



THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

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

ADELAIDE, THURSDAY, 18 AUGUST 2011

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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, 18 August 2011

HIS Excellency the Governor's Deputy 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:

Deputy Member: (from 18 August 2011 until 31 August 2012)

Kerry Tapley (Deputy to Vaughan)

By command,

RUSSELL PAUL WORTLEY, for Premier

METF11/009CS

Department of the Premier and Cabinet
Adelaide, 18 August 2011

HIS Excellency the Governor's Deputy in Executive Council has been pleased to appoint the undermentioned to the South Australian Museum Board, pursuant to the provisions of the South Australian Museum Act 1976:

Member: (from 18 August 2011 until 17 August 2014)

Jane Diane Lomax-Smith
Dean Paul Dalla Valle
Michael John Worton

Presiding Member: (from 18 August 2011 until 17 August 2014)

Jane Diane Lomax-Smith

By command,

RUSSELL PAUL WORTLEY, for Premier

ASACAB003/02

Department of the Premier and Cabinet
Adelaide, 18 August 2011

HIS Excellency the Governor's Deputy in Executive Council has been pleased to appoint the Honourable John Robert Rau, MP, Deputy Premier, Attorney-General, Minister for Justice, Minister for Urban Development, Planning and the City of Adelaide, Minister for Tourism and Minister for Food Marketing to be also Acting Minister for Defence Industries, Acting Minister for Police, Acting Minister for Emergency Services, Acting Minister for Motor Sport and Acting Minister Assisting the Premier with the Olympic Dam Expansion Project for the period from 20 August 2011 to 7 September 2011 inclusive, during the absence of the Honourable Kevin Owen Foley, MP.

By command,

RUSSELL PAUL WORTLEY, for Premier

MDH11/004CS

Department of the Premier and Cabinet
Adelaide, 18 August 2011

HIS Excellency the Governor's Deputy in Executive Council has been pleased to appoint the Honourable Gail Elizabeth Gago, MLC, Minister for Regional Development, Minister for Public Sector Management, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises and Minister for Gambling to be also Acting Minister for Aboriginal Affairs and Reconciliation, Acting Minister for Multicultural Affairs, Acting Minister for Youth, Acting Minister for Volunteers and Acting Minister Assisting the Premier in Social Inclusion on 4 September 2011, during the absence of the Honourable Grace Portolesi, MP.

By command,

RUSSELL PAUL WORTLEY, for Premier

MMA11/005SC

Department of the Premier and Cabinet
Adelaide, 18 August 2011

HIS Excellency the Governor's Deputy in Executive Council has been pleased to appoint the Honourable Thomas Richard Kenyon, MP, Minister for Recreation, Sport and Racing, Minister for Road Safety, Minister for Veterans' Affairs, Minister Assisting the Premier with South Australia's Strategic Plan and Minister Assisting the Minister for Employment, Training and Further Education to be also Acting Minister for Aboriginal Affairs and Reconciliation, Acting Minister for Multicultural Affairs, Acting Minister for Youth, Acting Minister for Volunteers and Acting Minister Assisting the Premier in Social Inclusion for the period from 5 September 2011 to 11 September 2011 inclusive, during the absence of the Honourable Grace Portolesi, MP.

By command,

RUSSELL PAUL WORTLEY, for Premier

MMA11/005SC

Department of the Premier and Cabinet
Adelaide, 18 August 2011

HIS Excellency the Governor's Deputy in Executive Council has been pleased to appoint Robert McCouaig to the offices of Judge of the Industrial Relations Court of South Australia and Deputy President of the Workers Compensation Tribunal of South Australia both on an auxiliary basis, for a period of one year commencing on 18 August 2011 and expiring on 17 August 2012, it being a condition of appointment that the powers and jurisdictions of the offices should only be exercised during the time or times the actual duties are being undertaken, but at no other time throughout the period of appointment, pursuant to the Judicial Administration (Auxiliary Appointments and Powers) Act 1988 and the Workers Rehabilitation and Compensation Act 1986.

By command,

RUSSELL PAUL WORTLEY, for Premier

AGO0222/11CS

Department of the Premier and Cabinet
Adelaide, 18 August 2011

HIS Excellency the Governor's Deputy in Executive Council has been pleased to appoint Timothy William O'Loughlin to the position of Commissioner for Renewable Energy for a period commencing on 15 October 2011 and expiring on 30 June 2012, pursuant to Section 68 of the Constitution Act 1934.

By command,

RUSSELL PAUL WORTLEY, for Premier

DPC11/020CS

Department of the Premier and Cabinet
Adelaide, 18 August 2011

HIS Excellency the Governor directs it to be notified that he has been pleased to approve retention of the title *Honourable* by:

The Honourable Michael Atkinson.

Dated 19 July 2011.

By command,

MIKE RANN, Premier

DEVELOPMENT ACT 1993, NOTICE UNDER SECTION 25 (17): THE BAROSSA COUNCIL BETTER DEVELOPMENT PLAN (BDP) AND GENERAL DEVELOPMENT PLAN AMENDMENT

Preamble

1. The Development Plan Amendment entitled The Barossa Council—Better Development Plan (BDP) and General Development Plan Amendment has been finalised in accordance with the provisions of the Development Act 1993.

2. The Honourable John Rau has decided to approve the Amendment.

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 11 August 2011.

JOHN RAU, Deputy Premier, Minister for Urban Development, Planning and the City of Adelaide

DEVELOPMENT ACT 1993, NOTICE UNDER SECTION 25 (17): CITY OF PORT ADELAIDE ENFIELD CITY WIDE COMMERCIAL ZONES DEVELOPMENT PLAN AMENDMENT

Preamble

1. The Development Plan Amendment entitled City of Port Adelaide Enfield—City Wide Commercial Zones Development Plan Amendment has been finalised in accordance with the provisions of the Development Act 1993.

2. The Honourable John Rau has decided to approve the Amendment.

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 12 August 2011.

JOHN RAU, Deputy Premier, Minister for Urban Development, Planning and the City of Adelaide

DEVELOPMENT ACT 1993, NOTICE UNDER SECTION 26 (9): MIXED USE (ISLINGTON) ZONE DEVELOPMENT PLAN AMENDMENT

Preamble

1. The Development Plan Amendment entitled Mixed Use (Islington) Zone 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, Planning and the City of Adelaide has decided to approve the Plan Amendment.

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 12 August 2011.

JOHN RAU, Deputy Premier, Minister for Urban Development, Planning and the City of Adelaide

DEVELOPMENT ACT 1993, NOTICE UNDER SECTION 25 (17): CITY OF NORWOOD, PAYNEHAM AND ST PETERS RESIDENTIAL DEVELOPMENT (CITY WIDE POLICY) DEVELOPMENT PLAN AMENDMENT

Preamble

1. The Development Plan Amendment entitled City of Norwood, Payneham and St Peters—Residential Development (City Wide Policy) Development Plan Amendment has been finalised in accordance with the provisions of the Development Act 1993.

2. The Honourable John Rau has decided to approve the Amendment.

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 12 August 2011.

JOHN RAU, Deputy Premier, Minister for Urban Development, Planning and the City of Adelaide

DEVELOPMENT ACT 1993, NOTICE UNDER SECTION 25 (17): COORONG DISTRICT COUNCIL BETTER DEVELOPMENT PLAN (BDP) DEVELOPMENT PLAN AMENDMENT

Preamble

1. The Development Plan Amendment entitled Coorong District Council—Better Development Plan has been finalised in accordance with the provisions of the Development Act 1993.

2. The Honourable John Rau MP has decided to approve the Amendment.

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 12 August 2011.

JOHN RAU, Deputy Premier, Minister for Urban Development, Planning and the City of Adelaide

DEVELOPMENT ACT 1993, NOTICE UNDER SECTION 25 (17): CITY OF WEST TORRENS BETTER DEVELOPMENT PLAN AND GENERAL DEVELOPMENT PLAN AMENDMENT

Preamble

1. The Development Plan Amendment entitled City of West Torrens—Better Development Plan and General Development Plan Amendment has been finalised in accordance with the provisions of the Development Act 1993.

2. The Honourable John Rau has decided to approve the Amendment.

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 11 August 2011.

JOHN RAU, Deputy Premier, Minister for Urban Development, Planning and the City of Adelaide

DEVELOPMENT ACT 1993, SECTION 29 (2) (b) (ii): AMENDMENT TO THE ADELAIDE HILLS COUNCIL DEVELOPMENT PLAN

Preamble

It is necessary to amend the Adelaide Hills Council Development Plan dated 13 January 2011.

NOTICE

PURSUANT to Section 29 (2) (b) (ii) of the Development Act 1993, I, John Rau, being the Minister administering the Act, amend the Adelaide Hills Council Development Plan consolidated on 13 January 2011 as follows:

1. Replacing the following maps and text:

(a) Preface (entire contents of page 4).

(b) FLOOD PRONE AREA INDEX TO FIGURES FIGURE AdhiFPA/1.

(c) MOUNT LOFTY RANGES REGION Figure 1.

(d) MOUNT LOFTY RANGES WATERSHED AREA figure MtLRWA/1.

(e) MOUNT LOFTY RANGES WATERSHED AREA Figure MtLRWA/2.

(f) INDEX TO WATERSHED AREA 1 FIGURE AdHi(WA1)/1.

(g) INDEX TO BUSHFIRE PROTECTION AREA 1 FIGURE AdHi(BPA)/1.

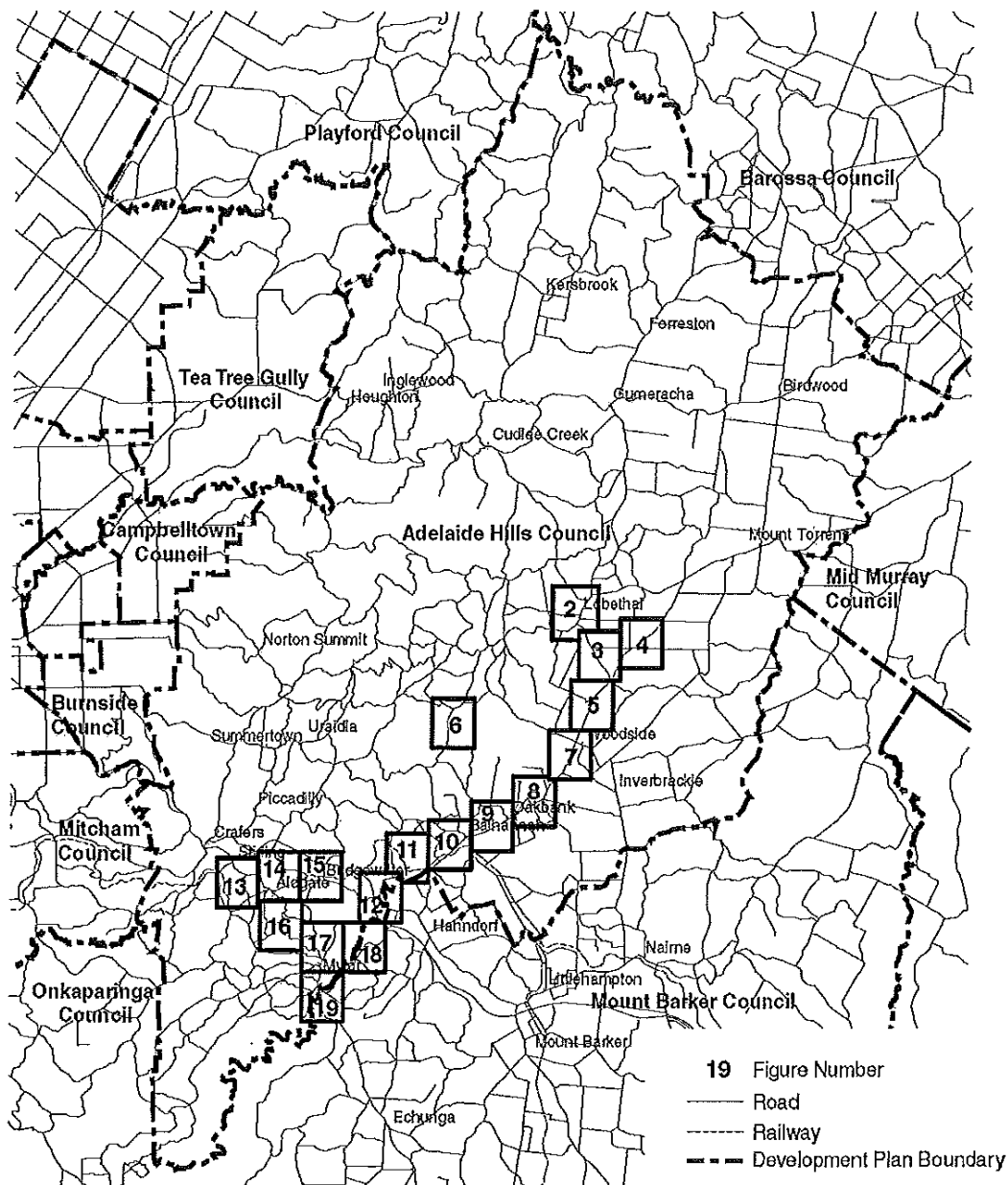
(h) MAP AdHi/1.

(i) INDEX TO ZONES MAP AdHi/2A.

(j) ZONES MAP AdHi/3.

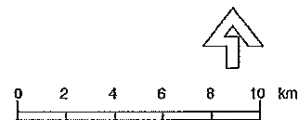
With the contents of 'Attachment A'.

2. Fix the day on which this notice is published in the *Gazette* as the day on which the above amendments will come into operation.

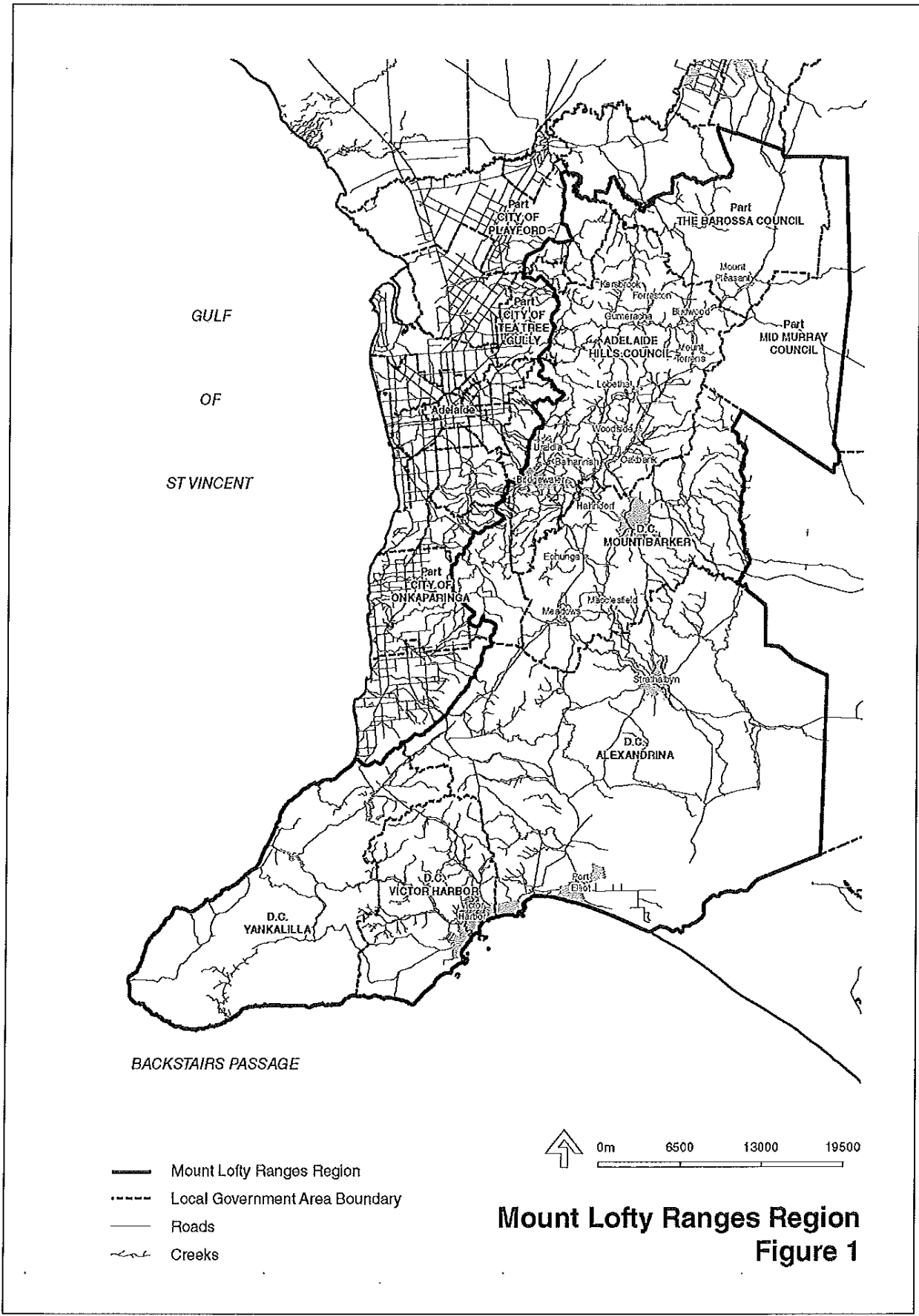


Disclaimer

1. These figures delineate areas which have been assessed as being subject to inundation by floods of various magnitudes along the Onkaparinga River, Cox Creek, Lobethal Creek, Hanndorf Creek, Aldgate Creek and other major tributaries. The figures do not identify flooding along minor watercourses and drains feeding these streams.
2. The data contained on this figure is based on survey, hydraulic and hydrologic modelling (as at 2002) to an accuracy sufficient only for broad scale flood risk management and planning.
3. Flood assessment for particular sites along the watercourses will require more detailed interpretation, survey and hydraulic analysis by appropriately qualified and experienced person(s).
4. The inundation patterns are not those of actual historical events. Actual inundation patterns will vary from one flood to another being affected by earthworks, blockages of structures, the state of the vegetative cover and other factors.
5. The limit of flooding shown is not a boundary between flood prone and flood free land. Areas outside the limits shown could be inundated by larger floods.
6. The inundation patterns relate to a prediction of land affected, for the specified level of risk, and not necessarily to the buildings or houses located on that land.



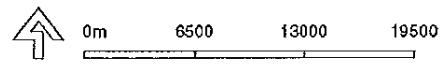
**ADELAIDE HILLS COUNCIL
 FLOOD PRONE AREA
 INDEX TO FIGURES
 FIGURE AdHiFPA/1**



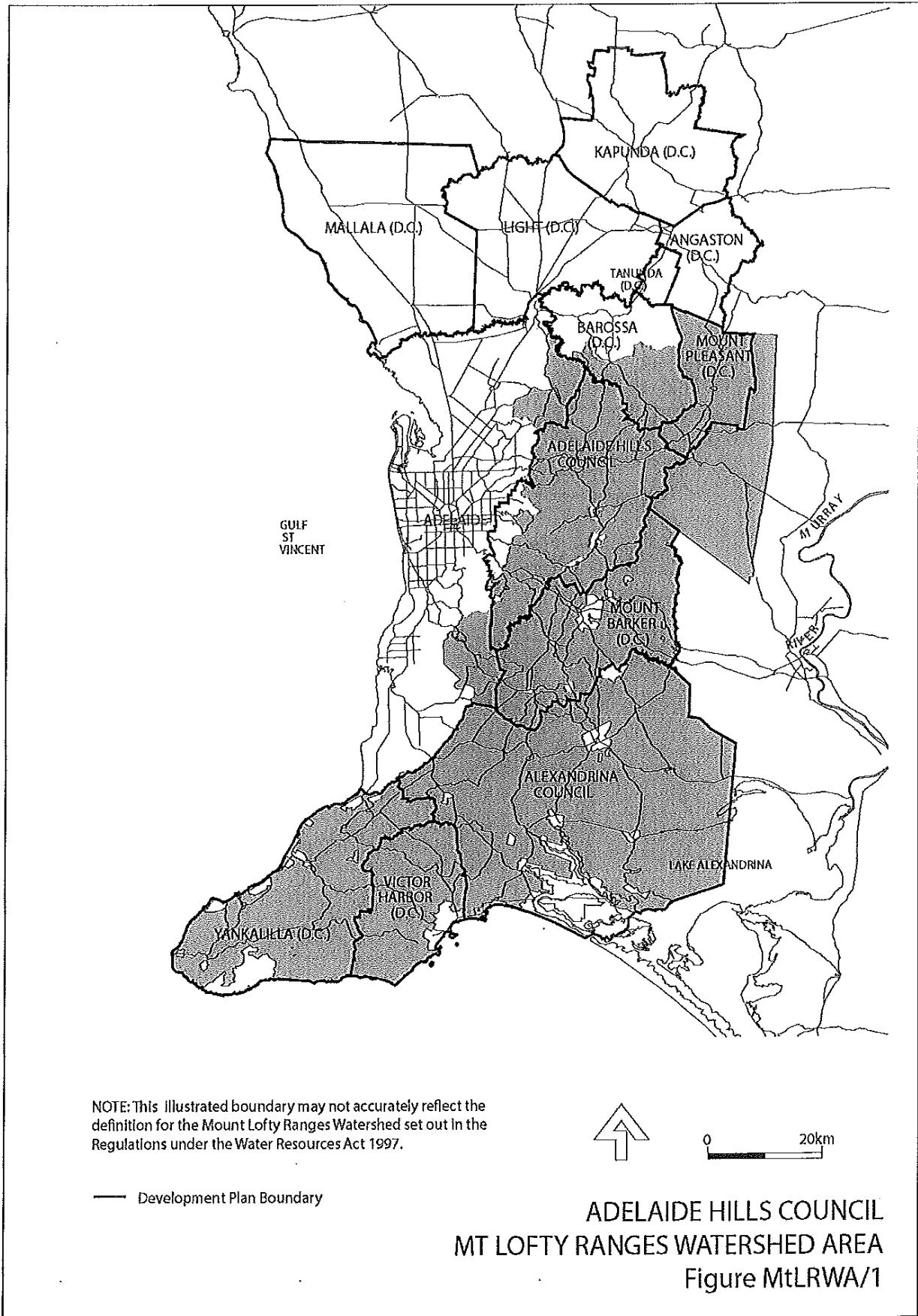
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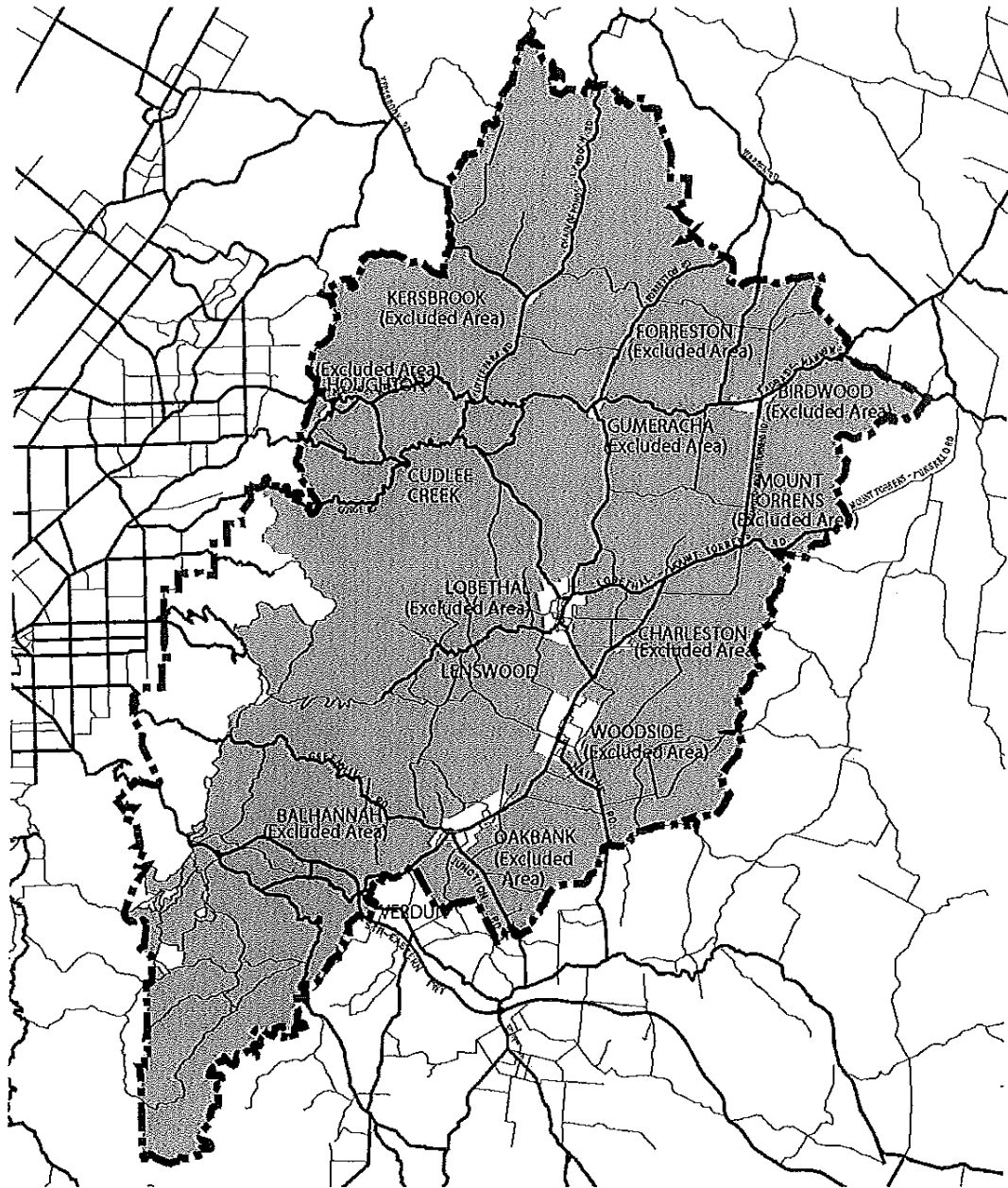
BACKSTAIRS PASSAGE

- Mount Lofty Ranges Region
- - - Local Government Area Boundary
- Roads
- ~~~ Creeks



**Mount Lofty Ranges Region
Figure 1**



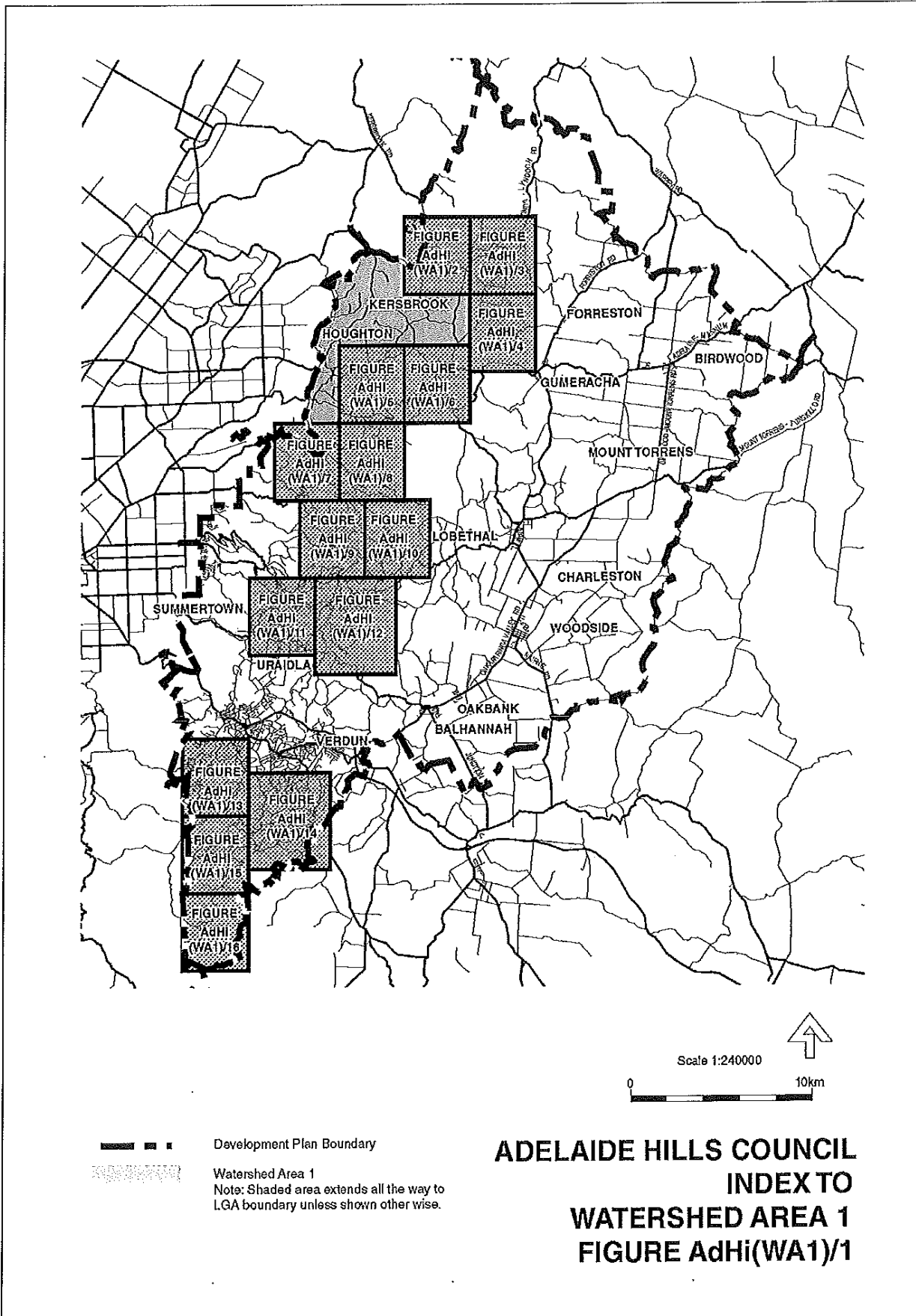


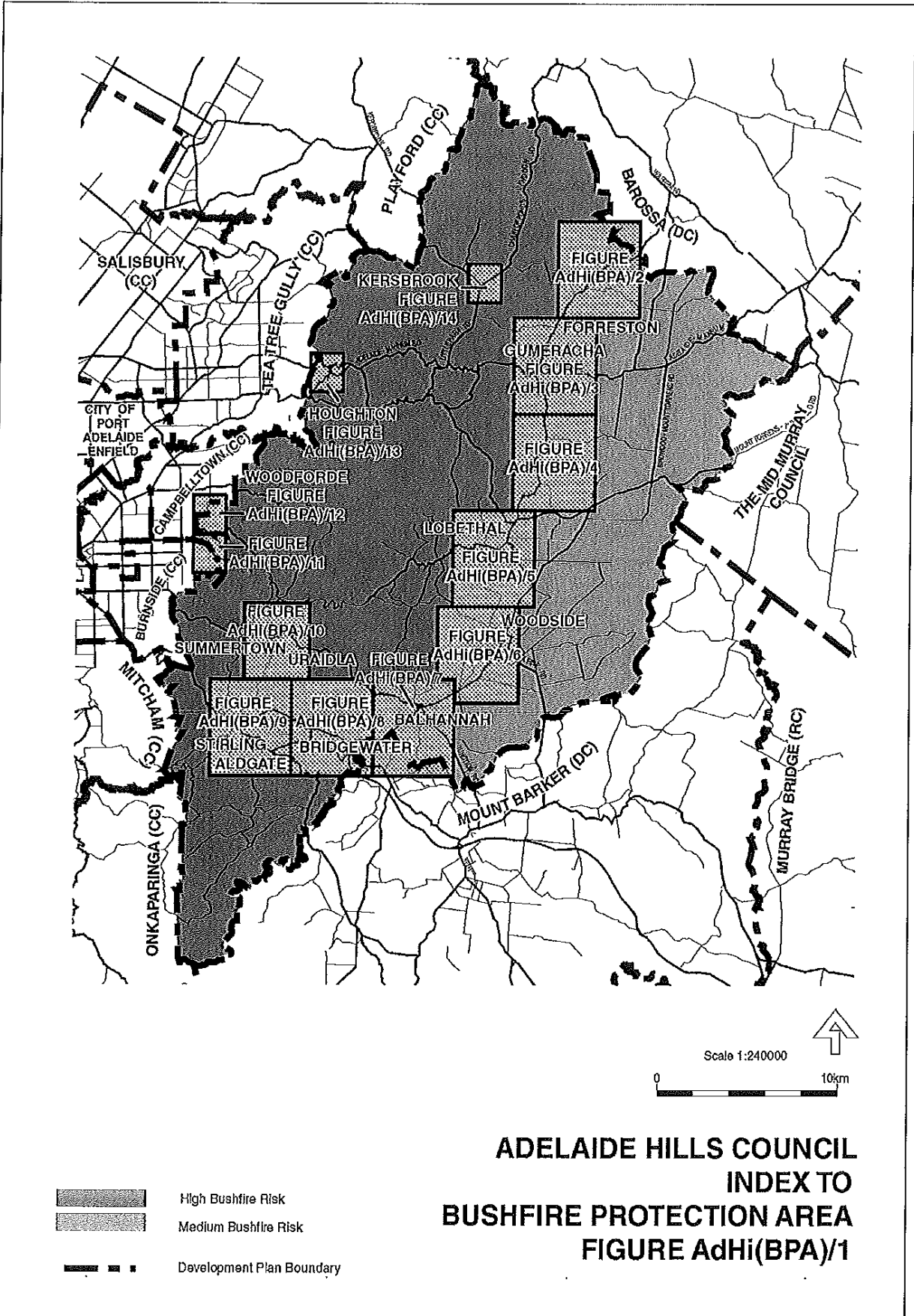
NOTE: This illustrated boundary may not accurately reflect the definition for the Mount Lofty Ranges Watershed set out in the Regulations under the Water Resources Act 1997.

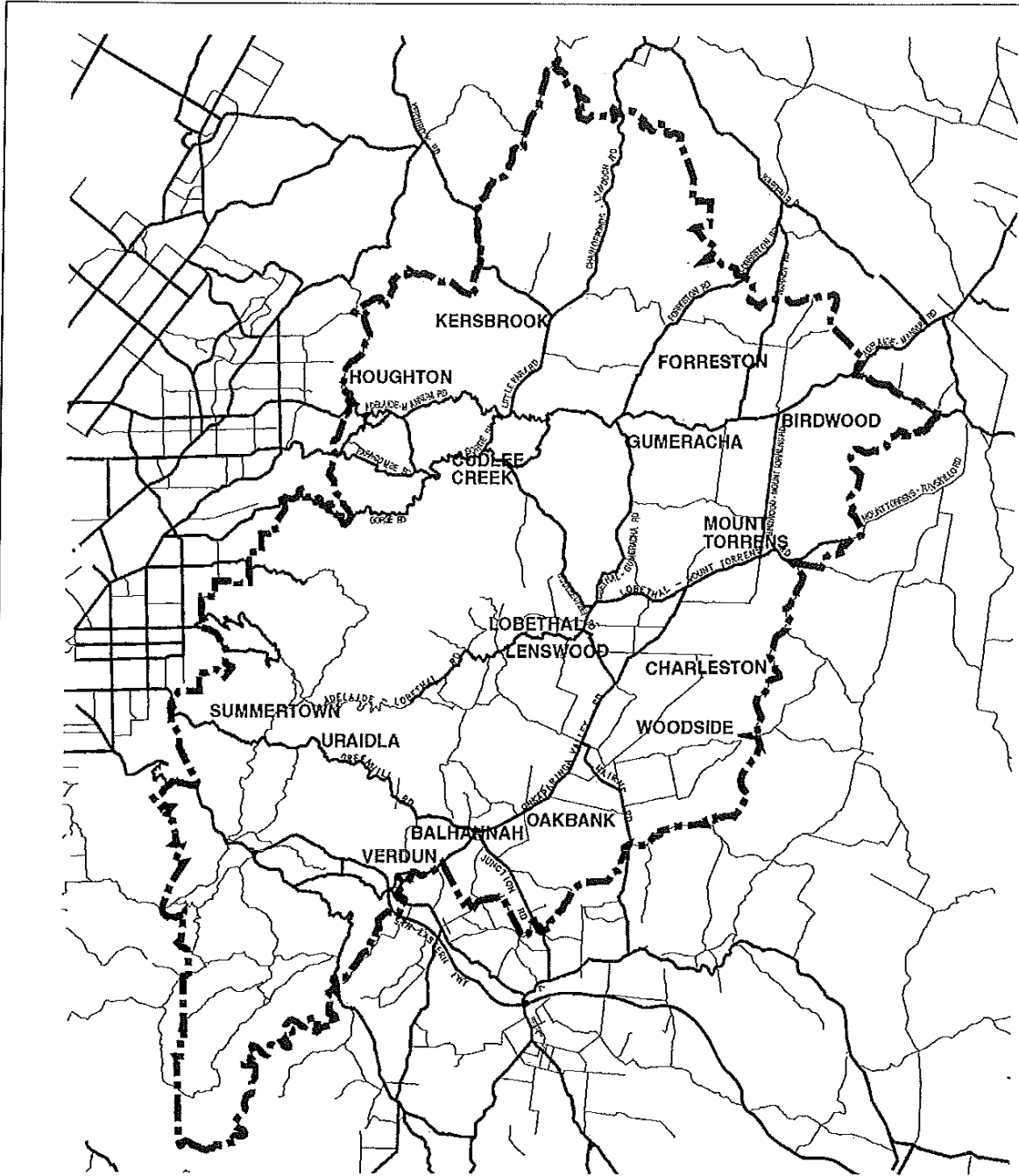
— ■ — Development Plan Boundary



ADELAIDE HILLS COUNCIL
 MT LOFTY RANGES WATERSHED AREA
 Figure MtLRWA/2





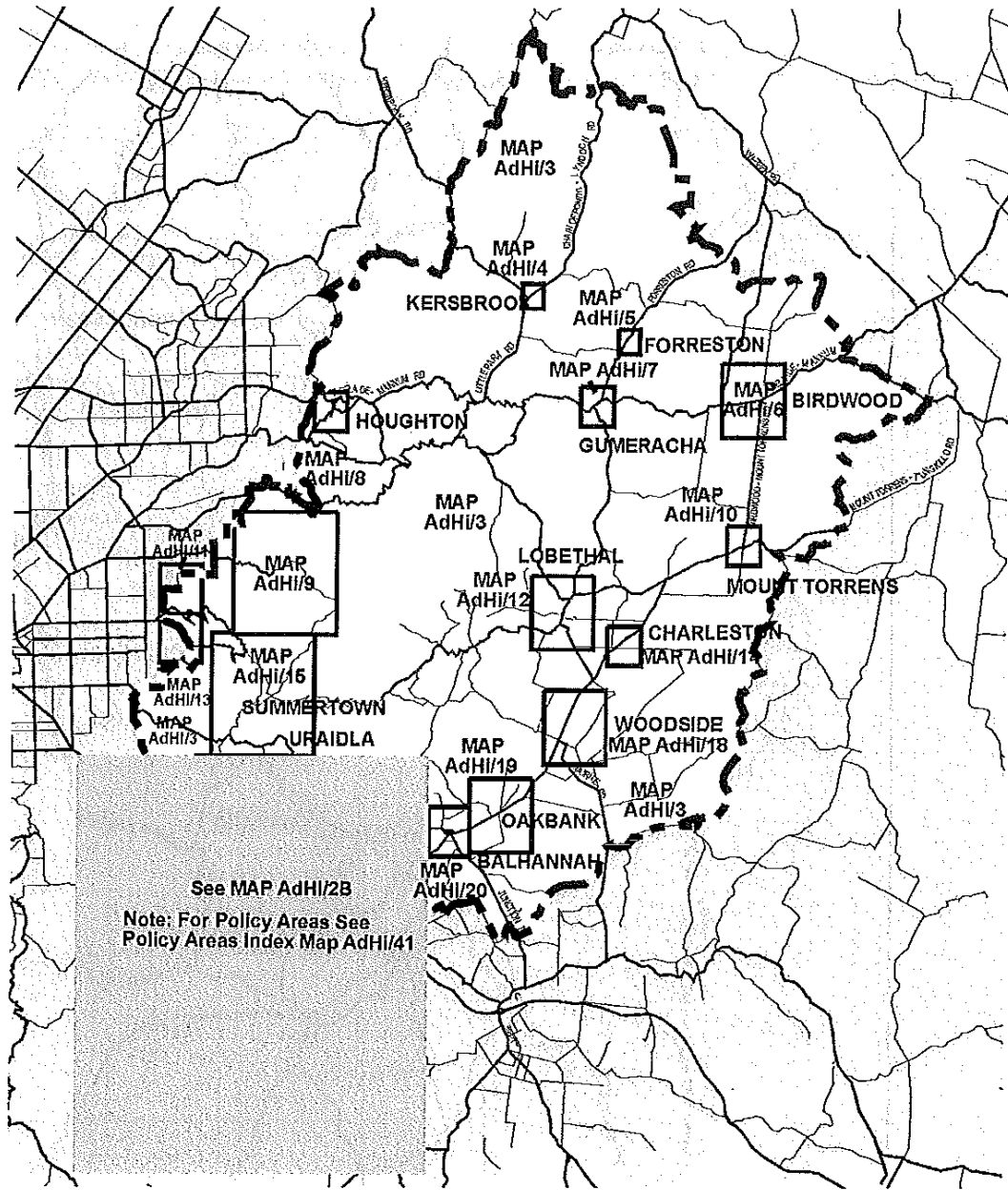


To identify the precise location of the Development Plan boundary refer to Map AdHi/2A and 2B then select the relevant Zone Map



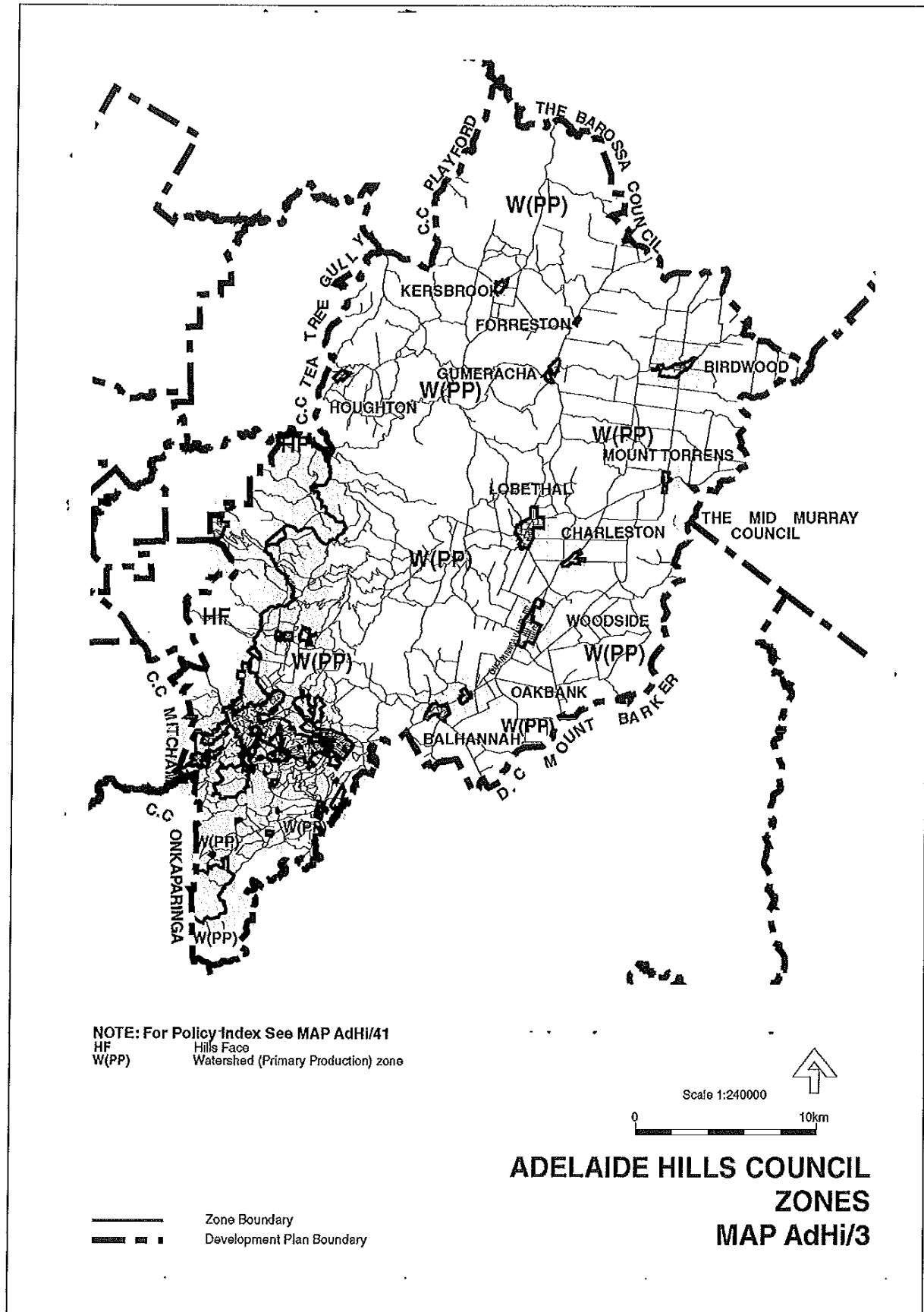
**Adelaide Hills Council
MAP AdHi/1**

--- Development Plan Boundary



For the purposes of the Development Plan unless otherwise clearly indicated, the zone/policy area boundaries depicted on or intended to be fixed by Maps AdHi/3 to AdHi/80 inclusive shall be read as conforming in all respects (as the case may require) to the sectional or subdivisional boundaries, to the centre line of roads or drain reserves or to the title boundaries, or to imaginary straight lines joining the positions defined by survey or by the measurements shown on the said maps against which the said zone/policy area boundaries are shown or otherwise as indicated.

**ADELAIDE HILLS COUNCIL
 INDEX TO ZONES
 MAP AdHi/2A**



Dated 11 August 2011.

JOHN RAU, Deputy Premier, Minister for Urban Development, Planning and the City of Adelaide

DEVELOPMENT ACT 1993, NOTICE UNDER SECTION 27 (5) (a): CITY OF PLAYFORD BUCKLAND PARK URBAN
GROWTH DEVELOPMENT PLAN AMENDMENT

Preamble

Pursuant to Section 27 (3) (b) of the Development Act 1993 (the Act), the Environment, Resources and Development Committee of Parliament has suggested amendments to the Playford Council Development Plan as recently amended by the Buckland Park Urban Growth Development Plan Amendment.

Following this suggestion, pursuant to Section 27 (5) (a), I, John Rau, being the Minister Administering the Act, am proceeding to make negotiated amendments to amend the Playford Council Development Plan dated 14 July 2011.

NOTICE

PURSUANT to Section 27 (5) (a) of the Development Act 1993 (the Act), I, John Rau, being the Minister Administering the Act, amend the Playford Council Development Plan dated 14 July 2011 as follows:

1. Within the General Section headed 'Orderly and Sustainable Development' amend the existing Principle of Development Control 9 to insert a last dot point reference to the new 'Concept Plan Map Play/32—Buckland Park Odour Impact Area'.
2. Within the 'Desired Character' of the existing 'Business Policy Area 10' after the last paragraph add the following text as a new paragraph:
'As identified by Concept Plan Map Play/32—Buckland Park Odour Impact Area, nuisance odour may be experienced within the southern part of the policy area. Sensitive land uses will not be located in this part of the Policy Area unless they are ancillary to a land use that can withstand odour, are small in scale and, where possible and practical, occur within buildings designed to minimise exposure to odour.'
3. Within the existing 'Open Space Zone' insert a new policy area titled 'Restricted Recreation Policy Area 19' (the contents of Attachment A).
4. Within the existing 'Residential Neighbourhood Zone' insert a new policy area titled 'Restricted Urban Policy Area 20' (the contents of Attachment B).
5. Within the 'Mapping Section' insert the following replacement maps:
 - (a) Council Index Map (the contents of Attachment C).
 - (b) Zone Map Play/2 (the contents of Attachment D).
 - (c) Policy Area Map Play/2 (the contents of Attachment E).
 - (d) Zone Map Play/3 (the contents of Attachment F).
 - (e) Policy Area Map Play/3 (the contents of Attachment G).
 - (f) Zone Map Play/50 (the contents of Attachment H).
 - (g) Policy Area Map Play/50 (the contents of Attachment I).
 - (h) Bushfire Protection Area (BPA) Map Play/1 (the contents of Attachment J).
 - (i) Bushfire Protection Area (BPA) Map Play/11 (the contents of Attachment K).
6. Within the 'Mapping Section' headed 'Map Reference Tables' insert the following map references in numbered order as outlined in the tables below:

Policy Area Maps

Policy Area Name	Policy Area Map Numbers
Restricted Recreation Policy Area 19	Play/2, Play/3, Play/50
Restricted Urban Policy Area 20	Play/2, Play/3, Play/50

Concept Plan Maps

Concept Plan Title	Concept Plan Map Numbers
Buckland Park Odour Impact Area	Play/32

7. Insert new 'Concept Plan Map Play/32—Buckland Park Odour Impact Area' (the contents of Attachment L).
8. Fix the day on which this notice is published in the *Gazette* as the day on which the Section 27 (5) (a) amendment will come into operation.

ATTACHMENT A

Playford Council
Zone Section
Open Space Zone
Restricted Recreation Policy Area 19

Restricted Recreation Policy Area 19

Refer to the [Map Reference Tables](#) for a list of the maps that relate to this policy area.

OBJECTIVES

- 1 The continuation of existing land uses until the potential for impacts from nearby waste processing activities is removed.
- 2 Development that does not compromise the future use of the policy area for recreation activities.
- 3 Development that contributes to the desired character of the policy area.

DESIRED CHARACTER

This policy area is located in proximity to a significant waste processing activity. Active recreational land uses likely to be sensitive to the odour generated by this such as playgrounds and sporting fields should not occur within the policy area and the 'Odour Impact Area' identified by *Concept Plan Map Play/32 – Buckland Park Odour Impact Area* to ensure that adequate separation between such land uses and the waste processing activity is maintained.

Existing land uses are expected to continue until the potential for odour impacts from the waste processing activity no longer exist, after which it is expected that the policy area will be developed for the range of land uses envisaged within the zone.

PRINCIPLES OF DEVELOPMENT CONTROL

Land Use

- 1 Development should provide for the maintenance of existing land uses.
- 2 Sensitive land uses should only occur when it can be demonstrated that the potential impacts from waste processing activities no longer exist.

Form and Character

- 3 Development should not be undertaken unless it is consistent with the desired character for the policy area.

ATTACHMENT B

Playford Council
Zone Section
Residential Neighbourhood Zone
Restricted Urban Policy Area 20

Restricted Urban Policy Area 20

Refer to the [Map Reference Tables](#) for a list of the maps that relate to this policy area.

OBJECTIVES

- 1 The continuation of existing land uses until the potential for impacts from nearby waste processing activities is removed.
- 2 Development that does not compromise the future use of the policy area for urban activities.
- 3 Development that contributes to the desired character of the policy area.

DESIRED CHARACTER

This policy area is located in proximity to a significant organic waste processing activity. Development likely to be sensitive to the odour generated by this should not occur within the policy area and the 'Odour Impact Area' identified on *Concept Plan Map Play/32 – Buckland Park Odour Impact Area* to ensure that adequate separation between such land uses and the waste processing activity is maintained.

Existing land uses are expected to continue until the potential for odour impacts from the waste processing activity no longer exist, after which it is expected that the policy area will be developed for urban land uses with a focus on residential land uses.

PRINCIPLES OF DEVELOPMENT CONTROL

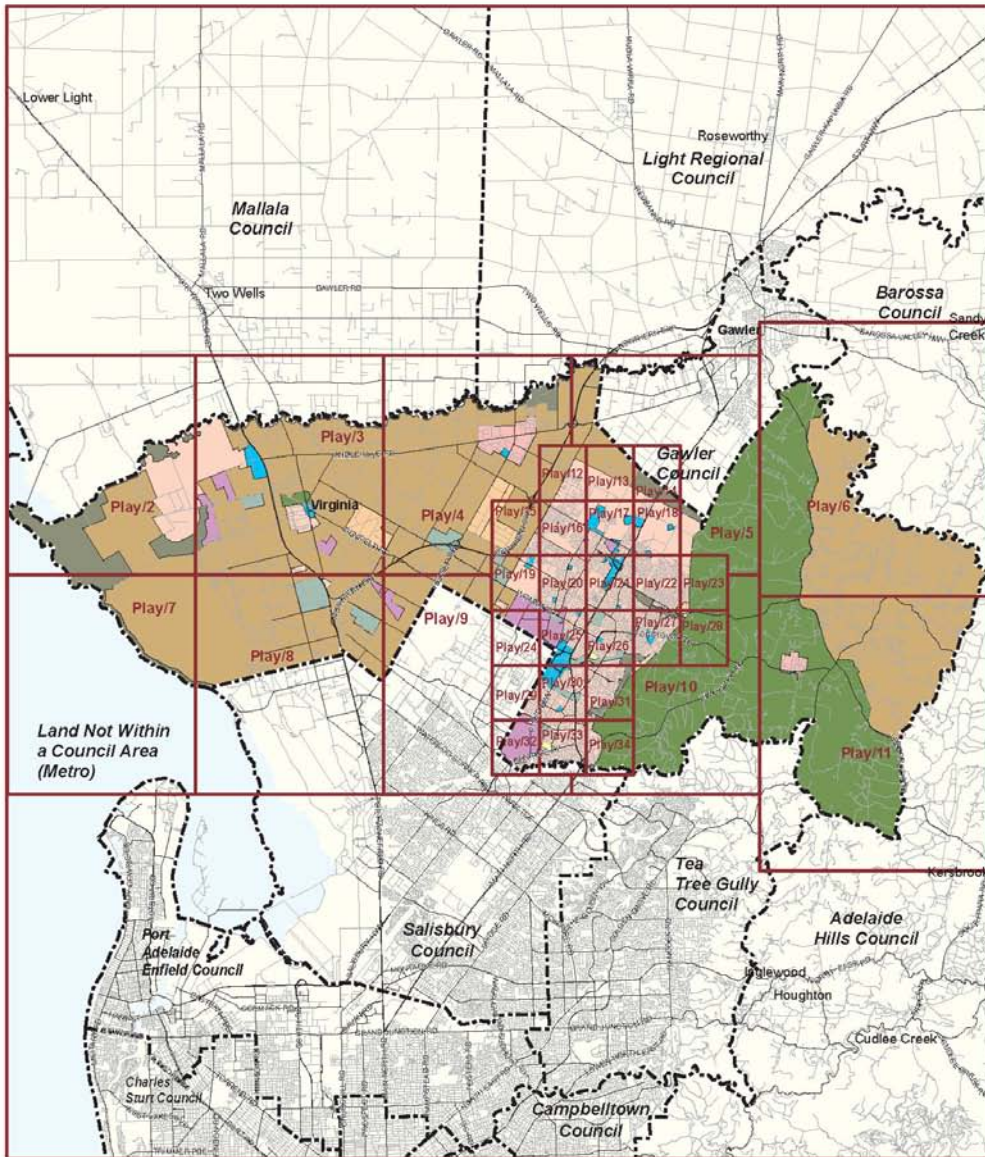
Land Use

- 1 Development should provide for the maintenance of existing land uses until these can be progressively replaced by urban land uses.
- 2 Sensitive land uses should only occur when it can be demonstrated that the potential impacts from waste processing activities no longer exist.

Form and Character

- 3 Development should not be undertaken unless it is consistent with the desired character for the policy area.

ATTACHMENT C



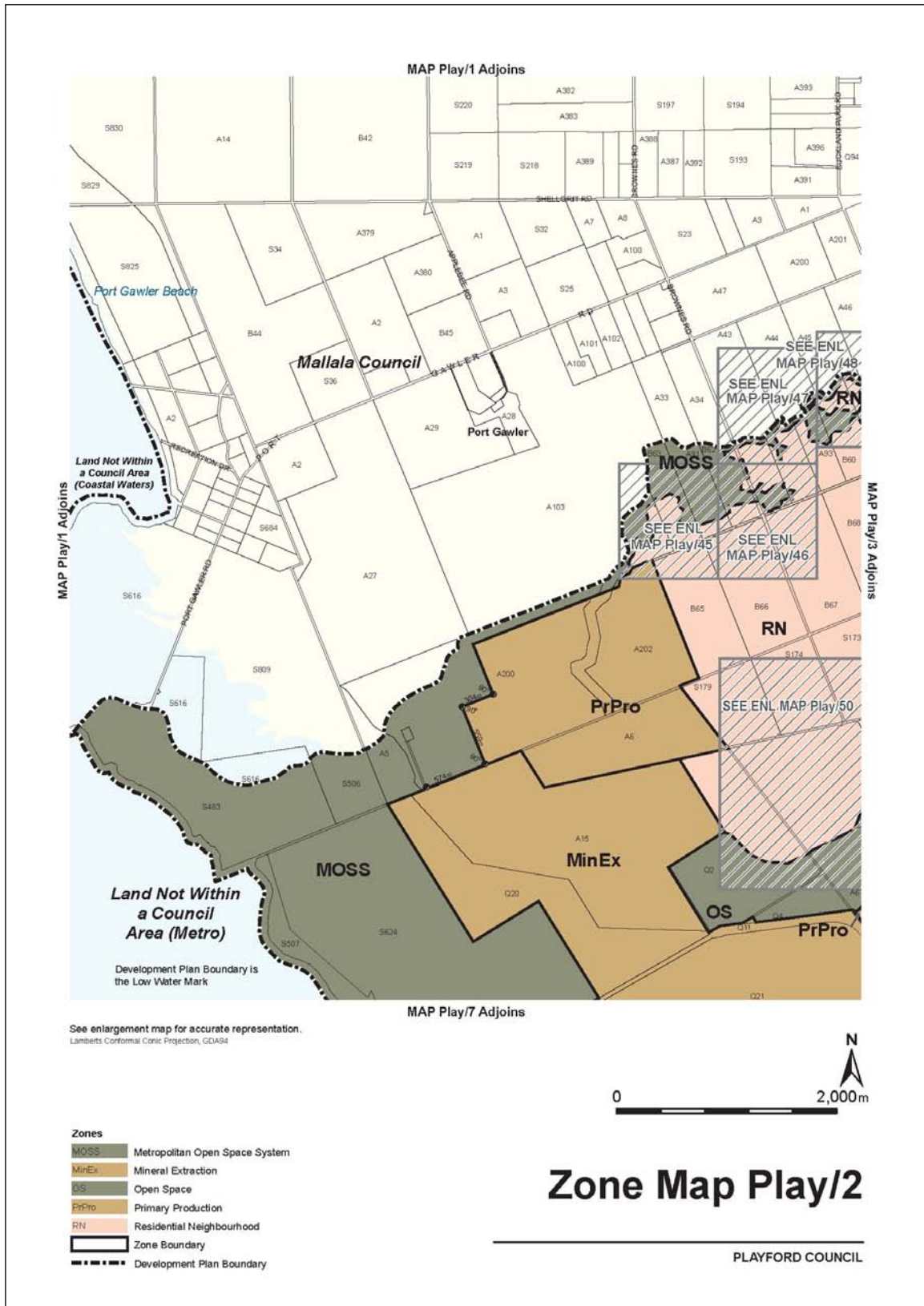
For the purposes of the Development Plan unless otherwise clearly indicated, the zone/policy area/precinct boundaries depicted on or intended to be fixed by Maps Play/1 to Map Play/50 inclusive shall be read as conforming in all respects (as the case may require) to the land division boundaries, to the centre line of roads or drain reserves or to the title boundaries, or to imaginary straight lines joining the positions defined by survey or by the measurements shown on the said maps against which the said zone/policy area/precinct boundaries are shown or otherwise indicated.



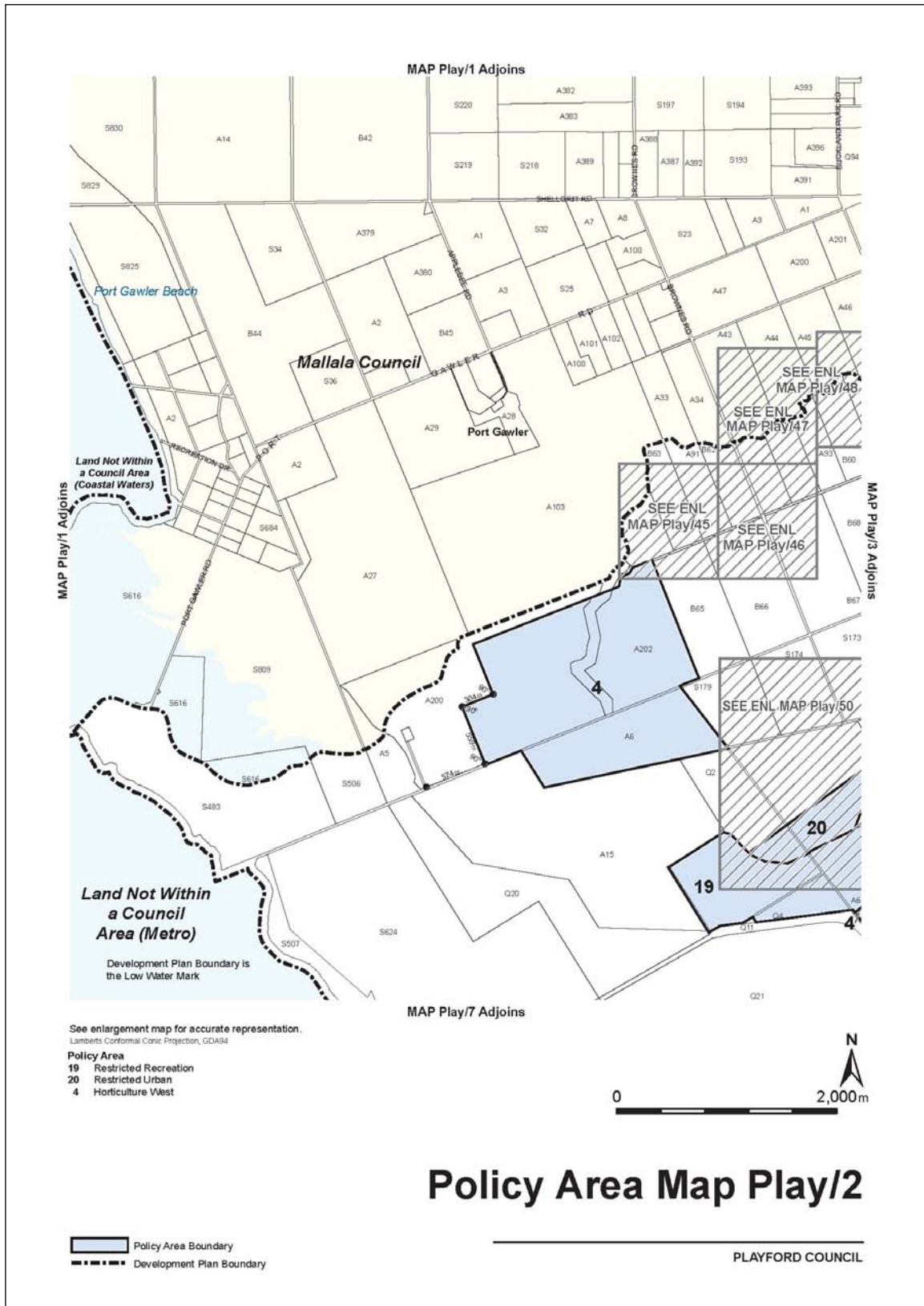
Council Index Map

PLAYFORD COUNCIL

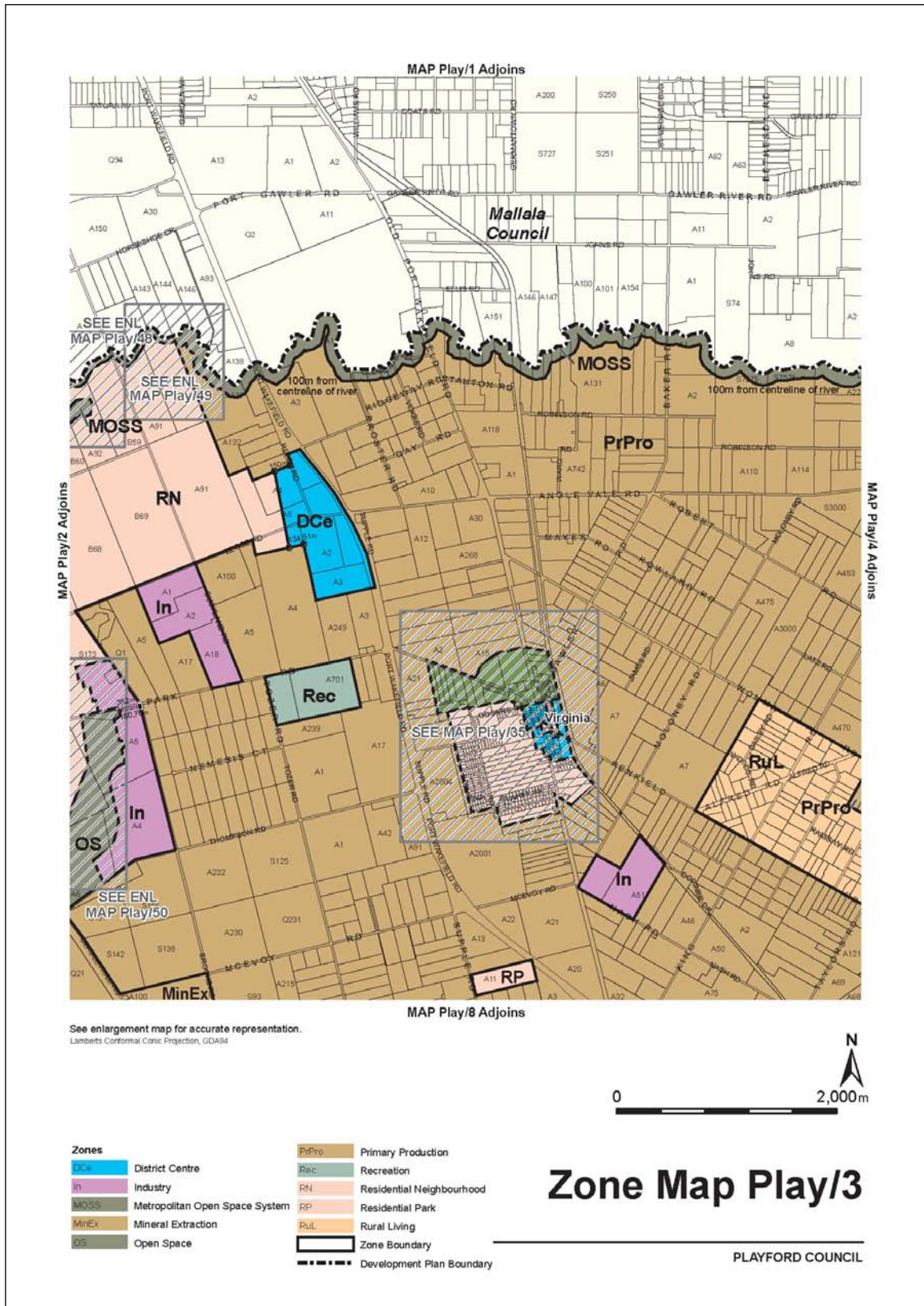
ATTACHMENT D



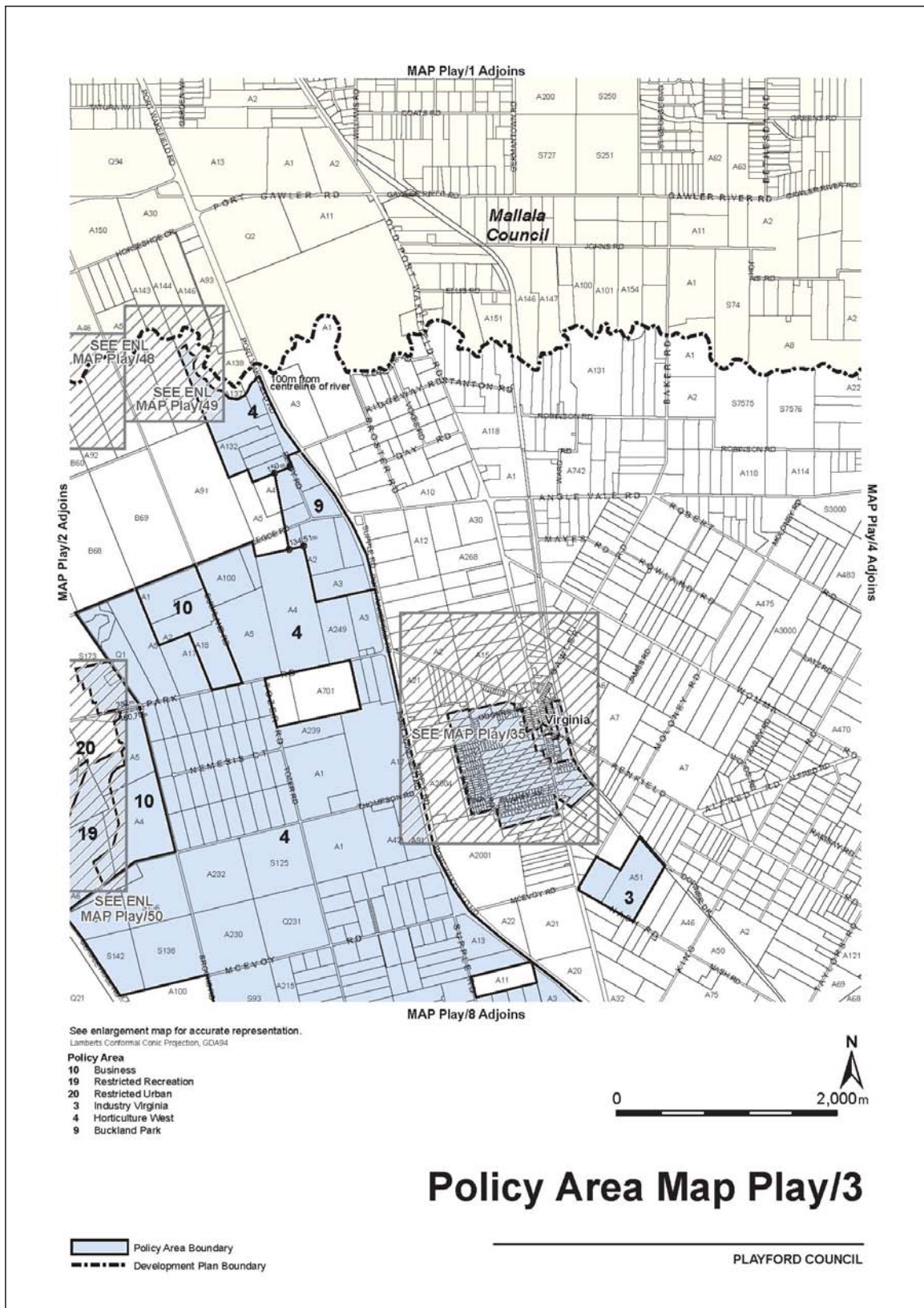
ATTACHMENT E



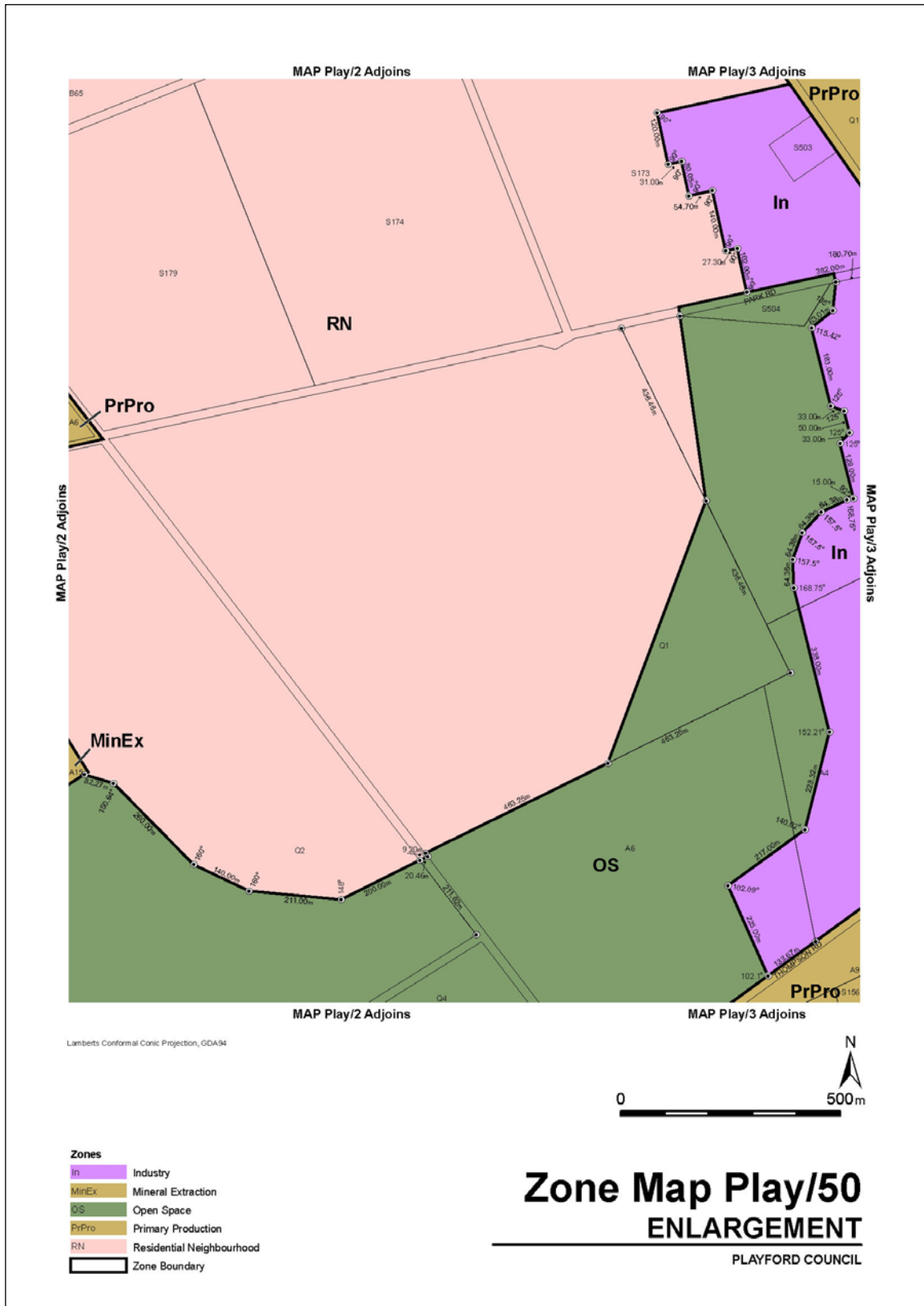
ATTACHMENT F



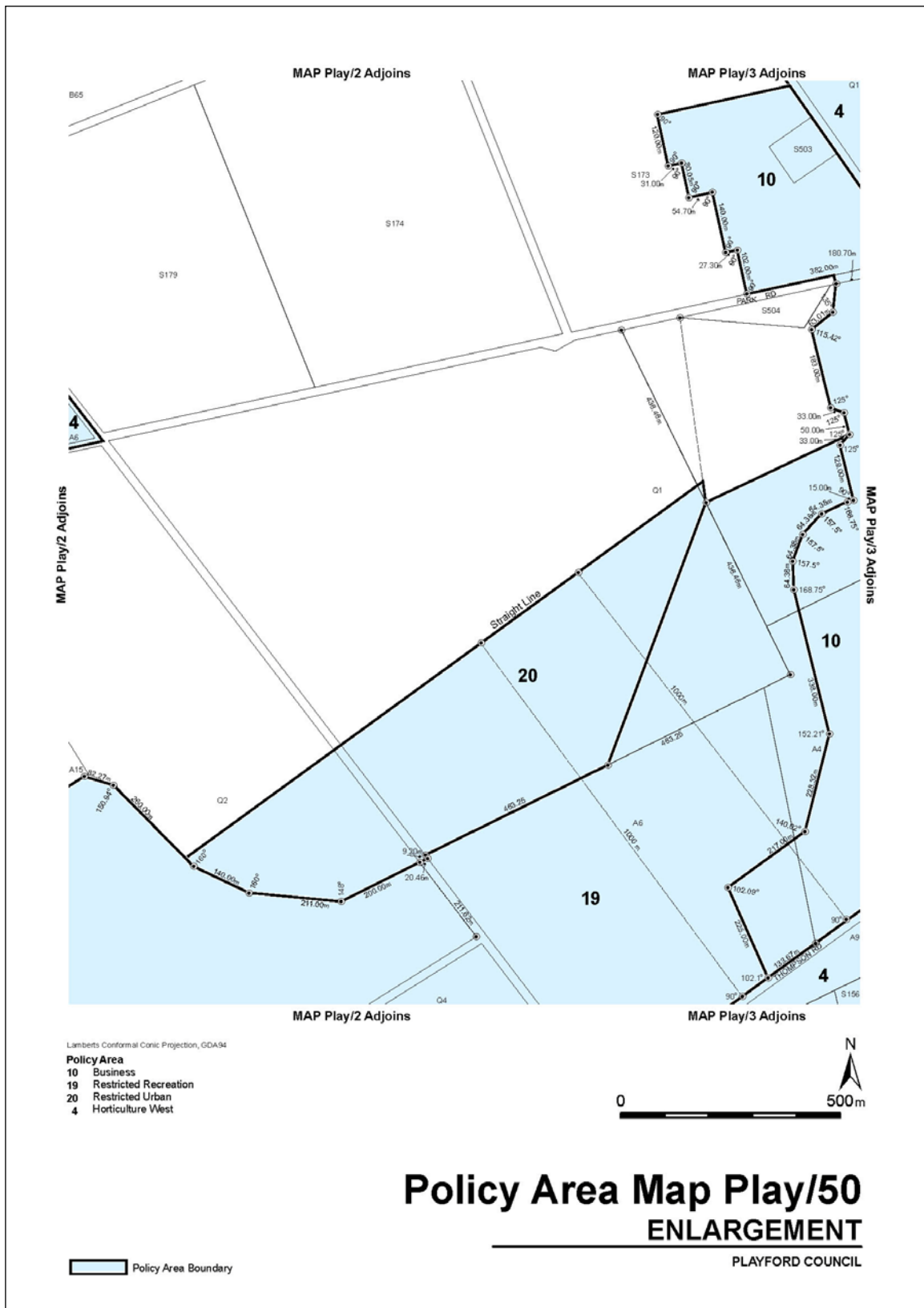
ATTACHMENT G



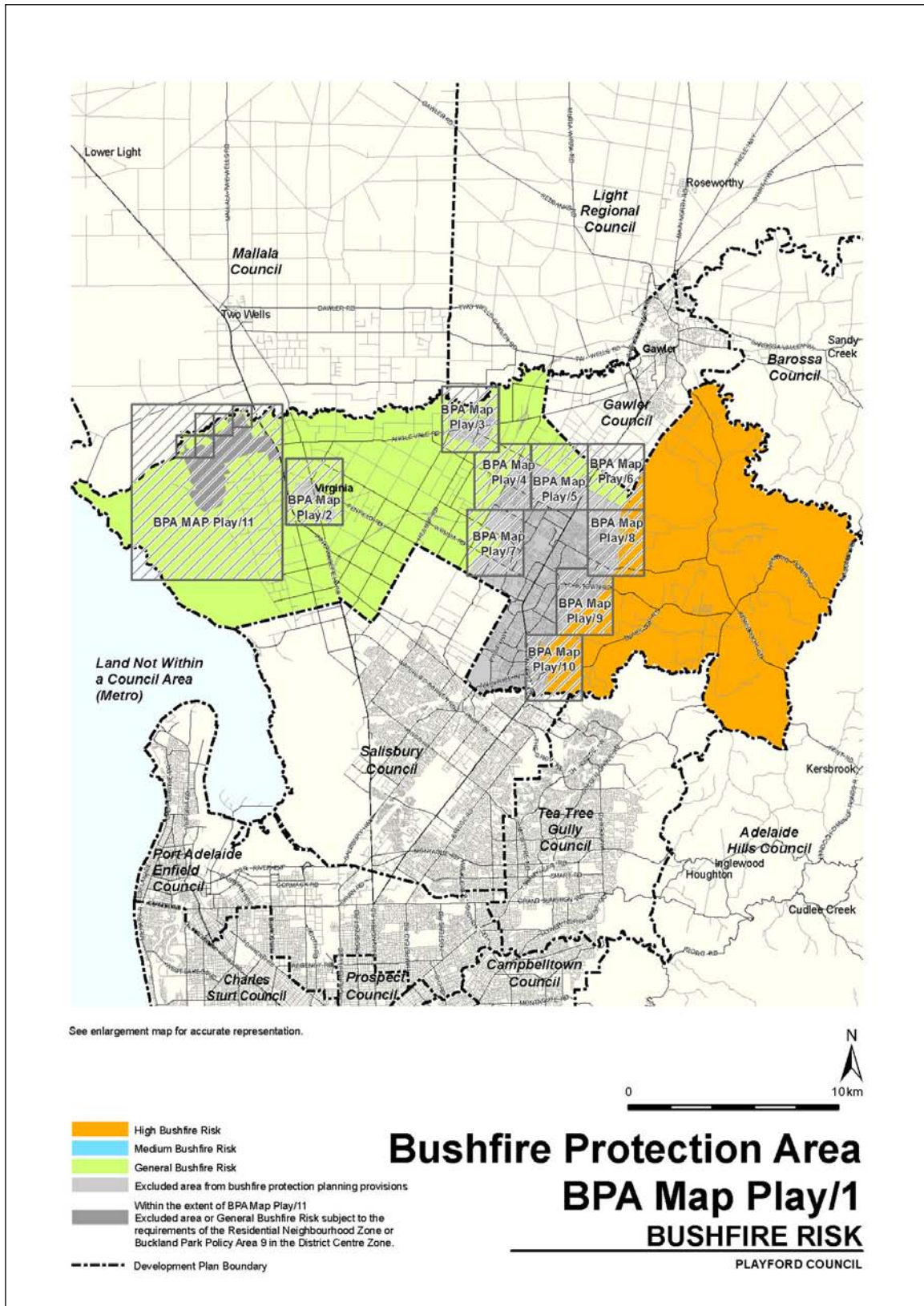
ATTACHMENT H



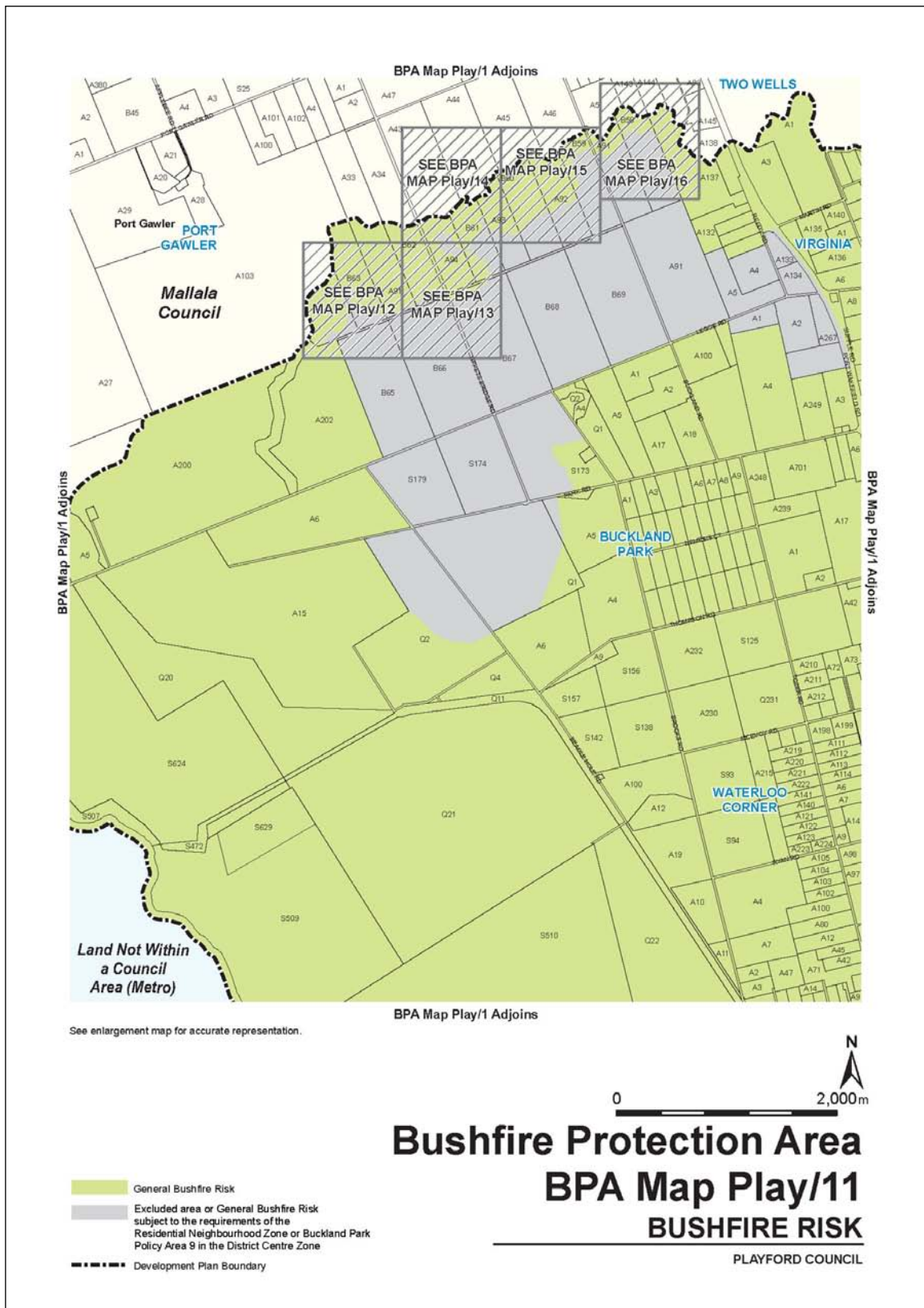
ATTACHMENT I



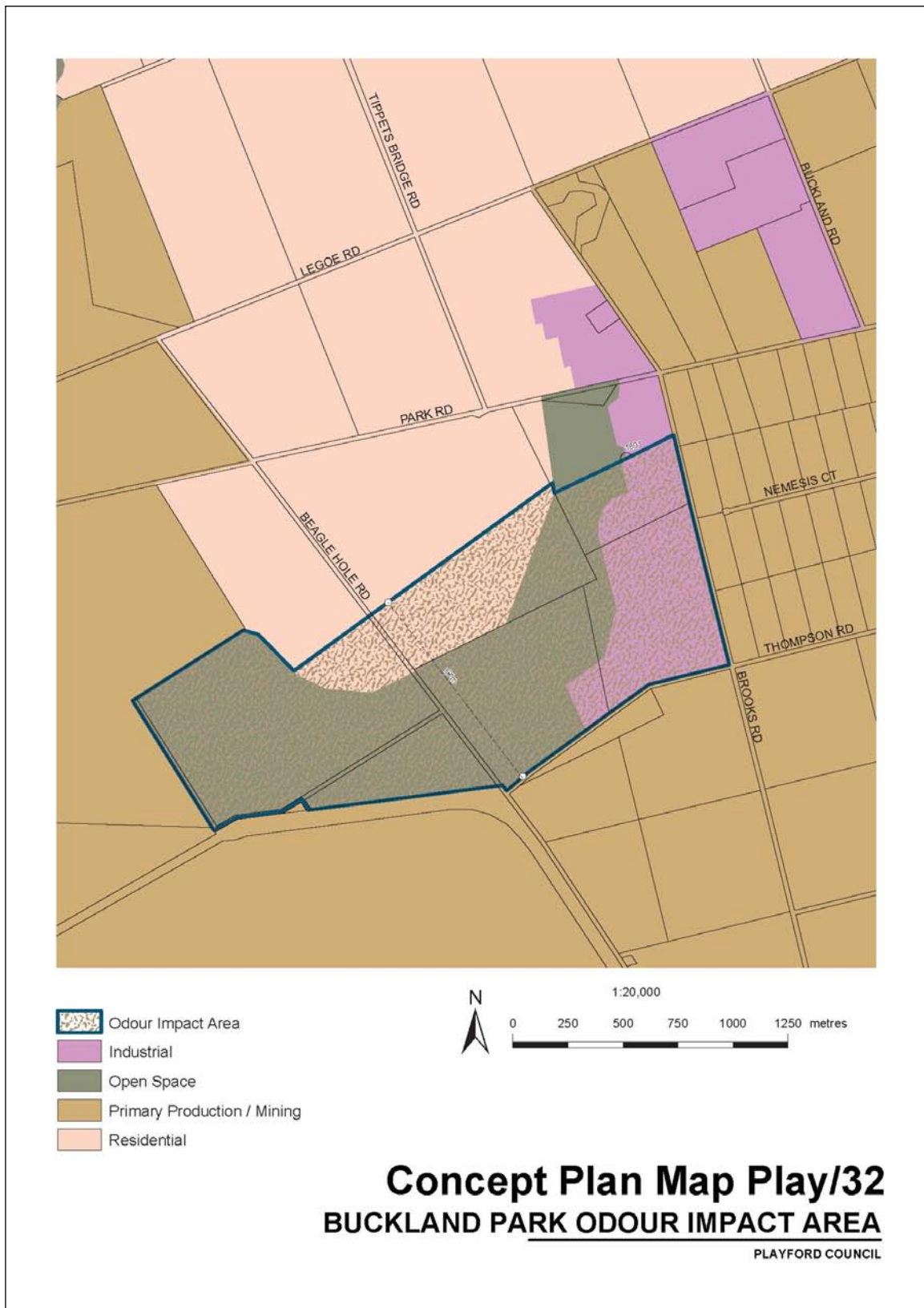
ATTACHMENT J



ATTACHMENT K



ATTACHMENT L



Dated 11 August 2011.

JOHN RAU, Deputy Premier, Minister for Urban Development, Planning and the City of Adelaide

ENVIRONMENT PROTECTION ACT 1993

Approval of Additional Collection Depots

I, ANDREA KAYE WOODS, Delegate of the Environment Protection Authority ('the Authority'), pursuant to Section 69 of the Environment Protection Act 1993 (SA) ('the Act') hereby:

Approval of Additional Collection Depots(i) *Approval of Collection Depots:*

Approve the collection depots identified by reference to the following matters, to receive all containers belonging to a class of containers which is, at or subsequent to, the date of this Notice, approved as Category B Containers:

- (a) the name of the collection depot described in Column 1 of Schedule 1 of this Notice;
- (b) the name of the proprietor of the depot identified in Column 3 of Schedule 1 of this Notice;
- (c) the location of the depot described in Columns 4-6 of Schedule 1 of this Notice; and

(ii) *Conditions of Approval:*

Impose the following conditions of these approvals:

- (a) If the Approval Holder's name or postal address (or both) changes, then the Approval Holder must inform the Authority in writing, within 28 days of the change occurring.
- (b) If the collection depot is sold to another party, the Approval Holder must inform the Authority in writing, within 28 days of settlement.
- (c) The Approval Holder who wishes to cease operation of the depot shall notify the Authority in writing no less than 14 days from date of closing.
- (d) The Approval Holder, or a person acting on his or her behalf, must not pay a refund on, or seek reimbursement for, containers that the Approval Holder, or the person acting on his or her behalf, knows were not purchased in South Australia.
- (e) The Approval Holder must ensure that prominent signage is displayed, detailing the offence and the penalties under Section 69 the Act, for presenting interstate containers for refund.

SCHEDULE 1

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Depot Name	Company/Trading Name	Proprietors	Depot Location Street	Depot Location Suburb	Certificate of Title No. Volume/Folio No.	Collection Area
Carrieton Recycling	Carrieton Recycling	Lew Fogden and Kathryn Fogden	Section 750, Hundred of Eurelia, Main Street	Carrieton	Vol. 5999, Folio 134	Regional

ENVIRONMENT PROTECTION ACT 1993

Revokal of Collection Depot

I, ANDREA KAYE WOODS, Delegate of the Environment Protection Authority ('the Authority'), pursuant to Section 69 of the Environment Protection Act 1993 (SA) ('the Act') hereby:

Revokal of Collection Depot

Revoke the collection depot identified by reference to the following matters, which previously received all containers belonging to a class of containers that were approved as Category B Containers:

- (a) the name of the collection depot described in Column 1 of Schedule 1 of this Notice;
- (b) the name of the proprietor of the depot identified in Column 3 of Schedule 1 of this Notice; and
- (c) the location of the depot described in Columns 4-6 of Schedule 1 of this Notice.

SCHEDULE 1

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Depot Name	Company/Trading Name	Proprietors	Depot Location Street	Depot Location Suburb	Certificate of Title No. Volume/Folio No.	Collection Area
Carrieton Depot	B. L. and K. A. Dorward	Brian Dorward and Kathleen Dorward	1 South Terrace	Carrieton	Vol. 547, Folio 58	Regional

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
Blu Energy Drink	250	Can—Aluminium	Blu Australia	Statewide Recycling
Blu Energy Drink	500	Can—Aluminium	Blu Australia	Statewide Recycling
Blu Energy Drink Cranberry Flavour	250	Can—Aluminium	Blu Australia	Statewide Recycling
Elevate Alcoholic Cola With Guarana & Taurine 8%	300	Can—Aluminium	Creative Beverages Pty Ltd	Statewide Recycling
Elevate Alcoholic Soda & Guarana	300	Can—Aluminium	Creative Beverages Pty Ltd	Statewide Recycling
Elevate Alcoholic Soda & Taurine	300	Can—Aluminium	Creative Beverages Pty Ltd	Statewide Recycling
Elevate Bomb Guarana & Taurine 8%	300	Can—Aluminium	Creative Beverages Pty Ltd	Statewide Recycling
Froopers Apple & Blackcurrant Fruit Drink	200	HDPE	Intertrading Australia Pty Ltd	Statewide Recycling
Froopers Apple & Blackcurrant Fruit Drink	250	HDPE	Intertrading Australia Pty Ltd	Statewide Recycling
Froopers Apple Fruit Drink	250	HDPE	Intertrading Australia Pty Ltd	Statewide Recycling
Froopers Apple Fruit Drink	200	HDPE	Intertrading Australia Pty Ltd	Statewide Recycling
Froopers Apple Raspberry Flavoured Fruit Drink	200	HDPE	Intertrading Australia Pty Ltd	Statewide Recycling
Froopers Looney Tunes Orange Fruit Drink	200	HDPE	Intertrading Australia Pty Ltd	Statewide Recycling
Froopers Looney Tunes Tropical Fruit Drink	200	HDPE	Intertrading Australia Pty Ltd	Statewide Recycling
Froopers Orange Fruit Drink	200	HDPE	Intertrading Australia Pty Ltd	Statewide Recycling
Froopers Peach & Strawberry Flavoured Fruit Drink	200	HDPE	Intertrading Australia Pty Ltd	Statewide Recycling
Froopers Santa Fruit Drink Apple Blackcurrant	200	HDPE	Intertrading Australia Pty Ltd	Statewide Recycling
Froopers Santa Fruit Drink Orange	200	HDPE	Intertrading Australia Pty Ltd	Statewide Recycling
Froopers Tropical Fruit Drink	200	HDPE	Intertrading Australia Pty Ltd	Statewide Recycling
Antiox Shots Mangosteen & Pomegranate Juice	90	HDPE	Vitality Brands Worldwide Pty Ltd	Statewide Recycling
Antiox Super Juice Mangosteen & Pomegranate	800	HDPE	Vitality Brands Worldwide Pty Ltd	Statewide Recycling
Chillax Montmorency Cherry Juice Plus Lactium	1 000	PET	Vitality Brands Worldwide Pty Ltd	Statewide Recycling
PEP2GO	500	PET	Vitality Brands Worldwide Pty Ltd	Statewide Recycling

ENVIRONMENT PROTECTION ACT 1993

Vary the 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:

Vary the Approval of Category B Containers

Approve as Category B Containers, subject to the conditions 1-4 below, each of the classes of containers identified by reference to the following matters described in the first 4 columns of Schedule 1 of this Notice which are sold in South Australia:

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

1. That containers of the class to which the approval relates must bear the refund marking specified by the Authority for containers of that class.

2. The holder of the approval must have in place an effective and appropriate waste management arrangement in relation to containers of that class. For the purpose of this approval notice the company named in Column 5 of Schedule 1 of this Notice is the nominated super collector.

3. In the case of an approval in relation to Category B containers that the waste management arrangement must require the holder of the approval to provide specified super collectors with a declaration in the form determined by the Authority in relation to each sale of such containers by the holder of the approval as soon as practicable after the sale.

4. The holder of these approvals must ensure that if a sticker bearing the refund marking has been approved, and is applied to the container, then the sticker must not be placed on any portion of the opening mechanism or in any other place that would require complete or partial removal of the sticker before the contents may be consumed.

SCHEDULE 1

Column 1	Column 2	Column 3	Column 4	Column 5
Product Name	Container Size (mL)	Container Type	Approval Holder	Collection Arrangements
Malibu Cocktails Caribbean Cosmo 12.5%	700	Glass	Premium Wine Brands Pty Ltd	Marine Stores Ltd
Malibu Cocktails Island Punch 12.5%	700	Glass	Premium Wine Brands Pty Ltd	Marine Stores Ltd
Malibu Cocktails Tropical Crush 12.5%	700	Glass	Premium Wine Brands Pty Ltd	Marine Stores Ltd
Malibu Coconut Rum Spirit and Cola	375	Can—Aluminium	Premium Wine Brands Pty Ltd	Marine Stores Ltd
West Coast Cooler	250	Glass	Premium Wine Brands Pty Ltd	Marine Stores Ltd
West Coast Cooler	250	Glass	Premium Wine Brands Pty Ltd	Statewide Recycling

GOVERNMENT GAZETTE ADVERTISEMENT RATES

To apply from 1 July 2011

	\$		\$
Agents, Ceasing to Act as.....	45.50	Firms:	
Associations:		Ceasing to Carry on Business (each insertion)	30.25
Incorporation	23.00	Discontinuance Place of Business	30.25
Intention of Incorporation	57.00	Land—Real Property Act:	
Transfer of Properties	57.00	Intention to Sell, Notice of.....	57.00
Attorney, Appointment of.....	45.50	Lost Certificate of Title Notices	57.00
Bailiff's Sale	57.00	Cancellation, Notice of (Strata Plan).....	57.00
Cemetery Curator Appointed.....	33.75	Mortgages:	
Companies:		Caveat Lodgement	23.00
Alteration to Constitution	45.50	Discharge of	24.10
Capital, Increase or Decrease of	57.00	Foreclosures.....	23.00
Ceasing to Carry on Business	33.75	Transfer of	23.00
Declaration of Dividend.....	33.75	Sublet.....	11.60
Incorporation	45.50	Leases—Application for Transfer (2 insertions) each.....	11.60
Lost Share Certificates:		Lost Treasury Receipts (3 insertions) each.....	33.75
First Name.....	33.75	Licensing	67.50
Each Subsequent Name	11.60	Municipal or District Councils:	
Meeting Final.....	38.00	Annual Financial Statement—Forms 1 and 2	636.00
Meeting Final Regarding Liquidator's Report on		Electricity Supply—Forms 19 and 20.....	452.00
Conduct of Winding Up (equivalent to 'Final		Default in Payment of Rates:	
Meeting')		First Name	90.50
First Name.....	45.50	Each Subsequent Name.....	11.60
Each Subsequent Name	11.60	Noxious Trade	33.75
Notices:		Partnership, Dissolution of	33.75
Call.....	57.00	Petitions (small)	23.00
Change of Name.....	23.00	Registered Building Societies (from Registrar-General)	23.00
Creditors.....	45.50	Register of Unclaimed Moneys—First Name	33.75
Creditors Compromise of Arrangement	45.50	Each Subsequent Name	11.60
Creditors (extraordinary resolution that 'the Com-		Registers of Members—Three pages and over:	
pany be wound up voluntarily and that a liquidator		Rate per page (in 8pt)	289.00
be appointed').....	57.00	Rate per page (in 6pt)	382.00
Release of Liquidator—Application—Large Ad	90.50	Sale of Land by Public Auction.....	57.50
—Release Granted	57.00	Advertisements	3.20
Receiver and Manager Appointed	52.50	¼ page advertisement	135.00
Receiver and Manager Ceasing to Act	45.50	½ page advertisement	270.00
Restored Name.....	42.50	Full page advertisement.....	529.00
Petition to Supreme Court for Winding Up.....	79.00	Advertisements, other than those listed are charged at \$3.20 per	
Summons in Action.....	67.50	column line, tabular one-third extra.	
Order of Supreme Court for Winding Up Action	45.50	Notices by Colleges, Universities, Corporations and District	
Register of Interests—Section 84 (1) Exempt.....	102.00	Councils to be charged at \$3.20 per line.	
Removal of Office.....	23.00	Where the notice inserted varies significantly in length from	
Proof of Debts	45.50	that which is usually published a charge of \$3.20 per column line	
Sales of Shares and Forfeiture.....	45.50	will be applied in lieu of advertisement rates listed.	
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Assigned	33.75	condition that they will not be reproduced without prior	
Deceased Persons—Notice to Creditors, etc.....	57.00	permission from the Government Printer.	
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Probate, Selling of	45.50		
Public Trustee, each Estate	11.60		

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

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Pages	Main	Amends	Pages	Main	Amends
1-16	2.80	1.30	497-512	38.50	37.50
17-32	3.70	2.30	513-528	39.50	38.25
33-48	4.85	3.45	529-544	41.00	39.50
49-64	6.10	4.70	545-560	42.00	41.00
65-80	7.10	5.90	561-576	43.00	42.00
81-96	8.30	6.85	577-592	44.50	42.50
97-112	9.45	8.10	593-608	45.75	44.00
113-128	10.60	9.30	609-624	46.50	45.50
129-144	11.80	10.50	625-640	47.75	46.00
145-160	13.00	11.60	641-656	49.00	47.75
161-176	14.10	12.80	657-672	49.75	48.25
177-192	15.40	13.90	673-688	51.50	49.75
193-208	16.60	15.30	689-704	52.50	50.50
209-224	17.50	16.20	705-720	53.50	52.00
225-240	18.70	17.30	721-736	55.00	53.00
241-257	20.10	18.30	737-752	55.50	54.00
258-272	21.20	19.40	753-768	57.00	55.00
273-288	22.30	21.00	769-784	58.00	57.00
289-304	23.30	21.90	785-800	59.00	58.00
305-320	24.70	23.20	801-816	60.50	58.50
321-336	25.75	24.30	817-832	61.50	60.50
337-352	27.00	25.50	833-848	63.00	61.50
353-368	27.75	26.75	849-864	64.00	62.50
369-384	29.25	27.75	865-880	65.50	64.00
385-400	30.50	29.00	881-896	66.00	64.50
401-416	31.75	30.00	897-912	67.50	66.00
417-432	33.00	31.50	913-928	68.00	67.50
433-448	34.00	32.75	929-944	69.00	68.00
449-464	34.75	33.50	945-960	70.00	68.50
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HOUSING IMPROVEMENT ACT 1940

NOTICE is hereby given that the South Australian Housing Trust Board Delegate in the exercise of the powers conferred by the Housing Improvement Act 1940, does hereby declare the houses described in the table hereunder to be substandard for the purposes of Part 7 of the Housing Improvement Act 1940.

No. of House and Street	Locality	Allotment, Section, etc.	Certificate of Title	
			Volume	Folio
Unit 3, 60 Brighton Road	Glenelg East	Allotment 103 in Filed Plan 7388, Hundred of Noarlunga	5502	641
30A Dew Street	Thebarton	Allotment 51 in Filed Plan 6527, Hundred of Adelaide	5694	368
Lot 4, Jeffrey Street	Nairne	Allotment 4 in Filed Plan 157339, Hundreds of Kanmantoo and Macclesfield	5385	949
Rear Flat, 72 Mount Barker Road	Hahndorf	Allotment 2 in Filed Plan 4635, Hundred of Onkaparinga	5862	68

Dated at Adelaide, 18 August 2011.

D. HUXLEY, Director, Corporate Services, Housing SA

HOUSING IMPROVEMENT ACT 1940

WHEREAS by notice published in the *Government Gazette* on the dates mentioned in the following table the South Australian Housing Trust Board Delegate did declare the houses described in the said table to be substandard for the purposes of Part 7 of the Housing Improvement Act 1940, the South Australian Housing Trust Board Delegate in the exercise of the powers conferred by the said Part, does hereby fix as the maximum rental per week which shall be payable subject to Section 55 of the Residential Tenancies Act 1995, in respect of each house described in the following table the amount shown in the said table opposite the description of such house and this notice shall come into force on the date of this publication in the *Gazette*.

Address of House	Allotment, Section, etc.	Certificate of Title		Date and page of <i>Government Gazette</i> in which notice declaring house to be substandard published	Maximum rental per week payable in respect of each house \$
		Volume	Folio		
42 Edward Street, Port Wakefield	Allotments 150 and 151, Town of Port Wakefield, Hundred of Inkerman	5413	143	17.3.11, page 781	285.00
48 Hereford Avenue, Trinity Gardens	Allotment 36 in Deposited Plan 2666, Hundred of Adelaide	5789	303	17.3.11, page 781	324.00
4 Keith Avenue, North Plympton	Allotment 1 in Deposited Plan 38030, Hundred of Adelaide	5159	108	23.6.11, page 2639	180.00
Unit 1, 122 L'estrang Street, Glenunga	Unit 1 of Strata Plan 2228, Hundred of Adelaide	5040	281	23.6.11, page 2639	205.00
Lot 2, Silver Lake Road, Mylor	Allotment 2 in Filed Plan 159279, Hundred of Noarlunga	5718	976	9.6.11, page 2008	94.00

Dated at Adelaide, 18 August 2011.

D. HUXLEY, Director, Corporate Services, Housing SA

HOUSING IMPROVEMENT ACT 1940

WHEREAS by notice published in the *Government Gazette* on the dates mentioned in the following table the South Australian Housing Trust Board Delegate did declare the houses described in the said table to be substandard for the purposes of Part 7 of the Housing Improvement Act 1940, and whereas the South Australian Housing Trust Board Delegate is satisfied that each of the houses described hereunder has ceased to be substandard, notice is hereby given that, in exercise of the powers conferred by the said Part, the South Australian Housing Trust does hereby revoke the said declaration in respect of each house.

Address of House	Allotment, Section, etc.	Certificate of Title		Date and page of <i>Government Gazette</i> in which notice declaring house to be substandard published
		Volume	Folio	
160 Drayton Street, Bowden	Allotments 8 and 9 in Deposited Plan 522, Hundred of Yatala	5411	773	29.6.00, page 3453
6 Gazeby Street, Glandore	Allotment 1 in Deposited Plan 38881, Hundred of Adelaide	5184	650	29.9.05, page 3508
7 Linden Avenue, Hazelwood Park	Allotment 10 in Deposited Plan 2975, Hundred of Adelaide	5401	427	29.3.01, page 1477
19 North Terrace, Port Elliott	Allotment 159 in Filed Plan 211755, Hundred of Goolwa	5714	183	31.3.11, page 932

Dated at Adelaide, 18 August 2011.

D. HUXLEY, Director, Corporate Services, Housing SA

GAMING MACHINES ACT 1992

SECTION 76A—FINANCING OF LICENSEE'S BUSINESS

*Notice of Exemption by The Minister for Gambling
(Credit Providers, Holders of a Gaming Machine Licence,
the Holder of the Special Club Licence and
Licensed Gaming Machine Dealers)**Preamble*

1. The acquisition of gaming machines or gaming machine entitlements by the holders of gaming machine licences will in some cases be financed under normal commercial credit arrangements (whether by secured loan, hire purchase, lease, operating lease, rental, sale and lease back of machines to licensees or otherwise) and a person who provides such a credit arrangement is referred to in this Notice as a 'credit provider'.

2. The existing businesses or undertakings of the holders of gaming machine licences may also be or become subject to credit arrangements in the nature of floating charges that will extend over the gaming machines purchased or gaming machine entitlements owned or purchased by those licensees.

3. Some credit arrangements and the repossession and sale of gaming machines and gaming machine entitlements in the event of default under, or expiry of, credit arrangements, would constitute an infringement of the Gaming Machines Act 1992.

4. Transitional provision 6 of the Gaming Machines Act 1992, provides that the exemptions previously granted under Regulation 10 of the Gaming Machines Regulations 1993 (and their successor, the Gaming Machine Regulations 2005) continue in force as if they had been granted under Section 76A of the Gaming Machines Act 1992:

- (a) Exemption granted on 19 December 2000 by the Treasurer; and
- (b) Exemption granted 10 June 2005 by the Minister for Gambling.

5. This Notice varies the previously granted exemptions by removing references to the State Supply Board and including the holder of the special club licence.

NOTICE

PURSUANT to Section 76A of the Gaming Machines Act 1992, I, the Honourable Gail Gago, MLC, Minister for Gambling:

- Grant exemptions from the provisions of the Gaming Machines Act 1992 in reliance on sub-section 76A (1); and
- make the exemptions referred to in this Notice subject to conditions in reliance upon sub-section 76A (2); and
- vary the exemptions granted on 17 December 2000 and 10 June 2005 in reliance upon sub-section 76A (3) to the effect that that they shall be read as being incorporated into this Notice, as follows:

1. I grant an exemption from Section 27A (2) of the Gaming Machines Act 1992, to the extent necessary to allow the making and enforcement of permissible credit arrangements in relation to gaming machine entitlements.

2. I declare credit arrangements providing as follows to be permissible credit arrangements:

- (a) the credit arrangement may authorise the credit provider to enforce the arrangement by confiscating a gaming machine entitlement to which the arrangement relates;
- (b) the confiscation is to be effected by notice of confiscation given to the licensee and to the Commissioner;
- (c) a confiscated gaming machine entitlement is to be held by the credit provider by way of security only and does not, when so held, authorise the credit provider to operate a gaming machine; and
- (d) the gaming machine entitlement, if not returned to the licensee beforehand (by notice in writing given to the licensee and to the Commissioner), is to be offered for sale on the trading day next following the date of confiscation.

3. I grant to the following persons an exemption from Section 45 (offence of being unlicensed) and Section 77 (1) (certain agreements and arrangements are unlawful) of the Gaming Machines Act 1992:

- (a) a credit provider,
- (b) a holder of a gaming machine licence;
- (c) the holder of the special club licence; and
- (d) a licensed gaming machine dealer.

4. I declare that the exemption under Clause 3 has effect only in respect of:

- (a) the purchase of a gaming machine by a credit provider from the holder of a gaming machine dealer's licence for supply to the holder of a gaming machine licence or the holder of the special club licence under a credit arrangement provided that the licensee already has the approval of the Liquor and Gambling Commissioner to possess the machine;
- (b) the entering into a credit arrangement by a credit provider and the holder of a gaming machine licence or the holder of the special club licence;
- (c) the repossession of a gaming machine by a credit provider on the default of a licensee under a credit arrangement;
- (d) the acquisition of a gaming machine by a credit provider on the expiration of a credit arrangement; and
- (e) the sale by a credit provider to the holder of a gaming machine dealer's licence of a repossessed gaming machine or machine acquired on expiration of a credit arrangement and the purchase of such a machine by the holder of a gaming machine dealer's licence.

5. I declare that the exemption granted under this Notice to a credit provider in respect of a repossessed gaming machine or a machine acquired on expiration of a credit arrangement and subsequent sale to the holder of a gaming machine dealer's licence is subject to the following condition:

- (a) the credit provider may only sell the gaming machine to a holder of a gaming machine dealer's licence where the form of the contract has been approved by the Commissioner as if the contract were a contract to which Section 39 of the Gaming Machines Act 1992 applied.

6. I note that the exemption granted under this notice is subject to Section 76A (4) of the Gaming Machines Act 1992.

Dated 1 July 2011.

GAIL GAGO, Minister for Gambling

HARBORS AND NAVIGATION ACT 1993

Determination of the State Crewing Committee

THE State Crewing Committee convened on 2 August 2011 and made the following determination, pursuant to Part 6, Section 45 of the Harbors and Navigation Act 1993.

PATRICK CONLON, Minister for Transport

TSA V30037

HARBORS AND NAVIGATION ACT 1993

*Determination of the State Crewing Committee in respect of the
'FPV Canunda'*

THE following determination is made by the State Crewing Committee pursuant to Part 6, Section 45 of the Harbors and Navigation Act 1993 in respect of the *FPV Canunda*:

Operational Limits

Within 30 nautical miles of the coast of South Australia.

Minimum Crew and Qualifications

Minimum one crew.

The Master is to hold a Master Class 5 Certificate of Competency and a Marine Engine Driver Grade 3 Certificate of Competency.

If the Master does not hold a Marine Engine Driver Grade 3 Certificate of Competency, another crew member that holds that certification must also be on board.

CAPT. W. FERRAO, Presiding Member,
State Crewing Committee

HARBORS AND NAVIGATION ACT 1993

Determination of the State Crewing Committee

THE State Crewing Committee convened on 2 August 2011 and made the following determination, pursuant to Part 6, Section 45 of the Harbors and Navigation Act 1993.

PATRICK CONLON, Minister for Transport

HARBORS AND NAVIGATION ACT 1993

Determination of the State Crewing Committee in respect of the Tug 'Walan'

THE following determination is made by the State Crewing Committee pursuant to Part 6, Section 45 of the Harbors and Navigation Act 1993 in respect of the Tug *Walan*:

Operational Limits

Limit 1—Sheltered waters—Port Adelaide.

Limit 2—Sheltered waters—Port Giles.

Minimum Crew and Qualifications

Limit 1—Minimum three crew:

The Master is to hold a Master Class 4 Certificate of Competency.

The Engineer is to hold a Marine Engine Driver Grade 2 Certificate of Competency.

A person holding an Integrated Rating Certificate of Competency

Limit 2—Minimum five crew:

Two Masters to hold a Master Class 4 Certificate of Competency.

The Engineer is to hold a Marine Engine Driver Grade 2 Certificate of Competency.

Two persons holding an Integrated Rating Certificate of Competency.

CAPT. W. FERRAO, Presiding Member,
State Crewing Committee

JURIES (REMUNERATION FOR JURY SERVICE)
REGULATIONS 2002*Declaration of a 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. B., F. G., R., H. L., S., B. D., W., J. J., B., B. D.* (SCCRM-10-202), to be a long trial for the purposes of these regulations.

Dated 11 August 2011.

JOHN RAU, Attorney-General

LIQUOR LICENSING ACT 1997

Notice of Application

NOTICE is hereby given, pursuant to Section 52 (2) (b) of the Liquor Licensing Act 1997, that Bruden Pty Ltd as trustee for the B. & D. Edwards Family Trust has applied to the Licensing Authority for a transfer of a Residential Licence in respect of premises situated at 325 Main North Road, Clare, S.A. 5343 and known as Comfort Inn Clare Central.

The application has been set down for hearing on 26 September 2011 at 9.30 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the hearing date (viz: 19 September 2011).

The applicant's address for service is c/o Jeff Stevens & Associates Conveyancers, Level 1, 86 Pirie Street, Adelaide, S.A. 5000 (Attention: Michele Lemon-Spence).

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, Chesser House, 3rd Floor, 91-97 Grenfell Street, Adelaide, S.A. 5000. Telephone: 131 882. Facsimile: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 15 August 2011.

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 Honey Bunnies Pty Ltd, 31 Main Street, Littlehampton, S.A. 5250 has applied to the Licensing Authority for a Direct Sales Licence in respect of business to be known as Honey Bunnies Pty Ltd.

The application has been set down for hearing on 22 September 2011 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 2011).

The applicant's address for service is c/o Melissa Keeghan, 31 Main Street, Littlehampton, S.A. 5250.

The application and certain documents and material relevant to the application may be inspected without fee at a place and during a period specified by the Liquor and Gambling Commissioner, Chesser House, 3rd Floor, 91-97 Grenfell Street, Adelaide, S.A. 5000. Telephone: 131 882. Facsimile: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 15 August 2011.

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 William Maurice Evans of Evandale, Eden Valley Road, Keyneton, S.A. 5353 has applied to the Licensing Authority for a Direct Sales Licence in respect of business to be known as Evandale Estate—Keyneton.

The application has been set down for hearing on 22 September 2011 at 12 noon.

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 2011).

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

The application and certain documents and material relevant to the application may be inspected without fee at a place and during a period specified by the Liquor and Gambling Commissioner, Chesser House, 3rd Floor, 91-97 Grenfell Street, Adelaide, S.A. 5000. Telephone: 131 882. Facsimile: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 15 August 2011.

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 FP North Adelaide Pty Ltd has applied to the Licensing Authority for Alterations and Redefinition in respect of premises situated at 47 O'Connell Street, North Adelaide, S.A. 5006 and known as Fasta Pasta North Adelaide.

The application has been set down for hearing on 6 September 2011 at 9.30 a.m.

Conditions

The following conditions are sought:

- Alterations and Redefinition to include adjacent tenancy as per plans lodged.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least one day before the hearing date (viz: 5 September 2011).

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

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, Chesser House, 3rd Floor, 91-97 Grenfell Street, Adelaide, S.A. 5000. Telephone: 131 882. Facsimile: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 12 August 2011.

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 All New Ventures Pty Ltd has applied to the Licensing Authority for the transfer of a Hotel Licence in respect of premises situated at Main Street, Penong, S.A. 5690 and known as Penong Hotel.

The application has been set down for hearing on 22 September 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: 15 September 2011).

The applicant's address for service is c/o Foreman Legal, 69 Mount Barker Road, Stirling, S.A. 5152.

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, Chesser House, 3rd Floor, 91-97 Grenfell Street, Adelaide, S.A. 5000. Telephone: 131 882. Facsimile: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 11 August 2011.

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 Mitolo Vineyards Pty Ltd as trustee for Mitolo Vineyards Trust has applied to the Licensing Authority for a Wholesale Liquor Merchant's Licence in respect of premises situated at Lot 2, Angle Vale Road, Virginia, S.A. 5120 and known as Mitolo Vineyards Pty Ltd.

The application has been set down for hearing on 22 September 2011 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: 15 September 2011).

The applicant's address for service is c/o Phillip Richardson, Finlaysons, 81 Flinders Street, Adelaide, S.A. 5000.

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, Chesser House, 3rd Floor, 91-97 Grenfell Street, Adelaide, S.A. 5000. Telephone: 131 882. Facsimile: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 10 August 2011.

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 St Agnes Wines Pty Ltd has applied to the Licensing Authority for the removal of a Special Circumstances Licence in respect of premises situated at 1320 Main North East Road, Tea Tree Gully, S.A. 5091 and to be situated at Lot 50, Chalk Hill Road, McLaren Vale, S.A. 5171 and known as Angoves.

The application has been set down for hearing on 22 September 2011 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 2011).

The applicant's address for service is c/o John Angove, P.O. Box 12, Renmark, S.A. 5341.

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, Chesser House, 3rd Floor, 91-97 Grenfell Street, Adelaide, S.A. 5000. Telephone: 131 882. Facsimile: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 10 August 2011.

LIQUOR LICENSING ACT 1997

Notice of Application

NOTICE is hereby given, pursuant to Section 52 (2) (b) of the Liquor Licensing Act 1997, that St Catherine Society of South Australia Inc. has applied to the Licensing Authority for a Limited Club Licence in respect of premises situated at 43 Le Hunte Street, Kilburn, S.A. 5084 and known as St Catherine Society of South Australian Inc.

The application has been set down for hearing on 22 September 2011 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: 15 September 2011).

The applicant's address for service is c/o Victor Mansueto, P.O. Box 707, Salisbury, S.A. 5108.

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, Chesser House, 3rd Floor, 91-97 Grenfell Street, Adelaide, S.A. 5000. Telephone: 131 882. Facsimile: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 9 August 2011.

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 Turret Hill Pty Ltd has applied to the Licensing Authority for the transfer of a Retail Liquor Merchant's Licence in respect of premises situated at 9 Russell Street, Belair, S.A. 5052 and known as Belair Fine Wines.

The application has been set down for hearing on 14 September 2011 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: 7 September 2011).

The applicant's address for service is c/o Clelands Solicitors, 208 Carrington Street, Adelaide, S.A. 5000 (Attention: Rinaldo D'Aloia).

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, Chesser House, 3rd Floor, 91-97 Grenfell Street, Adelaide, S.A. 5000. Telephone: 131 882. Facsimile: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 9 August 2011.

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 Bennetts & Clarke Investments Pty Ltd has applied to the Licensing Authority for transfers of an Entertainment Venue Licence in respect of premises situated at 163 Waymouth Street, Adelaide, S.A. 5000 and known as Garage Bar & Bistro.

The application has been set down for hearing on 22 September 2011 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the hearing date (viz: 15 September 2011).

The applicant's address for service is c/o Talbot Olivier Lawyers, Level 8, 40 The Esplanade, Perth, W.A. 6000 (Attention: Jarrod Ryan).

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, Chesser House, 3rd Floor, 91-97 Grenfell Street, Adelaide, S.A. 5000. Telephone: 131 882. Facsimile: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 9 August 2011.

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 Equity Brokers Pty Ltd as trustee for Tunnicliff Family Trust, Level 30, 91 King William Street, Adelaide, S.A. 5000 has applied to the Licensing Authority for a Direct Sales Licence in respect of business to be known as Wine Buzz.

The application has been set down for hearing on 14 September 2011 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the hearing date (viz: 7 September 2011).

The applicant's address for service is c/o John Tunnicliff, 20/181 Lae Drive, Runaway Bay, Qld 4216.

The application and certain documents and material relevant to the application may be inspected without fee at a place and during a period specified by the Liquor and Gambling Commissioner, Chesser House, 3rd Floor, 91-97 Grenfell Street, Adelaide, S.A. 5000. Telephone: 131 882. Facsimile: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 9 August 2011.

Applicant

LIQUOR LICENSING ACT 1997

Notice of Application

NOTICE is hereby given, pursuant to Section 52 (2) (b) of the Liquor Licensing Act 1997, that John Allan Rivers, 352 Little Road, Whites Valley, S.A. 5172 has applied to the Licensing Authority for a Direct Sales Licence in respect of business to be known as J. A. Rivers.

The application has been set down for hearing on 13 September 2011 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: 6 September 2011).

The applicant's address for service is c/o John Allan Rivers, P.O. Box 81, Willunga, S.A. 5172.

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, Chesser House, 3rd Floor, 91-97 Grenfell Street, Adelaide, S.A. 5000. Telephone: 131 882. Facsimile: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 8 August 2011.

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 A. & H. Morrissy Pty Ltd as trustee for A. H. Morrissy Trust has applied to the Licensing Authority for an Extended Trading Authorisation in respect of premises situated at 18 Jetty Road, Glenelg, S.A. 5045 and known as Taiyangdao Chinese Restaurant and to be known as Tasca Viva.

The application has been set down for hearing on 8 September 2011 at 9 a.m.

Conditions

The following licence conditions are sought:

- Extended Trading Authorisation is sought as per plans lodged and for the following times:

Monday to Saturday: Midnight to 2 a.m. the following day.

Sunday: 8 a.m. to 11 a.m. and 8 p.m. to 2 a.m. the following day.

Maundy Thursday and Christmas Eve: 8 p.m. to 2 a.m. the following day.

Sunday Christmas Eve: 8 p.m. to 2 a.m. the following day.

Days preceding other Public Holidays: Midnight to 2 a.m. the following day.

Sundays preceding Public Holidays: 8 p.m. to 2 a.m. the following 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, on or before the hearing date.

The applicant's address for service is c/o A. & H. Morrissy Pty Ltd as trustee for A. & H. Morrissy Trust, 71 Esplanade, Henley Beach South, S.A. 5022.

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, Chesser House, 3rd Floor, 91-97 Grenfell Street, Adelaide, S.A. 5000. Telephone: 131 882. Facsimile: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 11 August 2011.

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 Mullagundi Pty Ltd as trustee for the Henschke Trust and Lorax Nominees Pty Ltd as trustee for the Betecam Trust have applied to the Licensing Authority for a transfer of a Residential Licence in respect of premises situated at Market Street, Burra, S.A. 5417 and known as Burra Motor Inn.

The application has been set down for hearing on 22 September 2011 at 11 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicants at the applicants' address, at least seven days before the hearing date (viz: 15 September 2011).

The applicants' address for service is c/o Jeff Stevens & Associates Conveyancers, Level 1, 86 Pirie Street, Adelaide, S.A. 5000 (Attention: Michele Lemon-Spence).

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, Chesser House, 3rd Floor, 91-97 Grenfell Street, Adelaide, S.A. 5000. Telephone: 131 882. Facsimile: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 11 August 2011.

Applicants

LOCAL GOVERNMENT ACT 1999

Naming of Rural Roads

I, Andrew John Milazzo, as delegate of the Commissioner of Highways under Section 12A of the Highways Act 1926, do hereby give notice that pursuant to Section 26 (6) of the Highways Act 1926 and Section 219 (4) of the Local Government Act 1999, I approved the assignment of road names to rural roads under the care, control and management of the Commissioner in the Mid North area of the State of South Australia on 9 August 2011.

Rack Plans showing the approved names can be viewed at:

- the Office of the Surveyor-General, 101 Grenfell Street, Adelaide;
- local council offices within the areas covered by the Rack Plan; or
- the Land Services web-site at:

<http://www.landservices.sa.gov.au/3Government/Local/RuralRoadMaps.asp>

A. J. MILAZZO, Delegate of the Commissioner of Highways

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:

Applicants: Blackfire Resources Pty Ltd (50%) and Menzel Pty Ltd (50%).

Location: Evelyn Downs area—Approximately 90 km north of Coober Pedy.

Pastoral Lease: Mount Barry

Term: 1 year

Area in km²: 465

Ref.: 2009/00265

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

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:

Applicants: Centralian Mining Pty Ltd (50%) and Gingertom Resources Pty Ltd (50%).

Location: Pine Hill area—Approximately 75 km south-west of Whyalla.

Pastoral Lease: Shirrocoe

Term: 2 years

Area in km²: 75

Ref.: 2010/00385

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

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: Syngas Energy Pty Ltd

Location: Moorlands area—Approximately 100 km south-east of Adelaide.

Term: 2 years

Area in km²: 143

Ref.: 2011/00145

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

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: Flinders Power Partnership

Location: Lake Bumbunga area—Immediately north-east of Lochiel.

Term: 1 year

Area in km²: 15

Ref.: 2011/00152

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

NATIONAL PARKS AND WILDLIFE (NATIONAL PARKS) REGULATIONS 2001

Closure of Gum Lagoon Conservation Park, Hanson Scrub Conservation Park, Mount Boothby Conservation Park and Tilley Swamp Conservation Park

PURSUANT to Regulations 8 (3) (a) and 8 (3) (d) of the National Parks and Wildlife (National Parks) Regulations 2001, I, Michael Joseph Williams, Director, Public Land Management and Operational Support, authorised delegate of the Director of National Parks and Wildlife, close to the public, the whole of Gum Lagoon Conservation Park, the whole of Hanson Scrub Conservation Park, the whole of Mount Boothby Conservation Park and the whole of Tilley Swamp Conservation Park from

6 p.m. on Monday, 12 September 2011 until 6 a.m. on Friday, 16 September 2011.

The purpose of the closure is to ensure the safety of the public during a pest control and monitoring program within the reserves during the period indicated.

Dated 12 August 2011.

M. J. WILLIAMS, Director, Public Land Management and Operational Support, Department of Environment and Natural Resources

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

Suspension of Geothermal Exploration Licences—GELs 337, 338 and 339

PURSUANT to Section 90 of the Petroleum and Geothermal Energy Act 2000, notice is hereby given that the abovementioned Geothermal Exploration Licences have been suspended under the provisions of the Petroleum and Geothermal Energy Act 2000, for the period from and including 1 September 2011 until 17 December 2011, pursuant to delegated powers dated 1 October 2009.

The expiry date of GELs 337, 338 and 339 is now determined to be 17 December 2015.

Dated 15 August 2011.

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

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

Suspension of Geothermal Exploration Licences—GELs 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388 and 389

PURSUANT to Section 90 of the Petroleum and Geothermal Energy Act 2000, notice is hereby given that the abovementioned Geothermal Exploration Licences have been suspended under the provisions of the Petroleum and Geothermal Energy Act 2000, for the period from and including 4 August 2011 until 3 August 2012, pursuant to delegated powers dated 1 October 2009.

The expiry date of GELs 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388 and 389 is now determined to be 28 October 2014.

Dated 15 August 2011.

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

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

Suspension of Geothermal Exploration Licence—GEL 502

PURSUANT to Section 90 of the Petroleum and Geothermal Energy Act 2000, notice is hereby given that the abovementioned Geothermal Exploration Licence has been suspended under the provisions of the Petroleum and Geothermal Energy Act 2000, for the period from and including 10 March 2011 until 13 November 2011, pursuant to delegated powers dated 1 October 2009.

The expiry date of GEL 502 is now determined to be 13 November 2015.

Dated 12 August 2011.

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

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

Suspension of Petroleum Exploration Licence—PEL 138

PURSUANT to Section 90 of the Petroleum and Geothermal Energy Act 2000, notice is hereby given that the abovementioned Petroleum Exploration Licence has been suspended for the period from and including 8 August 2011 until 7 August 2012, under the provisions of the Petroleum and Geothermal Energy Act 2000, pursuant to delegated powers dated 1 October 2009.

The expiry date of PEL 138 is now determined to be 15 April 2016.

Dated 15 August 2011.

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

RAIL SAFETY ACT 2007

Notice of Appointment of Authorised Officers

I, BRIAN E. HEMMING, Rail Safety Regulator in the State of South Australia, pursuant to my powers under Section 22 of the Rail Safety Act 2007 ('the Act'), hereby appoint Deiter Wakelin, Ewald Eisele and Lorna Cameron referred to in the Schedule to be Authorised Officers for the purposes of the Act subject to the following conditions:

1. The appointment of the persons referred to in the Schedule as Authorised Officers pursuant to this Notice shall be automatically revoked without the necessity for a further notice in the event that the person ceases to hold a position in the Office of the Rail Safety Regulator (ORSR) or any succeeding section or unit performing similar functions to the ORSR.

2. This appointment may be varied or revoked at any time by further notice in writing.

SCHEDULE

Deiter Wakelin
Ewald Eisele
Lorna Cameron

Dated 12 August 2011.

B. E. HEMMING, Rail Safety Regulator

ROADS (OPENING AND CLOSING) ACT 1991:
SECTION 24

**NOTICE OF CONFIRMATION OF
ROAD PROCESS ORDER**

Road Opening and Closing—Langley Road and Hatchlands Road, Cudlee Creek

BY Road Process Order made on 14 January 2011, the Adelaide Hills Council ordered that:

1. Portion of Section 34, Hundred of Talunga, situate adjoining the south-western boundaries and forming a widening of the adjoining Langley Road more particularly delineated and numbered '1' on Preliminary Plan No. 09/0018 be opened as road.

2. Portion of public road (Hatchlands Road) generally situate adjoining the northern boundaries of the Section 34, Hundred of Talunga, more particularly delineated and lettered 'A' on Preliminary Plan No. 09/0018 be closed.

3. The whole of land subject to closure be transferred to Craig Gordon Figg and Birthe Eva Faber Figg in accordance with agreement to exchange dated 25 March 2009, entered into between the Adelaide Hills Council and C. G. and B. E. F. Figg.

4. The following easements are granted over portion of the land subject to that closure:

Grant a free and unrestricted right of way appurtenant to Certificate of Title Volume 6021, Folio 400.

Grant a free and unrestricted right of way to Council for the area.

On 11 March 2011 that order was confirmed by the Minister for Infrastructure conditionally upon the deposit by the Registrar-General of Deposited Plan 86207 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 18 August 2011.

P. M. KENTISH, Surveyor-General

ROADS (OPENING AND CLOSING) ACT 1991:
SECTION 24

**NOTICE OF CONFIRMATION OF ROAD
PROCESS ORDER**

Road Closing—Sleep Road, Para Hills

BY Road Process Order made on 20 May 2011, the City of Salisbury ordered that:

1. An irregularly shaped portion of the Public Road (Sleep Road) situate adjoining the south-eastern boundary of Allotment 1017 in Deposited Plan 6756 more particularly delineated and lettered 'A' on Preliminary Plan No. 09/0082 be closed.

2. Transfer the whole of the land subject to closure to Mario Juanito Justus in accordance with the agreement for transfer dated 20 May 2011 entered into between the City of Salisbury and M. J. Justus.

On 3 June 2011, that order was confirmed by the Minister for Infrastructure conditionally upon the deposit by the Registrar-General of Deposited Plan 87012 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 18 August 2011.

P. M. KENTISH, Surveyor-General

ROADS (OPENING AND CLOSING) ACT 1991:
SECTION 24

**NOTICE OF CONFIRMATION OF ROAD
PROCESS ORDER**

Road Closing—Mangrove Street, St Kilda

BY Road Process Order made on 30 June 2011, the City of Salisbury ordered that:

1. The un-made portion of the Public Road (Mangrove Street) extending generally southerly from the bend in the road adjoining allotment 9 in Filed Plan 114670 to the north-eastern corner of Strata Plan 7722 more particularly delineated and lettered 'A', 'B' and 'C' on Preliminary Plan No. 10/0024 be closed.

2. Transfer the whole of the land subject to closure lettered 'A' to Panagiotis Sarvanidis in accordance with the agreement for transfer dated 30 June 2011 entered into between the City of Salisbury and P. Sarvanidis.

3. Transfer the whole of the land subject to closure lettered 'B' to David Stanley Fallas in accordance with the agreement for transfer dated 30 June 2011 entered into between the City of Salisbury and D. S. Fallas.

4. Transfer the whole of the land subject to closure lettered 'C' to Strata Corporation 7722 Incorporated in accordance with the agreement for transfer dated 30 June 2011 entered into between the City of Salisbury and Strata Corp. 7722 Inc.

5. The following easements are granted over portion of the land subject to that closure:

Grant a free and unrestricted right of way appurtenant to Certificate of Title Volume 5264, Folio 739.

Grant to the City of Salisbury an easement for drainage purposes.

On 10 August 2011 that order was confirmed by the Minister for Infrastructure conditionally upon the deposit by the Registrar-General of Deposited Plan 87414 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 18 August 2011.

P. M. KENTISH, Surveyor-General

ROADS (OPENING AND CLOSING) ACT 1991:

Section 37

NOTICE is hereby given pursuant to Section 37 (1) of the Roads (Opening and Closing) Act 1991, that:

WHEREAS it is considered that GEORGE FIFE ANGAS of Salem Valley, South Australia was entitled to a Certificate of Title over the closed road in exchange for portion of Section 6538, Hundred of Talunga, opened as road in Road Plan No. 2016, deposited in the Office of the Surveyor-General at Adelaide *vide* notice of confirmation of road order published in the *Government Gazette* of 12 February 1852, at page 105:

AND whereas no Certificate of Title was issued in respect of the said closed road and the said GEORGE FIFE ANGAS is believed to be dead or unknown;

AND whereas application is made by NEVILLE HERBERT MACZKOWIAK and LOIS ANN MACZKOWIAK both of P.O. Box 21, Birdwood, S.A. 5234 for the issue of a Certificate of Title over the said closed road by virtue of possession;

AND whereas I am satisfied that the applicants are in possession of the said closed road and that there is apparently no other known person entitled to possession thereof:

TAKE NOTICE that unless objection by any person claiming any interest in the said land is made in writing to me within one month from the date of this notice, I propose to issue a Certificate of Title for the said land to the said applicants.

Objections should be addressed to the Surveyor-General, Department for Transport, Energy and Infrastructure, G.P.O. Box 1354, Adelaide, S.A. 5001.

Dated 18 August 2011.

P. M. KENTISH, Surveyor-General

DTEI 11/0041

ROAD TRAFFIC ACT 1961

Authorised Officers to Conduct Breath Analysis

I, MALCOLM ARTHUR HYDE, Commissioner of Police, pursuant to Section 47K (3) (a) of the Road Traffic Act 1961, do hereby certify that on 4 August 2011, the following Police Officers were authorised to conduct breath analysis:

PD Number	Officer Name
1724	Beaumont, Sharon Michelle
79495	Cliff, Peter
44868	Conaghty, Sean James
73084	Dixon, Matthew Frank
73818	Eales, Nathan
72638	Forth, Kathleen Giuliana
73714	Gillam, Luke Stephen
47139	Goodeve, Gary Henderson
46840	Guest, Rebecca Jane
79467	Kidner, Thomas Alan
73910	Klemm, Richard Anthony
73043	Milton, Simon Glynn
74141	Mitchell, David
73131	Morgan, Melissa Anne
72656	Noble, Joshua Thomas
72185	Quigley, Gary Joseph
79997	Thorpe, Samuel Michael
72836	Vandijk, Ryan Samuel

Dated 4 August 2011.

MALCOLM ARTHUR HYDE, Commissioner of Police

ROAD TRAFFIC ACT 1961

Authorised Officers to Conduct 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 11 August 2011, the following Police Officers were authorised to conduct oral fluid screening:

PD Number	Officer Name
1724	Beaumont, Sharon Michelle
71703	Black, Philip John
73804	Brown, Janine Elizabeth
72224	Randells, Michael Christopher
72658	Slocombe, Morgan Kane
72772	Taylor, Damian
76621	Wilson, Brett Daniel

Dated 11 August 2011.

MALCOLM ARTHUR HYDE, Commissioner of Police

ROAD TRAFFIC ACT 1961

Authorised Officers to Conduct Oral Fluid Analysis

I, MALCOLM ARTHUR HYDE, Commissioner of Police, pursuant to Section 47EAA (7) of the Road Traffic Act 1961, do hereby certify that on 11 August 2011, the following Police Officers were authorised to conduct oral fluid analysis:

PD Number	Officer Name
1724	Beaumont, Sharon Michelle
71703	Black, Philip John
47090	Doherty, Justin Marc
26501	Keir, Simon
79467	Kidner, Thomas Alan
72387	Magor, Peter Donald
72486	Maslen, Yvette Joy
72927	Sharp, Jonathon Paul
72772	Taylor, Damian
74146	Walker, Richard
73100	Williams, Nicholas Paul
76621	Wilson, Brett Daniel

Dated 11 August 2011.

MALCOLM ARTHUR HYDE, Commissioner of Police

ROAD TRAFFIC ACT 1961**NOTICE OF APPROVAL AND EXEMPTION**

Pursuant to Sections 161A and 163AA of the Road Traffic Act 1961

OPERATION OF ROAD TRAIN VEHICLES IN SOUTH AUSTRALIA**1. REVOCATION OF PREVIOUS NOTICE AND OTHER EXEMPTION INSTRUMENTS**

I hereby revoke the Notice of Approval and Exemption, titled '*Operation of Road Train Vehicles in South Australia*' published in the *South Australian Government Gazette* on 16 June 2011.

2. APPROVAL

2.1 Pursuant to Section 161A of the *Road Traffic Act 1961*, I hereby approve Road Trains to operate on Approved Routes subject to the conditions and limitations specified in this Notice.

3. EXEMPTION

3.1 In accordance with the powers delegated to me by the Minister for Transport, under Section 163AA of the *Road Traffic Act 1961*, I hereby exempt Road Trains from the following provisions of the:

3.1.1 *Road Traffic (Mass and Loading Requirements) Regulations 1999*, Schedule 1, Table 1, in so far as it relates to:

- (i) tandem axle group fitted with dual tyres (8 tyres—for any vehicle other than a pig trailer 16.5 tonnes);
- (ii) triaxle group fitted with dual tyres (12 tyres—for any vehicle other than a pig trailer 20 tonnes); and

3.1.2 *Road Traffic (Vehicle Standards) Rules 1999*, Rule 66 (1)—Width, (2.5 m).

3.1.3 *Road Traffic (Vehicle Standards) Rules 1999*, Rule 72 (1)—Height, (4.3 m).

3.1.4 *Road Traffic (Vehicle Standards) Rules 1999*, Rule 169 (c)—Coupling Height.

3.2. This exemption is subject to the conditions and limitations specified in this Notice.

4. CONDITIONS AND LIMITATIONS APPLYING TO THIS NOTICE

4.1. When you are operating under this Notice you must:

4.1.1 Operate at all times in accordance with the conditions and limitations specified in the '*Code of Practice for Road Trains*', dated August 2011, issued by the DTEI.

4.1.2 Not exceed the lesser of 40 km/h or the posted limit within the following localities:

- (i) a 50 or 60 km/h limit zone in Caltowie;
- (ii) a 50 or 60 km/h limit zone in Gladstone;
- (iii) a 50 or 60 km/h limit zone in Jamestown;
- (iv) a 50 or 60 km/h limit zone in Orroroo;
- (v) a 50 or 60 km/h limit zone in Peterborough;
- (vi) a 50 or 60 km/h limit zone in Port Augusta;
- (vii) a 50 or 60 km/h limit zone in Port Pirie;
- (viii) a 50 or 60 km/h limit zone in Whyalla;
- (ix) a 50 or 60 km/h limit zone in Yongala;
- (x) within 200 m of the Peterborough—Mannanarie Road junction.

4.1.3 If operating at General Mass Limits, only operate on the approved route network(s) published via the DTEI RAVnet online mapping system or PDF maps published via the DTEI website titled '*Route Network for Road Trains General Mass Limits*' and in accordance with any conditions and limitations specified for those routes.

4.1.4 If operating at Higher Mass Limits, only operate on the approved route network(s) published via the DTEI RAVnet online mapping system or PDF maps published via the DTEI website titled '*Route Network for Road Trains Higher Mass Limits*' and in accordance with any conditions and limitations specified for those routes.

4.1.5 If operating as a prime mover and semi trailer towing a converter dolly at General Mass Limits, only operate on the approved route network(s) published via the DTEI RAVnet online mapping system or PDF maps published via the DTEI website titled '*Converter Dolly Route Network General Mass Limits*' and in accordance with any conditions and limitations specified for the routes.

4.1.6 If operating as a prime mover and semi trailer towing a converter dolly at Higher Mass Limits, only operate on the approved route network(s) published via the DTEI RAVnet online mapping system or PDF maps published via the DTEI website titled '*Converter Dolly Route Network Higher Mass Limits*' and in accordance with any conditions and limitations specified for those routes.

4.1.7 If carrying a defined commodity, operate at General Mass Limits on the approved route network(s) published via the DTEI RAVnet online mapping system or PDF maps published via the DTEI website titled '*Commodity Routes for Road Trains*' and in accordance with any conditions and limitations specified for those routes.

4.1.8 When operating under this Notice you must immediately prior to any journey and using the applicable current approved Road Train route network(s) published via the DTEI RAVnet online mapping system or PDF maps published via the DTEI website, determine the entire approved route being travelled/operated on during the particular journey.

- 4.1.9 If operating a Road Train accredited under the Mass Management Module of the National Heavy Vehicle Accreditation Scheme in a State or Territory other than South Australia at Higher Mass Limits but not operating under the IAP, complete and sign a Route Compliance Certificate for the journey being undertaken.
- 4.1.10 Carry at all times a legible, current and complete copy of:
- (i) a current driver medical certificate where you are required to undergo and pass a medical examination; and
 - (ii) if operating at Higher Mass Limits but not operating under the IAP, a completed Route Compliance Certificate.
- 4.1.11 Produce any or all of the documents indicated in 4.1.10 above when requested by a DTEI Authorised Officer appointed under the *Road Traffic Act 1961* or a Police Officer.
- 4.1.12 From 1 September 2011, when operating under this Notice, you must carry a legible, current and complete copy of this Notice either in hardcopy or in an electronic format so that it can be read from a device having a visual display (e.g. smart phone, tablet or laptop PC, in vehicle unit) that is carried within the vehicle and that is accessible, to a DTEI Authorised Officer appointed under the *Road Traffic Act 1961* or a Police Officer, from outside the vehicle.

Information Note

Operators of Restricted Access Vehicles operating under IAP are not required to complete and carry a Route Compliance Certificate

The PDF Maps are currently available on DTEI's website at this time, however RAVNet will replace this existing system and eventually PDF maps will no longer be made available.

The regulation setting speed limits specific to Road Trains has been varied to change the maximum speed limit for Road Trains on the Eyre Highway and the Stuart Highway. That variation came into effect on 1 August 2011. As a result, the **maximum** speed limit for Road Trains in South Australia is:

- 100 kph for a length of road comprising any part of the Eyre Highway that is generally west of Port Augusta.
- 100 kph for a length of road comprising any part of the Stuart Highway that is generally north of Port Augusta.
- 90 kph for any other length of road.

Road Trains still need to comply with any applicable lower speed limits.

5. DEFINITIONS

5.1 For the purposes of this Notice:

5.1.1 A 'Road Train' is a vehicle combination consisting of a prime mover towing:

- (i) a semi trailer and a converter dolly; or
- (ii) two trailers, where a converter dolly supporting a semi trailer is counted as a single trailer (double road train); or
- (iii) two trailers as described above (double road train) and an additional converter dolly (considered to be a triple road train); or
- (iv) three trailers, where a converter dolly supporting a semi trailer is counted as a single trailer (triple road train).

5.1.2 'Approved Intelligent Transport System' means an intelligent transport system approved for the purposes of the IAP by Transport Certification Australia Limited (TCA).

5.1.3 'Approved Routes' are roads that the Minister for Transport (or the Minister's Delegate) has approved for the operation of Road Trains in accordance with Section 161A of the *Road Traffic Act 1961*.

5.1.4 'DTEI' means the South Australian Department for Transport, Energy and Infrastructure.

5.1.5 'Intelligent Access Program' (IAP) means a program to allow heavy vehicles to have access, or improved access, to the road network in return for monitoring, by an approved intelligent transport system of their compliance with specified access conditions.

5.1.6 'Route Compliance Certificate' means the DTEI *Higher Mass Limit Route Compliance Certificate* as available on the DTEI website.

6. COMMENCEMENT OF THIS NOTICE

6.1. This Notice is valid from 12.01 a.m. on 19 August 2011.

7. AUTHORISATION

BRIAN E. HEMMING,
Director, Transport Safety Regulation
for and on behalf of the
Executive Director, Safety and Regulation Division
Department for Transport, Energy and Infrastructure
Authorised Delegate for the Minister for Transport

NOTICE TO MARINERS

No. 32 OF 2011

*South Australia—Gulf St Vincent—Desalination Plant—
Cancellation of Notice to Mariners No. 43 of 2009—
Smaller Area of Exclusion*

THE vessel exclusion zone referred to in Notice to Mariners No. 43 of 2009 has been reduced in size. The smaller area of exclusion is indicated by six marker buoys (referred to in Notice to Mariners No. 21 of 2011) and is now regulated under Schedule 5 of the Harbors and Navigation Regulations 2009.

Each of the marker buoys is lit, yellow in colour, with a St Andrews topmark and a range of three nautical miles. Coordinates are in WGS 84 datum.

- No. 1 35°05'48.05"S, 138°28'21.11"E.
Fl. Yellow every 3secs.
- No. 2 35°05'39.75"S, 138°28'07.53"E.
Fl. Yellow (2) every 10 secs.
- No. 3 35°05'31.45"S, 138°27'53.95"E.
Fl. Yellow every 5 secs.
- No. 4 35°05'15.83"S, 138°28'08.08"E.
Fl. Yellow every 5 secs.
- No. 5 35°05'24.13"S, 138°28'21.65"E.
Fl. Yellow (2) every 10 secs.
- No. 6 35°05'32.43"S, 138°28'35.23"E.
Fl. Yellow every 3 secs.

Unauthorised vessels and persons are prohibited from entering the exclusion area at all times. Failure to comply is an offence under the Harbors and Navigation Act 1993. Signs have been installed at O'Sullivan, Brighton and Christies Beach boat ramps.

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

Charts affected: Aus 125.

Adelaide, 15 August 2011.

PATRICK CONLON, Minister for Transport

DTEI 2011/00735

NOTICE TO MARINERS

No. 33 OF 2011

*South Australia—Gulf St Vincent—Buoys Temporarily
Deployed for Waste Water Project*

MARINERS are advised that commencing on 19 August 2011 to 16 September 2011, a total of 44 chambers filled with macroalgae will be deployed in a grid pattern along the Adelaide metropolitan coast. Each chamber has a SARDI identification tag attached to an 8-inch white buoy with pink fluorescent stripes, and is anchored by a 12 kg weight.

The chambers will be deployed during week days (weather dependant) between the latitudes of 34°35'S and 34°50'S and less than 6 nautical miles from land. Chambers will be deployed in a 0.54 nautical mile grid pattern. An additional 17 chambers will be deployed 2-3 nautical miles apart between the latitudes 34°31.5'S and 34°46'S and at distances between 4 and 15 nautical miles offshore.

Mariners are advised to exercise caution when navigating in these areas. For more detailed information about the deployments please contact Grant Westphalen on 0405 755 764.

Charts affected: Aus 130,137,138 and 781.

Adelaide, 17 August 2011.

PATRICK CONLON, Minister for Transport

DTEI 2011/00735

WATER MAINS AND SEWERS

Office of the South Australian Water Corporation
Adelaide, 18 August 2011

WATER MAINS LAID

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

ADELAIDE WATER DISTRICT

CITY OF CHARLES STURT

Across Torrens Road, Woodville. p15
Easements in reserve (lot 4003 in LTRO DP 86011), Torrens Road, Woodville. p15
Robertson Court, Woodville. p15
Ashworth Avenue, Woodville. p15
Carbone Terrace, Woodville. p15
Alma Terrace, Seaton. p18

CITY OF HOLDFAST BAY

Taylor Lane, South Brighton. p19
Taylor Lane, South Brighton. p20

CITY OF MITCHAM

Easements in lot 613 in LTRO DP 86606, Blackwood Park Boulevard, Craigburn Farm. p68

CITY OF ONKAPARINGA

Across and in Acacia Terrace, Aldinga Beach. p21

CITY OF PLAYFORD

Across Bungarra Street, Hillbank. p1
MacPharlin Court, Hillbank. p1
Mayfair Drive, Andrews Farm. p3
May Street, Andrews Farm. p3
Highgrove Court, Andrews Farm. p3
Petherton Road, MacDonald Park and Andrews Farm. p12
In and across Semillon Crescent, Andrews Farm. p12
Dolcetto Street, Andrews Farm. p12
Langhorne Street, Andrews Farm. p12
In and across Andrews Road, MacDonald Park and Andrews Farm. p13
Coonawarra Avenue, Andrews Farm. p13
Oxford Drive, Andrews Farm. p16
May Street, Andrews Farm. p16
In and across Tuggarah Street, Andrews Farm. p69
Easements in lot 601 in LTRO DP 87175, Stebonheath Road, Andrews Farm. p69
In and across Serpentine Circuit, Andrews Farm. p69
In and across Burra Street, Andrews Farm. p69
Lomond Street, Andrews Farm. p69
Aberdeen Lane, Andrews Farm. p69

CITY OF PORT ADELAIDE ENFIELD

Across Medika Boulevard, Mansfield Park. p8
Easement in reserve (lot 555 in LTRO DP 84661), Medika Boulevard, Mansfield Park. p8
Gateshead Crescent, Mansfield Park. p9
Across Wilson Street, Mansfield Park. p10
Crewe Street, Mansfield Park. p10
Heinrich Street, Mansfield Park. p11
Haddington Crescent, Mansfield Park. p11
Moseley Street, Mansfield Park. p11
Central Court, Mansfield Park. p11
Welsh Road, Northgate. p14
Across Proclamation Road, Northgate. p14
Corunna Lane, Northgate. p14
Clyde Road, Northgate. p14
St Vincent Lane, Northgate. p14

CITY OF SALISBURY

Across West Avenue, Edinburgh. p4
 In and across Taranaki Road, Edinburgh. p4-6
 Easements in lot 103 in LTRO DP 84266, Taranaki Road,
 Edinburgh. p6
 David Street, Pooraka. p17

CITY OF TEA TREE GULLY

In and across Captain Robertson Avenue, Golden Grove. p7
 Ascot Circuit, Golden Grove. p7

ANGASTON WATER DISTRICT**THE BAROSSA COUNCIL**

In and across Dean Street, Angaston. p23, 26 and 28-30
 In and across Penrice Road, Angaston. p24, 25 and 28-30

BUNDALEER COUNTRY LANDS WATER DISTRICT**WAKEFIELD REGIONAL COUNCIL**

In and across Snowtown Road, Port Wakefield. p47-54 and 65-67
 In and across Port Wakefield-Kadina Road, Port Wakefield. p54,
 55 and 65-67
 Government road known as Highway One, Port Wakefield. p56-
 67

MYPONGA WATER DISTRICT**DISTRICT COUNCIL OF YANKALILLA**

Across Verde Drive, Myponga. p71
 Shiraz Court, Myponga. p71

PORT AUGUSTA WATER DISTRICT**PORT AUGUSTA CITY COUNCIL**

Francis Street, Stirling North. p70
 Woolundunga Avenue, Stirling North. p70

TWO WELLS WATER DISTRICT**DISTRICT COUNCIL OF MALLALA**

In and across Germantown Road, Two Wells. p22
 Clover Road, Two Wells. p22

WHYALLA WATER DISTRICT**THE CORPORATION OF THE CITY OF WHYALLA**

Newton Street, Whyalla. p2
 Marevista Crescent, Whyalla. p2

YORKE PENINSULA COUNTRY LANDS WATER DISTRICT**DISTRICT COUNCIL OF YORKE PENINSULA**

In and across Minlaton-Maitland Road, Urania. p31-46

WATER MAINS ABANDONED

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

ADELAIDE WATER DISTRICT**CITY OF PORT ADELAIDE ENFIELD**

Easement in reserve (lot 555 in LTRO DP 84661), Medika
 Boulevard, and lot 470 in LTRO DP 85733, Sturt Street,
 Mansfield Park. p8
 Across Gladstone Road, Mansfield Park. p8
 Gateshead Crescent, Mansfield Park. p9

ANGASTON WATER DISTRICT**THE BAROSSA COUNCIL**

Dean Street, Angaston. p23, 26 and 30
 Penrice Road, Angaston. p24, 25, 27 and 30

BUNDALEER COUNTRY LANDS WATER DISTRICT**WAKEFIELD REGIONAL COUNCIL**

Snowtown Road, Port Wakefield. p47, 65 and 67
 Government road known as Highway One, Port Wakefield. p64,
 65 and 67

MYPONGA WATER DISTRICT**DISTRICT COUNCIL OF YANKALILLA**

Across Verde Drive, Myponga. p71
 Shiraz Court, Myponga. p71

YORKE PENINSULA COUNTRY LANDS WATER DISTRICT**DISTRICT COUNCIL OF YORKE PENINSULA**

Minlaton-Maitland Road, Urania. p31-43 and 46

SEWERS LAID

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

ADELAIDE DRAINAGE AREA**CITY OF CHARLES STURT**

Alma Terrace, Seaton. FB 1211 p31
 In and across Ashworth Avenue, Woodville. FB 1207 p58-60
 In and across Robertson Court, Woodville. FB 1207 p58-60
 Carbone Terrace, Woodville. FB 1207 p58-60
 Clark Terrace, Seaton. FB 1211 p40

CITY OF HOLDFAST BAY

Taylor Lane, South Brighton. FB 1211 p32
 Vincent Avenue, Somerton Park. FB 1211 p38

CITY OF MARION

Murray Terrace, Oaklands Park. FB 1211 p30
 Bowaka Street, Park Holme. FB 1211 p41

CITY OF MITCHAM

Across Holly Hock Court, Craighburn Farm. FB 1210 p17 and 18
 Easements in lot 613 in LTRO DP 86606, Shelter Row, Craighburn
 Farm. FB 1210 p17 and 18
 Easements in lot 49 in LTRO FP 150282 and lot 2 in LTRO DP
 86855, Gulfview Road, Blackwood. FB 1211 p39

CITY OF ONKAPARINGA

Across Christopher Road, Christie Downs. FB 1211 p34
 Agnes Street, Christie Downs. FB 1211 p34
 Easement in lot 11 in LTRO DP 84693, Windebanks Road,
 Aberfoyle Park. FB 1211 p36

CITY OF PLAYFORD

Peerless Road, Munno Para West. FB 1210 p5 and 6
 Across Robert Road, Hillbank. FB 1210 p12 and 13
 Across and in Bungarra Street, Hillbank. FB 1210 p12 and 13
 Macpharlin Court, Hillbank. FB 1210 p12 and 13
 Oxford Drive, Andrews Farm. FB 1210 p14
 Highgrove Court, Andrews Farm. FB 1210 p15 and 16
 Mayfair Drive, Andrews Farm. FB 1210 p15 and 16

In and across Tuggarah Street, Andrews Farm. FB 1210 p21-23
 In and across Serpentine Circuit, Andrews Farm. FB 1210 p21-24
 Easements in lot 601 in LTRO DP 87175, Burley Griffin Drive, Andrews Farm. FB 1210 p21-24
 Aberdeen Lane, Andrews Farm. FB 1210 p21, 22 and 24
 In and across Burra Street, Andrews Farm. FB 1210 p21, 22 and 24
 Lomond Street, Andrews Farm. FB 1210 p21, 22 and 24

CITY OF PORT ADELAIDE ENFIELD

Byron Street, Mansfield Park. FB 1210 p7, 9 and 11
 June Street, Mansfield Park. FB 1210 p7, 9 and 11
 Southern Avenue, Mansfield Park. FB 1210 p7, 10 and 11
 Across Medika Boulevard, Mansfield Park. FB 1210 p7, 8, 10 and 11
 Gateshead Crescent, Mansfield Park. FB 1210 p7, 8 and 11
 Easements in reserve (lot 555 in LTRO DP 84661), Medika Boulevard, Mansfield Park. FB 1210 p7, 10 and 11
 Across Gladstone Road, Mansfield Park. FB 1210 p25, 26 and 28
 Heinrich Street, Mansfield Park. FB 1210 p25, 26 and 28
 Across and in Haddington Crescent, Mansfield Park. FB 1210 p25-28
 Moseley Street, Mansfield Park. FB 1210 p25, 26 and 28
 Central Court, Mansfield Park. FB 1210 p25, 27 and 28
 Across King William Street, Rosewater. FB 1211 p35
 Easement in lot 142 in LTRO FP 30138, McNicol Terrace, Rosewater. FB 1211 p35

CITY OF SALISBURY

Lowan Drive, Ingle Farm. FB 1211 p37

CITY OF TEA TREE GULLY

Easements in lot 114 in LTRO DP 85592, Ascot Circuit, Golden Grove. FB 1210 p1-4
 Across and in Ascot Circuit, Golden Grove. FB 1210 p1-3
 Across and in Captain Robertson Avenue, Golden Grove. FB 1210 p1-4
 Easements in lots 116-119 in LTRO DP 85592, Ascot Circuit, Golden Grove. FB 1210 p1, 2 and 4
 Easements in lots 113-109 in LTRO DP 85592, Ascot Circuit, Golden Grove. FB 1210 p1, 2 and 4
 Tuscan Road, Golden Grove. FB 1210 p1, 2 and 4

CITY OF WEST TORRENS

Stanley Street, Plympton. FB 1211 p33

MYPONGA COUNTRY DRAINAGE AREA

DISTRICT COUNCIL OF YANKALILLA
 Shiraz Court, Myponga. FB 1210 p19 and 20

PORT LINCOLN COUNTRY DRAINAGE AREA

CITY OF PORT LINCOLN

In and across Hallett Place, Port Lincoln. FB 1211 p19 and 21-23
 Across and in New West Road, Port Lincoln. FB 1211 p19, 20, 22 and 23

SEWERS ABANDONED

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

ADELAIDE DRAINAGE AREA

CITY OF CHARLES STURT

Clark Terrace, Seaton. FB 1211 p40

CITY OF PORT ADELAIDE ENFIELD

Byron Street, Mansfield Park. FB 1210 p7 and 9
 Across and in Medika Boulevard, Mansfield Park. FB 1210 p7-9
 Easement in lot 418 in LTRO DP 84661, Medika Boulevard, Mansfield Park. FB 1210 p7 and 8
 Gateshead Crescent, Mansfield Park. FB 1210 p7 and 8
 Easement in lot 470 in LTRO DP 85733, Sturt Street and reserve (lot 555 in LTRO DP 84661), Medika Boulevard, Mansfield Park. FB 1210 p7, 9 and 10

PORT LINCOLN COUNTRY DRAINAGE AREA

CITY OF PORT LINCOLN

In and across Wingard Terrace, Port Lincoln—300 mm PVC pumping main. FB 1211 p24, 26 and 27
 Sewerage land (lot 24 in LTRO DP 64858), Clearwater Court, Port Lincoln—300 mm PVC pumping main. FB 1211 p24, 26 and 27
 Easements in lots 23 and 22 in LTRO DP 64858, Clearwater Court, Port Lincoln—300 mm PVC Pumping main. FB 1211 p24
 Easement in LTRO Community Plan 21493, Laguna Drive, Port Lincoln—300 mm PVC pumping main. FB 1211 p24
 Across and in Laguna Drive, Port Lincoln—300 mm PVC pumping main. FB 1211 p24, 25 and 27

SEWERS LAID

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

ADELAIDE DRAINAGE AREA

CITY OF TEA TREE GULLY

Tuscan Road, Golden Grove. FB 1210 p1-3
 Easements in lot 5680 in LTRO DP 86401, Captain Robertson Avenue, Golden Grove. FB 1210 p1-3
 Easement in lot 114 in LTRO DP 85592, Ascot Circuit, Golden Grove. FB 1210 p1-3

PORT LINCOLN COUNTRY DRAINAGE AREA

CITY OF PORT LINCOLN

In and across Laguna Drive, Port Lincoln—300 mm PVC pumping main. FB 1211 p24, 25 and 27-29
 In and across Windamere Crescent, Port Lincoln—300 mm PVC pumping main. FB 1211 p24, 25 and 27-29
 Clearwater Court, Port Lincoln—300 mm PVC pumping main. FB 1211 p24-26
 Sewerage land (lot 24 in LTRO DP 64858), Clearwater Court, Port Lincoln—300 mm PVC pumping main. FB 1211 p24, 26, 28 and 29
 Across and in Wingard Terrace, Port Lincoln—300 mm PVC pumping main. FB 1211 p24 and 26-29

A. J. RINGHAM, Chief Executive Officer,
 South Australian Water Corporation.

South Australia

Controlled Substances (Offences Relating to Instructions) Amendment Act (Commencement) Proclamation 2011

1—Short title

This proclamation may be cited as the *Controlled Substances (Offences Relating to Instructions) Amendment Act (Commencement) Proclamation 2011*.

2—Commencement of Act

The *Controlled Substances (Offences Relating to Instructions) Amendment Act 2011* (Act No 25 of 2011) will come into operation on 28 August 2011.

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 18 August 2011

AGO0201/10CS

South Australia

Statutes Amendment (Driving Offences) Act (Commencement) Proclamation 2011

1—Short title

This proclamation may be cited as the *Statutes Amendment (Driving Offences) Act (Commencement) Proclamation 2011*.

2—Commencement of Act

The *Statutes Amendment (Driving Offences) Act 2010* (No 18 of 2010) will come into operation on 21 August 2011.

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 18 August 2011

AGO0235/11CS

South Australia

Criminal Law Consolidation (General) Variation Regulations 2011

under the *Criminal Law Consolidation Act 1935*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Criminal Law Consolidation (General) Regulations 2006*

- 4 Insertion of regulation 3B
 - 3B Emergency workers and employing authorities
 - 5 Insertion of regulation 3C
 - 3C Certain conduct not to constitute street race
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Criminal Law Consolidation (General) Variation Regulations 2011*.

2—Commencement

These regulations will come into operation on the day on which the *Statutes Amendment (Driving Offences) Act 2010* comes into operation.

3—Variation provisions

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

Part 2—Variation of *Criminal Law Consolidation (General) Regulations 2006*

4—Insertion of regulation 3B

After regulation 3A insert:

3B—Emergency workers and employing authorities

- (1) For the purposes of the definition of *emergency workers* in section 19A(11) of the Act, the following persons are emergency workers for the purposes of that section:
 - (a) members of an emergency services organisation within the meaning of the *Fire and Emergency Services Act 2005*;
 - (b) persons engaged in the provision of emergency ambulance services under section 57(1) of the *Health Care Act 2008* on behalf of SA Ambulance Service Inc.
- (2) For the purposes of paragraph (b) of the definition of *employing authority* in section 19A(11) of the Act, the employing authority for a person who is an emergency worker for the purposes of that section is—
 - (a) in relation to an emergency worker referred to in subregulation (1)(a)—
 - (i) if the emergency worker is a member of the South Australian Metropolitan Fire Service—the Chief Officer of SAMFS; or
 - (ii) if the emergency worker is a member of the South Australian Country Fire Service—the Chief Officer of SACFS; or
 - (iii) if the emergency worker is a member of the South Australian State Emergency Service—the Chief Officer of SASES; or
 - (b) in relation to an emergency worker referred to in subregulation (1)(b)—the Chief Executive Officer of SA Ambulance Service Inc.

5—Insertion of regulation 3C

Before regulation 4 insert:

3C—Certain conduct not to constitute street race

- (1) For the purposes of the definition of *street race* in section 19AD(7) of the Act, the following conduct is declared not to be included within the ambit of that definition:
 - (a) conduct reasonably occurring in the course of—
 - (i) obtaining a genuine qualification (however described) to operate a motor vehicle of a particular kind or in a particular manner; or

- (ii) participation in a genuine program designed to improve the defensive driving skills of a person;
 - (b) conduct that occurs in the course of an event the subject of an order made under section 33 of the *Road Traffic Act 1961* (being conduct that complies with any requirement or condition imposed in relation to the order);
 - (c) conduct that occurs in the course of an event the subject of a permit granted by the Confederation of Australian Motor Sport (being conduct that complies with any requirement or condition imposed in relation to the permit);
 - (d) conduct that occurs in the course of an event comprising a tour, regularity trial, treasure hunt or similar event in which the participants drive in a manner that indicates a general intention to comply with the provisions of the *Road Traffic Act 1961*;
 - (e) conduct comprising a road test of a motor vehicle that occurs—
 - (i) in the course of the purchase, or potential purchase, of the motor vehicle; or
 - (ii) in the course of, or is consequential upon, repairing or maintaining the motor vehicle,and that is undertaken in a manner that indicates a general intention on the part of the driver to comply with the provisions of the *Road Traffic Act 1961*;
 - (f) conduct that occurs with the approval of the Commissioner of Police.
- (2) An application for approval under subregulation (1)(f) must be made in a manner and form determined by the Commissioner of Police.
- (3) An approval under subregulation (1)(f)—
- (a) must be in writing; and
 - (b) may be conditional or unconditional; and
 - (c) may be varied or revoked by the Commissioner of Police by notice in writing.
- (4) If a person contravenes or fails to comply with a condition specified in an approval under subregulation (1)(f), the approval does not, while the contravention or non-compliance continues, operate in that person's favour.

Note—

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

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 18 August 2011

No 195 of 2011

AGO0235/11CS

South Australia

Road Traffic (Miscellaneous) (Emergency Workers) Variation Regulations 2011

under the *Road Traffic Act 1961*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

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

- 4 Insertion of regulation 19FI
19FI Emergency workers and employing authorities (sections 45 and 46)
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Road Traffic (Miscellaneous) (Emergency Workers) Variation Regulations 2011*.

2—Commencement

These regulations will come into operation on the day on which the *Statutes Amendment (Driving Offences) Act 2010* comes into operation.

3—Variation provisions

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

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

4—Insertion of regulation 19FI

Before regulation 19G insert:

19FI—Emergency workers and employing authorities (sections 45 and 46)

- (1) For the purposes of the definition of *emergency workers* in sections 45(5) and 46(6) of the Act, the following persons are emergency workers for the purposes of those sections:
 - (a) members of an emergency services organisation within the meaning of the *Fire and Emergency Services Act 2005*;

- (b) persons engaged in the provision of emergency ambulance services under section 57(1) of the *Health Care Act 2008* on behalf of SA Ambulance Service Inc.
- (2) For the purposes of paragraph (b) of the definition of ***employing authority*** in sections 45(5) and 46(6) of the Act, the employing authority for a person who is an emergency worker for the purposes of the relevant section is—
- (a) in relation to an emergency worker referred to in subregulation (1)(a)—
 - (i) if the emergency worker is a member of the South Australian Metropolitan Fire Service—the Chief Officer of SAMFS; or
 - (ii) if the emergency worker is a member of the South Australian Country Fire Service—the Chief Officer of SACFS; or
 - (iii) if the emergency worker is a member of the South Australian State Emergency Service—the Chief Officer of SASES; or
 - (b) in relation to an emergency worker referred to in subregulation (1)(b)—the Chief Executive Officer of SA Ambulance Service Inc.

Note—

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

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 18 August 2011

No 196 of 2011

AGO0235/11CS

South Australia

Building Work Contractors Regulations 2011

under the *Building Work Contractors Act 1995*

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- 1 Building work contractors licences performance criteria

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- 2 Building work supervisors registration performance criteria

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Schedule 4—Revocation of *Building Work Contractors Regulations 1996*

Part 1—Preliminary**1—Short title**

These regulations may be cited as the *Building Work Contractors Regulations 2011*.

2—Commencement

These regulations will come into operation on 1 September 2011.

3—Interpretation

- (1) In these regulations—

Act means the *Building Work Contractors Act 1995*.

- (2) For the purposes of these regulations, a reference to a ***qualification, course or subject conferred or offered*** by a particular institution includes a reference to a qualification, course or subject of a different name conferred or offered by that institution and certified by that institution to be an equivalent qualification, course or subject.

4—Definitions of building work etc (section 3 of Act)

- (1) For the purposes of paragraph (c) of the definition of ***building work*** in section 3(1) of the Act, the following is ***building work***:
- (a) the on-site construction, alteration, repair or improvement of a swimming pool or spa;
 - (b) paving;
 - (c) fencing (excluding post and wire fencing);
 - (d) the installation, maintenance, repair and removal of insulation.
- (2) For the purposes of paragraph (c) of the definition of ***domestic building work*** in section 3(1) of the Act, the following is ***domestic building work***:
- (a) the construction, alteration, repair or improvement of a swimming pool or spa within the external walls of a house, within the curtilage of a house or on the boundary of the curtilage of a house;
 - (b) any other building work carried out within the curtilage of a house or on the boundary of the curtilage of a house;
 - (c) the installation, maintenance, repair and removal of insulation.
- (3) For the purposes of the definition of ***house*** in section 3(1) of the Act—
- (a) in relation to the period before 1 June 1996, ***house*** does not include a building not included within the meaning of that term under the repealed *Builders Licensing Act 1986* or regulations made under that Act;
 - (b) in relation to any period commencing on or after 1 June 1996, ***house*** does not include hotels, motels, youth hostels, residential camps, boarding or lodging houses, university halls of residence, boarding school dormitories, barracks, nurses homes or residential facilities for workers or for training purposes.

- (4) For the purposes of paragraph (a) of the definition of *minor domestic building work* in section 3(1) of the Act, the prescribed sum is—
 - (a) in respect of a domestic building work contract made before 15 October 2001—\$5 000;
 - (b) in respect of a domestic building work contract made on or after 15 October 2001—\$12 000.
- (5) For the purposes of paragraph (b) of the definition of *minor domestic building work* in section 3(1) of the Act, the prescribed sum is \$12 000.

5—Exemptions

- (1) A person who is authorised by licence under the *Plumbers, Gas Fitters and Electricians Act 1995* to carry on business as a gas fitting contractor or an electrical contractor is exempt from the requirement to be licensed under Part 2 of the Act as a building work contractor subject to the condition that any building work performed by the person is limited to work authorised by the person's licence under the *Plumbers, Gas Fitters and Electricians Act 1995*.
- (2) A person who is authorised by licence under the *Plumbers, Gas Fitters and Electricians Act 1995* to carry on business as a plumbing contractor is exempt from the requirement to be licensed under Part 2 of the Act as a building work contractor subject to the condition that any building work performed by the person is limited—
 - (a) to work authorised by the person's licence under the *Plumbers, Gas Fitters and Electricians Act 1995*; or
 - (b) if the person's licence under the *Plumbers, Gas Fitters and Electricians Act 1995* is not subject to conditions limiting the work that may be performed under the authority of the licence—to minor roof plumbing work.
- (3) A person who is authorised by licence under the *Controlled Substances (Pesticides) Regulations 2003* to carry on business as a pest controller is exempt from the requirement to be licensed under Part 2 of the Act as a building work contractor subject to the condition that any building work performed by the person is limited to work authorised by the person's licence under the *Controlled Substances (Pesticides) Regulations 2003*.
- (4) A person who is authorised by a security agents licence or a restricted security agents licence to install or maintain security alarm or surveillance systems under the *Security and Investigation Agents Act 1995* is exempt from the requirement to be licensed under Part 2 of the Act as a building work contractor subject to the condition that any building work performed by the person is limited to work authorised by the person's licence under the *Security and Investigation Agents Act 1995*.
- (5) The following are exempt from the requirement to be licensed under Part 2 of the Act as a building work contractor:
 - (a) the Minister responsible for the administration of the *South Australian Housing Trust Act 1995*;
 - (b) South Australian Housing Trust.
- (6) The South Australian Housing Trust and the Minister responsible for the administration of the *South Australian Housing Trust Act 1995* are exempt from the application of Part 5 Division 3 of the Act.
- (7) Registered architects are exempt from the application of section 18 of the Act.

- (8) A building work contractor is exempt from the application of Part 5 Divisions 1, 3 and 4 of the Act in relation to a contract for the performance of domestic building work consisting solely of demolition work.
- (9) A building work contractor is exempt from the application of Part 5 Division 3 of the Act in relation to—
- (a) a contract for the construction of a multi-storey residential building in respect of the performance of domestic building work for the construction of that building;
 - (b) a contract for the performance of domestic building work if the work is performed by a building work contractor as a contractor for the South Australian Housing Trust.
- (10) A building work contractor is exempt from the application of sections 28, 29 and 30 and Part 5 Division 4 of the Act in relation to a contract for the performance of domestic building work if—
- (a) the work is performed by a building work contractor as a contractor for the South Australian Housing Trust or the Minister responsible for the administration of the *South Australian Housing Trust Act 1995*; or
 - (b) the building owner is a body corporate that is a public company within the meaning of the *Corporations Act 2001* of the Commonwealth or that is a subsidiary within the meaning of the *Corporations Act 2001* of the Commonwealth of such a public company.
- (11) The Act does not apply to the installation, maintenance, repair or removal of a floating floor under a contract entered into on or after 1 April 2010.
- (12) The Act does not apply to the installation, maintenance, repair or removal of carpet or of vinyl floor covering in circumstances in which it is not used for water proofing.
- (13) In this regulation—

floating floor means a floor covering comprised of boards designed to be laid over a floor without being fixed to the floor;

minor roof plumbing work means building work connected with the installation, renovation, replacement, alteration, repair or maintenance of flashings, guttering, downpipes, roof flashings or roof coverings on a building, where the cost of the work is less than \$3 000;

multi-storey residential building means a building that—

- (a) has a rise in storeys of more than 3; and
- (b) contains 2 or more separate dwellings;

storey means a space within a building situated between 1 floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include—

- (a) a space that contains only—
 - (i) a lift shaft, stairway or meter room; or
 - (ii) a bathroom, shower room, laundry, water closet or other sanitary compartment; or
 - (iii) accommodation intended only for vehicles; or

- (iv) a combination of any of the facilities referred to in 1 or more of the above subparagraphs; or
 - (b) a mezzanine.
- (14) For the purposes of subregulation (13)—
- (a) the cost of roof plumbing work is to be determined as if—
 - (i) the work were performed under a contract between the plumbing contractor and another person; and
 - (ii) the contract included the supply by the plumbing contractor of all materials necessary for the work; and
 - (b) if a plumbing contractor and a person make an arrangement under which roof plumbing work at a site is to be performed in stages by the contractor, the cost of the roof plumbing work will be the sum of the cost of the work performed at each stage.

6—Fees

- (1) The fees fixed by Schedule 1 are payable to the Commissioner for the purposes set out in that Schedule.
- (2) The Commissioner may waive, reduce or refund a fee (or part of a fee) payable under these regulations if satisfied that it is appropriate to do so in a particular case.

Part 2—Licensed building work contractors

7—Entitlement to be licensed as building work contractor—qualifications (section 9 of Act)

- (1) For the purposes of section 9(1) of the Act, to be entitled to be granted a building work contractors licence authorising—
 - (a) plumbing; or
 - (b) gas fitting; or
 - (c) electrical work,

(as defined in the *Plumbers, Gas Fitters and Electricians Act 1995*), a natural person must have the same qualifications or experience, or qualifications and experience, as would be required for the person to be granted a licence under the *Plumbers, Gas Fitters and Electricians Act 1995* for the kind of work that would be authorised by the building work contractors licence.
- (2) For the purposes of section 9(1) of the Act, to be entitled to be granted a building work contractors licence authorising work other than work of a kind referred to in subregulation (1), a natural person must have qualifications or experience, or qualifications and experience, such that the person meets the performance criteria set out in Schedule 2 Part 1 to the satisfaction of the Commissioner in relation to that kind of work.
- (3) The kinds of work in relation to which qualifications or experience, or qualifications and experience, are to be determined by the Commissioner under subregulation (2) are to be as set out in Schedule 2 Part 3.

(4) If the kind of work to be authorised by the licence is—

(a) —

- (i) plumbing; or
- (ii) gas fitting; or
- (iii) electrical work,

(as defined in the *Plumbers, Gas Fitters and Electricians Act 1995*); and

(b) in addition, other building work,

the person must have qualifications or experience, or qualifications and experience, such that the person meets the requirements of subregulations (1) and (2).

8—Annual fee and return (section 11 of Act)

(1) For the purposes of section 11(2) of the Act, a licensed building work contractor must pay the fee and lodge the return on or before—

- (a) the last day of the month in each year nominated in writing to the contractor by the Commissioner; or
- (b) 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 contractor's licence was granted.

(2) For the purposes of section 11(3) of the Act, the penalty for default in paying the fee or lodging the return is as set out in Schedule 1.

9—Notification of change in circumstances

(1) If there is any change in—

- (a) the residential address of a licensed building work contractor; or
- (b) the business or trading name under which a licensed building work contractor carries on business; or
- (c) the address at which a licensed building work contractor carries on business; or
- (d) the address of the registered corporate office of a licensed building work contractor that is a body corporate,

the contractor 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 building work contractor must, within 14 days after ceasing to carry on business as a building work contractor, give written notice to the Commissioner of that fact.

Maximum penalty: \$2 500.

Expiation fee: \$160.

(3) If a person is appointed as a director of a body corporate that is a licensed building work contractor, the contractor 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.

10—Return etc of licence

- (1) If a building work contractor's licence is surrendered, suspended or cancelled, the contractor must, at the direction of the District Court or the Commissioner, return the licence 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 building work contractor but the fee payable in respect of the application has not been paid (whether because of the dishonouring of a cheque or otherwise), the contractor must, at the direction of the Commissioner, return the licence to the Commissioner.

Maximum penalty: \$2 500.

Expiation fee: \$160.

- (3) The Commissioner may issue to a licensed building work contractor a licence in replacement of a current licence if satisfied that—
 - (a) the current licence has been lost, destroyed or damaged; or
 - (b) any photograph of the contractor on the current licence should be replaced with a more recent photograph of the contractor; or
 - (c) any particulars appearing on the current licence are incorrect.
- (4) If the Commissioner issues to a licensed building work contractor a replacement licence, the contractor must, at the direction of the Commissioner, return the original (or previous duplicate) licence to the Commissioner.

Maximum penalty: \$2 500.

Expiation fee: \$160.

Part 3—Registered building work supervisors

11—Entitlement to be registered as building work supervisor—qualifications (section 16 of Act)

- (1) For the purposes of section 16 of the Act, to be entitled to be granted registration as a building work supervisor authorising the supervision of—
 - (a) plumbing; or
 - (b) gas fitting; or
 - (c) electrical work,

(as defined in the *Plumbers, Gas Fitters and Electricians Act 1995*), a natural person must have the same qualifications or experience, or qualifications and experience, as would be required for the person to be granted registration under the *Plumbers, Gas Fitters and Electricians Act 1995* for the kind of work that the building work supervisor's registration would authorise the person to supervise.

- (2) For the purposes of section 16 of the Act, to be entitled to be granted registration as a building work supervisor authorising the supervision of work other than work of a kind referred to in subregulation (1), a natural person must have qualifications or experience, or qualifications and experience, such that the person meets the performance criteria set out in Schedule 2 Part 2 to the satisfaction of the Commissioner in relation to that kind of work.
- (3) The kinds of work in relation to which qualifications or experience, or qualifications and experience, are to be determined by the Commissioner under subregulation (2) are set out in Schedule 2 Part 3.
- (4) If the kind of work that the registration would authorise the person to supervise is—
 - (a) —
 - (i) plumbing; or
 - (ii) gas fitting; or
 - (iii) electrical work,
(as defined in the *Plumbers, Gas Fitters and Electricians Act 1995*); and
 - (b) in addition, other building work,the person must have qualifications or experience, or qualifications and experience, such that the person meets the requirements of subregulations (1) and (2).

12—Annual fee and return (section 18 of Act)

- (1) For the purposes of section 18(2) of the Act, a registered building work supervisor must pay the fee and lodge the return on or before—
 - (a) the last day of the month in each year nominated in writing to the building work supervisor by the Commissioner; or
 - (b) 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 building work supervisor's registration was granted.
- (2) However, a registered building work supervisor who is also a licensed building work contractor—
 - (a) must, instead of lodging the return as required by subregulation (1), lodge the return at the same time that he or she lodges a return under regulation 8; and
 - (b) is, on payment of a fee under regulation 8, exempt from paying the fee referred to in subregulation (1).
- (3) For the purposes of section 18(3) of the Act, the penalty for default in paying the fee or lodging the return is as set out in Schedule 1.

13—Notification of changes in circumstances

If there is any change in the name or residential address of a registered building work supervisor, the building work supervisor must, within 14 days after that change, give written notice to the Commissioner of the new name or address (as the case requires).

Maximum penalty: \$1 250.

Expiation fee: \$80.

14—Return etc of certificate of registration

- (1) If registration of a person as a building work supervisor is surrendered, suspended or cancelled, the building work supervisor must, at the direction of the District Court or the Commissioner, return the certificate of registration to the Commissioner.

Maximum penalty: \$1 250.

Expiation fee: \$80.

- (2) If, on an application under section 15 of the Act, a certificate of registration has been issued to a building work supervisor but the fee payable in respect of the application has not been paid (whether because of the dishonouring of a cheque or otherwise), the building work supervisor must, at the direction of the Commissioner, return the certificate of registration to the Commissioner.

Maximum penalty: \$2 500.

Expiation fee: \$160.

- (3) The Commissioner may issue to a registered building work supervisor a certificate of registration in replacement of a current certificate of registration if satisfied that—

- (a) the current certificate has been lost, destroyed or damaged; or
- (b) any photograph of the building work supervisor on the current certificate should be replaced with a more recent photograph of the building work supervisor; or
- (c) any particulars appearing on the current certificate are incorrect.

- (4) If the Commissioner issues to a registered building work supervisor a replacement certificate of registration, the building work supervisor must, at the direction of the Commissioner, return the original (or previous duplicate) certificate to the Commissioner.

Maximum penalty: \$2 500.

Expiation fee: \$160.

Part 4—Requirements relating to domestic building work contracts

15—Forms

- (1) The forms in Schedule 3 are prescribed for use for the purposes indicated in the form.
- (2) A form must—
- (a) contain information and be completed as required or indicated by the form; and
 - (b) not contain any particulars or statements other than those required or indicated by the Act or these regulations; and
 - (c) be printed or typewritten in a type that is not smaller than 10 point Times New Roman font; and
 - (d) not include any printing or handwriting (other than a signature) that is not clear and legible.

16—Unliquidated amounts under contracts (section 29(5) of Act)

- (1) For the purposes of section 29(5)(a) of the Act, 15% is prescribed.

- (2) For the purposes of section 29(5)(b) of the Act, a domestic building contract may include a provision entitling the building work contractor to recover, if the contract specifies an hourly rate of charge, the amount determined by applying the rate to the work actually performed.

17—Authorised payments (section 30(1)(b) of Act)

For the purposes of section 30(1)(b) of the Act, the following payments are authorised:

- (a) payments to a third party for engineering, drawing, surveying or other professional services;
- (b) payments to reimburse the cost of building indemnity insurance or the amount of any fee required to be paid under an Act in respect of the work performed or to be performed under the contract;
- (c) in the case of a domestic work building contract made before 1 September 2011—a payment as a deposit of not more than \$1 000;
- (d) in the case of a domestic building work contract made on or after 1 September 2011—
 - (i) if the price stipulated in the contract for the performance of the building work is less than \$20 000—a payment as a deposit of not more than \$1 000;
 - (ii) if the price stipulated in the contract for the performance of the building work is \$20 000 or more—a payment as a deposit of not more than 5% of the price.

18—Limitations on insurers' liability (section 35 of Act)

- (1) The following are the only permissible limitations on the liability of the insurer under a policy of insurance under Part 5 Division 3 of the Act:
- (a) a limitation under which the insurer is not liable for the first \$400 (or some stipulated lesser amount) of each claim;
 - (b) a limitation under which the total amount that the insurer is liable to pay in relation to building work or the non-completion of building work by the building work contractor in respect of a single dwelling is fixed at not less than \$80 000.
- (2) A policy of insurance under Part 5 Division 3 of the Act—
- (a) must contain a clause allowing a claimant at least 90 days (from the date on which the claimant becomes aware of the grounds for the claim) in which to make the claim; and
 - (b) must not confer any right on the insurer to avoid liability on the ground of misrepresentation or non-disclosure on the part of the building work contractor or on any similar ground.

Schedule 1—Fees

1	Application fee for licence (section 8(1)(b) of the Act)	\$173.00
2	Licence fee—payable before the granting of a licence under Part 2 of the Act—	
	(a) for a natural person for the following kinds of building work (as described in Schedule 2 Part 3):	
	(i) any building work	\$363.00
	(ii) light commercial/industrial and residential building work	\$363.00
	(iii) residential building work	\$363.00
	(iv) other specified building work	\$183.00
	(b) for a body corporate for the following kinds of building work (as described in Schedule 2 Part 3):	
	(i) any building work	\$809.00
	(ii) light commercial/industrial and residential building work	\$809.00
	(iii) residential building work	\$809.00
	(iv) other specified building work	\$412.00
	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	Periodic fee for licence (section 11(2)(a) of the Act)—	
	(a) for a natural person for the following kinds of building work (as described in Schedule 2 Part 3):	
	(i) any building work	\$363.00
	(ii) light commercial/industrial and residential building work	\$363.00
	(iii) residential building work	\$363.00
	(iv) other specified building work	\$183.00
	(b) for a body corporate for the following kinds of building work (as described in Schedule 2 Part 3):	
	(i) any building work	\$809.00
	(ii) light commercial/industrial and residential building work	\$809.00
	(iii) residential building work	\$809.00
	(iv) other specified building work	\$412.00
	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)	\$147.00
5	Application fee to vary or revoke a licence condition (section 7(2)(b) of the Act)	\$134.00
6	Application fee for registration (section 15(1)(b) of the Act)	\$173.00

7	Registration fee—payable before registration under Part 3 of the Act	\$166.00
	If the period between the grant of the registration and the next date for payment of a fee under section 18 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.	
8	Periodic fee for registration (section 18(2)(a) of the Act)	\$166.00
	If the period between a date for payment of a fee under section 18 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.	
9	Default penalty (section 18(3) of the Act)	\$147.00
10	Application fee to vary or revoke a condition of registration (section 13(2)(b) of the Act)	\$134.00
11	Application fee for approval as a building work supervisor in relation to a building work contractor's business (section 19(3)(b) of the Act)	\$103.00
12	Application fee for exemption (section 45(1) of the Act)	\$87.50
13	Fee for replacement of licence or certificate of registration	\$22.90

Schedule 2—Performance criteria and kinds of work

Part 1—Building work contractors licences performance criteria

1—Building work contractors licences performance criteria

Regulation 7(2) provides that for the purposes of section 9(1) of the Act, to be entitled to be granted a building work contractors licence, a natural person must have qualifications or experience, or qualifications and experience, such that the person meets the performance criteria set out in the table below to the satisfaction of the Commissioner in relation to the kind of work to be authorised by the licence.

UNIT

1 Business Management

Applying the principles of business management in relation to a contracting business.

ELEMENT	PERFORMANCE CRITERIA
1.1 Applying the principles of economics, finance and management of a business organisation.	1.1.1 Prepare and apply a business plan. 1.1.2 Prepare a cash flow budget. 1.1.3 Implement financial strategies. 1.1.4 Apply basic accounting principles to financial transactions. 1.1.5 Understand and prepare— (a) journals and ledgers; (b) balance sheets and revenue statements. 1.1.6 Assess earning capacity and financial stability.

-
- 1.1.7 Prepare income and expenditure projections.
 - 1.1.8 Identify and use sources of costing information.
 - 1.1.9 Monitor financial performance.
-
- 1.2 Applying appropriate legislation to address the administrative and legal requirements of a business organisation.
- 1.2.1 Understand the legal structures of a business.
 - 1.2.2 Understand the significant features of the law relating to employment, dispute resolution procedures and professional liability.
 - 1.2.3 Demonstrate a working knowledge of the law relating to occupational health and safety and workers compensation.
 - 1.2.4 Demonstrate a working knowledge of the law relating to conservation of the environment.
 - 1.2.5 Demonstrate a knowledge of the law relating to independent contractors.
 - 1.2.6 Understand recording and maintenance of wage and employment records.
 - 1.2.7 Demonstrate a working knowledge of mandatory taxes and insurances.
 - 1.2.8 Understand basic contract administration.
 - 1.2.9 Understand accident, injury and dangerous occurrence reports and obligations.
-
- 1.3 Planning, directing and controlling tasks, people and resources in a business organisation.
- 1.3.1 Determine and implement objectives and priorities of a business.
 - 1.3.2 Determine and implement operational strategies and methods.
 - 1.3.3 Prepare estimates of time, resource and cost implications.
 - 1.3.4 Implement work strategies.
 - 1.3.5 Organise work groups for specific tasks.
 - 1.3.6 Monitor operational performance.
 - 1.3.7 Apply occupational health and safety standards within a business.
 - 1.3.8 Apply mechanisms for effective employer/employee relationships.
-
- 1.4 Addressing customer requirements.
- 1.4.1 Identify customer requirements.
 - 1.4.2 Apply principles of business management to meet customer needs.
-

UNIT

2 Building Work Management

Applying the principles of building work to the operation of a contracting business.

ELEMENT		PERFORMANCE CRITERIA	
2.1	Applying the law relating to building work practice.	2.1.1	Demonstrate a working knowledge of contract law relevant to the building industry.
		2.1.2	Understand the issues involved in the licensing and registration of builders.
		2.1.3	Apply the statutory requirements for the regulation of building work.
		2.1.4	Demonstrate a knowledge of the application of Australian Standards relating to building work.
		2.1.5	Interpret building specifications requirements.
2.2	Preparing and evaluating tenders.	2.2.1	Estimate costs.
		2.2.2	Evaluate risks.
		2.2.3	Prepare tender documentation.
2.3	Determining required strategies, resources and operational requirements for construction.	2.3.1	Determine resources that need to be hired, leased or purchased.
		2.3.2	Determine the best course of action from various options for obtaining and using resources.
		2.3.3	Determine the requirements for temporary structures and facilities.
		2.3.4	Prepare schedules for building work.
		2.3.5	Update progress schedules.
		2.3.6	Assess the need for and select measures to overcome delays.
2.4	Establishing and operating costing systems.	2.4.1	Identify and classify costs.
		2.4.2	Prepare a cost control system.
		2.4.3	Prepare a project budget.
		2.4.4	Plan the sequencing of trades.
2.5	Applying Contract Management.	2.5.1	Select and apply the various standard forms of building contract in common use.
		2.5.2	Determine the requirements of the contract.
		2.5.3	Demonstrate a knowledge of progress payments, contract claims and variations.

Part 2—Building work supervisors registration performance criteria

2—Building work supervisors registration performance criteria

Regulation 11(2) provides that for the purposes of section 16 of the Act, to be entitled to be granted registration as a building work supervisor, a natural person must have qualifications or experience, or qualifications and experience, such that the person meets the performance criteria set out in the table below to the satisfaction of the Commissioner in relation to the kind of work that the registration would authorise the person to supervise.

UNIT	
1	Building Work Management
Applying the principles of building work management in relation to the supervision of a building site.	
ELEMENT	PERFORMANCE CRITERIA
1.1	<p>Planning and organising on-site building work.</p> <p>1.1.1 Translate building designs and specifications into operational requirements.</p> <p>1.1.2 Develop strategies for implementing building operations.</p> <p>1.1.3 Determine appropriate resources required including personnel, materials and equipment.</p>
1.2	<p>Determining the need for coordination and installation of temporary structures and facilities for building work.</p> <p>1.2.1 Determine the requirements for temporary structures and facilities.</p> <p>1.2.2 Demonstrate a working knowledge of the most appropriate methods for provision of site facilities and preparation of detailed site layouts.</p> <p>1.2.3 Coordinate the on-site approvals of temporary structures.</p> <p>1.2.4 Arrange for and supervise the supply, erection, maintenance and removal of temporary structures and facilities.</p>
1.3	<p>Preparing project schedules.</p> <p>1.3.1 Prepare schedules for building work.</p> <p>1.3.2 Update schedules.</p> <p>1.3.3 Prepare reports on current status.</p> <p>1.3.4 Assess the need for and select measures to overcome delays.</p>
1.4	<p>Managing on-site building work.</p> <p>1.4.1 Supervise on-site operations.</p> <p>1.4.2 Administer subcontracts.</p> <p>1.4.3 Administer progress claims.</p> <p>1.4.4 Organise the supply and installation of materials and equipment.</p>

- 1.4.5 Manage appropriate operational systems including occupational health and safety, accident and injury reporting, and industrial relations.
- 1.4.6 Plan, develop and oversee safe working systems for all site work.
- 1.4.7 Communicate effectively with personnel on and off the site.

UNIT

2 Building Technology

Applying the principles of building technology to on-site building work.

ELEMENT	PERFORMANCE CRITERIA
2.1 Applying the principles of building work practice.	<p>2.1.1 Select and apply building principles and methods including—</p> <ul style="list-style-type: none"> (a) appraisal of site conditions; (b) erection and construction techniques; (c) sequencing of trades; (d) control of plant and equipment. <p>2.1.2 Demonstrate a working knowledge of—</p> <ul style="list-style-type: none"> (a) the use of basic measuring techniques; (b) the setting up and use of instruments to determine heights and levels; (c) demolition methods; (d) formwork design. <p>2.1.3 Interpret plans and specifications.</p> <p>2.1.4 Produce simple working drawings suitable for on-site application.</p> <p>2.1.5 Identify and select suitable materials.</p> <p>2.1.6 Control the movement of materials on-site and their safe handling and storage.</p> <p>2.1.7 Apply a basic understanding of—</p> <ul style="list-style-type: none"> (a) properties and behaviours of structural materials; (b) sectional properties of structural elements; (c) structural load calculations; (d) performance of beams, columns and bracing; (e) utilisation of roof truss systems.

2.1.8	Apply the basic principles of estimating and demonstrate a working knowledge of take-off quantities for—
(a)	site works;
(b)	structure;
(c)	fit-out and finish.
2.1.9	Demonstrate a general knowledge of the process of the coordination of specialist services on-site.

UNIT

3 Legislative requirements

Applying a detailed knowledge of legislative requirements in respect of on-site building work.

ELEMENT	PERFORMANCE CRITERIA
3.1	Applying the requirements of legislation, standards and codes relevant to on-site building work.
3.1.1	Identify the range of legislation applying to building work.
3.1.2	Apply the requirements of legislation and relevant standards and codes to the coordination and supervision of on-site building work.
3.1.3	Understand the requirements of relevant legislation, standards and codes to the performance of residential, commercial and industrial building work.

Part 3—Kinds of work

3—Kinds of work

Regulations 7(3) and 11(3) provide that the kinds of work in relation to which qualifications or experience, or qualifications and experience, are to be determined by the Commissioner are to be as follows:

(a) **Any building work**

Any commercial, industrial, residential and other building work.

(b) **Light commercial/industrial and residential building work**

Divided into the following kinds of building work:

(i) Building work limited to—

(A) houses not exceeding 3 storeys; and

(B) other buildings not exceeding 2 storeys.

(ii) Building work limited to—

(A) houses not exceeding 3 storeys; and

(B) other buildings of a single storey.

(iii) Building work limited to additions and alterations to buildings of any kind.

(c) **Residential building work**

Divided into the following kinds of building work:

- (i) Building work limited to houses not exceeding 3 storeys.
- (ii) Building work limited to houses of a single storey.
- (iii) Building work limited to additions and alterations to houses.

(d) **Other specified building work**

Divided into the following kinds of building work:

- (i) Other specified building work.
- (ii) Other specified building work to be performed only—
 - (A) on a subcontract basis for a licensed building work contractor; or
 - (B) as a principal contractor working on a building project in association with other building work contractors where the building work comprised in the project is organised or supervised or both by a project manager who is a licensed building work contractor or a registered building work supervisor authorised to organise or supervise work of all of the kinds comprised in the project.

Schedule 3—Forms

Form 1—Notice under section 28(1)(f) of *Building Work Contractors Act 1995*

YOUR BUILDING CONTRACT: YOUR RIGHTS AND OBLIGATIONS

This notice contains important information about your rights and obligations. You should read it carefully and keep it for future reference.

Your domestic building work contract is a binding legal agreement. You have rights and obligations under the agreement. You also have certain rights guaranteed under the *Building Work Contractors Act 1995* in relation to the agreement. In particular, you have certain "cooling off" rights, which may enable you to cancel your contract if you are not satisfied with it, and you act quickly.

1—What does the Act require?

You must have a written contract with your building work contractor, setting out all the terms and conditions of your agreement. You must be given a copy of the signed contract, together with a copy of this notice. Both documents must be readily legible.

2—What are my "cooling off" rights?

You may cancel your building contract, if you act before the "prescribed time".

If you wish to cancel, you must give your building work contractor written notice of your intention not to be bound by the contract. You must serve that notice on the building work contractor either personally or by certified mail in an envelope addressed to the contractor.

You must do this—

- (a) before 5 clear business days have expired after the making of the contract; or

- (b) if your building work contractor has not complied with relevant provisions of the Act, before the contractor completes the building work under the contract.

Cancellation is a serious step and should not be taken lightly. You may need to seek legal advice, or the advice of the Office of Consumer and Business Affairs, before exercising this right of cancellation. Wherever possible, you should first discuss your problem with the building work contractor.

3—What should I do?

First, read this notice carefully. Then read the documents that you have signed. If you are not happy about any aspect, or have any questions, then ask your building work contractor to explain. If you are not satisfied with the explanation you have received, then seek advice from a lawyer or from the Office of Consumer and Business Affairs.

4—Is there anything I should look for in particular?

Most importantly, check to see that the work you want your building work contractor to do has been fully and accurately set out in the contract (including the plans and specifications). Do not rely on verbal promises or agreement. If you want to change the work to be done at a later stage, you will have to reach agreement with your building work contractor, and your contractor will usually be entitled to make a separate, additional charge as a variation to your contract. Not checking now could be very expensive.

5—What about the price I have been quoted? Can it change?

Some building contracts provide for a "fixed price". Others include a "rise and fall" clause. If your contract includes a rise and fall clause, then the price you have been quoted (even if it is referred to in your contract) will most probably NOT be the total amount you will have to pay. Your contract price can also change due to any variations to the building work in accordance with your contract.

Note—

Most variations require your written approval in advance, but others may be unforeseen. You should refer to your particular contract. Certain items in your contract may be designated "prime cost" or "provisional sums", which may also lead to a change in the total sum you can be charged.

If your contract includes a rise and fall clause, or other provisions as a result of which a price set out in your contract may change, or is an estimate only, then the contract must contain "THIS PRICE MAY CHANGE" or "ESTIMATE ONLY" adjacent to the price subject to change. If there is more than one such price, then they must be set out in a single list in the contract.

Those prices that are only estimates must be fair and reasonable estimates.

6—What is a rise and fall clause?

A rise and fall clause entitles your building work contractor to pass onto you increases (or reductions) in the cost of performing your building work after you have signed your contract, whether those costs relate to labour (including relevant overhead) or materials.

The formulae used in building contracts to determine the amount of the additional costs that can be passed onto you vary. Check your contract carefully. If you have any questions, ask your building work contractor to explain, or seek advice.

7—What are "prime cost" items?

Your building work contract may include the supply of certain goods and services, eg, kitchen stoves, bathroom tiling. These items may be designated "prime cost", so that if the standard of goods you select is higher than that provided for by your building work contractor, then you may have to pay an additional cost over and above that provided for, plus a surcharge, which may be up to 15% of the cost of the item.

8—What are "provisional sums"?

These are amounts your building work contractor has determined as "best estimates" of the cost of doing certain building work under your contract.

For example, if your building site slopes and no contour survey has been carried out, your building work contractor may not be able to prepare a final price for the earthworks needed to provide a level site for your domestic building work. The building work contractor may include an estimated figure which is subject to change when a survey plan is provided. That estimated figure is a "provisional sum".

Provisional sums must be fair and reasonable estimates in the circumstances in which they are provided.

9—Are there any special problems with package land and building deals?

Yes.

If you have entered into a package deal for land and building work, then it is likely you have signed a number of documents. The information contained in this notice relates only to the domestic building work contract you have signed. It does not apply to your contract for the purchase of land, which is subject to different rules. You probably have less time to consider those documents than your building contract.

Be particularly careful about package deals where your building work contractor is unable to start work immediately because necessary approvals have not been granted, or services connected, or legal titles granted. Your building work contractor may be entitled to make additional charges arising from delays which are the fault of neither yourself or the contractor. If in doubt, talk to your building work contractor or seek advice.

10—What other rights do I have?

The Act implies certain warranties on the part of your building work contractor, and these apply regardless of what your contract says.

These warranties are as follows:

- (a) your building work must be performed in a proper manner to accepted trade standards and in accordance with the agreed plans and specifications; and
- (b) the materials supplied by the building work contractor will be good and proper materials; and
- (c) the building work will be performed in accordance with all statutory requirements; and
- (d) unless the contract stipulates a period within which the work must be completed—the work will be performed with reasonable diligence; and
- (e) if your contract is for the construction of a house—the house will be reasonably fit for human habitation; and

- (f) if you have made known to your building work contractor the purpose for which the work is required, or the result you want to achieve in a way that demonstrates that you are relying on your contractor's skill and judgment, then your contractor warrants that the work and the materials will be fit for your purposes, or of a nature and quality that they might reasonably be expected to achieve that result.

If your building work contractor does work or provides materials which do not comply with those warranties, then your rights have been infringed, and you may have a right to take legal action before the courts. If you are not satisfied, talk to your building work contractor. If you are still not satisfied, seek advice from a lawyer or the Office of Consumer and Business Affairs.

11—What about building indemnity insurance?

Your building work contractor must take out a policy of building indemnity insurance before work commences. The insurance protects you from some of the losses you may suffer if your building work contractor dies, disappears or becomes insolvent. Your building work contractor must provide you with a copy of the certificate of insurance. Keep it for your protection.

Important note—

From 1 September 2002, building work contractors have not been required to take out a policy of building indemnity insurance in respect of contracts for the construction of multi-storey residential buildings.

(A multi-storey residential building is a building that has a rise in storeys of more than 3 and contains 2 or more separate dwellings. A storey does not include a mezzanine or a space within a building if it is intended that the space contain only a lift shaft, stairway, meter room, laundry, bathroom, shower room, water closet, car park or combination of any of the above.)

12—Am I obliged to pay a deposit in advance of work done?

As a general rule, your building work contractor is entitled only to genuine progress payments for work done. Your building work contractor may ask you to pay in advance for money that has to be paid to a third party (eg: a council for planning approval, building indemnity insurance or to an engineer or surveyor for a report). Apart from money in advance for such fees, the law prohibits the taking of any deposit on a domestic building work contract in excess of \$1 000, or if the contract price is over \$20 000, 5% of the contract price. If in doubt, seek advice before making any payments.

13—When should I make a progress payment?

The law requires that your building work contractor make a written demand for a progress payment, so payment should not be made without such a demand. Progress payments should not be made in advance of the performance of the building work to which the demand relates. If you have borrowed money from a recognised lending institution, it is likely to make progress payments on your behalf.

14—What if I have a dispute with my building work contractor?

First, talk to your building work contractor. Many potentially serious disputes can be avoided by good communication between building owner and contractor. Your contract may have clauses relevant to dispute resolution which may assist both parties in resolving the dispute.

If that does not work, you may need independent advice. You may wish to seek legal advice, or the advice of the Office of Consumer and Business Affairs. Some disputes can be resolved by negotiation. Others can only be resolved by legal proceedings, whether before the courts or by private arbitration as provided in many building contracts.

Before commencing any legal action over building work, you should seek advice from a lawyer or from the Office of Consumer and Business Affairs.

15—Where should I go for advice?

First, talk to your building work contractor. If you want or need independent advice about your building work contract, talk to a lawyer or the Office of Consumer and Business Affairs. A list of lawyers appears in the telephone directory under the heading of "Solicitors".

Form 2—Building indemnity insurance certificate

Building Work Contractors Act 1995, section 34

Certificate No:

A policy of insurance that complies with Part 5 Division 3 of the *Building Work Contractors Act 1995* has been issued as follows:

Name of insurer:

Name of building owner:

Brief description of domestic building work:

Address or description of premises at which work to be carried out:

Name of building work contractor:

Licence number of building work contractor:

Signature of employee or agent of the insurer:

Schedule 4—Revocation of *Building Work Contractors Regulations 1996*

The *Building Work Contractors Regulations 1996* 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's Deputy

with the advice and consent of the Executive Council
on 18 August 2011

No 197 of 2011

11MCA0023CS

South Australia

Travel Agents Regulations 2011

under the *Travel Agents Act 1986*

Contents

1	Short title
2	Commencement
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Schedule 1—Fees

Schedule 2—Trust deed

Schedule 3—Revocation of *Travel Agents Regulations 1996*

1—Short title

These regulations may be cited as the *Travel Agents Regulations 2011*.

2—Commencement

These regulations will come into operation on 1 September 2011.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Travel Agents Act 1986*;

day trip means a round trip completed in 1 day by persons who have bought rights to travel in a vehicle.

4—Business of travel agent

For the purposes of section 4(1)(c) of the Act, the activity of making arrangements (such as arrangements for car hire or the provision of travellers cheques) as a normal incidental part of the business of—

- (a) selling or arranging to sell rights to travel; or
- (b) selling or arranging to sell rights to travel and accommodation,

is prescribed.

5—Exemptions

- (1) Section 7 of the Act does not apply to a person who carries on business as a travel agent only by reason of selling or arranging to sell—
- (a) rights to travel or accommodation within Australia if the total value of such rights sold by the person in the course of that business in a financial year does not exceed \$50 000; or
 - (b) rights to travel in a vehicle for the purposes of a day trip; or
 - (c) rights to travel in a vehicle used to provide a regular passenger service within the meaning of the *Passenger Transport Act 1994* (including a service excluded by regulation from the ambit of the definition of *regular passenger service* under that Act).

Note—

For the purposes of calculating the total value of rights to travel or accommodation within Australia sold by a person in a financial year, the value of rights sold—

- (a) to travel on a conveyance owned by the person; or
- (b) to accommodation at a place owned by the person; or
- (c) in the course of an activity that does not, by virtue of section 4(2) of the Act, constitute carrying on business as a travel agent,

is to be disregarded.

- (2) A person who is authorised by a licence to carry on business as a travel agent under a law of a reciprocating State or Territory is exempt from section 7 of the Act to the extent that the person—
- (a) advertises in South Australia, if the person states in the advertisement—
 - (i) the person's name; and
 - (ii) the number of the licence issued to the person under the law of the reciprocating State or Territory; and
 - (iii) the name of the reciprocating State or Territory in which the licence was issued; or
 - (b) provides information to prospective customers in connection with the person's business as a travel agent.
- (3) Subregulation (2) does not authorise the person to carry on business as a travel agent if—
- (a) the person is physically present in South Australia; or
 - (b) the person operates through another person who is physically present in South Australia.
- (4) In subregulation (2)—
- a reciprocating State or Territory*** means—
- (a) Australian Capital Territory;
 - (b) New South Wales;
 - (c) Queensland;
 - (d) Tasmania;

- (e) Victoria;
- (f) Western Australia.

6—Fees

- (1) The fees fixed by Schedule 1 are payable to the Commissioner for the purposes set out in that Schedule.
- (2) The Commissioner may waive, reduce or refund a fee (or part of a fee) payable under these regulations if satisfied that it is appropriate to do so in a particular case.

7—Annual fee and return

- (1) For the purposes of section 12(2) of the Act, a licensed travel agent must pay the fee and lodge the return on or before—
 - (a) the last day of the month in each year nominated in writing to the travel agent by the Commissioner; or
 - (b) 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 travel agent's licence was granted.
- (2) For the purposes of section 12(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 travel agent; or
 - (b) the name in which a licensed travel agent carries on business; or
 - (c) the address of the registered corporate office of a licensed travel agent that is a body corporate; or
 - (d) the address for service of a licensed travel agent,

the travel agent 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 travel agent must, within 14 days after ceasing to carry on business as a travel agent, give written notice to the Commissioner of that fact.

Maximum penalty: \$2 500.

Expiation fee: \$160.

- (3) If a person is appointed as a director of a body corporate that is a licensed travel agent, the travel agent 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

- (1) If the licence of a travel agent is surrendered, suspended or cancelled, the travel agent must, at the direction of the District Court or the Commissioner, return the licence to the Commissioner.

Maximum penalty: \$2 500.

Expiation fee: \$160.

- (2) If, on an application under section 7 of the Act, a licence has been issued to a travel agent but the fee payable in respect of the application has not been paid (whether because of the dishonouring of a cheque or otherwise), the travel agent must, at the direction of the Commissioner, return the licence to the Commissioner.

Maximum penalty: \$2 500.

Expiation fee: \$160.

- (3) The Commissioner may issue to a licensed travel agent a licence in replacement of a current licence if satisfied that—

- (a) the current licence has been lost, destroyed or damaged; or
- (b) any particulars appearing on the current licence are incorrect.

- (4) If the Commissioner issues to a licensed travel agent a replacement licence, the travel agent must, at the direction of the Commissioner, return the original (or previous duplicate) licence to the Commissioner.

Maximum penalty: \$2 500.

Expiation fee: \$160.

10—Trust deed

For the purposes of section 19(2) of the Act, the trust deed (as amended to 5 August 2011) is set out in Schedule 2.

11—Notice to be displayed

For the purposes of section 33 of the Act, the notice that must be maintained in a conspicuous position in each place from which a person carries on business as a travel agent must clearly show the licence number of the licensed travel agent.

12—Information to be contained in advertisements

For the purposes of section 34(2) of the Act, the licence number of a licensed travel agent must appear—

- (a) in any advertisement (other than an advertisement relating solely to the recruiting of staff) published in the course of the travel agent's business; and
- (b) in any letter, statement, invoice, cheque, receipt or other document issued in the course of the travel agent's business.

Schedule 1—Fees

1	Application fee for licence (section 8(1)(b) of the Act)	\$236.00
2	Licence fee—payable before the granting of a licence under Part 2 Division 1 of the Act—	
	(a) in the case of a natural person	\$363.00
	(b) in the case of a body corporate	\$865.00
	If the period between the grant of the licence and the next date for payment of a fee under section 12 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 12(2)(a) of the Act)—	
	(a) in the case of a natural person	\$363.00
	(b) in the case of a body corporate	\$865.00
	plus for each office from which the licensee carries on business up to a maximum of 10 offices	\$149.00
	If the period between a date for payment of a fee under section 12 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 12(3) of the Act)	\$149.00
5	Replacement fee for licence	\$22.90

Schedule 2—Trust deed

DEED OF TRUST

THIS DEED is made the **TWELFTH** day of **DECEMBER 1986**

by:

DEIRDRE MARY GRUSOVIN of 1 Oxford Street, Darlinghurst in the State of New South Wales (being the Minister for Consumer Affairs in that State) for the Crown in the right of that State,

PETER CORNELIS SPYKER of 500 Bourke Street, Melbourne in the State of Victoria (being the Minister for Consumer Affairs in that State) for the Crown in the right of that State,

CHRISTOPHER JOHN SUMNER of 25 Grenfell Street, Adelaide in the State of South Australia (being the Minister for Public and Consumer Affairs in that State) for the Crown in the right of that State,

KEITH JAMES WILSON of 600 Murray Street, West Perth in the State of Western Australia (being the Minister for Consumer Affairs in that State) for the Crown in the right of that State,

hereinafter referred to as "the settlors".

WHEREAS

- A. The Governments of the States of New South Wales, Victoria, South Australia and Western Australia have entered into a Participation Agreement dated the 19th day of September 1986 (hereinafter referred to as "the Participation Agreement") relating to the licensing of persons carrying on or intending to carry on business as travel agents and the regulation of their operations;
- B. Reference is made in the Participation Agreement to a compensation fund;
- C. The settlors are the Ministers of the Crown who will be respectively responsible for the Act in each State;
- D. The settlors by this Deed appoint the persons named in this Deed to act as Trustees of the trust to be created upon the terms set out in this Deed in respect of a fund to be known as the Travel Compensation Fund and to be responsible for administration of the Scheme provided for in this Deed with a view to the Fund becoming the fund referred to in the Participation Agreement:

NOW THIS DEED WITNESSES as follows—

- I. The settlors hereby declare that the Trust shall be established on the terms and conditions which are set out in the Schedule hereto and that this Deed includes that Schedule (as it may be amended from time to time).
- II. The settlors appoint the following persons to act as Trustees:
 - (i) as the nominee of the New South Wales Minister under clause 4.1, John William Andrew Holloway of 39 Carcoola Avenue, Chipping Norton in the State of New South Wales;
 - (ii) as the nominee of the Victorian Minister under clause 4.1, John David Hall of 70 Scott Street, Beaumaris in the State of Victoria;

- (iii) as the nominee of the South Australian Minister under clause 4.1, Philip Herschel Nicholls of 5 Robert Street, Unley in the State of South Australia;
- (iv) as the nominee of the Western Australian Minister under clause 4.1, Paul Richard Glanville of Unit 5, 286 Mill Point Road, South Perth in the State of Western Australia;
- (v) as the nominees of the Ministers under clause 4.1, Osmond Francis William Pitts of 18 Greenfield Avenue, Middle Cove in the State of New South Wales;
Allen Charles Corbett of 2 Singleton Road, North Balwyn in the State of Victoria;
Michael Anthony Gilmour Thompson of 103 Monmouth Street, North Perth in the State of Western Australia;
Francis William O'Gorman of 77 Rugby Street, Malvern in the State of South Australia; and
- (vi) as the nominee of the Ministers under clause 4.3, Neil Francis Francey of Unit 6, 59 Kirribilli Avenue, Kirribilli in the State of New South Wales.
- III. This Deed shall come into force and effect when it is executed by each of the settlors and when the persons appointed to act as Trustees under clause II have consented so to act.
- IV. As soon as this Deed comes into force and effect the settlors shall lodge with the Trustees the sum of one hundred dollars to be held by them on the trusts set out in this Deed.

IN WITNESS WHEREOF the settlors have executed this Deed on the date stated above.

<u>SIGNED, SEALED AND DELIVERED</u> by the said <u>DEIRDRE MARY GRUSOVIN</u> in the presence of: M ROELANDTS	}	DEIRDRE M GRUSOVIN
<u>SIGNED, SEALED AND DELIVERED</u> by the said <u>PETER CORNELIS SPYKER</u> in the presence of: P VAN DYK	}	PETER SPYKER
<u>SIGNED, SEALED AND DELIVERED</u> by the said <u>CHRISTOPHER JOHN SUMNER</u> in the presence of: ALAN MARTIN	}	C J SUMNER
<u>SIGNED, SEALED AND DELIVERED</u> By the said <u>KEITH JAMES WILSON</u> in the presence of: E RUSSELL	}	KEITH WILSON

SCHEDULE

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1 INTERPRETATION

- 1.1 In this Deed and in any document or statement issued under it, unless a different meaning is indicated—

"Act" means—

- (a) the *Agents Act 2003* in force in the Australian Capital Territory; and
- (b) the Travel Agents Act in force in any other State;

"AFTA" means the Australian Federation of Travel Agents Limited;

"Acting Chief Executive Officer" means the person employed or appointed as such under clause 4A.1(c)(ii);

"agency" means the government body administering the Act;

"Appeal Committee" means the committee established under clause 22;

"bank" means a bank—

- (a) as defined in the *Banking Act 1959* of the Commonwealth of Australia; or
- (b) that carries on banking business on behalf of a State under the authority of the laws of that State;

"Board" means the Board of Trustees referred to in clause 4;

"Chief Executive Officer" means the person employed as such under clause 4A.1(c);

"claim" means a claim for compensation made under clause 16;

"client account" means an account that only holds money received in advance in respect of travel arrangements or travel-related arrangements;

"compensation" means any compensation payable pursuant to this Deed to a person;

"contribution" means any contribution determined by the Board under clause 6;

"direct pecuniary loss" means the loss of the money actually paid by a person by whatever means to a travel agent;

"Failure to account" includes a failure:

- (a) to arrange or procure the services that are the subject of the travel arrangements or travel-related arrangements other than where the failure to arrange or procure the services is due to the insolvency or other collapse of an operator, apart from an operator referred to in clause 1.2; and
- (b) to provide a refund for money or other valuable consideration paid by the person in respect of the services not arranged or procured;

"fee" means a fee determined by the Board under clause 6;

"Fund" means the Travel Compensation Fund referred to in clause 5;

"levy" means a levy determined by the Board under clause 6;

"licensing authority" means the person or body in a State responsible for licensing travel agents under the Act;

"loss" means any direct pecuniary loss or other loss;

"management" includes direction, conduct and control;

"Management Committee" means the committee established under clause 20;

"member" means—

- (a) a member of a committee; or
- (b) a member of a Management Committee;

"Minister" means the Minister of the Crown in a State responsible for the Act;

"Ministerial Council" means the Ministerial Council established under the Participation Agreement;

"money" means the lawful currency of any Country, State or Nation which such Country, State or Nation uses as its medium of exchange and a measure of value;

"notice" includes a notification;

"operator" means a person who operates—

- (a) any transport system or transport facility; or
- (b) any hotel, lodging house or other place of accommodation; or
- (c) any restaurant or other eating or drinking place; or
- (d) any place of entertainment, leisure or study; or
- (e) any other facility or place in respect of which any travel arrangement or travel-related arrangement is made;

"other loss" means the loss of valuable consideration (including money) incurred by a claimant compensable under this Deed;

"participant" means a person who is—

- (a) accepted as a participant of the Fund under clause 10; or
- (b) declared to be a participant of the Fund under clause 11;

"Participation Agreement" means the Agreement made on 19 September 1986 between certain States to establish the scheme;

"person" includes a body corporate, firm, partnership or other body;

"scheme" means the co-operative scheme referred to in the Participation Agreement;

"Standing Committee" means the Standing Committee of Officials of Consumer Affairs;

"State" means a State or Territory that participates in the scheme;

"travel agent" means

- (a) other than in clause 15.9, a person who carries on business as a travel agent in a State within the meaning of the Act of that State;
- (b) in clause 15.9, any person who carries on business as a travel agent whether or not in a State and whether in Australia or elsewhere;

"travel arrangement" means any arrangement entered into in a State with a travel agent for the provision of services which in that State constitutes the carrying on of business as a travel agent in that State;

"travel-related arrangement" means—

- (a) any arrangement relating to—
 - (i) hotel and airport transfers; or
 - (ii) accommodation and meals; or
 - (iii) car hire; or
 - (iv) theatre and entertainment tickets; or
 - (v) travellers cheques drawn against someone other than the person providing them; and
- (b) any other arrangement that in the opinion of the Board is normally incidental to travel arrangements;

"Trust" means the Trust established under clause 2;

"Trustee" means a person appointed as a Trustee under clause 4;

"year" means the period from 1 January to the next succeeding 31 December.

- 1.2 A person who enters into a contract to provide services of which some are travel arrangements or travel-related arrangements and others are provided by the person as an operator is not an operator for the purpose of this Deed in respect of any of the services referred to in that contract.
- 1.3 Any parts of speech or grammatical forms of a word or expression defined in this Deed have corresponding meanings.
- 1.4 Words in the singular include the plural and words in the plural include the singular.
- 1.5 A reference to—
 - (a) Parts and clauses is a reference to Parts and clauses, including subclauses and paragraphs, of this Schedule; and
 - (b) the Schedule is a reference to the Schedule to this Deed.
- 1.6 A reference to a statute is a reference to—
 - (a) the statute as amended, consolidated or replaced by any other statute; and
 - (b) any orders, ordinances, regulations, rules and by-laws made under the statute.
- 1.7 A heading does not affect the interpretation of this Deed.

2 TITLE AND OBJECTS OF THE TRUST

- 2.1 The trust established by this Deed shall be known as the Travel Compensation Fund.
- 2.2 The object of the Trust is to provide a trust fund on the terms hereof for the benefit of—
 - (a) the Crown in the right of a State; and
 - (b) any person who pays money or other valuable consideration to a travel agent in respect of any travel arrangement or travel-related arrangement if—
 - (i) the travel agent fails to account for that money or consideration; or
 - (ii) the travel agent passes all or part of that money or consideration to another travel agent who fails to account for that money or consideration in the capacity as a travel agent; or
 - (iii) it appears likely that the travel agent or other travel agent will fail to account for that money or consideration as set out in clause 2.2(b)(i) or (ii).

3 PURPOSES OF TRUST

- 3.1 The purposes of the Trust are—
 - (a) to provide compensation to certain people who deal with travel agents; and
 - (b) to provide for the operation of the Fund; and
 - (c) to ensure that only persons who have sufficient financial resources to enable them to carry on business as a travel agent are participants of the Fund.

4 TRUSTEES

- 4.1 The Trust is to be operated by a Board of Trustees consisting of 9 Trustees appointed by the Ministerial Council of whom—
 - (a) one is the chairperson; and
 - (b) 2 are persons who have knowledge of the interests of travel consumers; and

- (c) 2 are persons who have knowledge and experience of the travel industry; and
 - (d) one is another person who has knowledge and experience of the travel industry; and
 - (e) 3 are persons representing the Ministerial Council.
- 4.2 The Trustees are to be appointed by the Ministerial Council in the following manner:
- (a) the appointment of chairperson is to be made from applications submitted as a result of public advertisement of the position;
 - (b) the appointments of the 2 persons referred to in clause 4.1(b) are to be made from—
 - (i) applications submitted as a result of public advertisement of the positions; and
 - (ii) nominations made by the Australian Consumers Association and the Consumers Federation of Australia;
 - (c) the appointments of the 2 persons referred to in clause 4.1(c) are to be made from at least 4 nominations made by AFTA from its members;
 - (d) the appointment of the person referred to in clause 4.1(d) is to be made from nominations made by the Australian Tourism Export Council Limited.
 - (e) the appointments of the 3 persons referred to in clause 4.1(e) are to be made—
 - (i) in respect of the first person, of a representative of the agency of New South Wales or Victoria on a rotating basis; and
 - (ii) in respect of the second person, of a representative of the agency of Queensland or Western Australia on a rotating basis; and
 - (iii) in respect of the third person, a representative of the agency of South Australia, Tasmania or the Australian Capital Territory on a rotating basis.
- 4.3 Nominations for the appointments of Trustees are to be—
- (a) made by the closing date as fixed by the Ministerial Council; and
 - (b) lodged with the Standing Committee.
- 4.4 The Standing Committee is to—
- (a) consider all nominations; and
 - (b) submit to the Ministerial Council a list of suitable persons from those nominations within 4 weeks after the closing date.
- 4.5 The Ministerial Council may reject any nomination and call for further nominations.
- 4.6 The Ministerial Council is to ensure that as far as practicable membership of the Board represents all the States.

- 4.7 The term of office of a Trustee is—
- (a) a period not exceeding 3 years from the date of the appointment as specified in the instrument of appointment for a Trustee appointed under clause 4.2(a), (b), (c) or (d); and
 - (b) a period not exceeding 2 years from the date of the appointment as specified in the instrument of appointment for a Trustee appointed under clause 4.2(e).
- 4.8 A Trustee is eligible for re-appointment.
- 4.9 A Trustee—
- (a) may resign by notice in writing to the Board; and
 - (b) is taken to have resigned if absent without leave from 3 consecutive meetings of the Board.
- 4.10 The Ministerial Council may remove a Trustee from office if the Trustee—
- (a) becomes bankrupt or makes any arrangement or composition with the Trustee's creditors generally; or
 - (b) becomes of unsound mind or the Trustee's estate is liable to be dealt with in any way under the law relating to mental health that applies in the State where the Trustee resides; or
 - (c) is subject to any penalty in the Act or any Act relating to trustees; or
 - (d) being a participant, is found by the Board not to be eligible to remain a participant; or
 - (e) is an officer of a body corporate participant that is found by the Board not to be eligible to remain a participant; or
 - (f) is convicted, or proven guilty, of a criminal offence punishable on conviction by imprisonment for 2 years or more; or
 - (g) is for any other reason not fit to continue to be a Trustee.
- 4.11 The Ministerial Council may appoint a person to replace a Trustee if the Trustee resigns or is removed before the Trustee's term of office expires—
- (a) from any nominations previously made in respect of that office; or
 - (b) in any other manner it considers appropriate.
- 4.12 The Ministerial Council may extend the term of office of a Trustee for a period not exceeding 3 years.
- 4.13 Where the term of office of a Trustee has ceased other than by operation of clause 4.9 or clause 4.10, and the Ministerial Council has not made an appointment under clause 4.2 or clause 4.11 in respect of the office of the Trustee, or extended the term of office of the Trustee under clause 4.12, the Board may extend the term of office of the Trustee for a period not exceeding 6 months, but the appointment shall cease upon the Ministerial Council making an appointment or extending the term of office under clause 4.2, clause 4.11 or clause 4.12.
- 4.14 A Trustee appointed under clause 4.2(e)(iii) and (iv) representing an agency in a State must consult at regular intervals with a representative of the other agency or agencies referred to in the relevant subparagraph of that clause.

4A GENERAL POWERS AND DUTIES OF BOARD

4A.1 The Board has the following duties:

- (a) to pay out of the Fund any claim admitted under clause 16.7;
- (b) to pay out of the Fund any costs, charges and expenses incurred in—
 - (i) managing the Trust; or
 - (ii) exercising any of its powers; or
 - (iii) carrying out the purposes of the Trust; or
 - (iv) terminating the Trust; or
 - (v) paying the legal costs of the Board or a Trustee reasonably incurred in carrying out duties and exercising powers under this Deed;
- (c) —
 - (i) to employ a person as a Chief Executive Officer to manage the administration of the Fund; or
 - (ii) to employ or appoint a person as an Acting Chief Executive Officer to manage the administration of the Fund;
- (d) to give receipts and discharges for money received by or on behalf of the Board or otherwise relating to any matter provided for in this Deed;
- (e) to pay a Trustee the expenses, fees and allowances to which the Trustee is entitled;
- (f) to pay the expenses or costs, not otherwise provided for in this Deed that the Board determines to be reasonable;
- (g) to advise the Ministerial Council on any matter arising from its powers and duties that may affect any policy matter relating to the scheme;
- (h) to publish information concerning the operations of the Trust.

4A.2 The Board has the following powers:

- (a) to draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange and other negotiable or transferable instruments;
- (b) for the purpose of conducting the affairs of the Trust, to raise money and secure over the whole or any part of the Fund the payment of money to any person, firm, association, body or bank in any manner or on any terms the Board thinks fit;
- (c) to insure or re-insure the Board and all past and present Trustees against any claims made upon or against them under this Deed and to settle the terms of the insurance and to pay from the Fund the premiums and charges for that insurance;
- (d) to give a guarantee or indemnity for the payment of money or the performance of a contract, obligation or undertaking by a person, firm or association, and to give any security over the assets of the Fund for the guarantee or indemnity;
- (e) to deal with any real or personal property or any interest in it;
- (f) to execute and release mortgages;
- (g) to open and operate upon any account with any bank or other financial institution;
- (h) to take any action the Board considers necessary—
 - (i) to adequately protect the Fund; or

- (ii) to recover a debt owing to it; or
 - (iii) to release or compound that debt, or to give time for the payment of that debt;
 - (i) to appear in any appeal brought against a decision made by the Board;
 - (j) to institute or defend legal proceedings in the name of the Trust;
 - (k) to make arrangements and enter into contracts to underwrite any part of the liabilities of the Trust;
 - (l) to deposit securities included in the Fund with a bank;
 - (m) to appoint actuaries, accountants, solicitors, barristers and other professional advisers to represent, advise and act on behalf of the Board;
 - (n) to employ any persons to assist in the administration of the Fund or anything required or permitted to be done by the Board;
 - (o) to do anything incidental to the performance of its functions.
- 4A.3 The Board, in exercising any power or performing any duty, must take into account any relevant decision of the Ministerial Council.
- 4A.4 The Board may delegate—
- (a) subject to clause 20.2, powers and duties relating to the administration of the Fund to the Management Committee; and
 - (b) powers and duties relating to the administration of the Fund to the Chief Executive Officer or the Acting Chief Executive Officer other than the powers and duties under clauses 4A.1(c)(i), 4A.2(b), 4A.2(d), 4A.4, 15.3, 20, 21, 25, 27, 29 and 30.1.
- 4A.5 A Trustee is not liable to a participant or any other person bound by this Deed for—
- (a) any losses incurred in performing any duty or exercising any power as a Trustee other than those arising from the Trustee's own wilful neglect or default; or
 - (b) the acts or defaults of any other Trustee; or
 - (c) an act done in good faith and in conformity with the decisions of the Board.
- 4A.6 The Board is not liable for the neglect or default of any actuary, accountant, auditor, legal practitioner, banker or other agent employed or appointed in good faith by the Board.
- 4A.7 A Trustee—
- (a) is to be indemnified against any liability incurred in execution of the duties of the Trustee, other than if it arises from the Trustee's wilful neglect or default; and
 - (b) has a lien on the Fund for that indemnity.

5 THE FUND

- 5.1 There shall be established a fund called the Travel Compensation Fund which shall be held and applied by the Trustees for the purposes of this Trust.
- 5.2 The Fund consists of the following:
- (a) any money or property transferred to, acquired, received or held by the Board for the purposes of the Trust;
 - (b) any contributions, fees, levies and penalties;
 - (c) any investments in the name of the Trust;

- (d) any income earned on money invested by the Board;
- (e) any money paid by an insurer under a contract of insurance or indemnity entered into by the Board;
- (f) any money recovered by the Board under this Deed or by some other action lawfully taken by it;
- (g) any other money lawfully paid into the Fund.

5.3 The Board may cause the books of account of the Fund to show separately money and property received and held for the purposes of meeting claims and administrative expenses of the Fund.

5.4 The Board is not prevented from transferring funds or property between separate accounts if it considers it to be appropriate.

6 CONTRIBUTIONS, FEES, LEVIES AND PENALTIES

6.1 The Board is to determine the amount, method of calculation and manner of collection of all contributions, fees, levies and penalties payable to the Fund by participants and any other persons applying to be participants of the Fund.

6.2 The Board may fix any or all of the following:

- (a) an initial contribution payable upon application;
- (b) an additional contribution or special levy if it is of the opinion that the Fund is insufficient to meet the existing or potential liabilities of the Trust;
- (c) an application fee;
- (d) an administration fee;
- (e) an annual renewal fee;
- (f) an additional fee or late filing fee or penalty fee for any participant who fails to meet obligations under this Deed;
- (g) an additional fee, contribution or special levy for each location at which a participant carries on business as a travel agent in addition to the participant's first location.

6.3 The Board may waive or refund in part or whole any contribution, fee, levy or penalty if it considers the circumstances justify it.

7 INVESTMENT OF MONEY

7.1 The Board is to pay any money received by it into any account kept by it.

7.2 The Board is to invest any of the Fund that is not required for the immediate purposes of the Trust in any one or more of the following:

- (a) bank-accepted bills and interest-bearing deposits with banks;
- (b) bonds or securities issued or guaranteed by a State Government or the Commonwealth Government;
- (c) units in cash trusts or other negotiable investment forms that—
 - (i) are guaranteed by, or have full recourse to, a bank; or
 - (ii) consist solely of investments guaranteed by a bank or investments specified in clause 7.2(a) and (b);

- (d) any other investments which trustees may lawfully make in the State where the investment is made.

7.3 The Board may realise investments at any time.

7.4 Any document relating to the operation of any account or investment is to be signed in the manner the Board directs.

7.5 The Board may authorise any person to make deposits to any account kept by it.

8 APPLICATION FOR ELIGIBILITY AS PARTICIPANT

8.1 A person who intends to operate as a travel agent may apply in writing to the Board for a determination that the person is eligible to be a participant of the Fund.

8.2 An application is to be—

- (a) in a form specified by the Board; and
- (b) accompanied by the relevant contribution and application and administration fees.

8.3 The Board may require a person to supply any further information it reasonably requires to enable it to determine whether the person is eligible to be a participant.

8.4 If a person fails to comply with a requirement by the Board to supply further information within 3 months after the requirement is made, the application lapses.

8.5 If a person, in making an application or providing information, makes a statement that is false or misleading, the Board may require the person to show just cause why it should not determine that the person is not eligible to be a participant.

9 ELIGIBILITY CRITERIA AS PARTICIPANT

9.1 A person is eligible to be a participant if the Board considers that the person has, and is likely to continue to have, sufficient financial resources to enable the person to carry on business as a travel agent and enter into travel arrangements and travel-related arrangements.

9.2 In determining whether a person is eligible to be a participant, the Board may take into account whether the person, an employee of that person or, if the person is a body corporate, an officer of that body corporate—

- (a) has experience in the management of the financial affairs of a business; and
- (b) has been involved in the management of a failed travel agency; and
- (c) has been involved in the management of a travel agency in respect of which a claim has been made under this Deed; and
- (d) is or has been a travel agent in respect of whom a claim has been made under this Deed; and
- (e) has previously failed to meet a criterion in guidelines issued under clause 9.4; and
- (f) has been involved in the management of another business; and
- (g) has previously applied to be a participant.

9.3 In determining a matter under clause 9.1 or 9.2, the Board may take into account the financial resources of any legal entity with which a person or an employee of the person is or has been associated.

9.4 The Board is to develop and publish from time to time guidelines as to the criteria it may use to determine whether a person is eligible to be a participant.

- 9.5 In developing the guidelines, the Board is to have regard to the risk of potential claims involved in particular types of operations carried out in the business of a travel agent.
- 9.6 If the Board is not satisfied that a person is eligible to be a participant, it may require the person to comply with any one or more of the following conditions in order to be satisfied that the person is eligible as a participant:
- (a) that the person maintain and operate the business as a travel agent in a manner specified by the Board;
 - (b) that the person—
 - (i) maintain a trust account or client account in respect of any money received in the course of that business; or
 - (ii) increase the capital of that business; or
 - (iii) reduce the debt of that business; or
 - (iv) provide in favour of the Board any security it requires in any form it determines; or
 - (v) pay any costs incurred in connection with providing or releasing that security;
 - (c) that the business be guaranteed or insured in a manner, or by a person or class of person, specified by the Board;
 - (d) that the person maintain and operate books of account and other accounting records of the business in a manner specified by the Board;
 - (e) that a report be obtained at the expense of the person from a duly qualified auditor or accountant nominated by the Board—
 - (i) stating that the accounting records of the business give a true and fair view of the financial position of the business; or
 - (ii) providing any other information the Board requires to determine whether the person has sufficient financial resources to carry on the business;
 - (f) that the person provide full disclosure of the identity of any other person involved in the business.
- 9.7 The Board may—
- (a) determine a reasonable date or period of time for compliance with any condition referred to in clause 9.6; and
 - (b) authorise payment of the cost of obtaining any report under clause 9.6(e) from the Fund if it considers it appropriate to do so.

10 ACCEPTANCE AS PARTICIPANT

- 10.1 If the Board determines that an applicant is eligible to be a participant, the Board, on payment of the initial contribution and relevant fees, must—
- (a) accept that applicant as a participant; and
 - (b) notify the relevant licensing authority that the person is a participant.
- 10.2 If the Board determines that an applicant is not eligible to be a participant, it must—
- (a) refuse the application; and
 - (b) give notice to the relevant licensing authority and the applicant of—

- (i) the refusal; and
- (ii) the matters taken into account in making the determination.

11 DECLARED PARTICIPANT

- 11.1 The Board is to declare that a person is a participant without determining the person's eligibility if the person—
- (a) is exempt from the requirement to hold a licence under section 3(2) of the Act in New South Wales or the equivalent provision in an Act of another State; and
 - (b) gives written notice to the Board of the wish to be a participant; and
 - (c) pays any relevant contribution.
- 11.2 The Board must declare that a person is no longer a participant under this clause if the person—
- (a) ceases to be exempt from the requirement to hold a licence under the Act; or
 - (b) fails to pay a contribution when it is due; or
 - (c) gives notice to the Board that the person wishes to cease to be a participant.
- 11.3 A person who is a participant under this clause is not required to comply with any other provision of this Deed.

12 INFORMATION BY PARTICIPANT

- 12.1 A participant must provide the Board, on or before a date fixed by the Board, with any information the Board reasonably requires about the participant's financial resources.
- 12.2 The Board may vary the date on which a participant is required to provide the information.
- 12.3 If a participant, in providing information, makes a statement that is false or misleading, the Board may require the participant to show cause why it should not determine that the participant is no longer eligible to be a participant.
- 12.4 A participant must notify the Board of any of the following relevant changes within 14 days after they occur:
- (a) any changes in the structure of the ownership or management of the participant's business;
 - (b) any changes in the statutory officers of the participant's business;
 - (c) any changes in the place of business of the participant's business;
 - (d) if the participant has become a member, or ceased to be a member, of any franchised group of travel agents, or a group of travel agents trading under a common or substantially common trading name;
 - (e) if the participant has become, or ceased to be, a travel agent accredited by the International Air Transport Association.
- 12.5 A participant must notify the Board of any of the following events within 14 days after they occur—
- (a) the participant, or where the participant is a partnership or a body corporate, any partner or statutory officer of the participant, becomes bankrupt or makes any arrangement or composition with creditors;

- (b) the winding up, receivership or administration of, or execution of a deed of administration in respect of, the participant or, where the participant is a partnership in which a partner is a body corporate, the winding up, receivership or administration of, or execution of a deed of administration, in respect of that body corporate;
- (c) a court or tribunal, or an authority of the Commonwealth, or of a State, has ordered:
 - (i) that the participant, or where the participant is a partnership or a body corporate, any partner or statutory officer of the participant;
 - (ii) that a manager employed by the participant in the participant's business; or
 - (iii) where the participant is a partnership in which a partner is a body corporate, that a statutory officer or manager of that body corporate;is not to hold office in or manage the affairs of a body corporate either indefinitely or for a specified period.

12A REMAINING ELIGIBLE AS PARTICIPANT

12A.1 The Board may at any time determine whether a person remains eligible to be a participant.

12A.2 In order to determine whether a person remains eligible to be a participant, the Board may require the person to—

- (a) comply with any one or more of the conditions specified in clause 9.6; and
- (b) provide any information it reasonably considers necessary for that purpose; and
- (c) allow an employee or agent of the Board to examine, make or print copies of, or take extracts from, any books, documents or records relating to the person's business; and
- (d) give any assistance reasonably necessary for that purpose.

12A.3 The Board is to certify to the relevant licensing authority that a person remains eligible to be a participant if—

- (a) the Board so determines; and
- (b) the person pays any relevant contribution, fee, levy and penalty.

12A.4 If the Board determines that a person is no longer eligible to remain a participant, it is to give notice as soon as practicable to the relevant licensing authority and to the person—

- (a) of the determination; and
- (b) of the matters taken into account in making it.

12B CEASING TO BE PARTICIPANT

12B.1 A participant must pay the annual renewal fee on or before the date fixed by the Board.

12B.2 If a participant fails to pay any contribution, fee, levy or penalty within 2 months of the due date or any further period the Board may allow, the Board may determine that the participant ceases to be a participant.

12B.3 If a participant fails to provide information required under clause 12 within 3 months or any other period the Board allows, the Board may determine that the participant ceases to be a participant.

12B.4 If the Board determines under clause 12A that a person is no longer eligible to remain a participant, the person ceases to be a participant as at the date of that determination.

12B.5 The Board may determine that a participant ceases to be a participant if—

- (a) the participant has not shown cause when required to do so under clause 12.3; or
- (b) it appears to the Board that the participant—
 - (i) has abandoned any premises from which the business of that participant is conducted; or
 - (ii) has ceased to carry on that business; or
- (c) any claims have been or, in the opinion of the Board, are likely to be made in respect of the business conducted by the participant.

12B.6 The Board may take into safe custody any books, records, property, client files, ticket stocks and other material a participant referred to in clause 12B.5(b) and (c) uses or has used in the business as a travel agent.

12B.7 A participant ceases to be a participant when the participant's licence under the Act is surrendered, revoked or cancelled.

12C REINSTATEMENT AS PARTICIPANT

12C.1 The Board, on the written application of a person who ceased to be a participant, may reinstate that person as a participant.

12C.2 Before reinstating a person as a participant, the Board may require the person—

- (a) to pay part or all of the relevant application and administration fees and any relevant fee, levy, contribution or penalty; and
- (b) to provide the Board with any information that it reasonably requires about the person's financial resources.

12C.3 The Board is to notify the relevant licensing authority and the person of the reinstatement of the person as a participant.

12C.4 The Board is not to reinstate a person as a participant if the person has ceased to be a participant for a period exceeding 2 months.

13 HEARINGS AND APPEALS

13.1 Before the Trustees—

- (a) determine that an applicant is not eligible to be a contributor to the Fund under clause 9.8;
- (b) determine under clause 11.5 that a participant is no longer eligible to be a contributor to the Fund; or
- (c) pursuant to clause 12.2, make their determination that an applicant or participant is eligible to be a contributor to the Fund conditional on any conduct—

they shall allow the applicant or participant a reasonable opportunity to be heard.

13.2 Notwithstanding any other provision of this Deed, where the Trustees make any determination or take any action referred to in paragraphs (a) to (c) of clause 13.1, and where an Act creates in or confers on the person a right so to do, a person who was the applicant or participant may—

- (a) if the person was an applicant or participant in New South Wales, appeal to the Administrative Decisions Tribunal of that State;

- (b) if the person was an applicant or participant in Victoria, apply for a review of the decision to the Victorian Civil and Administrative Tribunal;
- (c) if the person was an applicant or participant in South Australia, appeal to the Administrative and Disciplinary Division of the District Court of that State;
- (d) if the person was an applicant or participant in Western Australia, appeal to the State Administrative Tribunal of that State;
- (e) if the person was an applicant or participant in Tasmania, appeal to a magistrate of that State;
- (f) if the person was an applicant or participant in Queensland, appeal to the Queensland Civil and Administrative Tribunal;
- (g) if the person was an applicant or participant in the Australian Capital Territory, appeal to the Australian Capital Territory Consumer and Trader Tribunal.

13.3 The Trustees shall give effect forthwith to a decision of a court or tribunal referred to in clause 13.2, notwithstanding that an appeal or application to another court or tribunal named in that clause remains to be determined.

14 REGISTER OF PARTICIPANTS

14.1 The Board is to keep a register of participants that includes—

- (a) the names and addresses of each participant; and
- (b) any variation or change in the name or business name of a participant that is approved and notified by the relevant licensing authority; and
- (c) any other details the Board considers necessary.

14.2 A participant must notify the Board within 14 days of any variation or change—

- (a) in the name or business name of that participant; or
- (b) in the address of the place at which business as a travel agent is carried out.

14.3 Any person may inspect the register on payment of a fee determined by the Board.

15 PAYMENT OF COMPENSATION

15.1 The Board must pay compensation out of the Fund in accordance with the terms of the Deed to a person who—

- (a) enters into travel arrangements or travel-related arrangements directly or indirectly with a participant; and
- (b) has suffered or may suffer direct pecuniary loss arising from a failure to account by the participant and the failure to account arises from an act or omission by the participant or an employee or agent of the participant; and
- (c) is not protected against the direct pecuniary loss by a policy of insurance.

15.1A The Board must not pay compensation under clause 15.1 in excess of \$25,000 to any person in respect of any failure to account by a participant.

15.2 The Board may pay compensation out of the Fund in accordance with the terms of the Deed to—

- (a) a person referred to in clause 15.1 in relation to other loss arising from a failure to account as referred to in that clause; or

- (b) a person who has suffered any loss arising from a failure to account in relation to any travel arrangement or travel-related arrangement and the failure to account arises from an act or omission by another person who is not a participant, or an employee or agent of that other person; or
 - (c) a person referred to in clause 15.1 in respect of any direct pecuniary loss suffered by that person which exceeds \$25,000.
 - (d) a person other than a person referred to in clause 15.5 who suffers a loss in respect of travel arrangements or travel-related arrangements that are not within Australia.
- 15.2A Where compensation paid to any person under clause 15.1 or clause 15.2 remains unclaimed for a period of 2 years from the day it is paid then that person ceases to be entitled to and forfeits that compensation.
- 15.3 The Board may develop and publish guidelines that apply to the payment of compensation arising under clause 15.2, including emergency compensation under clause 18.
- 15.4 The Board must not pay compensation to a person in respect of loss referred to in this clause that arises before the commencement of the Act in the appropriate State.
- 15.5 Compensation payable under this clause is payable to a person—
- (a) who is a resident of Australia in respect of any travel arrangements or travel-related arrangements, or
 - (b) who is actually present in Australia at the time when the person enters into any travel arrangements or travel-related arrangements and who suffers a loss; or
 - (c) who is not a person referred to in (a) or (b) but some part of the travel arrangements or travel-related arrangements is within Australia.
- 15.6 A travel agent or an operator who carries on or carried on a business comprising or including the provision of travel arrangements or travel-related arrangements may be paid compensation under this clause only if the travel agent or operator is exercising the right of a person to claim or receive compensation out of the Fund that has been assigned to the travel agent or operator.
- 15.7 The Board may pay compensation under this clause to a person in consideration of, or subject to, the assignment to the Board of the person's right and entitlement against another person.
- 15.8 Notwithstanding any other provision of this Deed the Board may in its absolute discretion determine to pay compensation in part only or in instalments or both and any part payment may be determined by the Board to be in full satisfaction of its obligations to pay compensation in respect of any claim.
- 15.9 The Board may decline to pay compensation under clause 15.1 or 15.2 to a travel agent.

16 CLAIMS FOR COMPENSATION

- 16.1 A person is not entitled to compensation from the Fund unless the person makes a claim under this clause—
- (a) in the case of a claim for compensation under clause 15.1, 15.2(a) or 15.2(c) in respect of a participant whose participation has ceased, within 12 months after such participation ceased; and
 - (b) in every other case, within 12 months after the failure to account for money or other valuable consideration to which the claim relates.

- 16.2 The Board may accept a claim made later than 12 months if it considers it appropriate to do so.
- 16.3 A claim for compensation is to be made in a form specified by the Board.
- 16.4 The Board, if it is reasonably necessary to do so, may require that a person provide—
- (a) additional information relating to the claim; and
 - (b) copies of any document in the possession or under the control of the person that relate to the claim.
- 16.5 The Board may require that—
- (a) information be provided by statutory declaration or in any other manner; and
 - (b) copies of documents be verified in a particular manner.
- 16.6 The Board is not liable to make any payment for compensation to a person who has not complied with a requirement under clause 16.4 or 16.5.
- 16.7 The Board may decide—
- (a) to admit a claim in whole or in part; or
 - (b) to reject a claim.
- 16.8 Within 14 days of making a decision under clause 16.7, the Board is to notify in writing its decision to the person who made the claim of—
- (a) its decision; and
 - (b) the right of appeal under clause 19.

17 AMOUNT OF COMPENSATION

- 17.1 The Board must—
- (a) determine the amount of compensation payable to a person under clause 15.1; and
 - (b) determine the amount of compensation payable to a person under clause 15.2.
- 17.2 The amount of compensation is not to exceed the pecuniary loss suffered, except insofar as the payment is made by way of emergency compensation under clause 18.

18 EMERGENCY COMPENSATION

- 18.1 If a participant or former participant or other travel agent fails to meet, or, in the opinion of the Board, is unlikely to meet, an obligation to a person, the Board may pay out of the Fund the amount it determines is necessary to meet in whole or in part the emergency requirements of the person arising from the failure.
- 18.2 The Board must attempt to ensure that it does not make a payment prohibited by clause 15.
- 18.3 The Board is not liable for anything done in good faith under this clause, and likewise the Management Committee is not liable for anything done in good faith under this clause.

19 APPEALS

- 19.1 A person may appeal against a decision of the Board under clause 16.7 that relates to any compensation referred to in clause 15.1—
- (a) if the person resides in Queensland or the matter to which the appeal relates is alleged to have taken place in Queensland, to the Queensland Civil and Administrative Tribunal;

- (c) if the person resides in South Australia or the matter to which the appeal relates is alleged to have taken place in South Australia, to a judge of the District Court at Adelaide in that State; or
 - (c) if the person resides in Western Australia or the matter to which the appeal relates is alleged to have taken place in Western Australia, to a judge of the District Court at Perth in that State; or
 - (d) if the person resides in New South Wales or the matter to which the appeal relates is alleged to have taken place in New South Wales, to the Consumer, Trader and Tenancy Tribunal of New South Wales; or
 - (e) if the person resides in Victoria or the matter to which the appeal relates is alleged to have taken place in Victorian, to the Victorian Civil and Administrative Tribunal; or
 - (f) if the person resides in the Australian Capital Territory or the matter to which the appeal relates is alleged to have taken place in the Australian Capital Territory, to the Australian Capital Territory Consumer and Trader Tribunal; or
 - (g) if the person resides in Tasmania or the matter to which the appeal relates is alleged to have taken place in Tasmania, to the Appeal Committee in Tasmania.
- 19.2 An appeal is to be instituted within 1 month after receiving notice of the decision of the Board.
- 19.3 An appeal by a person referred to in clause 19.1(a), (b), or (c) is to be heard under the relevant Act as if it were an appeal relating to a refusal of participation in the compensation scheme under that Act.
- 19.4 An appeal by a person referred to in clause 19.1(g) is to be heard by the relevant Appeal Committee as a new hearing.
- 19.5 In the hearing and the determining of an appeal—
- (a) an Appeal Committee has the powers of the Board specified in clause 16; and
 - (b) an Appeal Committee may determine its own rules and procedures; and
 - (c) the decision of an Appeal Committee may be by majority; and
 - (d) all questions of law are to be determined by the chairperson of an Appeal Committee.

20 MANAGEMENT COMMITTEE

- 20.1 The Board may establish a Management Committee to assist it in the administration of the Fund consisting of—
- (a) the chairperson of the Board who is to be the chairperson of the Management Committee; and
 - (b) the Chief Executive Officer or the Acting Chief Executive Officer; and
 - (c) at least 2 Trustees.
- 20.2 The Board may delegate to the Management Committee any of its powers and duties under this Deed other than those under clauses 4A.1(c)(i), 4A.2(b), 4A.2(d), 4A.4, 20, 21.1, 21.4, 25, 27, 29 and 30.1.
- 20.3 A member of the Management Committee is not liable for any action in respect of performing any duty or exercising any power in good faith as such a member.

21 COMMITTEES

- 21.1 The Board may establish committees to assist it in its powers and duties consisting of at least 3 Trustees each.
- 21.2 The Board may vary the membership of a committee from time to time.
- 21.3 The Board may nominate one or more Trustee to act in the absence of a Trustee appointed to a committee.
- 21.4 The Board, by instrument in writing, may delegate to a committee any of its powers and duties under this Deed other than those under clauses 4A.1(c)(i), 4A.2(b), 4A.2(d), 4A.4, 20, 21.1, 21.4, 25, 27, 29 and 30.1.
- 21.5 A committee must exercise any delegated powers in accordance with any directions and subject to any conditions the Board specifies and a power so exercised is taken to be exercised by the Board.
- 21.6 A committee is to appoint one of its members who is a Trustee as chairperson of that committee.
- 21.7 A member of a committee is not liable for any action in respect of performing any duty or exercising any power in good faith as such a member.

21A CONDUCT OF MEETINGS

- 21A.1 The Board is to meet at least twice a year.
- 21A.2 A committee or a Management Committee is to meet as often as it considers necessary.
- 21A.3 The Board, a committee or Management Committee, may—
- (a) determine the procedure for the calling of meetings and conduct of business at those meetings; and
 - (b) adjourn any meeting as it considers appropriate.
- 21A.4 Any 3 Trustees, by notice to the other Trustees, may call a meeting of the Board.
- 21A.5 The Board, a committee or a Management Committee may conduct a meeting—
- (a) in person; or
 - (b) by audio or video conference facility; or
 - (c) by facsimile transmission; or
 - (d) by electronic mail; or
 - (e) by any other electronic medium approved by the Board.
- 21A.6 A Trustee or member who is not attending a meeting in person is taken to be present at the meeting if the Trustee or member—
- (a) is able to hear the entire meeting and is able to be heard by all the others attending the meeting; or
 - (b) participates by facsimile transmission, electronic mail or any other electronic medium approved under clause 21A.5(e).
- 21A.7 A meeting conducted otherwise than in person is taken to be held at a place agreed to by the Trustees or members present at the meeting if at least one of the Trustees or members was present during the whole of the meeting at that place.

21A.8 The quorum at a meeting—

- (a) of the Board, is 6 Trustees; and
- (b) of the Management Committee, is 2 Trustees; and
- (c) of a committee, is one-half of the total number of members or, if that is not a whole number, the next highest number.

21A.9 If the chairperson is absent from a meeting—

- (a) the Board may elect a Trustee who is present to chair the meeting; or
- (b) the members present at that meeting may elect one of their number who is a Trustee to chair that meeting.

21A.10 Any question arising at a meeting is to be decided by a simple majority of votes of the Trustees or members present and voting.

21A.11 In the case of an equality of votes, the person chairing a meeting has a deliberative and a casting vote.

21A.12 A written resolution—

- (a) may consist of several identical copies of the same document each signed by one or more of the Trustees or members; and
- (b) if signed by the majority of the Trustees or members, is valid as if it had been passed at a meeting duly convened and held.

21A.13 The Board, a committee and a Management Committee is to keep full and accurate minutes of proceedings at meetings.

21A.14 A Trustee is entitled to expenses, fees and allowances for attending meetings and transacting the business of the Board, a committee or a Management Committee as fixed by the Ministerial Council.

22 APPEAL COMMITTEE

22.1 An Appeal Committee is appointed by a Minister to hear and determine an appeal made under clause 19.1(g).

22.2 An Appeal Committee consists of 3 members one of whom is a legal practitioner of at least 7 years' standing who is the chairperson of the Appeal Committee.

22.3 A Trustee is not eligible to be a member of an Appeal Committee.

22.4 A member of an Appeal Committee is entitled to any expenses, fees and allowances the Board determines.

23 SECRECY

23.1 A person who is or has been a Trustee must not, either directly or indirectly, make a record of or communicate any information about another person acquired as a result of being a Trustee unless the information is recorded or communicated—

- (a) in performing a duty or exercising a power under this Deed; or
- (b) for the purposes of the Act or this Deed to a person employed in the administration of the Act; or
- (c) in giving evidence or producing a document to a person or body that is entitled to hear or determine an application or an appeal relating to a licence under the Act; or

- (d) in giving evidence or producing a document to a court or tribunal that is hearing any criminal or civil proceedings; or
- (e) at the request of, and provided to, an agency of the Commonwealth of Australia or a State of the Commonwealth under a law of the Commonwealth or of that State; or
- (f) with the written authority of that other person.

23.2 A contract with a person by which the person is employed in, or concerned with, the administration of the Trust, must provide that the person—

- (a) is bound by provisions of this clause as if the person were a Trustee; and
- (b) if entering into a subcontract with another person, is to provide in that subcontract that the other person is bound by the provisions of this clause.

24 ACCOUNTS AND AUDIT

24.1 The Board must cause—

- (a) proper books of account to be kept in relation to all of the dealings and operations of the Trust; and
- (b) the accounts of the Trust to be audited and a balance sheet, statement of income and expenditure, funds statement, supporting information and an auditor's certificate to be presented to the Board within 90 days after the end of each year.

24.2 The Board may appoint and determine the remuneration of the auditors of the Trust.

25 ANNUAL REPORT

25.1 The Board must forward a report of the financial and operational activities of the Trust for each year to—

- (a) each Minister within 4 months after the end of that year; and
- (b) each participant within 6 months after the end of that year.

26 NOTICES

26.1 The Fund is to publish in the Government Gazette of each State a postal, facsimile or E-Mail address to which notices to the Fund can be delivered or sent.

26.2 A notice to the Fund is duly given if it is—

- (a) delivered or sent by prepaid post to an address published under clause 26.1;
- (b) sent by facsimile to an address published under clause 26.1; or
- (c) transmitted by E-Mail to an address published under clause 26.1.

26.3 A notice from the Fund to a participant is duly given if it is delivered or sent by prepaid post, sent by facsimile or transmitted by E-Mail to the last known postal, facsimile or E-Mail address of the participant.

26.4 A notice sent by post is taken to have been delivered on the third day following the day on which it was posted.

26.5 A notice sent to a facsimile address is taken to have been delivered on the next business day after it was sent.

26.6 A notice transmitted by E-Mail is taken to have been delivered on the next business day after transmission.

27 TERMINATION OF TRUST

- 27.1 The Trust may be terminated by—
- (a) the unanimous resolution of the Board; or
 - (b) the unanimous decision of the Ministerial Council; or
 - (c) an order of the Supreme Court of New South Wales.
- 27.2 Upon termination of the Trust, any money standing to the credit of the Fund is to be applied as follows:
- (a) firstly, in the payment of all the liabilities of the Trust, including any liability arising from a failure to account after the termination of the Trust for money or other valuable consideration paid to another person before the termination of the Trust;
 - (b) secondly, in the payment of any balance to the States in proportions equivalent to the total number of participants in each State at the date of termination.

28 TRUST FUNDS NOT PAYABLE TO PARTICIPANTS

- 28.1 The Board must not distribute among, or pay to all or any of, the participants any part of the Fund otherwise than as provided under this Deed.

29 SUBSTITUTION OF DEED

- 29.1 This Deed may be substituted by another trust deed by—
- (a) the Ministerial Council at its own discretion; or
 - (b) the Board by resolution passed by at least 75% of the Trustees and with the approval of the Ministerial Council.
- 29.2 If this Deed is substituted by another trust deed, any reference to this Deed or a provision of this Deed in any document, contract or agreement is to be read as a reference to the substituted trust deed or the equivalent provision of the substituted trust deed.

30 AMENDMENT OF TRUST DEED

- 30.1 Subject to this Part, this Deed may be amended by a resolution (in this Part called "an amendment resolution") passed by not less than seventy five per centum of the Trustees.
- 30.2 Part 13 (except by adding or deleting paragraphs in clause 13.2), clauses 30.1 and 31.3 and this clause may not be amended.
- 30.3 Immediately upon the passing of an amendment resolution the Trustees shall notify each Minister of it.
- 30.4 Where, within 4 weeks of an amendment resolution being passed, the Ministerial Council resolves that the amendment is rejected by the Ministerial Council, the amendment resolution lapses and is of no effect for any purpose.
- 30.5 An amendment resolution shall specify a date which shall be no earlier than 6 weeks after the date on which it is passed as the date on which the amendment is to take effect and this Deed shall be amended in accordance with that resolution as from and including that date.
- 30.6 An amendment to this Deed may be made and expressed so as to save from being void or of no effect a matter or thing done prior to the amendment.

31 GOVERNING LAW AND JURISDICTION

- 31.1 The Trust Fund shall be maintained in New South Wales.

- 31.2 The Trust shall be administered in New South Wales.
- 31.3 This Deed shall be governed by and construed in accordance with the laws of New South Wales.
- 31.4 Any legal action or proceedings relating to this Deed or arising out of an action taken or omitted to be taken by the Trustees under this Deed may be brought in any State.

32 CONSEQUENTIAL PROVISIONS RESULTING FROM AMENDMENTS

- 32.1 A reference in clause 13.1(a) to a contributor under clause 9.8 is to be read as a reference to a participant under clause 10.2.
- 32.2 A reference in clause 13.1(b) to clause 11.5 is to be read as a reference to clause 12A.4.
- 32.3 A reference in clause 13.1(c) to clause 12.2 is to be read as a reference to clause 12A.2.
- 32.4 The Ministerial Council may terminate or extend the term of office of a person who is a Trustee immediately before the substitution of clause 4 takes effect to ensure that the membership of the Board reflects the matters referred to in clause 4.2.
- 32.5 A person who is a Trustee immediately before the substitution of clause 4 takes effect continues as a Trustee until—
- (a) the Ministerial Council terminates the Trustee's term of office under clause 32.4; or
 - (b) the Trustee's term of office expires.

Schedule 3—Revocation of *Travel Agents Regulations 1996*

The *Travel Agents Regulations 1996* 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's Deputy

with the advice and consent of the Executive Council
on 18 August 2011

No 198 of 2011

11MCA0025CS

South Australia

Succession Duties Regulations 2011

under the *Succession Duties Act 1929*

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Schedule 1—Forms

Schedule 2—Revocation of *Succession Duties Regulations 1996*

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Succession Duties Regulations 2011*.

2—Commencement

These regulations will come into operation on 1 September 2011.

3—Interpretation

In these regulations—

Act means the *Succession Duties Act 1929*.

Part 2—Statements and assessment of duty

4—Statements

- (1) Pursuant to section 12(1) of the Act, an administrator must, within 14 days of the grant of administration, file with the commissioner—
 - (a) a statement containing the information specified in Form 1 of Schedule 1; and
 - (b) a statement containing the information specified in either Form 2 or Form 3 of Schedule 1, as the commissioner considers appropriate.
- (2) The commissioner may exempt an administrator from providing any information required under this regulation.
- (3) Pursuant to section 12(3) of the Act—
 - (a) the commissioner may direct a trustee, guardian, committee or person to file a statement by delivering or sending by post to the last known residential or business address or address for service of the trustee, guardian, committee or person a notice signed by the commissioner; and
 - (b) the prescribed time, within which a statement must be filed by a trustee, guardian, committee or person in accordance with a direction by the commissioner, is 21 days.

5—Filing of statements

A statement or document may be filed with the commissioner by delivering it or sending it by post to the commissioner's office.

6—Commissioner to assign reference number

- (1) When a statement of particulars of a new administration or property liable to duty under the Act is filed with the commissioner, the commissioner must assign a reference number to the statement.
- (2) A person presenting or filing a document in connection with a statement that has been assigned a reference number under this regulation must mark the document with that reference number.

7—Assessment of duty if statement not filed etc

- (1) The commissioner may assess duty under section 16 of the Act in the same way as the commissioner assesses duty where a satisfactory statement has been filed, based on any information available to the commissioner.
- (2) Following an assessment under this regulation, the commissioner must prepare a notice showing the duties assessed and the information used by the commissioner to make the assessment.
- (3) A copy of a notice prepared under subregulation (2) must be forwarded by post to the administrator or any other person required or directed to file a statement or, if no such person can be identified, to any person interested in the estate of the deceased.
- (4) The copy must be forwarded to the last known residential or business address of the administrator or other person.
- (5) If no statement is filed in relation to the estate as required by the Act and these regulations by the date specified in a notice forwarded under this regulation (being not less than 14 days from the date that the notice was forwarded by the commissioner), the commissioner's assessment of duty under this regulation will be binding and the commissioner may recover the duty as if a statement had been filed and approved in accordance with the Act and these regulations.
- (6) Nothing in this regulation affects a right of appeal under section 61 of the Act.

8—Request for separate assessments of duty

- (1) A person interested in property that is liable to duty may request the commissioner to make separate assessments of the duty payable in respect of separate parts of the property.
- (2) The commissioner must comply with all reasonable requests under subregulation (1).

Part 3—Appeals

9—Institution and determination of appeals

- (1) A person who wants to appeal under section 61 of the Act from or against an assessment of the commissioner must, within 60 days after receiving notice of the assessment, give notice in writing to the commissioner of his or her intention to appeal and the grounds of the appeal.
- (2) An appeal must be instituted not more than 14 days after the date that notice was given to the commissioner under subregulation (1).

Part 4—Valuation of property

10—Commissioner may require valuation of property

- (1) The commissioner may require evidence of the value of any property liable to duty.
- (2) If no evidence of the value of property is furnished to the commissioner, or the evidence furnished is, in the commissioner's opinion, unsatisfactory, the commissioner may appoint a person to value the property and may assess the duty payable by reference to that valuation.
- (3) The person liable to pay the duty is liable to pay to the commissioner the expenses of, or incidental to, the making of a valuation under subregulation (2).

11—Commissioner may fix net annual value

If the net annual value of any property is uncertain, or the commissioner is dissatisfied with the net annual value placed on any property by the administrator or any other person, the commissioner may direct that the net annual value of the property will be taken to be 4% of the net capital value of the property.

12—Life interests etc

- (1) For the purpose of determining the net present value of a life interest in property or other estate or interest for a limited period in property, the life interest or other estate or interest will be treated as if it were an annuity of an amount equal to the net annual value of the property and will be assessable with duty accordingly.
- (2) The fact that a life interest is liable to cease on the happening of some uncertain event will not be taken into account in determining the value of that life interest.

13—Ultimate remainders and reversions

The net present value of a remainder or reversionary interest expectant on the termination of a prior annuity or other interest in property assessed or assessable with duty as an annuity will be calculated by deducting the net present value of the annuity or other interest from the total value of the estate or interest passing to the ultimate beneficiary.

14—Increase of benefit

For the purpose of determining the net present value of an increase of benefit chargeable with duty under section 8 of the Act, the following rules apply:

- (a) if the increase has occurred because of the extinction or termination of a charge, encumbrance, estate or interest that was created by a non-testamentary disposition and was extinguished or terminated on or by reference to the death of a person, the increase will be treated as if it were an annuity of an amount equal to the net annual value of the charge, encumbrance, estate or interest and will be assessable with duty accordingly;
- (b) if the increase has occurred because of the extinction or termination of a benefit reserved or assured to the grantor or any other person until his or her death, or for a period ascertainable only by reference to the death of a person, that was created by a reservation, assurance or contract in or accompanying a non-testamentary disposition of property (not being a genuine sale made in good faith), the increase will be treated as if it were an annuity of an amount equal to the net annual value of the benefit reserved or assured and will be assessable with duty accordingly.

15—Annuities etc

- (1) The net present value of an annuity or an interest in property that is assessable with duty as an annuity will be calculated, after deduction of the value of any prior estate or interest, in accordance with the tables contained in Death Duty Tables by A.W. Norman, published by Butterworth and Co. (Australia) Ltd. (the *tables*).
- (2) The commissioner must ensure that a copy of the tables is kept available for inspection by members of the public, without charge and during normal office hours, at the commissioner's office.

Part 5—Other powers of commissioner

16—Powers of commissioner

- (1) The commissioner may, in order to determine any facts or circumstances affecting the liability of property to duty under the Act—
 - (a) by summons, require the appearance of any person or the production of any relevant records or documents including written records or documents that reproduce in a readily understandable form information kept by computer, microfilm or other process; and
 - (b) inspect any records or documents produced and retain them for any reasonable period he or she thinks fit, and make copies of them or of any of their contents; and
 - (c) require a person who has access to information that is, in the opinion of the commissioner, relevant to the liability of any property to duty under the Act, to provide that information to the commissioner in writing; and
 - (d) require a person appearing before him or her to make an oath or affirmation (which the commissioner may administer) to answer truthfully all questions relevant to the liability of any property to duty under the Act and to any records or documents that are relevant to the liability of any property to duty under the Act.
- (2) If a person—
 - (a) who has been served with a summons to appear before the commissioner fails, without reasonable excuse, to appear in obedience to the summons; or
 - (b) who has been served with a summons to produce relevant records or documents fails, without reasonable excuse, to comply with the summons; or
 - (c) who has been required to provide information to the commissioner—
 - (i) fails, without reasonable excuse, to do so in the form directed by the commissioner; or
 - (ii) provides information knowing it to be false or misleading in a material particular; or
 - (d) refuses to be sworn or to affirm, or refuses or fails to answer truthfully any relevant question, when required to do so by the commissioner; or
 - (e) hinders or obstructs the commissioner in the exercise of any powers under this regulation,

the person is guilty of an offence.

Maximum penalty: \$100

Part 6—Miscellaneous

17—Address to be provided

- (1) A statement or other document filed under the Act or these regulations must specify an address to which notices addressed to the person by or on whose behalf the statement or other document is filed may be sent.

- (2) For the purposes of these regulations the last known address of a person by or on whose behalf a statement or other document is filed under the Act or these regulations will be taken to be the address in the statement or other document or, if more than 1 has been filed by or on behalf of that person, the address in the last statement or document to be filed.
- (3) The commissioner must change the address in a statement or other document in accordance with the written request of the person by or on whose behalf the statement or other document was filed.

18—Production of administration

- (1) The commissioner may, on the request of the administrator of an estate, require that the Registrar of Probates deliver the administration to the commissioner for the purpose of producing it to a person nominated by the administrator.
- (2) If, after production of the administration—
 - (a) any fees payable under regulation 6 of the *Supreme Court Regulations 2005* have not been paid to the Registrar of Probates; or
 - (b) any duty payable in respect of the estate has not been paid to the commissioner, the commissioner must return the administration to the Registrar.

19—Confidentiality

A person must not divulge information obtained in the administration of the Act or these regulations except—

- (a) as authorised by the Act or these regulations; or
- (b) with the consent of the person to whom the information relates; or
- (c) in connection with the administration of the Act or these regulations; or
- (d) for the purposes of any legal proceedings arising out of the administration of the Act or these regulations.

Maximum penalty: \$100

20—Declaration for rebate of duty

A declaration under section 9B(6) of the Act will be in the form set out in Form 4 of Schedule 1.

21—Certificate of approval

Pursuant to section 15 of the Act, the commissioner must certify his or her approval in the form set out in Form 5 of Schedule 1.

22—Commissioner's statement if security given

If an administration is delivered to an administrator on the giving of security under section 18 of the Act, the commissioner must, as soon as practicable, forward a statement to the Attorney-General containing the following details:

- (a) the name of the deceased;
- (b) the amount of duty assessed;
- (c) the kind of security given.

23—Time for registration of settlement or deed of gift

Pursuant to section 23 of the Act, the time prescribed for registration of a settlement or deed of gift is 14 days.

24—Charge on land

Pursuant to section 46(3) of the Act, a charge on land that is not under the provisions of the *Real Property Act 1886* will be in the form set out in Form 6 of Schedule 1.

25—Certificate of payment of duty

A certificate under section 62(2) of the Act will be in the form set out in Form 7 of Schedule 1.

Schedule 1—Forms

For Office Use Only	<p>Form 1 South Australia <i>Succession Duties Act 1929</i> Statement For determining the succession duty payable in the matter of—</p>	
	Surname	Christian name
Name of deceased <i>(Use block letters)</i>		
Late of:	In the State of:	Occupation:
Who died testate/intestate <i>(Strike out whichever does not apply)</i>	Domiciled in:	
Date of birth	Date of death	Date of probate/letters of administration/order <i>(Strike what does not apply)</i>
Names and addresses of administrators or persons liable to lodge statement <i>(If more than two please attach a separate sheet)</i>	1	2
Address for service of notices:		

To be signed by the administrators or persons liable to lodge statement

I/We
 state
 that the particulars contained in this statement are true and correct to the best of my/our knowledge and belief and include all the property that is liable to duty under the *Succession Duties Act 1929*.

Signature Witness

Signature Witness

Notes on using this form**Penalties**

Sections 74 and 75 of the *Succession Duties Act 1929* provide as follows:

74—Penalty for making a false statement, or fraudulent alteration in a statement

If any person shall make, or assist in making, any false or fraudulent statement, or any fraudulent alteration in any statement required to be made by the repealed Acts or this Act or the regulations thereunder, with intent to evade the payment of duty or to lessen the amount thereof, he shall be guilty of an offence, and shall be liable to imprisonment for any period not exceeding three years and to a fine not exceeding two hundred dollars.

75—Penalty for failing or omitting to file statements or accounts

Any person who—

- (a) fails or neglects to file or amend any statement required to be filed or amended by him under this Act or the repealed Acts; or
- (b) fails or neglects to pay any duty payable by him under this Act or the repealed Acts; or
- (c) fails or neglects to register any settlement or deed of gift requiring registration under this Act or the repealed Acts,

shall, for each offence, be liable to a penalty not exceeding one thousand dollars.

Rebates

Rebates (where applicable) in respect of the following matters are allowable only on the application of the administrator:

- (a) Section 9B—Death of the deceased within 5 years of the death of a "predecessor";
- (b) Section 55H(1)(a)—"Dwellinghouse";
- (c) Section 55—"Rural property".

Annexures

If there is insufficient space in any part of this form please refer to a numbered annexure.

Part A

Property deemed to be derived that is not given or accruing to an uncertain person or on an uncertain event

In the matter of (deceased).

A	Names, addresses and occupations (if any) of persons beneficially entitled to property deemed to be derived from the deceased.	
B	Relationship (if any) of the persons mentioned in row A to the deceased and, if the person is a child of the deceased who was aged under 18 years at the date of death, his or her date of birth.	
C	If the interest of a person mentioned in row A ceases with the life of the person, state his or her date of birth. If the interest ceases with the life of another person, state the name, address, occupation and date of birth of that other person.	
D	Insert a description of the property deemed to be derived from the deceased and subject to duty to which each person mentioned in row A is beneficially entitled, showing the nature of his or her interest and, if applicable, the net annual value of the property.	
E	Separate values of interests in property deemed to be derived from the deceased by the person beneficially entitled.	
F	Total of all property deemed to be derived from the deceased by the person beneficially entitled.	
Office use only	Type of rebate.	
	Duty and rebates.	
	Amount of duty assessed.	

Commissioner's certificate

I certify my approval of the above statement.

Dated the day of 20 ...

.....

Commissioner of Succession Duties

Part B**Property deemed to be derived that is given or accruing to an uncertain person or on an uncertain event**

In the matter of (deceased).

A	Insert a description of the property deemed to be derived which is given or accruing to an uncertain person or on an uncertain event, showing the nature of the interest and, if applicable, the net annual value of the property.	
B	Name, address and occupation (if any) of the person (if certain) or other description of the person (if uncertain) to whom, on any possible vesting or vestings and on any possible aggregation of the property mentioned in row A with any other property deemed to be derived from the deceased, the greatest amount of duty would be applicable.	
C	Relationship (if any) of the person mentioned in row B to the deceased and, if the person is a child of the deceased who was aged under 18 years at the date of death, his or her date of birth.	
D	If the interest of a person mentioned in row B ceases with the life of the person, state his or her date of birth. If the interest ceases with the life of another person, state the name, address, occupation and date of birth of that other person.	
E	If the interest of a person mentioned in row B ceases or is diminished on the happening of an event other than death, give particulars.	
F	Net capital value of property.	
Office use only	Duty and rebates.	
	Amount of duty assessed.	

Commissioner's certificate

I certify my approval of the above statement.

Dated the day of 20 ...

.....

Commissioner of Succession Duties

For Office Use Only	Form 2 South Australia <i>Succession Duties Act 1929</i> Statement of particulars In the matter of—	
	Surname	Christian name
Name of deceased <i>(Use block letters)</i>		
Late of:	In the State of:	Occupation:
Who died testate/intestate <i>(Strike out whichever does not apply)</i>	Domiciled in:	
Date of birth	Date of death	Date of probate/letters of administration/order <i>(Strike what does not apply)</i>
Names and addresses of administrators or persons liable to lodge statement <i>(If more than two please attach a separate sheet)</i>	1	2
Address for service of notices:		

To be signed by the administrators or persons liable to lodge statement

I/We
 state
 that the particulars contained in this statement are true and correct to the best of my/our knowledge and belief and include all the property that is liable to duty under the *Succession Duties Act 1929*.

Signature..... Witness

Signature..... Witness

Notes on using this form

Penalties

Sections 74 and 75 of the *Succession Duties Act 1929* provide as follows:

74—Penalty for making a false statement, or fraudulent alteration in a statement

If any person shall make, or assist in making, any false or fraudulent statement, or any fraudulent alteration in any statement required to be made by the repealed Acts or this Act or the regulations thereunder, with intent to evade the payment of duty or to lessen the amount thereof, he shall be guilty of an offence, and shall be liable to imprisonment for any period not exceeding three years and to a fine not exceeding two hundred dollars.

75—Penalty for failing or omitting to file statements or accounts

Any person who—

- (a) fails or neglects to file or amend any statement required to be filed or amended by him under this Act or the repealed Acts; or
- (b) fails or neglects to pay any duty payable by him under this Act or the repealed Acts; or
- (c) fails or neglects to register any settlement or deed of gift requiring registration under this Act or the repealed Acts,

shall, for each offence, be liable to a penalty not exceeding one thousand dollars.

Other documents to be lodged or identified

A numbered schedule signed by the administrators is required for all items listed under the heading "Description of Property" below, except item 5. If there is no property or deduction in respect of any item the word "Nil" should be written in the column for the schedule number.

Copies of all relevant documents (eg partnership agreements, settlements, deeds of gift etc) must be lodged with this statement.

A partnership balance-sheet (if any) must be signed by the surviving partners.

If assets or documents are held for safe custody, their location should be stated. If the deceased had a safe deposit box or packet at the premises in South Australia of any bank or other corporation or society, supply a list of the contents of the box or packet signed by a representative of the bank or other body and by the administrator of the estate or his agent.

Detailed valuations of assets (where applicable) must be supplied.

The statement of particulars must be delivered in duplicate unless the Commissioner directs otherwise.

If there is insufficient space in any part of this form please refer to a numbered annexure.

Statement of particulars

Description of property	Schedule No	Value
1 Real estate in South Australia
Personal property in South Australia—		
2 Leasehold property
3 Rents due or accrued
4 Life assurance policies and bonuses (other than those in item 45)
5 Money on hand or in house or other premises
6 Money in bank—		
• savings account (including accrued interest)
• current account
• fixed deposit (including accrued interest)
7 Property (including money) held in trust for the deceased
8 Mortgages (including accrued interest)
9 Debentures, notes, bonds and inscribed stock (including accrued interest)
10 Debts due to the estate
11 Shares in companies plus dividends uncollected at death
12 Furniture and household effects
13 Personal chattels such as watches, jewellery, clothing, books, paintings, sporting equipment
14 Motor cars, trucks, caravans, trailers and other vehicles
15 Boats (including engines) and interests in ships
16 Crops
17 Wool on farm or in store or proceeds due from the sale thereof
18 Number and value of bushels of grain in pools
19 Grain on hand, seed, fertilisers and sundries
20 Fruit on hand or in store
21 Bulk handling tolls
22 Livestock
23 Farming implements, plant and equipment
24 Plant, machinery, tools and equipment (other than in item 23)
25 Stock in shop or business
26 Goodwill of trade or business
27 Interest in a deceased person's estate
28 Interest in a partnership or as a share farmer
Subtotal—items 1 to 28

Description of property		Schedule No	Value
Balance carried forward		.....	.....
29	Salary, wages, commissions, director's fees and payments in lieu of leave or other benefit .....	.....	.....
30	Credits with Australian Taxation Office (provisional tax, group certificates etc) .....	.....	.....
31	Entitlements under a medical benefits or hospital fund ...	.....	.....
32	Other property not included above .....	.....	.....
33	Property over which the deceased had a general power of appointment, exercised by his or her will .....	.....	.....
34	Personal property out of South Australia if the deceased was at the time of his or her death domiciled in South Australia .....	.....	.....
Total		.....	.....
Deductions			
35	Funeral expenses .....	.....	.....
36	Testamentary expenses .....	.....	.....
37	Unsecured debts .....	.....	.....
38	Debts on mortgages with interest (if any) .....	.....	.....
39	Other secured debts with interest (if any) .....	.....	.....
Total deductions		.....	.....
Net value of property passing by will or intestacy		.....	.....
40	Property the subject matter of a <i>donatio mortis causa</i> made by the deceased (section 8(1)(d)) .....	.....	.....
41	Property given or accruing to a person under a settlement containing trusts or dispositions that take effect upon or after the death of the deceased (section 8(1)(e)) .....	.....	.....
42	Property given or accruing to a person under a deed of gift made by the deceased if he or she dies within one year after the date of the gift (section 8(1)(f)) .....	.....	.....
43	Increases of benefit (section 8(1)(g) or (h)) .....	.....	.....
44	Beneficial interest in property held as a joint tenant (section 8(1)(i)) .....	.....	.....
45	Beneficial interest in money received under assurance policies kept up by or paid for by deceased (section 8(1)(j) or (k)) .....	.....	.....
46	Annuity or other interest purchased or provided (section 8(1)(l)) .....	.....	.....
Subtotal—items 40 to 46		.....	.....

Description of property		Schedule No	Value
Balance carried forward		.....	.....
47	Property given or accruing under a deed of gift if the property or the beneficial enjoyment of it has not been parted with by the deceased at least one year before his or her death (section 8(1)(m)) .....	.....	.....
48	Gifts (exceeding \$400 to any person) if deceased died within one year of making the gift (section 8(1)(n)) .....	.....	.....
49	Gifts with reservation (exceeding \$400 to any person) (section 8(1)(o)) .....	.....	.....
50	Beneficial interest in property in the circumstances set out in section 8(1)(p) .....	.....	.....
Total net value for duty (items 1 to 50)		.....	.....

For Office Use Only	Form 3 South Australia <i>Succession Duties Act 1929</i> Statement for use in obtaining section 63B certificates in estates where property is derived by a surviving spouse and a statement in Form B is not required.	
	Surname	Christian name
Name of deceased <i>(Use block letters)</i>		
Late of:	In the State of:	Occupation:
Date of death:	Did the deceased leave a will? Will an application be made for probate, letters of administration or order?	Yes/No <i>(Strike out whichever does not apply)</i> Yes/No <i>(Strike out whichever does not apply)</i>
Full name of spouse deriving property from the deceased:		
Names and addresses of administrators or persons liable to lodge statement <i>(If more than two please attach a separate sheet)</i>	1	2
Address for service of notices:		

Was any property derived or deemed to be derived by a person from the deceased pursuant to the following provisions of the Act: (state "yes" or "no" for each item)

- Property the subject matter of a *donatio mortis causa* made by the deceased (section 8(1)(d))
- Property given or accruing to a person under a settlement containing trusts or dispositions that take effect upon or after the death of the deceased (section 8(1)(e))
- Property given or accruing to a person under a deed of gift made by the deceased if he or she dies within one year after the date of the gift (section 8(1)(f))
- Increases of benefit (section 8(1)(g) or (h))
- Beneficial interest in property held as a joint tenant (section 8(1)(i))
- Beneficial interest in money received under assurance policies kept up by or paid for by deceased (section 8(1)(j) or (k))
- Annuity or other interest purchased or provided (section 8(1)(l))
- Property given or accruing under a deed of gift where the property or the beneficial of it has not been parted with by the deceased at least one year before his or her death (section 8(1)(m)).....
- Gifts (exceeding \$400 to any person) if deceased died within one year of making the gift (section 8(1)(n)).....
- Gifts with reservation (exceeding \$400 to any person) (section 8(1)(o))
- Beneficial interest in property in the circumstances set out in section 8(1)(p)

If the answer to any of the above questions is "yes" details of the property concerned and the names, addresses and relationship of the beneficiaries must be stated on the schedule overleaf, or on a schedule annexed, or on a Form where applicable.

To be signed by the administrators or persons liable to lodge statement

I/We

..... state that the particulars contained in this statement are true and correct to the best of my/our knowledge and belief and include all the property that is liable to duty under the *Succession Duties Act 1929*.

Signature Witness

Signature Witness

Notes on using this form

Penalties

Sections 74 and 75 of the *Succession Duties Act 1929* provide as follows:

74—Penalty for making a false statement, or fraudulent alteration in a statement

If any person shall make, or assist in making, any false or fraudulent statement, or any fraudulent alteration in any statement required to be made by the repealed Acts or this Act or the regulations thereunder, with intent to evade the payment of duty or to lessen the amount thereof, he shall be guilty of an offence, and shall be liable to imprisonment for any period not exceeding three years and to a fine not exceeding two hundred dollars.

75—Penalty for failing or omitting to file statements or accounts

Any person who—

- (a) fails or neglects to file or amend any statement required to be filed or amended by him under this Act or the repealed Acts; or
- (b) fails or neglects to pay any duty payable by him under this Act or the repealed Acts; or
- (c) fails or neglects to register any settlement or deed of gift requiring registration under this Act or the repealed Acts,

shall, for each offence, be liable to a penalty not exceeding one thousand dollars.

Details to be included in schedule

State the particulars of property derived or deemed to be derived from the deceased for which section 63B certificates are required using the following headings:

- (a) Real and leasehold property;
- (b) Mortgages;
- (c) Other assets;
- (d) Property derived pursuant to section 8(1)(d) to (p).

Specify whether property is in the name of the deceased alone or jointly with another as owner.

State amounts where required for certificates (eg for bank account balances and assurance policy proceeds).

Where assets or documents are held for safe custody, their location should be stated.

Schedule

Particulars

Assessed	Checked	Certificates issued on	I certify my approval of the above statement. Dated the day of 20... <i>Commissioner of Succession Duties</i>
----------	---------	------------------------	--

Form 4

Succession Duties Act 1929

Declaration for obtaining rebate of duty under section 9B

In the matter of (deceased)

I
(name of administrator or person lodging declaration on behalf of administrator)

of
(address)

in the State of South Australia declare as follows:
(occupation)

1 The deceased named above (**the successor**) died on the day of 20

2 Administration of the estate of the successor was granted by the Supreme Court of South Australia to
(name of administrator)

on the..... day of 20....

3 A statement of particulars of the estate of the successor has been lodged with the Commissioner of Succession Duties, detailing the net present value of the estate as \$

4 late of
(name of predecessor)

..... (deceased)
(last address)

who died on the day of 20..... was predecessor to the successor.

5 The net present value of the property (other than limited interests) which passed to the successor from the predecessor and the duty paid on that property are as follows:

Succession duties Register No	Net present value of property	Duty paid

6 As the successor died within years of the death of the predecessor I claim a rebate from the duty chargeable on the property derived from the successor of the allowable proportion of \$ being per cent of \$ (duty paid on the property that passed to the successor from the predecessor).

I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1936*.

Signed

Declared at this day of 20.....

Before me:

.....
A Justice of the Peace in and for the State of South Australia

Form 5

Succession Duties Act 1929

Certificate

No

In the matter of (deceased).

I certify that a satisfactory statement has been filed in relation to the above matter and that the sum of

..... is due and payable for Succession Duty.

Entered	Marked Off

\$

Notes—

You must produce or enclose this notice when making payment.

The above sum is payable at the State Taxation Office, Victoria Square East, Adelaide and cheques should be drawn in favour of the Commissioner of Succession Duties. Postal Address: Box 1353, GPO Adelaide SA 5001

For Office Use Only—

Succession Duties Office, Adelaide

Received the sum printed above as payment for succession duty in the matter of:

..... (deceased).

.....
Commissioner for Succession Duties

Form 6

Succession Duties Act 1929

Charge under section 46(3)—Land not under *Real Property Act 1886*

1 State circumstances under which charge is imposed:
.....
.....
.....
.....
.....
.....
.....
.....

2 Details of charge:
I of
(name of administrator)
.....
(address of administrator)
the administrator under * probate of the will dated / * letters of
administration dated
of
(name of deceased)
late of
(last address of the deceased)
in exercise of the power conferred upon me by the *Succession Duties Act 1929*,
now charge
in favour of
of
with payment of the sum of \$ to be paid as follows:
.....
.....
.....
.....

(insert dates for repayment by instalment, interest rates etc)

* *Strike out what doesn't apply*

If default is made in the payment of the principal sum or interest and that default is continued for a period of one calendar month the following provisions apply:

(a) Notice (*insert provision for notice to persons entitled to property charged, if so desired*)

.....
.....
.....

(b) Sale of Property

.....
(name of administrator)

is empowered—

- to sell the property charged by public auction or private contract or a combination of both modes of sale (subject to any conditions the administrator thinks fit); and
- to make and execute any instruments necessary for effecting the sale of the property.

A purchaser of the property sold is not answerable for the loss, misapplication, or non-application of the purchase money paid and is not required to make any inquiries as to the fact of any default or whether notice has been made or given as may be required.

DATED the day of 20.....

Signed:

.....

In the presence of:

.....

Form 7

Succession Duties Act 1929

Commissioner's certificate

I certify—

- that the sum of
for duty has been paid

*OR

- that no duty is payable

by
(name of person in respect of whose property the certificate is required)

in respect of property derived from
(name of deceased)

*Strike out what doesn't apply.

DATED this day of 20.....

.....
Commissioner for Succession Duties

Schedule 2—Revocation of *Succession Duties Regulations 1996*

The *Succession Duties Regulations 1996* 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's Deputy

with the advice and consent of the Executive Council
on 18 August 2011

No 199 of 2011

T&F11/026CS

South Australia

Public Corporations (Education Adelaide) Regulations 2011

under the *Public Corporations Act 1993*

Contents

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Part 3—Education Adelaide

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- 5 Continuation of subsidiary (section 24)
- 6 Continuation of board
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Schedule 1—Revocation of *Public Corporations (Education Adelaide) Regulations 1998*

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Public Corporations (Education Adelaide) Regulations 2011*.

2—Commencement

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

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Public Corporations Act 1993*;

board means the board of directors established as the governing body of the subsidiary under Part 3;

director means a person appointed or holding office as a member of the board under Part 3;

Minister means the Minister for Employment, Training and Further Education;

subsidiary means Education Adelaide continued in existence under Part 3.

Part 2—Application of Act to Minister

4—Application of Act to Minister

The following provisions of the Act apply to the Minister:

- (a) Part 1 (Preliminary);
- (b) section 24 (Formation of subsidiary by regulation);
- (c) section 25 (Dissolution of subsidiary established by regulation);
- (d) Schedule (Provisions applicable to subsidiaries).

Part 3—Education Adelaide

Division 1—Continuation and constitution of subsidiary

5—Continuation of subsidiary (section 24)

- (1) Education Adelaide continues in existence as a subsidiary of the Minister.
- (2) The subsidiary—
 - (a) is a body corporate; and
 - (b) has perpetual succession and a common seal; and
 - (c) is capable of suing and being sued in its corporate name.

6—Continuation of board

- (1) A board of directors continues as the governing body of the subsidiary.
- (2) A member of the board in office immediately before the commencement of this clause continues in office, subject to these regulations, for the remainder of the term for which he or she was appointed.
- (3) Anything done by the board in the administration of the subsidiary's affairs is binding on the subsidiary.

7—Composition of board

- (1) The board consists of not less than 8 members appointed by the Minister.
- (2) 1 director will be appointed by the Minister to chair meetings of the board.
- (3) The Minister may appoint a director to be the deputy of the director appointed to chair the board and the deputy may perform or exercise the functions and powers of that director in his or her absence.
- (4) On the office of a director becoming vacant, a person may be appointed in accordance with this regulation to the vacant office.
- (5) The Minister may appoint a suitable person to be deputy of a member of the board during any period of absence of the member (and any reference to a director in these regulations will be taken to include, unless the contrary intention appears, a reference to a deputy while acting as a member of the board).

8—Conditions of membership

- (1) A director will be appointed for a term, not exceeding 3 years, specified in the instrument of appointment and, at the expiration of a term of appointment, will be eligible for reappointment.
- (2) The office of a director becomes vacant if the director—
 - (a) dies; or
 - (b) completes a term of office and is not reappointed; or
 - (c) resigns by written notice to the Minister; or
 - (d) becomes bankrupt or applies to take the benefit of a law for the relief of insolvent debtors; or
 - (e) is convicted of an indictable offence; or
 - (f) is removed from office by the Minister by written notice.

9—Vacancies or defects in appointment of directors

An act of the board is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a director.

10—Allowances and expenses

A director is entitled to be paid from the funds of the subsidiary such allowances and expenses as may be determined by the Minister.

11—Proceedings

- (1) A quorum of the board consists of one half the total number of its members (ignoring any fraction resulting from the division) plus 1.
- (2) The director appointed to chair the board will preside at meetings of the board at which he or she is present.
- (3) If the director appointed to chair the board is absent from a meeting of the board, the following person will preside at the meeting:
 - (a) if another director has been appointed as that director's deputy and is present at the meeting—the deputy; or
 - (b) in any other case—a director chosen by the directors present at the meeting.
- (4) A decision carried by a majority of the votes cast by directors at a meeting is a decision of the board.
- (5) Each director present at a meeting of the board has 1 vote on a question arising for decision and, if the votes are equal, the director presiding at the meeting may exercise a casting vote.
- (6) A telephone or video conference between directors will, for the purposes of this regulation, be taken to be a meeting of the board at which the participating directors are present if—
 - (a) notice of the conference is given to all directors in the manner determined by the board for that purpose; and
 - (b) each participating director is capable of communicating with every other participating director during the conference.
- (7) A proposed resolution of the board becomes a valid decision of the board despite the fact that it is not voted on at a meeting of the board if—
 - (a) notice of the proposed resolution is given to all directors in accordance with procedures determined by the board; and
 - (b) a majority of the directors express their concurrence in the proposed resolution by letter, fax or other written communication setting out the terms of the resolution.
- (8) The board must cause accurate minutes to be kept of its proceedings.
- (9) The director presiding at a meeting of the board may allow other persons to attend (but not participate in) all or part of a meeting of the board.
- (10) A person authorised in writing by the Treasurer may attend (but not participate in) a meeting of the board and may have access to papers provided to directors for the purpose of the meeting.
- (11) If the board considers that a matter dealt with at a meeting attended by a representative of the Treasurer should be treated as confidential, the board may advise the Treasurer of that opinion giving the reason for the opinion and the Treasurer may, subject to subregulation (12), act on that advice as the Treasurer thinks fit.
- (12) If the Treasurer is satisfied on the basis of the board's advice under subregulation (11) that the subsidiary owes a duty of confidence in respect of a matter, the Treasurer must ensure the observance of that duty in respect of the matter, but this subregulation does not prevent a disclosure as required in the proper performance of ministerial functions or duties.
- (13) Subject to these regulations, the board may determine its own procedures.

12—Disclosure

- (1) If the subsidiary discloses to the Minister or the Treasurer in pursuance of the Act or these regulations a matter in respect of which the subsidiary owes a duty of confidence, the subsidiary must give notice in writing of the disclosure to the person to whom the duty is owed.
- (2) A director of the subsidiary does not commit a breach of duty by reporting a matter relating to the affairs of the subsidiary to the Minister or the Treasurer.

Division 2—Functions and performance

13—Functions of subsidiary

- (1) The subsidiary's functions are limited to the following:
 - (a) to raise the profile of Adelaide in the international education market place;
 - (b) to provide a single focus for a coordinated approach to the State's education export industry;
 - (c) to support the development of Adelaide as a centre for education;
 - (d) to undertake other tasks that are likely to increase South Australian education exports;
 - (e) to carry out other functions conferred on the subsidiary by the Minister.
- (2) The subsidiary must obtain the approval of the Minister before it makes a material change to its policy direction or budget.

14—Charter

- (1) The subsidiary continues to be subject to its charter prepared by the Minister and the Treasurer.
- (2) The charter must address—
 - (a) the nature and scope of the subsidiary's operations;
 - (b) the subsidiary's obligations to report on its operations;
 - (c) the form and contents of the subsidiary's accounts and financial statements;
 - (d) any accounting, internal auditing or financial systems or practices to be established or observed by the subsidiary;
 - (e) the acquisition or disposal of capital or assets.
- (3) The charter may deal with any other matter not specifically referred to in subregulation (2).
- (4) The charter must be reviewed by the Minister at the end of each financial year.
- (5) The Minister and the Treasurer may amend the charter at any time.
- (6) An amendment to the charter comes into force and is binding on the subsidiary on a day specified in the amendment (but without affecting any contractual obligations previously incurred by the subsidiary).
- (7) On an amendment to the charter coming into force, the Minister must, within 12 sitting days, have copies of the charter in its amended form laid before both Houses of Parliament.

15—Performance statement

- (1) The subsidiary continues to be subject to the performance statement prepared by the Minister that sets the various performance targets the subsidiary is to pursue in the coming financial year (or other period specified in the statement) and deals with such other matters as the Minister considers appropriate.
- (2) The Minister must, after consultation with the subsidiary and the Treasurer, review the performance statement when reviewing the subsidiary's charter.
- (3) The Minister may, after consultation with the subsidiary and the Treasurer, amend the performance statement at any time.

16—Subsidiary companies

- (1) The subsidiary must not, without the approval of the Treasurer—
 - (a) form a subsidiary company; or
 - (b) acquire, or enter into any arrangement under which it will at a future time or would on the happening of some contingency hold, relevant interests in shares in a company such that the company becomes a subsidiary of the subsidiary.
- (2) The Treasurer may, as a condition of approval under this regulation, or by direction, require the subsidiary to take steps to include in a subsidiary company's constitution such provisions as the Treasurer considers appropriate—
 - (a) imposing limitations on the nature or scope of the company's operations; or
 - (b) imposing other controls or practices,consistent with those applicable to the subsidiary.

17—Indirect or joint operations by subsidiary

The subsidiary must not, without the approval of the Treasurer, establish a trust scheme or a partnership or other scheme or arrangement for sharing of profits or joint venture with another person or undertake any operations or transactions pursuant to such a scheme or arrangement.

Division 3—Financial and related matters

18—Internal audit

- (1) The subsidiary must maintain effective internal auditing of its operations.
- (2) The subsidiary must, unless exempted by the Treasurer, have an audit committee.
- (3) The audit committee must comprise—
 - (a) a member of the board of the subsidiary, or such members of the board as the board may from time to time determine; and
 - (b) such other person or persons as the board may from time to time appoint,but may not include the chief executive (if any) of the subsidiary.
- (4) The functions of the audit committee include—
 - (a) reviewing annual financial statements to ensure that they provide a true and fair view of the state of affairs of the subsidiary; and
 - (b) liaising with external auditors; and

- (c) reviewing the adequacy of the accounting, internal auditing, reporting and other financial management systems and practices of the subsidiary on a regular basis.

19—Quarterly reports

The subsidiary must report to the Minister on the subsidiary's financial position on a quarterly basis.

20—Loans etc require approval

- (1) The subsidiary must not lend or advance to any person any money, securities or property without the prior written approval of the Treasurer.
- (2) The subsidiary must not undertake commercial borrowings without the prior written approval of the Treasurer.

21—Provision of information

- (1) The subsidiary must, at the request in writing of the Treasurer, furnish the Treasurer with such information or records in the possession or control of the subsidiary as the Treasurer may require in such manner and form as the Treasurer may require.
- (2) If a record in the possession or control of the subsidiary is furnished to the Treasurer under this regulation, the Treasurer may make, retain and deal with copies of the record as the Treasurer thinks fit.
- (3) If the board considers that information or a record furnished under this regulation contains matters that should be treated as confidential, the board may advise the Treasurer of that opinion giving the reason for the opinion and the Treasurer may, subject to subregulation (4), act on that advice as the Treasurer thinks fit.
- (4) If the Treasurer is satisfied on the basis of the board's advice under subregulation (3) that the subsidiary owes a duty of confidence in respect of a matter, the Treasurer must ensure the observance of that duty in respect of the matter, but this subregulation does not prevent a disclosure as required in the proper performance of ministerial functions or duties.
- (5) The subsidiary must notify the Minister if a request is made under this regulation.

22—Dividends

- (1) The subsidiary must, before the end of each financial year, after consultation with the Minister, recommend by writing to the Treasurer that the subsidiary pay a specified dividend, or not pay any dividend, for that financial year, as the subsidiary considers appropriate.
- (2) The Treasurer may, after consultation with the Minister, by notice in writing to the subsidiary—
 - (a) approve a recommendation of the subsidiary under subregulation (1); or
 - (b) determine that a dividend specified by the Treasurer be paid, or that no dividend be paid,as the Treasurer considers appropriate.
- (3) The subsidiary must, if so required by the Treasurer by notice in writing to the subsidiary at any time during a financial year, after consultation with the Minister, recommend by writing to the Treasurer that a specified interim dividend or specified interim dividends be paid by the subsidiary for that financial year, or that no such dividend or dividends be paid by the subsidiary as the subsidiary considers appropriate.

- (4) The Treasurer may, after consultation with the Minister, by notice in writing to the subsidiary—
 - (a) approve a recommendation of the subsidiary under subregulation (3); or
 - (b) determine that an interim dividend or interim dividends specified by the Treasurer be paid, or that no interim dividend be paid,as the Treasurer considers appropriate.
- (5) If the Treasurer approves a recommendation or determines under this regulation that a dividend or interim dividend or dividends be paid by the subsidiary, the dividend or interim dividend or dividends must be paid at the direction of the Treasurer, in the manner and at the time or times determined by the Treasurer, after consultation with the subsidiary and the Minister.
- (6) A recommendation under this regulation must be made by the board and may not be made by any person or committee pursuant to a delegation.

23—Common seal and execution of documents

- (1) The common seal of the subsidiary must not be affixed to a document except in pursuance of a decision of the board, and the affixing of the seal must be attested by the signatures of 2 directors.
- (2) The board may, by instrument under the common seal of the subsidiary, authorise a director, an employee of the subsidiary (whether nominated by name or by office or title) or any other person to execute documents on behalf of the subsidiary subject to limitations (if any) specified in the instrument of authority.
- (3) Without limiting subregulation (2), an authority may be given so as to authorise 2 or more persons to execute documents jointly on behalf of the subsidiary.
- (4) A document is duly executed by the subsidiary if—
 - (a) the common seal of the subsidiary is affixed to the document in accordance with this regulation; or
 - (b) the document is signed on behalf of the subsidiary by a person or persons in accordance with authority conferred under this regulation.

24—Annual report

- (1) The subsidiary must, within 3 months after the end of each financial year, deliver to the Minister a report on the operations of the subsidiary during that financial year.
- (2) The Minister must cause a copy of the report to be laid before both Houses of Parliament within 12 sitting days after receipt of the report.

Schedule 1—Revocation of *Public Corporations (Education Adelaide) Regulations 1998*

The *Public Corporations (Education Adelaide) 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's Deputy

with the advice and consent of the Executive Council
on 18 August 2011

No 200 of 2011

METF10/007CS

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CITY OF MITCHAM

ROADS (OPENING AND CLOSING) ACT 1991

Road Closure—Portion of Walkway, Hundred of Adelaide

NOTICE is hereby given, pursuant to Section 10 of the Roads (Opening and Closing) Act 1991, that the City of Mitcham proposes to make a Road Process Order to close the following road: In the Hundred of Adelaide, being a strip of walkway, portion of Allotment 16 in Filed Plan 5389, generally situate dividing Allotment 3 in Deposited Plan 5389 from Allotment 61 in Filed Plan 51524 and marked 'A' on Preliminary Plan 11/0033.

It is proposed that the portion of road to be closed marked 'A' be transferred to Jason Kevin Brook and Karen Nicole Brook and merged with said Allotment 3 in Deposited Plan 5389.

A preliminary plan of the proposal, and a statement, are available for public inspection at the Mitcham Council Office, 131 Belair Road, Torrens Park between the hours of 9 a.m. and 5 p.m., Monday to Friday or at the Adelaide office of the Surveyor-General during normal office hours.

Any person may object to the proposal (and any adjoining landowner or other person substantially affected by the proposed road closure may apply for an easement relative to the closure). Such objection (or application for an easement) must be made in writing to the City of Mitcham within 28 days of the date of this notice. If a submission is made, the City of Mitcham is required to give notice of the time and place at which a meeting will be held to consider the matter, so that the person making the submission (or a representative) may attend to support the submission, if desired. Any submission must set out the full name and address of the person making the submission, and must be fully supported by reasons (and any application for the grant of an easement must give full particulars of the nature and location of the easement and where made by a person as the owner of adjoining or nearby land, specify the land to which the easement is to be annexed). A copy of the submission must be forwarded to the Surveyor-General at Adelaide.

Dated 18 August 2011.

M. PEARS, Chief Executive Officer

PP/11/0033

CITY OF MITCHAM

Allocation of Road Name—Upper Sturt

NOTICE is hereby given that a meeting held on 26 July 2011, Council resolved pursuant to Section 219 (1) of the Local Government Act 1999, to assign a name to the unnamed road intersecting with Olave Hill Road adjacent Lot 201, (southern side) and Lots 6 and 7, (northern side) as McGough Road, Upper Sturt.

M. PEARS, Chief Executive Officer

RURAL CITY OF MURRAY BRIDGE

Adoption of Annual Business Plan and Budget, Adoption of Valuations and Declaration of Rates 2011-2012

NOTICE is hereby given that at its meeting held on 8 August 2011, the Rural City of Murray Bridge resolved:

Annual Business Plan and Budget

1. That pursuant to Section 123 (6) of the Local Government Act 1999 and Regulation 5A of the Local Government (Financial Management) Regulations 1999, having considered all submissions in accordance with Section 123 (6) of the Local Government Act 1999, the Council firstly adopts the 2011-2012 Annual Business Plan as amended, and secondly, pursuant to Section 123 (7) of the Local Government Act 1999 and Regulation 5B of the Local Government (Financial Management) Regulations 1999, adopts the 2011-2012 Annual Budget, which involves an amount of \$15 618 650 to be raised in general rates, comprising:

- Estimated Statement of Comprehensive Income;
- Estimated Balance Sheet;
- Estimated Statement of Changes in Equity;
- Estimated Cash Flow;
- Estimated Uniform Presentation of Finances; and
- Estimated Key Financial Indicators.

Adoption of Valuations

2. That pursuant to Section 167 (2) (a) of the Local Government Act 1999, the Council adopts for rating purposes, for the year ending 30 June 2012, the capital values made by the Valuer-General in respect of land within the Council's area totalling \$2 813 814 120.

Maximum Increase in General Rates

3. That pursuant to Section 153 (3) of the Local Government Act 1999, the Council resolves not to fix a maximum increase in the general rate to be charged on any rateable land within its area that constitutes the principal place of residence of a principal ratepayer.

Declaration of Rates

4. That, having taken into account the general principles of rating contained in Section 150 of the Local Government Act 1999 and having observed the requirements of Section 153 of the Local Government Act 1999, pursuant to Sections 153 (1) (b) and 156 (1) (a) of the Local Government Act 1999, and in accordance with Regulation 10 of the Local Government (General) Regulations 1999, the Council declares, for the year ending 30 June 2012, the following differential general rates in respect of all rateable land within its area:

- (i) 0.5386 cents in the dollar of the Capital Value of rateable land of Categories 1 and 9 uses (Residential and 'Other' Categories);
- (ii) 0.8486 cents in the dollar of the Capital Value of rateable land of Categories 2, 3 and 4 uses (Commercial Categories);
- (iii) 0.7497 cents in the dollar of the Capital Value of rateable land of Categories 5 and 6 uses (Industrial Categories);
- (iv) 0.4426 cents in the dollar of the Capital Value of rateable land of Category 7 use (Primary Production); and
- (v) 0.6933 cents in the dollar of the Capital Value of rateable land of Category 8 use (Vacant Land).

Declaration of Minimum Rates

5. That pursuant to Section 158 (1) (a) of the Local Government Act 1999, the Council fixes, in respect to the year ending 30 June 2012, a minimum amount payable by way of general rates of \$730.

Natural Resources Management Levy

6. That pursuant to Section 95 of the Natural Resources Management Act 2004 and Section 154 of the Local Government Act 1999, the Council declares, in respect of the year ending 30 June 2012, a separate rate of 0.00009942 cents in the dollar, based on the capital value of rateable land within the Council's area and within the area of the South Australian Murray Darling Basin Natural Resources Management Board in order to recover the amount payable by the Council to the Board.

Declaration of Annual Service Charges and Service Rates

7. —

7.1 Community Waste Water Management and Water Supply Schemes:

7.1.1 *Riverglen*

That pursuant to Section 155 (2) of the Local Government Act 1999, a total of \$87 458 is to be levied against the properties within the area defined as 'Riverglen' to which Council provides the prescribed services of septic tank effluent disposal and water supply. A service charge of \$550 per assessment is imposed on rateable and non-rateable land and a service rate of 0.3323 cents in the dollar of the capital value of rateable land is declared on Allotments 1 to 30, 125 and 126 in Deposited Plan No. 30450, Allotment 50 in Deposited Plan No. 42391 and Units 1 to 73 in Strata Plan No. 11238, being land to which the septic tank effluent disposal and the water supply schemes are provided.

7.1.2 *Woodlane*

That pursuant to Section 155 (2) of the Local Government Act 1999, a total of \$48 212 is to be levied against the properties within the area defined as 'Woodlane' to which Council provides the prescribed services of septic tank effluent disposal and water supply. A service charge of \$460 per assessment is imposed on rateable and non-rateable land and a service rate of 0.2233 cents in the dollar of the capital value of rateable land is declared on Allotments 1 to 18 in Deposited Plans No. 44292 and No. 48073, Allotments 191 and 192 in Deposited Plan No. 75292, Allotments 1 to 4, 7 to 37 and 40 in Deposited Plan No. 51229, Allotment 50 in Deposited Plan No. 53034 and Allotment 200 in Deposited Plan No. 62423, being land to which the septic tank effluent disposal and the water supply schemes are provided.

The metered supply of water to sections of Woodlane will commence from 1 July 2010, with annual readings. The rates for supply of water is charged at \$2.98 per k/L for any usage above 130 k/L per annum (actual supply rate from SA Water) plus a quarterly supply charge of \$35.60.

7.2 *Waste Collection Services*

That pursuant to Section 155 (2) of the Local Government Act 1999, the following variable annual service charges are imposed according to the nature of the service as follows:

7.2.1 *New Garbage Collection Service*

For the supply of a mobile garbage bin to land to which the new service is provided, a service charge of \$61 per bin in respect of the year ending 30 June 2012.

7.2.2 *Replacement Bins*

For the replacement of lost, damaged or stolen bins, a service charge of \$61 per bin in respect of the year ending 30 June 2012.

7.2.3 *Additional Garbage Collection Service*

For the supply of additional mobile garbage bin/s to land to which the service provided, an annual service charge of \$103 per bin in respect of the year ending 30 June 2012.

7.2.4 *Kerbside Recycling and Green Waste Services (Urban and Outer Townships)*

For the provision of kerbside recycling service to land within the urban and outer townships to which the service is provided, a total service charge of \$108 in respect of the year ending 30 June 2012.

7.2.5 *Kerbside Recycling Service only (Rural Areas excluding Outer Townships)*

For the provision of kerbside recycling service only to land within the rural areas to which the service is provided, a total service charge of \$65 be applied in respect of the year ending 30 June 2012.

Payment of Rates

8. Pursuant to Section 181 of the Act, rates for the year ending 30 June 2012, will fall due and in four equal or approximately equal instalments on the following dates:

- 22 September 2011;
- 14 December 2011;
- 14 March 2012; and
- 6 June 2012.

Early Payment Incentive Scheme

9. Pursuant to Section 181 (11) of the Local Government Act 1999, Council offers to give a discount of 1% of the amount payable of general rates and/or service rates and/or service charges if paid in full by 21 September 2011.

10. That pursuant to Section 166 (1) (m) of the Local Government Act 1999, the Council, having regard to the road closure of Riverfront Road due to the area being declared a hazard under the State Emergency Management Plan, resolves to rebate the general rates and 100% of the waste collection charges levied against the following assessments for so long as landholders of properties at Riverfront Road are unable to access and/or occupy their properties during the 2011-2012 financial year:

Assessment Number	Property Address
180	Site 114 Riverfront Road
197	Sites 122A and 123 Riverfront Road
208	Sites 119, 120 and 121 Riverfront Road
325	Sites 104 and 105 Riverfront Road
3943	Sites 115 and 116 Riverfront Road
6540	Sites 156, 157 and 158 Riverfront Road
6541	Sites 154 and 155 Riverfront Road
6543	Site 151 Riverfront Road
7589	Sites 125 and 126 Riverfront Road
7833	Sites 128 and 129 Riverfront Road
7909	Site 127 Riverfront Road
8433	Sites 134 and 135 Riverfront Road
9085	Sites 132 and 133 Riverfront Road
9087	Sites 130 and 131 Riverfront Road
9088	Sites 117 and 118 Riverfront Road

D. J. MOLONEY, Chief Executive Officer

CITY OF ONKAPARINGA

Councillor for Mid South Coast Ward

NOTICE is hereby given in accordance with Section 54 (6) of the Local Government Act 1999, that a vacancy has occurred in the office of Councillor for Mid South Coast Ward, due to the resignation of Councillor Alan Hammond.

J. TATE, Chief Executive Officer

CITY OF ONKAPARINGA

Close of Roll for Supplementary Election

NOTICE is hereby given that due to the resignation of a member of the Council, a supplementary election will be necessary to fill the vacancy of Councillor for Mid South Coast Ward.

The voters roll for this supplementary election will close at 5 p.m. on Wednesday, 31 August 2011.

You are entitled to vote in the election if you are on the State electoral roll. If you have recently turned 18 or changed your residential or postal address you must complete an electoral enrolment form, available from post offices or online at www.ecsa.sa.gov.au.

If you are not eligible to enrol on the State electoral roll you may still be entitled to enrol to vote if you own or occupy a property. Contact the Council to find out how.

Nominations to fill the vacancy will open on Thursday, 22 September 2011 and will be received until 12 noon on Thursday, 6 October 2011.

The election will be conducted entirely by post with the return of ballot material to reach the Returning Officer no later than 12 noon on Monday, 14 November 2011.

K. MOUSLEY, Returning Officer

CITY OF PORT ADELAIDE ENFIELD

ROADS (OPENING AND CLOSING) ACT 1991

Sheffield Crescent, Blair Athol

NOTICE is hereby given pursuant to Section 10 of the said Act, that the Council proposes to make a Road Process Order to close, sell and transfer to the South Australian Housing Trust a portion of Sheffield Crescent adjoining Allotments 119, 125 to 127 in Deposited Plan 80347 and Allotments 15 and 16 in Deposited Plan 4932 lettered 'A' on Preliminary Plan No. 11/0035.

A copy of the plan and a statement of persons affected are available for public inspection at the offices of the City of Port Adelaide Enfield situated in the Civic Centre, 163 St Vincent Street, Port Adelaide and in the Libraries at Enfield, Greenacres and Parks and the office of the Surveyor-General, 101 Grenfell Street, Adelaide, during normal office hours.

Any application for easement or objections must be made in writing within 28 days from this notice, to the Council, P.O. Box 110, Port Adelaide, S.A. 5015 and the Surveyor-General, G.P.O. Box 1354, Adelaide, S.A. 5001, setting out the full details.

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

Dated 18 August 2011.

H. J. WIERDA, City Manager

TOWN OF GAWLER

Adoption of Valuations and Declaration of Rates

NOTICE is hereby given that pursuant to Section 167 (2) (a) of the Local Government Act 1999, the Town of Gawler, at its meeting held on Tuesday, 26 July 2011 and for the fiscal year ending 30 June 2012, adopted, for rating purposes, the most recent valuations of the Valuer-General available to Council, of the capital value of land within the area of the Council totalling \$3 139 600 960.

Declaration of General Rates

1. That pursuant to Section 153 (1) (b) and 156 (1) (a) of the Local Government Act 1999 and Regulation 10 (2) of the Local Government (General) Regulations 1999, Council declares the following differential general rates in respect of all rateable land in the Council's area for the year ending 30 June 2012 on the basis of the use of land:

- (a) Residential—0.4086 cents in the dollar.
- (b) Commercial (Shop)—0.4086 cents in the dollar.
- (c) Commercial (Office)—0.4086 cents in the dollar.
- (d) Commercial (Other)—0.4086 cents in the dollar.
- (e) Industry (Light)—0.4086 cents in the dollar.
- (f) Industry (Other)—0.4086 cents in the dollar.
- (g) Primary Production—0.4086 cents in the dollar.
- (h) Vacant Land—0.49032 cents in the dollar.
- (i) Other—0.4086 cents in the dollar.

2. That pursuant to Section 158 (1) of the Local Government Act 1999, for the year ending 30 June 2012, a minimum amount payable by way of rates of \$786 be fixed in respect of all rateable land in the Council area.

Service Charges

3. That pursuant to Section 155 of the Local Government Act 1999, for the year ending 30 June 2012, Council impose an annual waste management service charge of \$144 for the prescribed service of waste management on each separate assessment of occupied land to which the service is provided.

Separate Rates

4. That pursuant to Section 154 of the Local Government Act 1999, for the year ending 30 June 2012, Council declares a separate differential rate for business development and marketing in respect of all rateable land within the hatched area 'A' defined within Attachment 5 of the 2011-2012 Budget/Business Plan, for land uses—Category 2 (Commercial—Shop), Category 3 (Commercial—Office), Category 4 (Commercial—Other), Category 5 (Industry—Light), Category 6 (Industry—Other) of 0.05997 cents in the dollar.

5. That pursuant to Section 154 of the Local Government Act 1999, for the year ending 30 June 2012, Council declares a separate differential rate for business development in respect of all rateable land within the Gawler township excluding the hatched area 'A' as defined within Attachment 5 of the 2011-2012 Budget/Business Plan on land uses—Category 2 (Commercial—Shop), Category 3 (Commercial—Office), Category 4 (Commercial—Other), Category 5 (Industry—Light), Category 6 (Industry—Other) of 0.03092 cents in the dollar.

6. That pursuant to Section 154 of the Local Government Act 1999, for the year ending 30 June 2012, Council declares a separate rate for the provision of additional car parking in respect of all rateable land within the hatched area 'A' defined within Attachment 5 of the 2011-2012 Budget/Business Plan, for land uses—Category 2 (Commercial—Shop), Category 3 (Commercial—Office), Category 4 (Commercial—Other), Category 5 (Industry—Light), Category 6 (Industry—Other) of 0.258 cents in the dollar.

Natural Resources Management Levy

7. That pursuant to Section 95 of the Natural Resources Management Act 2004 and Section 154 of the Local Government Act 1999, for the year ending 30 June 2012, in order to reimburse to the Council the amount of \$262 009 to be contributed to the Adelaide and Mount Lofty Ranges Natural Resources Management Board, a separate rate of 0.00863 cents in the dollar based upon the capital value of land is declared on all rateable land in the Council's area and within the Adelaide and Mount Lofty Ranges Natural Resources Management Board area.

Rebate to Cap Residential Rate Increase

8. Pursuant to Section 153 (3) of the Local Government Act 1999, for the year ending 30 June 2012, the Council will grant a rebate on application to the principal ratepayer in respect of any rateable land with a land use of Category 1 (Residential) where the general rates have increased by more than 20% of those general rates paid in the previous year (or 10% for self-funded retirees or those ratepayers whose primary income source is fixed government benefits), the rebate being equivalent to the amount by which those rates exceed the relevant percentage increase, where that increase is as a result of significant valuation movements except where:

- Significant capital improvements have been made to the property.
- The basis for rating or rebates has changed from the previous year.
- New building work and/or development activity has occurred on the land.
- Changes in land use, wholly or partially have occurred.
- Changes in zoning have occurred.
- The ownership of the rateable property has changed from the previous year.
- The property is no longer the principal place of residence of the principal ratepayer.
- A correction to a previously undervalued property by the Valuer-General.
- The property is owned by a company or incorporated body.

Payment of Rates

9. That pursuant to Section 181 (2) (a) of the Local Government Act 1999, Council determine that all rates and services charges will be payable in four equal or approximately equal instalments, falling due on 16 September 2011, 2 December 2011, 2 March 2012 and 1 June 2012.

S. KERRIGAN, Chief Executive Officer

DISTRICT COUNCIL OF FRANKLIN HARBOUR

Adoption of Valuation and Declaration of Rates

NOTICE is hereby given that the District Council of Franklin Harbour at a meeting held on 10 August 2011, by virtue of the powers contained in Section 167 (2) (a) of the Local Government Act 1999, resolved to adopt, for rating purposes for the financial year ending 30 June 2012, the Valuer-General's valuation of capital values applicable to land within the Council, totalling \$278 806 920 and that 10 August 2011, is specified as the date on which such values are adopted.

Declaration of Differential General Rates

Pursuant to Sections 153, 156 (1) (a) and (b) of the Local Government Act 1999, the District Council of Franklin Harbour resolved to declare the following rates for the financial year ending 30 June 2012:

Differential General Rates:

- (a) rateable land with land use Residential, 0.1850 cents in the dollar;
- (b) rateable land with land use Commercial (Shop)—0.1850 cents in the dollar;
- (c) rateable land with land use Commercial (Office)—0.1850 cents in the dollar;
- (d) rateable land with land use Commercial (Other)—0.1850 cents in the dollar;
- (e) rateable land with land use Industry (Light)—0.1850 cents in the dollar;
- (f) rateable land with land use Industry (Other)—0.1850 cents in the dollar;
- (g) rateable land in the Commercial (Bulk Handling) zone, 1.0516 cents in the dollar;
- (h) rateable land with land use Primary Production—0.4780 cents in the dollar;
- (i) rateable land with land use Vacant Land—0.4750 cents in the dollar; and
- (j) rateable land with land use Other—0.1850 cents in the dollar.

Fixed Amount

Pursuant to Section 167 (2) (a) of the Local Government Act 1999, the Council hereby declares a fixed charge of \$250 payable in respect of rateable land within the Council area for the financial year ending 30 June 2012.

Rate Capping

Pursuant to Sections 153 (3) and 166 (1) of the Local Government Act 1999, no rateable land shall incur an increase of greater than 25% on the previous years (2010-11) general rate on the condition that:

- the increase is not as a result of changes in entitlement to rebates or concessions;
- the increase is not as a result of new building work or development activity; or
- a change of ownership has not occurred in the previous 18 months.

Separate Rate—Natural Resources Management Levy

Pursuant to Section 92 of the Natural Resources Management Act 2004 and Section 154 of the Local Government Act 1999, the District Council of Franklin Harbour declared a separate rate being a fixed NRM levy of \$59.30 upon all rateable property in the council area. The fixed Natural Resources Management levy was declared in order to reimburse the council the amount of \$55 380 which council is required to contribute towards the cost of operating the Eyre Peninsula Natural Resources Management Board for the 2011-2012 financial year.

Payment of Rates

Pursuant to Section 181 (2) of the Local Government Act 1999, the council declared that rates for the year ending 30 June 2012, will fall due in four equal or approximately equal instalments payable on 15 September 2011, 15 December 2011, 15 March 2012 and 15 June 2012.

B. A. FRANCIS, Chief Executive Officer

SOUTHERN MALLEE DISTRICT COUNCIL*Adoption of Valuation and Declaration of Rates*

NOTICE is hereby given that the Southern Mallee District Council at a meeting held on 10 August 2011, resolved as follows:

Adoption of Valuation

In accordance with Section 167 (2) (a) of the Local Government Act 1999, Council adopts the Government assessment capital rateable value in relation to the area of the Council and totalling \$445 299 900 and hereby specifies 1 July 2011, as the day as and from which such valuation shall become and be the valuation of the Council for the year ending 30 June 2012 (total valuation \$464 910 600).

Declaration of Rates—Differential General Rates

Pursuant to Section 153 (1) (b) and Section 156 (1) (b) of the Local Government Act 1999, Council declares a differential general rate on property within its area for the financial year ending on 30 June 2012:

- 0.6293 of a cent in the dollar—Township of Geranium, Parilla, Purrakie, Pinnaroo and Lameroo.
- 0.5955 of a cent in the dollar—for all other rateable land in the Council's area.

Minimum Amount Payable by Way of Rates

Pursuant to Section 158 of the Local Government Act 1999, Council declares a minimum amount payable by way of general rates of \$463.25 upon all rateable properties within this area.

Rate Rebates

Pursuant to Division 5 of the Local Government Act 1999, Council granted rebates on rates to achieve the following effect:

\$

- Maximum residential only rate payable in towns 1 450
- Parilla and Geranium vacant unused land..... 210
- Lameroo and Pinnaroo vacant unused land..... 300
- Rest of area unused vacant land..... 105

Service Charges

Pursuant to Section 155 (2) of the Local Government Act 1999, Council declares a service charge payable on the land benefited:

- Lameroo and Pinnaroo Township:

\$480 per unit charge on each piece of occupied land
\$230 per unit on each piece of vacant land to which the prescribed service (Community Wastewater Management Scheme) is available.

'Unit' code is defined by the CWMS Property Unit Code under Regulation 9A of the Local Government (General) Regulations 1999.

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 the amount contributed to the SA Murray Darling Basin Natural Resources Management Board for the year ending 30 June 2012, a separate rate of 0.000105 in the dollar be declared on all rateable land in the Council's area within the Board area.

Method of Payment

Pursuant to Section 181 of the Local Government Act 1999, Council declares the above rates to be paid by four equal or approximately equal instalments on 26 September 2011, 12 December 2011, 13 March 2012 and 12 June 2012.

Early Payment Discount

Pursuant to Section 181 (11) of the Local Government Act 1999, Council offers a 5% general rates discount to ratepayers who pay their total annual amount of 2011-2012 rates prior to 26 September 2011.

R. RALPH, Chief Executive Officer

DISTRICT COUNCIL OF TUMBY BAY*Adoption of Valuations and Declaration of Rates*

NOTICE is hereby given that at the Council Meeting held on 12 August 2011, the Council for the financial year ending 30 June 2012, resolved the following:

1. Adopted for rating purposes the most recent valuations of the Valuer-General of the site value of land within the Council's area, totalling \$543 582 600.
2. Declared differential general rate as follows:
 - (a) 6.68 cents in the dollar on rateable land within the Commercial Bulk Handling Zones as defined in the Council's Development Plan; and
 - (b) 0.31 cents in the dollar for all other rateable land.
3. Declared a fixed charge of \$435 on all rateable land.
4. Declared a differential separate rate as follows:
 - (a) 0.0124 cents in the dollar on all rateable land within the Port Neill Township; and

(b) 0.00873 cents in the dollar on all rateable land outside the Port Neill Township and within the Hundred of Dixson, to maintain the Port Neill Soldiers Memorial Hall.

5. Declared a separate rate based on a fixed charge of \$60 on all rateable land in the Council area to reimburse to the Council the amount contributed to the Eyre Peninsula Natural Resources Management Board.

6. Declared an annual service charge:

(a) within the townships of Tumby Bay, Port Neill, Lipson and Ungarra for the collection, treatment or disposal of waste in the amount of:

(i) \$245 for each occupied allotment;

(ii) \$43 for each vacant allotment;

(iii) \$133 for each additional 140 litre bin requested per property; and

(b) for the use of the Tumby Bay Common Effluent Drainage Scheme of \$360 per property unit.

T. IRVINE, Chief Executive Officer

ABC COFFEE PTY LTD (IN LIQUIDATION)

(ACN 074 593 392)

NOTICE is given that a final meeting of the members of the company will be held at 11-16 South Terrace, Adelaide, S.A. on 23 September 2011, at 3 p.m.

Agenda

1. To lay the liquidator's account before the members showing how the winding up has been conducted and the property of the company has been disposed of, and to give any explanations as required.

2. Any other business.

Dated 9 August 2011.

MATHEW FOX, Liquidator, Hood Sweeney,
11-16 South Terrace, Adelaide, S.A. 5000

SALE OF PROPERTY

Auction Date: Thursday, 1 September 2011 at 12 p.m.

Location: Evans & Clarke, 616 Torrens Road, Woodville North.

Notice is hereby given that on the above date at the time and place stated, by virtue of Orders for Sale issued by the Fines Payment Unit of South Australia, Penalty No EXREG 11/13647-1 and others, are directed to the Sheriff of South Australia in an action wherein Gianni Perinni is the Defendant, I, Mark Stokes, Sheriff of the State of South Australia, will by my auctioneers, Evans & Clarke make sale of the following:

Holden VU SS Ute
Registration No.: BB198X

ATTENTION

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