelaide, 26 August 2010		
Bruce Gibson Ballantyne	Valuation of Real Estate Certificate, Grad Dip Town Planning, AAPI, CPV	Adelaide Hills and Barossa Metropolitan Adelaide Murray and Mallee Yorke and Mid North	HIS Excellency the Governor in Executive Council has been pleased to appoint Timothy John Whetstone as a Justice of the Peace for South Australia effective from 26 August 2010 for the term during which he also holds office as a Member of Parliament, it being a condition of appointment that the Justice of the Peace must take the oaths required of a Justice under the Oaths Act 1936 and return the oaths form to the Justice of the Peace Services within 3 months of the date of appointment, pursuant to Section 5 of the Justices of the Peace Act 2005.			
Nicholas John Carter	B App. Sc, APPI, CPV	Metropolitan Adelaide	By command, GRACE PORTOLESI, for Premier			
Barry Malcolm Curzons	B.Bus Prop AAPI, CPV	Metropolitan Adelaide	JP10/018CS			
Rachel Elizabeth Elliott	B.Bus Prop AAPI, CPV	Fleurieu and Kangaroo Island	DEVELOPMENT ACT 1993 <i>Alteration to Minister's Specification SA 78— Bushfire Fighting Equipment and Water Supply Requirements in Designated Bushfire Prone Areas</i>			
Christopher James Carter	B.App, Sc PRM (Val)	Metropolitan Adelaide	<i>Preamble</i>			
Robert Millar De Garis	AAPI, CPV, FREI	Limestone Coast	Section 108 (6) of the Development Act 1993, provides that the Regulations may refer to a standard or other document prepared or published by a prescribed body. Regulation 106 (2) prescribes the Minister as a prescribed body for the purposes of section 108 (6).			
Malcolm George Potts	AAPI CPV, AREI	Adelaide Hills and Barossa Eyre and Western Far North Metropolitan Adelaide Murray and Mallee Yorke and Mid North	NOTICE			
David James Bell	B.Bus Prop AAPI, CPV, MREI	Far North Yorke and Mid North	PURSUANT to section 108 (6) of the Development Act 1993 and Regulation 106 (2) of the Development Regulations 2008, notice is given of an alteration to Minister's Specification SA 78—Bushfire Fighting Equipment and Water Supply Requirements in Designated Bushfire Prone Areas.			
William Fudali	FAPI, CPV	Adelaide Hills and Barossa Fleurieu and Kangaroo Island Metropolitan Adelaide Yorke and Mid North	Minister's Specification SA 78 dated July 2001, as published and adopted on 27 September 2001, is repealed and replaced with Minister's Specification SA 78—Additional Requirements in Designated Bushfire Prone Areas, dated August 2010 by the Minister for Urban Development and Planning, for adoption under the Development Regulations as part of the Building Rules.			

Dated 16 August 2010.

PAUL HOLLOWAY, Minister for Urban
Development and Planning

DEVELOPMENT ACT 1993

*Mount Barker Urban Growth Development Plan Amendment
Prepared by the Minister—Change to Public Meeting*

PURSUANT to sections 24 and 26 of the Development Act 1993, the Minister for Urban Development and Planning has prepared the Mount Barker Urban Growth Development Plan Amendment (DPA) to amend the Mount Barker (DC) Development Plan.

Public consultation on the draft DPA concluded on 4 August 2010. A Public Meeting for the DPA was to be held on Tuesday, 31 August 2010 at 7 p.m. at Cinema 3, Wallis Cinemas, 17 Adelaide Road, Mount Barker.

As a result of the written submissions received in relation to the DPA, the Public Meeting has been re-scheduled to occur over four days and will be held at:

Cinema 1,
Wallis Cinemas,
17 Adelaide Road,
Mount Barker.

The scheduled Public Meeting days and commencement times are as follows:

- Tuesday, 31 August 2010—commencing at 7 p.m.
- Wednesday, 1 September 2010—commencing at 7 p.m.
- Wednesday, 8 September 2010—commencing at 7 p.m.
- Tuesday, 14 September 2010—commencing at 7 p.m.

If you would like more information about the draft DPA, please contact Steven Copus on telephone number: 8303 0659 or via email at: copus.steven@sa.gov.au

Dated 26 August 2010.

S. UNDERWOOD, Secretary, Development
Policy Advisory Committee

DEVELOPMENT ACT 1993

*Alteration to the Building Code of Australia**Preamble*

1. On 29 April 2010, notice was given under section 4 (7) of the Development Act 1993, of an alteration to the 2009 edition of the Building Code of Australia, and adoption of the 2010 edition of the Building Code of Australia, as published by the Australian Building Codes Board.

2. I have decided to vary the notice referred to in Clause 1.

NOTICE

PURSUANT to section 4 (7) of the Development Act 1993, I vary the notice referred to in Clause 1 of the preamble by inserting after exception (c) the following:

(d) In South Australia Clause 3.12.0.1 (a) of Volume Two of BCA 2010 is replaced as follows:

- (a) To reduce heating and cooling loads, a building must have an energy rating to the Nationwide House Energy Rating Scheme using a calculation method that complies with the ABCB Protocol for House Energy Rating Software of not less than:
- (i) 6 stars; or
 - (ii) for a transportable building—5 stars.

Dated 23 August 2010.

MICHAEL WRIGHT, Acting Minister for
Urban Development and Planning

DEVELOPMENT ACT 1993, SECTION 26 (9):
GAWLER EAST DEVELOPMENT PLAN AMENDMENT*Preamble*

1. The Development Plan Amendment entitled 'Gawler East 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 26 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 16 August 2010.

PAUL HOLLOWAY, Minister for Urban
Development and Planning

DEVELOPMENT ACT 1993, SECTION 25 (17): DISTRICT
COUNCIL OF GRANT—RECREATION AND
LIFESTYLE LIVING (GLENBURNIE RACECOURSE)
ZONE DEVELOPMENT PLAN AMENDMENT*Preamble*

1. The Development Plan Amendment entitled District Council of Grant—Recreation and Lifestyle Living (Glenburnie Racecourse) Zone Development 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 Amendment.

NOTICE

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

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

Dated 16 August 2010.

PAUL HOLLOWAY, Minister for Urban
Development and Planning

GEOGRAPHICAL NAMES ACT 1991

Notice to Alter Boundaries of Places

NOTICE is hereby given pursuant to section 11B (5) of the Geographical Names Act 1991, that I, PETER MACLAREN KENTISH, Surveyor-General and Delegate appointed by Patrick Conlon, Minister for Infrastructure, Minister of the Crown to whom the administration of the Geographical Names Act 1991 is committed DO HEREBY alter the following boundaries as listed in the Schedule below:

THE SCHEDULE

<i>Description</i>	<i>File Reference</i>	<i>Date of Approval</i>
Move the suburb boundary of Glengowrie to the western boundary of FP 9176 Allotments 734, 783 and H 105500 section 1503 so that the whole of the allotments are within Glengowrie.	DTEI.2010/17801/01	19.8.10
Move the suburb boundary of Glengowrie to the centre of the access road of CP 20598 so that the suburb boundary and the Local Government Boundary coincide.	DTEI.2010/17801/01	19.8.10

The altered boundary can be viewed on the Land Services Property Location Browser (PLB) website at:

www.landservices.sa.gov.au/1Online_Services/20PLB/0default.asp

or by contacting the Geographical Name Unit, DTEI on (08) 8204 8539.

P. M. KENTISH, Surveyor-General, Department
for Transport, Energy and Infrastructure

ENVIRONMENT PROTECTION ACT 1993

Revocation of Approval of Category B Containers

I, ANDREA KAYE WOODS, Delegate of the Environment Protection Authority ('the Authority'), pursuant to section 68 of the Environment Protection Act 1993 (SA) ('the Act') hereby revoke the approvals of the classes of category B containers sold in South Australia as identified by reference to the following matters, which are described in the first 4 columns of Schedule 1 of this Notice.

- (a) the product which each class of containers shall contain;
- (b) the size of the containers;
- (c) the type of containers; and
- (d) the name of the holders of these approvals.

These approvals are revoked as the Authority is satisfied that the waste management arrangement between the approval holder and the party named in column 5 of Schedule 1 of this Notice has been cancelled.

SCHEDULE 1

Column 1	Column 2	Column 3	Column 4	Column 5
Product Name	Container Size (mL)	Container Type	Approval Holder	Collection Arrangements
iDrinx Beer Tequila Lime	275	Glass	Australian Independent Brewers	Marine Stores Ltd
Blue Bottle Beer	330	Glass	Bluebottle Beer Pty Ltd	Statewide Recycling
Fire Fly Beer	330	Glass	Bluebottle Beer Pty Ltd	Statewide Recycling
Bi Aglut 76	330	Glass	Bottega Rotolo Pty Ltd	Marine Stores Ltd
San Benedetto Aranciata	250	Glass	Brasilia Coffee	Marine Stores Ltd
San Benedetto Chinotto	250	Glass	Brasilia Coffee	Marine Stores Ltd
San Benedetto Frizzante	250	Glass	Brasilia Coffee	Marine Stores Ltd
San Benedetto Frizzante	500	Glass	Brasilia Coffee	Marine Stores Ltd
San Benedetto Frizzante	1 000	Glass	Brasilia Coffee	Marine Stores Ltd
San Benedetto Gassosa	250	Glass	Brasilia Coffee	Marine Stores Ltd
San Benedetto Ice Lemon	500	PET	Brasilia Coffee	Marine Stores Ltd
San Benedetto Limonata	250	Glass	Brasilia Coffee	Marine Stores Ltd
San Benedetto Naturale	1 500	PET	Brasilia Coffee	Marine Stores Ltd
San Benedetto Naturale	500	PET	Brasilia Coffee	Marine Stores Ltd
San Benedetto Naturale	1 000	Glass	Brasilia Coffee	Marine Stores Ltd
San Benedetto Naturale	250	Glass	Brasilia Coffee	Marine Stores Ltd
San Benedetto Naturale	500	Glass	Brasilia Coffee	Marine Stores Ltd
San Benedetto Pompelmo	250	Glass	Brasilia Coffee	Marine Stores Ltd
San Benedetto Pop Top Natural Mineral Water	500	PET	Brasilia Coffee	Marine Stores Ltd
San Benedetto Sanguinella	250	Glass	Brasilia Coffee	Marine Stores Ltd
Gerolsteiner Naturally Sparkling Mineral Water	1 000	Glass	Capital Foods Australia Pty Ltd	Marine Stores Ltd
Galvanina Sparkling Natural Mineral Water	330	Glass	Coles Group Limited	Marine Stores Ltd
Galvanina Sparkling Natural Mineral Water	750	Glass	Coles Group Limited	Marine Stores Ltd
Galvanina Still Natural Mineral Water	330	Glass	Coles Group Limited	Marine Stores Ltd
Galvanina Still Natural Mineral Water	750	Glass	Coles Group Limited	Marine Stores Ltd
Sanpellegrino Carbonated Natural Mineral Water	750	Glass	Coles Group Limited	Marine Stores Ltd
Blox Orange Rush Energy Drink	250	Can—Aluminium	Cuedon Pty Ltd	Marine Stores Ltd
Blox Total Impact Energy Drink Citrus Flavour	250	Can—Aluminium	Cuedon Pty Ltd	Marine Stores Ltd
Found 100% Organic Pomegranate Juice	250	Glass	Found Enterprises Australasia Pty Ltd	Marine Stores Ltd
Holgate Brewhouse ESB	330	Glass	Holgate Brewhouse Pty Ltd	Marine Stores Ltd
Holgate Brewhouse Mt Macedon Ale	330	Glass	Holgate Brewhouse Pty Ltd	Marine Stores Ltd
Holgate Brewhouse Old Pale Ale	330	Glass	Holgate Brewhouse Pty Ltd	Marine Stores Ltd
Holgate Brewhouse Pilsner	330	Glass	Holgate Brewhouse Pty Ltd	Marine Stores Ltd
Holgate Brewhouse White Ale	330	Glass	Holgate Brewhouse Pty Ltd	Marine Stores Ltd
Southern Wrangler Bourbon & Cola	440	Can—Aluminium	Indio Beverages Australia Pty Ltd	Marine Stores Ltd
Island Cider	330	Glass	Island Brew	Marine Stores Ltd
Island Pale	330	Glass	Island Brew	Marine Stores Ltd
Pink Lady Sparkling Cider	750	Glass	Island Brew	Marine Stores Ltd
Pure Samoan Noni Juice	500	Glass	Island Spirit Australia Pty Ltd	Marine Stores Ltd
Zest Ale Fusion Lemon	330	Glass	KAT Breweries	Marine Stores Ltd
Zest Ale Fusion Lime	330	Glass	KAT Breweries	Marine Stores Ltd
Ned Kelly Red	750	Glass	Mical Nominees t/as Callipari Wine & Food	Marine Stores Ltd
Ned Kelly Red	330	Glass	Mical Nominees t/as Callipari Wine & Food	Marine Stores Ltd
Ned Kelly Red Heavy	330	Glass	Mical Nominees t/as Callipari Wine & Food	Marine Stores Ltd
Ned Kelly Red Heavy	750	Glass	Mical Nominees t/as Callipari Wine & Food	Marine Stores Ltd
Barons Extra Special Bitter	330	Glass	Moving Juice Direct Wines Sales	Marine Stores Ltd
Black Wattle Superior Wattle Seed Ale	330	Glass	Moving Juice Direct Wines Sales	Marine Stores Ltd
Nexcite	330	PET	Nexcite Drinks Australasia Pty Ltd	Marine Stores Ltd
Nexcite Herbal Drink	750	Glass	Nexcite Drinks Australasia Pty Ltd	Marine Stores Ltd
Nexcite Herbal Drink	200	Glass	Nexcite Drinks Australasia Pty Ltd	Marine Stores Ltd
Long Island T	330	Glass	Party Drinks Pty Ltd	Marine Stores Ltd
Hite Beer	330	Glass	Pia Imports	Marine Stores Ltd
Aussie Pops Blueberry Flavoured Fruit Drink	350	PET	Pink Ribbon Beverages Pty Ltd	Statewide Recycling
Aussie Pops Lime Flavoured Fruit Drink	350	PET	Pink Ribbon Beverages Pty Ltd	Statewide Recycling
Aussie Pops Orange Flavoured Fruit Drink	350	PET	Pink Ribbon Beverages Pty Ltd	Statewide Recycling
Aussie Pops Raspberry Flavoured Fruit Drink	350	PET	Pink Ribbon Beverages Pty Ltd	Statewide Recycling

Column 1	Column 2	Column 3	Column 4	Column 5
Product Name	Container Size (mL)	Container Type	Approval Holder	Collection Arrangements
Cookie Monsters Lemon Lime Water	250	PET	Pink Ribbon Beverages Pty Ltd	Statewide Recycling
Elmos Blackcurrant Water	250	PET	Pink Ribbon Beverages Pty Ltd	Statewide Recycling
Elmos Raspberry Water	250	PET	Pink Ribbon Beverages Pty Ltd	Statewide Recycling
Elmos Springwater	350	PET	Pink Ribbon Beverages Pty Ltd	Statewide Recycling
Family Guy Brian Blackcurrant	375	HDPE	Pink Ribbon Beverages Pty Ltd	Statewide Recycling
Family Guy Peter Lemon Lime	375	HDPE	Pink Ribbon Beverages Pty Ltd	Statewide Recycling
Family Guy Stewie Blackcurrant	375	HDPE	Pink Ribbon Beverages Pty Ltd	Statewide Recycling
Family Guy Stewie Lemon Lime	375	HDPE	Pink Ribbon Beverages Pty Ltd	Statewide Recycling
Futurama Orange	375	HDPE	Pink Ribbon Beverages Pty Ltd	Statewide Recycling
Futurama Raspberry	375	HDPE	Pink Ribbon Beverages Pty Ltd	Statewide Recycling
Grovers Strawberry Water	250	PET	Pink Ribbon Beverages Pty Ltd	Statewide Recycling
Pink Ribbon Lemon Lime	600	PET	Pink Ribbon Beverages Pty Ltd	Statewide Recycling
Pink Ribbon Orange Pineapple & Passionfruit Super Smoothie	250	LPB—Aseptic	Pink Ribbon Beverages Pty Ltd	Statewide Recycling
Pink Ribbon Peach Mandarin	600	PET	Pink Ribbon Beverages Pty Ltd	Statewide Recycling
Pink Ribbon Raspberry Blackberry & Blueberry Super Smoothie	250	LPB—Aseptic	Pink Ribbon Beverages Pty Ltd	Statewide Recycling
Pink Ribbon Raspberry Lemon	600	PET	Pink Ribbon Beverages Pty Ltd	Statewide Recycling
Pink Ribbon Spring Water	600	PET	Pink Ribbon Beverages Pty Ltd	Statewide Recycling
Radd Lemon Lime Sportswater	500	PET	Pink Ribbon Beverages Pty Ltd	Statewide Recycling
Radd Orange Sportswater	500	PET	Pink Ribbon Beverages Pty Ltd	Statewide Recycling
Radd Raspberry Sportswater	500	PET	Pink Ribbon Beverages Pty Ltd	Statewide Recycling
Radd Tropical Sportswater	500	PET	Pink Ribbon Beverages Pty Ltd	Statewide Recycling
The Simpsons Bart Raspberry Flavoured Water	325	HDPE	Pink Ribbon Beverages Pty Ltd	Statewide Recycling
The Simpsons Bart Springwater	350	PET	Pink Ribbon Beverages Pty Ltd	Statewide Recycling
The Simpsons Chief Wiggum Raspberry Flavoured Water	325	HDPE	Pink Ribbon Beverages Pty Ltd	Statewide Recycling
The Simpsons Chief Wiggum Springwater	350	PET	Pink Ribbon Beverages Pty Ltd	Statewide Recycling
The Simpsons Homer Lemon Lime Flavoured Water	325	HDPE	Pink Ribbon Beverages Pty Ltd	Statewide Recycling
The Simpsons Homer Springwater	350	PET	Pink Ribbon Beverages Pty Ltd	Statewide Recycling
The Simpsons Krusty Lemon Lime Flavoured Water	325	HDPE	Pink Ribbon Beverages Pty Ltd	Statewide Recycling
The Simpsons Krusty Springwater	350	PET	Pink Ribbon Beverages Pty Ltd	Statewide Recycling
The Simpsons Marge Raspberry Flavoured Water	325	HDPE	Pink Ribbon Beverages Pty Ltd	Statewide Recycling
The Simpsons Marge Springwater	350	PET	Pink Ribbon Beverages Pty Ltd	Statewide Recycling
The Simpsons Mr Burns Lemon Lime Flavoured Water	325	HDPE	Pink Ribbon Beverages Pty Ltd	Statewide Recycling
The Simpsons Mr Burns Springwater	350	PET	Pink Ribbon Beverages Pty Ltd	Statewide Recycling
Snowy Mountains Bullocks Pilsner	330	Glass	Snowy Mountains Brewery Pty Ltd	Marine Stores Ltd
Snowy Mountains Charlottes Hefeweizen	330	Glass	Snowy Mountains Brewery Pty Ltd	Marine Stores Ltd
Snowy Mountains Crackenback Pale Ale	330	Glass	Snowy Mountains Brewery Pty Ltd	Marine Stores Ltd
Snowy Mountains Razorback Red Ale	330	Glass	Snowy Mountains Brewery Pty Ltd	Marine Stores Ltd
Buckleys Dark Bock	330	Glass	Yarra Flats Brewery	Marine Stores Ltd
Buckleys Pilz	330	Glass	Yarra Flats Brewery	Marine Stores Ltd

GOVERNMENT FINANCING AUTHORITY ACT 1982

Persons Assigned to Work

NOTICE is hereby given that the Under Treasurer will from time to time employ persons in the Department of Treasury and Finance, pursuant to the Public Sector Act 2009 and such persons will be assigned to work in the South Australian Government Financing Authority.

Take notice that, pursuant to section 20 (2) (a) of the Government Financing Authority Act 1982, I, Kevin Owen Foley, Treasurer, determine that section 45 of the Public Sector Act 2009 will not apply to the employment of such persons assigned to work in the South Australian Government Financing Authority to perform the duties of the role of Manager Financial Markets (role No. TF0360).

Pursuant to section 20 (2) of the Government Financing Authority Act 1982, I further determine that:

- (a) the Under Treasurer may employ persons employed to perform the duties of the role of Manager Financial Markets (role no TF0360) in the Department of Treasury and Finance, on a term basis for up to five years; and
- (b) in addition to the grounds for termination of employment under the Public Sector Act 2009, the employment of any person employed to perform the duties of the role of Financial Markets (role No. TF0360) may be terminated by the Under Treasurer or his/her delegate without cause, by the giving of a period of three months notice or payment in lieu. The Under Treasurer/delegate is not bound to give reasons if he/she terminates the employment of such persons on this basis.

Dated 23 August 2010.

KEVIN FOLEY, Treasurer

JURIES (REMUNERATION FOR JURY SERVICE)
REGULATIONS 2002*Declaration of Long Trial*

PURSUANT to Regulation 5 (2) of the Juries (Remuneration for Jury Service) Regulations 2002 and on the advice of the relevant court, I, John Rau, Attorney-General, do hereby declare the criminal trial of R v. Stuart James McDonald (SCCRM-09-60), to be a long trial for the purposes of these Regulations.

Dated 20 August 2010.

JOHN RAU, Attorney-General

LAND ACQUISITION ACT 1969

(SECTION 16)

Notice of Acquisition

THE COMMISSIONER OF HIGHWAYS (the 'Authority'), 136 North Terrace, Adelaide, S.A. 5000, acquires the following interests in the following land:

Definition of Land Acquired

Comprising an estate in fee simple in that piece of land situated at 525 South Road, Wingfield, being portion of Lot 500 in Community Plan 25122 comprised in certificate of title volume 6029, folio 988 and being the whole of the land numbered 23 on the unapproved plan numbered DP84036 that has been lodged in the Lands Title Office, subject to the easement to Distribution Lessor Corporation (subject to lease 8890000) created by TG 7578310.

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

Compensation

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

Inquiries

Inquiries should be directed to:

Matt Hogan,
G.P.O. Box 1533,
Adelaide, S.A. 5001
Phone: (08) 8343 2668

Dated 26 August 2010.

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

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

DTEI 2008/14726/01

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

NOTICE is hereby given, pursuant to section 52 of the Liquor Licensing Act 1997 and section 29 of the Gaming Machines Act 1992, that Wirrina First Mortgage Pty Ltd has applied to the Licensing Authority for the transfer of a Special Circumstances Licence and Gaming Licence in respect of premises situated at Cape Jarvis Road, Second Valley, S.A. 5204 and known as Sunset Cove Resort Golf Course Marina.

The applications have been set down for hearing on 27 September 2010 at 9.30 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the hearing date (viz: 20 September 2010).

The applicant's address for service is c/o Equititrust, 67 Thomas Drive, Chevron Island, Qld 4217 (Attention: David Kennedy).

The application and certain documents and material (including Plans) relevant to the application may be inspected without fee at a place and during a period specified by the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Telephone 8226 8410, Facsimile: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 18 August 2010.

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 Tuscany Hills Pty Ltd, 258 Victor Harbor Road, McLaren Vale, S.A. 5171 has applied to the Licensing Authority for a Direct Sales Licence in respect of the business to be known as Tuscany Hills.

The application has been set down for hearing on 20 September 2010 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: 13 September 2010).

The applicant's address for service is c/o Mark Curtis, P.O. Box 530, McLaren Vale, S.A. 5171.

The application and certain documents and material (including Plans) relevant to the application may be inspected without fee at a place and during a period specified by the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Telephone 8226 8410, Facsimile: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 17 August 2010.

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 Brigitta & Co. Pty Ltd has applied to the Licensing Authority for the transfer of a Restaurant Licence in respect of premises situated at 220 Greenhill Road, Eastwood, S.A. 5063 and known as Aria Bar Ristorante.

The application has been set down for hearing on 22 September 2010 at 11 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the hearing date (viz: 15 September 2010).

The applicant's address for service is c/o Wallmans Lawyers, G.P.O. Box 1018, Adelaide, S.A. 5001 (Attention: Peter Hoban or Ben Allen).

The application and certain documents and material (including Plans) relevant to the application may be inspected without fee at a place and during a period specified by the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Telephone 8226 8410, Facsimile: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 17 August 2010.

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 The Big Olive Company Pty Ltd as trustee for Lada Trust has applied to the Licensing Authority for a Producer's Licence in respect of premises situated at Lot 58, Big Olive Grove, Tailem Bend, S.A. 5260 and to be known as The Big Olive Company.

The application has been set down for callover on 22 September 2010 at 9.00 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: 15 September 2010).

The applicant's address for service is c/o Minter Ellison Solicitors, G.P.O. Box 1272, Adelaide, S.A. (Attention: Kathryn Nicolai).

The application and certain documents and material (including Plans) relevant to the application may be inspected without fee at a place and during a period specified by the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Telephone 8226 8410, Facsimile: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 17 August 2010.

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 Naz Group Pty Ltd as trustee for Nazab Family Trust has applied to the Licensing Authority for the transfer of a Restaurant Licence in respect of premises situated at 539 Greenhill Road, Hazelwood Park, S.A. 5066 known as Fasta Pasta Roundabout.

The application has been set down for hearing on 22 September 2010 at 9.30 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the hearing date (viz: 15 September 2010).

The applicant's address for service is c/o Rusak Corporate Conveyancers, P.O. Box 154, Ingle Farm, S.A. 5098 (Attention: Julie Rusak).

The application and certain documents and material (including Plans) relevant to the application may be inspected without fee at a place and during a period specified by the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Telephone 8226 8410, Facsimile: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 17 August 2010.

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 Thunderbird Vineyards Pty Ltd has applied to the Licensing Authority for a Producer's Licence in respect of premises situated at 58 Waterport Road, Port Elliot, S.A. 5212 and to be known as No. 58 Cellar Door & Gallery.

The application has been set down for hearing on 23 September 2010 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: 16 September 2010).

The applicant's address for service is c/o Alistair Haig, P.O. Box 544, Port Elliot, S.A. 5212.

The application and certain documents and material (including Plans) relevant to the application may be inspected without fee at a place and during a period specified by the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Telephone 8226 8410, Facsimile: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 17 August 2010.

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 DD & DJ Pty Ltd has applied to the Licensing Authority for the transfer of a Restaurant Licence in respect of premises situated at Adelaide Railway Station, Shop 8, Platform Level, North Terrace, Adelaide, S.A. 5000 and known as Jaspers Cafe.

The application has been set down for hearing on 23 September 2010 at 11 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the hearing date (viz: 16 September 2010).

The applicant's address for service is c/o Dianne Pratt, 15 Francis Ridley Circuit, Brompton, S.A. 5007.

The application and certain documents and material (including Plans) relevant to the application may be inspected without fee at a place and during a period specified by the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Telephone 8226 8410, Facsimile: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 19 August 2010.

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 Anthony Royland Hitchin and Christine Eileen Hitchin have applied to the Licensing Authority for variation to Conditions in respect of premises situated at Lot 11, Kays Road, McLaren Vale, S.A. 5171 and known as McLaren Vale Lavender.

The application has been set down for hearing on 27 September 2010 at 10 a.m.

Conditions

The following licence condition is sought:

- Variation to Conditions to remove the following condition from the licence:

The licence authorises the sale of lavender wine only.

and replace with:

The licence authorises the licensee for the sale and consumption of liquor off the licensed premises and on the licensed premises to persons seated at a table and ancillary to food provided by the licensee.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicants at the applicants' address, at least seven days before the hearing date (viz: 20 September 2010).

The applicants' address for service is c/o Tony Hitchin, 81 Main Road, McLaren Vale, S.A. 5171.

The application and certain documents and material (including Plans) relevant to the application may be inspected without fee at a place and during a period specified by the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Telephone 8226 8410, Facsimile: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 24 August 2010.

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 Cavalier Classic Cars Pty Ltd as trustee for Cavalier Classic Cars Trust has applied to the Licensing Authority for the transfer of a Special Circumstances Licence in respect of premises currently situated at 1 Walton Avenue, Clearview, S.A. 5085 and to be situated at 28 Nelson Avenue, Flinders Park, S.A. 5025 and known as Cavalier Classic Cars.

The application has been set down for hearing on 27 September 2010 at 11.30 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the hearing date (viz: 20 September 2010).

The applicant's address for service is c/o Steve Calabro, 28 Nelson Avenue, Flinders Park, S.A. 5025.

The application and certain documents and material (including Plans) relevant to the application may be inspected without fee at a place and during a period specified by the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Telephone 8226 8410, Facsimile: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 20 August 2010.

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 Orion Tennis Club Inc. has applied to the Licensing Authority for a Limited Club Licence in respect of premises situated at 109 Woodville Road, Woodville, S.A. 5011 and to be known as Orion Tennis Club Inc.

The application has been set down for hearing on 28 September 2010 at 9.30 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the hearing date (viz: 21 September 2010).

The applicant's address for service is c/o Milivoj Orecic, Unit 2/48 Adelaide Terrace, Ascot Park, S.A. 5043.

The application and certain documents and material (including Plans) relevant to the application may be inspected without fee at a place and during a period specified by the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Telephone 8226 8410, Facsimile: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 19 August 2010.

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 AVT Pty Ltd as trustee for the Veritas Trust has applied to the Licensing Authority for the transfer of a Restaurant Licence in respect of premises situated at 180 Main Road, Blackwood, S.A. 5051 and known as Cafe Primo Blackwood.

The application has been set down for hearing on 28 September 2010 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: 21 September 2010).

The applicant's address for service is c/o Carrington Conveyancers, P.O. Box 6193, Adelaide, S.A. 5001 (Attention: Paul Edwards).

The application and certain documents and material (including Plans) relevant to the application may be inspected without fee at a place and during a period specified by the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Telephone 8226 8410, Facsimile: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 20 August 2010.

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 De-Mac Australia Pty Ltd has applied to the Licensing Authority for Wholesale Liquor Merchant's Licence in respect of premises situated at 28 Diagonal Road, Pooraka, S.A. 5095 and to be known as De-Mac Australia Pty Ltd.

The application has been set down for hearing on 28 September 2010 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 September 2010).

The applicant's address for service is c/o Scott Patrick, 28 Diagonal Road, Pooraka, S.A. 5095.

The application and certain documents and material (including Plans) relevant to the application may be inspected without fee at a place and during a period specified by the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Telephone 8226 8410, Facsimile: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 20 August 2010.

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 Boisson Pty Ltd has applied to the Licensing Authority for a Direct Sales Licence in respect of the business to be known as Boisson Pty Ltd.

The application has been set down for hearing on 28 September 2010 at 11 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the hearing date (viz: 21 September 2010).

The applicant's address for service is c/o Wallmans Lawyers, G.P.O. Box 1018, Adelaide, S.A. 5001 (Attention: Ben Allen or Sam Ngai).

The application and certain documents and material (including Plans) relevant to the application may be inspected without fee at a place and during a period specified by the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Telephone 8226 8410, Facsimile: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 20 August 2010.

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 Daiquiri Adelaide Pty Ltd has applied to the Licensing Authority for a Special Circumstances Licence with Extended Trading Authorisation in respect of premises situated at 111 Sturt Street, Adelaide, S.A. 5000 and to be known as Daiquiri Adelaide Pty Ltd.

The application has been set down for hearing on 29 September 2010 at 10.30 a.m.

Conditions

The following licence conditions are sought:

- The licence will authorise the licensee to:
 - (a) sell liquor produced by or at the direction of the licensee or a related body corporate for consumption off the licensed premises;
 - (b) sell liquor sourced from Boisson Pty Ltd or a related body corporate for consumption off the licensed premises;
 - (c) sell or supply liquor by way of sample for consumption on the licensed premises; and
 - (d) sell liquor by way of direct sales transactions.
- Trading hours including Extended Trading Authorisation will be from 8 a.m. to 9 p.m. on any day.

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: 22 September 2010).

The applicant's address for service is c/o Wallmans Lawyers, G.P.O. Box 1018, Adelaide, S.A. 5001 (Attention: Sam Ngai or Ben Allen).

The application and certain documents and material (including Plans) relevant to the application may be inspected without fee at a place and during a period specified by the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Telephone 8226 8410, Facsimile: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 23 August 2010.

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 Paul Bernard Shirvington and Carolyne Margaret Shirvington have applied to the Licensing Authority for the removal of a Producer's Licence in respect of premises currently situated at 'Kurrawyba', Elliott Road, McLaren Flat, S.A. 571 and to be situated at Lot 12, Rifle Range Road, McLaren Vale, S.A. 5171, known as Shirvington, PB & CM.

The application has been set down for hearing on 29 August 2010 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 applicants at the applicants' address, at least seven days before the hearing date (viz: 22 September 2010).

The applicants' address for service is c/o Paul Shirvington, P.O. Box 220, McLaren Vale, S.A. 5171.

The application and certain documents and material (including Plans) relevant to the application may be inspected without fee at a place and during a period specified by the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Telephone 8226 8410, Facsimile: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 23 August 2010.

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 Sutee Puttikul and Naralai Puttikul have applied to the Licensing Authority for a Restaurant Licence in respect of premises situated at 54 Pulteney Street, Adelaide, S.A. 5000 and to be known as Natee Thai.

The application has been set down for hearing on 29 September 2010 at 11.30 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicants at the applicants' address, at least seven days before the hearing date (viz: 22 September 2010).

The applicants' address for service is c/o Sutee Puttikul, 40 Mary Street, Glenelg North, S.A. 5045.

The application and certain documents and material (including Plans) relevant to the application may be inspected without fee at a place and during a period specified by the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Telephone 8226 8410, Facsimile: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 23 August 2010.

Applicants

LOCAL GOVERNMENT ACT 1999

*Order for Preparation of Stormwater Management Plan for
Brown Hill Creek and Keswick Creek Catchment**Recital*

1. By notice dated 17 May 2010 and published in the *South Australian Government Gazette* of 20 May 2010 at page 1983, the Stormwater Management Authority issued a notice under Clause 14 of Schedule 1A of the Local Government Act 1999 ('Notice').

2. The Notice required the City of Mitcham, the City of Burnside, The Corporation of the City of Unley, The Corporation of the City of Adelaide and the City of West Torrens ('Councils') to prepare a Stormwater Management Plan in respect of that area of the Brown Hill Creek and Keswick Creek Catchment as was defined therein, within a period of 90 days from the date of publication of the Notice.

3. The Councils have not prepared a Stormwater Management Plan within the period specified in the Notice and accordingly have failed to comply with the Notice.

Now therefore, pursuant to Clause 16 (1) (a) of Schedule 1A of the Local Government Act 1999 the Stormwater Management Authority orders the Councils to complete the preparation of the Stormwater Management Plan by 30 April 2011.

Dated 20 August 2010.

Executed for and on behalf of the Stormwater Management Authority by its Presiding Member pursuant to a resolution of the Board.

B. J. GREAR, AO, Presiding Member
and in the presence of:

M. CASSETTA, Witness

LOCAL GOVERNMENT (ELECTIONS) ACT 1999

Local Government Elections—Nominations Open

NOMINATIONS will be received between Tuesday, 7 September 2010 until 12 noon Tuesday, 21 September 2010, from any person eligible and wishing to be a candidate for election to any of the positions listed below. Candidates must submit a profile of not more than 150 words with their nomination form and may also provide a photograph, predominantly head and shoulders, taken within the previous 12 months.

Council nomination information is set out below:

Dated 26 August 2010.

K. MOUSLEY, Returning Officer

ADELAIDE HILLS COUNCIL

Vacancies:

- 1 Vacancy—Mayor
- 2 Vacancies—Councillor for Manoah Ward
- 3 Vacancies—Councillor for Mount Lofty Ward
- 2 Vacancies—Councillor for Marble Hill Ward
- 2 Vacancies—Councillor for Torrens Valley Ward
- 3 Vacancies—Councillor for Onkaparinga Valley Ward

Nomination kits are available from:

Council Office
63 Mount Barker Road, Stirling
Phone: 8408 0400.

Council Office
28 Onkaparinga Valley Road, Woodside.

A briefing session for intending candidates will be held at 7 p.m. on Monday, 6 September 2010, at the Council Chambers, 63 Mount Barker Road, Stirling.

CORPORATION OF THE CITY OF ADELAIDE

Vacancies:

- 1 Vacancy—Lord Mayor
- 5 Vacancies—Area Councillor
- 2 Vacancies—Councillor for North Ward
- 2 Vacancies—Councillor for Central Ward
- 2 Vacancies—Councillor for South Ward

Nomination kits are available from:

Customer Service Centre
25 Pirie Street, Adelaide
Phone: 8203 7203.

Briefing sessions for intending candidates will be held at:

6 p.m. on Wednesday, 8 September 2010, at Prince Alfred Room, Adelaide Town Hall, Victoria Square, Adelaide.

5.30 p.m. on Tuesday, 14 September 2010, at David Spence Room, Adelaide Town Hall, Victoria Square, Adelaide.

ALEXANDRINA COUNCIL

Vacancies:

- 1 Vacancy—Mayor
- 1 Vacancy—Councillor for Nangkita—Kuitpo Ward
- 2 Vacancies—Councillor for Strathalbyn Ward
- 2 Vacancies—Councillor for Angus—Bremer Ward
- 2 Vacancies—Councillor for Port Elliot—Middleton Ward
- 4 Vacancies—Councillor for Goolwa—Hindmarsh Island Ward

Nomination kits are available from:

Council Office
11 Cadell Street, Goolwa
Phone: 8555 7000.

Council Office
1 Colman Terrace, Strathalbyn.

A briefing session for intending candidates will be held at 7 p.m. on Wednesday, 8 September 2010, at the Council Community Chamber, 11 Cadell Street, Goolwa.

THE BAROSSA COUNCIL

Vacancies:

- 1 Vacancy—Mayor
- 11 Vacancies—Area Councillor

Nomination kits are available from:

Council Office
43-51 Tanunda Road, Nuriootpa
Phone: 8563 8444.

Lyndoch Library
29 Barossa Valley Way, Lyndoch
phone 8524 4009.

Mount Pleasant Library
130-132 Melrose Street, Mount Pleasant
Phone: 8568 2407.

Briefing sessions for intending candidates will be held at:

4 p.m. on Monday, 6 September 2010 at the Council Office, 43-51 Tanunda Road, Nuriootpa.

7 p.m. on Monday, 13 September 2010, at the Council Office, 43-51 Tanunda Road, Nuriootpa.

DISTRICT COUNCIL OF BARUNGA WEST

Vacancies:

- 9 Vacancies—Area Councillor

Nomination kits are available from:

Council Office
11 Bay Street, Port Broughton
Phone: 8635 2107.

Council Office
15 Railway Terrace, Bute.

A briefing session for intending candidates will be held at 7 p.m. on Monday, 13 September 2010, at the Port Broughton Office, Meeting Room, 11 Bay Street, Port Broughton.

BERRI BARMERA COUNCIL

Vacancies:

- 1 Vacancy—Mayor
- 8 Vacancies—Area Councillor

Nomination kits are available from:

Berri Council Office
19 Wilson Street, Berri
Phone: 8582 1922.

Barmera Library
Barwell Avenue, Barmera.

A briefing session for intending candidates will be held at 7 p.m. on Tuesday, 7 September 2010, at the Council Chambers, 19 Wilson Street, Berri.

CITY OF BURNSIDE

Vacancies:

- 1 Vacancy—Mayor
- 2 Vacancies—Councillor for Beaumont Ward
- 2 Vacancies—Councillor for Burnside Ward
- 2 Vacancies—Councillor for Eastwood and Glenunga Ward
- 2 Vacancies—Councillor for Kensington Gardens and Magill Ward
- 2 Vacancies—Councillor for Kensington Park Ward
- 2 Vacancies—Councillor for Rose Park and Toorak Gardens Ward

Nomination kits are available from:

Burnside Civic Centre
401 Greenhill Road, Tusmore
Phone: 8366 4200.

A briefing session for intending candidates will be held at 7 p.m. on Tuesday, 31 August 2010, 1st Floor, Burnside Civic Centre, Linden and Tusmore Rooms, 401 Greenhill Road, Tusmore.

CITY OF CAMPBELLTOWN

Vacancies:

- 1 Vacancy—Mayor
- 2 Vacancies—Councillor for Hectorville Ward
- 2 Vacancies—Councillor for Gorge Ward
- 2 Vacancies—Councillor for Newton Ward
- 2 Vacancies—Councillor for River Ward
- 2 Vacancies—Councillor for Woodforde Ward

Nomination kits are available from:

Council Office
172 Montacute Road, Rostrevor
Phone: 8366 9222.

A briefing session for intending candidates will be held at 7 p.m. on Wednesday, 15 September 2010, at the Council Office, 172 Montacute Road, Rostrevor.

DISTRICT COUNCIL OF CEDUNA

Vacancies:

- 1 Vacancy—Mayor
- 8 Vacancies—Area Councillor

Nomination kits are available from:

Council Office
44 O'Loughlin Terrace, Ceduna
Phone: 8625 3407.

A briefing session for intending candidates will be held at 6 p.m. on Monday, 23 August 2010, at the Council Chambers, 44 O'Loughlin Terrace, Ceduna.

CITY OF CHARLES STURT

Vacancies:

- 1 Vacancy—Mayor
- 2 Vacancies—Councillor for Semaphore Park Ward
- 2 Vacancies—Councillor for Grange Ward
- 2 Vacancies—Councillor for Henley Ward
- 2 Vacancies—Councillor for Woodville Ward
- 2 Vacancies—Councillor for West Woodville Ward
- 2 Vacancies—Councillor for Findon Ward
- 2 Vacancies—Councillor for Hindmarsh Ward
- 2 Vacancies—Councillor for Beverley Ward

Nomination kits are available from:

Council Office
72 Woodville Road, Woodville
Phone: 8408 1111.

A briefing session for intending candidates will be held at 7 p.m. on Monday, 6 September 2010, at the Council Chamber, 72 Woodville Road, Woodville.

CLARE & GILBERT VALLEYS COUNCIL

Vacancies:

- 1 Vacancy—Mayor
- 9 Vacancies—Area Councillor

Nomination kits are available from:

Council Office
4 Gleeson Street, Clare
Phone: 8842 6400.

Council Office
19 Belvidere Road, Saddleworth.

Council Office
Torrens Road, Riverton.

A briefing session for intending candidates will be held at 7 p.m. on Tuesday, 7 September 2010, at Barbara J Long Function Room, Clare Town Hall, 229 Main North Road, Clare.

DISTRICT COUNCIL OF CLEVE

Vacancies:

- 8 Vacancies—Area Councillor

Nomination kits are available from:

Council Office
10 Main Street, Cleve
Phone: 8628 2004.

A briefing session for intending candidates will be held at 6.30 p.m. on Tuesday, 7 September 2010, at the Council Office, 10 Main Street, Cleve.

DISTRICT COUNCIL OF COOBER PEDY

Vacancies:

- 1 Vacancy—Mayor
- 8 Vacancies—Area Councillor

Nomination kits are available from:

Council Office
Lot 773, Hutchison Street, Coober Pedy
Phone: 8672 4600.

A briefing session for intending candidates will be held at 7 p.m. on Wednesday, 8 September 2010, at the Council Chambers, Lot 773, Hutchison Street, Coober Pedy.

COORONG DISTRICT COUNCIL

Vacancies:

- 2 Vacancies—Councillor for Parks Ward
- 4 Vacancies—Councillor for Mallee Ward
- 3 Vacancies—Councillor for Lakes Ward

Nomination kits are available from:

Customer Service Centre
93A Railway Terrace, Tailem Bend
Phone: 8572 3611.

Council Office
49 Princes Highway, Meningie.

Council Office
37 Becker Terrace, Tintinara.

Briefing sessions for intending candidates will be held at:

6 p.m. on Tuesday, 24 August 2010, at Tintinara Town Hall, Becker Terrace, Tintinara.

6 p.m. on Wednesday, 25 August 2010, at Meningie Bowling Club, Princes Highway, Meningie.

6 p.m. on Thursday, 26 August 2010, at Tailem Bend Town Hall, Railway Terrace, Tailem Bend.

DISTRICT COUNCIL OF THE COPPER COAST

Vacancies:

- 1 Vacancy—Mayor
- 10 Vacancies—Area Councillor

Nomination kits are available from:

Council Office, Customer Services
51 Taylor Street, Kadina
Phone: 8821 1600.

Customer Service
Blanche Terrace, Moonta.

Library and Customer Services
5 John Terrace, Wallaroo.

A briefing session for intending candidates will be held at 7 p.m. on Tuesday, 31 August 2010, at Kadina Town Hall, Function Room, 51 Taylor Street, Kadina.

DISTRICT COUNCIL OF ELLISTON

Vacancies:

- 8 Vacancies—Area Councillor

Nomination kits are available from:

Customer Service Centre
21 Beach Terrace, Elliston
Phone: 8687 9177.

THE FLINDERS RANGES COUNCIL

Vacancies:

- 1 Vacancy—Mayor
- 8 Vacancies—Area Councillor

Nomination kits are available from:

Council Office
1 Seventh Street, Quorn
Phone: 8648 6031.

A briefing session for intending candidates will be held at 5 p.m. on Tuesday, 7 September 2010, at the Civic Centre, 1 Seventh Street, Quorn.

DISTRICT COUNCIL OF FRANKLIN HARBOUR

Vacancies:

- 6 Vacancies—Area Councillor

Nomination kits are available from:

Council Office
6 Main Street, Cowell
Phone: 8629 2231.

A briefing session for intending candidates will be held at 7 p.m. on Tuesday, 7 September 2010, at the Council Office, Main Street, Cowell.

TOWN OF GAWLER

Vacancies:

- 1 Vacancy—Mayor
- 10 Vacancies—Area Councillor

Nomination kits are available from:

Customer Service Centre
89-91 Murray Street, Gawler
Phone: 8522 9211.

Briefing sessions for intending candidates will be held at:

3.30 p.m. on Wednesday, 8 September 2010, at the Council Chambers, 89-91 Murray Street, Gawler.

6 p.m. on Wednesday, 15 September 2010, at the Council Chambers, 89-91 Murray Street, Gawler.

REGIONAL COUNCIL OF GOYDER

Vacancies:

- 1 Vacancy—Councillor for Hallett Ward
- 3 Vacancies—Councillor for Burra Ward
- 2 Vacancies—Councillor for Eudunda Ward
- 1 Vacancy—Councillor for Robertstown Ward

Nomination kits are available from:

Burra Office
1 Market Square, Burra
Phone: 8892 0100.

Eudunda Office
25 Bruce Street, Eudunda.

A briefing session for intending candidates will be held at 7.30 p.m. on Tuesday, 7 September 2010, at the Council Meeting Room, 1 Market Square, Burra.

DISTRICT COUNCIL OF GRANT

Vacancies:

- 1 Vacancy—Mayor
- 7 Vacancies—Councillor for Central Ward
- 1 Vacancy—Councillor for Tarpeena Ward
- 1 Vacancy—Councillor for Port MacDonnell Ward

Nomination kits are available from:

Council Office
324 Commercial Street West, Mount Gambier
Phone: 8721 0444.

A briefing session for intending candidates will be held at 5.30 p.m. on Tuesday, 7 September 2010, at the Council Chambers, 324 Commercial Street West, Mount Gambier.

CITY OF HOLDFAST BAY

Vacancies:

- 1 Vacancy—Mayor
- 3 Vacancies—Councillor for Glenelg Ward
- 3 Vacancies—Councillor for Somerton Ward
- 3 Vacancies—Councillor for Brighton Ward
- 3 Vacancies—Councillor for Seacliff Ward

Nomination kits are available from:

Brighton Civic Centre
24 Jetty Road, Brighton
Phone: 8229 9999.

Briefing sessions for intending candidates will be held at:

7 p.m. on Tuesday, 31 August 2010, at Kingston Room, Brighton Civic Centre, 24 Jetty Road, Brighton.

10 a.m. on Saturday, 4 September 2010, at the Kingston Room, Brighton Civic Centre, 24 Jetty Road, Brighton.

KANGAROO ISLAND COUNCIL

Vacancies:

- 1 Vacancy—Mayor
- 9 Vacancies—Area Councillor

Nomination kits are available from:

Council Office
43 Dauncey Street, Kingscote
phone 8553 4500.

Penneshaw Business Centre
Middle Terrace, Penneshaw
Phone: 8553 1020.

Information sessions for intending candidates will be held at:

11 a.m. to 3 p.m. on Monday, 6 September 2010, Kingscote Town Hall.

11 a.m. to 3 p.m. on Tuesday, 7 September 2010, Penneshaw Hall.

11 a.m. to 3 p.m. on Wednesday, 8 September 2010, American River Hall.

11 a.m. to 3 p.m. on Thursday, 9 September 2010, Parndana Hall.

DISTRICT COUNCIL OF KAROONDA EAST MURRAY

Vacancies:

1 Vacancy—Mayor
6 Vacancies—Area Councillor

Nomination kits are available from:

Council Office
11 Railway Terrace, Karoonda
Phone 8578 1004.

A briefing session for intending candidates will be held at 7.30 p.m. on Tuesday, 7 September 2010, at the Council Chambers, 11 Railway Terrace, Karoonda.

DISTRICT COUNCIL OF KIMBA

Vacancies:

7 Vacancies—Area Councillor

Nomination kits are available from:

Administration Office
38 West Terrace, Kimba
Phone: 8627 2026.

A briefing session for intending candidates will be held at 7 p.m. on Wednesday, 8 September 2010, Council Chamber, Community Meeting Room, 38 West Terrace, Kimba.

KINGSTON DISTRICT COUNCIL

Vacancies:

1 Vacancy—Mayor
7 Vacancies—Area Councillor

Nomination kits are available from:

Council Office
29 Holland Street, Kingston SE
Phone: 8767 2033.

A briefing session for intending candidates will be held at 5.30 p.m. on Tuesday, 7 September 2010, at the Council Chambers, 29 Holland Street, Kingston SE.

LIGHT REGIONAL COUNCIL

Vacancies:

1 Vacancy—Mayor
3 Vacancies—Councillor for Dutton Ward
2 Vacancies—Councillor for Light Ward
2 Vacancies—Councillor for Laucke Ward
3 Vacancies—Councillor for Mudla Wirra Ward

Nomination kits are available from:

Kapunda Office
93 Main Street, Kapunda
Phone: 8525 3200.

Freeling Office
12 Hanson Street, Freeling.

Briefing sessions for intending candidates will be held at:

7 p.m. on Monday, 6 September 2010, Light Regional Council, 93 Main Street, Kapunda.

4 p.m. on Monday, 13 September 2010, Light Regional Council, 93 Main Street, Kapunda.

DISTRICT COUNCIL OF LOWER EYRE PENINSULA

Vacancies:

7 Vacancies—Area Councillor

Nomination kits are available from:

Cummins Council Office
32 Railway Terrace, Cummins
Phone: 8676 2106.

Port Lincoln Branch Office
38 Washington Street, Port Lincoln

Briefing sessions for intending candidates will be held at:

2 p.m. on Monday, 6 September 2010, Port Lincoln Branch Office, 38 Washington Street, Port Lincoln.

7.30 p.m. on Monday, 6 September 2010, Cummins Council Chambers, 32 Railway Terrace, Cummins.

DISTRICT COUNCIL OF LOXTON WAIKERIE

Vacancies:

1 Vacancy—Mayor
10 Vacancies—Area Councillor

Nomination kits are available from:

Council Office
East Terrace, Loxton
Phone: 8584 8000.

Council Office
Strangman Road, Waikerie
Phone: 8541 0700.

Briefing sessions for intending candidates will be held at:

7 p.m. on Tuesday, 7 September 2010, Council Office, East Terrace, Loxton.

7 p.m. on Wednesday, 8 September 2010, Council Office, Strangman Road, Waikerie.

DISTRICT COUNCIL OF MALLALA

Vacancies:

2 Vacancies—Councillor for Dublin Ward
2 Vacancies—Councillor for Mallala Ward
3 Vacancies—Councillor for Two Wells Ward
4 Vacancies—Councillor for Lewiston Ward

Nomination kits are available from:

Council Office
2A Wasleys Road, Mallala
Phone: 8527 0200.

Two Wells Library
61 Old Port Wakefield Road, Two Wells.

Briefing sessions for intending candidates will be held at:

6 p.m. on Wednesday, 8 September 2010, at the Council Chamber, Redbanks Road, Mallala.

3.30 p.m. on Wednesday, 15 September 2010, at the Council Chamber, Redbanks Road, Mallala.

CITY OF MARION

Vacancies:

1 Vacancy—Mayor
2 Vacancies—Councillor for Mullawirra Ward
2 Vacancies—Councillor for Woodlands Ward
2 Vacancies—Councillor for Warracowie Ward
2 Vacancies—Councillor for Warriparinga Ward
2 Vacancies—Councillor for Coastal Ward
2 Vacancies—Councillor for Southern Hills Ward

Nomination kits are available from:

Administration Building, Council Office
245 Sturt Road, Sturt
Phone: 8375 6600.

A briefing session for intending candidates will be held at 6 p.m. on Tuesday, 7 September 2010, at the Administration Building, 245 Sturt Road, Sturt.

MID MURRAY COUNCIL

Vacancies:

1 Vacancy—Mayor
3 Vacancies—Councillor for Randell Ward
2 Vacancies—Councillor for River South Ward
2 Vacancies—Councillor for Sturt Ward
3 Vacancies—Councillor for River North Ward
1 Vacancy—Councillor for Reedy Creek Ward

Nomination kits are available from:

Council Office
49 Adelaide Road, Mannum
Phone: 8569 0100.

Council Office
Main Street, Cambrai.

Council Office
Corner Fourth and Eighth Streets, Morgan.

A briefing session for intending candidates will be held at 7.30 p.m. on Monday, 6 September 2010, at the Council Chambers, Main Street, Cambrai.

CITY OF MITCHAM

Vacancies:

1 Vacancy—Mayor
2 Vacancies—Councillor for Boonman Ward
2 Vacancies—Councillor for Gault Ward
2 Vacancies—Councillor for Overton Ward
2 Vacancies—Councillor for Babbage Ward
3 Vacancies—Councillor for Craighburn Ward
2 Vacancies—Councillor for The Park Ward

Nomination kits are available from:

Council Office
131 Belair Road, Torrens Park
Phone: 8372 8888.

A briefing session for intending candidates will be held at 7.30 p.m. on Wednesday, 25 August 2010, at the Council Chambers, 131 Belair Road, Torrens Park.

DISTRICT COUNCIL OF MOUNT BARKER

Vacancies:

1 Vacancy—Mayor
4 Vacancies—Councillor for North Ward
4 Vacancies—Councillor for Central Ward
2 Vacancies—Councillor for South Ward

Nomination kits are available from:

Local Government Centre, Customer Service
6 Dutton Road, Mount Barker
Phone 8391 7200.

Briefing sessions for intending candidates will be held at:

10 a.m. on Tuesday, 7 September 2010, Local Government Centre, 6 Dutton Road, Mount Barker.

7 p.m. on Wednesday, 8 September 2010, Hahndorf Bowling Club, 43 Church Street, Hahndorf.

7 p.m. on Thursday, 9 September 2010, Echunga Hall, 23 Adelaide Road, Echunga.

CITY OF MOUNT GAMBIER

Vacancies:

1 Vacancy—Mayor
10 Vacancies—Area Councillor

Nomination kits are available from:

Council Offices, Civic Centre
Watson Terrace, Mount Gambier
Phone: 8721 2555.

Briefing sessions for intending candidates will be held at:

7 p.m. on Monday, 6 September 2010, at Civic Centre Reception Area, 10 Watson Terrace, Mount Gambier.

6 p.m. on Wednesday, 8 September 2010, Civic Centre Reception Area, 10 Watson Terrace, Mount Gambier.

DISTRICT COUNCIL OF MOUNT REMARKABLE

Vacancies:

2 Vacancies—Councillor for Coastal Ward
2 Vacancies—Councillor for Ranges Ward
2 Vacancies—Councillor for Plains Ward
1 Vacancy—Councillor for Forest Ward

Nomination kits are available from:

Council Office
5 Stuart Street, Melrose
Phone: 8666 2014.

A briefing session for intending candidates will be held at 7.30 p.m. on Monday, 6 September 2010, Council Chambers, 5 Stuart Street, Melrose.

THE RURAL CITY OF MURRAY BRIDGE

Vacancies:

1 Vacancy—Mayor
3 Vacancies—Councillor for Mobilong Ward
3 Vacancies—Councillor for Brinkley Ward
3 Vacancies—Councillor for Monarto Ward

Nomination kits are available from:

Council Office
2 Seventh Street, Murray Bridge
Phone: 8539 1100.

A briefing session for intending candidates will be held at 7 p.m. on Wednesday, 1 September 2010, Local Government Centre, 2 Seventh Street, Murray Bridge.

NARACOORTE LUCINDALE COUNCIL

Vacancies:

1 Vacancy—Mayor
10 Vacancies—Area Councillor

Nomination kits are available from:

Council Office
Degaris Place, Naracoorte
Phone: 8760 1100.

A briefing session for intending candidates will be held at 7 p.m. on Tuesday, 7 September 2010, at Naracoorte Council Chamber, Degaris Place, Naracoorte.

NORTHERN AREAS COUNCIL

Vacancies:

4 Vacancies—Councillor for Jamestown Ward
1 Vacancy—Councillor for Spalding Ward
3 Vacancies—Councillor for Rocky River Ward
1 Vacancy—Councillor for Yackamoortie Ward

Nomination kits are available from:

Principal Office
94 Ayr Street, Jamestown
Phone: 8664 1139.

Council Office
14 Fifth Street, Gladstone.

Council Office
11 Main Street, Spalding.

A briefing session for intending candidates will be held at 6 p.m. on Wednesday, 8 September 2010, Council Chamber, 94 Ayr Street, Jamestown.

CITY OF NORWOOD PAYNEHAM AND ST PETERS

Vacancies:

- 1 Vacancy—Mayor
- 2 Vacancies—Councillor for St Peters Ward
- 2 Vacancies—Councillor for Torrens Ward
- 2 Vacancies—Councillor for Payneham Ward
- 3 Vacancies—Councillor for Maylands/Trinity Ward
- 2 Vacancies—Councillor for West Norwood/Kent Town Ward
- 2 Vacancies—Councillor for Kensington Ward

Nomination kits are available from:

Norwood Town Hall
175 The Parade, Norwood
Phone: 8366 4555.

A briefing session for intending candidates will be held at 7 p.m. on Monday, 30 August 2010, at the Mayor's Parlour (enter off George Street), Norwood Town Hall, 175 The Parade, Norwood.

CITY OF ONKAPARINGA

Vacancies:

- 1 Vacancy—Mayor
- 4 Vacancies—Councillor for Wine Coast Ward
- 4 Vacancies—Councillor for Mid South Coast Ward
- 4 Vacancies—Councillor for Knox Ward
- 4 Vacancies—Councillor for Pimpala Ward
- 4 Vacancies—Councillor for Thalassa Ward

Nomination kits are available from:

City of Onkaparinga
Noarlunga Office,
Ramsay Place, Noarlunga Centre
Phone: 8384 0666.

A briefing session for intending candidates will be held at 7 p.m. on Monday, 6 September 2010, at City of Onkaparinga, Noarlunga Office, Ramsay Place, Noarlunga Centre.

DISTRICT COUNCIL OF ORROROO/CARRIETON

Vacancies:

- 7 Vacancies—Area Councillor

Nomination kits are available from:

Council Office
17 Second Street, Ororoo
Phone: 8658 1260.

A briefing session for intending candidates will be held at 7 p.m. on Monday, 13 September 2010, at the Council Office, 17 Second Street, Ororoo.

DISTRICT COUNCIL OF PETERBOROUGH

Vacancies:

- 1 Vacancy—Mayor
- 8 Vacancies—Area Councillor

Nomination kits are available from:

Council Office
108 Main Street, Peterborough
Phone: 8651 3566.

A briefing session for intending candidates will be held at 6 p.m. on Wednesday, 8 September 2010, at Peterborough Town Hall, Meeting Room, 108 Main Street, Peterborough.

CITY OF PLAYFORD

Vacancies:

- 1 Vacancy—Mayor
- 3 Vacancies—Councillor for Ward 1
- 3 Vacancies—Councillor for Ward 2
- 2 Vacancies—Councillor for Ward 3
- 3 Vacancies—Councillor for Ward 4
- 2 Vacancies—Councillor for Ward 5
- 2 Vacancies—Councillor for Ward 6

Nomination kits are available from:

Council Office
Playford Civic Centre,
10 Playford Boulevard, Elizabeth
Phone: 8256 0333.

Playford Operations Centre
12 Bishopstone Road, Davoren Park.

Customer Service Centre
Shop 51, Munno Para Shopping Centre
600 Main North Road, Smithfield.

A briefing session for intending candidates will be held at 7 p.m. on Wednesday, 8 September 2010, at Playford Civic Centre, 10 Playford Boulevard, Elizabeth.

CITY OF PORT ADELAIDE ENFIELD

Vacancies:

- 1 Vacancy—Mayor
- 2 Vacancies—Councillor for Outer Harbor Ward
- 2 Vacancies—Councillor for Semaphore Ward
- 2 Vacancies—Councillor for Port Adelaide Ward
- 3 Vacancies—Councillor for Parks Ward
- 3 Vacancies—Councillor for Enfield Ward
- 2 Vacancies—Councillor for Klemzig Ward
- 3 Vacancies—Councillor for Northfield Ward

Nomination kits are available from:

Council Office
163 St Vincent Street, Port Adelaide
Phone: 8405 6600.

A briefing session for intending candidates will be held at 7 p.m. on Thursday, 2 September 2010, at Port Adelaide Enfield Town Hall, 34 Nile Street, Port Adelaide.

CITY OF PORT AUGUSTA

Vacancies:

- 1 Vacancy—Mayor
- 9 Vacancies—Area Councillor

Nomination kits are available from:

Council Office
Civic Centre, 4 Mackay Street, Port Augusta
Phone: 8641 9100.

A briefing session for intending candidates will be held at 7 p.m. on Monday, 6 September 2010, at the Civic Centre, Council Chambers, 4 Mackay Street, Port Augusta.

CITY OF PORT LINCOLN

Vacancies:

- 1 Vacancy—Mayor
- 10 Vacancies—Area Councillor

Nomination kits are available from:

Council Office
Level 1, Civic Centre
60 Tasman Terrace, Port Lincoln
Phone: 8621 2300.

A briefing session for intending candidates will be held at 7.30 p.m. on Wednesday, 8 September 2010, at the Council Chambers, Civic Centre, 60 Tasman Terrace, Port Lincoln.

PORT PIRIE REGIONAL COUNCIL

Vacancies:

- 1 Vacancy—Mayor
- 10 Vacancies—Area Councillor

Nomination kits are available from:

Council Office
115 Ellen Street, Port Pirie
Phone 8633 9777.

A briefing session for intending candidates will be held at 7 p.m. on Monday, 13 September 2010, at the Council Administration Centre, 115 Ellen Street, Port Pirie.

CITY OF PROSPECT

Vacancies:

- 1 Vacancy—Mayor
- 8 Vacancies—Area Councillor

Nomination kits are available from:

Council Office
128 Prospect Road, Prospect
Phone: 8269 5355.

A briefing session for intending candidates will be held at 7 p.m. on Monday, 6 September 2010, at the Civic Centre, 128 Prospect Road, Prospect.

REMARK PARINGA COUNCIL

Vacancies:

- 1 Vacancy—Mayor
- 8 Vacancies—Area Councillor

Nomination kits are available from:

Council Office
61 Eighteenth Street, Renmark
Phone: 8580 3000.

A briefing session for intending candidates will be held at 7 p.m. on Monday, 6 September 2010, at the Community and Civic Centre, 61 Eighteenth Street, Renmark.

DISTRICT COUNCIL OF ROBE

Vacancies:

- 1 Vacancy—Mayor
- 2 Vacancies—Councillor for Rural Ward
- 4 Vacancies—Councillor for Town Ward

Nomination kits are available from:

Council Office
Royal Circus, Robe
Phone: 8768 2003.

A briefing session for intending candidates will be held at 7 p.m. on Tuesday, 7 September 2010, at the Council Chambers, Smillie Street, Robe.

CITY OF SALISBURY

Vacancies:

- 1 Vacancy—Mayor
- 2 Vacancies—Councillor for Central Ward
- 2 Vacancies—Councillor for East Ward
- 2 Vacancies—Councillor for South Ward
- 2 Vacancies—Councillor for Hills Ward
- 2 Vacancies—Councillor for Para Ward
- 2 Vacancies—Councillor for North Ward
- 2 Vacancies—Councillor for Levels Ward
- 2 Vacancies—Councillor for West Ward

Nomination kits are available from:

Council Office
12 James Street, Salisbury
Phone: 8406 8222.

A briefing session for intending candidates will be held at 7 p.m. on Tuesday, 7 September 2010, at the Council Office, 12 James Street, Salisbury.

SOUTHERN MALLEE DISTRICT COUNCIL

Vacancies:

- 4 Vacancies—Councillor for Kelly Scales Ward
- 5 Vacancies—Councillor for Bews Ward

Nomination kits are available from:

Council Office
Day Street, Pinnaroo
Phone: 8577 8002.

Council Office
Railway Terrace North, Lameroo
Phone: 8576 3002.

A briefing session for intending candidates will be held at 7 p.m. on Wednesday, 8 September 2010, at the Council Chambers, Railway Terrace North, Lameroo.

DISTRICT COUNCIL OF STREAKY BAY

Vacancies:

- 4 Vacancies—Councillor for Flinders Ward
- 4 Vacancies—Councillor for Eyre Ward

Nomination kits are available from:

Council Office
29 Alfred Terrace, Streaky Bay
Phone: 8626 1001.

A briefing session for intending candidates will be held at 7.30 p.m. on Tuesday, 7 September 2010, at the Council Supper Room, 29 Alfred Terrace, Streaky Bay.

TATIARA DISTRICT COUNCIL

Vacancies:

- 7 Vacancies—Councillor for East Ward
- 3 Vacancies—Councillor for West Ward

Nomination kits are available from:

Council Office
43 Woolshed Street, Bordertown
Phone: 8752 1044.

Council Office
34 Hender Street, Keith

Briefing sessions for intending candidates will be held at:

7 p.m. on Wednesday, 8 September 2010, at the Council Office, Woolshed Street, Bordertown.

7 p.m. on Thursday, 9 September 2010, at the Ruth Wheel Room, Heritage Street, Keith.

CITY OF TEA TREE GULLY

Vacancies:

- 1 Vacancy—Mayor
- 2 Vacancies—Councillor for Pedare Ward
- 2 Vacancies—Councillor for Drumminor Ward
- 2 Vacancies—Councillor for Hillcott Ward
- 2 Vacancies—Councillor for Balmoral Ward
- 2 Vacancies—Councillor for Steventon Ward
- 2 Vacancies—Councillor for Water Gully Ward

Nomination kits are available from:

Council Office
571 Montague Road, Modbury
Phone: 8397 7444.

Briefing sessions for intending candidates will be held at:

7 p.m. on Wednesday, 1 September 2010, at the Civic Centre, 571 Montague Road, Modbury.

7 p.m. on Tuesday, 7 September 2010, at the Civic Centre, 571 Montague Road, Modbury.

DISTRICT COUNCIL OF TUMBY BAY

Vacancies:

9 Vacancies—Area Councillor

Nomination kits are available from:

Council Office
Corner Mortlock Street and West Terrace, Tumby Bay
Phone: 8688 2101.

A briefing session for intending candidates will be held at 7.30 p.m. on Wednesday, 1 September 2010, at the Council Office, Mortlock Street, Tumby Bay.

CORPORATION OF THE CITY OF UNLEY

Vacancies:

1 Vacancy—Mayor
2 Vacancies—Councillor for Unley Ward
2 Vacancies—Councillor for Parkside Ward
2 Vacancies—Councillor for Fullarton Ward
2 Vacancies—Councillor for Goodwood Ward
2 Vacancies—Councillor for Goodwood South Ward
2 Vacancies—Councillor for Unley Park Ward

Nomination kits are available from:

Council Office, Civic Centre
181 Unley Road, Unley
Phone: 8372 5111.

A briefing session for intending candidates will be held at 7 p.m. on Wednesday, 8 September 2010, at the Civic Centre, 181 Unley Road, Unley (entry from Oxford Terrace carpark).

CITY OF VICTOR HARBOR

Vacancies:

1 Vacancy—Mayor
9 Vacancies—Area Councillor

Nomination kits are available from:

Council Office
Bay Road, Victor Harbor
Phone: 8551 0500.

A briefing session for intending candidates will be held at 7 p.m. on Wednesday, 1 September 2010, at the Civic Centre, Council Chambers, Bay Road, Victor Harbor.

WAKEFIELD REGIONAL COUNCIL

Vacancies:

1 Vacancy—Mayor
3 Vacancies—Councillor for Northern Ward
2 Vacancies—Councillor for Western Ward
3 Vacancies—Councillor for Central Ward
2 Vacancies—Councillor for Southern Ward

Nomination kits are available from:

Civic Centre
Scotland Place, Balaklava
Phone: 8862 0800.

A briefing session for intending candidates will be held at 6.30 p.m. on Thursday, 9 September 2010, at the Civic Centre, Scotland Place, Balaklava.

CORPORATION OF THE TOWN OF WALKERVILLE

Vacancies:

1 Vacancy—Mayor
8 Vacancies—Area Councillor

Nomination kits are available from:

Council Office
66 Walkerville Terrace, Gilberton
Phone: 8342 7100.

A briefing session for intending candidates will be held at 7 p.m. on Monday, 13 September 2010, at the Town Hall, 66 Walkerville Terrace, Gilberton.

WATTLE RANGE COUNCIL

Vacancies:

1 Vacancy—Mayor
2 Vacancies—Councillor for Kintore Ward
2 Vacancies—Councillor for Riddoch Ward
5 Vacancies—Councillor for Corcoran Ward
2 Vacancies—Councillor for Sorby Adams Ward

Nomination kits are available from:

Council Office
Civic Centre, George Street, Millicent
Phone: 8733 0900.

Beachport VIC

Millicent Road, Beachport
Phone: 8735 8029.

Penola, Coonawarra VIC

27 Arthur Street, Penola
Phone: 8737 2391.

Briefing sessions for intending candidates will be held at:

5 p.m. on Tuesday, 7 September 2010, at the Council Chambers, Civic Centre, George Street, Millicent.

5 p.m. on Wednesday, 8 September 2010 at Penola Coonawarra VIC, 27 Arthur Street, Penola.

CITY OF WEST TORRENS

Vacancies:

1 Vacancy—Mayor
2 Vacancies—Councillor for Keswick Ward
2 Vacancies—Councillor for Hilton Ward
2 Vacancies—Councillor for Plympton Ward
2 Vacancies—Councillor for Lockleys Ward
2 Vacancies—Councillor for Airport Ward
2 Vacancies—Councillor for Morphet Ward
2 Vacancies—Councillor for Thebarton Ward

Nomination kits are available from:

Civic Centre
165 Sir Donald Bradman Drive, Hilton
Phone: 8416 6333.

A briefing session for intending candidates will be held at 6.30 p.m. on Monday, 13 September 2010, at the Civic Centre, 165 Sir Donald Bradman Drive, Hilton.

CITY OF WHYALLA

Vacancies:

1 Vacancy—Mayor
9 Vacancies—Area Councillor

Nomination kits are available from:

Council Office
Darling Terrace, Whyalla
Phone: 8640 3444.

A briefing session for intending candidates will be held at 7 p.m. on Wednesday, 8 September 2010, at the Council Chamber, Civic Building, Darling Terrace, Whyalla.

WUDINNA DISTRICT COUNCIL

Vacancies:

7 Vacancies—Area Councillor

Nomination kits are available from:

Council Chambers
11 Burton Terrace, Wudinna
Phone: 8680 2002.

A briefing session for intending candidates will be held at 8 p.m. on Tuesday, 7 September 2010, at the Council Chambers, 11 Burton Terrace, Wudinna.

DISTRICT COUNCIL OF YANKALILLA

Vacancies:

- 4 Vacancies—Councillor for Field Ward
- 5 Vacancies—Councillor for Light Ward

Nomination kits are available from:

Council Office
1 Charles Street, Yankalilla
Phone: 8558 0200.

A briefing session for intending candidates will be held at 7 p.m. on Tuesday, 7 September 2010, at the Council Chambers, Council Office, 1 Charles Street, Yankalilla.

DISTRICT COUNCIL OF YORKE PENINSULA

Vacancies:

- 1 Vacancy—Mayor
- 4 Vacancies—Councillor for Kalkabury Ward
- 3 Vacancies—Councillor for Gum Flat Ward
- 4 Vacancies—Councillor for Innes/Penton Vale Ward

Nomination kits are available from:

Council Office
8 Elizabeth Street, Maitland
phone 8832 0000.

Council Office
18 Main Street, Minlaton.

Council Office
3 Player Street, Warooka.

Council Office
15 Edithburgh Road, Yorketown.

A briefing session for intending candidates will be held at 7.30 p.m. on Tuesday, 7 September 2010, at the Council Chambers, Minlaton Town Hall, 57 Main Street, Minlaton.

LOCAL GOVERNMENT (ELECTIONS) ACT 1999

PURSUANT to the Local Government (Elections) Act 1999, section 92A, and after consultation with the Local Government Association, I, K. Mousley, Electoral Commissioner, determine that, for the purpose of the conduct of Local Government elections, the following forms be gazetted.

K. M. MOUSLEY, Electoral Commissioner

Ballot Paper Return
November 2010 Council Elections
[as required by Local Government (Elections) Act 1999 s51(1)]

[Name_of_Council]	[Vacancy]	[Vacancy]	[Vacancy]	[Vacancy]	[Vacancy]	[Vacancy]	[Vacancy]	[Vacancy]	[Vacancy]
Number Ballot Papers									
– Printed									
– Original ballot papers issued									
– Replacements provided as 'Reissues'									
– Replacements issued due to 'Omission in error'									
Number Ballot Paper Envelopes									
– Accepted at scrutiny									
– Rejected at scrutiny									
– Returned to sender (RTS)									
Number Ballot Papers at Scrutiny									
– Removed from envelopes									
– Accepted as formal									
– Rejected as informal									

CERTIFIED CORRECT BY:

Name of Deputy Returning Officer

Signature

Date

Nomination Form to be Completed by a Person who is an Elector in their own Right

Please PRINT details on this form

Office Use Only	HA LG			
	Entitlement	Enrolment Date	Accepting Officer Initials	Date Accepted

Council Information - Please complete details of Council and vacancy the candidate is nominating for

Name of Council			
Position (Circle applicable)	Mayor	Area Councillor	Ward Councillor
Ward Name (If applicable)			

Candidate Information

Title (Circle applicable)	Miss	Ms	Mrs	Mr	Dr
Surname					
Given Names					
Enrolled Address					
Address of Rateable Property <small>(if different to enrolled address)</small>					

Candidate Declaration

I declare that I am:

1. an Australian citizen, or
 person who has held office as a member of a council at any time between 5 May 1997 and 1 January 2000;
2. an elector for the area;
3. not ineligible to be a candidate for election by reason of any matter referred to in Section 17(3) or (4) of the *Local Government (Elections) Act 1999*; and
4. taking responsibility for the content of the profile lodged with this nomination; and
5. I have read the attached notes relating to the lodgement of this nomination.

Signature of Candidate		Date / /
-------------------------------	--	----------------------

Nominations Close at 12 Noon on Tuesday 21 September 2010

You cannot lodge this form before Tuesday 7 September 2010 (14 days before nominations close)

A copy of the first page of this nomination form will be displayed at the Council office.

Name to Appear on the Ballot Paper

I request the name by which I am generally known to appear on the ballot paper as shown below.

Please note:

- The request may not be accepted. The Returning Officer may reject a name that is obscene, frivolous or has been assumed for an ulterior purpose.
- The SURNAME will be printed in CAPITALS and will appear before any other name on the ballot paper.

Surname	Given Names or Other Names

Further Information to be Completed by the Candidate

Date of Birth	/ /	Gender	Female	Male	Are you currently a member of this council?	Yes	No
	<input type="text"/>		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

Postal Address

If you have a postal address (different to the enrolled address) where you would like correspondence sent, please provide this address:

Contact details for electoral use only:

Business phone	<input type="text"/>	Home phone	<input type="text"/>
Mobile phone	<input type="text"/>	Facsimile	<input type="text"/>
Email address	<input type="text"/>		

Contact number for media/public:

Indicate in the box **ONE** contact telephone number for release to the media and public. If you **DO NOT** wish to release a telephone number, please leave the box blank

I give permission for further publication of my profile by the council and the media

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

Information to be Completed by Electoral Official

Profile	Photograph
Profile signed, dated and contact details included	Photograph received
Yes No	Yes No
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Profile contains statement of responsibility for content of profile	Photograph endorsed and signed
Yes No	Yes No
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Profile word count displayed	
Yes No	
<input type="checkbox"/> <input type="checkbox"/>	
Date and time of receipt	
/ /	at am/pm
<input type="text"/>	<input type="text"/>
Place of receipt	
<input type="text"/>	
Signature of receiving officer	
<input type="text"/>	

Notes - You may detach and retain this page

1. You must deliver your nomination form as to reach the Returning Officer before the close of nominations.
2. This nomination **must** be accompanied by a profile of the candidate that complies with the following requirements:
 - (a) the profile must be in typed or printed form;
 - (b) the profile must not exceed 150 words;
 - (c) the profile must be accurate and must not -
 - (i) be misleading; or
 - (ii) contain offensive or obscene material; or
 - (iii) refer to another person who has nominated as a candidate for election to the council without the written consent of that person (that consent must be lodged with the profile); or
 - (iv) comment on decisions or actions that have been made or taken by the council or on the decisions or actions of past or present members of the council;
 - (d) the profile must contain contact details of the candidate being -
 - (i) an address (not being a post office box); or
 - (ii) an email address; or
 - (iii) a telephone number

Note: the contact details do not form part of the 150 words.
 - (e) the profile must be accompanied by a statement declaring that the candidate is responsible for the content of the profile as follows:
 'I take responsibility for the content of the profile'

 (signature of candidate) (date)
 (i) (the profile must be signed and dated by the candidate

Note: the signature, date and contact details explained in Notes 2(d) and (e) do not form part of the 150 words.
3. A photograph of the candidate may accompany the profile. If you choose to include a photograph-
 - (a) the photograph should be the same size as an Australian passport photograph;
 - (b) the photograph must only (or predominantly) show the head and shoulders of the candidate;
 - (c) the photograph must have been taken within the last 12 months;
 - (d) the photograph must have on its back an endorsement signed by the candidate as follows:
 'This is a photograph of [insert name] taken within the last 12 months'

 (signature of candidate)
4. It is an offence under section 64(1) of the *Local Government (Elections) Act 1999* to make a statement in a declaration under the Act that is, to the person's knowledge, false or misleading in a material respect.
 Maximum penalty: \$5000 or imprisonment for one year.
5. Section 17 of the *Local Government (Elections) Act 1999* provides as follows:
 - (1) Subject to this Act and the *Local Government Act 1999*, a person is eligible to be a candidate for election as a member of a council if -
 - (a) the person is -
 - (i) an Australian citizen, or
 - (ii) a prescribed person, and
 - (b)
 - (i) the person is an elector for the area; or
 - (ii) the person is the designated person for a body corporate which has its name on the voters roll for the area; or
 - (iii) the person is the designated person for a group which has its name on the voters roll for the area; or
 - (iv) the person's name has been omitted in error from the voters roll for the area, or the person is the designated person for a body corporate or group which has had its name omitted in error from the voters roll for the area (and would be eligible for nomination under subparagraph (ii) or (iii) (as the case may be) were the name on the roll).
 - (3) A person is not eligible to be a candidate for election as a member of a council if the person -
 - (a) is a member of an Australian Parliament; or
 - (b) is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors; or
 - (c) has been sentenced to imprisonment and is, or could on the happening of some contingency become, liable to serve the sentence or the remainder of the sentence; or
 - (d) is an employee of the council; or
 - (e) is disqualified from election by court order under the *Local Government Act 1999*.
 - (4) A person is not eligible to be a candidate for election as a member of a council if the person -
 - (a) in the case of a supplementary election - is a member of another council; or
 - (b) in the case of any election - is a candidate for election as a member of another council.
 - (5) In this section a 'prescribed person' means a person who has held office as a member of a council at any time between 5 May 1997 and 1 January 2000.
6. A person claiming an entitlement to be a candidate on the basis that a relevant name has been omitted in error from the voters roll must also complete an 'Omission in error from the roll' form.

Nomination Form

to be Completed by a Person who is the Designated Person of a Body Corporate

Please PRINT details on this form

Office Use Only	HA	LG		
	Entitlement	Enrolment Date	Accepting Officer Initials	Date Accepted

Council Information - Please complete details of Council and vacancy the candidate is nominating for

Name of Council			
Position (Circle applicable)	Mayor	Area Councillor	Ward Councillor
Ward Name (If applicable)			

Body Corporate Information

Name of Body Corporate			
Address of Rateable Property			

Candidate Information - Designated person authorised to act on behalf of the Body Corporate for the purposes of voting

Title (Circle applicable)	Miss	Ms	Mrs	Mr	Dr
Surname					
Given Names					
Enrolled Address					

Candidate Declaration

I declare that I am:

1. an Australian citizen, or
 a person who has held office as a member of a council at any time between 5 May 1997 and 1 January 2000;
2. an officer of the body corporate, authorised as the designated person for voting entitlements in respect of this rateable property by the body corporate;
3. not ineligible to be a candidate for election by reason of any matter referred to in Section 17(3) or (4) of the *Local Government (Elections) Act 1999*; and
4. taking responsibility for the content of the profile lodged with this nomination; and
5. I have read the attached notes relating to the lodgement of this nomination.

Signature of Candidate	Date / /
------------------------	------------------------

Nominations Close at 12 Noon on Tuesday 21 September 2010

You cannot lodge this form before Tuesday 7 September 2010 (14 days before nominations close)
A copy of the first page of this nomination form will be displayed at the Council office.

Name to Appear on the Ballot Paper

I request the name by which I am generally known to appear on the ballot paper as shown below.

Please note:

- The request may not be accepted. The Returning Officer may reject a name that is obscene, frivolous or has been assumed for an ulterior purpose.
- The SURNAME will be printed in CAPITALS and will appear before any other name on the ballot paper.

Surname	Given Names or Other Names

Further Information to be Completed by the Candidate

Date of Birth	/ /	Gender	Female	Male	Are you currently a member of this council?	Yes	No
	<input type="text"/>		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

Postal Address

If you have a postal address (different to the enrolled address) where you would like correspondence sent, please provide this address:

Contact details for electoral use only:

Business phone	<input type="text"/>	Home phone	<input type="text"/>
Mobile phone	<input type="text"/>	Facsimile	<input type="text"/>
Email address	<input type="text"/>		

Contact number for media/public:

Indicate in the box **ONE** contact telephone number for release to the media and public. If you **DO NOT** wish to release a telephone number, please leave the box blank

I give permission for further publication of my profile by the council and the media

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

Information to be Completed by Electoral Official

Profile	Photograph
Profile signed, dated and contact details included	Photograph received
Yes No	Yes No
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Profile contains statement of responsibility for content of profile	Photograph endorsed and signed
Yes No	Yes No
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Profile word count displayed	
Yes No	
<input type="checkbox"/> <input type="checkbox"/>	
Date and time of receipt	
/ /	at <input type="text"/> am/pm
Place of receipt	<input style="width: 100%;" type="text"/>
Signature of receiving officer	<input style="width: 100%;" type="text"/>

Notes - You may detach and retain this page

1. You must deliver your nomination form as to reach the Returning Officer before the close of nominations.
2. This nomination **must** be accompanied by a profile of the candidate that complies with the following requirements:
 - (a) the profile must be in typed or printed form;
 - (b) the profile must not exceed 150 words;
 - (c) the profile must be accurate and must not -
 - (i) be misleading; or
 - (ii) contain offensive or obscene material; or
 - (iii) refer to another person who has nominated as a candidate for election to the council without the written consent of that person (that consent must be lodged with the profile); or
 - (iv) comment on decisions or actions that have been made or taken by the council or on the decisions or actions of past or present members of the council;
 - (d) the profile must contain contact details of the candidate being -
 - (i) an address (not being a post office box); or
 - (ii) an email address; or
 - (iii) a telephone number

Note: the contact details do not form part of the 150 words.
 - (e) the profile must be accompanied by a statement declaring that the candidate is responsible for the content of the profile as follows:
'I take responsibility for the content of the profile'

.....
 (signature of candidate) (date)
 (i) (the profile must be signed and dated by the candidate
Note: the signature, date and contact details explained in Notes 2(d) and (e) do not form part of the 150 words.
3. A photograph of the candidate may accompany the profile. If you choose to include a photograph-
 - (a) the photograph should be the same size as an Australian passport photograph;
 - (b) the photograph must only (or predominantly) show the head and shoulders of the candidate;
 - (c) the photograph must have been taken within the last 12 months;
 - (d) the photograph must have on its back an endorsement signed by the candidate as follows:
'This is a photograph of [insert name] taken within the last 12 months'

.....
 (signature of candidate)
4. It is an offence under section 64(1) of the *Local Government (Elections) Act 1999* to make a statement in a declaration under the Act that is, to the person's knowledge, false or misleading in a material respect.
Maximum penalty: \$5000 or imprisonment for one year.
5. Section 17 of the *Local Government (Elections) Act 1999* provides as follows:
 - (1) Subject to this Act and the *Local Government Act 1999*, a person is eligible to be a candidate for election as a member of a council if -
 - (a) the person is -
 - (i) an Australian citizen, or
 - (ii) a prescribed person, and
 - (b)
 - (i) the person is an elector for the area; or
 - (ii) the person is the designated person for a body corporate which has its name on the voters roll for the area; or
 - (iii) the person is the designated person for a group which has its name on the voters roll for the area; or
 - (iv) the person's name has been omitted in error from the voters roll for the area, or the person is the designated person for a body corporate or group which has had its name omitted in error from the voters roll for the area (and would be eligible for nomination under subparagraph (ii) or (iii) (as the case may be) were the name on the roll).
 - (3) A person is not eligible to be a candidate for election as a member of a council if the person -
 - (a) is a member of an Australian Parliament; or
 - (b) is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors; or
 - (c) has been sentenced to imprisonment and is, or could on the happening of some contingency become, liable to serve the sentence or the remainder of the sentence; or
 - (d) is an employee of the council; or
 - (e) is disqualified from election by court order under the *Local Government Act 1999*.
 - (4) A person is not eligible to be a candidate for election as a member of a council if the person -
 - (a) in the case of a supplementary election - is a member of another council; or
 - (b) in the case of any election - is a candidate for election as a member of another council.
 - (5) In this section a 'prescribed person' means a person who has held office as a member of a council at any time between 5 May 1997 and 1 January 2000.
6. A person claiming an entitlement to be a candidate on the basis that a relevant name has been omitted in error from the voters roll must also complete an 'Omission in error from the roll' form.

Nomination Form to be Completed by a Person who is the Designated Person of a Group

Please PRINT details on this form

Office Use Only	HA	LG			
	Entitlement		Enrolment Date	Accepting Officer Initials	Date Accepted

Council Information - Please complete details of Council and vacancy the candidate is nominating for

Name of Council			
Position (Circle applicable)	Mayor	Area Councillor	Ward Councillor
Ward Name (If applicable)			

Group Information

Name of Group			
Address of Rateable Property			

Candidate Information - Designated person authorised to act on behalf of the Group for the purposes of voting

Title (Circle applicable)	Miss	Ms	Mrs	Mr	Dr
Surname					
Given Names					
Enrolled Address					

Candidate Declaration

I declare that I am:

1. an Australian citizen, or
 a person who has held office as a member of a council at any time between 5 May 1997 and 1 January 2000;
2. a member of the group, authorised as the designated person for voting entitlements in respect of this rateable property by the group; and
3. not ineligible to be a candidate for election by reason of any matter referred to in Section 17(3) or (4) of the *Local Government (Elections) Act 1999*; and
4. taking responsibility for the content of the profile lodged with this nomination; and
5. I have read the attached notes relating to the lodgement of this nomination.

Signature of Candidate		Date / /
-------------------------------	--	----------------------

Nominations Close at 12 Noon on Tuesday 21 September 2010

You cannot lodge this form before Tuesday 7 September 2010 (14 days before nominations close)

A copy of the first page of this nomination form will be displayed at the Council office.

Name to Appear on the Ballot Paper

I request the name by which I am generally known to appear on the ballot paper as shown below.

Please note:

- The request may not be accepted. The Returning Officer may reject a name that is obscene, frivolous or has been assumed for an ulterior purpose.
- The SURNAME will be printed in CAPITALS and will appear before any other name on the ballot paper.

Surname	Given Names or Other Names

Further Information to be Completed by the Candidate

Date of Birth	/ /	Gender	Female	Male	Are you currently a member of this council?	Yes	No
	<input type="text"/>		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

Postal Address

If you have a postal address (different to the enrolled address) where you would like correspondence sent, please provide this address:

Contact details for electoral use only:

Business phone	<input type="text"/>	Home phone	<input type="text"/>
Mobile phone	<input type="text"/>	Facsimile	<input type="text"/>
Email address	<input type="text"/>		

Contact number for media/public:

Indicate in the box **ONE** contact telephone number for release to the media and public. If you **DO NOT** wish to release a telephone number, please leave the box blank

I give permission for further publication of my profile by the council and the media

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

Information to be Completed by Electoral Official

Profile	Photograph
Profile signed, dated and contact details included	Photograph received
Yes No	Yes No
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Profile contains statement of responsibility for content of profile	Photograph endorsed and signed
Yes No	Yes No
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Profile word count displayed	
Yes No	
<input type="checkbox"/> <input type="checkbox"/>	
Date and time of receipt	
/ /	at am/pm
<input type="text"/>	<input type="text"/>
Place of receipt	
<input type="text"/>	
Signature of receiving officer	
<input type="text"/>	

Notes - You may detach and retain this page

1. You must deliver your nomination form as to reach the Returning Officer before the close of nominations.
2. This nomination **must** be accompanied by a profile of the candidate that complies with the following requirements:
 - (a) the profile must be in typed or printed form;
 - (b) the profile must not exceed 150 words;
 - (c) the profile must be accurate and must not -
 - (i) be misleading; or
 - (ii) contain offensive or obscene material; or
 - (iii) refer to another person who has nominated as a candidate for election to the council without the written consent of that person (that consent must be lodged with the profile); or
 - (iv) comment on decisions or actions that have been made or taken by the council or on the decisions or actions of past or present members of the council;
 - (d) the profile must contain contact details of the candidate being -
 - (i) an address (not being a post office box); or
 - (ii) an email address; or
 - (iii) a telephone number

Note: the contact details do not form part of the 150 words.
 - (e) the profile must be accompanied by a statement declaring that the candidate is responsible for the content of the profile as follows:
'I take responsibility for the content of the profile'

.....
(signature of candidate) (date)

 - (i) (the profile must be signed and dated by the candidate

Note: the signature, date and contact details explained in Notes 2(d) and (e) do not form part of the 150 words.
3. A photograph of the candidate may accompany the profile. If you choose to include a photograph-
 - (a) the photograph should be the same size as an Australian passport photograph;
 - (b) the photograph must only (or predominantly) show the head and shoulders of the candidate;
 - (c) the photograph must have been taken within the last 12 months;
 - (d) the photograph must have on its back an endorsement signed by the candidate as follows:
'This is a photograph of [insert name] taken within the last 12 months'

.....
(signature of candidate)
4. It is an offence under section 64(1) of the *Local Government (Elections) Act 1999* to make a statement in a declaration under the Act that is, to the person's knowledge, false or misleading in a material respect.
Maximum penalty: \$5000 or imprisonment for one year.
5. Section 17 of the *Local Government (Elections) Act 1999* provides as follows:
 - (1) Subject to this Act and the *Local Government Act 1999*, a person is eligible to be a candidate for election as a member of a council if -
 - (a) the person is -
 - (i) an Australian citizen, or
 - (ii) a prescribed person, and
 - (b)
 - (i) the person is an elector for the area; or
 - (ii) the person is the designated person for a body corporate which has its name on the voters roll for the area; or
 - (iii) the person is the designated person for a group which has its name on the voters roll for the area; or
 - (iv) the person's name has been omitted in error from the voters roll for the area, or the person is the designated person for a body corporate or group which has had its name omitted in error from the voters roll for the area (and would be eligible for nomination under subparagraph (ii) or (iii) (as the case may be) were the name on the roll).
 - (3) A person is not eligible to be a candidate for election as a member of a council if the person -
 - (a) is a member of an Australian Parliament; or
 - (b) is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors; or
 - (c) has been sentenced to imprisonment and is, or could on the happening of some contingency become, liable to serve the sentence or the remainder of the sentence; or
 - (d) is an employee of the council; or
 - (e) is disqualified from election by court order under the *Local Government Act 1999*.
 - (4) A person is not eligible to be a candidate for election as a member of a council if the person -
 - (a) in the case of a supplementary election - is a member of another council; or
 - (b) in the case of any election - is a candidate for election as a member of another council.
 - (5) In this section a 'prescribed person' means a person who has held office as a member of a council at any time between 5 May 1997 and 1 January 2000.
6. A person claiming an entitlement to be a candidate on the basis that a relevant name has been omitted in error from the voters roll must also complete an 'Omission in error from the roll' form.

**Nomination Form
for a Candidate claiming
Omission of Name from the Voters Roll**

Please PRINT details on this form

This form must be used if a person is nominating, or being nominated, as a candidate for election as a member of council and is a person whose name has been omitted in error from the voters roll, or who is the designated person of a body corporate or group which has had its name omitted in error from the voters roll

Complete A, B or C as appropriate

This form is to be completed in addition to either Form 3, 4 or 5

Office Use Only		
Name of Receiving Officer		
Signature of Receiving Officer		Date / /

Council Information - Please complete details of Council and vacancy the candidate is nominating for			
Name of Council			
Position (Circle applicable)	Mayor	Area Councillor	Ward Councillor
Ward Name (If applicable)			

A - Person Claiming Entitlement as an Elector in Own Right		
Surname		
Given Names		
Residential Address		
<p>I declare that I am:</p> <ul style="list-style-type: none"> • of or above the age of 18 years, and • of the opinion that I am an elector whose name has been omitted from the voters roll for the council because of an administrative error in the preparation of the roll. <p>On or before roll close: <i>(tick relevant box)</i></p> <p><input type="checkbox"/> I was enrolled as a House of Assembly elector for the above residential address</p> <p><input type="checkbox"/> I lodged an application for enrolment as a resident, sole owner or sole occupier</p> <p style="text-align: center; margin-top: 10px;">_____</p> <p style="text-align: center; font-size: small;">(insert full address of rateable property if different to the residential address)</p>		
Signature of Candidate		Date / /

B - Body Corporate Claiming Entitlement to Enrolment		
Name of Body Corporate		
Name of Designated Person		
Address of Rateable Property		
ACN or other identifying registration number		
<p>I declare that I am of the opinion that the body corporate which I represent has had its name omitted from the voters roll for the council because of an administrative error in the preparation of the roll. On or before the roll close date the body corporate lodged an application for enrolment as the sole owner or sole occupier of rateable property at the following address:</p> <p style="text-align: center;">_____</p> <p style="text-align: center;"><i>(insert full address or other location details of the rateable property)</i></p>		
Signature of Designated Person		Date / /

C - Group Claiming Entitlement to Enrolment		
Name of Group		
Name of Designated Person		
Address of Rateable Property		
Full Names and Residential Addresses of the Members of the Group		
<p>I declare that I am of the opinion that the group which I represent has had its name omitted from the voters roll for the council because of an administrative error in the preparation of the roll. On or before the roll close date the members of the group lodged an application for enrolment as group owners or group occupiers of rateable property at the following address:</p> <p style="text-align: center;">_____</p> <p style="text-align: center;"><i>(insert full address or other location details of the rateable property)</i></p>		
Signature of Designated Person		Date / /

Withdrawal of Nomination by a Candidate

Please PRINT details on this form

**This form must be delivered to the Returning Officer before the close of nominations
for the relevant election**

Council Information	
Name of Council	
Position (Circle applicable)	<input type="checkbox"/> Mayor <input type="checkbox"/> Area Councillor <input type="checkbox"/> Ward Councillor
Ward Name (If applicable)	

Candidate Information	
Surname	
Given Names	
Enrolled Address	

To be Completed if the Candidate is the Designated Person of a Body Corporate or Group	
I declare that I have notified the following body corporate or group of my decision to withdraw my nomination.	
Name of Body Corporate or Group	

Declaration of Withdrawal	
Pursuant to Section 22(1) of the <i>Local Government (Elections) Act 1999</i> , I withdraw my nomination for the above stated position.	
Signature of Candidate	Date / /

Office Use Only	
Date and time of receipt	<div style="display: flex; align-items: center; gap: 10px;"> <div style="border: 1px solid black; padding: 2px 10px;">/ /</div> at <div style="border: 1px solid black; padding: 2px 10px;">am/pm</div> </div>
Place of receipt	<div style="border: 1px solid black; height: 20px;"></div>
Signature of Receiving Officer	<div style="border: 1px solid black; height: 30px;"></div>

Withdrawal of Nomination by a Body Corporate or Group

Please PRINT details on this form

This form must be delivered to the Returning Officer before the close of nominations for the relevant election

This form must be completed by:

- (a) in the case of a nomination made by a body corporate – an officer of the body corporate; or
 (b) in the case of a nomination made by a group – a member of the group, or an officer of a body corporate that is a member of the group.

Council Information			
Name of Council			
Position (Circle applicable)	Mayor	Area Councillor	Ward Councillor
Ward Name (If applicable)			

Candidate Information	
Surname	
Given Names	
Enrolled Address	
Full Name of Body Corporate or Group	

Declaration of Withdrawal		
Pursuant to Section 22(2) of the <i>Local Government (Elections) Act 1999</i> , the nomination for the above candidate is withdrawn.		
I declare -		
(a) that the body corporate or group has resolved to withdraw the nomination and that I am authorised to provide this notice on behalf of the body corporate or group, <i>and</i>		
(b) that the nominated candidate has been notified that his or her nomination has been withdrawn.		
Full Name		
Signature		Date / /

Office Use Only		
Date and time of receipt	<input style="width: 40px; height: 20px; border: 1px solid black;" type="text" value=" / / "/> at <input style="width: 40px; height: 20px; border: 1px solid black;" type="text" value=" am/pm "/>	
Place of receipt	<input style="width: 100%; height: 25px; border: 1px solid black;" type="text"/>	
Signature of Receiving Officer	<input style="width: 100%; height: 40px; border: 1px solid black;" type="text"/>	

Statement of Restrictions relating to Electoral Material, Illegal Practices and Campaign Returns

As a candidate for election under the *Local Government (Elections) Act 1999*, you should be aware of various provisions of the Act which may lead to criminal prosecution if breached.

Extracts from the *Local Government (Elections) Act 1999* relating to these provisions are set out below for your information.

You should speak to the Returning Officer if you are uncertain about any matter relevant to the conduct of the election.

For information relating to campaign returns, refer to the Council Chief Executive Officer.

Extracts

A. Electoral Material

27. Publication of electoral material

- 1) A person must not publish electoral material or cause electoral material to be published unless the material contains –
 - (a) the name and address of the person who authorises publication of the material; and
 - (b) in the case of printed electoral material – the name and address of the printer or other person responsible for undertaking its production.Maximum penalty: \$2 500.
- 2) If electoral material is published in a newspaper that has been published at intervals of one month or less over a period of at least six months immediately preceding the publication of the electoral material, the name and address of the printer need not be contained in the electoral material.
- 3) If electoral material is published in a newspaper as a letter to the editor, it is an offence to publish the material without the name and address (not being a post box) of the writer of the letter.
Maximum penalty: \$2 500.

28. Publication of misleading material

- 1) If –
 - (a) electoral material contains a statement purporting to be a statement of fact; and
 - (b) the statement is inaccurate and misleading to a material extent,a person who authorised, caused or permitted the publication of the material (the publisher) is guilty of an offence.
Maximum penalty: \$5 000.
- 2) It is a defence to a charge of an offence against subsection (1) for the defendant to prove –
 - (a) that he or she took no part in determining the contents of the material; and
 - (b) that he or she could not reasonably be expected to have known that the statement to which the charge relates was inaccurate and misleading.
- 2a) If the Electoral Commissioner is satisfied that published electoral material contains a statement purporting to be a statement of fact that is inaccurate and misleading to a material extent, the Electoral Commissioner may request the publisher to do 1 or more of the following:
 - (a) withdraw the material from further publication;
 - (b) publish a retraction in specified terms and a specified manner and form,(and in proceedings for an offence against subsection (1) arising from the material, the publisher's response to a request under this subsection may be taken into account in assessing any penalty to which the publisher may be liable).
- 3) This section applies to material published by any means (including radio or television).
- 4) No action under this section lies against the returning officer with respect to the publication of material provided to the returning officer by a candidate for election under section 19.

B. Illegal Practices**57. Violence, intimidation, bribery, etc.**

- 1) A person who exercises violence or intimidation, or offers or gives a bribe, with a view to –
 - (a) inducing a person to submit or withdraw candidature for election; or
 - (b) influencing the vote of a person at an election or poll; or
 - (c) otherwise interfering with the due course of an election or poll,is guilty of an offence.

Maximum penalty: \$10 000 or imprisonment for seven years.

- 2) A person who receives a bribe offered in contravention of subsection (1) is guilty of an offence.

Maximum penalty: \$10 000 or imprisonment for seven years.

- 3) In this section –

'bribe' includes any pecuniary sum or material advantage including food, drink or entertainment.

58. Dishonest artifices

- 1) A person who dishonestly exercises, or attempts to exercise, a vote at an election or poll to which that person is not entitled is guilty of an offence.

Maximum penalty: \$5 000 or imprisonment for one year.

- 2) A person who dishonestly influences or attempts to influence the result of an election or poll is guilty of an offence.

Maximum penalty: \$5 000 or imprisonment for one year.

59. Interference with statutory rights

A person must not hinder or interfere with the free exercise or performance, by another person, of a right under this Act.

Maximum penalty: \$5 000 or imprisonment for one year.

60. Exception

No declaration of public policy or promise of public action constitutes bribery or dishonest influence.

61. Persons acting on behalf of candidates not to assist voters or collect voting papers

- 1) A person who is a candidate for election or acting on behalf of such a candidate (whether with or without the candidate's authority) must not act as an assistant to a person voting at the election.

Maximum penalty: \$5 000 or imprisonment for one year.

- 2) A scrutineer must not act as an assistant to a person voting at an election or poll.

Maximum penalty: \$5 000 or imprisonment for one year.

- 3) Without limiting the generality of subsection (1) or (2), a person acts as an assistant by assisting another to obtain, complete or return postal voting papers.

- 4) A person who is a candidate for election or acting on behalf of such a candidate (whether with or without the candidate's authority) must not have in his or her possession, or attempt to gain possession of, postal voting papers for that election (except any such papers issued to the person as an elector in his or her own right).

Maximum penalty: \$5 000 or imprisonment for one year.

62. Unlawful interference with computer programs

- 1) A person must not, without lawful authority to do so, tamper or interfere with a computer program or system used by an electoral officer for the purposes of an election or poll under this Act.

Maximum penalty: \$5 000 or imprisonment for one year.

- 2) In proceedings for an offence against subsection (1), the prosecution need not prove the absence of lawful authority and the onus is on the defendant to prove any such authority on which he or she relies.

63. Secrecy of vote

- 1) A person must not, by clandestine or dishonest means, attempt to discover how another person has voted.

Maximum penalty: \$1 250 or imprisonment for three months.

- 2) No person may open an envelope under this Act containing a vote except the returning officer, or an electoral officer acting with the authority of the returning officer.

Maximum penalty: \$750.

- 3) A person who acquires knowledge of the vote of another person through assisting the other person to vote, or otherwise in the exercise of powers or functions under this Act, must not divulge that knowledge.

Maximum penalty: \$2 500 or imprisonment for six months.

64. Unlawful declaration or marking of ballot papers

- 1) A person must not make a statement in a claim, application, return or declaration, or in answer to a question, under this Act that is, to the person's knowledge, false or misleading in a material respect.

Maximum penalty: \$5 000 or imprisonment for one year.

- 2) Except as authorised by this Act, a person (not being a person to whom the ballot paper has been lawfully issued) must not mark a vote, or make any other mark or writing on a ballot paper.

Maximum penalty: \$2 500 or imprisonment for six months.

65. Conduct of officers

An electoral officer must not fail, without proper excuse, to carry out his or her official duties in connection with the conduct of an election or poll.

Maximum penalty: \$2 500 or imprisonment for six months.

66. Conduct of scrutineers

- 1) A scrutineer must not interfere with or attempt to influence a person voting or proposing to vote at an election or poll.

Maximum penalty: \$5 000 or imprisonment for one year.

- 2) If a candidate appoints more than one scrutineer, not more than two of them may be present in the place for the counting of votes at the same time during the counting of votes.

C. Campaign Donations

Division 1 – Returns

80. Returns for candidates

- 1) A person who is a candidate for election to an office of a council must, within 30 days after the conclusion of the election, furnish to the chief executive officer of the council, in accordance with the requirements of this Part, a **campaign donations return** (see section 81).
- 2) A return must be in the prescribed form and completed in the prescribed manner.

81. Campaign donations returns

- 1) Subject to this section, a campaign donations return for a candidate for election to an office of a council must set out –
 - (a) the total amount or value of all gifts received by the candidate during the disclosure period; and
 - (b) the number of persons who made those gifts; and
 - (c) the amount or value of each gift; and
 - (d) the date on which each gift was made; and
 - (e) in the case of each gift made on behalf of the members of an unincorporated association, other than a registered industrial organisation –
 - (i) the name of the association; and
 - (ii) the names and addresses of the members of the executive committee (however described) of the association; and
 - (f) in the case of each gift purportedly made out of a trust fund or out of the funds of a foundation –
 - (i) the names and addresses of the trustees of the fund or of the funds of the foundation; and
 - (ii) the title or other description of the trust fund or the name of the foundation, as the case requires; and
 - (g) in the case of each other gift – the name and address of the person who made the gift.
- 2) A campaign donations return need not set out any details required by subsection (1) in respect of –
 - (a) a private gift made to the candidate; or
 - (b) a gift if the amount or value of the gift is less than \$500.
- 3) For the purposes of this section –
 - (a) the disclosure period is the period that commenced –
 - (i) in relation to a candidate in an election who was a new candidate (other than a candidate referred to in subparagraph (ii)) – on the day on which the person announced that he or she would be a candidate in the election or on the day on which the person's nomination as a candidate was lodged with the returning officer, whichever was the earlier;
 - (ii) in relation to a candidate in an election who was a new candidate and when he or she became a candidate in the election was a member of the council by virtue of having been appointed under Chapter 3 of the *Local Government Act 1999* – on the day on which the person was so appointed as a member of the council;
 - (iii) in relation to a candidate in an election who was not a new candidate – at the end of 21 days after polling day for the last preceding election in which the person was a candidate, and that ended, in any of the above cases, at the end of 21 days after polling day for the election;
 - (b) a candidate is a new candidate, in relation to an election, if the person had not been a candidate in the last general election of the council and had not been elected at a supplementary election held after the last general election of the council;
 - (c) two or more gifts (excluding private gifts) made by the same person to a candidate during the disclosure period are to be treated as one gift;
 - (d) a gift made to a candidate is a private gift if it is made in a private capacity to the candidate for his or her personal use and the candidate has not used, and will not use, the gift solely or substantially for a purpose related to an election.
- 4) If no details are required to be included in a return under this section for a candidate, the return must nevertheless be lodged and must include a statement to the effect that no gifts of a kind required to be disclosed were received.

82. Certain gifts not to be received

- 1) It is unlawful for a member of a council to receive a gift made to or for the benefit of the member the amount or value of which is not less than \$500 unless –
 - (a) the name and address of the person making the gift are known to the member; or
 - (b) at the time when the gift is made, the person making the gift gives to the member receiving the gift his or her name and address and the member receiving the gift has no grounds to believe that the name and address so given are not the true name and address of the person making the gift.
- 2) It is unlawful for a candidate in an election or a person acting on behalf of a candidate in an election to receive a gift made to or for the benefit of the candidate the amount or value of which is not less than \$500 unless –
 - (a) the name and address of the person making the gift are known to the person receiving the gift; or
 - (b) at the time when the gift is made, the person making the gift gives to the person his or her name and address and the person has no grounds to believe that the name and address so given are not the true name and address of the person making the gift.
- 3) For the purposes of this section –
 - (a) a reference to a gift made by a person includes a reference to a gift made on behalf of the members of an unincorporated association;
 - (b) a reference to the name and address of a person making a gift is –
 - (i) in the case of a gift made on behalf of the members of an unincorporated association, other than a registered industrial organisation – a reference to –

- (A) the name of the association; and
 - (B) the names and addresses of the members of the executive committee (however described) of the association; and
 - (ii) in the case of a gift purportedly made out of a trust fund or out of the funds of a foundation – a reference to –
 - (A) the names and addresses of the trustees of the fund or of the funds of the foundation; and
 - (B) the title or other description of the trust fund or the name of the foundation, as the case requires;
 - (c) a person who is a candidate in an election is to be taken to remain a candidate for 30 days after the polling day for the election;
 - (d) a reference to a candidate in an election includes a reference to a person who is already a member of the council.
- 4) If a person receives a gift that, by virtue of this section, it is unlawful for the person to receive, an amount equal to the amount or value of the gift is payable by that person to the Crown and may be recovered by the Crown as a debt by action, in a court of competent jurisdiction, against the person.

83. Inability to complete return

If a person who is required to furnish a return under this Division considers that it is impossible to complete the return because he or she is unable to obtain particulars that are required for the preparation of the return, the person may –

- (a) prepare the return to the extent that it is possible to do so without those particulars; and
- (b) furnish the return so prepared; and
- (c) give to the chief executive officer notice in writing –
 - (i) identifying the return; and
 - (ii) stating that the return is incomplete by reason that he or she is unable to obtain certain particulars; and
 - (iii) identifying those particulars; and
 - (iv) setting out the reasons why he or she is unable to obtain those particulars; and
 - (v) if the person believes, on reasonable grounds, that another person whose name and address he or she knows can give those particulars – stating that belief and the reasons for it and the name and address of that other person,

and a person who complies with this section is not, by reason of the omission of those particulars, to be taken, for the purposes of this Division, to have furnished a return that is incomplete.

84. Amendment of return

- 1) A person who has furnished a return under this Division may request the permission of the chief executive officer to make a specified amendment of the return for the purpose of correcting an error or omission.
- 2) A request under subsection (1) must –
 - (a) be by notice in writing signed by the person making the request; and
 - (b) be lodged with the chief executive officer.
- 3) If –
 - (a) a request has been made under subsection (1); and
 - (b) the chief executive officer is satisfied that there is an error in, or omission from, the return to which the request relates,
 the chief executive officer must amend the return, or permit the person making the request to amend the return, in accordance with the request.
- 4) The amendment of a return under this section does not affect the liability of a person to be convicted of an offence arising out of the furnishing of the return.

85. Offences

- 1) A person who fails to furnish a return that the person is required to furnish under this Division within the time required by this Division is guilty of an offence.
Maximum penalty: \$10 000.
- 2) A person who furnishes a return or other information –
 - (a) that the person is required to furnish under this Division; and
 - (b) that contains a statement that is, to the knowledge of the person, false or misleading in a material particular,
 is guilty of an offence.
Maximum penalty: \$10 000.
- 3) A person who furnishes to another person who is required to furnish a return under this Division information –
 - (a) that the person knows is required for the purposes of that return; and
 - (b) that is, to that person's knowledge, false or misleading in a material particular,
 is guilty of an offence.
Maximum penalty: \$10 000.
- 4) An allegation in a complaint that a specified person had not furnished a return of a specified kind as at a specified date will be taken to have been proved in the absence of proof to the contrary.

86. Failure to comply with Division

- 1) If a person who is required to furnish a return under this Division fails to submit the return within the time required by this Division, the chief executive officer must as soon as practicable notify the person of that fact.
- 2) A notification under subsection (1) must be given by letter sent to the person by registered mail.
- 3) A failure of a person to comply with a provision of this Division in relation to an election does not invalidate that election. (However, the office of a member of a council who fails to submit a return may become vacant under Chapter 5 Part 2 of the *Local Government Act 1999*.)

Division 2 – Public Access to Information**87. Public inspection of returns**

- 1) The chief executive officer of a council must keep at the principal office of the council each return furnished to the chief executive officer under Division 1.
- 2) Subject to this section, a person is entitled to inspect a copy of a return under Division 1, without charge, during ordinary business hours at the principle office of the council.
- 3) Subject to this section, a person is entitled, on payment of a fee fixed by the council, to obtain a copy of a return under Division 1.
- 4) A person is not entitled to inspect or obtain a copy of a return until the end of eight weeks after the day before which the return was required to be furnished to the chief executive officer.
- 5) The chief executive officer is only required to keep a return under this section for a period of four years following the election to which the return relates.

88. Restrictions on publication

- 1) A person must not publish –
 - (a) information derived from a return under Division 1 unless the information constitutes a fair and accurate summary of the information contained in the return and is published in the public interest; or
 - (b) comment on the facts set forth in a return under Division 1 unless the comment is fair and published in the public interest and without malice.
- 2) If information or comment is published by a person in contravention of subsection (1), the person, and any person who authorised the publication of the information or comment, is guilty of an offence.
Maximum penalty: \$10 000.

Division 3 – Related Matters**89. Requirement to keep proper records**

- 1) A person must take reasonable steps to keep in his or her possession all records relevant to completing a return under this Part.
Maximum penalty: \$5 000.
- 2) A person must keep a record under subsection (1) for at least four years after the date on which the relevant return is required to be furnished to the chief executive officer of the council under this Part.
Maximum penalty: \$5 000.

90. Related matters

- 1) For the purposes of this Part, the amount or value of a gift consisting of or including a disposition of property other than money is, if the regulations so provide, to be determined in accordance with principles set out or referred to in the regulations.
- 2) For the purposes of the Part –
 - (a) a body corporate and any other body corporate that is related to the first – mentioned body corporate is to be taken to be the same person; and
 - (b) the question whether a body corporate is related to another body corporate is to be determined in the same manner as under the *Corporations Law*.
- 3) For the purposes of this Part, an act performed by a person or committee appointed or formed to assist the campaign of a candidate in an election will be taken to be an act performed by the candidate.

Request for Issue of Voting Material Due to Omission in Error to be Completed by a Person who is an Elector in their own Right

Please PRINT details on this form

Please complete ONE side of the form ONLY

To the Electoral Officer	
Name of Council	
Ward Name (if applicable)	

Elector Information	
Surname	
Given Names	
Date of Birth	
Residential Address or Rateable Property for which Vote is Claimed <small>Not a post office box number</small>	
Address to send ballot papers	
Contact Number	

Elector Declaration	
I declare that I am a person whose name has been omitted in error from the voters roll.	
On or before roll close: <i>(tick relevant box)</i>	
<input type="checkbox"/>	I was enrolled as a House of Assembly elector for the above residential address; and I am of or above the age of 18 years on or before close of voting; or
<input type="checkbox"/>	I lodged an application for enrolment as a resident for the above residential address (and have been a resident for at least one month) or as the sole owner or sole occupier of the rateable property; and I am of or above the age of 18 years.
I have not already voted in this election/poll in any other capacity.	
Signature of Elector	Date / /

Office Use Only		
ID Number:	Ward:	Ward Code:
Issued By:	Date:	

Request for Issue of Voting Material Due to Omission in Error to be Completed by the Designated Person of a Body Corporate or Group

Please PRINT details on this form

Please complete ONE side of the form ONLY

To the Electoral Officer	
Name of Council	
Ward Name (if applicable)	

Designated Person Information	
Surname	
Given Names	
Date of Birth	
Contact Number	

Body Corporate or Group Information	
Name of Body Corporate or Group	
Address of Rateable Property for which Vote is Claimed <small>Not a post office box number</small>	
Address to send ballot papers	

Designated Person Declaration	
<p>I declare that:</p> <ul style="list-style-type: none"> • on or before roll close, the above body corporate or group lodged an application for enrolment as an owner or occupier for the above rateable property; and • the name of the above body corporate or group has been omitted in error from the voters roll; and • I am: <ol style="list-style-type: none"> a. the designated person authorised by the above body corporate or group to vote on its behalf; and b. an officer of the above body corporate, a member of the group or an officer of a body corporate which is a member of the group, and c. of or above the aged of 18 years; and • I have not already voted in this election in any other capacity. 	
Signature of Designated Person	Date / /

Office Use Only		
ID Number:	Ward:	Ward Code:
Issued By:	Date:	



Nomination Form

to be Completed by a Person who is an Elector in their own Right

Please PRINT details on this form

Office Use Only	HA LG			
	Entitlement	Enrolment Date	Accepting Officer Initials	Date Accepted

Council Information - Please complete details of Council and vacancy the candidate is nominating for

Name of Council	City of Adelaide		
Position (Circle applicable)	Mayor	Area Councillor	Ward Councillor
Ward Name (If applicable)			

Candidate Information

Title (Circle applicable)	Miss	Ms	Mrs	Mr	Dr
Surname					
Given Names					
Enrolled Address					
Address of Rateable Property (if different to enrolled address)					

Candidate Declaration

I declare that I am:

1. an Australian citizen, or

 person who has held office as a member of a council at any time between 5 May 1997 and 1 January 2000;
2. an elector for the area;
3. not ineligible to be a candidate for election by reason of any matter referred to in Schedule 1, clause 5(3) or (4) of the *City of Adelaide Act 1998*; and
4. taking responsibility for the content of the profile lodged with this nomination; and
5. I have read the attached notes relating to the lodgement of this nomination.

Signature of Candidate		Date / /
------------------------	--	--------------------

Nominations Close at 12 Noon on Tuesday 21 September 2010

You cannot lodge this form before Tuesday 7 September 2010 (14 days before nominations close)

A copy of the first page of this nomination form will be displayed at the Council office.

Name to Appear on the Ballot Paper

I request the name by which I am generally known to appear on the ballot paper as shown below.

Please note:

- The request may not be accepted. The Returning Officer may reject a name that is obscene, frivolous or has been assumed for an ulterior purpose.
- The SURNAME will be printed in CAPITALS and will appear before any other name on the ballot paper.

Surname	Given Names or Other Names
---------	----------------------------

Further Information to be Completed by the Candidate

Date of Birth	/ /	Gender	Female	Male	Are you currently a member of this council?	Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

Postal Address
If you have a postal address (different to the enrolled address) where you would like correspondence sent, please provide this address:

Contact details for electoral use only:

Business phone	<input type="text"/>	Home phone	<input type="text"/>
Mobile phone	<input type="text"/>	Facsimile	<input type="text"/>
Email address	<input type="text"/>		

Contact number for media/public:
Indicate in the box **ONE** contact telephone number for release to the media and public. If you **DO NOT** wish to release a telephone number, please leave the box blank

I give permission for further publication of my profile by the council and the media Yes No

Information to be Completed by Electoral Official

Profile		Yes	No	Photograph		Yes	No
Profile signed, dated and contact details included		<input type="checkbox"/>	<input type="checkbox"/>	Photograph received		<input type="checkbox"/>	<input type="checkbox"/>
Profile contains statement of responsibility for content of profile		<input type="checkbox"/>	<input type="checkbox"/>	Photograph endorsed and signed		<input type="checkbox"/>	<input type="checkbox"/>
Profile word count displayed		<input type="checkbox"/>	<input type="checkbox"/>				
Date and time of receipt		/ /		at		am/pm	
Place of receipt	<input type="text"/>						
Signature of receiving officer	<input type="text"/>						

Notes - You may detach and retain this page

1. You must deliver your nomination form as to reach the Returning Officer before the close of nominations.
2. This nomination **must** be accompanied by a profile of the candidate that complies with the following requirements:
 - (a) the profile must be in typed or printed form;
 - (b) the profile must not exceed 150 words;
 - (c) the profile must be accurate and must not -
 - (i) be misleading; or
 - (ii) contain offensive or obscene material; or
 - (iii) refer to another person who has nominated as a candidate for election to the council without the written consent of that person (that consent must be lodged with the profile); or
 - (iv) comment on decisions or actions that have been made or taken by the council or on the decisions or actions of past or present members of the council;
 - (d) the profile must contain contact details of the candidate being -
 - (i) an address (not being a post office box); or
 - (ii) an email address; or
 - (iii) a telephone number

Note: the contact details do not form part of the 150 words.
 - (e) the profile must be accompanied by a statement declaring that the candidate is responsible for the content of the profile as follows:
 'I take responsibility for the content of the profile'

 (signature of candidate) (date)
 (i) (the profile must be signed and dated by the candidate

Note: the signature, date and contact details explained in Notes 2(d) and (e) do not form part of the 150 words.
3. A photograph of the candidate may accompany the profile. If you choose to include a photograph-
 - (a) the photograph should be the same size as an Australian passport photograph;
 - (b) the photograph must only (or predominantly) show the head and shoulders of the candidate;
 - (c) the photograph must have been taken within the last 12 months;
 - (d) the photograph must have on its back an endorsement signed by the candidate as follows:
 'This is a photograph of [insert name] taken within the last 12 months'

 (signature of candidate)
4. It is an offence under section 64(1) of the *Local Government (Elections) Act 1999* to make a statement in a declaration under the Act that is, to the person's knowledge, false or misleading in a material respect.
 Maximum penalty: \$5000 or imprisonment for one year.
5. Schedule 1, clause 5 of the of the City of Adelaide Act 1998 provides as follows:
 - (1) Subject to this Schedule and the *Local Government Act 1999*, a person is eligible to be a candidate for election as a member of the Council if -
 - (a) the person is -
 - (i) an Australian citizen; or
 - (ii) a prescribed person; and
 - (b)
 - (i) the person is an elector for the area; or
 - (ii) the person is the nominee of a body corporate which has its name on the voters roll for the area; or
 - (iii) the person is the nominee of a group which has its name on the voters roll for the area; or
 - (iv) the person's name has been omitted in error from the voters roll for the area, or the person is the nominee of a body corporate or group which has had its name omitted in error from the voters roll for the area (and would be eligible for nomination under subparagraph (ii) or (iii) (as the case may be) were the name on the roll).
 - (2) Subclause (1)(b) operates subject to the following qualifications:
 - (a) a nominee of a body corporate must be an officer of the body corporate;
 - (b) a nominee of a group must be a member of the group, or an officer of a body corporate that is a member of the group;
 - (c) a body corporate or group cannot nominate more than one person for a particular election;
 - (d) a body corporate or group cannot nominate a person who has not attained the age of majority.
 - (3) A person is not eligible to be a candidate for election as a member of the Council if the person -
 - (a) is a member of an Australian Parliament; or
 - (b) is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors; or
 - (c) has been sentenced to imprisonment and is, or could on the happening of some contingency become, liable to serve the sentence or the remainder of the sentence; or
 - (d) is an employee of the Council; or
 - (e) is disqualified from election by court order under the *Local Government Act 1999*.
 - (4) A person is not eligible to be a candidate for election as a member of the Council if the person -
 - (a) in the case of a supplementary election - is a member of another council; or
 - (b) in the case of any election - is a candidate for election as a member of another council.
 - (5) In this clause -

prescribed person means a person who has held office as a member of a council at any time between 5 May 1997 and 1 January 2000.
6. A person claiming an entitlement to be a candidate on the basis that a relevant name has been omitted in error from the voters roll must also complete an 'Omission in error from the roll' form.



Nomination Form

to be Completed by a Person who is a Nominee of a Body Corporate

Please PRINT details on this form Please PRINT details on this form

Office Use Only	HA LG			
	Entitlement	Enrolment Date	Accepting Officer Initials	Date Accepted

Council Information - Please complete details of Council and vacancy the candidate is nominating for

Name of Council	City of Adelaide		
Position (Circle applicable)	Mayor	Area Councillor	Ward Councillor
Ward Name (If applicable)			

Body Corporate Information - Nominator of the Candidate

I acknowledge that the body corporate is entitled to nominate one candidate in this election and I declare that I have been authorised by the body corporate to make this nomination.

Full Name of Public Officer or Secretary			
Name of Body Corporate			
Address of Registered Office			
Signature of Public Officer or Secretary		Date	/ /

Candidate Information

Title (Circle applicable)	Miss	Ms	Mrs	Mr	Dr
Surname					
Given Names					
Enrolled Address					

Candidate Declaration

I declare that I am:

1. an Australian citizen, or
 a person who has held office as a member of a council at any time between 5 May 1997 and 1 January 2000;
2. an officer of the body corporate (ie a director, secretary or public officer of the body corporate and including any person who takes part in the management of the affairs of the body corporate);
3. not ineligible to be a candidate for election by reason of any matter referred to in Schedule 1, clause 5(3) or (4) of the *City of Adelaide Act 1998*; and
4. taking responsibility for the content of the profile lodged with this nomination; and
5. I have read the attached notes relating to the lodgement of this nomination.

Signature of Candidate		Date	/ /
-------------------------------	--	------	-----

Nominations Close at 12 Noon on Tuesday 21 September 2010

You cannot lodge this form before Tuesday 7 September 2010 (14 days before nominations close)

A copy of the first page of this nomination form will be displayed at the Council office.

Name to Appear on the Ballot Paper

I request the name by which I am generally known to appear on the ballot paper as shown below.

Please note:

- The request may not be accepted. The Returning Officer may reject a name that is obscene, frivolous or has been assumed for an ulterior purpose.
- The SURNAME will be printed in CAPITALS and will appear before any other name on the ballot paper.

Surname	Given Names or Other Names

Further Information to be Completed by the Candidate

Date of Birth	/ /	Gender	Female	Male	Are you currently a member of this council?	Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

Postal Address

If you have a postal address (different to the enrolled address) where you would like correspondence sent, please provide this address:

Contact details for electoral use only:

Business phone		Home phone	
Mobile phone		Facsimile	
Email address			

Contact number for media/public:

Indicate in the box **ONE** contact telephone number for release to the media and public. If you **DO NOT** wish to release a telephone number, please leave the box blank

I give permission for further publication of my profile by the council and the media

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

Information to be Completed by Electoral Official

Profile	Photograph
Profile signed, dated and contact details included	Photograph received
Yes No	Yes No
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Profile contains statement of responsibility for content of profile	Photograph endorsed and signed
Yes No	Yes No
<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
Profile word count displayed	
Yes No	
<input type="checkbox"/> <input type="checkbox"/>	
Date and time of receipt	at
/ /	am/pm
Place of receipt	
Signature of receiving officer	

Notes - You may detach and retain this page

1. You must deliver your nomination form as to reach the Returning Officer before the close of nominations.
2. This nomination **must** be accompanied by a profile of the candidate that complies with the following requirements:
 - (a) the profile must be in typed or printed form;
 - (b) the profile must not exceed 150 words;
 - (c) the profile must be accurate and must not -
 - (i) be misleading; or
 - (ii) contain offensive or obscene material; or
 - (iii) refer to another person who has nominated as a candidate for election to the council without the written consent of that person (that consent must be lodged with the profile); or
 - (iv) comment on decisions or actions that have been made or taken by the council or on the decisions or actions of past or present members of the council;
 - (d) the profile must contain contact details of the candidate being -
 - (i) an address (not being a post office box); or
 - (ii) an email address; or
 - (iii) a telephone number

Note: the contact details do not form part of the 150 words.
 - (e) the profile must be accompanied by a statement declaring that the candidate is responsible for the content of the profile as follows:
'I take responsibility for the content of the profile'

.....
(signature of candidate) (date)

 - (i) (the profile must be signed and dated by the candidate

Note: the signature, date and contact details explained in Notes 2(d) and (e) do not form part of the 150 words.
3. A photograph of the candidate may accompany the profile. If you choose to include a photograph-
 - (a) the photograph should be the same size as an Australian passport photograph;
 - (b) the photograph must only (or predominantly) show the head and shoulders of the candidate;
 - (c) the photograph must have been taken within the last 12 months;
 - (d) the photograph must have on its back an endorsement signed by the candidate as follows:
'This is a photograph of [insert name] taken within the last 12 months'

.....
(signature of candidate)
4. It is an offence under section 64(1) of the *Local Government (Elections) Act 1999* to make a statement in a declaration under the Act that is, to the person's knowledge, false or misleading in a material respect.
Maximum penalty: \$5000 or imprisonment for one year.
5. Schedule 1, clause 5 of the of the City of Adelaide Act 1998 provides as follows:
 - (1) Subject to this Schedule and the *Local Government Act 1999*, a person is eligible to be a candidate for election as a member of the Council if -
 - (a) the person is -
 - (i) an Australian citizen; or
 - (ii) a prescribed person; and
 - (b)
 - (i) the person is an elector for the area; or
 - (ii) the person is the nominee of a body corporate which has its name on the voters roll for the area; or
 - (iii) the person is the nominee of a group which has its name on the voters roll for the area; or
 - (iv) the person's name has been omitted in error from the voters roll for the area, or the person is the nominee of a body corporate or group which has had its name omitted in error from the voters roll for the area (and would be eligible for nomination under subparagraph (ii) or (iii) (as the case may be) were the name on the roll).
 - (2) Subclause (1)(b) operates subject to the following qualifications:
 - (a) a nominee of a body corporate must be an officer of the body corporate;
 - (b) a nominee of a group must be a member of the group, or an officer of a body corporate that is a member of the group;
 - (c) a body corporate or group cannot nominate more than one person for a particular election;
 - (d) a body corporate or group cannot nominate a person who has not attained the age of majority.
 - (3) A person is not eligible to be a candidate for election as a member of the Council if the person -
 - (a) is a member of an Australian Parliament; or
 - (b) is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors; or
 - (c) has been sentenced to imprisonment and is, or could on the happening of some contingency become, liable to serve the sentence or the remainder of the sentence; or
 - (d) is an employee of the Council; or
 - (e) is disqualified from election by court order under the *Local Government Act 1999*.
 - (4) A person is not eligible to be a candidate for election as a member of the Council if the person -
 - (a) in the case of a supplementary election - is a member of another council; or
 - (b) in the case of any election - is a candidate for election as a member of another council.
 - (5) In this clause -
prescribed person means a person who has held office as a member of a council at any time between 5 May 1997 and 1 January 2000.
6. A person claiming an entitlement to be a candidate on the basis that a relevant name has been omitted in error from the voters roll must also complete an 'Omission in error from the roll' form.



Nomination Form to be Completed by a Person who is a Nominee of a Group

Please PRINT details on this form

Office Use Only	HA	LG			
	Entitlement		Enrolment Date	Accepting Officer Initials	Date Accepted

Council Information - Please complete details of Council and vacancy the candidate is nominating for

Name of Council	City of Adelaide		
Position (Circle applicable)	Mayor	Area Councillor	Ward Councillor
Ward Name (If applicable)			

Group Information - Nominator of the Candidate

I acknowledge that the group is entitled to nominate one candidate in this election and I declare that I have been authorised by the group to make this nomination.

Full Name of Nominator			
Name of Group			
Address of Group			
Signature of Nominator		Date	/ /

Candidate Information

Title (Circle applicable)	Miss	Ms	Mrs	Mr	Dr
Surname					
Given Names					
Enrolled Address					

Candidate Declaration

I declare that I am:

1. an Australian citizen, or
 a person who has held office as a member of a council at any time between 5 May 1997 and 1 January 2000;
2. A member of the group or an officer of the body corporate that is a member of the group (an officer of a body corporate is a director, manager, secretary or public officer of the body corporate and includes any person who takes part in the management of the affairs of the body corporate);
3. not ineligible to be a candidate for election by reason of any matter referred to in Schedule 1, clause 5(3) or (4) of the *City of Adelaide Act 1998*; and
4. taking responsibility for the content of the profile lodged with this nomination; and
5. I have read the attached notes relating to the lodgement of this nomination.

Signature of Candidate		Date	/ /
-------------------------------	--	------	-----

Nominations Close at 12 Noon on Tuesday 21 September 2010

You cannot lodge this form before Tuesday 7 September 2010 (14 days before nominations close)
A copy of the first page of this nomination form will be displayed at the Council office.

Name to Appear on the Ballot Paper

I request the name by which I am generally known to appear on the ballot paper as shown below.

Please note:

- The request may not be accepted. The Returning Officer may reject a name that is obscene, frivolous or has been assumed for an ulterior purpose.
- The SURNAME will be printed in CAPITALS and will appear before any other name on the ballot paper.

Surname	Given Names or Other Names

Further Information to be Completed by the Candidate

Date of Birth	/ /	Gender	Female	Male	Are you currently a member of this council?	Yes	No
	<input type="text"/>		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

Postal Address

If you have a postal address (different to the enrolled address) where you would like correspondence sent, please provide this address:

Contact details for electoral use only:

Business phone	<input type="text"/>	Home phone	<input type="text"/>
Mobile phone	<input type="text"/>	Facsimile	<input type="text"/>
Email address	<input type="text"/>		

Contact number for media/public:

Indicate in the box **ONE** contact telephone number for release to the media and public. If you **DO NOT** wish to release a telephone number, please leave the box blank

I give permission for further publication of my profile by the council and the media

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

Information to be Completed by Electoral Official

<p>Profile</p> <p>Profile signed, dated and contact details included</p> <p style="text-align: center;">Yes No</p> <p style="text-align: center;"><input type="checkbox"/> <input type="checkbox"/></p> <p>Profile contains statement of responsibility for content of profile</p> <p style="text-align: center;">Yes No</p> <p style="text-align: center;"><input type="checkbox"/> <input type="checkbox"/></p> <p>Profile word count displayed</p> <p style="text-align: center;">Yes No</p> <p style="text-align: center;"><input type="checkbox"/> <input type="checkbox"/></p> <p>Date and time of receipt</p> <p style="text-align: center;">/ / at am/pm</p> <p>Place of receipt</p> <p>Signature of receiving officer</p>	<p>Photograph</p> <p>Photograph received</p> <p style="text-align: center;">Yes No</p> <p style="text-align: center;"><input type="checkbox"/> <input type="checkbox"/></p> <p>Photograph endorsed and signed</p> <p style="text-align: center;">Yes No</p> <p style="text-align: center;"><input type="checkbox"/> <input type="checkbox"/></p>

Notes - You may detach and retain this page

1. You must deliver your nomination form as to reach the Returning Officer before the close of nominations.
2. This nomination **must** be accompanied by a profile of the candidate that complies with the following requirements:
 - (a) the profile must be in typed or printed form;
 - (b) the profile must not exceed 150 words;
 - (c) the profile must be accurate and must not -
 - (i) be misleading; or
 - (ii) contain offensive or obscene material; or
 - (iii) refer to another person who has nominated as a candidate for election to the council without the written consent of that person (that consent must be lodged with the profile); or
 - (iv) comment on decisions or actions that have been made or taken by the council or on the decisions or actions of past or present members of the council;
 - (d) the profile must contain contact details of the candidate being -
 - (i) an address (not being a post office box); or
 - (ii) an email address; or
 - (iii) a telephone number

Note: the contact details do not form part of the 150 words.
 - (e) the profile must be accompanied by a statement declaring that the candidate is responsible for the content of the profile as follows:
'I take responsibility for the content of the profile'

.....
(signature of candidate) (date)

 - (i) (the profile must be signed and dated by the candidate

Note: the signature, date and contact details explained in Notes 2(d) and (e) do not form part of the 150 words.
3. A photograph of the candidate may accompany the profile. If you choose to include a photograph-
 - (a) the photograph should be the same size as an Australian passport photograph;
 - (b) the photograph must only (or predominantly) show the head and shoulders of the candidate;
 - (c) the photograph must have been taken within the last 12 months;
 - (d) the photograph must have on its back an endorsement signed by the candidate as follows:
'This is a photograph of [insert name] taken within the last 12 months'

.....
(signature of candidate)
4. It is an offence under section 64(1) of the *Local Government (Elections) Act 1999* to make a statement in a declaration under the Act that is, to the person's knowledge, false or misleading in a material respect.
Maximum penalty: \$5000 or imprisonment for one year.
5. Schedule 1, clause 5 of the of the City of Adelaide Act 1998 provides as follows:
 - (1) Subject to this Schedule and the *Local Government Act 1999*, a person is eligible to be a candidate for election as a member of the Council if -
 - (a) the person is -
 - (i) an Australian citizen; or
 - (ii) a prescribed person; and
 - (b)
 - (i) the person is an elector for the area; or
 - (ii) the person is the nominee of a body corporate which has its name on the voters roll for the area; or
 - (iii) the person is the nominee of a group which has its name on the voters roll for the area; or
 - (iv) the person's name has been omitted in error from the voters roll for the area, or the person is the nominee of a body corporate or group which has had its name omitted in error from the voters roll for the area (and would be eligible for nomination under subparagraph (ii) or (iii) (as the case may be) were the name on the roll).
 - (2) Subclause (1)(b) operates subject to the following qualifications:
 - (a) a nominee of a body corporate must be an officer of the body corporate;
 - (b) a nominee of a group must be a member of the group, or an officer of a body corporate that is a member of the group;
 - (c) a body corporate or group cannot nominate more than one person for a particular election;
 - (d) a body corporate or group cannot nominate a person who has not attained the age of majority.
 - (3) A person is not eligible to be a candidate for election as a member of the Council if the person -
 - (a) is a member of an Australian Parliament; or
 - (b) is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors; or
 - (c) has been sentenced to imprisonment and is, or could on the happening of some contingency become, liable to serve the sentence or the remainder of the sentence; or
 - (d) is an employee of the Council; or
 - (e) is disqualified from election by court order under the *Local Government Act 1999*.
 - (4) A person is not eligible to be a candidate for election as a member of the Council if the person -
 - (a) in the case of a supplementary election - is a member of another council; or
 - (b) in the case of any election - is a candidate for election as a member of another council.
 - (5) In this clause -
prescribed person means a person who has held office as a member of a council at any time between 5 May 1997 and 1 January 2000.
6. A person claiming an entitlement to be a candidate on the basis that a relevant name has been omitted in error from the voters roll must also complete an 'Omission in error from the roll' form.



Nomination Form for a Candidate claiming Omission of Name from the Voters Roll

Please PRINT details on this form

This form must be used if a person is nominating, or being nominated, as a candidate for election as a member of council and is a person whose name has been omitted in error from the voters roll, or who is the nominee of a body corporate or group which has had its name omitted in error from the voters roll

Complete A, B or C as appropriate

This form is to be completed in addition to either Form 33, 34 or 35

Office Use Only		
Name of Receiving Officer		
Signature of Receiving Officer		Date / /
Council Information - Please complete details of Council and vacancy the candidate is nominating for		
Name of Council	City of Adelaide	
Position (Circle applicable)	Mayor	Area Councillor
	Ward Councillor	
Ward Name (If applicable)		
A - Person Claiming Entitlement as an Elector in Own Right		
Surname		
Given Names		
Residential Address		
I declare that I am: <ul style="list-style-type: none"> • of or above the age of 18 years, and • of the opinion that I am an elector whose name has been omitted from the voters roll for the council because of an administrative error in the preparation of the roll. 		
On or before roll close: <i>(tick relevant box)</i>		
<input type="checkbox"/>	I was enrolled as a House of Assembly elector for the above residential address	
<input type="checkbox"/>	I lodged an application for enrolment for the above residential address	
<input type="checkbox"/>	I was entered in the assessment record as the sole owner of rateable property at the following address:	
_____ <i>(insert full address or other details of the rateable property)</i>		
<input type="checkbox"/>	I was entered in the assessment record as the sole occupier of rateable property at the following address, and I am not a resident of rateable property:	
_____ <i>(insert full address or other details of the rateable property)</i>		
Signature of Candidate		Date / /

B - Body Corporate Claiming Entitlement to Enrolment		
Name of Body Corporate		
Name of Appointed Representative		
Residential Address		
ACN or other identifying registration number		
<p>I declare that I am of the opinion that the body corporate which I represent has had its name omitted from the voters roll for the council because of an administrative error in the preparation of the roll. On or before the roll close date the body corporate was entered in the assessment record as the sole owner or sole occupier of rateable property at the following address:</p> <p>_____</p> <p style="text-align: center;"><i>(insert full address or other details of the rateable property)</i></p>		
Signature of Appointed Representative		Date / /

C - Group Claiming Entitlement to Enrolment		
Name of Group		
Name of Appointed Representative		
Residential Address		
Full Names and Residential Addresses of the Members of the Group		
<p>I declare that I am of the opinion that the group which I represent has had its name omitted from the voters roll for the council because of an administrative error in the preparation of the roll. On or before the roll close date the members of the group were entered in the assessment record as ratepayers of rateable property at the following address:</p> <p>_____</p> <p style="text-align: center;"><i>(insert full address or other details of the rateable property)</i></p>		
Signature of Appointed Representative		Date / /



Withdrawal of Nomination by a Body Corporate or Group

Please PRINT details on this form

This form must be delivered to the Returning Officer before the close of nominations for the relevant election

This form must be completed by:

- (a) in the case of a nomination made by a body corporate – an officer of the body corporate; or
- (b) in the case of a nomination made by a group – a member of the group, or an officer of a body corporate that is a member of the group.

Council Information	
Name of Council	City of Adelaide
Position (Circle applicable)	<input type="checkbox"/> Mayor <input type="checkbox"/> Area Councillor <input type="checkbox"/> Ward Councillor
Ward Name (If applicable)	

Candidate Information	
Surname	
Given Names	
Enrolled Address	
Full Name of Body Corporate or Group	

Declaration of Withdrawal	
Pursuant to Section 22(2) of the <i>Local Government (Elections) Act 1999</i> , the nomination for the above candidate is withdrawn.	
I declare -	
(a) that the body corporate or group has resolved to withdraw the nomination and that I am authorised to provide this notice on behalf of the body corporate or group, and	
(b) that the nominated candidate has been notified that their nomination has been withdrawn.	
Full Name	
Signature	<div style="display: flex; justify-content: space-between;"> Date / / </div>

Office Use Only	
Date and time of receipt	<div style="display: flex; align-items: center;"> <div style="border: 1px solid black; padding: 2px 10px; margin-right: 5px;">/ /</div> at <div style="border: 1px solid black; padding: 2px 10px; margin-left: 5px;">am/pm</div> </div>
Place of receipt	<div style="border: 1px solid black; height: 20px;"></div>
Signature of receiving officer	<div style="border: 1px solid black; height: 40px;"></div>



**Statement of Restrictions relating to
Electoral Material, Illegal Practices and Campaign Returns
City of Adelaide**

As a candidate for election under the *Local Government (Elections) Act 1999*, you should be aware of various provisions of the Act which may lead to criminal prosecution if breached.

Extracts from the *Local Government (Elections) Act 1999* and *City of Adelaide Act 1998* relating to these provisions are set out below for your information.

You should speak to the Returning Officer if you are uncertain about any matter relevant to the conduct of the election.

For information relating to campaign returns, refer to the Council Chief Executive Officer.

Extracts

Local Government (Elections) Act 1999

A. Electoral Material

27. Publication of electoral material

- 1) A person must not publish electoral material or cause electoral material to be published unless the material contains –
 - (a) the name and address of the person who authorises publication of the material; and
 - (b) in the case of printed electoral material – the name and address of the printer or other person responsible for undertaking its production.Maximum penalty: \$2 500.
- 2) If electoral material is published in a newspaper that has been published at intervals of one month or less over a period of at least six months immediately preceding the publication of the electoral material, the name and address of the printer need not be contained in the electoral material.
- 3) If electoral material is published in a newspaper as a letter to the editor, it is an offence to publish the material without the name and address (not being a post box) of the writer of the letter.
Maximum penalty: \$2 500.

28. Publication of misleading material

- 1) If –
 - (a) electoral material contains a statement purporting to be a statement of fact; and
 - (b) the statement is inaccurate and misleading to a material extent,a person who authorised, caused or permitted the publication of the material (the publisher) is guilty of an offence.
Maximum penalty: \$5 000.
- 2) It is a defence to a charge of an offence against subsection (1) for the defendant to prove –
 - (a) that he or she took no part in determining the contents of the material; and
 - (b) that he or she could not reasonably be expected to have known that the statement to which the charge relates was inaccurate and misleading.
- 2a) If the electoral Commissioner is satisfied that published electoral material contains a statement purporting to be a statement of fact that is inaccurate and misleading to a material extent, the Electoral Commissioner may request the publisher to do 1 or more of the following:
 - (a) withdraw the material from further publication;
 - (b) publish a retraction in specified terms and a specified manner and form,(and in proceedings for an offence against subsection (1) arising from the material, the publisher's response to a request under this subsection may be taken into account in assessing any penalty to which the publisher may be liable).
- 3) This section applies to material published by any means (including radio or television).
- 4) No action under this section lies against the returning officer with respect to the publication of material provided to the returning officer by a candidate for election under section 19.

B. Illegal Practices**57. Violence, intimidation, bribery, etc.**

- 1) A person who exercises violence or intimidation, or offers or gives a bribe, with a view to –
 - (a) inducing a person to submit or withdraw candidature for election; or
 - (b) influencing the vote of a person at an election or poll; or
 - (c) otherwise interfering with the due course of an election or poll,is guilty of an offence.

Maximum penalty: \$10 000 or imprisonment for seven years.

- 2) A person who receives a bribe offered in contravention of subsection (1) is guilty of an offence.

Maximum penalty: \$10 000 or imprisonment for seven years.

- 3) In this section –

'bribe' includes any pecuniary sum or material advantage including food, drink or entertainment.

58. Dishonest artifices

- 1) A person who dishonestly exercises, or attempts to exercise, a vote at an election or poll to which that person is not entitled is guilty of an offence.

Maximum penalty: \$5 000 or imprisonment for one year.

- 2) A person who dishonestly influences or attempts to influence the result of an election or poll is guilty of an offence.

Maximum penalty: \$5 000 or imprisonment for one year.

59. Interference with statutory rights

A person must not hinder or interfere with the free exercise or performance, by another person, of a right under this Act.

Maximum penalty: \$5 000 or imprisonment for one year.

60. Exception

No declaration of public policy or promise of public action constitutes bribery or dishonest influence.

61. Persons acting on behalf of candidates not to assist voters or collect voting papers

- 1) A person who is a candidate for election or acting on behalf of such a candidate (whether with or without the candidate's authority) must not act as an assistant to a person voting at the election.

Maximum penalty: \$5 000 or imprisonment for one year.

- 2) A scrutineer must not act as an assistant to a person voting at an election or poll.

Maximum penalty: \$5 000 or imprisonment for one year.

- 3) Without limiting the generality of subsection (1) or (2), a person acts as an assistant by assisting another to obtain, complete or return postal voting papers.

- 4) A person who is a candidate for election or acting on behalf of such a candidate (whether with or without the candidate's authority) must not have in his or her possession, or attempt to gain possession of, postal voting papers for that election (except any such papers issued to the person as an elector in his or her own right).

Maximum penalty: \$5 000 or imprisonment for one year.

62. Unlawful interference with computer programs

- 1) A person must not, without lawful authority to do so, tamper or interfere with a computer program or system used by an electoral officer for the purposes of an election or poll under this Act.

Maximum penalty: \$5 000 or imprisonment for one year.

- 2) In proceedings for an offence against subsection (1), the prosecution need not prove the absence of lawful authority and the onus is on the defendant to prove any such authority on which he or she relies.

63. Secrecy of vote

- 1) A person must not, by clandestine or dishonest means, attempt to discover how another person has voted.

Maximum penalty: \$1 250 or imprisonment for three months.

- 2) No person may open an envelope under this Act containing a vote except the returning officer, or an electoral officer acting with the authority of the returning officer.

Maximum penalty: \$750.

- 3) A person who acquires knowledge of the vote of another person through assisting the other person to vote, or otherwise in the exercise of powers or functions under this Act, must not divulge that knowledge.

Maximum penalty: \$2 500 or imprisonment for six months.

64. Unlawful declaration or marking of ballot papers

- 1) A person must not make a statement in a claim, application, return or declaration, or in answer to a question, under this Act that is, to the person's knowledge, false or misleading in a material respect.

Maximum penalty: \$5 000 or imprisonment for one year.

- 2) Except as authorised by this Act, a person (not being a person to whom the ballot paper has been lawfully issued) must not mark a vote, or make any other mark or writing on a ballot paper.

Maximum penalty: \$2 500 or imprisonment for six months.

65. Conduct of officers

An electoral officer must not fail, without proper excuse, to carry out his or her official duties in connection with the conduct of an election or poll.

Maximum penalty: \$2 500 or imprisonment for six months.

66. Conduct of scrutineers

- 1) A scrutineer must not interfere with or attempt to influence a person voting or proposing to vote at an election or poll.

Maximum penalty: \$5 000 or imprisonment for one year.

- 2) If a candidate appoints more than one scrutineer, not more than two of them may be present in the place for the counting of votes at the same time during the counting of votes.

*City of Adelaide Act 1998 Schedule 1***C. Campaign Donations and Expenditure****DIVISION 2 – RETURNS****23. Returns for candidates**

- 1) A person who is a candidate for election to an office of the Adelaide City Council must, within 30 days after the conclusion of the election, furnish to the chief executive officer of the Council, in accordance with the requirements of this Part –
 - (a) a campaign donations return under this Division; and
 - (b) a campaign expenditure return under this Division.
- 2) The returns must be in the prescribed form and completed in the prescribed manner.

24. Campaign donations returns

- 1) Subject to this clause, a campaign donations return for a candidate for election to an office of the Adelaide City Council must set out –
 - (a) the total amount or value of all gifts received by the candidate during the disclosure period; and
 - (b) the number of persons who made those gifts; and
 - (c) the amount or value of each gift; and
 - (d) the date on which each gift was made; and
 - (e) in the case of each gift made on behalf of the members of an unincorporated association, other than a registered industrial organisation –
 - (i) the name of the association; and
 - (ii) the names and addresses of the members of the executive committee (however described) of the association; and
 - (f) in the case of each gift purportedly made out of a trust fund or out of the funds of a foundation –
 - (i) the names and addresses of the trustees of the fund or of the funds of the foundation; and
 - (ii) the title or other description of the trust fund or the name of the foundation, as the case requires; and
 - (g) in the case of each other gift – the name and address of the person who made the gift.
- 2) A campaign donations return need not set out any details required by subclause (1) in respect of –
 - (a) a private gift made to the candidate; or
 - (b) a gift if the amount or value of the gift is less than \$500.
- 3) For the purposes of this clause –
 - (a) The disclosure period is the period that commenced –
 - (i) in relation to a candidate in an election who was a new candidate (other than a candidate referred to in subparagraph (ii)) – 12 months before polling day for the election;
 - (ii) in relation to a candidate in an election who was a new candidate and when he or she became a candidate in the election was a member of the Council by virtue of having been appointed under the *Local Government Act 1999* – on the day on which the person was so appointed as a member of the Council;
 - (iii) in relation to a candidate in an election who was not a new candidate – at the end of 21 days after polling day for the last preceding election in which the person was a candidate, and that ended, in any of the above cases, at the end of 21 days after polling day for the election;
 - (c) a candidate is a new candidate, in relation to an election, if the person had not been a candidate in the last general election of the Council and had not been elected at a supplementary election held after the last general election of the Council;
 - (d) two or more gifts (excluding private gifts) made by the same person to a candidate during the disclosure period are to be treated as one gift;
 - (e) a gift made to a candidate is a private gift if it is made in a private capacity to the candidate for his or her personal use and the candidate has not used, and will not use, the gift solely or substantially for a purpose related to an election.
- 4) If no details are required to be included in a return under this clause for a candidate, the return must nevertheless be lodged and must include a statement to the effect that no gifts of a kind required to be disclosed were received.

25. Campaign expenditure return

- 1) Subject to this clause, a campaign expenditure return for a candidate for election to an office of the Adelaide City Council must set out details of all campaign expenditure in relation to the election incurred by or with the authority of the candidate.
- 2) For the purposes of this clause, campaign expenditure, in relation to an election, is expenditure incurred on –
 - (a) the broadcasting of an electoral advertisement relating to the election; or
 - (b) the publishing in a journal of an electoral advertisement relating to the election; or
 - (c) the display at a theatre or other place of entertainment, of an electoral advertisement relating to the election; or
 - (d) the production of an electoral advertisement relating to the election, being an advertisement that is broadcast, published or displayed as mentioned in paragraph (a), (b) or (c); or
 - (e) the production of any material (not being material referred to in paragraph (a), (b) or (c)) that is required under section 27 of the *Local Government (Elections) Act 1999* to include the name and address of the author of the material or of the person who is the printer of the material (in the case of printed electoral material); or
 - (f) consultants' or advertising agents' fees in respect of –
 - (i) services relating to the election; or
 - (ii) material relating to the election; or
 - (g) the carrying out of an opinion poll, or other research, relating to the election; or
 - (h) the production and distribution of electoral material that is addressed to particular persons or organisations; or
 - (i) other matters or items of a prescribed kind.
- 3) If a candidate incurred campaign expenditure of a total amount not exceeding \$500 in relation to an election (or incurred no campaign expenditure), the return may be lodged as a "Nil" return.

26. Certain gifts not to be received

- 1) It is unlawful for a member of the Adelaide City Council to receive a gift made to or for the benefit of the member the amount or value of which is not less than \$500 unless –
 - (a) the name and address of the person making the gift are known to the member; or
 - (b) at the time when the gift is made, the person making the gift gives to the member his or her name and address and the member has no grounds to believe that the name and address so given are not the true name and address of the person making the gift.
- 2) It is unlawful for a candidate in an election, or a person acting on behalf of a candidate in an election, to an office of the Adelaide City Council to receive a gift made to or for the benefit of the candidate the amount or value of which is not less than \$500 unless –
 - (a) the name and address of the person making the gift are known to the person receiving the gift; or
 - (b) at the time when the gift is made, the person making the gift gives to the person receiving the gift his or her name and address and the person receiving the gift has no grounds to believe that the name and address so given are not the true name and address of the person making the gift.
- 3) For the purposes of this clause –
 - (a) a reference to a gift made by a person includes a reference to a gift made on behalf of the members of an unincorporated association;
 - (b) a reference to the name and address of a person making a gift is –
 - (i) in the case of a gift made on behalf of the members of an unincorporated association, other than a registered industrial organisation – a reference to –
 - (A) the name of the association; and
 - (B) the names and addresses of the members of the executive committee (however described) of the association; and
 - (ii) in the case of a gift purportedly made out of a trust fund or out of the funds of a foundation – a reference to –
 - (A) the names and addresses of the trustees of the fund or of the funds of the foundation; and
 - (B) the title or other description of the trust fund or the name of the foundation, as the case requires;
 - (c) a person who is a candidate in an election is to be taken to remain a candidate for 30 days after the polling day for the election;
 - (d) a reference to a candidate in an election includes a reference to a person who is already a member of the Council.
- 4) If a person receives a gift that, by virtue of this clause, it is unlawful for the person to receive, an amount equal to the amount or value of the gift is payable by that person to the Crown and may be recovered by the Crown as a debt by action, in a court of competent jurisdiction, against the person.

27. Inability to complete returns

If a person who is required to furnish a return under this Division considers that it is impossible to complete the return because he or she is unable to obtain particulars that are required for the preparation of the return, the person may –

- (a) prepare the return to the extent that it is possible to do so without those particulars; and
- (b) furnish the return so prepared; and
- (c) give to the chief executive officer notice in writing –
 - (i) identifying the return; and
 - (ii) stating that the return is incomplete by reason that he or she is unable to obtain certain particulars; and
 - (iii) identifying those particulars; and
 - (iv) setting out the reasons why he or she is unable to obtain those particulars; and
 - (v) if the person believes, on reasonable grounds, that another person whose name and address he or she knows can give those particulars – stating that belief and the reasons for it and the name and address of that other person,

and a person who complies with this clause is not, by reason of the omission of those particulars, to be taken, for the purposes of this Division, to have furnished a return that is incomplete.

28. Amendment of returns

- 1) A person who has furnished a return under this Division may request the permission of the chief executive officer to make a specified amendment of the return for the purpose of correcting an error or omission.
- 2) A request under subclause (1) must –
 - (a) be by notice in writing signed by the person making the request; and
 - (b) be lodged with the chief executive officer.
- 3) If –
 - (a) a request has been made under subclause (1); and
 - (b) the chief executive officer is satisfied that there is an error in, or omission from, the return to which the request relates,the chief executive officer must amend the return, or permit the person making the request to amend the return, in accordance with the request.
- 4) The amendment of a return under this clause does not affect the liability of a person to be convicted of an offence arising out of the furnishing of the return.

29. Offences

- 1) A person who fails to furnish a return that the person is required to furnish under this Division within the time required by this Division is guilty of an offence.
Maximum penalty: \$10 000.
- 2) A person who furnishes a return or other information –
 - (a) that the person is required to furnish under this Division; and
 - (b) that contains a statement that is, to the knowledge of the person, false or misleading in a material particular,is guilty of an offence.
Maximum penalty: \$10 000.

- 3) A person who furnishes to another person who is required to furnish a return under this Division information –
 - (a) that the person knows is required for the purposes of that return; and
 - (b) that is, to that person's knowledge, false or misleading in a material particular,is guilty of an offence.
Maximum penalty: \$10 000.
- 4) An allegation in a complaint that a specified person had not furnished a return of a specified kind as at a specified date will be taken to have been proved in the absence of proof to the contrary.

30. Failure to comply with Division

- 1) If a person who is required to furnish a return under this Division fails to submit the return within the time required by this Division, the chief executive officer must as soon as practicable notify the person of that fact.
- 2) A notification under subclause (1) must be given by letter sent to the person by registered mail.
- 3) A failure of a person to comply with a provision of this Division in relation to an election does not invalidate that election.

DIVISION 3 – PUBLIC ACCESS TO INFORMATION

31. Public inspection of returns

- 1) The chief executive officer of the Adelaide City Council must keep at the principal office of the Council each return furnished to the chief executive officer under Division 2.
- 2) Subject to this clause, a person is entitled to inspect a copy of a return under Division 2, without charge, during ordinary business hours at the principal office of the Council.
- 3) Subject to this clause, a person is entitled, on payment of a fee fixed by the Council, to obtain a copy of a return under Division 2.
- 4) A person is not entitled to inspect or obtain a copy of a return until the end of eight weeks after the day before which the return was required to be furnished to the chief executive officer.
- 5) The chief executive officer is only required to keep a return under this clause for a period of four years following the election to which the return relates.

32. Restrictions on publication

- 1) A person must not publish –
 - (a) information derived from a return under Division 2 unless the information constitutes a fair and accurate summary of the information contained in the return and is published in the public interest; or
 - (b) comment on the facts set forth in a return under Division 2 unless the comment is fair and published in the public interest and without malice.
- 2) If information or comment is published by a person in contravention of subclause (1), the person, and any person who authorised the publication of the information or comment, is guilty of an offence.
Maximum penalty: \$10 000.

DIVISION 4 – RELATED MATTERS

33. Requirement to keep proper records

- 1) A person must take reasonable steps to keep in his or her possession all records relevant to completing a return under this Part.
Maximum penalty: \$5 000.
- 2) A person must keep a record under subclause (1) for at least four years after the date on which the relevant return is required to be furnished to the chief executive officer of the Council under this Part.
Maximum penalty: \$5 000.

34. Related matters

- 1) For the purposes of this Part, the amount or value of a gift consisting of or including a disposition of property other than money is, if the regulations so provide, to be determined in accordance with principles set out or referred to in the regulations.
- 2) For the purposes of this Part –
 - (a) a body corporate and any other body corporate that is related to the first-mentioned body corporate is to be taken to be the same person; and
 - (b) the question whether a body corporate is related to another body corporate is to be determined in the same manner as under the *Corporations Law*.
- 3) For the purposes of this Part, an act performed by a person or committee appointed or formed to assist the campaign of a candidate in an election will be taken to be an act performed by the candidate.



Request for Issue of Voting Material Due to Omission in Error to be Completed by a Person who is an Elector in their own Right

Please PRINT details on this form

Please complete ONE side of the form ONLY

To the Electoral Officer	
Name of Council	Adelaide City Council
Ward Name (if applicable)	

Elector Information	
Surname	
Given Names	
Date of Birth	
Residential Address or Rateable Property for which Vote is Claimed <small>Not a post office box number</small>	
Address to send ballot papers	
Contact Number	

Elector Declaration	
I declare that I am a person whose name has been omitted in error from the voter's roll. On or before roll close: <i>(tick relevant box)</i>	
<input type="checkbox"/>	I was enrolled as a House of Assembly elector for the above residential address; and I am of or above the age of 18 years on or before close of voting; or
<input type="checkbox"/>	I lodged an application for enrolment for the above residential address (and have been a resident for at least one month); and I am of or above the age of 18 years.
<input type="checkbox"/>	I was entered in the assessment record as the sole owner of that rateable property within the council area; and I am of or above the age of 18 years.
<input type="checkbox"/>	I was entered in the assessment record as the sole occupier of that rateable property within the council area; and I am of or above the age of 18 years.
I have not already voted in this election/poll in any other capacity.	
Signature of Elector	Date / /

Office Use Only		
ID Number:	Ward:	Ward Code:
Issued By:	Date:	



Request for Issue of Voting Material Due to Omission in Error to be Completed by the Authorised Person of a Body Corporate or Group

Please PRINT details on this form

Please complete ONE side of the form ONLY

To the Electoral Officer	
Name of Council	City of Adelaide
Ward Name (if applicable)	

Authorised Person Information	
Surname	
Given Names	
Date of Birth	
Contact Number	

Body Corporate or Group Information	
Name of Body Corporate or Group	
Address of Rateable Property for which Vote is Claimed <small>Not a post office box number</small>	
Address to send ballot papers	

Authorised Person Declaration	
<p>I declare that:</p> <ul style="list-style-type: none"> • on or before roll close, the above body corporate or group was entered in the assessment record as an owner or occupier for the above rateable property; and • the name of the above body corporate or group has been omitted in error from the voters roll; and • I am: <ol style="list-style-type: none"> a. the person authorised by the above body corporate or group to vote on its behalf; and b. an officer of the above body corporate, a member of the group or an officer of a body corporate which is a member of the group, and c. of or above the aged of 18 years; and • I have not already voted in this election in any other capacity. 	
Signature of Authorised Person	Date / /

Office Use Only		
ID Number:	Ward:	Ward Code:
Issued By:	Date:	

BALLOT PAPER

(a) ELECTION OF (b) (c) FOR (d)

DIRECTIONS

You **must** vote for at least (b) candidate/s by placing the number/s (e) in the square opposite the name of the candidate/s of your choice.

You **may** vote for any other candidate/s by placing continuing numbers in the remaining squares.

After voting, fold the ballot paper and place it in the Ballot Paper Envelope.

CANDIDATES

<input style="width: 40px; height: 30px;" type="checkbox"/>	(f)
<input style="width: 40px; height: 30px;" type="checkbox"/>	(f)
<input style="width: 40px; height: 30px;" type="checkbox"/>	(f)
<input style="width: 40px; height: 30px;" type="checkbox"/>	(f)
<input style="width: 40px; height: 30px;" type="checkbox"/>	(f)
<input style="width: 40px; height: 30px;" type="checkbox"/>	(f)

- (a) Insert name of Council
- (b) Insert number of vacancies
- (c) Insert vacancy type
- (d) Insert ward name if applicable
- (e) Insert 1 where 1 candidate is required to be elected
or 1 to (b) where more than 1 candidate is required to be elected
- (f) Insert name of candidate

BALLOT PAPER

**(a)
POLL**

DIRECTIONS

You **must** vote by placing a tick the square that indicates your preferred option.

After voting, fold the ballot paper and place it in the Ballot Paper Envelope.

POLL Question

(b)

Yes

No


(a) Insert name of Council

(b) Insert details of Council's proposal.

Please: keep this flap attached to the envelope and complete & sign the declaration below

I declare that -

- I am the person named opposite; *and*
- I am of or above the age of 18 years (or on the roll as a provisional voter and will turn 18 on or before polling day); *and*
- The ballot paper/s in this envelope contain my vote; *and*
- I have not already voted in this election/poll in any other capacity.

Surname	
Given Names	
Date of Birth	/ /
Signature	

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: Marmota Energy Limited
 Location: Mulligan Hill area—Approximately 180 km east of Marree.
 Pastoral Leases: Murnpeowie and Woolatchi
 Term: 2 years
 Area in km²: 110
 Ref.: 2009/00369

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

J. MARTIN, Mining Registrar

MOTOR VEHICLES ACT 1959

Recognised as an Historic Motor Vehicle Club

NOTICE is hereby given that the undermentioned club is recognised as an historic motor vehicle club in accordance with Regulation 16 (3) of the Motor Vehicles Regulations 2010, for the purposes of section 25 of the Motor Vehicles Act 1959:

RS Owners Club SA.

Dated 20 August 2010.

M. SMALL, Registrar of Motor Vehicles

NATIONAL PARKS AND WILDLIFE ACT 1972

Appointment of Wardens

PURSUANT to section 20 of the National Parks and Wildlife Act 1972, I, Edward Gregory Leaman, Director of National Parks and Wildlife, authorised delegate, hereby appoint each of the listed members of the Mannum Aboriginal Community Association Incorporated (MACAI), as Wardens for the State of South Australia, subject to the limitations as specified in Schedule 1 below, pursuant to the said Act, for the period commencing on 17 August 2010 and ending on 31 December 2010.

SCHEDULE 1

Card No.	Name of Warden	Organisation	Limitations
410	Campbell, Isobelle	MACAI	Section 22 (1) (d) of the National Parks and Wildlife Act 1972 only. Restricted to Ngaut Ngaut Conservation Park only.
417	Hutchinson, Cynthia	MACAI	Section 22 (1) (d) of the National Parks and Wildlife Act 1972 only. Restricted to Ngaut Ngaut Conservation Park only.
497	Campbell, Ivy	MACAI	Section 22 (1) (d) of the National Parks and Wildlife Act 1972 only. Restricted to Ngaut Ngaut Conservation Park only.

Dated 17 August 2010.

E. G. LEAMAN, Director of National Parks and Wildlife

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

Suspension of Licence Condition and Extension of Licence Term Petroleum Exploration Licence—PEL 103

PURSUANT to section 76A of the Petroleum and Geothermal Energy Act 2000, notice is hereby given that Condition 1 of the abovementioned Petroleum Exploration Licence has been suspended for the period from and including 29 July 2011 until 28 January 2012, under the provisions of the Petroleum and Geothermal Energy Act 2000, pursuant to delegated powers dated 1 October 2009.

The term of PEL 103 has been extended by a period corresponding to the period of suspension, such that the licence will now expire on 28 January 2014.

Dated 20 August 2010.

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 AND GEOTHERMAL ENERGY ACT 2000

Surrender of Geothermal Exploration Licences—

GELs 297, 300, 301, 302, 462, 463, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479 and 480

NOTICE is hereby given that I, have accepted surrender of the abovementioned Geothermal Exploration Licences, under the provisions of the Petroleum and Geothermal Energy Act 2000 with effect from 2 August 2010, pursuant to delegated powers dated 1 October 2009.

Dated 20 August 2010.

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

ROADS (OPENING AND CLOSING) ACT 1991:
SECTION 24**NOTICE OF CONFIRMATION OF ROAD
PROCESS ORDER***Road Opening and Closing—
Short Road, Penfield*

BY Road Process Order made on 29 March 2010, the City of Playford ordered that:

1. Portion of allotment 22 in Filed Plan 114836, more particularly delineated and numbered '1' on Preliminary Plan No. 07/0081 be opened as road forming a widening of Short Road.
2. Portion of the public road (Short Road) situate south of Pellew Road and between allotment 19 in Filed Plan 114833, allotment 18 in Filed Plan 114832 and allotment 22 in Filed Plan 114836 more particularly delineated and lettered 'A' in Preliminary Plan No. 07/0081 be closed.

3. The whole of the land subject to closure be transferred to Blanalko Pty Ltd in accordance with agreement for exchange dated 29 March 2010 entered into between the City of Playford and Blanalko Pty Ltd.

On 18 August 2010 that order was confirmed by the Minister for Infrastructure conditionally upon the deposit by the Registrar-General of Deposited Plan 84583 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 26 August 2010.

P. M. KENTISH, Surveyor-General

ROADS (OPENING AND CLOSING) ACT 1991:
SECTION 24**NOTICE OF CONFIRMATION OF ROAD
PROCESS ORDER***Road Closure—Old Murbko Road, Cadell*

BY Road Process Order made on 11 June 2010, the Mid Murray Council ordered that:

1. Portions of Old Murbko Road and the unnamed public road situate adjoining the south-eastern corner of section 155, Hundred of Cadell, more particularly delineated and lettered 'A' on Preliminary Plan No. 08/0057 be closed.

2. The whole of the land subject to closure be transferred to Mervyn Frederick Meyer and Margaret Dawn Meyer in accordance with agreement for transfer dated 4 December 2009 entered into between the Mid Murray Council and M. F. and M. D. Meyer.

3. The following easement be granted over portion of the road closed by this order:

Grant a free and unrestricted right way appurtenant to allotment 37 in Deposited Plan 79358.

On 26 July 2010 that order was confirmed by the Minister for Infrastructure conditionally upon the deposit by the Registrar-General of Deposited Plan 84350 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 26 August 2010.

P. M. KENTISH, Surveyor-General

ROADS (OPENING AND CLOSING) ACT 1991:
SECTION 24**NOTICE OF CONFIRMATION OF ROAD
PROCESS ORDER***Road Closure—McLeod Road and Dawson Road, Peterborough*

BY Road Process Order made on 19 March 2010, the District Council of Peterborough ordered that:

1. Portions of McLeod Road (formerly Lancelot Road) and Dawson Road situate adjoining the western and eastern boundaries of allotment 762 in Filed Plan 185654 and allotment 763 in Filed Plan 185655, more particularly delineated and lettered 'A' and 'B' on Preliminary Plan No. 09/0029 be closed.

2. The whole of the land subject to closure be transferred to the Australian Rail Track Corporation Ltd in accordance with agreement for transfer dated 19 March 2010 entered into between the District Council of Peterborough and Australian Rail Track Corporation Ltd.

On 20 April 2010 that order was confirmed by the Minister for Infrastructure conditionally upon the deposit by the Registrar-General of Deposited Plan 83697 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 26 August 2010.

P. M. KENTISH, Surveyor-General

ROAD TRAFFIC ACT 1961

Authorised Officers to Perform Breath Analysis

I, MALCOLM ARTHUR HYDE, Commissioner of Police, pursuant to section 47K (3) (a) of the Road Traffic Act 1961, do hereby certify that on 19 August 2010, the following police officers were authorised to conduct breath analysis:

PD Number	Officer Name
72042	Clarke, Lisa Anne
72922	Day, Jennifer Joy
44921	Hansen, Jeannine Lyndal
79354	Hoy, Norman
72948	Kolenberg, Russell
73525	Miles, Stephen John
72393	Paton, Stuart Campbell
72930	West, Trent Timothy
73073	Young, Krista Beth

Dated 19 August 2010.

MALCOLM ARTHUR HYDE, Commissioner of Police

ROAD TRAFFIC ACT 1961

Authorised Officers to Perform Oral Fluid Screening

I, MALCOLM ARTHUR HYDE, Commissioner of Police, pursuant to section 47EAA (7) of the Road Traffic Act 1961, do hereby certify that on 19 August 2010, the following police officers were authorised to conduct oral fluid screening:

PD Number	Officer Name
72042	Clarke, Lisa Anne
72922	Day, Jennifer Joy
44921	Hansen, Jeannine Lyndal
72948	Kolenberg, Russell
73525	Miles, Stephen John
72393	Paton, Stuart Campbell
72930	West, Trent Timothy
73073	Young, Krista Beth

Dated 19 August 2010.

MALCOLM ARTHUR HYDE, Commissioner of Police

WATERWORKS ACT 1932

Restrictions on the Use of Water for Irrigation

PURSUANT to section 33A (2) of the Waterworks Act 1932, the South Australian Water Corporation with the approval of the Minister for Water revokes effective from 1 September 2010, the notice restricting water use for Irrigation dated 22 January 2008 and published in the *South Australian Government Gazette* on 24 January 2008.

This notice only revokes Irrigation Restrictions and does not apply to any other water restrictions currently in effect pursuant to the Waterworks Act 1932.

Dated 24 August 2010.

SIGNED for and on behalf of the SOUTH AUSTRALIAN WATER CORPORATION, by a person duly authorised so to do in the presence of:

A. HOWE, Chief Executive

G. HENSTOCK, Corporation Secretary

GOVERNMENT GAZETTE ADVERTISEMENT RATES

To apply from 1 July 2010

	\$		\$
Agents, Ceasing to Act as.....	44.25	Firms:	
Associations:		Ceasing to Carry on Business (each insertion).....	29.50
Incorporation	22.40	Discontinuance Place of Business	29.50
Intention of Incorporation	55.50	Land—Real Property Act:	
Transfer of Properties	55.50	Intention to Sell, Notice of.....	55.50
Attorney, Appointment of.....	44.25	Lost Certificate of Title Notices	55.50
Bailiff's Sale.....	55.50	Cancellation, Notice of (Strata Plan)	55.50
Cemetery Curator Appointed.....	32.75	Mortgages:	
Companies:		Caveat Lodgement.....	22.40
Alteration to Constitution	44.25	Discharge of.....	23.40
Capital, Increase or Decrease of	55.50	Foreclosures.....	22.40
Ceasing to Carry on Business	32.75	Transfer of	22.40
Declaration of Dividend.....	32.75	Sublet.....	11.30
Incorporation	44.25	Leases—Application for Transfer (2 insertions) each	11.30
Lost Share Certificates:		Lost Treasury Receipts (3 insertions) each.....	32.75
First Name.....	32.75	Licensing.....	65.50
Each Subsequent Name.....	11.30	Municipal or District Councils:	
Meeting Final.....	37.00	Annual Financial Statement—Forms 1 and 2	618.00
Meeting Final Regarding Liquidator's Report on		Electricity Supply—Forms 19 and 20.....	439.00
Conduct of Winding Up (equivalent to 'Final		Default in Payment of Rates:	
Meeting')		First Name	88.00
First Name.....	44.25	Each Subsequent Name.....	11.30
Each Subsequent Name.....	11.30	Noxious Trade.....	32.75
Notices:		Partnership, Dissolution of	32.75
Call.....	55.50	Petitions (small).....	22.40
Change of Name	22.40	Registered Building Societies (from Registrar-	
Creditors.....	44.25	General).....	22.40
Creditors Compromise of Arrangement	44.25	Register of Unclaimed Moneys—First Name.....	32.75
Creditors (extraordinary resolution that 'the Com-		Each Subsequent Name	11.30
pany be wound up voluntarily and that a liquidator		Registers of Members—Three pages and over:	
be appointed').....	55.50	Rate per page (in 8pt)	281.00
Release of Liquidator—Application—Large Ad.....	88.00	Rate per page (in 6pt)	371.00
—Release Granted	55.50	Sale of Land by Public Auction.....	56.00
Receiver and Manager Appointed.....	51.00	Advertisements.....	3.10
Receiver and Manager Ceasing to Act.....	44.25	¼ page advertisement	131.00
Restored Name.....	41.25	½ page advertisement	262.00
Petition to Supreme Court for Winding Up.....	77.00	Full page advertisement.....	514.00
Summons in Action.....	65.50	Advertisements, other than those listed are charged at \$3.10 per	
Order of Supreme Court for Winding Up Action.....	44.25	column line, tabular one-third extra.	
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Removal of Office.....	22.40	Councils to be charged at \$3.10 per line.	
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Each Subsequent Name.....	11.30	permission from the Government Printer.	
Deceased Persons—Closed Estates	32.75		
Each Subsequent Estate	1.45		
Probate, Selling of	44.25		
Public Trustee, each Estate	11.30		

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Acts, Bills, Rules, Parliamentary Papers and Regulations						
Pages	Main	Amends	Pages	Main	Amends	
1-16	2.70	1.25	497-512	37.50	36.50	
17-32	3.60	2.25	513-528	38.50	37.25	
33-48	4.70	3.35	529-544	39.75	38.50	
49-64	5.95	4.55	545-560	40.75	39.75	
65-80	6.90	5.75	561-576	41.75	40.75	
81-96	8.05	6.65	577-592	43.25	41.25	
97-112	9.20	7.85	593-608	44.50	42.75	
113-128	10.30	9.05	609-624	45.25	44.25	
129-144	11.50	10.20	625-640	46.50	44.75	
145-160	12.60	11.30	641-656	47.50	46.50	
161-176	13.70	12.40	657-672	48.25	47.00	
177-192	15.00	13.50	673-688	50.25	48.25	
193-208	16.10	14.90	689-704	51.25	49.25	
209-224	17.00	15.70	705-720	52.00	50.50	
225-240	18.20	16.80	721-736	53.50	51.50	
241-257	19.50	17.80	737-752	54.00	52.50	
258-272	20.60	18.90	753-768	55.50	53.50	
273-288	21.70	20.40	769-784	56.50	55.50	
289-304	22.60	21.30	785-800	57.50	56.50	
305-320	24.00	22.50	801-816	59.00	57.00	
321-336	25.00	23.60	817-832	60.00	59.00	
337-352	26.20	24.90	833-848	61.00	60.00	
353-368	27.00	26.00	849-864	62.00	60.50	
369-384	28.50	27.00	865-880	63.50	62.00	
385-400	29.75	28.25	881-896	64.00	62.50	
401-416	30.75	29.25	897-912	65.50	64.00	
417-432	32.00	30.50	913-928	66.00	65.50	
433-448	33.00	31.75	929-944	67.00	66.00	
449-464	33.75	32.50	945-960	68.00	66.50	
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Phone: (08) 8207 1043, (08) 8207 0910, Fax: (08) 8207 1040

No. 6 of 2010

DETERMINATION OF THE REMUNERATION TRIBUNAL**MEMBERS OF LOCAL GOVERNMENT COUNCILS****1. SCOPE OF DETERMINATION**

This Determination applies to the members of a council in accordance with the *Local Government Act 1999* ('Local Government Act') and the *City of Adelaide Act 1998* ('City of Adelaide Act').

2. INTERPRETATION

In this Determination, unless the contrary appears:

"**Councillor**" means a person appointed or elected as a councillor of a council under the Local Government Act or as a council member under the City of Adelaide Act.

"**Principal Member**" means a principal member under the Local Government Act or the Lord Mayor under the City of Adelaide Act.

3. ALLOWANCES**3.1 Councillors**

3.1.1 The annual allowance for a councillor who is not a principal member, deputy mayor, deputy chairperson or presiding member will be as follows:

COUNCIL GROUP	\$ per annum
Group One	\$16,800
Group Two	\$14,000
Group Three	\$11,300
Group Four	\$8,000
Group Five	\$5,000

3.1.2 Council Groups are provided at Appendix 1.

3.2 Principal Members

3.2.1 The annual allowance for principal members, except the Lord Mayor under the City of Adelaide Act, will be equal to four (4) times the annual allowance for councillors of that council.

3.2.2 The annual allowance for the Lord Mayor under the City of Adelaide Act will be equal to seven (7) times the annual allowance for councillors of the Adelaide City Council.

3.3 **Deputy Mayor, Deputy Chairperson or Presiding Members**

3.3.1 The annual allowance for deputy mayor or deputy chairperson or a councillor who is the presiding member of one or more standing committees established by a council will be equal to one and a quarter (1.25) times the annual allowance for councillors of that council.

3.3.2 The annual allowance for the Deputy Lord Mayor under the City of Adelaide Act will be equal to one and a half (1.5) times the annual allowance for councillors of the Adelaide City Council.

4. **TRAVEL TIME PAYMENT**

4.1 The following will be payable to council members, excluding principal members, of non-metropolitan councils whose usual place of residence is within the relevant council area and is located **50km or more** distance from that council's principal office, via the nearest route by road:

4.1.1 \$500 per annum.

4.2 The following will be payable to council members, excluding principal members, of non-metropolitan councils whose usual place of residence is within the relevant council area and is located **100km or more** distance from that council's principal office, via the nearest route by road:

4.2.1 \$1000 per annum.

4.3 The non-metropolitan council members travel time payment will be in addition to any entitlement to reimbursement of expenses incurred.

4.4 A list of the non-metropolitan councils to which this payment applies is provided at Appendix 2.

5. **DATE OF OPERATION**

5.1 The allowances prescribed in this Determination are operative for all council members from the first ordinary meeting of the council held after the conclusion of the 2010 local government elections as per section 76(8) of the Local Government Act and section 24(8) of the City of Adelaide Act.

5.2 In accordance with section 76(9) and 76(15) of the Local Government Act and section 24(9) and 24(15) of the City of Adelaide Act, allowances set out in this Determination will be adjusted annually on the first, second and third anniversary of the 2010 local government election to reflect changes in the Consumer Price Index as this is defined at section 76(15) and 24(15), respectively.

Original signed by the Remuneration Tribunal 23 August 2010

HR Bachmann AM
PRESIDENT

JA Obst
MEMBER

DJ Smythe
MEMBER

Dated 23 August 2010.

Appendix 1 – Council Groups**GROUP ONE**

Adelaide City Council
 City of Charles Sturt
 City of Marion
 City of Mitcham
 City of Onkaparinga
 City of Playford
 City of Port Adelaide Enfield
 City of Salisbury
 City of Tea Tree Gully
 City of West Torrens

GROUP TWO

Adelaide Hills Council
 Alexandrina Council
 Campbelltown City Council
 City of Holdfast Bay
 City of Mount Gambier
 City of Prospect
 City of Unley
 District Council of Mount Barker
 The Barossa Council
 The City of Burnside
 The City of Norwood, Payneham and St Peters
 The City of Whyalla
 The Rural City of Murray Bridge
 Town of Gawler

GROUP THREE

Berri Barmera Council
 City of Port Lincoln
 City of Victor Harbor
 District Council of Loxton Waikerie
 District Council of the Copper Coast
 District Council of Yorke Peninsula
 Light Regional Council
 Port Augusta City Council
 Port Pirie Regional Council
 Wattle Range Council

GROUP FOUR

Clare and Gilbert Valleys Council
 Corporation of the Town of Walkerville
 District Council of Grant
 District Council of Lower Eyre Peninsula
 District Council of Mallala
 District Council of Yankalilla
 District Council Renmark Paringa
 Kangaroo Island Council
 Mid Murray Council
 Naracoorte Lucindale Council
 Northern Areas Council
 Regional Council of Goyder
 Tatiara District Council
 The District Council Coorong
 Wakefield Regional Council

GROUP FIVE

District Council of Barunga West
 District Council of Ceduna
 District Council of Cleve
 District Council of Coober Pedy
 District Council of Elliston
 District Council of Franklin Harbour
 District Council of Karoonda East Murray
 District Council of Kimba
 District Council of Mount Remarkable
 District Council of Orroroo Carrieton
 District Council of Peterborough
 District Council of Robe
 District Council of Streaky Bay
 District Council of Tumby Bay
 Kingston District Council
 Southern Mallee District Council
 The Flinders Ranges Council
 Wudinna District Council

Appendix 2 – Non-Metropolitan Councils

Adelaide Hills Council	District Council of the Copper Coast
Alexandrina Council	District Council of Tumby Bay
Berri Barmera Council	District Council of Yankalilla
City of Mount Gambier	District Council of Yorke Peninsula
City of Port Lincoln	District Council Renmark Paringa
City of Victor Harbor	Kangaroo Island Council
Clare and Gilbert Valleys Council	Kingston District Council
District Council of Barunga West	Light Regional Council
District Council of Ceduna	Mid Murray Council
District Council of Cleve	Naracoorte Lucindale Council
District Council of Coober Pedy	Northern Areas Council
District Council of Elliston	Port Augusta City Council
District Council of Franklin Harbour	Port Pirie Regional Council
District Council of Grant	Regional Council of Goyder
District Council of Karoonda East Murray	Southern Mallee District Council
District Council of Kimba	Tatiara District Council
District Council of Lower Eyre Peninsula	The Barossa Council
District Council of Loxton Waikerie	The City of Whyalla
District Council of Mallala	The District Council Coorong
District Council of Mount Barker	The Flinders Ranges Council
District Council of Mount Remarkable	The Rural City of Murray Bridge
District Council of Orroroo Carrieton	Wakefield Regional Council
District Council of Peterborough	Wattle Range Council
District Council of Robe	Wudinna District Council
District Council of Streaky Bay	

REMUNERATION TRIBUNAL**REPORT RELATING TO DETERMINATION NO. 6 OF 2010****1. INTRODUCTION**

- 1.1 In accordance with the provisions of the *Remuneration Act 1990* ('Remuneration Act'), the *Local Government Act 1999* ('Local Government Act') and the *City of Adelaide Act 1998* ('City of Adelaide Act') the Remuneration Tribunal ('the Tribunal') is required to determine the allowances payable to council members of local government councils. The Local Government Act and the City of Adelaide Act require that the Tribunal determine such allowances on a four-yearly basis. The Determinations must be made at least fourteen days before the day on which nominations close for the coincidental elections for local government members, held under the *Local Government (Elections) Act 1999*.
- 1.2 The sixty-seven councils listed in Appendix 1 are covered by this Determination.
- 1.3 The Tribunal placed the following notice in *The Saturday Advertiser* on 24 April 2010:

DETERMINATION OF ALLOWANCES FOR MEMBERS OF COUNCILS

Section 76 of the *Local Government Act 1999* (SA) and section 24 of the *City of Adelaide Act 1998* (SA) requires the Tribunal to determine, on a four yearly basis, allowances for members of local government councils.

The Tribunal, in making its determination, must have regard to:

- ~ the role of members of council as members of the council's governing body and as representatives of the council's area;
- ~ the size, population and revenue of the council, and any relevant economic, social, demographic and regional factors in the council area;
- ~ such an allowance is not intended to amount to a salary for a member;
- ~ such an allowance should reflect the nature of a member's office; and
- ~ the Act's provisions to provide for reimbursement of member's expenses.

Individual members of Councils, Councils, and interested Associations are invited to make concise written submissions to the Tribunal outlining views they consider should be taken into account in the determination of the above allowances.

Persons who are entitled to be enrolled on the voters roll for a council area are also invited to make submissions, orally or in writing to the Tribunal, regarding allowances relating to members of the council for that area.

Opportunities for oral submissions will be determined based on need. Please contact the Secretary to register your interest in making an oral submission.

Submissions must be received by **5pm Friday, 4 June 2010** and can be forwarded to:

The Secretary
Remuneration Tribunal
GPO Box 2343
ADELAIDE SA 5001

Telephone: (08) 8226 2700
Facsimile: (08) 8226 2730

A pro forma for submissions is available from the Secretary or at the Tribunal's website:
www.remtribunal.sa.gov.au

The *Local Government Act 1999* (SA) and the *City of Adelaide Act 1998* (SA) are available at:
www.legislation.sa.gov.au

- 1.4 The same notice was placed in country and suburban newspapers, as detailed in Appendix 2.
- 1.5 By letters dated 27 April 2010, the Tribunal invited the Local Government Association ('LGA') and the Minister for State/Local Government Relations to make submissions in relation to allowances for council members of local government. The Tribunal also invited the Premier, as Minister responsible for the Remuneration Act, to make submissions in the public interest.
- 1.6 Tribunal President, Mr Hedley Bachmann, provided information regarding the role of the Tribunal and the approach it would take in determining the allowances at the following LGA functions:
 - 1.6.1 Breakfast Session, LGA's Annual General Meeting on 23 April 2010; and
 - 1.6.2 Governance Seminar – "Council Member Allowances" on 28 May 2010.

2. SUBMISSIONS

- 2.1 The Tribunal received sixty-five written submissions, including twenty-five from councils. Written submissions were also received from the LGA, current and past local government council members, and members of the public.
- 2.2 The Tribunal received three requests to make oral submissions, which it heard on 23 June, 20 July and 5 August 2010.
- 2.3 To assist in its deliberations, the Tribunal, in accordance with section 10 of the Remuneration Act, independently sought information from the following bodies:
 - 2.3.1 Local Government Association of South Australia;
 - 2.3.2 Office of State/Local Government Relations, Department of Planning and Local Government;
 - 2.3.3 South Australian Local Government Grants Commission;
 - 2.3.4 Boards and Committees Unit, Department of the Premier and Cabinet; and
 - 2.3.5 Australian Institute of Company Directors.
- 2.4 Submissions received by the Tribunal included comment on the following matters:
 - 2.4.1 the voluntary nature of work undertaken by council members;
 - 2.4.2 recruitment and diversity;
 - 2.4.3 grouping of councils;
 - 2.4.4 the allowance payable and workload;
 - 2.4.5 the additional responsibilities of a principal member;
 - 2.4.6 reimbursements;
 - 2.4.7 standing committees;
 - 2.4.8 amalgamations;
 - 2.4.9 travelling time required of non-metropolitan council members; and
 - 2.4.10 the complexity of council work.

2.5 Voluntary nature of work undertaken by council members

2.5.1 A number of individual submissions recognised that the role of council members is voluntary. Some submitted that it was only appropriate to pay small allowances; others submitted that no allowance should be paid.

2.5.2 Some submissions drew comparisons between councils and not for profit or community organisations, noting that the latter do not provide payment.

2.6 Recruitment and Diversity

2.6.1 The issue of attraction and retention of quality candidates to councillor roles was raised in a few submissions. Some submitted that a higher allowance should be available in order to attract a wider range of individuals to the role.

2.6.2 Conversely, some submissions proposed that the existing allowances payable to council members are sufficient, and that there are no attraction and retention issues.

2.7 Grouping of Councils

2.7.1 Many submissions commented on the notion of grouping councils.

2.7.2 While some submitted that each council is unique, submissions received were generally supportive of dividing councils into groups.

2.7.3 The Tribunal was urged to consider the differing requirements of various council populations including services to be provided and maintained by the council; the demographics of councils; the transient or temporary population versus permanent population; councils experiencing accelerated growth; and the different geographical coverage of council areas.

2.8 Allowance

2.8.1 It was submitted that the same allowance should be payable to all council members as the duties and responsibilities of all council members are the same.

2.8.2 Some submissions proposed that the allowance determined should be based on the number of meetings attended or the amount of work actually undertaken by each member.

2.8.3 A number of submissions referred to a disparity in the amount of work undertaken by different council members on council business.

2.8.4 It was also submitted that there should be no reduction in the current allowances payable to council members.

2.9 Additional responsibilities of a principal member

2.9.1 The additional duties and responsibilities of a principal member were acknowledged in a number of submissions.

2.9.2 Submissions received by the Tribunal suggested that the additional duties and responsibilities of the principal member are significant, and that the current provision for principal members to be paid an allowance up to four times the base amount for councillors is appropriate and should remain.

2.9.3 Currently, principal members under the Local Government Act can receive up to four times the maximum base amount set for council members, and deputies and presiding members can receive up to one and a quarter times the maximum base amount set for council members.

2.9.4 The Lord Mayor and Deputy Lord Mayor of the Adelaide City Council can receive allowances of up to seven times and one and a half times, respectively, the base amount set for members of the Adelaide City Council.

2.9.5 The Tribunal received a few submissions seeking to vary the existing arrangements.

2.10 Reimbursements

2.10.1 A number of submissions asked the Tribunal to consider the reimbursements available to council members when determining the allowances payable, as council members can seek reimbursement from their council for a range of expenses incurred.

2.10.2 Other submissions suggested that the Tribunal's allowance should be inclusive of all expenses incurred while undertaking the role, and council members should not be able to seek additional reimbursements.

2.10.3 It was also submitted that the Tribunal should determine the reimbursements available to council members.

2.11 Standing committees

2.11.1 A number of submissions criticised the current arrangement whereby external members of standing committees, such as the Development Assessment Panels, are paid for their involvement, while council members are not, and this should be recognised in the allowance payable.

2.12 Amalgamations

2.12.1 One submission received by the Tribunal asked the Tribunal to consider deferring the determination of allowances for council members of councils identified in the 2005 Cossey/Jackson Report as being not economically viable. It was submitted that such a determination should be deferred pending assessment of amalgamation of such councils and their future economic viability.

2.13 Travelling time required of non-metropolitan council members

2.13.1 A number of submissions referred to the excessive travelling time requirements of some rural council members.

2.13.2 It was further submitted that while reimbursements are available for travel costs incurred, reimbursement is not available for the extra time spent by non-metropolitan council members in travelling to and from council meetings and carrying out other council functions.

2.13.3 It was submitted the extra time commitment required of non-metropolitan councillors be recognised and reflected in the allowance determined by the Tribunal.

2.14 Complexity of council work

2.14.1 A few submissions received suggested an increased complexity in the work undertaken by councils, such as an increasing complexity with regards to governance requirements, strategic planning and financial management of councils.

3. INTERSTATE LOCAL GOVERNMENT COUNCIL MEMBER REMUNERATION

3.1 As in other reviews, the Tribunal considered the remuneration of interstate local government members but they were of limited use due to the differences in legislation, duties and roles of council members and the different rationale for remuneration interstate.

- 3.2 Interstate comparisons demonstrate that other states provide different remuneration levels for council members, rather than a single set figure for all council members. Queensland, New South Wales and Victoria use groupings or categories to establish various remuneration levels. Tasmania lists all local government councils and provides different remuneration levels. Western Australian legislation provides a remuneration range with an upper and lower limit for council members. Members can either be paid per council meeting attended, or can be paid an annual fee.
- 3.3 An assessment of remuneration available to local government council members interstate demonstrates that the allowances determined by the Tribunal are generally not inconsistent with those rates, in particular with remuneration levels in jurisdictions that have similar legislative frameworks.

4. LEGISLATIVE REQUIREMENTS

4.1 Principal members

4.1.1 Section 58(1) of the Local Government Act sets out the following specific roles for principal members:

- “(a) to preside at meetings of the council;*
- (b) if requested, to provide advice to the chief executive officer between council meetings on the implementation of a decision of the council;*
- (c) to act as the principal spokesperson of the council;*
- (d) to exercise other functions of the council as the council determines;*
- (e) to carry out the civic and ceremonial duties of the office of principal member.”*

4.2 Members of Local Government Councils

4.2.1 Section 59(1) of the Local Government Act sets out the roles of council members:

- “(a) as a member of the governing body of the council— (i) to participate in the deliberations and civic activities of the council; (ii) to keep the council's objectives and policies under review to ensure that they are appropriate and effective; (iii) to keep the council's resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery, under review;*
- (b) as a person elected to the council—to represent the interests of residents and ratepayers, to provide community leadership and guidance, and to facilitate communication between the community and the council.”*

4.2.2 In addition, section 62 of the Local Government Act states that a council member has a range of legal responsibilities, including:

- “(1) A member of a council must at all times act honestly in the performance and discharge of official functions and duties.*
- (2) A member of a council must at all times act with reasonable care and diligence in the performance and discharge of official functions and duties.*
- (3) A member or former member of a council must not, whether within or outside the State, make improper use of information acquired by virtue of his or her position as a member of the council to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the council.*
- (4) A member of a council must not, whether within or outside the State, make improper use of his or her position as a member of the council to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the council.”*

4.3 Remuneration Tribunal

4.3.1 Section 76(3) of the Local Government Act and section 24(3) of the City of Adelaide Act require the Tribunal, when determining allowances for council members, to have regard to the following:

- a) the role of members of council as members of the council's governing body and as representatives of their area;*
- b) the size, population and revenue of the council, and any relevant economic, social, demographic and regional factors in the council area;*
- c) the fact that an allowance under this section is not intended to amount to a salary for a member;*
- d) the fact that an allowance under this section should reflect the nature of a member's office;*
- e) the provisions of this Act providing for the reimbursement of expenses of members."*

4.3.2 The allowances set out in Determination 6 of 2010 are in the nature of fees, and are not to be taken as salary.

6. CONCLUSIONS OF THE TRIBUNAL

6.1 The Tribunal has taken into account all the submissions received, the legal responsibilities, roles and duties of all council members, and the additional information requested in its determination of appropriate allowances for council members.

6.2 It has also had regard to the statutory requirements under the various Acts and the diversity of councils, which extends beyond the rural and metropolitan differences, and encompasses physical, demographic, economic, social, fiscal, cultural and resource factors.

6.3 Voluntary nature of work undertaken by council members

6.3.1 The Tribunal understands that the relevant local government legislation reinforces the notion that a council member is a voluntary role and is not paid employment. In addition, the allowances determined are not intended to amount to salary and qualifications are not required to undertake the role of a council member.

6.4 Recruitment and diversity

6.4.1 The Tribunal believes that the allowances determined are sufficient to attract and retain suitable council members.

6.5 Grouping of councils

6.5.1 The Tribunal determined that grouping councils is appropriate. The five and grouped the councils into five groups, set out in Appendix 1.

6.5.2 The Tribunal had regard to and weighted the matters listed in section 76(3) of the Local Government Act and section 24(3) of the City of Adelaide Act in determining the groups. Particular emphasis was placed upon the population, total operating revenue, and the number of electors per council member in each council. In addition, the Tribunal had regard to the matters raised in submissions regarding the grouping of councils.

6.6 Allowance payable and workload

- 6.6.1 The Tribunal determined a per annum rate for all council members. If the Tribunal set a range of rates as some submissions suggest, councils would effectively be required to again determine the allowances payable to its members.
- 6.6.2 The Tribunal is not providing an allowance based on meetings attended or workload undertaken.
- 6.6.3 The Tribunal considers that the current maximum rate for allowances needs to be increased. The maximum allowance determined is \$16,800 per annum for Group One councils.
- 6.6.4 The Tribunal acknowledges that a number of submissions asked for no reduction in the current allowance. The allowance determined by the Tribunal does not take effect until after the 2010 local government elections. Accordingly no reduction in present allowances will occur as such. All candidates in the local government elections to which the Tribunal's determination will apply will be aware of the allowances payable prior to nominating for election to a position.

6.7 Additional responsibilities of a principal member

- 6.7.1 In recognition of the additional duties and responsibilities of principal, deputy and presiding members of a council, the Tribunal has determined greater allowances for such members. The Tribunal has determined that the current ratios of rates applicable to these roles are reasonable and therefore has determined that similar arrangements will apply.

6.8 Reimbursements

- 6.8.1 As the reimbursement of expenses is not within the Tribunal's jurisdiction, no determination is made in this regard. Each individual council is best placed to apply the principles of reimbursement for its individual council members, and the current arrangements pertaining to reimbursements will continue.

6.9 Standing committees

- 6.9.1 Council members who are members of council standing committees may participate in committees that provide remuneration to non-council members, such as professional representatives. The Tribunal recognises that the membership of these committees is predicated upon the council member's status as a councillor, which is voluntary role. Accordingly, it makes no determination on this matter.

6.10 Amalgamations

- 6.10.1 The Tribunal considers that the amalgamation of councils and their financial viability is not within its jurisdiction, and as such similarly makes no determination regarding these issues.

6.11 Travelling time required of non-metropolitan council members

- 6.11.1 A travel time payment has been determined for non-metropolitan council members. The payment recognises the extra travelling time required of some non-metropolitan council members to attend council meetings and/or carry out council duties. Principal members are excluded from receipt of the payment in the context of other recognition given these members.
- 6.11.2 The payment, where applicable, is provided in addition to any reimbursements provided by the council.

6.12 Complexity of council work

6.12.1 The Tribunal has determined that a maximum allowance of \$5000 per annum is appropriate in recognition of council members legislative duties.

6.12.2 The Tribunal then, having regard to the complexities of different councils and the different levels of responsibility and accountability required of the council members to greater numbers of electors, has determined an additional four levels of allowance, set out in Appendix 1.

6.13 Having regard to all the submissions and material put to it, including those concerning interstate comparisons, the role of councils and council members, size, population and revenue of the council, relevant economic, social, demographic and regional factors specific to different council areas, the nature of the remuneration as a fee not salary, and the need for the allowance to reflect the nature of the members' offices, the Tribunal has determined that the allowances payable to council members of local government councils are those set out in Determination 6 of 2010.

9. DETERMINATION AND OPERATIVE DATE

9.1 In accordance with section 76 of the Local Government Act and section 24 the City of Adelaide Act, the allowances determined by the Tribunal are set out in Determination 6 of 2010, and will operate for all council members from the first ordinary meeting of the council held after the conclusion of the 2010 local government elections.

Original signed by Hedley R. Bachmann AM 23 August 2010

Hedley R. Bachmann AM
PRESIDENT

23 August 2010

Appendix 1 – Council Groups

GROUP ONE	GROUP FOUR
Adelaide City Council City of Charles Sturt City of Marion City of Mitcham City of Onkaparinga City of Playford City of Port Adelaide Enfield City of Salisbury City of Tea Tree Gully City of West Torrens	Clare and Gilbert Valleys Council Corporation of the Town of Walkerville District Council of Grant District Council of Lower Eyre Peninsula District Council of Mallala District Council of Yankalilla District Council Renmark Paringa Kangaroo Island Council Mid Murray Council Naracoorte Lucindale Council Northern Areas Council Regional Council of Goyder Tatiara District Council The District Council Coorong Wakefield Regional Council
GROUP TWO	GROUP FIVE
Adelaide Hills Council Alexandrina Council Campbelltown City Council City of Holdfast Bay City of Mount Gambier City of Prospect City of Unley District Council of Mount Barker The Barossa Council The City of Burnside The City of Norwood, Payneham and St Peters The City of Whyalla The Rural City of Murray Bridge Town of Gawler	District Council of Barunga West District Council of Ceduna District Council of Cleve District Council of Coober Pedy District Council of Elliston District Council of Franklin Harbour District Council of Karoonda East Murray District Council of Kimba District Council of Mount Remarkable District Council of Orroroo Carrieton District Council of Peterborough District Council of Robe District Council of Streaky Bay District Council of Tumby Bay Kingston District Council Southern Mallee District Council The Flinders Ranges Council Wudinna District Council
GROUP THREE	
Berri Barmera Council City of Port Lincoln City of Victor Harbor District Council of Loxton Waikerie District Council of the Copper Coast District Council of Yorke Peninsula Light Regional Council Port Augusta City Council Port Pirie Regional Council Wattle Range Council	

Appendix 2 – Publication of Notice seeking submissions

Barossa and Light Herald	Wednesday	28 April 10
Border Chronicle	Thursday	29 April 10
Border Times	Wednesday	28 April 10
Border Watch, The	Tuesday	27 April 10
Bunyip, The	Wednesday	28 April 10
Coastal Leader	Wednesday	28 April 10
Coober Pedy Regional Times	Thursday	29 April 10
Eyre Peninsular Tribune	Thursday	29 April 10
Flinders News, The	Wednesday	28 April 10
Islander, The	Thursday	29 April 10
Loxton News, The	Wednesday	28 April 10
Messenger Newspapers (All)	Wednesday	28 April 10
Mid North Coast Broadcaster	Wednesday	28 April 10
Courier, The	Wednesday	28 April 10
Murray Pioneer	Tuesday	27 April 10
Murray Valley Standard, The	Tuesday	27 April 10
Naracoorte Herald	Thursday	29 April 10
Northern Argus	Wednesday	28 April 10
Plains Producer	Wednesday	28 April 10
Port Lincoln Times	Tuesday	27 April 10
Recorder, The	Tuesday	27 April 10
River News, The	Wednesday	28 April 10
Roxby Downs Sun	Friday	30 April 10
Saturday Advertiser, The	Saturday	24 April 10
Stock Journal – South Australia	Saturday	24 April 10
South Eastern Times	Monday	26 April 10
Times, The	Thursday	29 April 10
Transcontinental, The	Wednesday	28 April 10
West Coast Sentinel	Thursday	29 April 10
Whyalla News	Monday	26 April 10
Yorke Peninsula Country Times	Tuesday	27 April 10

Note: Publications are listed alphabetically

South Australia

Railways (Operations and Access) (Miscellaneous) Amendment Act (Commencement) Proclamation 2010

1—Short title

This proclamation may be cited as the *Railways (Operations and Access) (Miscellaneous) Amendment Act (Commencement) Proclamation 2010*.

2—Commencement of Act

The *Railways (Operations and Access) (Miscellaneous) Amendment Act 2010* (No 10 of 2010) will come into operation on 1 September 2010.

Made by the Governor

with the advice and consent of the Executive Council
on 26 August 2010

MTR10/055

South Australia

Second-hand Vehicle Dealers (Cooling-off Rights) Amendment Act (Commencement) Proclamation 2010

1—Short title

This proclamation may be cited as the *Second-hand Vehicle Dealers (Cooling-off Rights) Amendment Act (Commencement) Proclamation 2010*.

2—Commencement of Act and suspension of certain provisions

- (1) The *Second-hand Vehicle Dealers (Cooling-off Rights) Amendment Act 2009* (No 62 of 2009) will come into operation on 1 September 2010.
- (2) The operation of the following provisions of the Act is suspended until a day or time or days or times to be fixed by subsequent proclamation or proclamations:
 - (a) Part 2 (other than sections 4(5) and 31(9));
 - (b) Schedule 1.

Made by the Governor

with the advice and consent of the Executive Council
on 26 August 2010

10MCA0028CS

South Australia

National Parks and Wildlife (Ironstone Hill Conservation Park—Mining Rights) Proclamation 2010

under section 43 of the *National Parks and Wildlife Act 1972*

Preamble

- 1 The Crown land described in Schedule 1 is, by another proclamation made on this day, constituted as a conservation park under section 30(1) of the *National Parks and Wildlife Act 1972* and assigned the name *Ironstone Hill Conservation Park*.
- 2 It is intended that, by this proclamation, certain existing and future rights of entry, prospecting, exploration or mining be preserved in relation to that land.

1—Short title

This proclamation may be cited as the *National Parks and Wildlife (Ironstone Hill Conservation Park—Mining Rights) Proclamation 2010*.

2—Commencement

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

3—Interpretation

In this proclamation—

Environment Minister means the Minister for the time being administering the *National Parks and Wildlife Act 1972*;

Mining Minister means the Minister for the time being administering the *Mining Act 1971* or the Minister for the time being administering the *Petroleum and Geothermal Energy Act 2000*, as the case requires.

4—Existing rights to continue

Subject to clause 6, existing rights of entry, prospecting, exploration or mining under the *Mining Act 1971* or the *Petroleum and Geothermal Energy Act 2000* may continue to be exercised in respect of the land described in Schedule 1.

5—New rights may be acquired

Rights of entry, prospecting, exploration or mining may, with the approval of the Mining Minister and the Environment Minister, be acquired pursuant to the *Mining Act 1971* or the *Petroleum and Geothermal Energy Act 2000* in respect of the land described in Schedule 1 and may, subject to clause 6, be exercised in respect of that land.

6—Conditions for exercise of rights

A person in whom rights of entry, prospecting, exploration or mining are vested pursuant to the *Mining Act 1971* or the *Petroleum and Geothermal Energy Act 2000* (whether those rights were acquired before or after the making of this proclamation) must not exercise those rights in respect of the land described in Schedule 1 unless the person complies with the following conditions:

- (a) if work to be carried out in relation to the land in the exercise of those rights is a regulated activity within the meaning of the *Petroleum and Geothermal Energy Act 2000*, the person must ensure that—
 - (i) the work is not carried out until a statement of environmental objectives in relation to the activity that has been approved under that Act has also been approved by the Environment Minister; and
 - (ii) the work is carried out in accordance with the statement as so approved;
- (b) if work to be carried out in relation to the land in the exercise of rights under the *Mining Act 1971* or the *Petroleum and Geothermal Energy Act 2000* has not previously been authorised (whether by inclusion in an approved statement of environmental objectives referred to in paragraph (a) or otherwise), the person must give at least 3 months notice of the proposed work to the Mining Minister and the Environment Minister and supply each Minister with such information relating to the proposed work as the Minister may require;
- (c) if directions are agreed between the Mining Minister and the Environment Minister and given to the person in writing in relation to—
 - (i) carrying out work in relation to the land in a manner that minimises damage to the land (including the land's vegetation and wildlife) and the environment generally; or
 - (ii) preserving objects, structures or sites of historical, scientific or cultural interest; or
 - (iii) rehabilitating the land (including the land's vegetation and wildlife) on completion of the work; or
 - (iv) (where the work is being carried out in the exercise of rights acquired after the making of this proclamation) prohibiting or restricting access to any specified area of the land that the Ministers believe would suffer significant detriment as a result of carrying out the work,(being directions that do not reduce or otherwise detract from any requirement in respect of any of those matters contained in an approved statement of environmental objectives referred to in paragraph (a)), the person must comply with those directions in carrying out the work;
- (d) if a plan of management is in operation under section 38 of the *National Parks and Wildlife Act 1972* in respect of the land, the person must have regard to the provisions of the plan of management;
- (e) in addition to complying with the other requirements of this proclamation, the person—
 - (i) must take such steps as are reasonably necessary to ensure that objects, structures and sites of historical, scientific or cultural interest and the land's vegetation and wildlife are not unduly affected by any work; and

- (ii) must maintain all work areas in a clean and tidy condition; and
 - (iii) must, on the completion of any work, obliterate or remove all installations and structures (other than installations and structures designated by the Mining Minister and the Environment Minister as suitable for retention) used exclusively for the purposes of that work;
- (f) if no direction has been given by the Mining Minister and the Environment Minister under paragraph (c)(iii), the person must (in addition to complying with any approved statement of environmental objectives referred to in paragraph (a)) rehabilitate the land (including its vegetation and wildlife) on completion of any work to the satisfaction of the Environment Minister.

7—Governor may give approvals, directions

If—

- (a) the Mining Minister and the Environment Minister cannot agree as to whether—
 - (i) approval should be granted or refused under clause 5; or
 - (ii) a direction should be given under clause 6(c); or
- (b) the Environment Minister does not approve a statement of environmental objectives under clause 6(a),

the Governor may, with the advice and consent of the Executive Council—

- (c) grant or refuse the necessary approval under clause 5; or
- (d) give a direction in writing under clause 6(c); or
- (e) grant or refuse the necessary approval under clause 6(a).

Schedule 1—Description of land

Allotments 81, 84 and 88 of Deposited Plan 83666, Hundred of Moonabie, County of York;
Section 8, Hundred of Moonabie, County of York.

Made by the Governor

with the advice and consent of the Executive Council
on 26 August 2010

MEC10/0038CS

South Australia

National Parks and Wildlife (Ironstone Hill Conservation Park) Proclamation 2010

under section 30(1) of the *National Parks and Wildlife Act 1972*

1—Short title

This proclamation may be cited as the *National Parks and Wildlife (Ironstone Hill Conservation Park) Proclamation 2010*.

2—Commencement

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

3—Constitution of Ironstone Hill Conservation Park

The following Crown land is constituted as a conservation park and assigned the name *Ironstone Hill Conservation Park*:

Allotments 81, 84 and 88 of Deposited Plan 83666, Hundred of Moonabie, County of York;

Section 8, Hundred of Moonabie, County of York.

Made by the Governor

being of the opinion that the Crown land described in clause 3 should be protected and preserved for the purpose of conserving any wildlife and the natural features of the land and with the advice and consent of the Executive Council
on 26 August 2010

MEC10/0038CS

South Australia

Public Trustee Regulations 2010

under the *Public Trustee Act 1995*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Commission and fees

Schedule 1—Common fund—commission

- 1 Commission on capital
- 2 Commission on income

Schedule 2—Commission and fees

Part 1—Commissions

Division 1—Commission on capital

Division 2—Commission on income

Division 3—General

Part 2—Fees

Schedule 3—Revocation and transitional provision

- 1 Revocation of *Public Trustee Regulations 1995*
 - 2 Transitional provision
-

1—Short title

These regulations may be cited as the *Public Trustee Regulations 2010*.

2—Commencement

These regulations will come into operation on 1 September 2010.

3—Interpretation

In these regulations—

Act means the *Public Trustee Act 1995*.

4—Commission and fees

- (1) For the purposes of section 29(6a) of the Act, the rates or amounts of commission to be charged against an amount at credit in a common fund on account of a class of persons referred to in section 29(1)(b) of the Act are as set out in Schedule 1.

- (2) For the purposes of section 45 of the Act, the rates or amounts of commission and fees to be charged against an estate under the control of the Public Trustee (otherwise than under section 45 of the *Administration and Probate Act 1919*¹) are as set out in Schedule 2.
- (3) If a maximum or minimum rate or amount is provided in Schedule 1 or Schedule 2, the Public Trustee may determine the rate or amount in a particular case, subject to that maximum or minimum.

Note—

- 1 Section 45 of the *Administration and Probate Act 1919* provides for the vesting of an intestate estate in the Public Trustee until administration is granted in respect of the estate.

Schedule 1—Common fund—commission

1—Commission on capital

Commission—

- (a) in respect of estates administered by the Public Trustee, on money that is invested in a common fund on behalf of the beneficiaries of the estates that would otherwise be distributed to the beneficiaries; or
- (b) on money that is invested in a common fund on behalf of all other classes of persons referred to in section 29(1)(b) of the Act,

must be charged at a rate not exceeding the maximum rate of 1% of the capital amount invested.

2—Commission on income

Commission on income received in respect of money invested in a common fund on behalf of a class of persons referred to in section 29(1)(b) of the Act, must be charged at a rate not exceeding the maximum rate of 5%.

Schedule 2—Commission and fees

Part 1—Commissions

Division 1—Commission on capital

1 (1) Subject to this Part, commission—

- (a) in respect of estates of deceased persons and trust estates or funds held by the Public Trustee alone or with another person, on—
 - (i) the proceeds of all assets realised; and
 - (ii) money collected; and
 - (iii) the value of unrealised property transferred or delivered in kind to, or specifically appropriated in trust for, a person entitled;
- (b) in respect of estates of protected persons (within the meaning of the *Aged and Infirm Persons' Property Act 1940* or the *Guardianship and Administration Act 1993*) being managed or administered by the Public Trustee, on—
 - (i) the proceeds of all assets realised; or
 - (ii) money collected; or

- (iii) the value of unrealised property to which the estate is entitled at the conclusion of the management of the estate,

must be charged at a rate not exceeding the maximum rates set out in the following table:

Capital amount or value of estate	Maximum rate of commission
does not exceed \$200 000	4%
exceeds \$200 000 but does not exceed \$400 000	3%
exceeds \$400 000 but does not exceed \$600 000	2%
exceeds \$600 000	1%

- (2) If property is sold subject to a mortgage or other charge, the amount of the mortgage or charge is considered part of the proceeds.
- (3) In the case of a transfer to, or sale on behalf of, the spouse or domestic partner of a deceased person of—
- a home formerly shared by the spouses or domestic partners; or
 - any of the household furniture and effects,

commission must be charged at a rate not exceeding half of the maximum rate applicable under clause 1 on the value of the share of the home and household furniture and effects of the spouse or domestic partner.

- 2 If an estate, trust or fund to which clause 1 would otherwise apply is worth \$5 000 or less, commission must be charged as set out in the following table:

Value of gross estate, trust or fund	Minimum commission
\$500 or less	\$50
\$501 to \$2 000	10% of the value of the estate, trust or fund
\$2 001 to \$5 000	\$200

- 3 (1) If money is required to be paid to the Public Trustee on behalf of a party or person by order or rule of a court, commission on that sum must be charged at a rate not exceeding the maximum rate applicable under clause 1.
- (2) However, if a portion of the money is directed to be paid immediately, commission must be charged at a rate not exceeding 1%.
- 4 If property has been delivered or transferred to the Public Trustee on behalf of a person under section 65 of the *Administration and Probate Act 1919*, commission must be charged at a rate not exceeding the maximum rate applicable under clause 1.
- 5 If the Public Trustee has been appointed as agent or attorney—
- commission on the proceeds of all assets realised and money collected by the Public Trustee must be charged at a rate not exceeding the maximum rate applicable under clause 1;
 - commission in respect of a service, or action taken, by the Public Trustee and not otherwise dealt with in these regulations must be charged at a rate agreed with the person appointing the Public Trustee as agent or attorney.

- 6 If the Public Trustee has been appointed manager of unclaimed property under Part 6 of the Act, or holds money or other property in a capacity not otherwise dealt with in these regulations—
- (a) commission on the proceeds of all assets realised and money collected by the Public Trustee must be charged at a rate not exceeding the maximum rate applicable under clause 1;
 - (b) commission in respect of a service, or action taken, by the Public Trustee and not otherwise dealt with in these regulations must be charged at a rate agreed with the person appointing the Public Trustee.
- 7 In calculating commission on capital, expenses arising from the sale of property by the Public Trustee (including the commission on the sale of property paid by the Public Trustee to an agent) will be disregarded.
- 8 (1) For the purposes of this Part, the value of unrealised property, unless otherwise directed by a court, is the price which, in the opinion of the Public Trustee, the property would realise if sold in the open market.
- (2) However, if the transfer of property is delayed—
- (a) by an intervening life interest; or
 - (b) by some other intervening interest, order or condition that has the effect of postponing distribution for a period of over 24 months from the date of death,
- the value of the property transferred to a beneficiary is its value as determined by the Public Trustee on the date of the determination of the intervening interest, order or condition.

Division 2—Commission on income

- 9 (1) Commission on income received by the Public Trustee in respect of an estate or trust or from a fund or property held by the Public Trustee alone or with another person must be charged—
- (a) on income other than rent—at the rate of 5%;
 - (b) on rent—at the rate of 7.5%.
- (2) Commission on income will be charged on the gross income received except where a business is carried on by the Public Trustee.
- (3) If a business is carried on by the Public Trustee, commission on income will be charged on the gross income received from carrying on the business less all items of revenue expenditure attributable to the business (excluding expenses which are attributable to the general administration of the estate or trust, or the ownership of the assets).
- (4) Commission on—
- (a) old age, invalid, superannuation, war and service pensions;
 - (b) sick pay;
 - (c) payments of maintenance for divorced persons;
 - (d) payments of maintenance for protected persons;
 - (e) unemployment and sickness benefits paid by the Department of Social Security,
- must be charged at a rate not exceeding the rate applicable under subclause (1).

- (5) Commission in respect of rents collected by an agent who is employed, and paid a commission, by the Public Trustee must be charged at the rate of 2.5%.

Division 3—General

- 10(1) The Public Trustee may charge commission at the appropriate rate at the following times:
- (a) subject to subclause (2), commission on money may be charged when the Public Trustee receives the money;
 - (b) commission on property sold or realised may be charged when the Public Trustee receives the proceeds of the sale or realisation;
 - (c) commission on unrealised property transferred or delivered in kind to, or specifically appropriated in trust for, a person entitled may be charged when the property is transferred, delivered or appropriated in trust.
- (2) If the Public Trustee carries on a business, the commission on the income received in the course of carrying on the business must not be charged until the net annual trading profit has been ascertained.
- (3) Commission on capital must not be charged more than once during the course of the administration of the estate, trust or fund.
- 11 For a service in connection with the identification of a beneficiary or the ascertainment and establishment of next of kin, the Public Trustee may charge, either against the estate or against the share of the person to whom the inquiries relate, an additional commission not exceeding 10% of the value of the estate.

Part 2—Fees

- 12 The fees set out in the table are maximum fees.

1	For the preparation of—	
	(a) a contract for the sale of estate property	\$181.82
	(b) a tenancy agreement	\$181.82
	(c) a deed	\$181.82
2	For the preparation of a document for the purposes of the <i>Real Property Act 1886</i> (other than a document referred to in item 1)	\$164.55
3	For the production of a certificate of title	\$140.00
4	For the preparation of a certificate of interest or any other certificate	\$55.45
5	Annual administration and audit fee for each trust estate or fund administered by the Public Trustee	\$121.82
6	For undertaking work in relation to taxation (per hour, or part of an hour)	\$123.64
7	For the preparation of an affidavit required to satisfy the requirements of the Registrar of Probates (other than an executor's or administrator's oath)	\$190.91
8	For securing, prior to the sale of real or leasehold estate, such information as is necessary to comply with all legal requirements	\$190.91

Note—

The fee referred to in item 8 will not be charged where an agent or auctioneer employed by the Public Trustee in connection with the sale charges agent's commission.

9	For replacing lost documents (per document)	\$280.00
10	For—	
	(a) a detailed inspection and report on a building (per hour, or part of an hour)	\$123.64
	(b) an inspection of any other property (per hour, or part of an hour)	\$123.64
11	For services in connection with processing an application for a loan that is to be secured by a mortgage over property—	
	(a) application fee	\$500.00
	(b) fee for valuation of property	\$1 000.00

Notes—

- 1 With respect to a service, or action taken, by the Public Trustee and not otherwise dealt with in these regulations, a fee may be charged as agreed with the person appointing the Public Trustee or requesting the Public Trustee to perform the service or take the action.
- 2 In all cases, the Public Trustee's fees are payable in addition to commission and expenses paid to auctioneers or agents, legal costs and cash disbursed for postage, advertising, surveys, valuation, travelling expenses and other disbursements properly incurred in the administration, management or control of the estate, trust, fund or property to which the charge relates.

Schedule 3—Revocation and transitional provision**1—Revocation of *Public Trustee Regulations 1995***

The *Public Trustee Regulations 1995* are revoked.

2—Transitional provision

These regulations do not affect an arrangement, understanding or undertaking made before the commencement of the *Public Trustee Regulations 1995* with respect to the commission chargeable in respect of an estate, trust or fund which is in the course of administration by the Public Trustee.

Note—

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

Made by the Governor

with the advice and consent of the Executive Council
on 26 August 2010

No 190 of 2010

AGO0043/10CS

South Australia

Second-hand Vehicle Dealers Regulations 2010

under the *Second-hand Vehicle Dealers Act 1995*

Contents

1	Short title
2	Commencement
3	Interpretation
4	Exemptions
5	Fees
6	Forms
7	Annual fee and return (section 11 of Act)
8	Notification of change in circumstances
9	Return etc of licence or certificate of registration
10	Display of licences, registration etc
11	Notices to be displayed (section 16 of Act)
12	Form of contract (section 17 of Act)
13	Notices to be provided to purchasers of second-hand vehicles (section 18 of Act)
14	Sale of vehicle and Dealer's Copy of Section 16 Notice
15	Notices to be displayed in case of auction (section 20 of Act)
16	Notices to be provided to purchasers of second-hand vehicles (section 21 of Act)
17	Sale of vehicle and Auctioneer's Copy of Auction Notice
18	Trade auctions (section 22 of Act)
19	Sales between dealers
20	Advertisements
21	Dealers not under duty to repair certain defects (section 23 of Act)
22	Second-hand Vehicles Compensation Fund (Schedule 3 of Act)
23	Waiver of rights (section 33 of Act)

Schedule 1—Fees

Schedule 2—Forms

Schedule 3—Advertisements for sale of second-hand vehicles

Schedule 4—Defects in vehicles

Part 1—Defects in accessories

Part 2—Left-hand drive configuration

Schedule 5—Contributions to second-hand vehicles compensation fund

Schedule 6—Waiver of rights

Schedule 7—Revocation and transitional provision

Part 1—Revocation

- 1 Revocation of *Second-hand Vehicle Dealers Regulations 1995*

Part 2—Transitional provision

- 2 Use of forms prescribed under revoked regulations
-

1—Short title

These regulations may be cited as the *Second-hand Vehicle Dealers Regulations 2010*.

2—Commencement

- (1) Subject to subregulation (2), these regulations will come into operation on 1 September 2010.
- (2) Regulation 22(3) will come into operation on the day on which section 31(9) of the *Second-hand Vehicle Dealers (Cooling-off Rights) Amendment Act 2009* comes into operation.

3—Interpretation

- (1) In these regulations, unless the contrary intention appears—

Act means the *Second-hand Vehicle Dealers Act 1995*;

Auction Notice means—

- (a) if the auctioneer is conducting an auction on the auctioneer's own behalf or on behalf of a dealer—
 - (i) for the sale of a second-hand vehicle other than a motorcycle—a notice in the form set out in Form 7;
 - (ii) for the sale of a second-hand motorcycle—a notice in the form set out in Form 8;
- (b) if the auctioneer is conducting an auction on behalf of another person not being a dealer—
 - (i) for the sale of a second-hand vehicle other than a motorcycle—a notice in the form set out in Form 11;
 - (ii) for the sale of a second-hand motorcycle—a notice in the form set out in Form 12;

compliance plate means an identification plate authorised by the Australian Motor Vehicle Certification Board for affixing to a particular vehicle or class of vehicle;

duty to repair means the duty to repair imposed on a dealer under Part 4 of the Act;

Section 16 Notice means—

- (a) in relation to the offer or exposure for sale of a second-hand vehicle other than a motorcycle—a notice in the form set out in Form 1;
- (b) in relation to the offer or exposure for sale of a second-hand motorcycle—a notice in the form set out in Form 2;

year of manufacture means—

- (a) the year of the date referred to on the compliance plate (if any) affixed to the vehicle; or
- (b) the year (if any) impressed on or affixed to the vehicle by the manufacturer as the year in which the vehicle was manufactured; or
- (c) the year during which the manufacture of the vehicle was completed to a stage that would have enabled the vehicle to be registered,

whichever year is the earliest.

- (2) In these regulations, a reference to a form of a particular number is a reference to the form of that number set out in Schedule 2.

4—Exemptions

The following activities are exempt from the application of the Act:

- (a) the selling or exposing for sale of vehicles with an unladen mass exceeding 3 000 kilograms;
- (b) the selling or exposing for sale of vehicles manufactured or adapted solely for agricultural or industrial use;
- (c) the selling or exposing for sale of vehicles by an executor or trustee on behalf of the estate of a deceased person.

5—Fees

- (1) The fees set out in Schedule 1 are prescribed for the purposes of the Act.
- (2) The Commissioner may waive, reduce or refund a fee (or part of a fee) if satisfied that it is appropriate to do so in a particular case.

6—Forms

A notice must, in order to be in a form set out in Schedule 2—

- (a) contain particulars and statements and be completed as required or indicated by the form; and
- (b) not contain any particulars or statements other than those required or indicated under the Act or these regulations; and
- (c) be printed in characters not smaller than the corresponding characters in that form as set out in Schedule 2; and
- (d) not include any printing or handwriting (other than a signature) that is not clear and legible.

7—Annual fee and return (section 11 of Act)

- (1) For the purposes of section 11(2) of the Act, the date for payment of an annual fee and for lodging an annual return is—
 - (a) in the case of a dealer who held a licence immediately before 19 July 2001—
 - (i) the last day of the month in each year nominated in writing to the dealer by the Commissioner; or
 - (ii) if the Commissioner does not nominate a month—30 November in each year;

- (b) in the case of a dealer granted a licence on or after 19 July 2001—
 - (i) the last day of the month in each year nominated in writing to the dealer by the Commissioner; or
 - (ii) if the Commissioner does not nominate a month—the last day of the month in each year that is the same month as the month in which the dealer's licence was granted.
- (2) For the purposes of section 11(3) of the Act, the penalty for default in paying the annual fee or lodging the annual return is as set out in Schedule 1.

8—Notification of change in circumstances

- (1) If there is any change in—
 - (a) the residential address of a licensed dealer; or
 - (b) the name in which a licensed dealer carries on business; or
 - (c) the address of the registered corporate office of a licensed dealer that is a body corporate; or
 - (d) the address for service of a licensed dealer,the dealer must, within 14 days after that change, give written notice to the Commissioner of the new address or name (as the case may be).
Maximum penalty: \$2 500.
Expiation fee: \$160.
- (2) A licensed dealer must, within 14 days after ceasing to carry on business as a dealer, give written notice to the Commissioner of that fact.
Maximum penalty: \$2 500.
Expiation fee: \$160.
- (3) A licensed dealer must, within 14 days after entering into partnership to carry on business as a dealer or ceasing to be in such a partnership, give written notice to the Commissioner of that fact, together with the names and addresses of the members of the new or former partnership.
Maximum penalty: \$2 500.
Expiation fee: \$160.
- (4) If a person is appointed as a director of a body corporate that is a licensed dealer, the dealer must, within 14 days after the appointment—
 - (a) notify the Commissioner in the manner and form approved by the Commissioner of the appointment of the new director; and
 - (b) provide the Commissioner with any information required by the Commissioner for the purposes of determining whether the new director meets the requirements for directors under section 9(2) of the Act.

Maximum penalty: \$2 500.

Expiation fee: \$160.

9—Return etc of licence or certificate of registration

(1) If—

- (a) the licence of a dealer is surrendered, suspended or cancelled; or
- (b) the registration of premises at which a licensed dealer carries on business as a dealer is cancelled; or
- (c) a licensed dealer ceases to carry on business as a dealer at premises registered in the dealer's name,

the dealer must, at the direction of the District Court or the Commissioner, return the licence or a certificate of registration issued in respect of the premises (as the case may be) to the Commissioner.

Maximum penalty: \$2 500.

Expiation fee: \$160.

(2) If, on an application under section 8 of the Act, a licence has been issued to a dealer and (if applicable) premises have been registered in the dealer's name but the fee payable in respect of the application has not been paid (whether because of the dishonouring of a cheque or otherwise), the dealer must, at the direction of the Commissioner, return the licence and (if applicable) the certificate of registration issued in respect of the premises to the Commissioner.

Maximum penalty: \$2 500.

Expiation fee: \$160.

(3) If, on an application under section 14 of the Act, premises have been registered in the name of a licensed dealer but the fee payable in respect of the application has not been paid (whether because of the dishonouring of a cheque or otherwise), the dealer must, at the direction of the Commissioner, return the certificate of registration issued in respect of the premises to the Commissioner.

Maximum penalty: \$2 500.

Expiation fee: \$160.

(4) The Commissioner may issue to a licensed dealer a licence or certificate of registration in replacement of a current licence or certificate of registration (as the case requires) if satisfied that—

- (a) the current licence or certificate has been lost, destroyed or damaged; or
- (b) any particulars appearing on the current licence or certificate are incorrect.

(5) If the Commissioner issues to a licensed dealer a replacement licence or certificate of registration, the dealer must, at the direction of the Commissioner, return the original (or previous duplicate) licence or certificate of registration to the Commissioner.

Maximum penalty: \$2 500.

Expiation fee: \$160.

10—Display of licences, registration etc

A licensed dealer must ensure—

- (a) that—
 - (i) a copy of the dealer's licence; and

- (ii) if the registration of premises is not endorsed on the licence—a copy of the certificate of registration of the premises,

is prominently displayed at each of the premises registered in the dealer's name in an area accessible to the public; and

- (b) that—

- (i) the name under which the dealer carries on business as a dealer; and
- (ii) the words "Licensed Second-hand Vehicle Dealer" (which may be abbreviated to "LVD") immediately followed by the dealer's licence number, or, if 2 or more licensed dealers are conducting a business in partnership, the licence number of each of the partners,

is prominently and permanently displayed at the main public entrance to each of the premises registered in the dealer's name.

Maximum penalty: \$2 500.

11—Notices to be displayed (section 16 of Act)

- (1) For the purposes of section 16 of the Act, the notice required by that section to be attached to a second-hand vehicle offered or exposed for sale is a Section 16 Notice.
- (2) A dealer must, in respect of a Section 16 Notice, ensure that—
 - (a) subject to this regulation, 3 identical copies of the Notice are prepared; and
 - (b) the copy to be attached to the vehicle—
 - (i) is endorsed with the statement "Display Copy"; and
 - (ii) —
 - (A) in the case of a motorcycle—is folded in half and inserted (in such a manner that the contents are clearly visible) in a plastic envelope that is attached to the handle bars of the motorcycle to which it relates;
 - (B) in the case of any other vehicle—is attached to the inside of a window of the vehicle to which it relates (in such a manner that the contents of the notice are clearly visible through the window); and
 - (c) the second copy is endorsed with the statement "Purchaser's Copy" and has the form set out in Form 3 or Form 4 (as the case requires) printed on the reverse side; and
 - (d) the third copy (the *Dealer's Copy*) is endorsed with the statement "Dealer's Copy" and—
 - (i) in the case of a motorcycle—has the form set out in Form 4 printed on the reverse side;
 - (ii) in the case of any other vehicle—has the part of the form set out in Part 1 of Form 3 printed on the reverse side; and
 - (e) the second and third copies are kept at the registered premises of the dealer at which the vehicle to which the Section 16 Notice relates is being offered or exposed for sale.

Maximum penalty: \$2 500.

12—Form of contract (section 17 of Act)

For the purposes of section 17(1)(d) of the Act—

- (a) the particulars to be contained in a contract for the sale of a second-hand vehicle by a dealer must be set out in the contract in the manner shown in Form 5 or Form 6 (as the case requires); and
- (b) the particulars required to be included in the contract are as required or indicated by that Form.

13—Notices to be provided to purchasers of second-hand vehicles (section 18 of Act)

For the purposes of section 18(b) of the Act, the notice required by that section to be given by a dealer to the purchaser of a second-hand vehicle must be in the form set out in Form 3 or Form 4 (as the case requires).

14—Sale of vehicle and Dealer's Copy of Section 16 Notice

- (1) On the sale of a second-hand vehicle by a dealer (being a sale to which Part 3 Division 1 of the Act applies), the dealer must complete the Dealer's Copy of the Section 16 Notice relating to the vehicle as required or indicated—
 - (a) in the case of a motorcycle—by Form 4;
 - (b) in the case of any other vehicle—by Part 1 of Form 3.

Maximum penalty: \$2 500.

- (2) A licensed dealer must keep the Dealer's Copy of a Section 16 Notice for a period of not less than 12 months from the date of sale of the vehicle to which the Notice relates.
Maximum penalty: \$2 500.

15—Notices to be displayed in case of auction (section 20 of Act)

- (1) For the purposes of section 20 of the Act, the notice required by that section to be attached to a second-hand vehicle when the vehicle is available for inspection by prospective bidders at an auction for the sale of the vehicle is an Auction Notice.
- (2) An auctioneer must, in respect of an Auction Notice, ensure that—
 - (a) subject to this regulation, 3 identical copies of the Notice are prepared; and
 - (b) the copy to be attached to the vehicle—
 - (i) is endorsed with the statement "Display Copy"; and
 - (ii) —
 - (A) in the case of a motorcycle—is folded in half and inserted (in such a manner that the contents are clearly visible) in a plastic envelope that is attached to the handle bars of the motorcycle to which it relates; and
 - (B) in the case of any other vehicle—is attached to the inside of a window of the vehicle to which it relates (in such a manner that the contents of the notice are clearly visible through the window); and
 - (c) the second copy—
 - (i) is endorsed with the statement "Purchaser's Copy"; and

- (ii) has printed on the reverse side—
 - (A) if the auctioneer is conducting the auction on the auctioneer's own behalf or on behalf of a dealer—the form set out in Form 9 or Form 10 (as the case requires); and
 - (B) if the auctioneer is conducting the auction on behalf of another person not being a dealer—the form set out in Form 13 or Form 14 (as the case requires); and
- (d) the third copy (the *Auctioneer's Copy*)—
 - (i) is endorsed with the statement "Auctioneer's Copy"; and
 - (ii) has printed on the reverse side—
 - (A) if the auctioneer is conducting the auction on the auctioneer's own behalf or on behalf of a dealer—
 - in the case of a motorcycle—the form set out in Form 10;
 - in the case of any other vehicle—the part of the form set out in Part 1 of Form 9; and
 - (B) if the auctioneer is conducting the auction on behalf of another person not being a dealer—
 - in the case of a motorcycle—the form set out in Form 14;
 - in the case of any other vehicle—the part of the form set out in Part 1 of Form 13; and
- (e) the second and third copies are kept at the premises of the auctioneer at which the vehicle to which the Auction Notice relates is available for inspection by prospective bidders.

Maximum penalty: \$2 500.

16—Notices to be provided to purchasers of second-hand vehicles (section 21 of Act)

For the purposes of section 21(d) of the Act, the notice required by that section to be given by an auctioneer to the purchaser of a second-hand vehicle must—

- (a) if the vehicle was sold on the auctioneer's own behalf or on behalf of a dealer—be in the form set out in Form 9 or Form 10 (as the case requires); or
- (b) if the vehicle was sold on behalf of another person not being a dealer—be in the form set out in Form 13 or Form 14 (as the case requires).

17—Sale of vehicle and Auctioneer's Copy of Auction Notice

- (1) On the sale of a second-hand vehicle by an auctioneer (being a sale referred to in section 21 of the Act), the auctioneer must complete the Auctioneer's Copy of the Auction Notice relating to the vehicle as required or indicated—
 - (a) if the auctioneer conducted the auction on the auctioneer's own behalf or on behalf of a dealer—
 - (i) in the case of a motorcycle—by Form 10; or
 - (ii) in the case of any other vehicle—by Part 1 of Form 9; and
 - (b) if the auctioneer conducted the auction on behalf of another person not being a dealer—

- (i) in the case of a motorcycle—by Form 14; or
- (ii) in the case of any other vehicle—by Part 1 of Form 13.

Maximum penalty: \$2 500.

- (2) An auctioneer must keep the Auctioneer's Copy of an Auction Notice for a period of not less than 12 months from the date of sale of the vehicle to which the Notice relates.

Maximum penalty: \$2 500.

18—Trade auctions (section 22 of Act)

- (1) For the purposes of section 22 of the Act—

- (a) the notice required by that section to be attached to a second-hand vehicle when the vehicle is available for inspection by prospective bidders at a trade auction for the sale of the vehicle must be in the form set out in Form 15; and
- (b) the prescribed form of the statement required to be included in an advertisement of a trade auction is—
 - (i) if the advertisement is in a newspaper, magazine, leaflet or other printed or written material—the statement "Trade Auction—Bids Accepted from Licensed Dealers Only" in print, type or letters no smaller than the largest print, type or letters used elsewhere in the advertisement excepting the print, type or letters used in spelling the name or the business name of the person so advertising; or
 - (ii) in any other case—the statement referred to in subparagraph (i) included in such a way and with such prominence that it is likely to come to the attention of the persons seeing or hearing the advertisement.

- (2) If an auctioneer is required to attach a notice to a second-hand vehicle under section 22(1) of the Act, the auctioneer must ensure that the notice is attached to the inside of a window of the vehicle to which it relates in such a manner that the contents of the notice are clearly visible through the window.

Maximum penalty: \$2 500.

19—Sales between dealers

If a second-hand vehicle is sold by a dealer to another dealer, the following provisions must be complied with:

- (a) the sale must be evidenced by instrument in writing in the form set out in Form 16 (the *Dealer Sale form*), completed and signed by the dealers in duplicate within 7 days of the purchasing dealer taking possession of the vehicle pursuant to the sale;
- (b) 1 copy of the Dealer Sale form must be kept by the selling dealer for a period of not less than 2 years from the date of sale of the vehicle;
- (c) the other copy of the Dealer Sale form must be kept by the purchasing dealer for the period for which the dealer retains ownership of the vehicle and, if the vehicle is subsequently sold by the purchasing dealer, for a period of not less than 12 months from the date of the subsequent sale of the vehicle.

Maximum penalty: \$2 500.

20—Advertisements

- (1) An advertisement relating to the sale of a second-hand vehicle by a dealer must contain the information and particulars referred to in Schedule 3.
- (2) An advertisement relating to the sale of a second-hand vehicle by a person other than a dealer must contain the information and particulars referred to in paragraph (c) of Schedule 3.
- (3) A person who publishes an advertisement relating to the sale of a second-hand vehicle that does not comply with this regulation, or who causes or permits such an advertisement to be published, is guilty of an offence.

Maximum penalty: \$2 500.

21—Dealers not under duty to repair certain defects (section 23 of Act)

- (1) A dealer is not under a duty to repair a defect under section 23 of the Act—
 - (a) if the defect is listed in Schedule 4 Part 1 or Part 2 and the dealer has complied with the conditions set out in that Part of the Schedule; or
 - (b) if the purchaser, without reasonable excuse, fails to give the dealer (being a licensed dealer) proper notice (written or oral) of the defect within the prescribed period; or
 - (c) if the purchaser must, in order to require the dealer to discharge such a duty, deliver or make reasonable efforts to deliver the vehicle to the dealer in accordance with section 24(1) and (2) of the Act, but fails to do so, without reasonable excuse, within 5 business days of the end of the prescribed period.

- (2) In this regulation—

business day means any day except a Saturday or a Sunday or other public holiday;

prescribed period, in relation to a defect in a vehicle, means the period within which the defect must (according to section 23(4) of the Act) appear in order for the dealer to be under a duty to repair the defect.

22—Second-hand Vehicles Compensation Fund (Schedule 3 of Act)

- (1) Schedule 3 clause 2 of the Act does not apply to a claim in respect of the provision by a dealer of goods or services that do not relate directly to the second-hand vehicle¹ purchased or sold by the dealer or left in the dealer's possession.
- (2) For the purposes of Schedule 3 clause 4 of the Act, each licensed dealer is required to pay to the Commissioner the contribution referred to in Schedule 5 of these regulations in accordance with the provisions of that Schedule.
- (3) For the purposes of Schedule 3 clause 3(2)(d) of the Act, the educational program relating to the provisions contained in the *Second-hand Vehicle Dealers (Cooling-off Rights) Amendment Act 2009* conducted by or on behalf of the Commissioner for the benefit of dealers, salespersons and members of the public is prescribed.

Note—

- 1 Goods or services not relating directly to the vehicle may include, for example, travel, accommodation, household goods, entry tickets to certain events etc or a scheme whereby goods or services may be redeemed in the future.

23—Waiver of rights (section 33 of Act)

- (1) A person who purchases a second-hand vehicle from a dealer may waive his or her rights under Part 4 of the Act in relation to the repair of a defect in the vehicle if—
- (a) the person signs a waiver document in the form set out in Schedule 6 before a witness of a kind specified in that Schedule; and
 - (b) the witness signs a certificate as required or indicated by that Schedule.
- (2) A witness must not sign a witness certificate—
- (a) if the witness is—
 - (i) the dealer; or
 - (ii) employed by the dealer as an employee or under a contract for the performance of services; or
 - (iii) related by blood or marriage to the dealer; or
 - (iv) indebted to or owed money by the dealer; and
 - (b) unless the witness has made reasonable inquiries to satisfy himself or herself that the person proposing to sign the form understands the effect of completing the form.

Maximum penalty: \$2 500.

Schedule 1—Fees

1	Application fee for licence (section 8(1)(b) of the Act)	\$229.00
2	Licence fee—payable before the granting of a licence under Part 2 Division 1 of the Act—	
	(a) for a natural person—	
	(i) for carrying on the business of selling second-hand vehicles consisting only of motorcycles	\$168.00
	(ii) in any other case	\$353.00
	(b) for a body corporate—	
	(i) for carrying on the business of selling second-hand vehicles consisting only of motorcycles	\$246.00
	(ii) in any other case	\$529.00
If the period between the grant of the licence and the next date for payment of a fee under section 11 of the Act is less than or more than 12 months, a pro rata adjustment is to be made to the amount of the additional fee by applying the proportion that the length of that period bears to 12 months.		
3	Annual fee (section 11(2)(a) of the Act)—	
	(a) for a natural person—	
	(i) for carrying on the business of selling second-hand vehicles consisting only of motorcycles	\$168.00
	(ii) in any other case	\$353.00
	(b) for a body corporate—	
	(i) for carrying on the business of selling second-hand vehicles consisting only of motorcycles	\$246.00

(ii) in any other case	\$529.00
If the period between a date for payment of a fee under section 11 of the Act and the next date for payment of the fee under that section (as nominated by the Commissioner) is less than or more than 12 months, a pro rata adjustment is to be made to the amount of the fee by applying the proportion that the length of that period bears to 12 months.	
4 Default penalty (section 11(3) of the Act)	\$145.00
5 Application fee for separate application to register premises (section 14(2) of the Act)	\$43.50
6 Application fee for permission to carry on business as a dealer at a place other than the registered premises of the licensee (section 14(4) of the Act)	\$43.50
7 Application fee with respect to a duty to repair a vehicle (section 24(2) of the Act)	\$43.50
8 Fee for replacement of licence or certificate of registration	\$22.30

Schedule 2—Forms

Form 1—Section 16 notice—Sale of second-hand vehicle

Second-hand Vehicle Dealers Act 1995

Part A

The price

This vehicle is offered for sale in its present condition for \$
This price includes all dealer charges.

The vehicle

Manufacturer and model:

Year of manufacture:

Year of first registration:

Registration No:

Engine No (if not registered):

Odometer reading when the vehicle was acquired from the last owner who was not a dealer (specify miles or kilometres):

To the best of the dealer's knowledge, information and belief, can this odometer reading be regarded as reasonably accurate? (Yes or No)

If not, why not?

To the best of the dealer's knowledge, information and belief, was the vehicle used as a taxi-cab, rental car or hire car by the last owner who was not a dealer? (Yes or No)

The last owner

The last owner of the vehicle who was not a dealer was:

Name:

Address:

Note: If the owner's name and address are not supplied in this form, they are available from the dealer on request.

If that owner carried on a vehicle leasing business and let the vehicle on hire to another person pursuant to a vehicle leasing agreement:

Name of that other person (if known):

Address:

[Insert N/A if not applicable]

Note: If the person's name and address are not supplied in this form, they are available from the dealer on request.

The dealer

Name in which dealer is licensed:

Business address:

If the vehicle is being offered or exposed for sale on behalf of another dealer:

Name in which the other dealer is licensed:

Business address:

[Insert N/A if not applicable]

Note: If the vehicle is being offered or exposed for sale on behalf of another dealer, the other dealer is liable to carry out any repairs under the duty to repair.

Part B

Duty to repair—Part 4 of the *Second-hand Vehicle Dealers Act 1995*

The following is only a brief summary of the extent of the duty to repair. Full details must be given to a purchaser by the dealer at the time of sale (as well as a copy of this notice).

Sale Price	Duty to Repair
Up to and including \$3 000	No duty to repair—but vehicle must be roadworthy at time of sale.
\$3 001 - \$6 000	2 months or 3 000 kilometres, whichever occurs first.
Over \$6 000	3 months or 5 000 kilometres, whichever occurs first.

This vehicle cannot be registered until it is converted to right-hand configuration to the standard required by the Registrar of Motor Vehicles, and the dealer does not accept a duty to perform that work as part of a duty to repair.

[Strike out if not applicable]

The dealer does not accept a duty to repair a defect in any of the following accessories fitted to this vehicle:

- camping or recreational accessories;
- radio;
- cassette player;
- compact disc player;
- refrigerated air-conditioner;
- sunroof;
- airbags ("Supplementary Restraint System");

- the following accessories:

[Strike out any of the above that do not apply]

If the dealer is under a duty to repair a defect in the vehicle, the purchaser must deliver the vehicle—

- to the following agreed place of repair (unless a different address is subsequently agreed); or
- if no place of repair has been agreed on—to any of the following registered premises of the dealer:

[Strike out Part B if not applicable]

Part C

There is no duty to repair this vehicle because *[strike out whichever of the following does not apply]*—

- its year of first registration was more than 15 years ago;
- it has been driven more than 200 000 kilometres.

[Strike out Part C if not applicable]

Form 2—Section 16 notice—Sale of second-hand motorcycle

Second-hand Vehicle Dealers Act 1995

The price

This motorcycle is offered for sale in its present condition for \$
This price includes all dealer charges.

The motorcycle

Manufacturer and model:

Year of manufacture:

Year of first registration:

Registration number:

Engine number (if not registered):

Odometer reading when the motorcycle was acquired from the last owner who was not a dealer (specify miles or kilometres):

To the best of the dealer's knowledge, information and belief, can this odometer reading be regarded as reasonably accurate? (Yes or No)

If not, why not?

To the best of the dealer's knowledge, information and belief, was the motorcycle used as a rental or hire motorcycle by the last owner who was not a dealer? (Yes or No)

The last owner

The last owner of the motorcycle who was not a dealer was:

Name:

Address:

Note: If the owner's name and address are not supplied in this form, they are available from the dealer on request.

If that owner carried on a vehicle leasing business and let the motorcycle on hire to another person pursuant to a vehicle leasing agreement:

Name of that other person (if known):

Address:

[Insert N/A if not applicable]

Note: If the person's name and address are not supplied in this form, they are available from the dealer on request.

The dealer

Name in which dealer is licensed:

Business address:

If the motorcycle is being offered or exposed for sale on behalf of another dealer:

Name in which the other dealer is licensed:

Business address:

[Insert N/A if not applicable]

Important information

There is no duty to repair second-hand motorcycles under the *Second-hand Vehicle Dealers Act 1995*. However, you may have legal rights under other consumer legislation. The Office of Consumer and Business Affairs will assist with any enquiries about your purchase. Check under "Consumer and Business Affairs" in your telephone book for the address and telephone number of the nearest office.

Form 3—Notice to purchaser

Second-hand Vehicle Dealers Act 1995

Part 1

The vehicle referred to in the Section 16 Notice on the other side of this form has been sold to:

Name of purchaser:

Address:

Purchase price: \$

Date of sale:

Odometer reading at the time of the sale (specify miles or kilometres):

Certificate by dealer

I certify that the vehicle sold to the above purchaser is correctly described in the Section 16 Notice overleaf and that all statements and particulars entered on both sides of this form are correct.

Signed by the dealer or an employee or agent authorised to sign on behalf of the dealer:

Name of the person signing this certificate (print in block letters):

Part 2

This notice contains important information. Please read it carefully and keep it for future reference.

The *Second-hand Vehicle Dealers Act 1995* provides for a duty to repair second-hand vehicles sold for more than \$3 000. (There are some exceptions, but any passenger vehicle with a year of first registration not more than 15 years ago and that has not been driven more than 200 000 km will be covered.)

The period during which there is a duty to repair depends on the price you paid for the vehicle. There is a summary of these periods on the other side of this form. If a "defect" appears in the vehicle in the period during which there is a duty to repair, the dealer must arrange for it to be repaired. However, if you fail, without reasonable excuse, to give the dealer proper notice of the defect within that period, or to deliver (or make reasonable efforts to deliver) the vehicle for repair within 5 business days of the end of the period, the dealer may no longer be under a duty to repair the defect.

If you want the dealer to repair your vehicle, you must deliver it to the agreed place of repair listed at the end of Part B on the other side of this form, or if no place has been so agreed on, to any registered premises of the dealer. In some cases you might not have to return the vehicle to that address, and you might be able to have it repaired by someone else. However, you should seek advice about this before you do anything.

Not every fault is a defect covered by the duty to repair. For example, if there are problems with the paintwork or upholstery that you should have noticed when you inspected the vehicle, these are not covered. Some accessories (for example radios, tape players and airconditioners) are not covered if the dealer has listed them on the other side of this form. A brochure available from the Office of Consumer and Business Affairs gives a full list of those accessories which the dealer may list on the other side of this form. It also explains what other defects arising after sale may not be covered by a duty to repair.

If a vehicle is sold for \$3 000 or less, the duty to repair does not apply, but the vehicle must be in roadworthy condition. There may also be other duties or remedies available under other legislation.

The only way you can give away your warranty rights under the *Second-hand Vehicle Dealers Act 1995* is if you have signed a waiver document in accordance with regulation 23 of the *Second-hand Vehicle Dealers Regulations 2010*.

Some disputes between dealers and purchasers can be resolved by a conference convened by the Commissioner for Consumer Affairs or, if a conciliation conference fails to resolve the matter, by an order of the Civil (Consumer and Business) Division of the Magistrates Court. Before making any application to the Commissioner, you should seek advice from the Office of Consumer and Business Affairs.

The Office will assist with any enquiries about your purchase. It can also give you the brochure mentioned above which explains everything in much more detail than is possible in this notice. Check under "Consumer and Business Affairs" in your telephone book for the address and telephone number of the nearest office.

Form 4—Notice to purchaser***Second-hand Vehicle Dealers Act 1995*****Sale of second-hand motorcycle**

The motorcycle referred to in the Section 16 Notice on the other side of this form has been sold to:

Name of purchaser:

Address:

Purchase price: \$

Date of sale:

Odometer reading at the time of the sale (specify miles or kilometres):

Certificate by dealer

I certify that the motorcycle sold to the above purchaser is correctly described in the Section 16 Notice overleaf and that all statements and particulars entered on both sides of this form are correct.

Signed by the dealer or an employee or agent authorised to sign on behalf of the dealer:

Name of the person signing this certificate (print in block letters):

Important information

There is no duty to repair second-hand motorcycles under the *Second-hand Vehicle Dealers Act 1995*.

Form 5—Particulars to be included in a contract for the sale of a second-hand vehicle by a dealer

Form 5

SECOND-HAND VEHICLE DEALERS ACT 1995

PARTICULARS TO BE INCLUDED IN A CONTRACT FOR THE SALE OF A

SECOND-HAND VEHICLE BY A DEALER

Name in which dealer is licensed:

Business address:

Make	Model	Body Type	Colour: Body— Trim—
Year of manufacture	Year of first registration	Registration No	Expiry date
		Engine No	VIN No
DETAILS OF PURCHASE		\$ c	METHOD OF PAYMENT
Cash Price			Deposit
Additional options, accessories etc*			Trade-in allowance*
Total price of vehicle			Less pay-out
Registration	6 or 12 mths		Equity (Deficiency)
3rd Party compulsory insurance			Less refund to purchaser
Stamp duty and/or transfer fee			Nett equity (or deficiency)
Dealer to arrange above YES/NO			Total deposit and trade-in
If Yes— Dealer handling fee			Payable on delivery
Vehicle insurance: Company			(Amount payable on
Other (give full details including other parties to whom payment must be made)			delivery includes amount to be financed where applicable)
.....		
.....		
TOTAL PAYABLE			TOTAL PAYMENT
Options/accessories/additional work included in this amount		\$ c	*Trade-in details
			Make: Model:
			Body Type: Colour: Body:
			Trim:
			Year of Manuf: Year of 1st Regn:
			Regn No: Expiry Date:
			Engine No: Odometer: kms
			Payout to:
			Account No: Valid until:
TOTAL			

***Address to which vehicle is to be delivered for repair of defects under the *Second-hand Vehicle Dealers Act 1995*.**

REPAIRER'S NAME:

ADDRESS:

***The vehicle may be delivered to any of the following registered premises of the dealer for repair:**

.....

.....

.....

I acknowledge that, *before* the signing of the contract for the purchase of the vehicle, I was informed of/I did not request* the name and address of—

- (a) the last owner of the vehicle (who was not a dealer)*;
- (b) the person who leased the vehicle from the last owner of the vehicle (who was not a dealer) under a vehicle leasing agreement*.

.....

Signature of purchaser

Any purported exclusion, limitation, modification or waiver of your rights under the Act (eg: in relation to your right to have a defect in your purchased vehicle repaired) is void. The only way you can give away your rights under the *Second-hand Vehicle Dealers Act 1995* is if you have signed a waiver document in accordance with regulation 23 of the *Second-hand Vehicle Dealers Regulations 2010*.

* *Strike out whichever does not apply.*

Form 6—Particulars to be included in a contract for the sale of a second-hand motorcycle by a dealer

Form 6

SECOND-HAND VEHICLE DEALERS ACT 1995

PARTICULARS TO BE INCLUDED IN A CONTRACT FOR THE SALE OF A SECOND-HAND MOTORCYCLE BY A DEALER

Name in which dealer is licensed:.....					
Business address:.....					
	Make		Model	Colour	
Year of manufacture	Year of first registration	Registration No	Expiry date	Engine No	VIN No
DETAILS OF PURCHASE		\$	METHOD OF PAYMENT		\$
Cash Price			Deposit		
Additional options, accessories etc*			Trade-in allowance*		
Total price of motorcycle			Less pay-out		
Regn metro/cntry* 3, 6, 9 or 12 mths			Equity (Deficiency)		
3rd Party compulsory insurance			Less refund to purchaser		
Stamp duty and/or transfer fee			Net equity (or deficiency)		
Dealer to arrange above YES/NO			Total deposit and trade-in		
If yes – Dealer handling fee			Payable on delivery		
Motorcycle insurance: Company			(Amount payable on delivery		
Other (give full details including other parties to whom payment must be made)			includes amount to be financed where applicable)		
.....				
TOTAL PAYABLE			TOTAL PAYMENT		
Options/accessories/additional work included in this amount		\$	*Trade-in details		
			Make:	Model:	
				Colour:	
			Year of Manuf:	Year of 1st Regn:	
			Regn No:	Expiry Date:	
			Engine No:	Odometer: kms	
			Payout to:		
			Account No:	Valid until:	
TOTAL					

I acknowledge that, *before* the signing of the contract for the purchase of the motorcycle, I was informed of/I did not request* the name and address of—

- (a) the last owner of the motorcycle (who was not a dealer)*;
- (b) the person who leased the motorcycle from the last owner of the motorcycle (who was not a dealer) under a vehicle leasing agreement*.

.....
Signature of purchaser

IMPORTANT INFORMATION

There is no duty to repair second-hand motorcycles under the *Second-hand Vehicle Dealers Act 1995*.

* *Strike out whichever does not apply.*

Form 7—Auction Notice—Vehicle owned by auctioneer or to be auctioned on behalf of a dealer***Second-hand Vehicle Dealers Act 1995*****Part A****The Dealer**

Manufacturer and model:

Year of manufacture:

Year of first registration:

Registration No:

Engine No (if not registered):

Odometer reading when the vehicle was acquired from the last owner who was not a dealer (specify miles or kilometres):

To the best of the dealer's knowledge, information and belief, can this odometer reading be regarded as reasonably accurate? (Yes or No)

If not, why not?

To the best of the dealer's knowledge, information and belief, was the vehicle used as a taxi-cab, rental car or hire car by the last owner who was not a dealer? (Yes or No)

The last owner

The last owner of the vehicle who was not a dealer was:

Name:

Address:

Note: If the owner's name and address are not supplied in this form, they are available from the dealer on request.

If that owner carried on a vehicle leasing business and let the vehicle on hire to another person pursuant to a vehicle leasing agreement:

Name of that other person (if known):

Address:

*[Insert N/A if not applicable]**Note: If the person's name and address are not supplied in this form, they are available from the dealer on request.***The seller**

Auctioneer's name:

Business address:

If the vehicle is to be auctioned on behalf of a dealer:

Name in which selling dealer is licensed:

Business address:

[Insert N/A if not applicable]

Note: If the vehicle is being auctioned on behalf of a dealer, the dealer is liable to carry out any repairs under the duty to repair. If not, then this will be the auctioneer's responsibility.

Part B

Duty to repair—Part 4 of the *Second-hand Vehicle Dealers Act 1995*

The following is only a brief summary of the extent of the duty to repair. Full details must be given to a purchaser by the auctioneer at the time of sale (as well as a copy of this notice).

Sale Price	Duty to Repair
Up to and including \$3 000	No duty to repair—but vehicle must be roadworthy at time of sale.
\$3 001 - \$6 000	2 months or 3 000 kilometres, whichever occurs first.
Over \$6 000	3 months or 5 000 kilometres, whichever occurs first.

This vehicle cannot be registered until it is converted to right-hand configuration to the standard required by the Registrar of Motor Vehicles, and the seller does not accept a duty to perform that work as part of a duty to repair.

[Strike out if not applicable]

The seller does not accept a duty to repair any defect in the following accessories fitted to this vehicle:

- camping or recreational accessories;
- radio;
- cassette player;
- compact disc player;
- refrigerated air-conditioner;
- sunroof;
- airbags ("Supplementary Restraint System");
- the following accessories:

[Strike out any of the above that do not apply]

If the dealer is under a duty to repair a defect in the vehicle, the purchaser must deliver the vehicle—

- to the following agreed place of repair (unless a different address is subsequently agreed); or
- if no place of repair has been agreed on—to any of the following registered premises of the dealer:

[Strike out Part B if not applicable]

Part C

There is no duty to repair this vehicle because *[strike out whichever of the following does not apply]*—

- its year of first registration was more than 15 years ago;
- it has been driven more than 200 000 kilometres.

[Strike out Part C if not applicable]

Form 8—Auction Notice—Motorcycle owned by auctioneer or to be auctioned on behalf of a dealer***Second-hand Vehicle Dealers Act 1995*****The dealer**

Manufacturer and model:

Year of manufacture:

Year of first registration:

Registration No:

Engine No (if not registered):

Odometer reading when the motorcycle was acquired from the last owner who was not a dealer (specify miles or kilometres):

To the best of the dealer's knowledge, information and belief, can this odometer reading be regarded as reasonably accurate? (Yes or No)

If not, why not?

To the best of the dealer's knowledge, information and belief, was the motorcycle used as a rental or hire motorcycle by the last owner who was not a dealer? (Yes or No)

The last owner

The last owner of the motorcycle who was not a dealer was:

Name:

Address:

Note: If the owner's name and address are not supplied in this form, they are available from the dealer on request.

If that owner carried on a vehicle leasing business and let the motorcycle on hire to another person under a vehicle leasing agreement:

Name of that other person (if known):

Address:

*[Insert N/A if not applicable]**Note: If the person's name and address are not supplied in this form, they are available from the dealer on request.***The seller**

Auctioneer's name:

Business address:

If the motorcycle is to be auctioned on behalf of a dealer:

Name in which selling dealer is licensed:

Business address:

*[Insert N/A if not applicable]***Important information**There is no duty to repair second-hand motorcycles under the *Second-hand Vehicle Dealers Act 1995*.

Form 9—Notice to purchaser***Second-hand Vehicle Dealers Act 1995***

This is the notice to be given to a purchaser who has bought a vehicle at auction where the vehicle was owned by the auctioneer or auctioned on behalf of a dealer.

Part 1

The vehicle referred to in the Auction Notice on the other side of this form has been sold to:

Name of purchaser:

Address:

Purchase price: \$

Date of sale:

Odometer reading at the time of the sale (specify miles or kilometres):

Certificate by auctioneer

I certify that the vehicle sold to the above purchaser is correctly described in the Auction Notice overleaf and that all statements and particulars entered on both sides of this form are correct.

Signed by the auctioneer or an employee or agent authorised to sign on behalf of the auctioneer:

Name of the person signing this certificate (print in block letters):

Part 2

This notice contains important information. Please read it carefully and keep it for future reference.

The *Second-hand Vehicle Dealers Act 1995* provides for a duty to repair second-hand vehicles sold for more than \$3 000. (There are some exceptions, but any passenger vehicle with a year of first registration not more than 15 years ago and that has not been driven more than 200 000 km will be covered.)

Check the Auction Notice on the other side of this form. This is a copy of the Notice that was on the vehicle before auction. If there is a dealer's name filled in under the heading "The Seller", then that dealer is under a duty to repair any defect. Otherwise this is the auctioneer's responsibility.

The period during which there is a duty to repair depends on the price you paid for the vehicle. There is a summary of these periods on the other side of this form. If a "defect" appears in the vehicle in the period during which there is a duty to repair, the dealer must arrange for it to be repaired. However, if you fail, without reasonable excuse, to give the dealer proper notice of the defect within that period, or to deliver (or make reasonable efforts to deliver) the vehicle for repair within 5 business days of the end of the period, the dealer may no longer be under a duty to repair the defect.

If you want the dealer to repair your vehicle, you must deliver it to the agreed place of repair listed at the end of Part B on the other side of this form, or if no place has been so agreed on, to any registered premises of the dealer. In some cases you might not have to return the vehicle to that address, and you might be able to have it repaired by someone else. However, you should seek advice about this before you do anything.

Not every fault is a defect covered by the duty to repair. For example, if there are problems with the paintwork or upholstery that you should have noticed when you inspected the vehicle, these are not covered. Some accessories (for example radios, tape players and airconditioners) are not covered if the dealer has listed them on the other side of this form. A brochure available from the Office of Consumer and Business Affairs gives a full list of those accessories which the dealer may list on the other side of this form. It also explains what other defects arising after sale may not be covered by a duty to repair.

If a vehicle is sold for \$3 000 or less, the duty to repair does not apply, but the vehicle must be in roadworthy condition. There may also be other duties or remedies available under other legislation.

The only way you can give away your warranty rights under the *Second-hand Vehicle Dealers Act 1995* is if you have signed a waiver document in accordance with regulation 23 of the *Second-hand Vehicle Dealers Regulations 2010*.

Some disputes between dealers and purchasers can be resolved by a conference convened by the Commissioner for Consumer Affairs or, if a conciliation conference fails to resolve the matter, by an order of the Civil (Consumer and Business) Division of the Magistrates Court. Before making any application to the Commissioner, you should seek advice from the Office of Consumer and Business Affairs.

The Office will assist with any enquiries about your purchase. It can also give you the brochure mentioned above which explains everything in much more detail than is possible in this notice. Check under "Consumer and Business Affairs" in your telephone book for the address and telephone number of the nearest office.

Form 10—Notice to purchaser

Second-hand Vehicle Dealers Act 1995

This is the notice to be given to a purchaser who has bought a motorcycle at auction where the motorcycle was owned by the auctioneer or auctioned on behalf of a dealer.

The motorcycle referred to in the Auction Notice on the other side of this form has been sold to:

Name of purchaser:

Address:

Purchase price: \$

Date of sale:

Odometer reading at the time of the sale (specify miles or kilometres):

Certificate by auctioneer

I certify that the motorcycle sold to the above purchaser is correctly described in the Auction Notice overleaf and that all statements and particulars entered on both sides of this form are correct.

Signed by the auctioneer or an employee or agent authorised to sign on his or her behalf:

Name of the person signing this certificate (print in block letters):

Important information

There is no duty to repair second-hand motorcycles under the *Second-hand Vehicle Dealers Act 1995*.

Form 11—Auction Notice—Vehicle to be auctioned on behalf of person who is not a dealer***Second-hand Vehicle Dealers Act 1995*****The vehicle**

Manufacturer and model:

Year of manufacture:

Year of first registration:

Registration No:

Engine No (if not registered):

Odometer reading when the vehicle was acquired from the last owner who was not a dealer (specify miles or kilometres):

To the best of the owner's knowledge, information and belief, can this odometer reading be regarded as reasonably accurate? (Yes or No)

If not, why not?

Was the vehicle used by the owner as a taxi-cab, rental car or hire car? (Yes or No)

The owner

The owner of the vehicle is:

Name:

Address:

Note: If the owner's name and address are not supplied in this form, they are available from the auctioneer on request.

If the owner carries on a vehicle leasing business and let the vehicle on hire to another person under a vehicle leasing agreement:

Name of that other person (where known):

Address:

[Insert N/A if not applicable]

Note: If the person's name and address are not supplied in this form, they are available from the auctioneer on request.

The auctioneer

Auctioneer's name:

Business address:

Important information

No duty to repair under the *Second-hand Vehicle Dealers Act 1995* will apply on the sale of this vehicle because it is to be auctioned on behalf of a person who is not a dealer.

Form 12—Auction notice—Motorcycle to be auctioned on behalf of person who is not a dealer***Second-hand Vehicle Dealers Act 1995*****The motorcycle**

Manufacturer and model:

Year of manufacture:

Year of first registration:

Registration number:

Engine number (if not registered):

Odometer reading when the motorcycle was acquired from the last owner who was not a dealer (specify miles or kilometres):

To the best of the owner's knowledge, information and belief, can this odometer reading be regarded as reasonably accurate? (Yes or No)

If not, why not?

Was the motorcycle used by the owner as a rental or hire motorcycle? (Yes or No)

The owner

The owner of the motorcycle is:

Name:

Address:

Note: If the owner's name and address are not supplied in this form, they are available from the auctioneer on request.

If the owner carries on a vehicle leasing business and let the motorcycle on hire to another person under a vehicle leasing agreement:

Name of that other person (where known):

Address:

*[Insert N/A if not applicable]**Note: If the person's name and address are not supplied in this form, they are available from the auctioneer on request.***The auctioneer**

Auctioneer's name:

Business address:

Important informationThere is no duty to repair second-hand motorcycles under the *Second-hand Vehicle Dealers Act 1995*.

Form 13—Notice to purchaser***Second-hand Vehicle Dealers Act 1995***

This is the notice to be given to a purchaser who has bought a vehicle at auction if the vehicle has been auctioned on behalf of a person not being a dealer.

Part 1

The vehicle referred to in the Auction Notice on the other side of this form has been sold to:

Name of purchaser:

Address:

Purchase price: \$

Date of sale:

Odometer reading at the time of the sale (specify miles or kilometres):

Certificate by Auctioneer

I certify that the vehicle sold to the above purchaser is correctly described in the Auction Notice overleaf and that all statements and particulars entered on both sides of this form are correct.

Signed by the dealer or an employee or agent authorised to sign on his or her behalf:

Name of the person signing this certificate [*print in block letters*]:

Part 2

This vehicle was sold by the auctioneer on behalf of someone who is not a dealer. As with any private sale, this means that the duty to repair under the *Second-hand Vehicle Dealers Act 1995* does not apply.

You should also note that some other legal rights and remedies which apply to ordinary sales do *not* apply to sales by auction.

Form 14—Notice to purchaser***Second-hand Vehicle Dealers Act 1995***

This is the notice to be given to a purchaser who has bought a motorcycle at auction if the motorcycle has been auctioned on behalf of a person not being a dealer.

The motorcycle referred to in the Auction Notice on the other side of this form has been sold to:

Name of purchaser:

Address:

Purchase price: \$

Date of sale:

Odometer reading at the time of the sale (specify miles or kilometres):

Certificate by Auctioneer

I certify that the motorcycle sold to the above purchaser is correctly described in the Auction Notice overleaf and that all statements and particulars entered on both sides of this form are correct.

Signed by the dealer or an employee or agent authorised to sign on his or her behalf:

Name of the person signing this certificate [*print in block letters*]:

Important information

There is no duty to repair second-hand motorcycles under the *Second-hand Vehicle Dealers Act 1995*.

Form 15—Trade auction notice

Second-hand Vehicle Dealers Act 1995

This Vehicle Is To Be Sold By

TRADE AUCTION

Bids Will Be Accepted Only From Licensed Dealers

Form 16—Dealer sale form

Second-hand Vehicle Dealers Act 1995

The Vehicle

Manufacturer and model:

Year of manufacture:

Year of first registration:

Registration No:

Engine No (if not registered):

Expiry date of registration:

Odometer reading when the vehicle was acquired from the last owner who was not a dealer (specify miles or kilometres):

To the best of the dealer's knowledge, information and belief, can this odometer reading be regarded as reasonably accurate? (Yes or No)

If not, why not?

To the best of the dealer's knowledge, information and belief, was the vehicle used as a taxi-cab, rental car or hire car by the last owner who was not a dealer? (Yes or No)

Date of Sale

[*Insert date of sale*]

The last owner

The last owner of the vehicle who was not a dealer was:

Name:

Address:

If that owner carried on a vehicle leasing business and let the vehicle on hire to another person pursuant to a vehicle leasing agreement:

Name of that other person (where known):

Address:

[Insert N/A if not applicable]

The selling dealer

Dealer's name and Licence No:

Business address:

I certify that the above information relating to the vehicle and its last owner is correct.

Signed by the selling dealer or an employee or agent authorised to sign on his or her behalf:

Name of the person signing this certificate *[print in block letters]*:

The purchasing dealer

Dealer's name and Licence No:

Business address:

Signed by the purchasing dealer or an employee or agent authorised to sign on his or her behalf:

Name of the person signing above *[print in block letters]*:

Schedule 3—Advertisements for sale of second-hand vehicles

(regulation 20)

An advertisement relating to the sale of a second-hand vehicle by a dealer must contain the following information:

- (a) the words "Licensed Second-hand Vehicle Dealer" (which may be abbreviated to "LVD") immediately followed by the dealer's licence number, or, where 2 or more licensees are conducting a business in partnership, the licence number of at least 1 of the licensees;
- (b) the price at which the vehicle, in the condition which it is offered or exposed for sale, may be purchased for cash, including all dealer charges but not including any statutory charges or fees;
- (c) the registration number of the vehicle or, if the vehicle is not registered, the engine number. Such number is to be printed adjacent to or immediately after any description, photograph or illustration of the vehicle appearing in the advertisement.

Schedule 4—Defects in vehicles

(regulation 21)

Part 1—Defects in accessories

A dealer is not under a duty to repair a defect in any of the following accessories:

- (a) any camping or recreational accessory;
- (b) a radio;
- (c) a cassette player;
- (d) a compact disc player;
- (e) a refrigerated air-conditioner;
- (f) a sunroof;
- (g) a supplementary restraint system ("airbag");
- (h) an accessory specified by the dealer, other than an accessory originally fitted by the vehicle's manufacturer or produced or approved by the manufacturer for fitting to vehicles of that kind,

if the dealer has stated in the Section 16 Notice or in the Auction Notice (as the case may be) that the dealer does not accept a duty to repair a defect in that accessory.

Part 2—Left-hand drive configuration

A dealer is not under a duty to modify a vehicle that is in left-hand drive configuration so that it complies with the *Road Traffic Act 1961* if the dealer has stated in the Section 16 Notice or in the Auction Notice (as the case may be) that the vehicle cannot be registered until it has been converted to right-hand drive configuration to the standard required by the Registrar of Motor Vehicles and that the dealer does not accept a duty to perform those modifications.

Schedule 5—Contributions to second-hand vehicles compensation fund

(regulation 22)

- 1 (1) Subject to this Schedule, a contribution of the prescribed amount for each registered premises from which a licensed dealer carries on business as a dealer must be paid to the Commissioner by the dealer when the dealer makes application to register the premises under section 14 of the Act.
- (2) If the Commissioner refuses the application, the Commissioner must refund the amount of the contribution to the licensed dealer.
- 2 If a licensed dealer—
 - (a) notifies the Commissioner in writing that the dealer has ceased or will cease within 14 days to carry on business at registered premises; and
 - (b) applies to register other premises,

a contribution is not payable under clause 1 in respect of the other premises provided that the dealer does not apply to register a greater number of premises than the number of premises in respect of which the dealer has given notice under section 14(5) of the Act.

- 3 If a licensed dealer, on making application to register premises, satisfies the Commissioner that the dealer is joining in partnership with another licensed dealer and the premises the dealer is applying to register are currently registered in the name of the other dealer, a contribution is not payable under clause 1 in respect of the premises.
- 4 Where 11 complete months or less would elapse from the date of payment of the contribution first payable by a licensed dealer in respect of any registered premises until the next due date, the contribution is a proportion of the prescribed amount, being the proportion that the number of whole months (portion of a month being treated as a whole month) in the period between the date of payment of the contribution and the next due date bears to 12.
- 5 Subject to clause 6, an additional contribution of the prescribed amount for each of the premises registered in the licensed dealer's name under section 14 of the Act is payable to the Commissioner by the dealer on or before the due date in each year.
- 6 If premises are registered in the name of more than 1 licensed dealer, only 1 contribution under clause 5 is payable annually in respect of those premises but the dealers are jointly and severally liable for the payment of that contribution.

7 In this Schedule—

due date means the date on which a licensed dealer must pay an annual fee and lodge an annual return under regulation 7;

prescribed amount means—

- (a) in relation to a licensed dealer who carries on the business of selling second-hand vehicles consisting only of motorcycles—\$100; or
- (b) in any other case—\$350.

Schedule 6—Waiver of rights

Form 1—Waiver of rights

Waiver of rights under *Second-hand Vehicle Dealers Act 1995*

(regulation 23)

Important. This is an important document. It takes away some of your legal rights. Read it carefully. This form must be completed in duplicate.

Part 1

Under the *Second-hand Vehicle Dealers Act 1995*, you have a number of legal rights and protections. These rights and protections cannot be taken away from you unless you agree. One of the rights and protections you have is that a second-hand vehicle dealer is under a duty to repair certain defects that are present, or that may occur, in the vehicle during the statutory warranty period (which varies according to the price of the vehicle).

You may only give up your rights to have the vehicle you are thinking of purchasing repaired by the dealer under warranty by completing the form set out in Part 2 of this document and obtaining the completed certificate of the witness.

If you complete the form set out in Part 2 of this document, YOU will be responsible for repairs to the vehicle after purchase. If the vehicle develops a serious fault, you may have rights and remedies under other legislation, but you will have no rights to have the vehicle repaired under the *Second-hand Vehicle Dealers Act 1995*.

It is recommended that you arrange for an independent inspection of the vehicle BEFORE you complete the form set out in Part 2 of this document.

If you do not understand this document, you should seek advice from the Office of Consumer and Business Affairs. (Check under "Consumer and Business Affairs" in your telephone book for the address and telephone number of the nearest office.)

Do not sign the form set out in Part 2 if there is something in this document that you do not understand.

Note—

If you understand that you are giving away your repair rights under the *Second-hand Vehicle Dealers Act 1995* by signing this document and you still want to purchase the vehicle for the price set out in Part 2 of the document, then you should sign it before a Justice of the Peace, a legal practitioner or a proclaimed manager. Give 1 copy of the completed and signed document to the dealer and keep the other copy for your records.

Part 2

I *[insert name]* of *[insert address]* agree to waive the right to require *[insert name of licensed dealer]* of *[business address of dealer]* to repair a defect (pursuant to the dealer's duty to repair under Part 4 of the *Second-hand Vehicle Dealers Act 1995*) in the vehicle described under the heading "Particulars of transaction".

Particulars of transaction

Name of proposed purchaser:

Address:

Name of Dealer:

Business address:

Vehicle make and type:

Model:

Year of manufacture:

Registration No:

Engine No (if not registered):

Odometer reading:

Proposed sale price (including all dealer charges but not including statutory fees and charges): \$

Less:

Allowance on trade-in described below: \$

Amount to be paid in cash by purchaser: \$

Balance to be payable: \$

Trade-in:

Make and type:

Model:

Year of manufacture:

Registration No:

Odometer reading:

Signed:

Date:

Witnessed:

(This document must be witnessed by a Justice of the Peace, a legal practitioner (within the meaning of the *Legal Practitioners Act 1981*) or a proclaimed manager.)

Certificate of witness

I [insert name] a [insert title, eg: *Justice of the Peace*] certify that the person signing this form—

- did so freely and voluntarily in my presence; and
- appeared to understand the effect of the waiver.

Signature of witness:

Notes—

- 1 You must not witness this document if—
 - you are the dealer; or
 - you are employed by the dealer as an employee or under a contract for the performance of services; or
 - you are related by blood or marriage to the dealer; or
 - you are indebted to or owed money by the dealer.
- 2 You are not required to explain the effect of completing this form, but you must not witness this form unless you have made reasonable inquiries to satisfy yourself that the person proposing to sign the form understands the effect of completing this form.
- 3 If you are not satisfied that the person proposing to sign the form understands the form, you must refuse to witness the person's signature and refer the person to the Office of Consumer and Business Affairs.

Schedule 7—Revocation and transitional provision

Part 1—Revocation

1—Revocation of *Second-hand Vehicle Dealers Regulations 1995*

The *Second-hand Vehicle Dealers Regulations 1995* are revoked.

Part 2—Transitional provision

2—Use of forms prescribed under revoked regulations

A notice or form that is in a form prescribed under the *Second-hand Vehicle Dealers Regulations 1995* before the revocation of those regulations by these regulations may continue to be used for the purposes of the Act after the commencement of these regulations.

Note—

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

Made by the Governor

with the advice and consent of the Executive Council
on 26 August 2010

No 191 of 2010

10MCA0028CS

South Australia

Development (Private Bushfire Shelters) Variation Regulations 2010

under the *Development Act 1993*

Contents

Part 1—Preliminary

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 - 6 Variation of Schedule 1A—Development that does not require development consent
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 - 7 Variation of Schedule 9—Public notice categories
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Development (Private Bushfire Shelters) Variation Regulations 2010*.

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 regulation 3—Interpretation

Regulation 3(6)—after the definition of *Local Government Infrastructure Program* insert:

outbuilding does not include a private bushfire shelter;

private bushfire shelter means a building, associated with a Class 1a building under the *Building Code*, that may as a last resort provide shelter for occupants from the immediate life threatening effects of a bushfire event;

5—Variation of regulation 28—Special provisions—referrals

Regulation 28—after subregulation (6) insert:

- (7) For the purposes of subsection (2c) of section 36 of the Act, building work comprising or including the construction or installation of a private bushfire shelter must not be granted a building rules consent unless the Building Rules Assessment Commission concurs in the granting of the consent.

6—Variation of Schedule 1A—Development that does not require development consent

Schedule 1A—after clause 9 insert:

9A—Private bushfire shelters

The construction, installation or alteration of a private bushfire shelter unless any part of the private bushfire shelter is, or will be, situated—

- (a) in front of any part of the building line of the building with which it is associated that faces the primary street; or
- (b) within 900 millimetres of a boundary of the land with a secondary street (if the land has boundaries on 2 or more roads); or
- (c) within 6 metres of the intersection of 2 boundaries of the land where those boundaries both face a road, other than where a 4×4 metre corner cut-off has already been provided (and is to be preserved).

7—Variation of Schedule 9—Public notice categories

Schedule 9, clause 2—after paragraph (d) insert:

- (da) the construction, installation or alteration of a private bushfire shelter; or

Note—

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

Made by the Governor

with the advice and consent of the Executive Council
on 26 August 2010

No 192 of 2010

South Australia

Criminal Investigation (Extraterritorial Offences) Regulations 2010

under the *Criminal Investigation (Extraterritorial Offences) Act 1984*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Issue of search warrants (section 4 of Act)
- 5 Authority conferred by, and other incidents of, a search warrant (section 5 of Act)

Schedule 1—Forms

Schedule 2—Revocation of *Criminal Investigation (Extraterritorial Offences) Regulations 1986*

1—Short title

These regulations may be cited as the *Criminal Investigation (Extraterritorial Offences) Regulations 2010*.

2—Commencement

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

3—Interpretation

In these regulations—

Act means the *Criminal Investigation (Extraterritorial Offences) Act 1984*.

4—Issue of search warrants (section 4 of Act)

For the purposes of section 4 of the Act, the form of a search warrant issued by a magistrate is—

- (a) if the application for the warrant was made personally—as set out in Schedule 1 Form 1; and
- (b) if the application for the warrant was made by telephone—as set out in Schedule 1 Form 2.

5—Authority conferred by, and other incidents of, a search warrant (section 5 of Act)

For the purposes of section 5(6)(a) of the Act, the prescribed form for a notice is as set out in Schedule 1 Form 3.

Schedule 1—Forms

Form 1—Warrant—application made personally

Criminal Investigation (Extraterritorial Offences) Act 1984, section 4

WHEREAS

- 1 I, *[insert name of magistrate]*, a magistrate, have received an application made personally and verified by affidavit for a search warrant from *[insert name, rank and number of police officer]*, a police officer.
- 2 I am satisfied that there are reasonable grounds to believe that—
 - (a) an offence to which the *Criminal Investigation (Extraterritorial Offences) Act 1984* applies has been, or is intended to be, committed; and
 - (b) there is an object relevant to the investigation of that offence on the following premises: *[insert address or description of premises]*

I AUTHORISE any police officer, with such assistants as the officer thinks necessary, to enter and search the premises described above and anything on those premises.

*This warrant must not be executed between the hours of 7pm and 7am.

*This warrant may be executed between the hours of 7pm and 7am.

*This warrant may be executed during the following hours between 7pm and 7am: *[insert specified hours]*

**[Strike out whichever is inapplicable]*

This warrant will expire 1 month after its date of issue.

Date of issue:

Time of issue:

Place of issue:

Signature of magistrate issuing warrant:

Form 2—Warrant—application made by telephone

Criminal Investigation (Extraterritorial Offences) Act 1984, section 4

WHEREAS

- 1 I, *[insert name of magistrate]*, a magistrate, have received an application by telephone in accordance with section 4(5) of the Act for a search warrant from *[insert name, rank and number of police officer]*, a police officer.
- 2 I am satisfied that there are reasonable grounds to believe—
 - (a) that an offence to which the *Criminal Investigation (Extraterritorial Offences) Act 1984* applies has been, or is intended to be, committed; and
 - (b) there is an object relevant to the investigation of that offence on the following premises: *[insert address or description of premises]*
- 3 It appears to me that the following facts, furnished to me by the applicant, constitute proper grounds for the issue of a search warrant in respect of the premises described above: *[insert facts]*
- 4 I have informed the applicant of those facts and the applicant has undertaken to verify those facts.

I AUTHORISE any police officer, with such assistants as the officer thinks necessary, to enter and search the premises described above and anything on those premises.

*This warrant must not be executed between the hours of 7pm and 7am.

*This warrant may be executed between the hours of 7pm and 7am.

*This warrant may be executed during the following hours between 7pm and 7am: *[insert specified hours]*

**[Strike out whichever is inapplicable]*

This warrant will expire 1 month after its date of issue.

Date of issue:

Time of issue:

Place of issue:

Signature of magistrate issuing warrant:

Form 3—Notice of seizure of objects

Criminal Investigation (Extraterritorial Offences) Act 1984, section 5(6)(a)

NOTICE TO OCCUPIER (to be completed and signed by police officer executing search warrant):

Please note that premises occupied by you have been searched pursuant to a search warrant issued under the *Criminal Investigation (Extraterritorial Offences) Act 1984* and objects have been seized as follows:

Address or description of premises:

Description of objects or things seized:

Location(s) in which objects were found on premises:

Details of search warrant—

- Name of magistrate who issued warrant:
- Date, time and place of issue of warrant:

Name and rank of police officer:

Signature of police officer:

Date:

Schedule 2—Revocation of *Criminal Investigation (Extraterritorial Offences) Regulations 1986*

The *Criminal Investigation (Extraterritorial Offences) Regulations 1986* are revoked.

Made by the Governor

with the advice and consent of the Executive Council
on 26 August 2010

No 193 of 2010

AGO0096/10CS

South Australia

Local Government (Elections) Regulations 2010

under the *Local Government (Elections) Act 1999*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Interpretation

Part 2—Elections and polls

- 4 Declaration of eligibility
- 5 Manner in which nominations are made
- 6 Ballot papers for elections
- 7 Ballot papers for polls
- 8 Notice of use of postal voting
- 9 Issue of postal voting papers
- 10 Collation of certain information
- 11 Campaign donations return
- 12 Conduct of council during election period

Schedule 1—Prescribed forms

Schedule 2—Revocation of *Local Government (Elections) Regulations 1999*

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Local Government (Elections) Regulations 2010*.

2—Commencement

These regulations will come into operation on 27 August 2010.

3—Interpretation

- (1) In these regulations—

Act means the *Local Government (Elections) Act 1999*.

- (2) In these regulations, a reference to a form of a particular number is a reference to the form of that number set out in Schedule 1.

Part 2—Elections and polls

4—Declaration of eligibility

For the purposes of section 8(2)(b) of the Act, the prescribed form for a declaration of eligibility is set out as Form 1.

5—Manner in which nominations are made

- (1) For the purposes of section 19(1) of the Act, a form nominating a person as a candidate for election to an office of a council (being a form determined by the Electoral Commissioner) must be delivered to the returning officer before the close of nominations.
- (2) For the purposes of section 19(2)(b) of the Act, the following requirements are prescribed with respect to a profile:
 - (a) the profile must be in typed or printed form;
 - (b) the profile must not exceed 150 words;
 - (c) the profile must be accurate and must not—
 - (i) be misleading; or
 - (ii) contain offensive or obscene material; or
 - (iii) refer to another person who has nominated as a candidate for election to the council (whether at the same election or any other election to be held on the same day) without the written consent of that person; or
 - (iv) comment on decisions or actions that have been made or taken by the council or on the decisions or actions of past or present members of the council;
 - (d) the profile must contain contact details of the candidate being—
 - (i) an address (not being a post office box); or
 - (ii) an email address; or
 - (iii) a telephone number.
- (3) If—
 - (a) a profile submitted with a nomination form exceeds 150 words; and
 - (b) the candidate has not reduced the size of the profile to 150 words or less by the close of nominations,the returning officer will exclude from the profile all words appearing after the 150th word (other than the contact details provided under subregulation (2)(d)).
- (4) The profile must (in accordance with section 19(2)(c) of the Act) be accompanied by a statement declaring that the candidate is responsible for the content of the profile and such statement must be signed and dated by the candidate.
- (5) The returning officer is not responsible for checking the accuracy of any information included in a profile and the returning officer bears no liability with respect to the publication of a profile under the Act and these regulations.
- (6) A written consent required under subregulation (2)(c)(iii) must be lodged with the profile.
- (7) Nothing in subregulation (2)(c) prevents a profile including declarations of public policy or promises of public action.

- (8) For the purposes of section 19(3) of the Act, the following requirements are prescribed with respect to a photograph provided with a profile:
- (a) unless otherwise approved by the returning officer, the photograph must be the same size as an Australian passport photograph;
 - (b) the photograph must only (or predominantly) show the head and shoulders of the candidate;
 - (c) the photograph must have been taken within the preceding period of 12 months;
 - (d) the photograph must bear on its back an endorsement by the candidate to the effect that the photograph is a photograph of the candidate that has been taken within the preceding 12 months.

6—Ballot papers for elections

Pursuant to section 29(5) of the Act, a ballot paper for an election—

- (a) must be in a form determined by the Electoral Commissioner; and
- (b) must—
 - (i) identify the council, and the election to which it relates; and
 - (ii) include directions to voters as to how to record a valid vote.

7—Ballot papers for polls

- (1) Pursuant to section 33(3) of the Act, a ballot paper for a poll must contain—
- (a) a statement of the proposition being submitted to electors at the poll; and
 - (b) 2 squares—
 - (i) 1 clearly indicated as the square to be marked by a person who is in favour of the proposition being submitted to electors at the poll; and
 - (ii) 1 clearly indicated as the square to be marked by a person who is against the proposition being submitted to electors at the poll.
- (2) The statement under subregulation (1)(a) will be determined by the relevant council after consultation with the returning officer.

8—Notice of use of postal voting

- (1) For the purposes of section 38 of the Act, information to the following effect is prescribed:
- (a) that the specified election or poll will be conducted entirely by means of postal voting and that no polling booth will be open for voting on polling day;
 - (b) that voting papers will be issued by post to every natural person, body corporate and group who or which has his, her or its name on the voters roll to be used for the purposes of the election or poll or, at the discretion of the returning officer, by personal delivery to potential voters at certain locations;
 - (c) that the voting papers being issued by post should be delivered to natural persons, bodies corporate and groups on the voters roll not later than a date specified by the returning officer¹;
 - (d) that a person who does not receive voting papers but who believes that he or she is entitled to exercise a vote at the election or poll may take specified steps to apply for voting papers.

- (2) A notice under section 38 of the Act may include other information which may, in the opinion of the returning officer, assist prospective voters to understand the postal voting system and processes under the Act and to participate in the election or poll.

Note—

- 1 This date must be consistent with section 39(1) of the Act.

9—Issue of postal voting papers

- (1) Pursuant to section 39(3) of the Act, envelopes used under section 39(1) for ballot papers sent by post must have an extension to a flap on the back of the envelope that bears the name and address of—
- (a) the natural person to whom the voting papers are issued; or
 - (b) in the case of papers issued to a body corporate or group—the designated person for the body corporate or group.
- (2) For the purposes of section 39(6) of the Act, an explanatory notice will be prepared by the returning officer and must outline the steps which a voter must follow in order to comply with the requirements of section 40 of the Act.

10—Collation of certain information

For the purposes of section 51(1a) of the Act, a return must show, in relation to the relevant election—

- (a) the number of ballot papers printed for the election; and
- (b) the number of ballot papers issued on the basis of names on the voters roll; and
- (c) the number of ballot papers issued on the basis of names declared to have been omitted in error from the voters roll; and
- (d) the number of ballot papers replaced due to the re-issue of voting papers; and
- (e) the number of declaration envelopes accepted at the count; and
- (f) the number of declaration envelopes rejected at the count; and
- (g) the number of declaration envelopes returned because they have not been able to be effectively delivered; and
- (h) the number of ballot papers removed from envelopes accepted at the count; and
- (i) the number of ballot papers included in the count; and
- (j) the number of ballot papers rejected as informal.

11—Campaign donations return

For the purposes of section 80(2) of the Act, the prescribed form for a campaign donations return is set out as Form 2.

12—Conduct of council during election period

- (1) For the purposes of section 91A of the Act, the following kinds of decisions are excluded from the definition of *designated decision*:
- (a) a decision of a kind referred to in paragraph (c) of the definition if the decision—
 - (i) relates to the carrying out of works in response to an emergency or disaster within the meaning of the *Emergency Management Act 2004*, or under section 298 of the *Local Government Act 1999*; or

- (ii) is an expenditure or other decision required to be taken under an agreement by which funding is provided to the council by the Commonwealth or State Government or otherwise for the council to be eligible for funding from the Commonwealth or State Government; or
 - (iii) relates to the employment of a particular council employee (other than the chief executive officer); or
 - (iv) is made in the conduct of negotiations relating to the employment of council employees generally, or a class of council employees, if provision has been made for funds relating to such negotiations in the budget of the council for the relevant financial year and the negotiations commenced prior to the election period; or
 - (v) relates to a Community Wastewater Management Systems scheme that has, prior to the election period, been approved by the council;
- (b) a decision of a kind referred to in paragraph (a) of the definition if the decision is for the suspension of a chief executive officer for serious and wilful misconduct.

(2) In this regulation—

election period has the same meaning as in section 91A of the Act.

Schedule 1—Prescribed forms

Form 1—Declaration of eligibility

Name of declarant:

Address:

Office:

Council:

Area/ward:

I declare that I would, if an election were held for the office set out above, be eligible to stand as a candidate for election to the office.

Signature:

Date:

Form 2—Campaign donations return

Name of candidate:

Disclosure period to which the return relates (section 81(3)(a)):

I declare that during the disclosure period:

[Tick 1 box]

- no gifts of a kind required to be disclosed were received by me
- gifts of a kind required to be disclosed were received by me

Total amount/value of all gifts received during disclosure period (section 81(1)(a)):

Number of persons who made those gifts (section 81(1)(b)):

Details of each gift are provided in the following table:

Amount or value of each gift	Name and address of each donor	Date on which gift made

Signature:

Date:

Schedule 2—Revocation of *Local Government (Elections) Regulations 1999*

The *Local Government (Elections) Regulations 1999* are revoked.

Note—

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

Made by the Governor

after consultation with the Local Government Association in accordance with section 93(3) of the Act and with the advice and consent of the Executive Council
on 26 August 2010

No 194 of 2010

10MLG0001CS

South Australia

City of Adelaide (Elections and Polls) Regulations 2010

under the *City of Adelaide Act 1998*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Application for enrolment
- 5 Issue of postal voting papers
- 6 Campaign donations and expenditure

Schedule 1—Prescribed forms

Schedule 2—Revocation of *City of Adelaide (Elections and Polls) Regulations 1998*

1—Short title

These regulations may be cited as the *City of Adelaide (Elections and Polls) Regulations 2010*.

2—Commencement

These regulations will come into operation on 27 August 2010.

3—Interpretation

- (1) In these regulations—
Act means the *City of Adelaide Act 1998*.
- (2) In these regulations, a reference to a form of a particular number is a reference to the form of that number set out in Schedule 1.

4—Application for enrolment

For the purposes of clause 2 of Schedule 1 of the Act, the prescribed application is set out as Form 1.

5—Issue of postal voting papers

- (1) Pursuant to clause 18(3) of Schedule 1 of the Act, envelopes used under clause 18(1) of Schedule 1 for ballot papers sent by post must have an extension to a flap on the back of the envelope that bears the name and address of the natural person, body corporate or group to whom the voting papers are issued.

- (2) For the purposes of clause 18(3) of Schedule 1 of the Act, an explanatory notice will be prepared by the returning officer and must outline the steps which a voter must follow in order to comply with the requirements of section 40 of the *Local Government (Elections) Act 1999*.

6—Campaign donations and expenditure

For the purposes of clause 23 of Schedule 1 of the Act—

- (a) the prescribed form for a campaign donations return is set out as Form 2; and
 (b) the prescribed form for a campaign expenditure return is set out as Form 3.

Schedule 1—Prescribed forms

Form 1—Application for enrolment

Name:

Place of residence:

Date of birth:

Council:

Area/ward:

I have been resident at the residence set out above for a continuous period of at least 1 month immediately preceding the date of the application.

[Tick box if the above statement is accurate]

Signature:

Date:

Form 2—Campaign donations return

Name of candidate:

Disclosure period to which the return relates (clause 24(3)(a)):

I declare that during the disclosure period:

[Tick 1 box]

no gifts of a kind required to be disclosed were received by me

gifts of a kind required to be disclosed were received by me

Total amount/value of all gifts received during disclosure period (clause 24(1)(a)):

Number of persons who made those gifts (clause 24(1)(b)):

Details of each gift are provided in the following table:

Amount or value of each gift	Name and address of each donor	Date on which gift made

Signature:

Date:

Form 3—Campaign expenditure return

Name of candidate:

Date of election to which the return relates:

I declare that the total amount of campaign expenditure incurred by me or with my authority:

[Tick 1 box] did not exceed \$500 exceeds \$500

Details of expenditure on election are provided in the following table:

Item of expenditure	Supplier or provider of service	Amount

Signature:

Date:

Schedule 2—Revocation of *City of Adelaide (Elections and Polls) Regulations 1998*The *City of Adelaide (Elections and Polls) Regulations 1998* are revoked.**Note—**

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

Made by the Governor

with the advice and consent of the Executive Council
on 26 August 2010

No 195 of 2010

10MLG0001CS

South Australia

Land and Business (Sale and Conveyancing) Regulations 2010

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

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Interpretation

Part 2—Contracts for sale of land or businesses

- 4 Forms
- 5 Qualified accountant
- 6 Cooling-off—form of certificate of legal practitioner as to independent advice
- 7 Sale of land—instalment agreements
- 8 Sale of land—form of vendor's statement
- 9 Sale of land—particulars required, prescribed encumbrances and prescribed matters
- 10 Sale of small business—form of vendor's statement
- 11 Sale of small business—prescribed particulars
- 12 Sale of small business—form of accountant's certificate
- 13 Sale of land—prescribed inquiries
- 14 Sale of land—form of agent's certificate
- 15 Auctioneer to make statements available
- 16 Sale of land—provision of information etc by councils, statutory authorities and prescribed bodies
- 17 Prescribed notice to be given to purchaser
- 18 Defences
- 19 Authority to act as agent
- 20 Requirements relating to offers to purchase residential land
- 21 Financial and investment advice
- 22 Agent to disclose certain benefits connected with sale or purchase
- 23 Agent to supply valuation in prescribed circumstances
- 24 Agent not to act for both purchaser and vendor of land or business
- 25 Restriction on obtaining beneficial interest where agent authorised to sell or appraises property
- 26 Prescribed standard conditions for auctions of residential land
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- 28 Collusive practices at auctions of land or businesses

Part 3—Dual representation

- 29 Circumstances in which conveyancer may act for both parties
- 30 Conveyancer must cease to act if conflict of interest arises
- 31 Meaning of conflict of interest

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

Schedule 2—Prescribed notice to be given to purchaser

Schedule 3—Contracts for sale of land or businesses—inquiries

Schedule 4—Financial and investment advice—specified information and warnings

Schedule 5—Disclosure of benefits

Schedule 6—Prescribed standard conditions for auctions of residential land

Schedule 7—Collusive practices at auctions of land or businesses

Schedule 8—Contracts for sale of land or businesses—fees

Schedule 9—Dual representation—forms

Schedule 10—Related variation, revocation and transitional provisions

Part 1—Preliminary

1 Variation provisions

Part 2—Variation of *Land and Business (Sale and Conveyancing) (Site Contamination) Variation Regulations 2009 (Gazette 23.07.2009 p3351)*

2 Variation of regulation 7—Variation of Schedule 1—Contracts for sale of land or businesses—forms

Part 3—Variation of *Land and Business (Sale and Conveyancing) (Site Contamination) Variation Regulations 2009 (Gazette 23.07.2009 p3351)*

3 Variation of regulation 2—Commencement

4 Revocation of Part 4

5 Variation of Schedule 1—Transitional provisions

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

6 Revocation of regulations

Part 5—Transitional provisions

7 Interpretation

8 Vendor's statement prepared before commencement of regulations

9 Use of old form of vendor's statement after commencement of regulations

10 Use of old notices, etc, after commencement of regulations

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Land and Business (Sale and Conveyancing) Regulations 2010*.

2—Commencement

- (1) Subject to this regulation, these regulations come into operation on the day on which they are made.
- (2) Schedule 10 Part 3 will come into operation on the day after these regulations are made.
- (3) Regulations 3 to 32 (inclusive), Schedules 1 to 9 (inclusive) and Schedule 10 Parts 4 and 5 will come into operation on 31 August 2010.

3—Interpretation

- (1) In these regulations, unless the contrary intention appears—

acquired a relevant interest in the land has the same meaning as in section 7 of the Act; *Act* means the *Land and Business (Sale and Conveyancing) Act 1994*;

council, in relation to land being sold, means the council in whose area the land is situated;

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;

Crown lease means a leasehold interest granted by the Crown under an Act;

domestic partner means a person who is a domestic partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

prescribed body means a body prescribed for the purposes of section 12(2) of the Act (see regulation 16);

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.
- (2) In these regulations, a reference to a form of a particular number is a reference to the form of that number set out in Schedule 1.
- (3) In these regulations, a reference to the type size of printed or typewritten material is to be taken to be a reference to that type size when produced in Times New Roman font.

Part 2—Contracts for sale of land or businesses

4—Forms

A form set out in Schedule 1 must be completed in accordance with the instructions contained in the form and, if a form indicates that a particular document is to be attached to the form, that document must be so attached.

5—Qualified accountant

For the purposes of paragraph (a) of the definition of *qualified accountant* in section 3 of the Act, the required qualification in accounting is membership of—

- (a) CPA Australia; or
- (b) the Institute of Chartered Accountants in Australia; or
- (c) the National Institute of Accountants; or
- (d) the Association of Taxation and Management Accountants; or
- (e) the National Tax and Accountants' Association Limited as a Fellow.

6—Cooling-off—form of certificate of legal practitioner as to independent advice

For the purposes of section 5(7)(b) of the Act, the form of certificate set out in Part A of Form 3 is approved for use by a legal practitioner certifying as to the giving of independent legal advice to a purchaser before the purchaser enters into a contract for the sale of land or a small business.

7—Sale of land—instalment agreements

Pursuant to subsection (4)(b) of section 6 of the Act, that section does not apply in relation to a contract for the sale of land by the Minister for Infrastructure, or by the Land Management Corporation with respect to sale deferred purchase arrangements under the Industrial and Commercial Premises Scheme.

8—Sale of land—form of vendor's statement

For the purposes of section 7(1) of the Act, a statement is in the required form if it comprises—

- (a) Parts A, B and C of Form 1; and
- (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
- (d) if the vendor acquired a relevant interest in the land within 12 months before the date of the contract of sale—that part of Division 2 of the Schedule of Form 1 headed "Particulars of transactions in last 12 months"; and
- (e) such other parts of Division 2 of the Schedule of Form 1 as contain the matters that affect, presently or prospectively, title to, or the possession or enjoyment of, the land subject to the sale; 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.

9—Sale of land—particulars required, prescribed encumbrances and prescribed matters

For the purposes of section 7(1)(b) of the Act—

- (a) the particulars required to be set out in the vendor's statement are the particulars required by the Schedule of Form 1;
- (b) the encumbrances specified in Division 1 of the Schedule of Form 1 are prescribed encumbrances;
- (c) the matters specified in Division 2 of the Schedule of Form 1 are prescribed matters to the extent that they affect, presently or prospectively, title to, or the possession or enjoyment of, the land subject to the sale.

10—Sale of small business—form of vendor's statement

For the purposes of section 8(1) of the Act, a statement is in the required form if it comprises—

- (a) Parts A, B, C and D of Form 2; and
- (b) Schedule 1 of Form 2; and
- (c) if land is sold under a contract for the sale of a small business—
 - (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
 - (iii) if the vendor acquired a relevant interest in the land within 12 months before the date of the contract of sale—that part of Form 2 Schedule 2 Division 2 headed "Particulars of transactions in last 12 months"; and
 - (iv) such other parts of Form 2 Schedule 2 Division 2 as contain the matters that affect, presently or prospectively, title to, or the possession or enjoyment of, the land subject to the sale; and
 - (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
- (d) if the matters set out under the heading "Particulars relating to environment protection" or the heading "Particulars relating to *Livestock Act 1997*" in Form 2 Schedule 2 Division 2 affect, presently or prospectively, the business subject to the sale—the parts of that Division that contain those matters.

11—Sale of small business—prescribed particulars

For the purposes of section 8(1)(b) of the Act, the prescribed particulars are—

- (a) the particulars set out in Form 2 Schedule 1; and
- (b) the particulars set out in Form 2 Schedule 2 Division 2 under the headings "Particulars relating to environment protection" and "Particulars relating to *Livestock Act 1997*" to the extent that the matters set out under those headings affect, presently or prospectively, the business the subject of the sale.

12—Sale of small business—form of accountant's certificate

For the purposes of section 8(2) of the Act, the certificate to be signed by or on behalf of a qualified accountant must be in the form set out in Part D of Form 2.

13—Sale of land—prescribed inquiries

- (1) For the purposes of section 9(1)(a) and (2)(a) of the Act, the following inquiries in relation to land subject to a sale are prescribed:
 - (a) to inquire of the vendor as to what mortgages, charges, prescribed encumbrances and prescribed matters affect, presently or prospectively, title to, or the possession or enjoyment of, the land; and
 - (b) to search any title kept at the Lands Titles Registration Office on which is entered any interest that affects, presently or prospectively, title to, or the possession or enjoyment of, the land and to obtain particulars of any such interest; and
 - (c) to request the vendor to produce any document in the possession of the vendor relating to any mortgage, charge or prescribed encumbrance to which the land is subject, or relating to any prescribed matter that affects, presently or prospectively, title to, or the possession or enjoyment of, the land and to inspect any document so produced; and
 - (d) if a document referred to in paragraph (c) is no longer in the possession of the vendor, to take all practicable measures to inspect the original or a copy of such a document; and
 - (e) to inquire from the vendor and the council as to the existence of insurance under Division 3 of Part 5 of the *Building Work Contractors Act 1995* (or the repealed *Builders Licensing Act 1986*) in relation to any building work on the land; and
 - (f) to inquire—
 - (i) in relation to a charge or prescribed encumbrance specified in column 1 of table 1 in Schedule 3, 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 3, 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
 - (g) to seek, from the vendor and the bodies specified in column 2 of the tables set out in Schedule 3, the particulars and documentary material required by the relevant part of the prescribed form of all mortgages, charges, prescribed encumbrances and prescribed matters in relation to which inquiries are made in accordance with paragraphs (a), (e) and (f); and
 - (h) if a community lot (including a strata lot) or a development lot under the *Community Titles Act 1996* or a unit under the *Strata Titles Act 1988* is being sold, to seek from the vendor and the community or strata corporation (or, where specified, the Lands Titles Registration Office) the particulars and documentary material required by the relevant part of the prescribed form in relation to the lot or unit.

- (2) In subregulation (1) a reference to the relevant part of the prescribed form is a reference to—
- (a) in the case of the sale of land not under a contract for the sale of a business—the Schedule of Form 1;
 - (b) in the case of the sale of land under a contract for the sale of a small business—Schedule 2 of Form 2.

14—Sale of land—form of agent's certificate

For the purposes of section 9(1)(b) and (2)(b) of the Act, the certificate signed by the agent must—

- (a) if land is being sold but not under a contract for the sale of a business—be in the form set out in Part D of Form 1;
- (b) if land is being sold under a contract for the sale of a small business—be in the form set out in Part E of Form 2.

15—Auctioneer to make statements available

For the purposes of section 11(b) of the Act, an auctioneer must cause public advertisement of the times and places at which a vendor's statement may be inspected to be included (in the form set out in Form 4)—

- (a) in each public notice of the sale of the land or small business; or
- (b) if the sale is notified in a newspaper, magazine or other publication, to be displayed prominently, in the advertisement or block of advertisements containing the notice of the sale.

16—Sale of land—provision of information etc by councils, statutory authorities and prescribed bodies

- (1) For the purposes of section 12(1), (2) and (3) of the Act, a council, statutory authority or prescribed body must provide such particulars and documentary material as regulation 13 requires to be sought from that body.
- (2) For the purposes of section 12(2) of the Act, an administrative unit of the Public Service is a prescribed body.
- (3) For the purposes of section 12(3) of the Act, an application must be accompanied by—
 - (a) the appropriate fee set out in Schedule 8; and
 - (b) the following documents:
 - (i) in the case of an application relating to land in respect of which a certificate of title has been issued under the *Real Property Act 1886*—a copy of the original certificate of title or duplicate certificate of title;
 - (ii) in the case of an application relating to land subject to a lease granted by the Crown under an Act—a copy of the lease;
 - (iii) in any other case—a copy of a document of title that sufficiently identifies the land in relation to which the application is made.

17—Prescribed notice to be given to purchaser

For the purposes of section 13A of the Act, the prescribed notice must be printed or typewritten in not smaller than 12-point type and in the form, and contain the information, set out in Schedule 2.

18—Defences

For the purposes of section 16 of the Act—

- (a) the persons and bodies to which inquiries to obtain information are required to be made are as follows:
 - (i) for information relating to a mortgage, charge or prescribed encumbrance specified in column 1 of table 1 set out in Schedule 3—the persons and bodies specified in column 2 opposite;
 - (ii) for information relating to a matter specified in column 1 of table 2 set out in Schedule 3—the persons and bodies specified in column 2 opposite;
 - (iii) for information relating to a community lot (including a strata lot), a development lot or a community corporation under the *Community Titles Act 1996* or a unit or strata corporation under the *Strata Titles Act 1988*—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);
- (b) the certificate signed by the legal practitioner must be in the form set out in Part A of Form 3;
- (c) the instrument of waiver signed by the purchaser must be in the form set out in Part B of Form 3.

19—Authority to act as agent

- (1) For the purposes of section 20(1)(c)(ii) of the Act, the prescribed number of days is 90.
- (2) For the purposes of section 20(1)(e) of the Act, a sales agency agreement must comply with the following:
 - (a) the agreement must be printed or typewritten in not smaller than 12-point type, however, variations to the sales agency agreement may be handwritten provided they are legible;
 - (b) the agreement must specify—
 - (i) the land that is the subject of the agreement (whether by street address or description sufficient to identify the land); and
 - (ii) the full names of the vendor and agent; and
 - (iii) the agent's registration number; and
 - (iv) the chattels that are included in or excluded from sale; and
 - (v) details of the circumstances in which the agent will be entitled to receive commission or fees for the sale of the land, including circumstances in which the sale may not be attributable to the agent, or may not be directly or completely attributable to the agent;

- (c) the agreement must contain a term by which the agent warrants that the agent will comply with all the agent's obligations under the Act and these regulations and will act in the vendor's best interests.
- (3) Auctioneers are exempt from the requirements of section 20(1) and (3) of the Act insofar as they act on behalf of a vendor or purchaser in the sale of land or a business only by performing the functions of an auctioneer, including having or exercising an auctioneer's authority to sign a contract for the sale of land or a business on behalf of the vendor or purchaser after the fall of the hammer to the highest bidder at an auction.
- (4) An agent is exempt from the requirements of section 20(1) and (3) of the Act insofar as the agent acts, in the sale of land or a business, on behalf of—
 - (a) the South Australian Housing Trust; or
 - (b) the Public Trustee.
- (5) An agent is exempt from the requirement of section 20(1)(c)(ii) of the Act to specify the duration of a sales agency agreement insofar as—
 - (a) the agent acts, in the sale of the land that is the subject of the agreement, on behalf of a vendor who carries on the business of a developer of land; and
 - (b) the land or part of the land has been subdivided by the vendor.

20—Requirements relating to offers to purchase residential land

For the purposes of section 21(1)(a) and (2)(a) of the Act, an offer for residential land must contain the following details:

- (a) the offer must, if it is in the form of a contract of sale document, include the following statement at the head of the document printed or typewritten in not smaller than 12-point bold type:

Notice to purchaser:

This is a contract for the sale of residential land. You may be bound by the terms of this contract if it is signed by both you and the vendor. You should seek independent legal advice if you are unsure about the terms contained in this contract. Contracts for the sale of land may be subject to a 2 day cooling-off period (exercisable by the purchaser) under section 5 of the *Land and Business (Sale and Conveyancing) Act 1994*;

- (b) the offer must, in any other case—
 - (i) be headed "NOTICE OF OFFER TO PURCHASE RESIDENTIAL LAND" printed or typewritten in upper case type not smaller than 14-point followed by the following statement printed or typewritten in not smaller than 12-point bold type:

Note:

This is not a contract of sale document. Both the purchaser and vendor must sign a contract of sale document before this offer becomes legally binding. An offer may be withdrawn at any time before signing a contract of sale document. Contracts of sale may also be subject to a 2 day cooling-off period (exercisable by the purchaser) under section 5 of the *Land and Business (Sale and Conveyancing) Act 1994*; and
 - (ii) include the following details, printed or typewritten in not smaller than 12-point type:
 - (A) the full name of the offeror;

- (B) the land that is the subject of the offer (whether by street address or description sufficient to identify the land);
- (C) the amount of the offer;
- (D) any conditions to which the offer is subject (for example, finance, sale of another property or satisfactory building or land inspection report);
- (E) the proposed date of settlement or length of time between the signing of the contract of sale and settlement.

21—Financial and investment advice

For the purposes of section 24B of the Act, the specified information or warnings to be given to a person in respect of financial or investment advice must be in the form set out in Schedule 4 printed or typewritten in not smaller than 12-point type.

22—Agent to disclose certain benefits connected with sale or purchase

For the purposes of section 24C(2) of the Act, the disclosure must be in the form set out in Schedule 5 printed or typewritten in not smaller than 12-point type.

23—Agent to supply valuation in prescribed circumstances

- (1) For the purposes of section 24E of the Act, the prescribed circumstances in relation to the sale of land by an agent are circumstances in which—
 - (a) the agent or a sales representative or another person employed by the agent has made unsolicited contact (other than by advertisement or mail) with the owner of the land; and
 - (b) as a result of that contact, the agent has been authorised to sell the land on behalf of the owner; and
 - (c) negotiations by the agent or sales representative for the sale of the land commence or are to commence with any person without prior advertising of the land by the agent for sale to the public.
- (2) An application for the approval of the Commissioner under section 24E(1) of the Act must be made to the Commissioner in the form approved by the Commissioner.

24—Agent not to act for both purchaser and vendor of land or business

Auctioneers are exempt from the application of section 24F of the Act insofar as they act on behalf of both a vendor and purchaser in the sale of land or a business only by performing the functions of an auctioneer, including having or exercising an auctioneer's authority to sign a contract for the sale of land or a business on behalf of the vendor or purchaser after the fall of the hammer to the highest bidder at an auction.

25—Restriction on obtaining beneficial interest where agent authorised to sell or appraises property

- (1) For the purposes of section 24G(5) of the Act—
 - (a) the Commissioner may approve the obtaining by the agent or sales representative of a beneficial interest in the land or business on application by the agent or sales representative to the Commissioner in the form approved by the Commissioner; and

- (b) the Commissioner may require the applicant to provide the Commissioner with specified information to enable the Commissioner to determine the application, verified, if the Commissioner so requires, by statutory declaration; and
 - (c) the Commissioner may refuse the application—
 - (i) if the applicant has not provided the information required by the application or the Commissioner; or
 - (ii) if, in the opinion of the Commissioner—
 - (A) the information provided by the applicant is inaccurate, incomplete or calculated to mislead; or
 - (B) the agent or sales representative is not acting in the best interests of the vendor; or
 - (C) the vendor is likely to suffer detriment as a result of the transaction; or
 - (iii) if, in the case of an application relating to the obtaining by an agent or sales representative of a beneficial interest in land, the agent or sales representative has not—
 - (A) arranged a formal written valuation of the land, at the agent's or sales representative's own expense, by a person authorised to carry on business as a land valuer under the *Land Valuers Act 1994* and approved by the Commissioner; and
 - (B) furnished the vendor with a copy of the land valuer's report.
- (2) For the purposes of paragraph (e) of the definition of *associate* in section 24G(11) of the Act, a relationship between the agent or sales representative and a person is prescribed if the agent or sales representative will, to the knowledge of the agent or sales representative, receive a benefit from the other person in connection with a transaction or dealing relating to the land or business subsequent to the agent or sales representative successfully negotiating the sale of the land or business for the vendor.
- (3) An agent is exempt from the requirements of section 24G(1) and (9) of the Act in relation to the obtaining of a beneficial interest in land or a business that the agent is authorised to sell if—
- (a) the beneficial interest is obtained as a result of the sale of the land or business; and
 - (b) the sale is by public auction that satisfies the requirements of subregulation (7).
- (4) A sales representative employed by an agent is exempt from the requirements of section 24G(2) of the Act in relation to the obtaining of a beneficial interest in land or a business that the agent is authorised to sell if—
- (a) the beneficial interest is obtained as a result of the sale of the land or business; and
 - (b) the sale is by public auction that satisfies the requirements of subregulation (7).
- (5) An agent is exempt from the requirements of section 24G(3) of the Act in relation to the obtaining of a beneficial interest in land or a business that the agent appraises if—
- (a) the beneficial interest is obtained as a result of the sale of the land or business following the appraisal; and

- (b) the sale is by public auction that satisfies the requirements of subregulation (7).
- (6) A sales representative is exempt from the requirements of section 24G(3) of the Act in relation to the obtaining of a beneficial interest in land or a business that the sales representative appraises if—
 - (a) the beneficial interest is obtained as a result of the sale of the land or business following the appraisal; and
 - (b) the sale is by public auction that satisfies the requirements of subregulation (7).
- (7) A public auction of land or a business satisfies the requirements of this subregulation if details of the auction have been advertised, at least once per week over a period of at least 2 consecutive weeks immediately before the auction, in a newspaper circulating generally throughout the State or the area in which the land or business is situated.

26—Prescribed standard conditions for auctions of residential land

For the purposes of section 24I of the Act, the conditions set out in Schedule 6 are prescribed standard conditions for an auction conducted by an agent for the sale of residential land, binding as between—

- (a) the vendor and the purchaser; and
- (b) the vendor and the auctioneer; and
- (c) the bidders and the auctioneer.

27—Preliminary actions and records required for auctions of residential land

- (1) For the purposes of section 24J(1)(b) of the Act, all prescribed standard conditions for an auction conducted by an agent for the sale of residential land must be audibly announced by the auctioneer to the members of the public attending the auction immediately before the commencement of the auction.
- (2) For the purposes of section 24J(1)(c), (e) and (j) of the Act—
 - (a) the following details relating to an auction must be included in the auction record before the commencement of the auction:
 - (i) the street address of the land or a description of the land sufficient to identify it;
 - (ii) the full name of the vendor, the responsible agent and the auctioneer;
 - (iii) the date and time of the auction;
 - (iv) for the bidders register—
 - (A) the full name and address of each person intending to bid at the auction (subject to the requirements of paragraph (c)); and
 - (B) a general description of the proof of identity produced by the person in accordance with paragraph (c) and the signature of the agent verifying that the agent has sighted it; and
 - (C) if the intending bidder is proposing to bid on behalf of another person, the full name and address of the other person and a statement that the intending bidder is proposing to bid on behalf of that person;
 - (b) the following details relating to bidding or subsequent events must be entered in the auction record:

- (i) for the bidders register if the auction is interrupted in order to register a further person as an intending bidder in the register—
 - (A) the full name and address of the person (subject to the requirements of paragraph (c)); and
 - (B) a general description of the proof of identity produced by the person in accordance with paragraph (c) and the signature of the agent verifying that the agent has sighted it; and
 - (C) if the intending bidder is proposing to bid on behalf of another person, the full name and address of the other person and a statement that the intending bidder is proposing to bid on behalf of that person;
- (ii) if the land is sold at the auction—
 - (A) the full name and address of the purchaser; and
 - (B) the amount for which the land was sold;
- (iii) if the land is passed in at the auction but the auctioneer, on the same day, conducts further negotiations for the sale of the land with a person by whom, or on whose behalf, a bid for the land was made at the auction (whether or not resulting in a sale)—
 - (A) the full name and address of that person; and
 - (B) the amounts offered by that person for the land during those negotiations; and
 - (C) in the case of a resulting sale of the land on that day to that person—the amount for which the land was sold;
- (c) details of an intending bidder must not be entered in the bidders register unless—
 - (i) the intending bidder has produced to the agent proof of his or her identity in the form of a drivers licence, passport, credit or debit card or gas, electricity or telephone account or similar document or card issued to the person; and
 - (ii) if the intending bidder is proposing to bid on behalf of another person, the bidder has—
 - (A) provided to the agent a written authority to so act signed by the other person; and
 - (B) produced to the agent proof of the other person's identity in the form of a drivers licence, passport, credit or debit card or gas, electricity or telephone account or similar document or card issued to the other person, or, in the case of a body corporate, the certificate of the body's incorporation.
- (3) For the purposes of subregulation (2)(c)(ii), an authority or proof of identity may be an original document or a photocopy, facsimile copy or electronically scanned copy of the original document.
- (4) There are exemptions from the application of section 24J(3) of the Act as follows:
 - (a) the responsible agent or, if a different person, the auctioneer is exempt insofar as the agent or auctioneer—

- (i) discloses or makes use of information in the auction record relating to a person accepted by the auctioneer as having made the highest bid above the reserve price for a purpose connected with the auction or sale of the land on behalf of the vendor; or
 - (ii) discloses to the vendor the name of a person registered in the bidders register (whether as a bidder or a person on whose behalf bids may be made); or
 - (iii) discloses or makes use of information in the auction record as permitted by section 24J(3) of the Act;
- (b) the vendor is exempt insofar as the vendor discloses or makes use of information in the auction record disclosed to the vendor under this regulation;
- (c) a person who has the auction record or has had access to it is exempt insofar as the person does anything with respect to the record, or information in it, for the purposes of the administration or enforcement of the Act or as required or authorised by a court or tribunal constituted by law.

28—Collusive practices at auctions of land or businesses

For the purposes of section 24L(3) of the Act, notice of the material parts of that section—

- (a) must, in the case of the sale of residential land by auction—
 - (i) include the information set out in the form in Schedule 7 printed or typewritten in not smaller than 12-point type; and
 - (ii) be supplied to each intending bidder when the person's details are being taken for entry in the bidders register; and
- (b) must, in the case of the sale by auction of any other land or a business—
 - (i) include the information set out in the form in Schedule 7; and
 - (ii) be audibly announced by the auctioneer to the members of the public attending the auction immediately before the auction commences.

Part 3—Dual representation

29—Circumstances in which conveyancer may act for both parties

- (1) For the purposes of section 30 of the Act, a conveyancer is authorised to act for both the transferor and transferee, or the grantor and grantee, of property or rights under a transaction if—
- (a) the transferor and transferee or the grantor and grantee (in this Part referred to as *both parties*)—
 - (i) are related to one another by blood, adoption or marriage; or
 - (ii) are domestic partners one of the other; or
 - (iii) are bodies corporate that are related to each other for the purposes of the *Corporations Act 2001* of the Commonwealth; or
 - (iv) are a proprietary company and a person who is a shareholder or director of that company; or
 - (v) are registered as the proprietors of the relevant land as tenants in common or joint tenants with one another; or

- (vi) carry on business in partnership with each other; or
 - (b) the conveyancer has obtained from both parties a written acknowledgment, or general authority, in the form set out in Schedule 9.
- (2) However, a conveyancer is not authorised to act for both parties to a transaction if the conveyancer is subject to a conflict of interest in relation to the transaction.

30—Conveyancer must cease to act if conflict of interest arises

- (1) If, in the course of acting for both parties to a transaction, the conveyancer becomes subject to a conflict of interest in relation to the transaction, the conveyancer must notify both parties in writing and cease to act in the matter.
- Maximum penalty: \$5 000.
- (2) However, if both parties agree in writing that the conveyancer may continue to act for one of them, the conveyancer may continue to act for that party.

31—Meaning of conflict of interest

For the purposes of this Part, a conveyancer is subject to a conflict of interest in relation to a transaction if—

- (a) the duties owed by the conveyancer to one party to the transaction conflict with the duties owed by the conveyancer to the other party to the transaction (for example, if the conveyancer is obliged, in fulfilling his or her duty to one party, to withhold information or advice from the other party that, by reason of the conveyancer's duty to that other party, he or she should not withhold); or
- (b) the conveyancer has a personal or pecuniary interest in the transaction arising otherwise than from the conveyancer's services as a conveyancer in respect of the transaction.

Part 4—Miscellaneous

32—Keeping of records

For the purposes of section 37A(2) of the Act, if a person who is required to keep a document or record under Part 4 or 4A of the Act uses a computer program for the purpose, the person must ensure that—

- (a) an electronic copy of the document or record is made within 24 hours of the making, receipt or variation of the document or record; and
- (b) an electronic copy of all the documents and records is made at least once in each month and kept so as to be protected against deterioration, loss, theft and unauthorised access, modification or use; and
- (c) before any information is deleted from the computer records, a hard copy of the information is made and kept by the person as part of the person's records; and
- (d) an up-to-date electronic copy of the computer program is made and kept so as to be protected against deterioration, loss, theft and unauthorised access, modification or use.

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 Prescribed encumbrance	Column 2 Is the encumbrance to be discharged or satisfied prior to or at settlement?	Column 3 Other particulars required
Part 1—Items that must be included in statement		
<i>[If an item is not applicable strike it out or write "NOT APPLICABLE" or "N/A" in column 1.]</i>		
General		
Easement (whether over the land or annexed to the land) Note—"Easement" includes rights of way and party wall rights.	*YES/NO	Description of land subject to easement: Nature of easement: Are you aware of any encroachment on the easement? *YES/NO (If YES, give details): If there is an encroachment, has approval for the encroachment been given? *YES/NO (If YES, give details): <i>[attach additional page(s) if more than 1 easement]</i>
Lease, agreement for lease, tenancy agreement or licence (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: Period of lease, agreement for lease etc: From to Amount of rent or licence fee: \$ per (period) Is the lease, agreement for lease etc in writing? *YES/NO If the lease or licence was granted under an Act relating to the disposal of Crown lands, specify— (a) the Act under which the lease or licence was granted: (b) the outstanding amounts due (including any interest or penalty):
Mortgage of land	*YES/NO	Number of mortgage (if registered): Name of mortgagee:
Restrictive covenant	*YES/NO	Nature of restrictive covenant: Name of person in whose favour restrictive covenant operates: Does the restrictive covenant affect the whole of the land being acquired? *YES/NO (If NO, give details): Does the restrictive covenant affect land other than that being acquired? *YES/NO

Column 1 Prescribed encumbrance	Column 2 Is the encumbrance to be discharged or satisfied prior to or at settlement?	Column 3 Other particulars required
<i>Development Act 1993</i>		
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? *YES/NO</p> <p>Is the land designated as a place of local heritage value? *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>
Repealed Act conditions		
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):
Part 2—Items to be included if land affected		
<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>		
<i>Aboriginal Heritage Act 1988</i>		
section 9—Registration in central archives of an Aboriginal site or object	*YES/NO	Particulars of register entry:

Column 1 Prescribed encumbrance	Column 2 Is the encumbrance to be discharged or satisfied prior to or at settlement?	Column 3 Other particulars required
section 24—Directions prohibiting or restricting access to, or activities on, a site or an area surrounding a site	*YES/NO	Date of notice: Site or area to which notice relates: Directions (as stated in notice):
Part 3 Division 6—Aboriginal heritage agreement	*YES/NO	Date of agreement: Description of property subject to agreement: Names of parties: Terms of agreement:
<i>Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986 (repealed)</i>		
section 60—Notice for costs of destruction or control of plants on road reserve	*YES/NO	Date of notice: Name of control board giving notice: Amount payable (as stated in the notice):
<i>Crown Rates and Taxes Recovery Act 1945</i>		
section 5—Notice requiring payment	*YES/NO	Date of notice: Land in respect of which Crown rates and taxes are owing: Amount owing (as stated in the notice):
<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: Name of body giving requirement: Nature of requirement: 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: Names of parties: Terms of agreement: Contribution payable (if any):
section 55—Order to remove or perform work	*YES/NO	Date of order: Terms of order: Building work (if any) required to be carried out: Amount payable (if any):
section 56—Notice to complete development	*YES/NO	Date of notice: Requirements of notice: Building work (if any) required to be carried out: Amount payable (if any):

Column 1 Prescribed encumbrance	Column 2 Is the encumbrance to be discharged or satisfied prior to or at settlement?	Column 3 Other particulars required
section 57—Land management agreement	*YES/NO	Date of agreement: Names of parties: Terms of agreement:
section 60—Notice of intention by building owner	*YES/NO	Date of notice: Building work proposed (as stated in the notice): Other building work as required pursuant to the Act:
section 69—Emergency order	*YES/NO	Date of order: Name of authorised officer who made order: Name of authority that appointed the authorised officer: Nature of order: Amount payable (if any):
section 71—Fire safety notice	*YES/NO	Date of notice: Name of authority giving notice: Requirements of notice: Building work (if any) required to be carried out: Amount payable (if any):
section 84—Enforcement notice	*YES/NO	Date notice given: Name of the relevant authority giving notice: Nature of directions contained in notice: Building work (if any) required to be carried out: Amount payable (if any):
section 85(6), 85(10) or 106—Enforcement order	*YES/NO	Date order made: Name of court that made order: Action number: Names of parties: Terms of order: Building work (if any) required to be carried out:

Column 1 Prescribed encumbrance	Column 2 Is the encumbrance to be discharged or satisfied prior to or at settlement?	Column 3 Other particulars required
Part 11 Division 2—Proceedings	*YES/NO	Date of commencement of proceedings: Date of determination or order (if any): Terms of determination or order (if any):
<i>Emergency Services Funding Act 1998</i>		
section 16—Notice to pay levy	*YES/NO	Date of notice: Amount of levy payable:
<i>Environment Protection Act 1993</i>		
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: Compliance date(s) specified in the order:
section 93A—Environment protection order relating to cessation of activity that is registered in relation to the land	*YES/NO	Date of issue: 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: Compliance date(s) specified in the order: 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: Amount of charge on the land (if known):
section 103H—Site contamination assessment order that is registered in relation to the land	*YES/NO	Date of issue: Compliance date(s) specified in the order: Amount of charge on the land (if known):
section 103J—Site remediation order that is registered in relation to the land	*YES/NO	Date of issue: Compliance date(s) specified in the order: Amount of charge on the land (if known):
section 103N—Notice of declaration of special management area in relation to the land (due to possible existence of site contamination)	*YES/NO	Date of notice: Date of Gazette in which notice published: Description of area or areas to which the notice relates:

Column 1 Prescribed encumbrance	Column 2 Is the encumbrance to be discharged or satisfied prior to or at settlement?	Column 3 Other particulars required
section 103P—Notation of site contamination audit report in relation to the land	*YES/NO	Date of notation: Note— Site contamination audit reports are kept by the EPA in the public register under section 109 of the <i>Environment Protection Act 1993</i> .
section 103S—Notice of prohibition or restriction on taking water affected by site contamination in relation to the land	*YES/NO	Date of notice: Date of Gazette in which notice published: Description of the water to which the notice relates: Particulars given in the notice of the site contamination affecting the water:
<i>Fences Act 1975</i>		
section 5—Notice of intention to perform fencing work	*YES/NO	Date of notice: Name and address of person to whom notice was given or from whom notice was received: Particulars of relevant boundary: Kind of fence proposed to be constructed or nature of work proposed to be done to existing fence: Cost or estimated cost of fence or work (as stated in the notice): Amount sought by proponent from adjoining owner (as stated in the notice): If there is a cross-notice under section 6, give details of— (a) the proposals objected to: (b) the counter proposals:
<i>Fire and Emergency Services Act 2005</i>		
section 56—Notice of action required concerning flammable materials on land	*YES/NO	Date of notice: Name of council: Requirements of notice (as stated therein): Amount payable (if any):

Column 1 Prescribed encumbrance	Column 2 Is the encumbrance to be discharged or satisfied prior to or at settlement?	Column 3 Other particulars required
section 83—Notice of action required to protect against outbreak or spread of fire	*YES/NO	Date of notice: Name of authority giving notice: Requirements of notice (as stated therein): Amount payable (if any):
<i>Food Act 2001</i>		
section 44—Improvement notice	*YES/NO	Date of notice: Name of authorised officer who served notice: Name of authority that appointed officer: Requirements of notice:
section 46—Prohibition order	*YES/NO	Date of order: Name of authority or person who served order: Requirements of order:
<i>Fruit and Plant Protection Act 1992</i>		
section 14 or 15—Notice or order concerning disease	*YES/NO	Date of notice or order: Date of Gazette in which notice published (if applicable): Nature of requirement, restriction or prohibition:
<i>Ground Water (Qualco-Sunlands) Control Act 2000</i>		
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 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: Amount payable (as stated in notice):
<i>Heritage Places Act 1993</i>		
section 14(2)(b)—Registration of an object of heritage significance	*YES/NO	Date of registration: Description and location of object registered:

Column 1 Prescribed encumbrance	Column 2 Is the encumbrance to be discharged or satisfied prior to or at settlement?	Column 3 Other particulars required
section 17 or 18—Provisional registration or registration	*YES/NO	Description of place registered: Has the place been designated as a place of geological, palaeontological or speleological significance or archaeological significance? *YES/NO If YES, give details:
section 30—Stop order	*YES/NO	Date of order: Terms of order:
Part 6—Heritage agreement	*YES/NO	Date of agreement: Description of property subject to agreement: Names of parties: Terms of agreement:
section 38—"No development" order	*YES/NO	Date of order: Terms of order:
<i>Highways Act 1926</i>		
Part 2A—Declaration as to access from any road abutting the land	*YES/NO	Date of declaration: Description of boundary of land affected:
<i>Housing Improvement Act 1940</i>		
section 23—Declaration that house is undesirable or unfit for human habitation	*YES/NO	Date of declaration: Those particulars required to be provided by a council under section 23:
Part 7 (rent control for substandard houses)—Notice or declaration	*YES/NO	Date of notice or declaration: Those particulars required to be provided by the housing authority under section 60:
<i>Land Acquisition Act 1969</i>		
section 10—Notice of intention to acquire	*YES/NO	Date of notice: Name of Authority who served notice: Description of land intended to be acquired (as described in the notice):
<i>Land Tax Act 1936</i>		
Notice, order or demand for payment of land tax	*YES/NO	Date of notice, order or demand: Amount payable (as stated in the notice):

Column 1 Prescribed encumbrance	Column 2 Is the encumbrance to be discharged or satisfied prior to or at settlement?	Column 3 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: Name of council by which, or person by whom, notice, order etc is given or made: Land subject thereto: Nature of requirements contained in notice, order etc: Time for carrying out requirements: 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: Name of council by which, or person by whom, notice, order etc is given or made: Land subject thereto: Nature of requirements contained in notice, order etc: Time for carrying out requirements: 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 (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: Terms of tenement: Condition(s) (if any) the tenement is subject to:
Proclamation with respect to a private mine	*YES/NO	Date of proclamation:
<i>Native Vegetation Act 1991</i>		
Part 4 Division 1—Heritage agreement	*YES/NO	Date of agreement: Description of property subject to agreement: Names of parties: Terms of agreement:

Column 1 Prescribed encumbrance	Column 2 Is the encumbrance to be discharged or satisfied prior to or at settlement?	Column 3 Other particulars required
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: 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: 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: Amount of levy payable:
section 115—Notice declaring a penalty	*YES/NO	Date of notice: Amount of penalty payable:
section 123—Notice to prepare an action plan for compliance with general statutory duty	*YES/NO	Date of notice: Name of authority or person that issued notice: Requirements of notice (as specified therein):
section 130—Notice to rectify effects of unauthorised activity	*YES/NO	Date of notice: Name of relevant authority that issued notice: Requirements of notice (as specified therein):
section 131—Notice to maintain watercourse or lake in good condition	*YES/NO	Date of notice: Name of relevant authority that issued notice: 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: Water resource to which notice applies: Requirements of notice (as specified therein):
section 134—Notice to remove or modify a dam, embankment, wall or other obstruction or object	*YES/NO	Date of notice: Requirements of notice (as specified therein):
section 135—Condition (that remains in force) of a permit	*YES/NO	Date of permit: Name of relevant authority that granted permit: Condition(s) of permit:

Column 1 Prescribed encumbrance	Column 2 Is the encumbrance to be discharged or satisfied prior to or at settlement?	Column 3 Other particulars required
section 145—Notice to take remedial or other action in relation to a well	*YES/NO	Date of notice: Location of well: 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: Name of authorised officer who issued notice: 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: Name of authorised officer who issued notice: 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: Name of authority that issued notice: Amount payable (as specified in notice):
section 187—Notice requiring control or quarantine of animal or plant	*YES/NO	Date of notice: Requirements of notice (as specified therein):
section 193—Protection order to secure compliance with specified provisions of the Act	*YES/NO	Date of order: Name of authority or person who issued order: 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: Name of authority or person who issued order: Requirements of order (as specified therein):
section 197—Reparation authorisation authorising specified action to make good damage resulting from contravention of the Act	*YES/NO	Date of authorisation: Name of relevant authority that issued authorisation: Person authorised to take action: Requirements of authorisation (as specified therein):

Column 1 Prescribed encumbrance	Column 2 Is the encumbrance to be discharged or satisfied prior to or at settlement?	Column 3 Other particulars required
<i>Phylloxera and Grape Industry Act 1995</i>		
section 23(1)—Notice of contribution payable	*YES/NO	Date of notice: Name of person or body giving notice: Terms of notice: Amount payable (as stated in notice):
<i>Public and Environmental Health Act 1987</i>		
Part 3—Notice	*YES/NO	Date of notice: Name of council or other authority giving notice: Requirements of notice:
section 36—Direction to avert spread of disease	*YES/NO	Date direction given: Name of authority giving direction: 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: Name of relevant authority that granted the approval: 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: Name of authority giving order: Requirements of order:
<i>Sewerage Act 1929</i>		
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: Amount payable (as stated in the notice): Nature of requirement made:
<i>Upper South East Dryland Salinity and Flood Management Act 2002</i>		
section 23—Notice of contribution payable	*YES/NO	Date of notice: Terms of notice: Amount payable:
<i>Water Resources Act 1997</i>		
section 18 (repealed)—Condition (that remains in force) of a permit	*YES/NO	Date of permit: Name of relevant authority that granted permit: Condition(s) of permit:
section 125 (or a corresponding previous enactment)—Notice to pay levy	*YES/NO	Date of notice: Amount of levy payable:

Column 1 Prescribed encumbrance	Column 2 Is the encumbrance to be discharged or satisfied prior to or at settlement?	Column 3 Other particulars required
<i>Waterworks Act 1932</i>		
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: Amount payable (as stated in the notice): Nature of requirement made:
Other		
Caveat	*YES/NO	Name and address of caveator: Particulars of interest claimed:
Lien or notice of a lien	*YES/NO	Land or other property subject to lien: Nature of lien: 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: Nature of charge: 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

1—Interpretation

- (1) In this and the following items (items 1 to 7 inclusive)—

domestic activity has the same meaning as in the *Environment Protection Act 1993*;

environmental assessment, in relation to land, means an assessment of the existence or nature or extent of—

- (a) site contamination (within the meaning of the *Environment Protection Act 1993*) at the land; or
- (b) any other contamination of the land by chemical substances,

and includes such an assessment in relation to water on or below the surface of the land;

EPA means the Environment Protection Authority established under the *Environment Protection Act 1993*;

pre-1 July 2009 site audit, in relation to land, means a review (carried out by a person recognised by the EPA as an environmental auditor) that examines environmental assessments or remediation of the land for the purposes of determining—

- (a) the nature and extent of contamination of the land by chemical substances present or remaining on or below the surface of the land; and
- (b) the suitability of the land for a particular use; and
- (c) what remediation is or remains necessary for a particular use,

but does not include a site contamination audit (as defined below) completed on or after 1 July 2009;

pre-1 July 2009 site audit report means a detailed written report that sets out the findings of a pre-1 July 2009 site audit;

prescribed commercial or industrial activity—see item 1(2);

prescribed fee means the fee prescribed under the *Environment Protection Act 1993* for inspection of, or obtaining copies of information on, the public register;

public register means the public register kept by the EPA under section 109 of the *Environment Protection Act 1993*;

site contamination audit has the same meaning as in the *Environment Protection Act 1993*;

site contamination audit report has the same meaning as in the *Environment Protection Act 1993*.

- (2) For the purposes of this and the following items (items 1 to 7 inclusive), each of the following activities (as defined in Schedule 1 Part 1 of the *Environment Protection (Site Contamination) Regulations 2008*) is a prescribed commercial or industrial activity:

abrasive blasting	acid sulphate soil generation	agricultural activities
airports, aerodromes or aerospace industry	animal burial	animal dips or spray race facilities
animal feedlots	animal saleyards	asbestos disposal
asphalt or bitumen works	battery manufacture, recycling or disposal	breweries
brickworks	bulk shipping facilities	cement works
ceramic works	charcoal manufacture	coal handling or storage
coke works	compost or mulch production or storage	concrete batching works
curing or drying works	defence works	desalination plants
dredge spoil disposal or storage	drum reconditioning or recycling works	dry cleaning
electrical or electronics component manufacture	electrical substations	electrical transformer or capacitor works
electricity generation or power plants	explosives or pyrotechnics facilities	fertiliser manufacture
fibreglass manufacture	fill or soil importation	fire extinguisher or retardant manufacture
fire stations	fire training areas	foundry
fuel burning facilities	furniture restoration	gasworks
glass works	glazing	hat manufacture or felt processing
incineration	iron or steel works	laboratories
landfill sites	lime burner	metal coating, finishing or spray painting
metal forging	metal processing, smelting, refining or metallurgical works	mineral processing, metallurgical laboratories or mining or extractive industries
mirror manufacture	motor vehicle manufacture	motor vehicle racing or testing venues
motor vehicle repair or maintenance	motor vehicle wrecking yards	mushroom farming
oil recycling works	oil refineries	paint manufacture
pest control works	plastics manufacture works	printing works
pulp or paper works	railway operations	rubber manufacture or processing

scrap metal recovery	service stations	ship breaking
spray painting	tannery, fellmongery or hide curing	textile operations
transport depots or loading sites	tyre manufacture or retreading	vermiculture
vessel construction, repair or maintenance	waste depots	wastewater treatment, storage or disposal
water discharge to underground aquifer	wetlands or detention basins	wineries or distilleries
wood preservation works	woolscouring or wool carbonising works	works depots (operated by councils or utilities)

2—Pollution and site contamination on the land—questions for vendor

- (1) Is the vendor aware of any of the following activities ever having taken place at the land:
- (a) storage, handling or disposal of waste or fuel or other chemicals (other than in the ordinary course of domestic activities)?
 - (b) importation of soil or other fill from a site at which—
 - (i) an activity of a kind listed in paragraph (a) has taken place; or
 - (ii) a prescribed commercial or industrial activity (see item 1(2) above) has taken place?

*YES/NO

If YES, give details of all activities that the vendor is aware of and whether they have taken place before or after the vendor acquired an interest in the land:

- (2) Is the vendor aware of any prescribed commercial or industrial activities (see item 1(2) above) ever having taken place at the land?

*YES/NO

If YES, give details of all activities that the vendor is aware of and whether they have taken place before or after the vendor acquired an interest in the land:

- (3) Is the vendor aware of any dangerous substances ever having been kept at the land pursuant to a licence under the *Dangerous Substances Act 1979*?

*YES/NO

If YES, give details of all dangerous substances that the vendor is aware of and whether they were kept at the land before or after the vendor acquired an interest in the land:

- (4) Is the vendor aware of the sale or transfer of the land or part of the land ever having occurred subject to an agreement for the exclusion or limitation of liability for site contamination to which section 103E of the *Environment Protection Act 1993* applies?

*YES/NO

If YES, give details of each sale or transfer and agreement that the vendor is aware of:

- (5) Is the vendor aware of an environmental assessment of the land or part of the land ever having been carried out or commenced (whether or not completed)?

*YES/NO

If YES, give details of all environmental assessments that the vendor is aware of and whether they were carried out or commenced before or after the vendor acquired an interest in the land:

Note—

These questions relate to details about the land that may be known by the vendor. A "YES" answer to the questions at items 2(1) or 2(2) may indicate that a *potentially contaminating activity* has taken place at the land (see sections 103C and 103H of the *Environment Protection Act 1993*) and that assessments or remediation of the land may be required at some future time.

A "YES" answer to any of the questions in this item may indicate the need for the purchaser to seek further information regarding the activities, for example, from the council or the EPA.

3—Licences and exemptions recorded by EPA in public register

Does the EPA hold any of the following details in the public register:

- (a) details of a current licence issued under Part 6 of the *Environment Protection Act 1993* to conduct, at the land—
- (i) a waste or recycling depot (as referred to in clause 3(3) of Schedule 1 Part A of that Act); or
 - (ii) activities producing listed wastes (as referred to in clause 3(4) of Schedule 1 Part A of that Act); or
 - (iii) any other prescribed activity of environmental significance under Schedule 1 of that Act?

*YES/NO

- (b) details of a licence no longer in force issued under Part 6 of the *Environment Protection Act 1993* to conduct, at the land—
- (i) a waste or recycling depot (as referred to in clause 3(3) of Schedule 1 Part A of that Act); or
 - (ii) activities producing listed wastes (as referred to in clause 3(4) of Schedule 1 Part A of that Act); or
 - (iii) any other prescribed activity of environmental significance under Schedule 1 of that Act?

*YES/NO

- (c) details of a current exemption issued under Part 6 of the *Environment Protection Act 1993* from the application of a specified provision of that Act in relation to an activity carried on at the land?

*YES/NO

- (d) details of an exemption no longer in force issued under Part 6 of the *Environment Protection Act 1993* from the application of a specified provision of that Act in relation to an activity carried on at the land?

*YES/NO

- (e) details of a licence issued under the repealed *South Australian Waste Management Commission Act 1979* to operate a waste depot at the land?

*YES/NO

- (f) details of a licence issued under the repealed *Waste Management Act 1987* to operate a waste depot at the land?

*YES/NO

- (g) details of a licence issued under the repealed *South Australian Waste Management Commission Act 1979* to produce waste of a prescribed kind (within the meaning of that Act) at the land?

*YES/NO

- (h) details of a licence issued under the repealed *Waste Management Act 1987* to produce prescribed waste (within the meaning of that Act) at the land?

*YES/NO

Note—

These questions relate to details about licences and exemptions required to be recorded by the EPA in the public register. If the EPA answers "YES" to any of the questions—

- in the case of a licence or exemption under the *Environment Protection Act 1993*—
 - the purchaser may obtain a copy of the licence or exemption from the public register on payment of the prescribed fee; and
 - the purchaser should note that transfer of a licence or exemption is subject to the conditions of the licence or exemption and the approval of the EPA (see section 49 of the *Environment Protection Act 1993*); and
- in the case of a licence under a repealed Act—the purchaser may obtain details about the licence from the public register on payment of the prescribed fee.

A "YES" answer to any of these questions may indicate that a *potentially contaminating activity* has taken place at the land (see sections 103C and 103H of the *Environment Protection Act 1993*) and that assessments or remediation of the land may be required at some future time.

The EPA will not provide details about licences to conduct the following prescribed activities of environmental significance (within the meaning of Schedule 1 Part A of the *Environment Protection Act 1993*): waste transport business (category A), waste transport business (category B), dredging, earthworks drainage, any other activities referred to in Schedule 1 Part A undertaken by means of mobile works, helicopter landing facilities, marinas and boating facilities or discharges to marine or inland waters.

The EPA will not provide details about exemptions relating to—

- the conduct of any of the licensed activities in the immediately preceding paragraph in this note; or
- noise.

4—Pollution and site contamination on the land—details recorded by EPA in public register

Does the EPA hold any of the following details in the public register in relation to the land or part of the land:

- (a) details of serious or material environmental harm caused or threatened in the course of an activity (whether or not notified under section 83 of the *Environment Protection Act 1993*)?

*YES/NO

- (b) details of site contamination notified to the EPA under section 83A of the *Environment Protection Act 1993*?

*YES/NO

- (c) a copy of a report of an environmental assessment (whether prepared by the EPA or some other person or body and whether or not required under legislation) that forms part of the information required to be recorded in the public register?

*YES/NO

- (d) a copy of a site contamination audit report?

*YES/NO

- (e) details of an agreement for the exclusion or limitation of liability for site contamination to which section 103E of the *Environment Protection Act 1993* applies?
*YES/NO
- (f) details of an agreement entered into with the EPA relating to an approved voluntary site contamination assessment proposal under section 103I of the *Environment Protection Act 1993*?
*YES/NO
- (g) details of an agreement entered into with the EPA relating to an approved voluntary site remediation proposal under section 103K of the *Environment Protection Act 1993*?
*YES/NO
- (h) details of a notification under section 103Z(1) of the *Environment Protection Act 1993* relating to the commencement of a site contamination audit?
*YES/NO
- (i) details of a notification under section 103Z(2) of the *Environment Protection Act 1993* relating to the termination before completion of a site contamination audit?
*YES/NO
- (j) details of records, held by the former South Australian Waste Management Commission under the repealed *Waste Management Act 1987*, of waste (within the meaning of that Act) having been deposited on the land between 1 January 1983 and 30 April 1995?
*YES/NO

Note—

These questions relate to details required to be recorded by the EPA in the public register. If the EPA answers "YES" to any of the questions, the purchaser may obtain those details from the public register on payment of the prescribed fee.

5—Pollution and site contamination on the land—other details held by EPA

Does the EPA hold any of the following details in relation to the land or part of the land:

- (a) a copy of a report known as a "Health Commission Report" prepared by or on behalf of the South Australian Health Commission (under the repealed *South Australian Health Commission Act 1976*)?
*YES/NO
- (b) details (which may include a report of an environmental assessment) relevant to an agreement entered into with the EPA relating to an approved voluntary site contamination assessment proposal under section 103I of the *Environment Protection Act 1993*?
*YES/NO
- (c) details (which may include a report of an environmental assessment) relevant to an agreement entered into with the EPA relating to an approved voluntary site remediation proposal under section 103K of the *Environment Protection Act 1993*?
*YES/NO
- (d) a copy of a pre-1 July 2009 site audit report?
*YES/NO

- (e) details relating to the termination before completion of a pre-1 July 2009 site audit?
*YES/NO

Note—

These questions relate to details that the EPA may hold. If the EPA answers "YES" to any of the questions, the purchaser may obtain those details from the EPA (on payment of any fee fixed by the EPA).

6—Further information held by councils

Does the council hold details of any development approvals relating to—

- (a) commercial or industrial activity at the land; or
(b) a change in the use of the land or part of the land (within the meaning of the *Development Act 1993*)?

*YES/NO

Note—

The question relates to information that the council for the area in which the land is situated may hold. If the council answers "YES" to the question, it will provide a description of the nature of each development approved in respect of the land. The purchaser may then obtain further details from the council (on payment of any fee fixed by the council). However, it is expected that the ability to supply further details will vary considerably between councils.

A "YES" answer to paragraph (a) of the question may indicate that a *potentially contaminating activity* has taken place at the land (see sections 103C and 103H of the *Environment Protection Act 1993*) and that assessments or remediation of the land may be required at some future time.

It should be noted that—

- the approval of development by a council does not necessarily mean that the development has taken place;
- the council will not necessarily be able to provide a complete history of all such development that has taken place at the land.

7—Further information for purchasers

Note—

The purchaser is advised that other matters under the *Environment Protection Act 1993* (that is, matters other than those referred to in this Statement) that may be relevant to the purchaser's further enquiries may also be recorded in the public register. These include:

- details relating to environmental authorisations such as applications, applicants, locations of activities, conditions, suspension, cancellation or surrender of authorisations, disqualifications, testing requirements and test results;
- details relating to activities undertaken on the land under licences or other environmental authorisations no longer in force;
- written warnings relating to alleged contraventions of the *Environment Protection Act 1993*;
- details of prosecutions and other enforcement action;
- details of civil proceedings;
- other details prescribed under the *Environment Protection Act 1993* (see section 109(3)(l)).

Details of these matters may be obtained from the public register on payment to the EPA of the prescribed fee.

If—

- an environment performance agreement, environment protection order, clean-up order, clean-up authorisation, site contamination assessment order or site remediation order has been registered on the certificate of title for the land; or
- a notice of declaration of special management area in relation to the land has been gazetted; or
- a notation has been made on the certificate of title for the land that a site contamination audit report has been prepared in respect of the land; or
- a notice of prohibition or restriction on taking water affected by site contamination in relation to the land has been gazetted,

it will be noted in the items under the heading *Environment Protection Act 1993* under the Table of Particulars in this Statement. Details of any registered documents may 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.

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.

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 or Period	Average Weekly Sales \$	Gross Income Per Annum/Week \$	Overhead Costs Per Annum/Week \$	Net Profit Per Annum/Week \$	Normal Daily Trading Hours From: To:
Commencing on:					S
Ending on:					M T W T F S
Commencing on:					S
Ending on:					M T W T F S
Commencing on:					S
Ending on:					M T W T F 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 From: To:	Period From: To:	Period From: To:
Gross takings (sales)			
Less:			
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		%	%

	Period From: To:	Period From: To:	Period From: To:
<i>Add</i>			
other income received:			
fees			
commissions			
other <i>[specify]</i>			
GROSS INCOME	\$	\$	\$
<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			

	Period From: To:	Period From: To:	Period From: To:
Sundries			
Other expenses <i>[specify]</i>			
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 <u>not</u> 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

Note—**To the purchaser:**

You must register with WorkCover Corporation as an employer within 14 days of commencing to employ workers if the amount payable to your workers in a calendar year exceeds \$10 200 (indexed from 2008) in total, otherwise significant penalties may be imposed.

You should determine whether the vendor has any workers suffering a work disability (particularly where their employment has been or is about to be terminated) as you may be required to take on the vendor's obligations under the *Workers Rehabilitation and Compensation Act 1986*. (This information may be provided to you by the vendor subject to the confidentiality provisions applicable to employers under section 112AA of that Act). The levy 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:

¹ Position/functions (if any)	Relationship to vendor	Days per week	Hours per	Rate of pay
				\$ r pe

¹If 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—
- (a) Long service leave *YES/NO
 - (b) Annual recreation leave *YES/NO
 - (c) Sick leave *YES/NO
 - (d) 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 Prescribed encumbrance	Column 2 Is the encumbrance to be discharged or satisfied prior to or at settlement?	Column 3 Other particulars required
Part 1—Items that must be included in statement		
<i>[If an item is not applicable strike it out or write "NOT APPLICABLE" or "N/A" in column 1.]</i>		
General		
Easement (whether over the land or annexed to the land) Note—"Easement" includes rights of way and party wall rights.	*YES/NO	Description of land subject to easement: Nature of easement: Are you aware of any encroachment on the easement? *YES/NO (If YES, give details): If there is an encroachment, has approval for the encroachment been given? *YES/NO (If YES, give details): <i>[attach additional page(s) if more than 1 easement]</i>
Lease, agreement for lease, tenancy agreement or licence (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: Period of lease, agreement for lease etc: From to Amount of rent or licence fee: \$ per (period) Is the lease, agreement for lease etc in writing? *YES/NO If the lease or licence was granted under an Act relating to the disposal of Crown lands, specify— (a) the Act under which the lease or licence was granted: (b) the outstanding amounts due (including any interest or penalty):
Mortgage of land	*YES/NO	Number of mortgage (if registered): Name of mortgagee:

Column 1 Prescribed encumbrance	Column 2 Is the encumbrance to be discharged or satisfied prior to or at settlement?	Column 3 Other particulars required
Restrictive covenant	*YES/NO	Nature of restrictive covenant: Name of person in whose favour restrictive covenant operates: Does the restrictive covenant affect the whole of the land being acquired? *YES/NO (If NO, give details): 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): Is the land situated in a designated State Heritage Area? *YES/NO Is the land designated as a place of local heritage value? *YES/NO 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 If YES, state the name of the council: 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: Name of relevant authority that granted authorisation: Condition(s) of authorisation:

Column 1 Prescribed encumbrance	Column 2 Is the encumbrance to be discharged or satisfied prior to or at settlement?	Column 3 Other particulars required
Repealed Act conditions		
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):
Part 2—Items to be included if land affected		
<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>		
Aboriginal Heritage Act 1988		
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: Site or area to which notice relates: Directions (as stated in notice):
Part 3 Division 6—Aboriginal heritage agreement	*YES/NO	Date of agreement: Description of property subject to agreement: Names of parties: Terms of agreement:
Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986 (repealed)		
section 60—Notice for costs of destruction or control of plants on road reserve	*YES/NO	Date of notice: Name of control board giving notice: Amount payable (as stated in the notice):
Crown Rates and Taxes Recovery Act 1945		
section 5—Notice requiring payment	*YES/NO	Date of notice: Land in respect of which Crown rates and taxes are owing: Amount owing (as stated in the notice):
Development Act 1993		
section 50(1)—Requirement to vest land in a council or the Crown to be held as open space	*YES/NO	Date requirement given: Name of body giving requirement: Nature of requirement: Contribution payable (if any):

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

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

Column 1 Prescribed encumbrance	Column 2 Is the encumbrance to be discharged or satisfied prior to or at settlement?	Column 3 Other particulars required
section 103H—Site contamination assessment order that is registered in relation to the land	*YES/NO	Date of issue: Compliance date(s) specified in the order: Amount of charge on the land (if known):
section 103J—Site remediation order that is registered in relation to the land	*YES/NO	Date of issue: Compliance date(s) specified in the order: Amount of charge on the land (if known):
section 103N—Notice of declaration of special management area in relation to the land (due to possible existence of site contamination)	*YES/NO	Date of notice: Date of Gazette in which notice published: Description of area or areas to which the notice relates:
section 103P—Notation of site contamination audit report in relation to the land	*YES/NO	Date of notation: Note— Site contamination audit reports are kept by the EPA in the public register under section 109 of the <i>Environment Protection Act 1993</i> .
section 103S—Notice of prohibition or restriction on taking water affected by site contamination in relation to the land	*YES/NO	Date of notice: Date of Gazette in which notice published: Description of the water to which the notice relates: Particulars given in the notice of the site contamination affecting the water:

Column 1 Prescribed encumbrance	Column 2 Is the encumbrance to be discharged or satisfied prior to or at settlement?	Column 3 Other particulars required
<i>Fences Act 1975</i>		
section 5—Notice of intention to perform fencing work	*YES/NO	Date of notice: Name and address of person to whom notice was given or from whom notice was received: Particulars of relevant boundary: Kind of fence proposed to be constructed or nature of work proposed to be done to existing fence: Cost or estimated cost of fence or work (as stated in the notice): Amount sought by proponent from adjoining owner (as stated in the notice): If there is a cross-notice under section 6, give details of— (a) the proposals objected to: (b) the counter proposals:
<i>Fire and Emergency Services Act 2005</i>		
section 56—Notice of action required concerning flammable materials on land	*YES/NO	Date of notice: Name of council: Requirements of notice (as stated therein): Amount payable (if any):
section 83—Notice of action required to protect against outbreak or spread of fire	*YES/NO	Date of notice: Name of authority giving notice: Requirements of notice (as stated therein): Amount payable (if any):
<i>Food Act 2001</i>		
section 44—Improvement notice	*YES/NO	Date of notice: Name of authorised officer who served notice: Name of authority that appointed officer: Requirements of notice:
section 46—Prohibition order	*YES/NO	Date of order: Name of authority or person who served order: Requirements of order:

Column 1 Prescribed encumbrance	Column 2 Is the encumbrance to be discharged or satisfied prior to or at settlement?	Column 3 Other particulars required
<i>Fruit and Plant Protection Act 1992</i>		
section 14 or 15—Notice or order concerning disease	*YES/NO	Date of notice or order: Date of Gazette in which notice published (if applicable): Nature of requirement, restriction or prohibition:
<i>Ground Water (Qualco-Sunlands) Control Act 2000</i>		
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 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: Amount payable (as stated in notice):
<i>Heritage Places Act 1993</i>		
section 14(2)(b)—Registration of an object of heritage significance	*YES/NO	Date of registration: Description and location of object registered:
section 17 or 18—Provisional registration or registration	*YES/NO	Description of place registered: Has the place been designated as a place of geological, palaeontological or speleological significance or archaeological significance? *YES/NO If YES, give details:
section 30—Stop order	*YES/NO	Date of order: Terms of order:
Part 6—Heritage agreement	*YES/NO	Date of agreement: Description of property subject to agreement: Names of parties: Terms of agreement:
section 38—"No development" order	*YES/NO	Date of order: Terms of order:
<i>Highways Act 1926</i>		
Part 2A—Declaration as to access from any road abutting the land	*YES/NO	Date of declaration: Description of boundary of land affected:

Column 1 Prescribed encumbrance	Column 2 Is the encumbrance to be discharged or satisfied prior to or at settlement?	Column 3 Other particulars required
<i>Housing Improvement Act 1940</i>		
section 23—Declaration that house is undesirable or unfit for human habitation	*YES/NO	Date of declaration: Those particulars required to be provided by a council under section 23:
Part 7 (rent control for substandard houses)—Notice or declaration	*YES/NO	Date of notice or declaration: Those particulars required to be provided by the housing authority under section 60:
<i>Land Acquisition Act 1969</i>		
section 10—Notice of intention to acquire	*YES/NO	Date of notice: Name of Authority who served notice: Description of land intended to be acquired (as described in the notice):
<i>Land Tax Act 1936</i>		
Notice, order or demand for payment of land tax	*YES/NO	Date of notice, order or demand: Amount payable (as stated in the notice):
<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: Name of council by which, or person by whom, notice, order etc is given or made: Land subject thereto: Nature of requirements contained in notice, order etc: Time for carrying out requirements: 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: Name of council by which, or person by whom, notice, order etc is given or made: Land subject thereto: Nature of requirements contained in notice, order etc: Time for carrying out requirements: Amount payable (if any):

Column 1 Prescribed encumbrance	Column 2 Is the encumbrance to be discharged or satisfied prior to or at settlement?	Column 3 Other particulars required
<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 (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: Terms of tenement: Condition(s) (if any) the tenement is subject to:
Proclamation with respect to a private mine	*YES/NO	Date of proclamation:
<i>Native Vegetation Act 1991</i>		
Part 4 Division 1—Heritage agreement	*YES/NO	Date of agreement: Description of property subject to agreement: Names of parties: 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: 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: 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: Amount of levy payable:
section 115—Notice declaring a penalty	*YES/NO	Date of notice: Amount of penalty payable:
section 123—Notice to prepare an action plan for compliance with general statutory duty	*YES/NO	Date of notice: Name of authority or person that issued notice: Requirements of notice (as specified therein):
section 130—Notice to rectify effects of unauthorised activity	*YES/NO	Date of notice: Name of relevant authority that issued notice: Requirements of notice (as specified therein):

Column 1 Prescribed encumbrance	Column 2 Is the encumbrance to be discharged or satisfied prior to or at settlement?	Column 3 Other particulars required
section 131—Notice to maintain watercourse or lake in good condition	*YES/NO	Date of notice: Name of relevant authority that issued notice: 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: Water resource to which notice applies: Requirements of notice (as specified therein):
section 134—Notice to remove or modify a dam, embankment, wall or other obstruction or object	*YES/NO	Date of notice: Requirements of notice (as specified therein):
section 135—Condition (that remains in force) of a permit	*YES/NO	Date of permit: Name of relevant authority that granted permit: Condition(s) of permit:
section 145—Notice to take remedial or other action in relation to a well	*YES/NO	Date of notice: Location of well: 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: Name of authorised officer who issued notice: 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: Name of authorised officer who issued notice: 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: Name of authority that issued notice: Amount payable (as specified in notice):
section 187—Notice requiring control or quarantine of animal or plant	*YES/NO	Date of notice: Requirements of notice (as specified therein):

Column 1 Prescribed encumbrance	Column 2 Is the encumbrance to be discharged or satisfied prior to or at settlement?	Column 3 Other particulars required
section 193—Protection order to secure compliance with specified provisions of the Act	*YES/NO	Date of order: Name of authority or person who issued order: 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: Name of authority or person who issued order: Requirements of order (as specified therein):
section 197—Reparation authorisation authorising specified action to make good damage resulting from contravention of the Act	*YES/NO	Date of authorisation: Name of relevant authority that issued authorisation: Person authorised to take action: Requirements of authorisation (as specified therein):
<i>Phylloxera and Grape Industry Act 1995</i>		
section 23(1)—Notice of contribution payable	*YES/NO	Date of notice: Name of person or body giving notice: Terms of notice: Amount payable (as stated in notice):
<i>Public and Environmental Health Act 1987</i>		
Part 3—Notice	*YES/NO	Date of notice: Name of council or other authority giving notice: Requirements of notice:
section 36—Direction to avert spread of disease	*YES/NO	Date direction given: Name of authority giving direction: 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: Name of relevant authority that granted the approval: 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: Name of authority giving order: Requirements of order:

Column 1 Prescribed encumbrance	Column 2 Is the encumbrance to be discharged or satisfied prior to or at settlement?	Column 3 Other particulars required
<i>Sewerage Act 1929</i>		
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: Amount payable (as stated in the notice): Nature of requirement made:
<i>Upper South East Dryland Salinity and Flood Management Act 2002</i>		
section 23—Notice of contribution payable	*YES/NO	Date of notice: Terms of notice: Amount payable:
<i>Water Resources Act 1997</i>		
section 18 (repealed)—Condition (that remains in force) of a permit	*YES/NO	Date of permit: Name of relevant authority that granted permit: Condition(s) of permit:
section 125 (or a corresponding previous enactment)—Notice to pay levy	*YES/NO	Date of notice: Amount of levy payable:
<i>Waterworks Act 1932</i>		
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: Amount payable (as stated in the notice): Nature of requirement made:
Other		
Caveat	*YES/NO	Name and address of caveator: Particulars of interest claimed:
Lien or notice of a lien	*YES/NO	Land or other property subject to lien: Nature of lien: 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: Nature of charge: 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**1—Interpretation**

- (1) In this and the following items (items 1 to 7 inclusive)—

domestic activity has the same meaning as in the *Environment Protection Act 1993*;

environmental assessment, in relation to land, means an assessment of the existence or nature or extent of—

- (a) site contamination (within the meaning of the *Environment Protection Act 1993*) at the land; or
- (b) any other contamination of the land by chemical substances,

and includes such an assessment in relation to water on or below the surface of the land;

EPA means the Environment Protection Authority established under the *Environment Protection Act 1993*;

pre-1 July 2009 site audit, in relation to land, means a review (carried out by a person recognised by the EPA as an environmental auditor) that examines environmental assessments or remediation of the land for the purposes of determining—

- (a) the nature and extent of contamination of the land by chemical substances present or remaining on or below the surface of the land; and
- (b) the suitability of the land for a particular use; and
- (c) what remediation is or remains necessary for a particular use,

but does not include a site contamination audit (as defined below) completed on or after 1 July 2009;

pre-1 July 2009 site audit report means a detailed written report that sets out the findings of a pre-1 July 2009 site audit;

prescribed commercial or industrial activity—see item 1(2);

prescribed fee means the fee prescribed under the *Environment Protection Act 1993* for inspection of, or obtaining copies of information on, the public register;

public register means the public register kept by the EPA under section 109 of the *Environment Protection Act 1993*;

site contamination audit has the same meaning as in the *Environment Protection Act 1993*;

site contamination audit report has the same meaning as in the *Environment Protection Act 1993*.

- (2) For the purposes of this and the following items (items 1 to 7 inclusive), each of the following activities (as defined in Schedule 1 Part 1 of the *Environment Protection (Site Contamination) Regulations 2008*) is a prescribed commercial or industrial activity:

abrasive blasting	acid sulphate soil generation	agricultural activities
airports, aerodromes or aerospace industry	animal burial	animal dips or spray race facilities
animal feedlots	animal saleyards	asbestos disposal
asphalt or bitumen works	battery manufacture, recycling or disposal	breweries
brickworks	bulk shipping facilities	cement works
ceramic works	charcoal manufacture	coal handling or storage
coke works	compost or mulch production or storage	concrete batching works
curing or drying works	defence works	desalination plants
dredge spoil disposal or storage	drum reconditioning or recycling works	dry cleaning
electrical or electronics component manufacture	electrical substations	electrical transformer or capacitor works

electricity generation or power plants	explosives or pyrotechnics facilities	fertiliser manufacture
fibreglass manufacture	fill or soil importation	fire extinguisher or retardant manufacture
fire stations	fire training areas	foundry
fuel burning facilities	furniture restoration	gasworks
glass works	glazing	hat manufacture or felt processing
incineration	iron or steel works	laboratories
landfill sites	lime burner	metal coating, finishing or spray painting
metal forging	metal processing, smelting, refining or metallurgical works	mineral processing, metallurgical laboratories or mining or extractive industries
mirror manufacture	motor vehicle manufacture	motor vehicle racing or testing venues
motor vehicle repair or maintenance	motor vehicle wrecking yards	mushroom farming
oil recycling works	oil refineries	paint manufacture
pest control works	plastics manufacture works	printing works
pulp or paper works	railway operations	rubber manufacture or processing
scrap metal recovery	service stations	ship breaking
spray painting	tannery, fellmongery or hide curing	textile operations
transport depots or loading sites	tyre manufacture or retreading	vermiculture
vessel construction, repair or maintenance	waste depots	wastewater treatment, storage or disposal
water discharge to underground aquifer	wetlands or detention basins	wineries or distilleries
wood preservation works	woolscouring or wool carbonising works	works depots (operated by councils or utilities)

2—Pollution and site contamination on the land—questions for vendor

- (1) Is the vendor aware of any of the following activities ever having taken place at the land:
- (a) storage, handling or disposal of waste or fuel or other chemicals (other than in the ordinary course of domestic activities)?
 - (b) importation of soil or other fill from a site at which—
 - (i) an activity of a kind listed in paragraph (a) has taken place; or
 - (ii) a prescribed commercial or industrial activity (see item 1(2) above) has taken place?

*YES/NO

If YES, give details of all activities that the vendor is aware of and whether they have taken place before or after the vendor acquired an interest in the land:

- (2) Is the vendor aware of any prescribed commercial or industrial activities (see item 1(2) above) ever having taken place at the land?

*YES/NO

If YES, give details of all activities that the vendor is aware of and whether they have taken place before or after the vendor acquired an interest in the land:

- (3) Is the vendor aware of any dangerous substances ever having been kept at the land pursuant to a licence under the *Dangerous Substances Act 1979*?
- *YES/NO
- If YES, give details of all dangerous substances that the vendor is aware of and whether they were kept at the land before or after the vendor acquired an interest in the land:
- (4) Is the vendor aware of the sale or transfer of the land or part of the land ever having occurred subject to an agreement for the exclusion or limitation of liability for site contamination to which section 103E of the *Environment Protection Act 1993* applies?
- *YES/NO
- If YES, give details of each sale or transfer and agreement that the vendor is aware of:
- (5) Is the vendor aware of an environmental assessment of the land or part of the land ever having been carried out or commenced (whether or not completed)?
- *YES/NO
- If YES, give details of all environmental assessments that the vendor is aware of and whether they were carried out or commenced before or after the vendor acquired an interest in the land:

Note—

These questions relate to details about the land that may be known by the vendor. A "YES" answer to the questions at items 2(1) or 2(2) may indicate that a *potentially contaminating activity* has taken place at the land (see sections 103C and 103H of the *Environment Protection Act 1993*) and that assessments or remediation of the land may be required at some future time.

A "YES" answer to any of the questions in this item may indicate the need for the purchaser to seek further information regarding the activities, for example, from the council or the EPA.

3—Licences and exemptions recorded by EPA in public register

Does the EPA hold any of the following details in the public register:

- (a) details of a current licence issued under Part 6 of the *Environment Protection Act 1993* to conduct, at the land—
- (i) a waste or recycling depot (as referred to in clause 3(3) of Schedule 1 Part A of that Act); or
 - (ii) activities producing listed wastes (as referred to in clause 3(4) of Schedule 1 Part A of that Act); or
 - (iii) any other prescribed activity of environmental significance under Schedule 1 of that Act?
- *YES/NO
- (b) details of a licence no longer in force issued under Part 6 of the *Environment Protection Act 1993* to conduct, at the land—
- (i) a waste or recycling depot (as referred to in clause 3(3) of Schedule 1 Part A of that Act); or
 - (ii) activities producing listed wastes (as referred to in clause 3(4) of Schedule 1 Part A of that Act); or
 - (iii) any other prescribed activity of environmental significance under Schedule 1 of that Act?
- *YES/NO

- (c) details of a current exemption issued under Part 6 of the *Environment Protection Act 1993* from the application of a specified provision of that Act in relation to an activity carried on at the land?
*YES/NO
- (d) details of an exemption no longer in force issued under Part 6 of the *Environment Protection Act 1993* from the application of a specified provision of that Act in relation to an activity carried on at the land?
*YES/NO
- (e) details of a licence issued under the repealed *South Australian Waste Management Commission Act 1979* to operate a waste depot at the land?
*YES/NO
- (f) details of a licence issued under the repealed *Waste Management Act 1987* to operate a waste depot at the land?
*YES/NO
- (g) details of a licence issued under the repealed *South Australian Waste Management Commission Act 1979* to produce waste of a prescribed kind (within the meaning of that Act) at the land?
*YES/NO
- (h) details of a licence issued under the repealed *Waste Management Act 1987* to produce prescribed waste (within the meaning of that Act) at the land?
*YES/NO

Note—

These questions relate to details about licences and exemptions required to be recorded by the EPA in the public register. If the EPA answers "YES" to any of the questions—

- in the case of a licence or exemption under the *Environment Protection Act 1993*—
 - the purchaser may obtain a copy of the licence or exemption from the public register on payment of the prescribed fee; and
 - the purchaser should note that transfer of a licence or exemption is subject to the conditions of the licence or exemption and the approval of the EPA (see section 49 of the *Environment Protection Act 1993*); and
- in the case of a licence under a repealed Act—the purchaser may obtain details about the licence from the public register on payment of the prescribed fee.

A "YES" answer to any of these questions may indicate that a **potentially contaminating activity** has taken place at the land (see sections 103C and 103H of the *Environment Protection Act 1993*) and that assessments or remediation of the land may be required at some future time.

The EPA will not provide details about licences to conduct the following prescribed activities of environmental significance (within the meaning of Schedule 1 Part A of the *Environment Protection Act 1993*): waste transport business (category A), waste transport business (category B), dredging, earthworks drainage, any other activities referred to in Schedule 1 Part A undertaken by means of mobile works, helicopter landing facilities, marinas and boating facilities or discharges to marine or inland waters.

The EPA will not provide details about exemptions relating to—

- the conduct of any of the licensed activities in the immediately preceding paragraph in this note; or
- noise.

4—Pollution and site contamination on the land—details recorded by EPA in public register

Does the EPA hold any of the following details in the public register in relation to the land or part of the land:

- (a) details of serious or material environmental harm caused or threatened in the course of an activity (whether or not notified under section 83 of the *Environment Protection Act 1993*)?
*YES/NO
- (b) details of site contamination notified to the EPA under section 83A of the *Environment Protection Act 1993*?
*YES/NO
- (c) a copy of a report of an environmental assessment (whether prepared by the EPA or some other person or body and whether or not required under legislation) that forms part of the information required to be recorded in the public register?
*YES/NO
- (d) a copy of a site contamination audit report?
*YES/NO
- (e) details of an agreement for the exclusion or limitation of liability for site contamination to which section 103E of the *Environment Protection Act 1993* applies?
*YES/NO
- (f) details of an agreement entered into with the EPA relating to an approved voluntary site contamination assessment proposal under section 103I of the *Environment Protection Act 1993*?
*YES/NO
- (g) details of an agreement entered into with the EPA relating to an approved voluntary site remediation proposal under section 103K of the *Environment Protection Act 1993*?
*YES/NO
- (h) details of a notification under section 103Z(1) of the *Environment Protection Act 1993* relating to the commencement of a site contamination audit?
*YES/NO
- (i) details of a notification under section 103Z(2) of the *Environment Protection Act 1993* relating to the termination before completion of a site contamination audit?
*YES/NO
- (j) details of records, held by the former South Australian Waste Management Commission under the repealed *Waste Management Act 1987*, of waste (within the meaning of that Act) having been deposited on the land between 1 January 1983 and 30 April 1995?
*YES/NO

Note—

These questions relate to details required to be recorded by the EPA in the public register. If the EPA answers "YES" to any of the questions, the purchaser may obtain those details from the public register on payment of the prescribed fee.

5—Pollution and site contamination on the land—other details held by EPA

Does the EPA hold any of the following details in relation to the land or part of the land:

- (a) a copy of a report known as a "Health Commission Report" prepared by or on behalf of the South Australian Health Commission (under the repealed *South Australian Health Commission Act 1976*)?
*YES/NO
- (b) details (which may include a report of an environmental assessment) relevant to an agreement entered into with the EPA relating to an approved voluntary site contamination assessment proposal under section 103I of the *Environment Protection Act 1993*?
*YES/NO
- (c) details (which may include a report of an environmental assessment) relevant to an agreement entered into with the EPA relating to an approved voluntary site remediation proposal under section 103K of the *Environment Protection Act 1993*?
*YES/NO
- (d) a copy of a pre-1 July 2009 site audit report?
*YES/NO
- (e) details relating to the termination before completion of a pre-1 July 2009 site audit?
*YES/NO

Note—

These questions relate to details that the EPA may hold. If the EPA answers "YES" to any of the questions, the purchaser may obtain those details from the EPA (on payment of any fee fixed by the EPA).

6—Further information held by councils

Does the council hold details of any development approvals relating to—

- (a) commercial or industrial activity at the land; or
- (b) a change in the use of the land or part of the land (within the meaning of the *Development Act 1993*)?

*YES/NO

Note—

The question relates to information that the council for the area in which the land is situated may hold. If the council answers "YES" to the question, it will provide a description of the nature of each development approved in respect of the land. The purchaser may then obtain further details from the council (on payment of any fee fixed by the council). However, it is expected that the ability to supply further details will vary considerably between councils.

A "YES" answer to paragraph (a) of the question may indicate that a *potentially contaminating activity* has taken place at the land (see sections 103C and 103H of the *Environment Protection Act 1993*) and that assessments or remediation of the land may be required at some future time.

It should be noted that—

- the approval of development by a council does not necessarily mean that the development has taken place;
- the council will not necessarily be able to provide a complete history of all such development that has taken place at the land.

7—Further information for purchasers

Note—

The purchaser is advised that other matters under the *Environment Protection Act 1993* (that is, matters other than those referred to in this Statement) that may be relevant to the purchaser's further enquiries may also be recorded in the public register. These include:

- details relating to environmental authorisations such as applications, applicants, locations of activities, conditions, suspension, cancellation or surrender of authorisations, disqualifications, testing requirements and test results;
- details relating to activities undertaken on the land under licences or other environmental authorisations no longer in force;
- written warnings relating to alleged contraventions of the *Environment Protection Act 1993*;
- details of prosecutions and other enforcement action;
- details of civil proceedings;
- other details prescribed under the *Environment Protection Act 1993* (see section 109(3)(1)).

Details of these matters may be obtained from the public register on payment to the EPA of the prescribed fee.

If—

- an environment performance agreement, environment protection order, clean-up order, clean-up authorisation, site contamination assessment order or site remediation order has been registered on the certificate of title for the land; or
- a notice of declaration of special management area in relation to the land has been gazetted; or
- a notation has been made on the certificate of title for the land that a site contamination audit report has been prepared in respect of the land; or
- a notice of prohibition or restriction on taking water affected by site contamination in relation to the land has been gazetted,

it will be noted in the items under the heading *Environment Protection Act 1993* under the Table of Particulars in this Statement. Details of any registered documents may 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.

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.

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.
- † the waiving of compliance with *[Describe the requirement to be waived and specify the section in Part 2 of the Land and Business (Sale and Conveyancing) Act 1994 in which it occurs. Use separate items for each requirement]*.

†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 or omit 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.
- † waive the requirement *[Describe (in the same terms as in Part A above) the requirement to be waived and specify the section in Part 2 of the Land and Business (Sale and Conveyancing) Act 1994 in which it occurs. Use separate items for each requirement.]*

Date:

Signed:

* Strike out the option that is not applicable.

† Strike out or omit 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.

Schedule 2—Prescribed notice to be given to purchaser

Land and Business (Sale and Conveyancing) Act 1994 section 13A

Land and Business (Sale and Conveyancing) Regulations 2010 regulation 17

Before you buy a home there are a number of things that you should investigate and consider. Though it may not be obvious at the time, there could be matters that may affect your enjoyment of the property, the safety of people on the property or the value of the property.

The following questions may help you to identify if a property is appropriate to purchase. In many cases the questions relate to a variety of laws and standards. These laws and standards change over time, so it is important to seek the most up to date information. Various government agencies can provide up to date and relevant information on many of these questions. To find out more, the Office of Consumer and Business Affairs recommends that you check the website:

www.ocba.sa.gov.au/consumeradvice/realestate

Consider having a professional building inspection done before proceeding with a purchase. A building inspection will help you answer some of the questions below.

The questions have been categorised under the headings **Safety**, **Enjoyment** and **Value**, but all of the issues are relevant to each heading.

Safety

- Is there **asbestos** in any of the buildings or elsewhere on the property eg sheds and fences?
- Does the property have any significant **defects** eg **cracking** or **salt damp**? Have the wet areas been waterproofed?
- Is the property in a **bushfire** prone area?
- Are the **electrical wiring, gas installation, plumbing and appliances** in good working order and in good condition? Is a **safety switch** (RCD) installed? Is it working?
- Are there any prohibited **gas appliances** in bedrooms or bathrooms?
- Are **smoke alarms** installed in the house? If so, are they hardwired? Are they in good working order and in good condition? Are they compliant?
- Is there a **swimming pool and/or spa pool** installed on the property? Are there any safety barriers or fences in place? Do they conform to current standards?
- Does the property have any **termite** or other pest infestations? Is there a current preventive termite treatment program in place? Was the property treated at some stage with persistent organochlorines (now banned) or other **toxic** termiticides?
- Has fill been used on the site? Is the soil contaminated by **chemical residues** or waste?
- Does the property use **cooling towers** or manufactured warm water systems? If so, what are the maintenance requirements?

Enjoyment

- Does the property have any **stormwater** problems?
- Is the property in a **flood prone** area? Is the property prone to coastal flooding?
- Does the property have an on-site **wastewater treatment facility** such as a septic tank installed? If so, what are the maintenance requirements? Is it compliant?
- Is a **sewer mains connection** available?
- Are all gutters, downpipes and stormwater systems in good working order and in good condition?
- Is the property near **power lines**? Are there any trees on the property near power lines? Are you considering planting any trees? Do all structures and trees maintain the required clearance from any power lines?
- Are there any **significant** trees on the property?
- Is this property a unit on **strata or community title**? What could this mean for you? Is this property on strata or community title? Do you understand the restrictions of use and the financial obligations of ownership? Will you have to pay a previous owner's debt or the cost of planned improvements?
- Is the property close to a hotel, restaurant or other venue with entertainment consent for live music? Is the property close to any industrial or commercial activity, a busy road or airport etc that may result in the generation of **noise** or the **emission of materials or odours** into the air?
- What appliances, equipment and fittings are included in the sale of the property?
- Is there sufficient car parking space available to the property?

Value

- Are there any **illegal or unapproved additions**, extensions or alterations to the buildings on the property?
- How **energy efficient** is the home, including appliances and lighting? What **energy sources** (eg electricity, gas) are available?
- Is the property connected to SA Water operated and maintained **mains water**? Is a mains water connection available? Does the property have a **recycled water** connection? What sort of water meter is located on the property (a **direct or indirect meter** – an indirect meter can be located some distance from the property)? Is the property connected to a water meter that is also serving another property?
- Are there water taps outside the building? Is there a watering system installed? Are they in good working order and in good condition?
- Does the property have **alternative sources** of water other than mains water supply (including **bore or rainwater**)? If so, are there any special maintenance requirements?

For more information on these matters visit: www.ocba.sa.gov.au/consumeradvice/realestate

Disclaimer: There may be other issues relevant to the purchase of real estate. If you are unable to ascertain enough information about the questions raised in this form and any other concerns you may have we strongly recommend you obtain independent advice through a building inspection, a lawyer, and a financial adviser.

Schedule 3—Contracts for sale of land or businesses—inquiries

Table 1—Mortgages, charges and prescribed encumbrances

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

Column 1 Matters specified in Form 1 Schedule Division 2 and Form 2 Schedule 2 Division 2	Column 2 Body to whom inquiry is to be made
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 3, 4 and 5 under that heading)	Department for Transport, Energy and Infrastructure
Particulars relating to environment protection (item 6 under that heading)	The council
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

Schedule 4—Financial and investment advice—specified information and warnings

Land and Business (Sale and Conveyancing) Act 1994 section 24B

Land and Business (Sale and Conveyancing) Regulations 2010 regulation 21

A land agent or sales representative who provides financial or investment advice to you in connection with the sale or purchase of land or a business is obliged to tell you that—

You should assess the suitability of any purchase of the land or business in light of your own needs and circumstances by seeking independent financial and legal advice.

An agent must also tell you about any other benefit that any other person (including the agent) will receive in connection with the sale or purchase, unless it is*:

- a benefit that has been disclosed in a sales agency agreement
- a benefit that you provide the agent
- a benefit received by the vendor or purchaser
- a benefit related to a service for which you have not or will not be charged
- a benefit of which the agent remains unaware.

*Refer to section 24C of the *Land and Business (Sale and Conveyancing) Act 1994*

Schedule 5—Disclosure of benefits

Land and Business (Sale and Conveyancing) Act 1994 section 24C

Land and Business (Sale and Conveyancing) Regulations 2010 regulation 22

If a benefit has already been disclosed in a sales agency agreement then the use of this form is not required to disclose that benefit.

Subject to section 24C of the *Land and Business (Sale and Conveyancing) Act 1994*, a land agent must use this form to disclose to you (the client):

- benefits which the agent will receive or expects to receive from a third person to whom the agent has referred you, or with whom the agent has contracted, when the referral or contract is for the provision of services associated with the sale or purchase of property or a business;

- any other benefit of which the agent is aware that any person (including the agent) receives or expects to receive in connection with the sale or purchase.

The obligation to disclose a benefit to you under section 24C is ongoing and arises when the agent becomes aware of a benefit.

Note—

- When this form is used, the land agent **must** disclose the nature, source and amount (or estimated amount or value) of the benefit.
- A benefit includes a rebate, a discount, or a refund, and could include such things as frequent flyer points or gift vouchers.
- Under section 24C(5) of the *Land and Business (Sale and Conveyancing) Act 1994* an agent includes an agent acting for the purchaser or vendor, and a sales representative acting for that agent.

Description of property or business

Nature of the benefit	Source of the benefit	Amount (or estimated amount or value) of the benefit	Name of recipient of the benefit and capacity* of recipient

* refers to the capacity in which the person receives the benefit eg as an agent, a financier, mortgage broker, lawyer.

[If insufficient space, add an annexure]

Name of agent/sales representative
Signature
Date

Name of client
Signature
Date

Schedule 6—Prescribed standard conditions for auctions of residential land

Land and Business (Sale and Conveyancing) Act 1994 section 24I

Land and Business (Sale and Conveyancing) Regulations 2010 regulation 26

1—Prescribed standard conditions

- (1) The prescribed standard conditions referred to in regulation 26 for an auction conducted by an agent for the sale of residential land (the *property*) are as follows:
 - (a) any person may bid in the auction in person, or by their proxy or representative, subject to the conditions of auction;
 - (b) the vendor's reserve price will be as recorded in the auction record;
 - (c) to make a bid a person must be registered in the bidders register, having satisfied the requirements as to proof of identity and, if applicable, authority to bid as a proxy or representative;
 - (d) the auctioneer will only accept a bid if the person making the bid displays an identifying number allocated to the person by the auctioneer;
 - (e) the auctioneer will, when accepting a bid, audibly announce the number so displayed by the bidder;

- (f) the auctioneer may refuse a bid if of the opinion that it is not in the best interests of the vendor, and will not be obliged to give any reason for refusing a bid;
- (g) the auctioneer may make bids on behalf of the vendor but not more than 3 such bids and only for amounts below the reserve price; any such bid will be audibly announced by the auctioneer as a "vendor's bid";
- (h) bidding increments will be accepted at the discretion of the auctioneer;
- (i) the person accepted by the auctioneer as having made the highest bid at or above the reserve price will be the purchaser and that bid will be the purchase price;
- (j) the auctioneer will not accept a bid made after the fall of the auctioneer's hammer;
- (k) unless otherwise agreed in writing by the purchaser and the vendor before the commencement of the auction—
- (i) a contract for the sale of the property, in the form displayed by the auctioneer at the auction, will be completed and signed by or on behalf of the purchaser and the vendor immediately after the fall of the hammer; and
 - (ii) the purchaser will pay a deposit immediately after the fall of the hammer, as specified in the conditions of auction;
- (l) the auctioneer will have irrevocable authority, after the fall of the auctioneer's hammer, to complete and sign the contract on behalf of the purchaser or the vendor, or both; completion and signing under that authority will be at the auctioneer's discretion in the event of breach by the purchaser of any of the conditions of auction;
- (m) the cooling off rights under section 5 of the *Land and Business (Sale and Conveyancing) Act 1994* do not apply to a sale by auction or a sale on the day of auction to a person who has made a bid in the auction (whether in person or by their proxy or representative).
- (2) In this Schedule—

conditions of auction includes conditions displayed by the auctioneer at the auction as conditions of the auction, together with the standard conditions set out above.

Schedule 7—Collusive practices at auctions of land or businesses

Land and Business (Sale and Conveyancing) Act 1994 section 24L

Land and Business (Sale and Conveyancing) Regulations 2010 regulation 28

Section 24L of the *Land and Business (Sale and Conveyancing) Act 1994* makes it unlawful to engage in collusive practices in relation to an auction of land or a business. Under that section a person must not behave in such a way that might tend to prevent **free and open competition** at an auction by, for example—

- abstaining from bidding or limiting his or her bidding; or
- agreeing to abstain from bidding or limit his or her bidding; or
- inducing or attempting to induce another person to abstain from bidding or limit his or her bidding; or
- doing anything else or inducing or attempting to induce another person to do anything else that might tend to prevent free and open competition at the auction.

The maximum penalty for committing such an offence is \$20 000.

Schedule 8—Contracts for sale of land or businesses—fees

1—Fees payable to councils

For a council search report to be provided by a council—

- | | | |
|-----|--|---------|
| (a) | for particulars in the report— | |
| | (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 <i>Real Property Act 1886</i> , 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 in the report—the actual cost incurred by the council in producing a copy of the document. | |

2—Fees payable to statutory authorities or prescribed bodies

- | | | |
|-----|---|----------|
| (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 property interest report)— | |
| | (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 property interest report or update— | |
| | (a) for a property interest report 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 | \$242.00 |
| | (b) for an update of such a report (where the application is made not more than 90 days after the original report was issued) to be provided by the Department | \$121.00 |
| (3) | For a property interest report or update for a related title— | |
| | (a) for a property interest report to be provided by the Department in relation to a related title | \$36.50 |
| | (b) for an update of such a report (where the application is made not more than 90 days after the original report was issued) to be provided by the Department | \$9.25 |

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 property interest report is to be provided by the Department; and |
| (b) | is valued by the Valuer-General under the <i>Valuation of Land Act 1971</i> conjointly with, and is to be sold at the same time as, the land in relation to which the property interest report is to be provided; |

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.

Schedule 9—Dual representation—forms

Form 1—Acknowledgment that conveyancer acts for more than one party

Land and Business (Sale and Conveyancing) Act 1994 (section 30)

To *[insert name of client]* of *[insert address of client]*

Re *[insert transaction]*

Advice

- 1 Please note that I, *[insert name of conveyancer]* of *[insert business address of conveyancer]*, have been requested to act for *[insert name of other client]* of *[insert address of other client]* who is a party to the above transaction in respect of which I act also on your behalf.
- 2 In the event of a conflict of interest arising, I am bound to cease to act for you and my other client involved in the transaction unless you and my other client agree in writing that I may continue to act for you or for my other client.

Date:

Signed by conveyancer:

Acknowledgment

I, *[insert name of client]* acknowledge that I have read and understood the above advice.

Date:

Signed by client:

Form 2—General authority to conveyancer to act for more than one party

Land and Business (Sale and Conveyancing) Act 1994 (section 30)

I, *[insert name of client]* of *[insert address of client]*, authorise *[insert name of conveyancer]* of *[insert business address of conveyancer]* to act for another party or parties to any *[insert general description of nature of transactions to be authorised]* in respect of which the conveyancer is also acting on my behalf.

I have been advised that a conveyancer owes a duty to act in the best interests of each client involved in the transaction and that, in the event of a conflict of interests arising, a conveyancer is bound to cease to act for each of them unless all clients agree in writing for which of them the conveyancer may then continue to act.

Date:

Signed:

Schedule 10—Related variation, revocation and transitional provisions

Part 1—Preliminary

1—Variation provisions

In this Schedule, 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) (Site Contamination) Variation Regulations 2009 (Gazette 23.07.2009 p3351)*

2—Variation of regulation 7—Variation of Schedule 1—Contracts for sale of land or businesses—forms

- (1) Regulation 7(2)—delete "a current exemption" and substitute:
an exemption no longer in force
- (2) Regulation 7(5)—delete "a current exemption" and substitute:
an exemption no longer in force

Part 3—Variation of *Land and Business (Sale and Conveyancing) (Site Contamination) Variation Regulations 2009 (Gazette 23.07.2009 p3351)*

3—Variation of regulation 2—Commencement

Regulation 2(3)—delete subregulation (3)

4—Revocation of Part 4

Part 4—delete the Part

5—Variation of Schedule 1—Transitional provisions

Schedule 1, clause 4—delete clause 4

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

6—Revocation of regulations

The *Land and Business (Sale and Conveyancing) Regulations 1995* are revoked.

Part 5—Transitional provisions

7—Interpretation

In this Part—

revoked regulations means the regulations revoked by clause 6.

8—Vendor's statement prepared before commencement of regulations

- (1) A vendor's statement for the purposes of Part 2 of the *Land and Business (Sale and Conveyancing) Act 1994* prepared before 31 August 2010 will be taken to comply with these regulations if the statement—
 - (a) was prepared not more than 2 months before that date; and
 - (b) complies with the Act and the revoked regulations as in force immediately before that date; and
 - (c) is accurate as at the date of service of the statement on the purchaser.

- (2) 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.

9—Use of old form of vendor's statement after commencement of regulations

- (1) A vendor's statement for the purposes of Part 2 of the *Land and Business (Sale and Conveyancing) Act 1994* prepared on or after 31 August 2010 will be taken to be in the form required by regulation 8 of these regulations if it—
 - (a) is prepared not later than 1 December 2010; and
 - (b) is in the form that would have been required by the revoked regulations as they would have been in force on 31 August 2010 had these regulations, apart from Part 2 of this Schedule, not been made.
- (2) A vendor's statement for the purposes of Part 2 of the *Land and Business (Sale and Conveyancing) Act 1994* prepared on or after 31 August 2010 will be taken to be in the form required by regulation 10 of these regulations if it—
 - (a) is prepared not later than 1 December 2010; and
 - (b) is in the form that would have been required by the revoked regulations as they would have been in force on 31 August 2010 had these regulations, apart from Part 2 of this Schedule, not been made.
- (3) A vendor's statement for the purposes of Part 2 of the *Land and Business (Sale and Conveyancing) Act 1994* prepared on or after 31 August 2010 will be taken to contain the particulars required by Form 2 Schedule 1 Division 2 item 9(5) of these regulations if it—
 - (a) is prepared not later than 1 December 2010; and
 - (b) contains the particulars required by Form 2 Schedule 1 Division 2 item 9(5) and (6) of the revoked regulations as they would have been in force on 31 August 2010 had these regulations, apart from Part 2 of this Schedule, not been made; and
 - (c) is accurate in respect of those particulars as at the date of service of the statement on the purchaser.

10—Use of old notices, etc, after commencement of regulations

- (1) A notice delivered, served or made available for perusal not later than 1 December 2010 that complies with the requirements of regulation 15A and Schedule 1A of the revoked regulations will be taken to comply with the requirements of regulation 17 and Schedule 2 of these regulations.
- (2) Information or warnings given not later than 1 December 2010 that are in the form required by regulation 16C and Schedule 2A of the revoked regulations will be taken to be in the form required by regulation 21 and Schedule 4 of these regulations.
- (3) A disclosure made not later than 1 December 2010 that is in the form required by regulation 16D and Schedule 2B of the revoked regulations will be taken to be in the form required by regulation 22 and Schedule 5 of these regulations.
- (4) A notice given not later than 1 December 2010 that is in the form required by regulation 16J and Schedule 2D of the revoked regulations will be taken to be in the form required by regulation 28 and Schedule 7 of these regulations.

- (5) In this clause, a reference to the *revoked regulations* means the revoked regulations as they would have been in force on 31 August 2010 had these regulations, apart from Part 2 of this Schedule, not been made.

Note—

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

Made by the Governor

with the advice and consent of the Executive Council
on 26 August 2010

No 196 of 2010

09MCA0056CS

South Australia

Land Tax Regulations 2010

under the *Land Tax Act 1936*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Notification of changes in ownership
- 5 Notification of change of address
- 6 Prescribed associations and exemptions (section 4 of Act)
- 7 Trusts (section 13 of Act)
- 8 Records
- 9 Certificates in respect of liability to land tax (section 23 of Act)
- 10 Execution of notices and other documents
- 11 Misuse of written materials

Schedule 1—Revocation of *Land Tax Regulations 1999*

1—Short title

These regulations may be cited as the *Land Tax Regulations 2010*.

2—Commencement

These regulations will come into operation on 1 September 2010.

3—Interpretation

In these regulations—

Act means the *Land Tax Act 1936*.

4—Notification of changes in ownership

(1) If—

- (a) a person ceases to be the owner of land that is registered under the *Real Property Act 1886*; and
- (b) the change of ownership has not been noted or registered on the title by the end of the financial year in which the change occurs,

the person (or his or her personal representative) must, on or before the immediately following 31 July, give the Commissioner notice of the change in ownership in a form approved by the Commissioner.

Maximum penalty: \$125.

- (2) If a person ceases to be the owner of any other land, he or she (or his or her personal representative) must, within 1 month after the change of ownership occurs, give the Commissioner notice of the change in a form approved by the Commissioner.

Maximum penalty: \$125.

5—Notification of change of address

Unless the Commissioner otherwise determines, if an owner of land changes his or her postal or residential address, the owner must, within 1 month, give the Commissioner notice of the change in a form approved by the Commissioner.

Maximum penalty: \$125.

6—Prescribed associations and exemptions (section 4 of Act)

- (1) For the purposes of section 4(1)(k)(viii) of the Act, the following associations are prescribed:
 - (a) Lakeside Villages Incorporated;
 - (b) The Retirement Homes Association of Australia Incorporated.
- (2) For the purposes of section 4(1)(m) of the Act, *Aboriginal Hostels Limited* is a prescribed body.

7—Trusts (section 13 of Act)

- (1) For the purposes of section 13(3)(b) of the Act, notice of the trust will be given as required by regulation if it is given in writing to the Commissioner in the financial year for which the tax is to be calculated.
- (2) Notice of the trust is not required for the purposes of a financial year following the financial year in which notice is first given unless a change has been made to, or in relation to, the trust or some other change that might affect liability to tax has occurred in respect of the trust.
- (3) For the purpose of determining whether land is held in trust and, if so, the nature of that trust, the Commissioner may require the equitable owner or legal owner of the land to produce to the Commissioner for inspection—
 - (a) all written matter relating to the creation of the trust, and any variation of the trust after its creation; and
 - (b) such other evidence as the Commissioner may require.
- (4) The Commissioner may, in order to consider and assess its contents and effect, take possession of and retain for a reasonable period any written matter or other evidence produced under subregulation (3).

8—Records

- (1) The Commissioner may alter, add to or correct any record kept by the Commissioner for the purposes of the Act.
- (2) If an alteration, addition or correction affects the incidence of taxation, the Commissioner must give written notice of the alteration, addition or correction to the relevant taxpayer (although a failure to give such notice does not invalidate or affect the alteration, addition or correction).

9—Certificates in respect of liability to land tax (section 23 of Act)

- (1) For the purposes of section 23 of the Act, a fee of \$27.25 is prescribed.
- (2) If, on an application under section 23 of the Act, the Commissioner is satisfied—
 - (a) that the application is being made in conjunction with an application to the Department for Transport, Energy and Infrastructure for information for the purposes of section 7 of the *Land and Business (Sale and Conveyancing) Act 1994*; and
 - (b) that the applicant has paid an application fee to that Department,no fee is payable on the application under section 23 of the Act.

10—Execution of notices and other documents

A notice or other document under the Act purporting to be issued under the authority of the Commissioner, or under the authority of a member of the Commissioner's staff apparently acting on behalf of, or under the authority of, the Commissioner, may be taken to be valid for the purposes of the Act.

11—Misuse of written materials

A person must not wilfully alter, damage or destroy a notice, return, form or other document belonging to, or issued by, the Commissioner, or use any such notice, return, form or other document except for the purposes of the Act.

Maximum penalty: \$125.

Schedule 1—Revocation of *Land Tax Regulations 1999*

The *Land Tax Regulations 1999* are revoked.

Note—

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

Made by the Governor

with the advice and consent of the Executive Council
on 26 August 2010

No 197 of 2010

T&F10/030CS

South Australia

Subordinate Legislation (Postponement of Expiry) Regulations 2010

under the *Subordinate Legislation Act 1978*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Postponement of expiry for 1 year—Regulations made before 1 January 2000
- 5 Expiry of obsolete regulations

Schedule 1—Postponement of expiry

Schedule 2—Expiry of obsolete regulations

Schedule 3—Revocation of *Subordinate Legislation (Postponement of Expiry) Regulations 2009*

1—Short title

These regulations may be cited as the *Subordinate Legislation (Postponement of Expiry) Regulations 2010*.

2—Commencement

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

3—Interpretation

In these regulations—

Act means the *Subordinate Legislation Act 1978*.

4—Postponement of expiry for 1 year—Regulations made before 1 January 2000

The expiry under Part 3A of the Act of the regulations listed in Schedule 1 is postponed for a period of 1 year commencing on 1 September 2010.

5—Expiry of obsolete regulations

The regulations listed in Schedule 2 will expire under the Act on 1 September 2010.

Schedule 1—Postponement of expiry

ASER (Restructure) Regulations 1998 made under the *ASER (Restructure) Act 1997*

Australian Road Rules made under the *Road Traffic Act 1961*

Bank Merger (BankSA and Advance Bank) Regulations 1996 made under the *Bank Merger (BankSA and Advance Bank) Act 1996*

Bank Mergers (South Australia) (St. George/Advance) Regulations 1998 made under the *Bank Mergers (South Australia) Act 1997*

Births, Deaths and Marriages Registration Regulations 1996 made under the *Births, Deaths and Marriages Registration Act 1996*

Building Work Contractors Regulations 1996 made under the *Building Work Contractors Act 1995*

Carrick Hill Trust Regulations 1999 made under the *Carrick Hill Trust Act 1985*

Children's Services (Child Care Centre) Regulations 1998 made under the *Children's Services Act 1985*

City of Adelaide (Members Allowances and Benefits) Regulations 1998 made under the *City of Adelaide Act 1998*

Community Titles Regulations 1996 made under the *Community Titles Act 1996*

Consumer Transactions Regulations (No. 2) 1996 made under the *Consumer Transactions Act 1972*

Controlled Substances (Poisons) Regulations 1996 made under the *Controlled Substances Act 1984*

Controlled Substances (Volatile Solvents) Regulations 1996 made under the *Controlled Substances Act 1984*

Co-operatives Regulations 1997 made under the *Co-operatives Act 1997*

Criminal Law Consolidation (Medical Termination of Pregnancy) Regulations 1996 made under the *Criminal Law Consolidation Act 1935*

Dog Fence Regulations 1997 made under the *Dog Fence Act 1946*

Education (Registration of Non-Government Schools) Regulations 1998 made under the *Education Act 1972*

Education Regulations 1997 made under the *Education Act 1972*

Electricity (General) Regulations 1997 made under the *Electricity Act 1996*

Electricity Corporations (Restructuring and Disposal) Regulations 1999 made under the *Electricity Corporations (Restructuring and Disposal) Act 1999*

Expiation of Offences Regulations 1996 made under the *Expiation of Offences Act 1996*

Explosives Regulations 1996 made under the *Explosives Act 1936*

Fair Trading (General) Regulations 1999 made under the *Fair Trading Act 1987*

Fair Trading (Pre-paid Funerals Code of Practice) Regulations 1996 made under the *Fair Trading Act 1987*

Fees Regulation (Assessment of Requirements—Water and Sewerage) Regulations 1997 made under the *Fees Regulation Act 1927*

Financial Institutions Duty Regulations 1998 made under the *Financial Institutions Duty Act 1983*

Fisheries Management (Blue Crab Fishery) Regulations 1998 made under the *Fisheries Management Act 2007*

Gas Regulations 1997 made under the *Gas Act 1997*

Goods Securities Regulations 1999 made under the *Goods Securities Act 1986*

- Historic Shipwrecks Regulations 1999* made under the *Historic Shipwrecks Act 1981*
- Juries (General) Regulations 1998* made under the *Juries Act 1927*
- Libraries Regulations 1998* made under the *Libraries Act 1982*
- Liquor Licensing (Dry Areas—Long Term) Regulations 1997* made under the *Liquor Licensing Act 1997*
- Liquor Licensing (Dry Areas—Short Term) Regulations 1997* made under the *Liquor Licensing Act 1997*
- Liquor Licensing (General) Regulations 1997* made under the *Liquor Licensing Act 1997*
- Livestock Regulations 1998* made under the *Livestock Act 1997*
- Local Government (Financial Management) Regulations 1999* made under the *Local Government Act 1999*
- Local Government (General) Regulations 1999* made under the *Local Government Act 1999*
- Local Government (Implementation) Regulations 1999* made under the *Local Government (Implementation) Act 1999*
- Local Government (Members Allowances and Benefits) Regulations 1999* made under the *Local Government Act 1999*
- Mines and Works Inspection Regulations 1998* made under the *Mines and Works Inspection Act 1920*
- Mining Regulations 1998* made under the *Mining Act 1971*
- Mutual Recognition (South Australia) (Temporary Exemptions) Regulations 1999* made under the *Mutual Recognition (South Australia) Act 1993*
- National Parks and Wildlife (Hunting) Regulations 1996* made under the *National Parks and Wildlife Act 1972*
- National Parks and Wildlife (Parking) Regulations 1997* made under the *National Parks and Wildlife Act 1972*
- Opal Mining Regulations 1997* made under the *Opal Mining Act 1995*
- Police Regulations 1999* made under the *Police Act 1998*
- Primary Industry Funding Schemes (Sheep Industry Fund) Regulations 1999* made under the *Primary Industry Funding Schemes Act 1998*
- Public Corporations (Adelaide Entertainments Corporation) Regulations 1999* made under the *Public Corporations Act 1993*
- Public Corporations (Adelaide Festival Centre Trust) Regulations 1998* made under the *Public Corporations Act 1993*
- Public Corporations (Education Adelaide) Regulations 1998* made under the *Public Corporations Act 1993*
- Public Corporations (Land Management Corporation) Regulations 1997* made under the *Public Corporations Act 1993*
- Public Corporations (Lotteries Commission—Tax and Other Liabilities) Regulations 1997* made under the *Public Corporations Act 1993*
- Public Corporations (Playford Centre) Regulations 1996* made under the *Public Corporations Act 1993*

Public Corporations (TransAdelaide—Tax and Other Liabilities) Regulations 1997 made under the *Public Corporations Act 1993*

Railways (Operations and Access) (Evidentiary Provisions) Regulations 1998 made under the *Railways (Operations and Access) Act 1997*

Recreation Grounds Regulations 1996 made under the *Recreation Grounds (Regulations) Act 1931*

Residential Tenancies (Rooming Houses) Regulations 1999 made under the *Residential Tenancies Act 1995*

Road Traffic (Mass and Loading Requirements) Regulations 1999 made under the *Road Traffic Act 1961*

Road Traffic (Miscellaneous) Regulations 1999 made under the *Road Traffic Act 1961*

Road Traffic (Oversize or Overmass Vehicle Exemptions) Regulations 1999 made under the *Road Traffic Act 1961*

Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999 made under the *Road Traffic Act 1961*

Road Traffic (Vehicle Standards) Rules 1999 made under the *Road Traffic Act 1961*

Roxby Downs (Local Government Arrangement) Regulations 1997 made under the *Roxby Downs (Indenture Ratification) Act 1982*

Second-hand Dealers and Pawnbrokers Regulations 1998 made under the *Second-hand Dealers and Pawnbrokers Act 1996*

Security and Investigation Agents Regulations 1996 made under the *Security and Investigation Agents Act 1995*

Sewerage Regulations 1996 made under the *Sewerage Act 1929*

South Australian Motor Sport Regulations 1999 made under the *South Australian Motor Sport Act 1984*

State Records Regulations 1998 made under the *State Records Act 1997*

Succession Duties Regulations 1996 made under the *Succession Duties Act 1929*

Technical and Further Education Regulations 1999 made under the *Technical and Further Education Act 1975*

Technical and Further Education (Vehicles) Regulations 1998 made under the *Technical and Further Education Act 1975*

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

Travel Agents Regulations 1996 made under the *Travel Agents Act 1986*

Trustee Regulations 1996 made under the *Trustee Act 1936*

Unclaimed Goods Regulations 1998 made under the *Unclaimed Goods Act 1987*

Water Resources (Penrice Exemption) Regulations 1997 made under the *Water Resources Act 1997*

Water Resources Regulations 1997 made under the *Water Resources Act 1997*

Waterworks Regulations 1996 made under the *Waterworks Act 1932*

Wheat Marketing Regulations 1998 made under the *Wheat Marketing Act 1989*

Witness Protection Regulations 1997 made under the *Witness Protection Act 1996*

Worker's Liens Regulations 1999 made under the *Worker's Liens Act 1893*

Workers Rehabilitation and Compensation (Claims and Registration) Regulations 1999 made under the *Workers Rehabilitation and Compensation Act 1986*

Workers Rehabilitation and Compensation (Disclosure of Information) Regulations 1999 made under the *Workers Rehabilitation and Compensation Act 1986*

Workers Rehabilitation and Compensation (Dispute Resolution) Regulations 1996 made under the *Workers Rehabilitation and Compensation Act 1986*

Workers Rehabilitation and Compensation (General) Regulations 1999 made under the *Workers Rehabilitation and Compensation Act 1986*

Workers Rehabilitation and Compensation (Rehabilitation Standards and Requirements) Regulations 1996 made under the *Workers Rehabilitation and Compensation Act 1986*

Workers Rehabilitation and Compensation (Reviews and Appeals) Regulations 1999 made under the *Workers Rehabilitation and Compensation Act 1986*

Schedule 2—Expiry of obsolete regulations

Highways (Goolwa—Hindmarsh Island Ferry) Regulations 1999 made under the *Highways Act 1926*

Natural Gas Authority Regulations 1995 made under the *Natural Gas Authority Act 1967*

Schedule 3—Revocation of Subordinate Legislation (Postponement of Expiry) Regulations 2009

The *Subordinate Legislation (Postponement of Expiry) Regulations 2009* are revoked.

Note—

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

Made by the Governor

with the advice and consent of the Executive Council
on 26 August 2010

No 198 of 2010

AGO0207/02CS

South Australia

Retail and Commercial Leases Regulations 2010

under the *Retail and Commercial Leases Act 1995*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Exclusions from application of Act
- 5 Disclosure statement
- 6 Warranty of fitness for purpose—exclusion
- 7 Minimum 5 year term—exclusion
- 8 Renewal of shopping centre lease—exclusion
- 9 Land tax not to be recovered from lessee—exclusion
- 10 Assignor's disclosure statement
- 11 Trading hours—procedure for secret ballot
- 12 Retail Shop Leases Advisory Committee
- 13 Abandoned goods notice
- 14 Modification of Landlord and Tenant Act

Schedule 1—Form of disclosure statements

Schedule 2—Revocation and transitional provision

Part 1—Revocation of *Retail and Commercial Leases Regulations 1995*

- 1 Revocation

Part 2—Transitional provision

- 2 Transitional provision
-

1—Short title

These regulations may be cited as the *Retail and Commercial Leases Regulations 2010*.

2—Commencement

These regulations will come into operation on 1 September 2010.

3—Interpretation

In these regulations—

Act means the *Retail and Commercial Leases Act 1995*;

domestic partner means a person who is a domestic partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

spouse—a person is the spouse of another if they are legally married.

4—Exclusions from application of Act

Pursuant to section 4(3) of the Act, a retail shop lease is excluded from the application of the Act if—

- (a) it is a lease of the whole or a part of the National Railway Museum, Lipson Street (South), Port Adelaide; or
- (b) the Aboriginal Lands Trust is the lessor; or
- (c) Distribution Lessor Corporation, Generation Lessor Corporation or Transmission Lessor Corporation is the lessor; or
- (d) the lessor is a body corporate and the lessee or lessees have a controlling interest in the body corporate; or
- (e) the lessor and the lessee are both bodies corporate and the same person or persons have a controlling interest in both bodies corporate.

5—Disclosure statement

For the purposes of section 12(3a) of the Act, a disclosure statement must be presented in the form of Form 1 set out in Schedule 1.

6—Warranty of fitness for purpose—exclusion

For the purposes of section 18(2) of the Act, a notice of exclusion of warranty must—

- (a) be given in writing; and
- (b) be specifically drawn to the attention of the lessee at the time that the disclosure statement is given to the lessee.

7—Minimum 5 year term—exclusion

Pursuant to section 20B(3)(f) of the Act, a retail shop lease is excluded from the ambit of Part 4A Division 2 of the Act if—

- (a) the lessee is the lessor's spouse, domestic partner, parent, grandparent, step-parent, child, grandchild, step-child, brother or sister, or the spouse or domestic partner of the lessor's child, grandchild, step-child, brother or sister; or
- (b) the lessor is—
 - (i) an incorporated association within the meaning of the *Associations Incorporation Act 1985*; or
 - (ii) a body established on a non-profit basis for a purpose of a kind referred to in section 18(1) of that Act,

and the right of occupation granted under the lease is for less than an average of 15 hours in each week over the term of the lease.

8—Renewal of shopping centre lease—exclusion

Pursuant to section 20C(2)(d) of the Act, a retail shop lease is excluded from the ambit of Part 4A Division 3 of the Act if it is a lease of the whole or a part of premises known at the commencement of these regulations by the following descriptions:

- (a) heritage levels 1, 3, 4, 5, 7, 8 and 9 of Shell House, 170 North Terrace, Adelaide;
- (b) heritage levels 1, 3, 4, 5 and 7 of Goldsbrough House, 172 North Terrace, Adelaide;

- (c) levels 7 to 12 (inclusive) of Terrace Towers, 178 North Terrace, Adelaide;
- (d) Elizabeth House, Elizabeth City Centre, Elizabeth;
- (e) Sidney Chambers, Elizabeth City Centre, Elizabeth;
- (f) Raleigh Chambers, Elizabeth City Centre, Elizabeth;
- (g) Windsor Building, Elizabeth City Centre, Elizabeth;
- (h) levels 2 to 10 (inclusive) of Citi Centre Building, 145 Rundle Mall, Adelaide;
- (i) levels 1 to 10 (inclusive) of AON House, 63 Pirie Street, Adelaide;
- (j) levels 1 to 14 (inclusive) of Wyatt House, 115 Grenfell Street, Adelaide.

9—Land tax not to be recovered from lessee—exclusion

For the purposes of section 30(3) of the Act, 15 November 1990 is fixed (and, consequently, section 30 of the Act does not apply to a retail shop lease entered into before that date).

10—Assignor's disclosure statement

For the purposes of section 45A of the Act, an assignor's disclosure statement must be in the form of Form 2 set out in Schedule 1.

11—Trading hours—procedure for secret ballot

For the purposes of section 61(1)(c) of the Act, a secret ballot for the approval of core trading hours must be conducted as follows:

- (a) the proposed core trading hours must be incorporated into a resolution to be put at a meeting of the persons who are entitled to vote on the matter (see section 61(2) of the Act);
- (b) the lessor and each lessee of a retail shop affected by the proposal must receive at least 10 days notice of the meeting;
- (c) the notice must—
 - (i) be in writing; and
 - (ii) state the time and place at which the meeting will be held; and
 - (iii) set out the text of the resolution that is to be put to the meeting;
- (d) a person who is entitled to vote at the meeting may, by written instrument, appoint another person to act as his or her proxy at the meeting;
- (e) the person or persons who are proposing the resolution must make up, and provide at the meeting, ballot papers for the purposes of the ballot;
- (f) the ballot papers must set out the text of the resolution and clearly indicate a place where a person who is voting may vote for, or against, the resolution;
- (g) the persons present at the relevant meeting must appoint 1 of their number to preside at the meeting and to conduct the ballot;
- (h) the person presiding at the meeting—
 - (i) may require that the ballot papers be altered or replaced before the ballot is conducted if he or she is dissatisfied with the form or content of the ballot papers, or otherwise considers that it is appropriate to take action under this provision; and

- (ii) may decide any other question relevant to the conduct of the ballot;
- (i) each person who casts a vote in the ballot is entitled to scrutinise the counting of votes.

12—Retail Shop Leases Advisory Committee

- (1) For the purposes of section 73(2) of the Act, the Retail Shop Leases Advisory Committee will be comprised of persons nominated at the invitation of the Commissioner by each of the following bodies:
 - (a) Property Council of Australia Limited;
 - (b) Australian Retailers Association - South Australia Division;
 - (c) State Retailers Association of South Australia Incorporated;
 - (d) Shopping Centre Council of Australia Limited;
 - (e) Newsagents Association of South Australia Pty Ltd;
 - (f) Australian Small Business Association Incorporated;
 - (g) Westfield Shopping Centre Management Co. (SA) Pty Ltd.
- (2) The Committee will meet at least once each year.

13—Abandoned goods notice

For the purposes of section 76(3) of the Act, a notice of the storage of goods must be in a form that includes—

- (a) a general description of the goods; and
- (b) details sufficient to identify the retail shop at which the goods were left; and
- (c) the date of termination of the lease; and
- (d) a statement that the goods will be sold if not reclaimed by the payment of reasonable costs as required under section 76 of the Act within the 60 day period referred to in that section; and
- (e) a statement of how the goods may be reclaimed.

14—Modification of Landlord and Tenant Act

- (1) For the purposes of section 81(2)(a) of the Act, the following modifications to Part 4 of the *Landlord and Tenant Act 1936* (the *former legislation*) are prescribed:
 - (a) a reference to the Commercial Tribunal (including through the use of the definition *the Tribunal*) is to be construed as a reference to the Civil (Consumer and Business) Division of the Magistrates Court;
 - (b) section 56 of the former legislation will be taken to have been replaced by the following provision:

56—Substantial monetary claims

- (1) An action involving a claim arising under or in respect of a commercial tenancy agreement to which this Part applies or a related guarantee should be commenced before the Magistrates Court.

- (2) An action before the Magistrates Court that involves a monetary claim for \$12 000 or less will be taken to be a minor statutory proceeding under the *Magistrates Court Act 1991*.
 - (3) If an action before the Magistrates Court involves a monetary claim for an amount exceeding \$40 000, the Magistrates Court must on the application of a party to the proceeding refer the proceeding to the District Court.
 - (4) If a proceeding is referred to the District Court, the Court has, in addition to the powers that it has apart from this section, the powers that the Magistrates Court has under this Part.
 - (5) In this section—
Magistrates Court means the Civil (Consumer and Business) Division of the Magistrates Court.
- (c) sections 59, 60, 61 and 65 of the former legislation will be taken to have been repealed;
 - (d) the following sections will be taken to have been inserted after section 72 of the former legislation:

72A—Unlawful threats

A landlord or an agent of a landlord must not make threats to the effect that the landlord will not renew or extend the term of tenancy if the tenant exercises a right under this Act.

Penalty: Division 5 fine.

72B—Vexatious acts

A party to a commercial tenancy agreement must not, in connection with the exercise of a right or power under this Act or the agreement, engage in conduct that is, in all the circumstances, vexatious.

Penalty: Division 6 fine.

- (2) Pursuant to section 81(3) of the Act, the following provisions of the Act apply to a retail shop lease entered into before the commencement of the Act:
 - (a) section 12 (Lessee to be given disclosure statement);
 - (b) section 13 (Certain obligations to be void);
 - (c) section 19 (Security bond);
 - (d) section 20 (Repayment of security);
 - (e) section 31(2) (Estimates and explanations of outgoings to be provided by lessor);
 - (f) section 52 (Statistical information to be made available to lessee);
 - (g) section 61 (Trading hours);
 - (h) Part 9 Division 1 (Mediation).
- (3) Subregulations (1) and (2) do not affect any determination of core trading hours under the former legislation before the commencement of the Act and such a determination will have effect for the purposes of section 61 of the Act.

Schedule 1—Form of disclosure statements

Form 1—Disclosure statement under section 12 of *Retail and Commercial Leases Act 1995*

Information for lessees

Please read the following information carefully.

What is a lease?

A lease is a very important document. It is a legally binding contract between the lessor (landlord) and the lessee (tenant). It sets out the rights and obligations of the lessor and the lessee.

A document that binds the lessee to enter into a lease or to take a shop on lease for a renewed term should be treated as if it were the lease.

What should I look for in a lease?

The main features to consider are—

- the term of the lease;
- whether there is an option to renew or extend the lease (and the method of exercising any such option);
- the rent and the basis for rent reviews;
- the amounts that the lessee will have to pay in addition to rent eg fit out costs, maintenance and repair costs and shared operating expenses;
- the consequences of breaching a term of the lease.

Make sure you read the whole document and understand the obligations it will place on you, especially the extra charges in addition to rent that you will have to pay.

If the lease is a sublease, you should seek information about the lessor's rights and obligations under the head lease that are relevant to the lease of the shop.

What information is the lessor required to give me?

The lessor must give you a copy of the proposed lease and this disclosure statement. The disclosure statement must contain the matters set out in section 12 of the *Retail and Commercial Leases Act 1995*.

What should I do before signing a lease or other binding document?

Do not sign until you understand exactly what your obligations under the lease will be.

Before signing a lease or other binding document, you should obtain independent legal and financial advice.

- You should discuss the lease (or any agreement for a lease) and the disclosure statement with your own lawyer or leasing adviser.
- You should seek advice about the financial commitments under the lease from your own accountant or recognised financial or business adviser.
- You should also seek advice from an association representing the interests of lessees.

Before signing a lease or other binding document, oral representations made by the lessor or the lessor's agent on which you have relied should be reduced to writing and signed by or on behalf of the lessor.

Before signing a lease or other binding document, the lessee should sign an acknowledgment of receipt of the disclosure statement.

1—Details of shop

Address: *[Provide sufficient details to identify the shop.]*

Lettable area: *[Specify in square metres.]*

The shop may only be used for: *[Specify the permitted uses.]*

2—Term of lease

Term of lease:

3—Renewal or extension of lease

[Tick 1 box.]

- There is no right to renew or extend the term of the lease.
- The lease gives a right to renew or extend the term of the lease as follows:
[Insert details.]

4—Access to shop

Hours during which the lessee will have access to the shop outside trading hours:

Date on which the shop will be available for occupation:

5—Monetary obligations

The lessee's obligations to pay rent, to pay or reimburse outgoings, to make or reimburse capital expenditure and any other monetary obligations imposed on the lessee are set out in Appendix A.

6—Retail shopping centre details

[Tick 1 box.]

- The shop is in a retail shopping centre within the meaning of the *Retail and Commercial Leases Act 1995*.
See Appendix B for details.
- The shop is not in a retail shopping centre within the meaning of the *Retail and Commercial Leases Act 1995*.

7—Consequences of breach

The legal consequences of early termination of the lease by the lessee as set out in *[insert clause numbers or other identification of relevant components of lease]* of the lease are as follows:
[Insert brief description.]

The legal consequences of other breaches as set out in *[insert clause numbers or other identification of relevant components of lease]* of the lease are as follows:
[Insert brief description.]

8—Warnings

Oral representations made by the lessor or the lessor's agent on which the lessee has relied should be reduced to writing and signed by or on behalf of the lessor before the lessee enters into the lease.

The lessee should obtain independent legal and financial advice before entering into the lease.

Date:

Signature of lessor:

Name:

Address:

Acknowledgment of receipt

I acknowledge receipt of this disclosure statement including:

[Tick 1 or more boxes as applicable.]

- Appendix A—Monetary obligations under lease
- Appendix B—Retail shopping centre details
- Attachment—Shop fitting or refitting obligations
- Attachment—Fixtures, plant or equipment obligations
- Attachment—Sinking fund obligations
- Attachment—Proposed changes to shopping centre
- Attachment—Current tenant mix
- Attachment—Proposed changes to current tenant mix
- Attachment—Details of tenant association

Date:

Signature:

Name:

Address:

Appendix A—Monetary obligations under lease

Part 1—Rent

1—Base rent

The base rent payable for the shop is or is calculated as follows:

[Insert amount or formula.]

2—Basis on which base rent may be changed

The base rent may be changed on the following basis:

[Insert description of rent review arrangements.]

3—Other rent

Other rent payable for the shop is or is calculated as follows:

[Insert amount or formula.]

Part 2—Capital expenditure

4—Permissible obligations (section 13 of *Retail and Commercial Leases Act 1995*)

The lessee will be liable for capital expenditure as follows:

[Tick 1 or more boxes as applicable.]

- to pay or reimburse the cost of making good damage to the premises arising when the lessee is in possession or entitled to possession of the premises
- to fit or refit the shop as set out in the attachment marked "Shop fitting or refitting obligations"
[The attachment must include sufficient details to enable the lessee to obtain an estimate of the likely cost of complying with the obligation.]
- to provide fixtures, plant or equipment as set out in the attachment marked "Fixtures, plant or equipment obligations"
[The attachment must include sufficient details to enable the lessee to obtain an estimate of the likely cost of complying with the obligation.]
- to contribute to a sinking fund to cover major items of repair or maintenance as set out in the attachment marked "Sinking fund obligations"
[The attachment must include reasonable details of the lessee's obligations.]

Part 3—Outgoings

5—Categories and estimate of annual liability

The lessee will be liable to pay or reimburse outgoings as follows:

<u>Category of outgoings</u>	<u>Estimate of lessee's annual liability</u>
local government rates and charges	
electricity	
gas and oil	
water and sewerage rates and charges	
sewerage disposal and sullage	
energy management systems	
air conditioning/ventilation	
building intelligence and emergency systems	
fire protection	
security	
lifts and escalators	
public address/music	
signs	

Category of outgoings	Estimate of lessee's annual liability
public telephones	
insurance	
pest control	
uniforms	
car parking	
child minding	
gardening	
cleaning	
audit fees	
management costs	
maintenance and repairs	
other <i>[specify]</i>	
Total	

[Tick 1 box.]

- The lessee is liable for the full amount of the outgoings.
- The lessee is liable for a proportion of the outgoings calculated according to the following formula:
[If different according to category, provide category and formula in each case.]

6—Margin of profit

[Tick 1 box.]

- The amount the lessee is required to pay towards outgoings does not include a margin of profit for the lessor.
- The amount the lessee is required to pay towards outgoings includes a margin of profit for the lessor as follows:
[Provide the percentage profit or the basis on which the profit is to be calculated.]

Part 4—Other monetary obligations

7—Other

[Tick 1 box.]

- The lessee will not be liable for any other kinds of monetary obligations.
- The lessee will also be liable for the following kinds of monetary obligations:
[Provide details of other kinds of monetary obligations and, if possible, an estimate of the annual cost of complying with those obligations.]

Appendix B—Retail shopping centre details

1—Shopping centre details

Name of shopping centre:

Address of shopping centre:

2—Number of shops and lettable area

Total number of shops in shopping centre:

Total lettable area of shops in shopping centre:

3—Parking facilities at shopping centre

Number of parking bays for customers of shop:

Number of parking bays for lessee and lessee's employees:

4—Facilities and services provided by lessor

The lessor provides the following facilities and services:

[Describe nature of facilities and services.]

5—Proposed changes to shopping centre

[Tick 1 box.]

- No changes to the shopping centre are proposed.
- It is proposed to make changes to the shopping centre as follows:
[Describe the nature of the changes including any changes to the buildings, parking and surrounding roads and, if a development application is to be lodged, details of when and with whom it is to be lodged. Attach details (in attachment marked "Proposed changes to shopping centre") or include details of where to obtain further information.]

6—Core trading hours

Core trading hours:

7—Current tenant mix and any proposed changes

The current tenant mix is shown on the attachment marked "Current tenant mix" comprised of a floor plan showing tenancies and common areas.

[Tick 1 box.]

- No changes to the current tenant mix are proposed.
- It is proposed to change the current tenant mix as follows:
[Describe changes or show on attachment marked "Proposed changes to current tenant mix".]

The lease may contain provisions governing the process for changes to the tenant mix.

8—Introduction of competitor

[Tick 1 box.]

- The lessee is assured that the current tenant mix will not be altered to the lessee's disadvantage by the introduction of a competitor.
- The lessor is not prepared to give the lessee an assurance that the current tenant mix will not be altered to the lessee's disadvantage by the introduction of a competitor.

9—Tenant association

[Tick 1 box.]

- There is no tenant association for the centre.
- The attachment marked "Details of tenant association" gives details of the nature of the tenant association for the centre, the voting rights of members and the contributions payable by members.

10—Advertisement etc of shopping centre

[Tick 1 box.]

- Contributions are not required towards the costs of advertising and promoting the shopping centre.
- The following is an estimate of the annual contributions that are or may be required towards the costs of advertising and promoting the shopping centre:
[Insert estimate.]

Form 2—Assignor's disclosure statement under section 45A of *Retail and Commercial Leases Act 1995*

1—Details of lessor

Name of lessor:

Contact details:

2—Details of shop for which lease is to be assigned

Address: *[Provide sufficient details to identify the shop.]*

3—Lessor's disclosure statement

[Tick 1 box.]

- The assignor has not provided the assignee with a copy of the lessor's disclosure statement in respect of the lease, together with details of any changes to the information contained in the disclosure statement since the statement was given.
- The assignor has provided the assignee with a copy of the lessor's disclosure statement in respect of the lease, together with details of any changes to the information contained in the disclosure statement since the statement was given.

4—Outstanding notices in respect of lease

[Tick 1 box.]

- There are no outstanding notices in respect of the lease.
- There are the following outstanding notices in respect of the lease:
 - Name of person giving notice:
 - Date of notice:
 - Details of notice:

5—Outstanding notices from any authority in respect of shop

[Tick 1 box.]

- There are no outstanding notices from any authority in respect of the retail shop.
- There are the following outstanding notices from an authority in respect of the retail shop:
 - Authority giving notice:
 - Date of notice:
 - Details of notice:

6—Encumbrances on lease

[Tick 1 box.]

- There are no encumbrances on the lease.
- There are the following encumbrances on the lease:
 - Name of holder of encumbrance:
 - Nature of encumbrance:

[Tick 1 box.]

- The encumbrance is to be discharged or satisfied prior to assignment of the lease.
- The encumbrance is not to be discharged or satisfied prior to assignment of the lease.

7—Encumbrances on, and third party interests in, fixtures and fittings within retail shop

[Tick 1 box.]

- There are no encumbrances on, or interests of a third party in, any fixtures or fittings within the retail shop.
- There are the following encumbrances on, or interests of a third party in, any fixtures or fittings within the retail shop:
 - Name of holder of encumbrance or interest:

Details of fixtures or fittings affected:

Nature of encumbrance or interest:

[Tick 1 box.]

- All encumbrances and interests are to be discharged or satisfied prior to assignment of the lease.
- The following encumbrances or interests are not to be discharged or satisfied prior to assignment of the lease:
[Insert details.]

8—Rent concessions or other benefits

[Tick 1 box.]

- The lessor has not conferred any rent concessions or other benefits on the assignor during the term of the lease.
- The lessor has conferred the following rent concessions or other benefits on the assignor during the term of the lease:
[Insert details.]

9—Annual sales figures

The total (aggregate) annual sales figures in respect of the retail shop during the past 3 years (or such lesser period as the lease has been in operation) are as follows:

[Insert details.]

10—Other information as to trading performance

The following further information has been provided by the assignor to the assignee as to the trading performance of the retail shop during the past 3 years (or such lesser period as the lease has been in operation):

[Insert details.]

Date:

Signature of assignor:

Name:

Address:

Acknowledgment of receipt

I acknowledge receipt of this disclosure statement.

Date:

Signature of assignee:

Name:

Address:

Schedule 2—Revocation and transitional provision

Part 1—Revocation of *Retail and Commercial Leases Regulations 1995*

1—Revocation

The *Retail and Commercial Leases Regulations 1995* are revoked.

Part 2—Transitional provision

2—Transitional provision

A disclosure statement given under section 12 or section 45A of the Act before 1 December 2010 that is presented in the form required by the revoked *Retail and Commercial Leases Regulations 1995* will be taken to be presented in the form required by these regulations.

Note—

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

Made by the Governor

with the advice and consent of the Executive Council
on 26 August 2010

No 199 of 2010

10MCA0026CS

South Australia

Retail and Commercial Leases Variation Regulations 2010

under the *Retail and Commercial Leases Act 1995*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Retail and Commercial Leases Regulations 2010*

- 4 Variation of regulation 4—Exclusions from application of Act
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Retail and Commercial Leases Variation Regulations 2010*.

2—Commencement

These regulations will come into operation on 4 April 2011.

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 *Retail and Commercial Leases Regulations 2010*

4—Variation of regulation 4—Exclusions from application of Act

Regulation 4—before its present contents (now to be designated as subregulation (2)) insert:

- (1) For the purposes of section 4(2)(a) of the Act, the amount of \$400 000 per annum is prescribed (and, consequently, the Act does not apply to a retail shop lease if the rent payable under the lease exceeds \$400 000 per annum).

Made by the Governor

with the advice and consent of the Executive Council
on 26 August 2010

No 200 of 2010

10MCA0026CS

South Australia

Guardianship and Administration Regulations 2010

under the *Guardianship and Administration Act 1993*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Constitution of Board for proceedings and conduct of business (section 6(5) of Act)
- 5 Board's annual report—prescribed particulars of warrants (section 16(2) of Act)
- 6 Jurisdiction of Board exercisable by Registrar with approval of President (section 17(3)(b) of Act)
- 7 Public Advocate's annual report—prescribed particulars of warrant applications (section 24(2) of Act)
- 8 Limits on expenditure by administrators (section 39(3) of Act)
- 9 Scale of costs against party (section 67(15a) of Act)
- 10 Period for lodging appeal to Supreme Court against ADD decision (section 70(3) of Act)

Schedule 1—Rates and fees

- 1 Rate of remuneration for professional administrators (section 46(2) of Act)
- 2 Scale of legal practitioner fees (section 73(3) of Act)

Schedule 2—Revocation of *Guardianship and Administration Regulations 1995*

1—Short title

These regulations may be cited as the *Guardianship and Administration Regulations 2010*.

2—Commencement

These regulations will come into operation on 1 September 2010.

3—Interpretation

In these regulations—

Act means the *Guardianship and Administration Act 1993*;

ADD means the Administrative and Disciplinary Division of the District Court.

4—Constitution of Board for proceedings and conduct of business (section 6(5) of Act)

- (1) Pursuant to section 6(5) of the Act, the Board may be constituted of—
 - (a) the President or a Deputy President sitting alone; or
 - (b) the President, or a Deputy President, sitting with a member of a panel,

in relation to the hearing of any proceedings or the conduct of any business other than the making of a guardianship order or an administration order.

(2) Pursuant to section 6(5) of the Act, the Board may be constituted of—

- (a) a member of a panel sitting alone; or
- (b) any 2 members (whether or not from the same panel) sitting together,

in relation to the hearing of any proceedings or the conduct of any business other than—

- (c) the making of a guardianship order or an administration order; or
 - (d) the making of an order under section 42(3) of the Act exempting a disposition of property or contract from being voidable by an administrator; or
 - (e) the making of an order under section 44(5) of the Act disallowing an item of expenditure by an administrator; or
 - (f) the making of an order under section 44(6) of the Act determining the costs and expenses to be paid by an administrator to the Public Trustee; or
 - (g) the making of an order under section 45(2) of the Act disallowing an item of expenditure by the Public Trustee; or
 - (h) the review of a decision or order of the Registrar under section 64 of the Act; or
 - (i) the stating of a case on a question of law to the Supreme Court under section 65 of the Act; or
 - (j) the making of an order under section 81(2) of the Act or section 107(2) of the *Mental Health Act 2009* (or section 35(2) of the repealed *Mental Health Act 1993*) authorising publication of a report of Board proceedings.
- (3) Despite subregulations (1) and (2), the Board constituted of any member sitting alone, or any 2 members sitting together, may make an order as a matter of urgency pursuant to section 14(7) of the Act, provided that any such power is not exercised more than once in relation to any 1 particular order in any proceedings.

5—Board's annual report—prescribed particulars of warrants (section 16(2) of Act)

For the purposes of section 16(2) of the Act, the prescribed particulars of warrants issued during the year are as follows:

- (a) the number of warrants issued during the year;
- (b) the status of the applicants for the warrants;
- (c) the age, sex and details of the mental incapacity of the persons to whom the warrants related;
- (d) the grounds on which the warrants were issued;
- (e) the action taken under the warrants.

6—Jurisdiction of Board exercisable by Registrar with approval of President (section 17(3)(b) of Act)

For the purposes of section 17(3)(b) of the Act, the following are matters of a prescribed class:

- (a) recognising a person as a *recognised advocate* for the purposes of the Act (section 3(1) of the Act);

- (b) directing the Public Advocate to carry out an investigation (section 28(1) of the Act);
- (c) approving the exceeding of an expenditure limit by an administrator (section 39(3) of the Act);
- (d) approving the disposition or acquisition of real property by an administrator (section 39(4) of the Act);
- (e) authorising the disclosure of the contents of a will or other testamentary disposition of a protected person (section 40(3) of the Act);
- (f) authorising the exercise by an administrator of powers after the death of a protected person (section 41(3) of the Act);
- (g) requiring an administrator to furnish the Board and the Public Trustee with further evidence supporting a statement of accounts (section 44(3)(b) of the Act);
- (h) allowing access to a statement of accounts to persons other than the protected person (section 44(7) of the Act);
- (i) requiring the Public Trustee to include other particulars in a statement of accounts (section 45(1)(c) of the Act);
- (j) allowing access to a statement of accounts of the Public Trustee to persons other than the protected person (section 45(4) of the Act);
- (k) determining that a professional administrator is entitled to remuneration out of the estate (section 46(1) of the Act);
- (l) fixing a rate of remuneration above or below the prescribed scale (section 46(2) of the Act);
- (m) revoking the appointment of a guardian or administrator where the guardian or administrator seeks such revocation (section 54(2)(a) of the Act);
- (n) reviewing the circumstances of any protected person other than one who is subject to a continuing detention order (section 57(1)(b) of the Act);
- (o) consenting to the medical or dental treatment of a person (section 59(2)(b)(ii) of the Act);
- (p) suspending operation of a decision, direction or order of the Board pending appeal (section 72(2) of the Act);
- (q) giving advice or directions to an administrator (section 74(1) of the Act);
- (r) directing that an application under section 74(1) of the Act be served on a person and be determined in the presence of parties (section 74(2) of the Act).

7—Public Advocate's annual report—prescribed particulars of warrant applications (section 24(2) of Act)

For the purposes of section 24(2) of the Act, the prescribed particulars of applications for warrants made during the year are as follows:

- (a) the number of applications for warrants made during the year;
- (b) the age, sex and details of the alleged mental incapacity of the persons to whom the applications related;
- (c) the grounds on which the applications were based;
- (d) the number of applications withdrawn during the year;

- (e) the number of warrants issued during the year;
- (f) the number of warrants refused during the year;
- (g) in relation to warrants issued—
 - (i) the age, sex and details of the mental incapacity of the persons to whom the warrants related;
 - (ii) the grounds on which the warrants were issued;
 - (iii) the action taken under the warrants.

8—Limits on expenditure by administrators (section 39(3) of Act)

- (1) For the purposes of section 39(3) of the Act, the administrator of the estate of a protected person cannot, except with the prior approval of the Board, expend in any 1 year of administration more than the following amounts of money out of the estate in respect of the following matters:
- (a) for accommodation costs (by way of rent or board and lodging) for the protected person—\$19 000;
 - (b) for premiums paid under the *Retirement Villages Act 1987*—\$100 000;
 - (c) for the maintenance of the protected person's spouse or domestic partner—
 - (i) the sum produced by adding together the amount of average weekly earnings applicable in respect of each week in that year; or
 - (ii) one half of the protected person's net income (that is to say, taxable income less tax) for the last financial year,whichever is the lesser;
 - (d) for the maintenance, education or advancement of the protected person's children and grandchildren—\$8 700.

- (2) In this regulation—

average weekly earnings means the amount published quarterly by the Commonwealth Statistician as the average full time adult ordinary time earnings across private and public sectors.

9—Scale of costs against party (section 67(15a) of Act)

For the purposes of section 67(15a) of the Act, the prescribed scale is the scale set out in Schedule 1 of the *District Court Civil Rules 2006*.

10—Period for lodging appeal to Supreme Court against ADD decision (section 70(3) of Act)

For the purposes of section 70(3) of the Act, the prescribed period is 14 days.

Schedule 1—Rates and fees

1—Rate of remuneration for professional administrators (section 46(2) of Act)

For the purposes of section 46(2) of the Act, the prescribed rate is \$71.50 for each hour.

2—Scale of legal practitioner fees (section 73(3) of Act)

For the purposes of section 73(3) of the Act, the prescribed scale is as follows:

- | | | |
|-----|--|---------|
| (a) | in relation to an appeal to the ADD or Supreme Court— | |
| | (i) for each 15 minutes, or part of 15 minutes, spent preparing for the hearing of an appeal (subject to a maximum of 3 hours) or attending the hearing of an appeal (including if the hearing is adjourned but excluding time taken to travel to or from the place of hearing) | \$33.65 |
| | (ii) for each 15 minutes, or part of 15 minutes, spent travelling from the practitioner's usual place of business to the place where the person to whom the appeal relates is to be interviewed or the hearing of an appeal is to be held or from such a place to the practitioner's usual place of business | \$12.50 |
| | (iii) for each kilometre, or part of a kilometre, travelled from the practitioner's usual place of business to the place where the person to whom the appeal relates is to be interviewed or the hearing of an appeal is to be held or from such a place to the practitioner's usual place of business | \$0.71 |
| (b) | in relation to an application for leave to appeal to the ADD— | |
| | (i) in the case of an application determined by the Board—for all work done (including attending before the Board) | \$66.00 |
| | (ii) in the case of an application determined by the ADD—for all work done (including attending before the ADD) | \$88.00 |

Schedule 2—Revocation of *Guardianship and Administration Regulations 1995*

The *Guardianship and Administration Regulations 1995* are revoked.

Note—

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

Made by the Governor

with the advice and consent of the Executive Council
on 26 August 2010

No 201 of 2010

AGO0095/10CS

South Australia

Motor Vehicles Variation Regulations 2010

under the *Motor Vehicles Act 1959*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Motor Vehicles Regulations 2010*

- 4 Variation of Schedule 1—Fees
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Motor Vehicles Variation Regulations 2010*.

2—Commencement

These regulations will come into operation on 1 September 2010.

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 2010*

4—Variation of Schedule 1—Fees

Schedule 1, clause 42(2)—delete "\$65.00" and substitute:

\$97.00

Note—

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

Made by the Governor

with the advice and consent of the Executive Council
on 26 August 2010

No 202 of 2010

MRS10/006CS

South Australia

History Trust of South Australia Regulations 2010

under the *History Trust of South Australia Act 1981*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Application
- 5 Authorised officers
- 6 Authorisation of Trust
- 7 Children under 10 must be accompanied on Trust premises
- 8 Prohibited acts
- 9 Powers of authorised officers
- 10 Exclusion of certain persons from Trust premises

Schedule 1—Revocation of *History Trust of South Australia Regulations 1995*

1—Short title

These regulations may be cited as the *History Trust of South Australia Regulations 2010*.

2—Commencement

These regulations will come into operation on 1 September 2010.

3—Interpretation

In these regulations—

Act means the *History Trust of South Australia Act 1981*;

authorised officer means a person appointed as an authorised officer under these regulations;

premises includes—

- (a) land; and
- (b) a part of premises.

4—Application

An officer or employee of the Trust or a person engaged to perform services on behalf of the Trust is not subject to these regulations in relation to the performance of his or her duties as an officer or employee or the performance of those services.

5—Authorised officers

- (1) The Trust may appoint suitable persons to be authorised officers for the purposes of these regulations.

- (2) The Trust must provide an identity card to each authorised officer appointed by it.
- (3) An authorised officer must produce his or her identity card at the request of a person in relation to whom the officer has exercised, or intends to exercise, powers under these regulations.

6—Authorisation of Trust

- (1) The Trust may authorise a person to carry out an activity that would otherwise constitute an offence against these regulations.
- (2) An authorisation given by the Trust for the purposes of these regulations—
 - (a) must be in writing or, if given orally, must be confirmed in writing as soon as practicable; and
 - (b) may be subject to such conditions (including a condition requiring the payment of a fee) as are specified by the Trust; and
 - (c) may be varied or revoked by the Trust at any time.

7—Children under 10 must be accompanied on Trust premises

- (1) A person having the custody or care of a child under the age of 10 years must not permit the child to enter, or remain on, premises of the Trust unless accompanied by, and under the care of, a person who is at least 15 years of age.

Maximum penalty: \$500.

- (2) A child under the age of 10 years must not enter, or remain on, premises of the Trust unless accompanied by, and under the care of, a person who is at least 15 years of age.
- (3) This regulation does not apply in relation to an area set aside for the purpose of the consumption of food and beverages.

8—Prohibited acts

A person must not, except as authorised by the Trust, do any of the following:

- (a) touch or in any way interfere with an exhibit on premises of the Trust, a case containing such an exhibit or a sign associated with such an exhibit;
- (b) smoke while on premises of the Trust;
- (c) consume food or a beverage while on premises of the Trust except in an area set aside for that purpose;
- (d) bring an animal (other than a guide dog) onto premises of the Trust;
- (e) deposit litter on premises of the Trust except in a receptacle set aside for litter;
- (f) sell or offer for sale anything while on premises of the Trust;
- (g) distribute material or display a banner, placard or sign while on premises of the Trust;
- (h) photograph, copy or reproduce an exhibit, or a sign associated with an exhibit, on premises of the Trust.

Maximum penalty: \$500.

9—Powers of authorised officers

- (1) If an authorised officer knows or reasonably suspects that a person has committed, is committing or is about to commit an offence against the Act or these regulations, the authorised officer may—
 - (a) require the person to state his or her full name and usual place of residence; and
 - (b) if the person has been given an authorisation by the Trust—require the person to produce the authorisation for inspection.
- (2) If an authorised officer suspects on reasonable grounds that the name or place of residence stated under this regulation is false, the authorised officer may require the person to produce evidence of his or her full name or usual place of residence.
- (3) A person must not—
 - (a) hinder or obstruct an authorised person in the exercise of a power under these regulations; or
 - (b) refuse or fail to comply with a requirement under this regulation; or
 - (c) make a statement in response to such a requirement that is false or misleading in a material particular; or
 - (d) produce false evidence in response to a requirement under subregulation (1)(b) or (2).

Penalty: \$500.

10—Exclusion of certain persons from Trust premises

- (1) If an authorised officer has reasonable cause to suspect—
 - (a) that a person who is not permitted to enter, or remain on, premises of the Trust has done so or is about to do so; or
 - (b) that a person on premises of the Trust has committed, is committing or is about to commit an offence against the Act or these regulations; or
 - (c) that a person on premises of the Trust is so much under the influence of alcohol or a drug as to be visibly affected by it,

the authorised officer may require the person to leave or not to enter the premises (as the case requires).

- (2) A person must not—
 - (a) refuse or fail to comply with a requirement under subregulation (1); or
 - (b) in the case of a requirement under subregulation (1)(b) return to the premises within 24 hours of being requested to leave.

Penalty: \$500.

Schedule 1—Revocation of *History Trust of South Australia Regulations 1995*

The *History Trust of South Australia Regulations 1995* are revoked.

Note—

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

Made by the Governor

on the recommendation of the History Trust of South Australia and with the advice and consent of the Executive Council
on 26 August 2010

No 203 of 2010

ASACAB006/10

South Australia

Prisoners (Interstate Transfer) Regulations 2010

under the *Prisoners (Interstate Transfer) Act 1982*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Section 13 certificate
- 5 Certification of copy documents
- 6 Application for revocation of order of transfer

Schedule 1—Revocation of *Prisoners (Interstate Transfer) Regulation 1984*

1—Short title

These regulations may be cited as the *Prisoners (Interstate Transfer) Regulations 2010*.

2—Commencement

These regulations will come into operation on 1 September 2010.

3—Interpretation

In these regulations—

Act means the *Prisoners (Interstate Transfer) Act 1982*;

chief executive means the person holding or acting in the position of chief executive of the Department;

Department means the administrative unit of the Public Service that is, under the Minister, responsible for the administration of the Act.

4—Section 13 certificate

For the purposes of section 13(2) of the Act, the Crown Solicitor is a prescribed officer.

5—Certification of copy documents

For the purposes of section 26(2) of the Act, a copy of an order or document referred to in section 26(1) of the Act is certified in the prescribed manner if—

- (a) the copy is endorsed with a statement that indicates—
 - (i) the name of the person certifying the copy; and
 - (ii) the position in the Department held by the person certifying the copy; and
 - (iii) that the copy is certified to be a true and accurate copy of the original order or document; and
- (b) the endorsement is signed by or on behalf of the chief executive.

6—Application for revocation of order of transfer

For the purposes of section 34 of the Act, the following offices are prescribed:

- (a) the Minister;
- (b) the Attorney-General;
- (c) the Director of Public Prosecutions;
- (d) the chief executive.

**Schedule 1—Revocation of *Prisoners (Interstate Transfer)*
*Regulation 1984***

The *Prisoners (Interstate Transfer) Regulation 1984* are revoked.

Note—

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

Made by the Governor

with the advice and consent of the Executive Council
on 26 August 2010

No 204 of 2010

MCS10/003CS

South Australia

Aquaculture Variation Regulations 2010

under the *Aquaculture Act 2001*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Aquaculture Regulations 2005*

- 4 Substitution of Schedule 1
- Schedule 1—Fees

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Aquaculture Variation Regulations 2010*.

2—Commencement

These regulations will come into operation on 1 September 2010.

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 *Aquaculture Regulations 2005*

4—Substitution of Schedule 1

Schedule 1—delete the Schedule and substitute:

Schedule 1—Fees

Part 1—Application fees

- | | | |
|---|--|---------|
| 1 | On application for consent to transfer a development lease (section 36)— | |
| | (a) if a corresponding licence authorises the farming of oysters | \$1 494 |
| | (b) in any other case | \$565 |
| 2 | On application for an aquaculture licence (section 49)— | |

	(a)	in the case of a corresponding licence within an aquaculture zone—	
		(i) administrative component	\$2 169
		(ii) advertising component	\$1 300
	(b)	in the case of a corresponding licence outside of an aquaculture zone—	
		(i) administrative component	\$3 697
		(ii) advertising component	\$1 300
	(c)	in the case of a licence other than a corresponding licence—	
		(i) for a low risk (<i>category A</i>) licence—	
		(A) administrative component	\$1 453
		(B) advertising component	\$1 300
		(ii) for a medium risk (<i>category B</i>) licence—	
		(A) administrative component	\$1 738
		(B) advertising component	\$1 300
		(iii) for a high risk (<i>category C</i>) licence—	
		(A) administrative component	\$2 739
		(B) advertising component	\$1 300
3		On application to vary the conditions of an aquaculture licence (section 52)—	
	(a)	in the case of a corresponding licence that authorises the farming of oysters—	
		(i) for a simple variation	\$1 292
		(ii) for a standard variation	\$1 710
		(iii) for a complex variation	\$3 237
	(b)	in the case of any other corresponding licence—	
		(i) for a simple variation	\$915
		(ii) for a standard variation	\$1 211
		(iii) for a complex variation	\$2 293
	(c)	in the case of a licence other than a corresponding licence—	
		(i) for a simple variation	\$651
		(ii) for a standard variation	\$764
		(iii) for a complex variation	\$1 954
4		On application for renewal of an aquaculture licence (section 53)	\$452
5		On application for consent to transfer an aquaculture licence (section 55)—	
	(a)	in the case of a corresponding licence that authorises the farming of oysters	\$1 743
	(b)	in the case of any other corresponding licence	\$522

	(c) in the case of a licence other than a corresponding licence	\$431
6	On application for consent to surrender an aquaculture licence other than a corresponding licence (section 56)	\$318
7	On application for the division of a lease area into separate lease areas (regulation 28A)	
	(a) if a corresponding licence authorises the farming of oysters	\$2 739
	(b) in any other case	\$1 082
8	On application for the division of a licence area into separate licence areas (regulation 28B)—	
	(a) in the case of a licence that authorises the farming of oysters	\$1 494
	(b) in any other case	\$823
9	On application for renewal of an aquaculture lease (<i>Aquaculture (Standard Lease Conditions) Policy 2005</i>)—	
	(a) if a corresponding licence authorises the farming of oysters	\$718
	(b) in any other case	\$474
10	On application to vary an aquaculture lease or its conditions (<i>Aquaculture (Standard Lease Conditions) Policy 2005</i>)—	
	(a) for a variation consisting of or involving—	
	(i) the substitution of the lease area (within or outside of an aquaculture zone) where at least 80% of the lease area will remain the same	\$1 146
	(ii) the substitution of the lease area within an aquaculture zone (other than a variation of a kind referred to in subparagraph (i))	\$1 932
	(iii) the substitution of the lease area outside of an aquaculture zone (other than a variation of a kind referred to in subparagraph (i))	\$2 734
	(b) for a variation of any other kind	\$700

Part 2—Periodic fees for corresponding licences for the financial year 2010/11 and for each subsequent financial year

11	For an aquaculture licence to farm prescribed wild caught tuna	\$1 755
12	For an aquaculture licence to farm finfish other than prescribed wild caught tuna	\$1 831
13	For an aquaculture licence to farm abalone in a subtidal area	\$1 801
14	For an aquaculture licence to farm molluscs other than abalone in a subtidal area	\$1 801
15	For an aquaculture licence to farm molluscs (including abalone, but not including oysters) in an intertidal area	\$1 770

16	For an aquaculture licence to farm oysters in an intertidal area	\$322 plus \$216 for each hectare (rounded to 2 decimal places) in the licence area
17	For an aquaculture licence to farm algae	\$1 643
18	For an aquaculture licence authorising the storage of sea cages	\$1 643
Part 3—Periodic fees for licences other than corresponding licences for the financial year 2010/11 and for each subsequent financial year		
19	For a low risk (<i>category A</i>) licence	\$304
20	For a medium risk (<i>category B</i>) licence—	
	(a) in the case of a licence authorising the carrying on of aquaculture on a navigable vessel as it operates within an area of State waters or the use of a farming structure designed to be transported by road or rail	\$335
	(b) in any other case	\$321
21	For a high risk (<i>category C</i>) licence—	
	(a) in the case of a licence authorising the carrying on of aquaculture on a navigable vessel as it operates within an area of State waters or the use of a farming structure designed to be transported by road or rail	\$4 436
	(b) in any other case	\$335

Note—

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

Made by the Governor

with the advice and consent of the Executive Council
on 26 August 2010

No 205 of 2010

MAFF10/16CS

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ADELAIDE CITY COUNCIL

Naming of Road

NOTICE is hereby given pursuant to section 219 of the Local Government Act 1999, that Council at its meeting held on 26 July 2010 has assigned the name Don Lane to the land designated as allotments 100 and 101 in Lands Titles Office Deposited Plan No. DP 26491 and contained in certificates of title volume 5519, folio 564 and volume 5435, folio 910 respectively.

P. SMITH, Chief Executive Officer

ADELAIDE CITY COUNCIL

*Adoption of Draft Community Land Management Plan—
Adelaide Central Market Complex*

NOTICE is hereby given that at the meeting of the Adelaide City Council held on 26 July 2010 Council resolved to adopt the Draft Community Land Management Plan, pursuant to section 197 of the Local Government Act 1999, of the Adelaide Central Market Complex comprised in the following certificates of title:

- Allotment 11 Filed Plan 26448 in certificate of title volume 5307, folio 824; and
- Allotment 91 filed plan 212881 in certificate of title volume 5574, folio 706.

P. SMITH, Chief Executive Officer

RURAL CITY OF MURRAY BRIDGE

Appointment of Public Officer

NOTICE is hereby given that pursuant to section 56A of the Development Act 1993, Council appointed Mark Kwiatkowski, Manager of Development, Planning & Assessment, as a Public Officer of the Council Development Assessment Panel:

Mark Kwiatkowski contact details are:

Postal: P.O. Box 421, Murray Bridge, S.A. 5253.
 Delivery: Local Government Centre, 2 Seventh Street, Murray Bridge.
 Email: council@murraybridge.sa.gov.au.
 Telephone: (08) 8539 1100.
 Facsimile: (08) 8532 2766.

D. MOLONEY, Chief Executive Officer

CLARE AND GILBERT VALLEYS COUNCIL

ROADS (OPENING AND CLOSING) ACT 1991

Road Closing—Portion of Arthur Street, Auburn

NOTICE is hereby given, pursuant to section 10 of the Roads (Opening and Closing) Act 1991, that the Clare and Gilbert Valleys Council, proposes to make a Road Process Order to close and merge with Allotment 11 in Filed Plan 108926, Hundred of Upper Wakefield, Auburn, the portion of the public road (Arthur Street) adjoining Allotment 11 in Filed Plan 108926, Allotment 1 in filed plan 151700 and Allotment 1 in Filed Plan 131756 more particularly delineated and lettered 'A' on Preliminary Plan No. 10/0034.

A copy of the plan and a statement of persons affected are available for public inspection at the offices of the Clare and Gilbert Valleys Council, 4 Gleeson Street, Clare 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 Clare and Gilbert Valleys Council, 4 Gleeson Street, Clare, S.A. 5453, 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, so that a person making the objection or application may attend, if desired, personally or be represented.

Dated 23 August 2010.

R. BLIGHT, Chief Executive Officer

DISTRICT COUNCIL OF ELLISTON

Adoption of Valuation and Declaration of Rates

NOTICE is hereby given that the District Council of Elliston, at its meeting held on Monday, 9 August 2010, resolved as follows:

Adoption of Valuations

Pursuant to section 167 (2) (a) of the Local Government Act 1999, the most recent valuations of the Valuer-General available to the Council of the capital value of land within the Council's area are adopted for rating purposes for the financial year ending 30 June 2011.

Adoption of Rates

Pursuant to section 152 (1) (c) of the Local Government Act 1999, the general rate in respect of rateable land within the area of the Council declares for the financial year ending 30 June 2011, consisting of the following:

- 0.3768 cents in the dollar on the capital value of all rateable land within the area of the Council; and
- a fixed charge of \$178 to apply equally to each separate piece of rateable land in the Council area.

Adoption of Natural Resources Management Levy

Pursuant to section 95 of the Natural Resources Management Act 2004 and section 154 of the Local Government Act 1999, in order to reimburse to the Council amounts contributed to the Eyre Peninsula Natural Resources Management Board totalling \$55 574 a separate rate based on a fixed charge of \$60 is declared for the year ending 30 June 2011 on all rateable land in the Council's area and in the area of the Board.

*Annual Service Charges**Waste Management Service Charge*

1. Pursuant to section 155 of the Local Government Act 1999, the Council declares an annual service charge for the financial year ending 30 June 2011, on land within the Council's area to which the Council provides or makes available the prescribed service of the collection, treatment and disposal of waste based upon the level of usage of the service and varied according to category of land use as follows:

- that vacant allotments within the kerbside collection route be charged the same amount as residential allotments within the kerbside collection route; and
- that single farm enterprises and adjoining allotments are only charged the annual service charge in respect of the assessment constituting their principal place of residence.

Residential, Primary Production, Vacant and Other land use outside the kerbside collection route and outside the bin bank zone:

- 0-0.3 m³ of waste per week on average \$221 per annum.

Residential and Vacant land use within the kerbside collection route:

- 0-0.3 m³ of waste per week on average \$283 per annum.

Residential, Primary Production, Vacant and Other land use within 1.6 km of the Bramfield Bin Bank and within 0.5 km of the Elliston Fringe Bin Bank:

- 0-0.3 cubic metres of waste per week on average \$249 per annum.

Commercial—Shop, Commercial—Office, Commercial—Other, Industry—Light, Industry—Other and Other land use within the kerbside collection route:

- 0-0.3 m³ of waste per week on average \$283 per annum;
- 0.3-0.6 m³ of waste per week on average \$543 per annum;
- greater than 0.6 m³ of waste per week on average \$851 per annum.

Water Supply

2. Pursuant to section 155 of the Local Government Act 1999, the Council declares an annual service charge for the financial year ending 30 June 2011 on land within the Council's area in the township of Port Kenny and Sections 21, 72 and 102, Hundred of Wright to which the Council provides or makes available the prescribed service known as the Port Kenny Water Supply Service based upon the level of usage of the service of \$5.50 per kilolitre.

Television Transmission Service Charge

3. Pursuant to section 155 of the Local Government Act 1999, the Council declares an annual service charge based on the nature of the service for the financial year ending 30 June 2011 of \$56 on all land within the Council's area to which it provides or makes available the prescribed service of television transmission from the facility at Bramfield Hill, Section 122, Hundred of Colton.

Community Wastewater Management System (CWMS)

4. Pursuant to section 155 of the Local Government Act 1999, the Council declares an annual service charge based on the nature of the service for the financial year ending 30 June 2011 of \$312 on all land within the Council's area to which it provides or makes available the prescribed service known as the Lock Community Wastewater Management System (CWMS).

Payment of Rates

Pursuant to section 181 (2) of the Local Government Act 1999, resolves that all rates (including charges) are payable in four equal or approximately equal instalments as follows:

- first instalment, payable on 30 September 2010;
- second instalment, payable on 17 December 2010;
- third instalment, payable on 18 March 2011; and
- fourth instalment, payable on 17 June 2011.

Ratepayers, however, may elect to pay the total 2010-2011 rates in full by 17 December 2010, subject to Council receiving written advice prior to 23 September 2010 from the ratepayer of their intention to utilise this option.

R. GREGOR, Chief Executive Officer

KANGAROO ISLAND COUNCIL

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

By-Law No. 1—Permits and Penalties

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

1. Repeal of By-laws

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

2. Definitions

- 2.1 In this by-law 'person' includes a natural person, a body corporate, an incorporated association and an unincorporated association.
- 2.2 In any by-law of the Council, 'the Council' means the Kangaroo Island Council.

3. Permits

- 3.1 In any by-law of the Council unless the contrary intention is clearly indicated, the word 'permission' means the permission of the Council, or such other person as the Council may by resolution authorise for that purpose, given in writing.
- 3.2 Where a by-law requires that permission be obtained, any person seeking the grant of permission must submit a written application to the Council in the form (if any) and accompanied by the fee (if any) prescribed by the Council.
- 3.3 The Council, or such other person as the Council may by resolution authorise for that purpose, may attach such conditions to a grant of permission as it thinks fit, and may vary or revoke such conditions or impose new conditions by notice in writing to the permit holder.
- 3.4 Any permit holder shall comply with every such condition.
- 3.5 The Council may revoke such grant of permission at any time by notice in writing to the permit holder.

4. Penalties

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

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

5. Construction

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

The foregoing by-law was duly made and passed at a meeting of the Kangaroo Island Council held on 13 August 2010, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

C. NOON, Chief Executive Officer

KANGAROO ISLAND COUNCIL

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

By-Law No. 2—Moveable Signs

TO protect visual amenity and public safety on roads and footpaths by setting standards for moveable signs and regulating their placement in a manner which recognises the advertising needs of businesses to maximise economic viability.

1. Definitions

In this by-law:

- 1.1 'authorised person' means a person appointed as an authorised person pursuant to section 260 of the Local Government Act 1999;
- 1.2 'business premises' means the premises from which a business, trade or calling is conducted;
- 1.3 'footpath area' means that part of a street or road between the property boundary of the street or road and the edge of the carriageway on the same side as that boundary;
- 1.4 'moveable sign' has the same meaning as contained in the Local Government Act 1999;
- 1.5 'road' has the same meaning as contained in the Local Government Act 1999;
- 1.6 'township' has the same meaning as contained in the Local Government Act 1999.

2. Construction and Design

A moveable sign displayed on a road shall:

- 2.1 be of a kind known as an 'A' Frame or Sandwich Board sign, an 'inverted T' sign, or a flat sign;
- 2.2 be well constructed and maintained in good condition so as not to present a hazard to any member of the public using the footpath upon which the moveable sign has been placed;
- 2.3 be of strong construction so as to be stable when in position and to be able to keep its position in adverse weather conditions;
- 2.4 not contain sharp or jagged edges or corners;
- 2.5 not be unsightly or offensive in appearance or content;
- 2.6 not contain flashing or rotating parts;
- 2.7 not be connected to a vehicle which is located on the carriageway of a road;
- 2.8 be constructed of timber, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 2.9 not exceed 900 mm in perpendicular height, or have a base with any side exceeding 600 mm in length within a township where the speed limit is restricted to 60 km per hour or less;
- 2.10 not exceed 1 500 mm in perpendicular height, or have a base with any side exceeding 900 mm in length outside a township where the speed limit is greater than 61 km per hour;

- 2.11 be stable when in position;
- 2.12 in the case of an 'A' Frame or Sandwich Board sign:
- 2.12.1 be hinged or joined at the top;
- 2.12.2 be of such construction that its sides shall be securely fixed or locked in position when erected;
- 2.13 in the case of an 'inverted T' sign, contain no struts or supports that run between the display area and the base of the sign.

3. Placement

A moveable sign displayed on a road must:

- 3.1 allow a set back of 400 mm from the edge of the carriageway of a road where there is no kerb to define the footpath;
- 3.2 be in line with and against the property boundary of the road in the case of a flat sign;
- 3.3 be placed no less than 2 m away from any structure, fixed object, tree, bush or plant (including another moveable sign);
- 3.4 not, without permission, be fixed, tied or chained to or leaned against any other structure, fixed object, tree, bush or plant (including another moveable sign);
- 3.5 not be placed on the sealed part of any footpath area, unless the sealed part is wide enough to contain the sign and still leave a clear thoroughfare at least 1.2 m wide;
- 3.6 not be placed within one metre of the corner of a road;
- 3.7 not be placed on a landscaped area;
- 3.8 not be placed on a designated parking area or within 1 m of an entrance to or exit from premises;
- 3.9 not be placed within 6 m of an intersection;
- 3.10 not unreasonably restrict the use of the footpath or road or endanger the safety of members of the public.

4. Restrictions

A moveable sign displayed on a road shall:

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

5. Exemptions

- 5.1 Paragraph 4.1 does not apply to a moveable sign which is used:
- 5.1.1 to advertise a garage/clearing sale to take place from residential premises or farming property;
- 5.1.2 as a directional sign to an event run by an incorporated association or a charitable body;
- 5.1.3 to advertise a field day event run by an unincorporated association or government body;
- 5.1.4 with permission.
- 5.2 Paragraphs 4.1 and 4.2 do not apply to a flat sign, the message of which only contains newspaper headlines and the name of a newspaper.
- 5.3 This by-law does not apply to:
- 5.3.1 a moveable sign that is placed on a road pursuant to an authorisation under another Act; or
- 5.3.2 a moveable sign that is designed to direct people to the open inspection of any land or building that is available for purchase or lease; or

- 5.3.3 a moveable sign that is 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 days.

6. Removal of Unauthorised Moveable Signs

- 6.1 If a moveable sign has been placed on any road or footpath in contravention of this by-law or of section 226 of the Local Government Act 1999, an authorised person may direct the owner of the sign to remove the moveable sign from the road or footpath.
- 6.2 If the authorised person cannot find the owner, or the owner fails to comply immediately with the order, the authorised person may remove the sign.
- 6.3 If a moveable sign that is removed is not claimed within 30 days of such removal the authorised person may sell, destroy or otherwise dispose of the moveable sign as the authorised person thinks fit.
- 6.4 Any person who displays an unauthorised moveable sign or who is the owner of an unauthorised moveable sign which has been removed must pay the Council any reasonable costs incurred in removing, storing or attempting to dispose of the moveable sign before being entitled to recover the moveable sign.

7. Removal of authorised moveable sign

- 7.1 A moveable sign must be removed or relocated by the person who placed the moveable sign on a road or footpath or the owner of the moveable sign at the request of an authorised officer if, in the opinion of the authorised person, and notwithstanding compliance with this by-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the moveable sign.
- 7.2 A moveable sign must be removed or relocated by the person who placed the moveable sign on a road or public place or the owner of the sign at the request of an authorised person if so required by the authorised person for the purpose of special events, parades, road or footpath works or any other circumstances which, in the opinion of the authorised person, require relocation of the moveable sign.

The foregoing by-law was duly made and passed at a meeting of the Kangaroo Island Council held on 13 August 2010, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

C. NOON, Chief Executive Officer

KANGAROO ISLAND COUNCIL

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

By-law No. 3—Local Government Land By-Law 2010

FOR the management and regulation of the use of and access to Local Government Land vested in or under the control of council, including the prohibition and regulation of particular activities on Local Government Land.

1. Definitions

In this by-law:

- 1.1 'authorised person' means a person appointed an authorised person pursuant to section 260 of the Local Government Act 1999;
- 1.2 'electoral matter' has the same meaning as contained in the Electoral Act 1985 provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
- 1.3 'foreshore' means the area between the low water mark on the seashore and the nearest boundary of:
- 1.3.1 a road;
- 1.3.2 a section;
- 1.3.3 a public reserve; or
- 1.3.4 land comprised in a land grant, Crown Land or Crown Licence;

- 1.4 'liquor' has the same meaning as contained in the Liquor Licensing Act 1997;
- 1.5 'Local Government Land' means land owned by the Council or under the Council's care, control and management and excludes roads;
- 1.6 'low water mark' means the lowest meteorological tide;
- 1.7 'park' means community land reserved or delineated as a park or designated by the Council as a park;
- 1.8 'permission' means the permission of the Council given in writing;
- 1.9 'public place' means a place (including a place on private land) to which the public has access (except a street or road) but does not include any part of a community parcel divided by a plan of community division under the Community Titles Act 1996;
- 1.10 'reserve' means community land reserved or dedicated as a reserve or designated by the Council as a reserve.
- 1.11 'sand dune' and 'coastal slope or cliff' mean the sand dunes, coastal slopes, cliffs and other geomorphological coastal forms under the care, control, and management of the Council.
- 2. Activities Requiring Permission**
- No person shall without permission on any Local Government Land:
- 2.1 *Advertising*
display any sign for the purpose of commercial advertising, other than a moveable sign which is displayed in accordance with the Council's Moveable Sign By-law;
- 2.2 *Amplification*
use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound;
- 2.3 *Attachments to Trees or Other Structure*
attach, hang or fix any rug, blanket, sheet, rope or other material to any tree, shrub, plant, tree guard, notice board, seat, fence, post or other item or structure which is the property of the Council;
- 2.4 *Camping and Tents*
- 2.4.1 camp or stay overnight; or
- 2.4.2 erect any tent, booth, marquee or other structure for the purpose of habitation for a period of 24 hours or more (except entities authorised to do so under section 209 of the Act);
- 2.5 *Canvassing*
convey any advertising, religious or other message to any bystander, passer-by or person provided that this restriction shall not apply to any handbill or leaflet given out or distributed by or with the authority of a candidate during the course of a Federal, State or Local Government election or to a handbill or leaflet given out or distributed during the course and for the purpose of a Referendum;
- 2.6 *Cemeteries*
comprising a cemetery:
- 2.6.1 bury or inter any human or animal remains;
- 2.6.2 erect any memorial;
- 2.6.3 drive or propel any vehicle except on paths or roads constructed and set aside for that purpose and in compliance with any signs that have been erected;
- 2.7 *Closed Lands*
enter or remain on any part of Local Government Land:
- 2.7.1 at any time during which the Council has declared that it shall be closed to the public and which is indicated by a sign to that effect;
- 2.7.2 where land is enclosed with fences and/or walls, and gates, at any time when the gates have been closed and locked; or
- 2.7.3 where admission charges are payable, to enter without paying those charges;
- 2.8 *Distributing*
give out or distribute to any bystander or passer-by any handbill, book, notice, or other printed matter, provided that this restriction shall not apply to any handbill or leaflet given out or distributed by or with the authority of a candidate during the course of a Federal, State or Local Government election or to a handbill or leaflet given out or distributed during the course and for the purpose of a Referendum;
- 2.9 *Donations*
ask for or receive or indicate that he or she desires a donation of money or any other valuable item or thing;
- 2.10 *Encroachment*
erect or place any fencing, posts or other structures or any other items or substance such as to encroach onto the land;
- 2.11 *Fires*
light any fires except:
- 2.11.1 in a place provided by the Council for that purpose; or
- 2.11.2 in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material; and
- 2.11.3 in accordance with the provisions of the Fire and Emergency Services Act 2005.
- 2.12 *Fireworks*
ignite, explode or use any fireworks;
- 2.13 *Flora and Fauna*
subject to the Native Vegetation Act 1991 and the National Parks and Wildlife Act 1972:
- 2.13.1 damage, pick, or interfere with any plant or flower thereon; or
- 2.13.2 tease, interfere with or cause harm to any animal, bird or marine creature, or any burrow, nest or habitat of such animal; or
- 2.13.3 undertake research;
- 2.14 *Handbills on Cars*
place or put on any vehicle any handbill, advertisement, notice or other printed matter except for any electoral matter posted on a vehicle with the authority of a candidate during the course of a Federal, State or Local Government election or handbill, or leaflet given out or distributed during the course of and for the purpose of a Referendum;
- 2.15 *Horses, Cattle, etc.*
lead or drive any horse, cattle, sheep and other like animal except where the Council has set aside a track or other area for use by or in connection with the animal of that kind;
- 2.16 *Hunting*
hunt any animal;
- 2.17 *Liquor*
consume, carry or be in possession or charge of any liquor between the hours of 10 p.m. on any day and 8 a.m. on the day immediately following (provided the land constitutes a park or reserve) save and except on premises in respect of which a licence is in force pursuant to the Liquor Licensing Act 1997;
- 2.18 *Overhanging Articles*
suspend or hang any article or thing from any building, veranda, pergola, post or other structure where it might present a nuisance or danger to any person using Local Government Land;
- 2.19 *Picking Fruit*
pick fruit, nuts, seeds or berries from any trees or bushes;

2.20 Preaching

preach or harangue;

2.21 Removing Soil

carry away or remove any soil, sand, clay, timber, stones, pebbles, gravel, other organic or inorganic materials or any part of the land;

2.22 Rubbish and Rubbish Dumps

2.22.1 interfere with, remove or take away any rubbish that has been discarded at any rubbish dump on Local Government Land;

2.22.2 remove, disperse or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging) that has been discarded in a Council rubbish bin on Local Government Land;

2.23 Smoking

2.23.1 smoke, hold or otherwise have control over an ignited tobacco product in any building; or

2.23.2 smoke, hold or otherwise have control over an ignited tobacco product on any land that the Council has determined that smoking is prohibited;

2.24 Swimming and Aquatic Activity

enter, swim or engage in any aquatic activity in or on any pond, lake or other similar body of water except:

2.24.1 a body of water that the Council has set aside for that purpose;

2.24.2 in an area where a nearby sign states that such activity is allowed and, in accordance with any conditions stated on the sign; and

2.24.3 the sea.

2.25 Toilets

in any public convenience:

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

2.25.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage;

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

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

(a) a child under the age of five years accompanied by an adult person of that other sex; and/or

(b) to provide assistance to a disabled person;

2.26 Working on Vehicles

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

3. Posting of Bills, etc.

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

4. Prohibited Activities

No person shall on Local Government Land:

4.1 Annoyances

4.1.1 annoy, commit any nuisance or unreasonably interfere with any other person's use of Local Government Land by making a noise or by creating a disturbance that has not been authorised by the Council;

4.1.2 spit, urinate or defecate other than in toilets provided on any Local Government Land;

4.2 Defacing Land

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

4.3 Glass

wilfully break any glass, china or other brittle material;

4.4 Interference with Land

4.4.1 interfere with the land such as levelling or flattening sand hills, planting grass, lawn or other vegetation, paving the land, or otherwise use the land in a manner contrary to the purpose for which the land was designed to be used; or

4.4.2 destroy, damage or deface or cause or permit to be destroyed, damaged or defaced any article, structure, building or thing fixed to Local Government Land;

4.5 Interference with Permitted Use

interrupt or disrupt or interfere with any person's use of parks or reserves for which permission has been granted;

4.6 Missiles

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

4.7 Obstruction

obstruct any path in or on any Local Government Land;

4.8 Sand Dunes

4.8.1 use a sand board or other item to slide down a sand dune, coastal slope or cliff;

4.8.2 destabilise sand on a sand dune, coastal slope or cliff so as to cause it to unnecessarily mass waste down slope;

4.8.3 destroy, remove or cause interference to live or dead vegetation within a sand dune, coastal slope or coastal cliff;

4.8.4 light or cause to be lit or permit to remain alight any fire within a sand dune or on a coastal slope or coastal cliff;

4.8.5 introduce non-indigenous flora and fauna or dump any material in the sand dunes or down coastal slopes or coastal cliffs;

4.8.6 carry out other activity which may threaten the integrity of sand dunes, coastal slopes and cliffs in the area;

4.9 Use of Equipment

use any item of equipment and/or facilities or other Council property:

4.9.1 other than in the manner and for the purpose for which it was designed or set aside; and

4.9.2 where any nearby sign states the conditions of use, except in accordance with such conditions.

5. Removal of Encroachment or Interference

Any person who encroaches onto or interferes with Local Government Land contrary to this by law must at the request in writing of an authorised person, cease the encroachment or interference and remove the source of the encroachment or interference, and reinstate the land to the same standard as the state of the land prior to the encroachment or interference.

6. Council may do Work

If a person fails to remove an encroachment or interference on Local Government Land in accordance with a request of an authorised officer pursuant to Clause 5 of this by-law, then the Council may:

6.1 undertake the work itself; and

6.2 recover the cost of doing so from that person.

7. Directions

Any person on Local Government Land must comply with any reasonable direction or request from an authorised person relating to:

- 7.1 that person's use of the land;
- 7.2 that person's conduct and behaviour on the land;
- 7.3 that person's safety on the land;
- 7.4 the safety and enjoyment of the land by other persons.

8. Removal of Animals and Persons

8.1 If any animal is found on Local Government Land in breach of a by-law:

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

8.2 Any authorised person may direct any person found committing a breach of these by laws to cease the action or to take specified action to remedy the breach.

9. Exemptions

The restrictions in this by-law do not apply to any Police Officer, Council Officer or employee acting in the course and within the scope of that person's normal duties, or to a Contractor while performing work for the Council and while acting under the supervision of a Council Officer.

10. Application

Clauses 2.15, 2.23.2, 2.24.1 of this by-law shall apply only in such portion or portions of the area as the Council may by resolution direct in accordance with section 246 (3) (e) of the Local Government Act 1999.

The foregoing by-law was duly made and passed at a meeting of the Kangaroo Island Council held on 13 August 2010, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

C. NOON, Chief Executive Officer

KANGAROO ISLAND COUNCIL

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

By-Law No. 4—Roads

FOR the management, control and regulation of activities on roads.

1. Definitions

In this by-law:

- 1.1 'authorised person' means a person appointed an authorised person pursuant to section 260 of the Local Government Act 1999;
- 1.2 'electoral matter' has the same meaning as in the Electoral Act 1995 provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
- 1.3 'road' has the same meaning as contained in the Local Government Act 1999.

2. Activities Requiring Permission

No person shall without permission on any road:

2.1 Advertising

display any sign for the purpose of commercial advertising, other than a moveable sign which is displayed on a road in accordance with the Council's Moveable Signs By-law;

2.2 Amplification

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

2.3 Camping

camp or remain overnight;

2.4 Canvassing

convey any advertising, religious or other message to any bystander, passer by or other person provided that this restriction shall not apply to any handbill or leaflet given out or distributed by or with the authority of a candidate during the course of a Federal, State or Local Government election or to a handbill or leaflet given out or distributed during the course and for the purpose of a Referendum;

2.5 Donations

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

2.6 Exhibition or Display

conduct any public exhibition or display;

2.7 Horses, Cattle, etc.

2.7.1 lead or drive any horse, cattle, sheep and other like animal, except where the Council has set aside a track or other area for use by or in connection with the animal of that kind;

2.7.2 stand, draw up or allow to remain stationary any horse, cattle, sheep and other like animal whether attached to a vehicle or not;

2.8 Preaching

solicit for religious or charitable purposes;

2.9 Working on Vehicles

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

3. Posting of Bills, etc.

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

4. Removal of Animals and Directions to Persons

4.1 If any animal is found on a road in breach of a by-law:

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

4.2 An authorised person may direct any person found committing a breach of these by laws to cease the action or to take specified action to remedy the breach.

5. Exemptions

The restrictions in this by-law do not apply to any Police Officer, Council Officer or employee acting in the course and within the scope of that person's normal duties, or to a Contractor while performing work for the Council and while acting under the supervision of a Council Officer, or to the driver of an emergency vehicle (within the meaning of the Australian Road Rules 1999 and the Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999) while driving that vehicle in relation to an emergency.

6. Application

Clause 2.7.1 of this by-law shall apply only in such portion or portions of the area as the Council may by resolution direct in accordance with section 246 (3) (e) of the Local Government Act 1999.

The foregoing by-law was duly made and passed at a meeting of the Kangaroo Island Council held on 13 August 2010, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

C. NOON, Chief Executive Officer

KANGAROO ISLAND COUNCIL

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

By-Law No. 5—Dogs

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

1. *Definitions*

In this by-law:

- 1.1 'approved kennel establishment' means a building, structure or area approved by the relevant authority, pursuant to the Development Act 1993, for the keeping of dogs on a temporary or permanent basis;
- 1.2 'assistant dog' means a disability dog, a guide dog and a hearing dog as defined in the Dog and Cat Management Act 1995;
- 1.3 'dog' means an animal of the species *canis familiaris* but does not include a dingo;
- 1.4 'premises' means any domestic and non-domestic premises, except an approved kennel establishment;
- 1.5 'public place' means all streets, roads, parklands, reserves, open space, jetties, bridges, foreshore and all other land in the ownership of the Council or under the care, control and management of the Council;
- 1.6 'small dwelling' means a flat, a service flat, home unit, or a suite of rooms which is wholly occupied, or designed or intended or adapted to be occupied, as a separate dwelling, but does not include a detached, semi-detached or row dwelling house.

2. *Limit on Dog Numbers*

- 2.1 The limit on the number of dogs shall be:
 - 2.1.1 in a small dwelling one dog; and
 - 2.1.2 in premises other than a small dwelling two dogs.
- 2.2 No person shall, without permission, keep any dog on any premises where the number of dogs and/or cats exceeds the limits prescribed by Clause 2.1 of this by-law unless:
 - 2.2.1 the premises is an approved kennel establishment; or
 - 2.2.2 the Council has exempted any premises from compliance with sub-clause 2.1 of this by-law by the granting of an exemption; or
 - 2.2.3 the dog is a working dog used principally for the droving or tending of stock; or
 - 2.2.4 at the time of commencement of the operation of this by-law the premises has a greater number of dogs and/or cats than that prescribed by sub-clause 2.1 of this by-law subject to those additional dogs and/or cats not being replaced upon death, relocation or other disposal.

3. *Identification of Dogs*

- 3.1 No person shall, without permission, keep a dog in the Council's area, unless the dog is identified by a microchip.
- 3.2 A person must provide all microchip details to the Council's Dog Registrar.

4. *Dog Free Areas*

No person shall in a public place to which this clause applies cause, suffer or permit any dog under that person's control, charge or authority to be or remain in that place unless it is an accredited assistant dog.

5. *Dogs on Leashes*

No person shall in a public place to which this clause applies cause, suffer or permit any dog under that person's control, charge or authority to be or remain in that place unless such dog is restrained by a leash not exceeding 2 m in length that is capable of restraining the dog and either tethered to a fixed object or held by a person capable of controlling the dog. This clause does not apply to an accredited assistant dog.

6. *Dog Exercise Areas*

- 6.1 Subject to sub-clause 6.2 of this by-law, any person may enter any public place to which this clause applies for the purpose of exercising a dog under his or her control.
- 6.2 A person in a public place must ensure that any dog in his or her care remains under effective control either by means of physical restraint or by command, the dog being in close proximity to the person and the person being able to see the dog at all times.

7. *Removal of Dog Faeces*

A person who owns or is responsible for the control of a dog is guilty of an offence if the dog defecates in a public place and the person responsible for the control of the dog does not immediately remove the faeces and dispose of them in a lawful and suitable manner.

8. *Dogs Brought onto the Island*

- 8.1 If a dog is brought onto the Island by any person, that person must immediately notify the Council of its presence.
- 8.2 If it is the intention of that person to keep the dog on the Island for any longer period than 14 days, it is the responsibility of that person to comply with all requirements of Clause 3 of this by-law.

9. *Application*

Clauses 4, 5 and 6 of this by-law shall apply only in such portion or portions of the area as the Council may by resolution direct in accordance with section 246(3)(e) of the Local Government Act 1999.

The foregoing by-law was duly made and passed at a meeting of the Kangaroo Island Council held on 13 August 2010, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

C. NOON, Chief Executive Officer

KANGAROO ISLAND COUNCIL

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

*By-Law No. 6—Cats**For the Control and Management of Cats*1. *Definitions*

In this by-law:

- 1.1 'boarding kennel' means a building, structure, premises or area approved by the relevant authority pursuant to the Development Act 1993 for the keeping of cats on a temporary or permanent basis; and
- 1.2 'cat' has the same meaning as contained in the Dog and Cat Management Act 1995;
- 1.3 'keep' includes the provision of food or shelter;
- 1.4 'premises' includes land and a part of any premises on land; and
- 1.5 'public place' means all streets, roads, parklands, reserves, open space, jetties, bridges, foreshore and all other land in the ownership of the Council or under the care, control and management of the Council.

2. *Identification of Cats*

- 2.1 All cats in the Council's area must be registered annually with the Council.
- 2.2 No person shall, without permission, keep a cat unless the cat is identified by a microchip.
- 2.3 A person must provide all microchip details to the Council's Cat Registrar.
- 2.4 All cats in the Council's area above the age of five months must be de-sexed (proof of which must be provided to the Council upon registration or by the submission of a statutory declaration from the cat's owner at the time of registration, declaring that the cat has been de-sexed) unless the owner of the cat, at the time of registration, chooses to register as a cat breeder and make application for cat breeder registration.

- 2.5 If a cat in the Council's area changes ownership it is the responsibility of the person taking ownership of the cat to transfer the registration and notify the Council of the transfer within 14 days.

3. *Limit on Cat Numbers*

- 3.1 The limit on the number of cats shall be:
- 3.1.1 in a small dwelling one cat; and
- 3.1.2 in premises other than a small dwelling two cats.
- 3.2 No person shall, without obtaining permission, keep any cat on any premises where the number of cats and/or dogs exceeds the limits prescribed by sub-clause 3.1 of this by-law unless:
- 3.2.1 the premises is an approved kennel establishment; or
- 3.2.2 the Council has exempted any premises from compliance with sub-clause 3.1 of this by-law by the granting of an exemption; or
- 3.2.3 at the time of commencement of the operation of this by-law the premises has a greater number of cats and/or dogs than that prescribed by sub-clause 3.1 of this by-law subject to those additional cats and/or dogs not being replaced upon death, relocation or other disposal.

4. *Effective Confinement*

The person responsible for the control of a cat or entitled to the possession of a cat must ensure the cat is effectively confined to the premises occupied by that person at all times.

5. *Cats Brought onto the Island*

- 5.1 If a cat is brought onto the island by any person that person must immediately notify the Council of its presence.
- 5.2 If it is the intention of that person to keep the cat on the island for any longer period than 14 days it is the responsibility of that person to comply with all requirements of this by-law.

6. *Effective Control of Cats*

No person shall, in any public place, cause, suffer or permit any cat under that person's control, charge or authority to be or remain in that public place unless such cat is restrained by a leash not exceeding 2 m in length that is capable of restraining the cat or enclosed in a lockable cat carry box held by a person capable of controlling the cat and in either situation, preventing it from being a nuisance or a danger to other persons or animals.

7. *Removal of Cat Faeces*

A person who owns or is responsible for the control of a cat is guilty of an offence if the cat defecates in a public place and the person responsible for the control of the cat does not immediately remove the faeces and dispose of them in a lawful and suitable manner.

8. *Cat Free Areas*

No person shall, in a public place to which this clause applies, cause, suffer or permit any cat under that person's control, charge or authority to be in, or remain in that place.

9. *Notices*

- 9.1 The Council may serve notice on the occupier of premises or the owner of a cat requiring action to be taken to ensure compliance with this by-law.
- 9.2 The person to whom notice is given shall comply.
- 9.3 If the person to whom notice was given does not comply, the Council may carry out the terms of the notice and recover the costs of so doing from that person.

10. *Application*

Clause 8 of this by-law shall apply in such portion or portions of the area as the Council may by resolution direct in accordance with section 246 (3) (e) of the Local Government Act 1999.

The foregoing by-law was duly made and passed at a meeting of the Kangaroo Island Council held on 13 August 2010, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

C. NOON, Chief Executive Officer

KANGAROO ISLAND COUNCIL

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

By-Law No. 7—Bird Scaring Devices

THE purpose of this by-law is to regulate the use of bird scaring devices to enable land owners reasonable means by which to protect crops, but at the same time to prevent nuisances and to encourage land owners and occupiers to use a wide range of bird control techniques.

1. *Definitions*

In this by-law:

- 1.1 'device' means any noise-generating device designed and used for the purpose of scaring birds and other animals from land;
- 1.2 'activation' is:
- 1.2.1 for a gas gun, one discharge;
- 1.2.2 noise emission from any electronic device/ 'tweeter' that reproduces or simulates bird communication calls;
- 1.3 'discharge' in the context of a gas gun is one or more firings or detonations in quick succession;
- 1.4 'flammable undergrowth' means grass, weeds and other flammable or potentially flammable growth;
- 1.5 'horticulture' means the use of land for market gardening, viticulture, floriculture, orchards, wholesale plant nurseries or commercial turf growing; and
- 1.6 'Management Plan' means a plan of actions and strategies to deter birds from causing damage to produce on the lands.

2. *Prohibited Activities*

No person being the owner or occupier of land shall, for the purpose of scaring birds from the land, use or employ any mechanical or other device:

- 2.1 in such a manner as to be, in the opinion of the Council, an unreasonable nuisance or danger to any other person;
- 2.2 on Christmas Day or Good Friday; and
- 2.3 where the device is gas powered:
- 2.3.1 unless the flammable undergrowth within a 4 m radius of the device is destroyed by cutting, slashing or utilising other means; and
- 2.3.2 unless all other flammable material within a 4 m radius of the device is removed.

3. *Activities Requiring Permission*

No person shall without permission:

- 3.1 activate a device unless it is operated as part of a Management Plan;
- 3.2 activate a device unless it has marked on the body of the device the owner's full name and 24 hour telephone contact number(s) and such details are provided to the Council when seeking permission;
- 3.3 activate a device other than during the hours of 6 a.m. to 8.30 p.m.;
- 3.4 activate more than one device per 10 hectares of land;
- 3.5 activate a device other than within the confines of an area of the land used for the purposes of horticulture;
- 3.6 direct a device towards a dwelling other than that person's dwelling;
- 3.7 activate multiple devices on the same property without synchronising the sounds;
- 3.8 activate a device within 200 m of a public roadway without first placing notification on the boundary of the property and the public roadway of the existence of the device;
- 3.9 activate a device within 300 m of a residence other than that person's residence;
- 3.10 activate a device within 600 m of a residential or rural living zone boundary, a childcare centre, school or hospital building;

- 3.11 discharge a gas gun at frequencies greater than 5 per hour;
- 3.12 activate an electronic device for greater than a 30 second duration;
- 3.13 in the case of small parcels of adjacent land that are separately owned or occupied on which devices are used:
 - 3.13.1 activate more than one device per 10 hectares of aggregated land; or
 - 3.13.2 activate more than one device per 10 hectares of aggregated land so that the aggregated number of emissions is not more than five per hour; and
- 3.14 activate a device in a building or structure.

4. *Intention to Use a Device*

Any person intending to operate a bird scaring device(s) must notify the Council of their intention to do so outlining:

- 4.1 their name and address;
- 4.2 the number of devices intended to be used;
- 4.3 the type of each device; and
- 4.4 the minimum distance from occupied neighbouring premises.

5. *Notice*

- 5.1 Where there is a breach of any provision of this by-law the Council may serve notice in writing on the owner or occupier of any land requiring that person to comply with this by-law, including by requiring the person to reduce the number of activations or disarm and remove the device.
- 5.2 The person on whom the notice is served shall comply with the notice.
- 5.3 If the notice is not complied with, the Council may carry out the requirements of the notice and may recover the cost of so doing from the person to whom the notice was directed.

6. *Protection of Council*

The Council shall not be liable for any loss caused in exercising its powers under this by-law.

The foregoing by-law was duly made and passed at the meeting of the Kangaroo Island Council held on 13 August 2010, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of members present.

C. NOON, Chief Executive Officer

KANGAROO ISLAND COUNCIL

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

By-Law No. 8—Boat Facilities

THE purpose of this by-law is to regulate the use of boat ramps and surrounding land used for access to the boat ramps within the Council area which are under the control of Council.

1. *Definitions*

In this by-law:

- 1.1 'annual ticket' means a ticket purchased from the Council offices authorising the launch of one small craft at a boat ramp, and is valid until the next 30 November and includes a commercial ticket;
- 1.2 'boat facilities' means a facility constructed, maintained and operated by the Council for the launching, mooring or landing of small craft;
- 1.3 'boat landing' means a facility constructed, maintained and operated by the Council for charter operators to land passengers;
- 1.4 'boat mooring' means a facility constructed, maintained and operated by the Council for the mooring of small craft;
- 1.5 'boat ramp' means a facility constructed, maintained and operated by the Council for the launching of small craft;
- 1.6 'Commercial Ticket' means a ticket purchased from Council offices authorising the launch of a fishing vessel by an individual with a commercial fishing licence at a boat ramp, and is valid until the next 30 November;
- 1.7 'Council office' means the office of the Council located at 43 Dauncey Street, Kingscote;
- 1.8 'life time ticket' means a ticket purchased from the Council offices authorising the launch of one small craft at a boat ramp for a period of 25 years from the date of purchase of the ticket and may only be used by the persons named on the ticket. This sub-clause 1.7 will only apply to life time tickets purchased after the commencement of this by-law and will not affect life time tickets purchased prior to the commencement of this by-law;
- 1.9 'short term ticket' means a ticket purchased from a vending machine located at the boat ramp, valid for the launch and retrieval of any one small craft at the boat ramp within 24 hours from the time of purchase;
- 1.10 'officer' means a Council Officer, Police Officer or any other authorised officer;
- 1.11 'ticket' means either a life time, annual or short term ticket.

2. *Boat Facilities*

Council may from time to time upgrade boat facilities across Kangaroo Island and introduce a fee for usage of the facilities to ensure long term management is sustainable.

3. *Boat Ramp Usage*

- 3.1 No person shall use a boat ramp without having first purchased a ticket.
- 3.2 The Council shall from time to time prescribe a fee for a ticket to use a boat ramp.
- 3.3 An annual ticket or a life time ticket may be purchased for a fee from the Council office.
- 3.4 A short term ticket may be purchased from the vending machine(s) located at or near a boat ramp.
- 3.5 The Council may erect signs or notices stating the fee and the location of the ticket vending machine.
- 3.6 A ticket must be placed on the front passenger side window of the relevant vehicle when the relevant vessel is being operated in the water.
- 3.7 Upon request of an officer, any person about to use, using, or having used, a boat ramp must produce a ticket.

4. *Christmas Cove Boat Mooring Usage*

- 4.1 No person shall moor a boat at any place within Christmas Cove other than the moorings designated and clearly marked by Council.
- 4.2 No person shall use a boat mooring without purchasing a ticket.
- 4.3 The Council shall from time to time prescribe a fee for a ticket to use a boat mooring.
- 4.4 A short term ticket may be purchased from the vending machine(s) located at or near a boat mooring.
- 4.5 The Council may erect signs or notices stating the fee and the location of the ticket vending machine.
- 4.6 Upon request of an officer, any person about to use, using, or having used a boat mooring must produce a ticket or purchase a ticket upon the request of an officer.

5. *Boat Landing Usage*

- 5.1 Charter operators using boat landings shall pay the Council for the use of the boat landing.
- 5.2 The Council shall from time to time prescribe a fee for a ticket to use a boat landing.
- 5.3 Charter operators must advise the Council of the boat landing usage on a monthly basis and pay the appropriate fees.
- 5.4 The Council may erect signs or notices stating the fee for use of boat landings.

5.5 Upon request of an officer, any charter operator about to use, using, or having used a boat landing must produce usage data or produce it to the Council within a period of 24 hours or such other period of time as required by the officer.

6. Mooring

No person shall, without permission:

- 6.1 moor any boat, house boat, raft or other water craft on or to Local Government Land or in any area that the Council has not set aside for the mooring of any boat, raft or other water craft; or
- 6.2 obstruct any boat, raft or other water craft or any boat facility, or any access to any boat, raft, object (either floating or sunk) or any boat facility.

7. Offence

- 7.1 Any person using a boat facility without having first obtained a ticket or paid the appropriate amount commits an offence. This sub-clause 7.1 does not apply to a person who has not had the opportunity to purchase a ticket.
- 7.2 If a ticket cannot be produced, the officer may issue an account to the person using the boat facilities.

8. Use of Boats and Boat Ramps

No person shall, without permission:

- 8.1 use or launch a boat or other object in any body of water except:
 - 8.1.1 a body of water that the Council has set aside for that purpose; or
 - 8.1.2 in an area where a nearby sign states that such activity is allowed and, in accordance with any conditions stated on the sign;
- 8.2 launch or retrieve a boat other than from a boat ramp constructed for that purpose; or
- 8.3 hire out a boat on or from any part of a body of water.

9. Application

Paragraphs 6.1, 8.1.1, 8.2 of this by-law shall apply only in such portion or portions of the area as the Council may by resolution direct in accordance with section 246 (3) (e) of the Local Government Act 1999.

The foregoing by-law was duly made and passed at a meeting of the Kangaroo Island Council held on 13 August 2010, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

C. NOON, Chief Executive Officer

KANGAROO ISLAND COUNCIL

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

By-Law No. 9—Foreshore

FOR the management of Local Government Land comprising the beach and foreshore under the control of the Council.

1. Definitions

In this by-law:

- 1.1 'authorised person' means a person appointed an authorised person pursuant to section 260 of the Local Government Act 1999;
- 1.2 'emergency vehicle' has the same meaning as contained in the Australian Road Rules;
- 1.3 'foreshore' means the area between the low water mark on the seashore and the nearest boundary of:
 - 1.3.1 a road;
 - 1.3.2 a section;
 - 1.3.3 a public reserve; or
 - 1.3.4 land comprised in a land grant, Crown lease, or Crown licence.

For the purposes of this by-law it includes any sand dunes, pebble bank and any reserve adjacent to the foreshore under the care, control and management of the Council, all boat ramps, pedestrian ramps, steps and other entrances or means of access whether wholly or partly situated to it;

- 1.4 'horse' includes pony, mule and donkey;
- 1.5 'low water mark' means the lowest meteorological tide;
- 1.6 'open public water' means any stream, river, creek, sea within the foreshore;
- 1.7 'vehicle' has the same meaning as contained in the Australian Road Rules.

2. Prohibited Activities

No person shall on the foreshore:

2.1 Annoyances

- 2.1.1 jump, dive, propel or throw any person or object from any structure, ledge, jetty or cliff face into any open public water;
- 2.1.2 conduct him or herself in such a manner as to:
 - 2.1.2.1 annoy or unreasonably interfere with any other person's use of the land by making a noise or any other disturbance that has not been authorised by the Council; or
 - 2.1.2.2 endanger themselves or any other person;

2.2 Building, Structure, Notice Board or Sign

- 2.2.1 damage, destroy or remove any building, structure, notice board or sign;
- 2.2.2 use any building or structure for any purpose other than the intended purpose;

2.3 Removal of Vehicle, Goods or Materials

fail to remove any vehicle, goods or materials under that person's control where, in the opinion of an authorised person, the vehicle, goods or materials cause inconvenience or danger to the public immediately upon request of that authorised person;

2.4 Sandboarding

sandboard, except in an area constructed or set aside by the Council for that purpose.

3. Activities requiring permission

No person shall without permission on the foreshore:

3.1 Animals

- 3.1.1 ride or take any horse or camel onto or allow it to remain on the foreshore or to bathe in any open public water except between the hours of midnight and 9 a.m. on any day and then only on any part or parts of the foreshore as the Council by resolution determines;
- 3.1.2 allow any horse or camel to enter or leave the foreshore other than by the access ramps constructed or provided by the Council for that purpose;
- 3.1.3 a person who owns or is responsible for the control of an animal is guilty of an offence if the animal defecates in a public place and the person responsible for the control of the animal does not immediately remove the faeces and dispose of them in a lawful and suitable manner;
- 3.1.4 sub-clause 3.1.1 does not apply to Brownlow Beach or Vivonne Bay;

3.2 Camp

camp or stay overnight;

3.3 Charge Admission

charge admission or seek payment for entering;

- 3.4 *Cliffs*
- 3.4.1 make or excavate any dug-out, cave or other opening in any cliff, or reside in, camp in or occupy as a boatshed, any dug out, cave or opening;
- 3.4.2 occupy as a boatshed or reside in any naturally formed or artificially created dug out, cave or opening;
- 3.5 *Conducting Events*
conduct or hold any event, concert, festival, show, public gathering, meeting, performance or any similar activity;
- 3.6 *Erection of Signs*
erect or display any sign, hoarding or notice;
- 3.7 *Fires*
subject to and in accordance with the Fire and Emergency Services Act 2005, light and/or maintain any fire except in a portable gas fired oven or barbeque;
- 3.8 *Foreshore*
- 3.8.1 launch or retrieve a boat other than from a boat ramp constructed for that purpose or adjoining a beach access point;
- 3.8.2 hire out a boat on or from any part of the foreshore;
- 3.8.3 lead, drive or allow any horse, cattle, sheep and other like animal on the foreshore except where the Council has set aside a track or other area for use by or in connection with the animal of that kind;
- 3.8.4 collect or remove seaweed or sea grass;
- 3.9 *Removal of Sand*
remove, clear or destroy any sand, seaweed, soil, rocks, minerals, vegetation or shells;
- 3.10 *Sales*
hire, sell, offer or expose for hire or sale any commodity, article or service.
4. *Vehicles*
- 4.1 Subject to Clauses 4.2 and 4.3, no person may drive or propel a vehicle on any part of the foreshore except any part or parts of the foreshore as the Council by resolution determines and subject to the Road Traffic Act 1961 gives effect to the resolution by the erection of flags or signs, or by other means.
- 4.2 No person shall without permission:
- 4.2.1 drive or propel any vehicle onto or from the foreshore other than by a ramp or thoroughfare constructed or provided by the Council for that purpose;
- 4.2.2 drive or propel any vehicle onto the foreshore by means of a ramp or thoroughfare unless such person has paid upon demand to any Council Officer or persons authorised by Council, the prescribed fee for the use of the ramp or thoroughfare;
- 4.2.3 drive or propel any vehicle on the foreshore unless on an area or road that is constructed or set aside by the Council for that purpose;
- 4.2.4 drive or propel any vehicle over or on any sand dunes;
- 4.2.5 launch or retrieve a boat, yacht, motorised personal watercraft or seagoing craft from the foreshore without using a boat ramp or thoroughfare constructed or provided by the Council for that purpose, except on any part or parts of the foreshore as the Council by resolution determines;
- 4.2.6 allow any vehicle to remain stationary on a boat ramp on the foreshore longer than is necessary to launch or retrieve a boat, yacht or seagoing craft.

4.3 Clause 4.1 does not apply to Emu Bay Beach and vehicles may be driven or propelled on Emu Bay Beach at any time in accordance with Clause 4.2 except any

part or parts of Emu Bay Beach as the Council by resolution determines and subject to the Road Traffic Act 1961 gives effect to the resolution by the erection of flags or signs, or by other means.

5. Exemptions

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

6. Application of Paragraph

Clauses 3.1.1, 4.1, 4.2.1, 4.2.5 and 4.3 of this by-law apply throughout the Council area except in any part or parts of the foreshore as the Council may by resolution determine in accordance with sections 246 (3) (c) and 246 (3) (e) of the Local Government Act 1999.

The foregoing by-law was duly made and passed at a meeting of the Kangaroo Island Council held on 13 August 2010, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

C. NOON, Chief Executive Officer

LIGHT REGIONAL COUNCIL

Temporary Road Closure

NOTICE is hereby given that Hill Street, Kapunda, from Main Street to the eastern alignment of Blyth Street, will be closed from 8 a.m. Saturday, 16 October 2010 through to 5 p.m. on Sunday, 17 October 2010 due to the holding of the annual Kapunda Celtic Festival. For enquiries and further details, contact Light Regional Council on (08) 8525 3200.

B. CARR, Chief Executive Officer

DISTRICT COUNCIL OF MALLALA

Renaming of Roads

NOTICE is hereby given in accordance with section 219 of the Local Government Act 1999, that the council at its meeting held on Monday, 26 July 2010, resolved to rename the following road names:

That the roadway currently named Frost Road adjacent D031412 (certificate of title 5314/552) to D054911 (certificate of title 5809/448), Hundred of Port Gawler be renamed St Andrews Road; and

That the roadway currently named Johns Road adjacent Lot 169, 163167 (certificate of title 5401/177), Hundred of Port Gawler be renamed Lorne Road.

C. MANSUETO, Chief Executive Officer

DISTRICT COUNCIL OF MOUNT BARKER

Renaming of Road

NOTICE is hereby given that pursuant to section 219 of the Local Government Act 1999, as amended, Council has resolved to rename a road name within the District Council of Mount Barker to the following government roads:

- That the name Harrogate Road be assigned to the road segments formerly known as Harrogate-Tungkillo Road and Caleb Virgo Road, both segments are a continuation of Harrogate Road and run in a south/north direction from Mail Road at Harrogate, finishing at the boundary with Mid Murray Council.

A. STUART, Chief Executive Officer

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

- Arboit Adrian Anthony*, late of 3 Martin Street, Glynde, panelbeater, who died on 8 January 2009.
- Beaton Donald William*, late of 33 Somerset Avenue, Redwood Park, retired meat worker, who died on 28 April 2010.
- Bitmead Allan Gordon*, late of 342 Marion Road, North Plympton, retired leading hand, who died on 12 May 2010.
- Fielder Roy Leslie*, late of 8 Elmgrove Road, Salisbury North, retired railway employee, who died on 10 July 2010.
- Furniss Jean Gwendoline*, late of 81 Tapleys Hill Road, Hendon, of no occupation, who died on 14 April 2010.
- Gilford Ruth Agnes*, late of 21 Cranston Street, Port Lincoln, home duties, who died on 8 May 2010.
- Herd Janette May*, late of 14A Scott Avenue, Clovelly Park, home duties, who died on 13 March 2010.
- Hickey James Raymond*, late of 46 Exeter Terrace, Devon Park, retired public servant, who died on 29 May 2010.
- Hodge Rita May*, late of 53 Swanport Road, Murray Bridge, of no occupation, who died on 15 May 2010.
- Marquis Donald Alexander*, late of 18 Cross Road, Myrtle Bank, retired purchasing manager, who died on 7 June 2010.
- Morley Robert Harold*, late of 20 David Street, McCracken, retired forklift driver, who died on 13 November 2009.
- Scanlan Gregory Bernard*, late of 19 Gladstone Street, Adelaide, of no occupation, who died on 22 June 2010.
- Schokman Claryl Olga May*, late of 16-24 Penneys Hill Road, Hackham, of no occupation, who died on 18 May 2010.
- Stapleton Marjorie Dell*, late of 17 Balfour Street, Nailsworth, home duties, who died on 29 June 2010.
- Stephens Danuta*, late of 28 Finsterwald Way, Fairview Park, home support carer, who died on 15 March 2010.
- Walton Stella Louisa*, late of 6 Booth Avenue, Linden Park, of no occupation, who died on 3 June 2010.

Notice is hereby given pursuant to the Trustee Act 1936, the Inheritance (Family Provision) Act 1972, and the Family Relationships Act 1975, that all creditors, beneficiaries, and other persons having claims against any of the said estates are required to send, in writing, to the Public Trustee, G.P.O. Box 1338, Adelaide, S.A. 5001, full particulars and proof of such claims, on or before 24 September 2010, otherwise they will be excluded from the distribution of the said estates; 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 26 August 2010.

M. I. BODYCOAT, Public Trustee

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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