



THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

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PUBLISHED BY AUTHORITY

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

ADELAIDE, THURSDAY, 6 AUGUST 2015

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GOVERNMENT GAZETTE NOTICES

Notices for publication in the *South Australian Government Gazette* should be emailed to governmentgazette@dpc.sa.gov.au. Content should be sent as Word format attachment(s). Covering emails should include the date the notice is to be published and to whom the notice will be charged. **Closing time for lodgement is 4 p.m. on the Tuesday preceding the regular Thursday publication.** Gazette enquiries to: **Phone 8207 1045**. The *Government Gazette* is available online at: www.governmentgazette.sa.gov.au.

Department of the Premier and Cabinet
Adelaide, 6 August 2015

HIS Excellency the Governor directs it to be notified for general information that he has in the name and on behalf of Her Majesty The Queen, this day assented to the undermentioned Acts passed by the Legislative Council and House of Assembly in Parliament assembled, viz.:

No. 16 of 2015—Statutes Amendment (Vulnerable Witnesses) Act 2015. An Act to amend various Acts to make provision for special arrangements relating to vulnerable persons and the justice system.

No. 17 of 2015—Correctional Services (Parole) Amendment Act 2015. An Act to amend the Correctional Services Act 1982; and to make a related amendment to the Freedom of Information Act 1991.

No. 18 of 2015—Statutes Amendment (Superannuation) Act 2015. An Act to amend the Police Superannuation Act 1990 and the Southern State Superannuation Act 2009.

No. 19 of 2015—Statutes Amendment (Serious and Organised Crime) Act 2015. An Act to amend the Criminal Law Consolidation Act 1935; the Liquor Licensing Act 1997 and the Summary Offences Act 1953; and for other purposes.

By command,

JAY WILSON WEATHERILL, Premier

DPC06/0875

COMMUNITY HOUSING PROVIDERS (NATIONAL LAW) (SOUTH AUSTRALIA) ACT 2013

Notice to Recognise Transfer of Undertakings of Housing Co-operative to Corresponding Entity and Transfer Instrument

RECOGNITION OF CORRESPONDING ENTITY

NOTICE is hereby given pursuant to Clause 15 (3) of Schedule 3 to the Community Housing Providers (National Law) (South Australia) Act 2013, that the Minister for Housing and Urban Development, John Rau, recognises that the undertakings of the transitioning housing co-operatives identified below in Column A (Transitioning Housing Co-operative), are being taken over by the corresponding entity, Column B (Corresponding Entity) registered on the National Register of Community Housing Providers.

| Column A: Transitioning Housing Co-operative | Column B: Corresponding Entity | Column C: Registration No. |
|--|---|----------------------------|
| Autonomous Co-operative Residential Environment Inc. | ACRE Housing Co-operative Incorporated | R4935141217 |
| Southside Housing Co-operative Inc. | Southside Housing Co-operative Incorporated | R4933141212 |
| Resourceful Housing Co-operative Incorporated | Town & Country Housing Incorporated | R4912141218 |
| Northern Suburbs Housing Co-operative Inc. | Northern Suburbs Housing Community Incorporated | R4947141030 |
| Hindmarsh Housing Co-operative Inc. | Hindmarsh Housing Co-operative Incorporated | R4899141212 |
| Housing Plus Co-operative Incorporated | Housing Plus SA Incorporated | R4910141022 |
| E.C.O. Housing Co-operative Incorporated | E.C.O. Housing Co-operative Incorporated | R4918141203 |
| Co-operative Housing in Adelaide Incorporated | Co-operative Housing in Adelaide Incorporated | R4948141216 |
| ISHA Co-operative Incorporated | ISHA Incorporated | R4913150325 |

TRANSFER INSTRUMENT

Pursuant to Clause 15 (4) of Schedule 3 to the Community Housing Providers (National Law) (South Australia) Act 2013, that the Minister for Housing and Urban Development, John Rau, upon request of the transitioning co-operatives listed under Column A (Transitioning Housing Co-operative), transfers all assets and liabilities of the transitioning co-operatives listed under Column A (Transitioning Housing Co-operative) to the entities listed under Column B (Corresponding Entity).

DISSOLUTION OF EXISTING ENTITIES

Subject to Clause 12 (a) of Schedule 3 to the Community Housing Providers (National Law) (South Australia) Act 2013, the co-operatives listed under Column A (Transitioning Housing Co-operative) under the South Australian Co-operative and Community Housing Act 1991, are hereby cancelled and the co-operatives dissolved.

Dated 28 July 2015.

JOHN RAU, Minister for Housing and Urban Development

DEVELOPMENT ACT 1993: SECTION 29
AMENDMENT TO THE MOUNT GAMBIER (CITY) DEVELOPMENT PLAN

Preamble

It is necessary to amend the Mount Gambier (City) Council Development Plan (the Plan) dated 19 March 2015 in order to take action to correct an error.

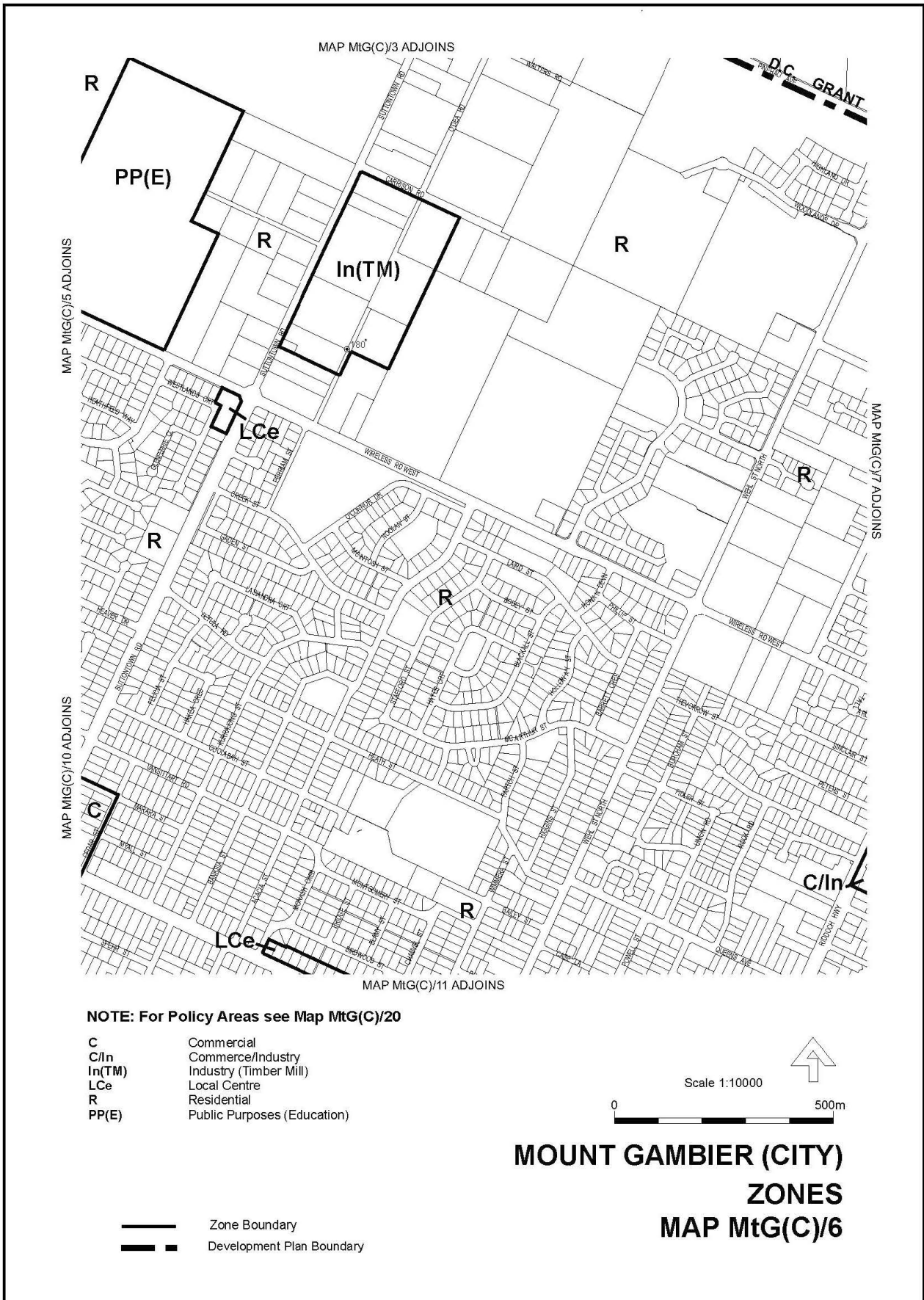
PURSUANT to Section 29 (2) (b) (ii) of the Development Act 1993, I amend the Plan as follows:

1. Replace within PDC3 of the McCormick Road Policy Area 6 of the Residential Zone the words 'Figure R/6' with the words 'Figure R/7'.
2. Replace Mount Gambier (City) Zones Map MtG(C)/6 with the contents of 'ATTACHMENT A'.
3. Replace Mount Gambier (City) Zones Map MtG(C)/17 with the contents of 'ATTACHMENT B'.
4. Replace Mount Gambier (City) Policy Areas Map MtG(C)/20 with the contents of 'ATTACHMENT C'.
5. Replace Mount Gambier (City) Policy Areas Map MtG(C)/28 with the contents of 'ATTACHMENT D'.
6. Replace Mount Gambier (City) Suttontown Growth Area Concept Plan Fig R/6 with the contents of 'ATTACHMENT E'.
7. Fix the day on which this notice is published in the *Gazette* as the day on which the Section 29 Amendment will come into operation.

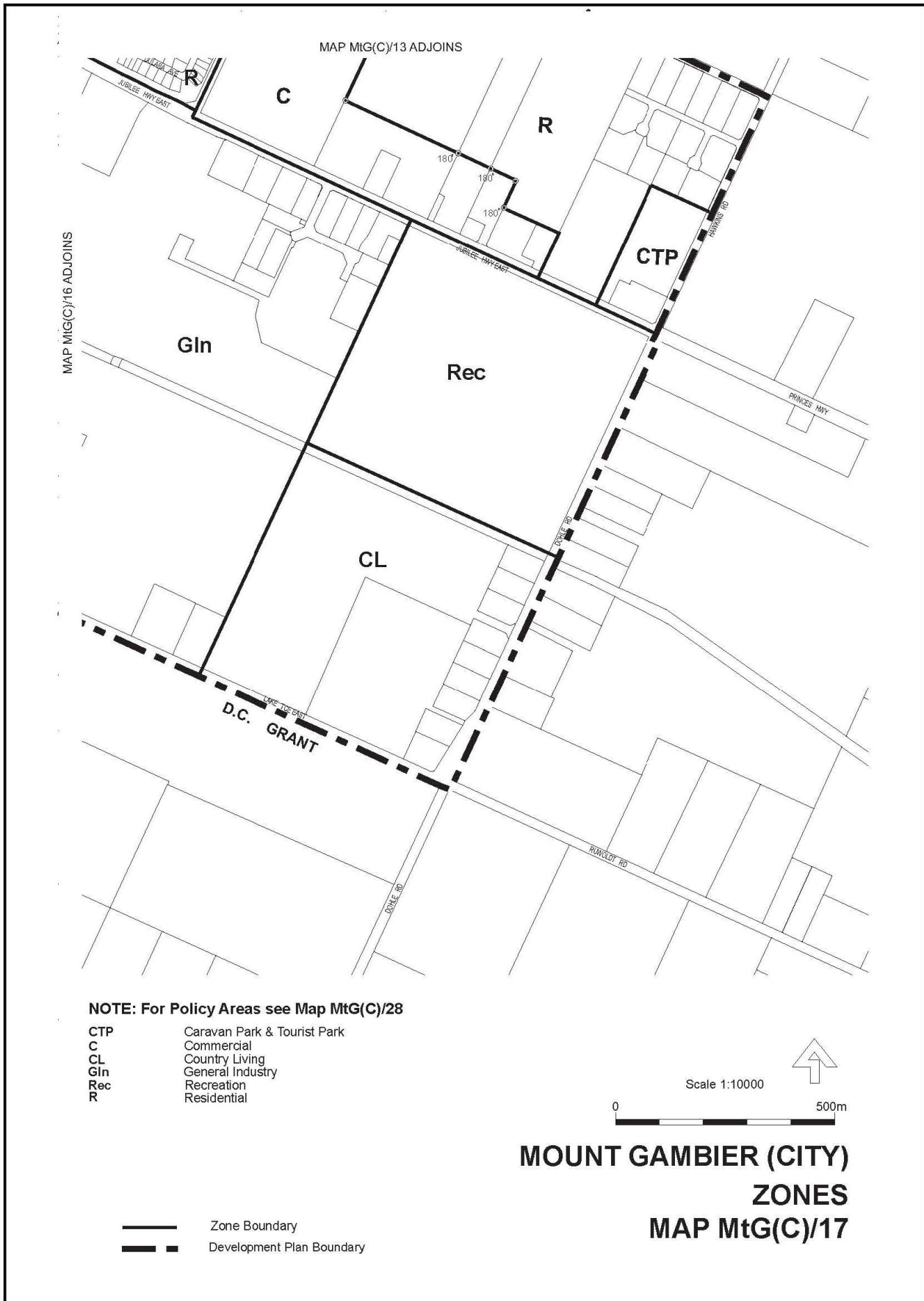
Dated 29 July 2015.

ANITA ALLEN,
Acting General Manager, Information and Strategy Directorate,
Development Division,
Department of Planning, Transport and Infrastructure,
as Delegate of John Rau, Minister for Planning

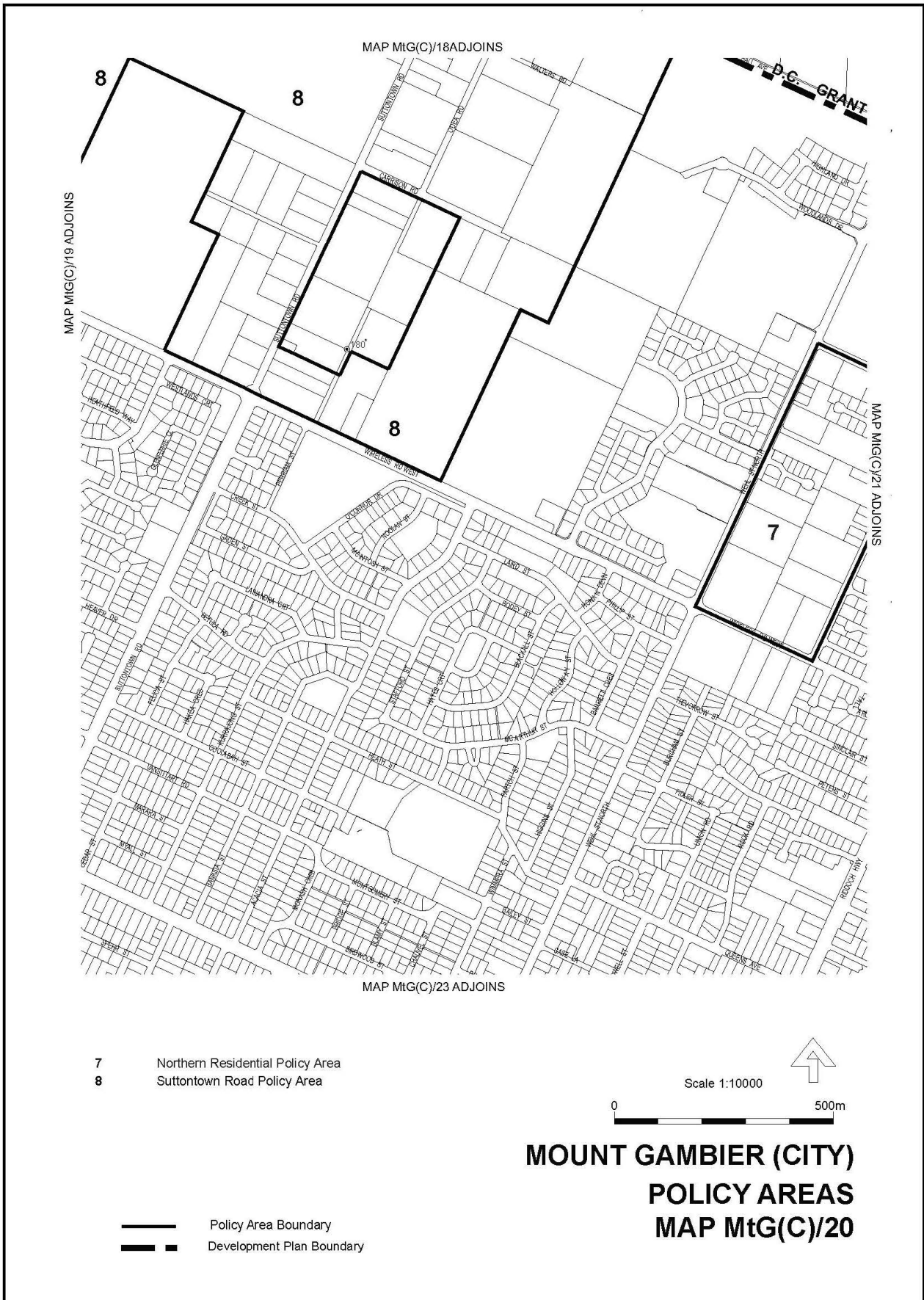
ATTACHMENT A



ATTACHMENT B

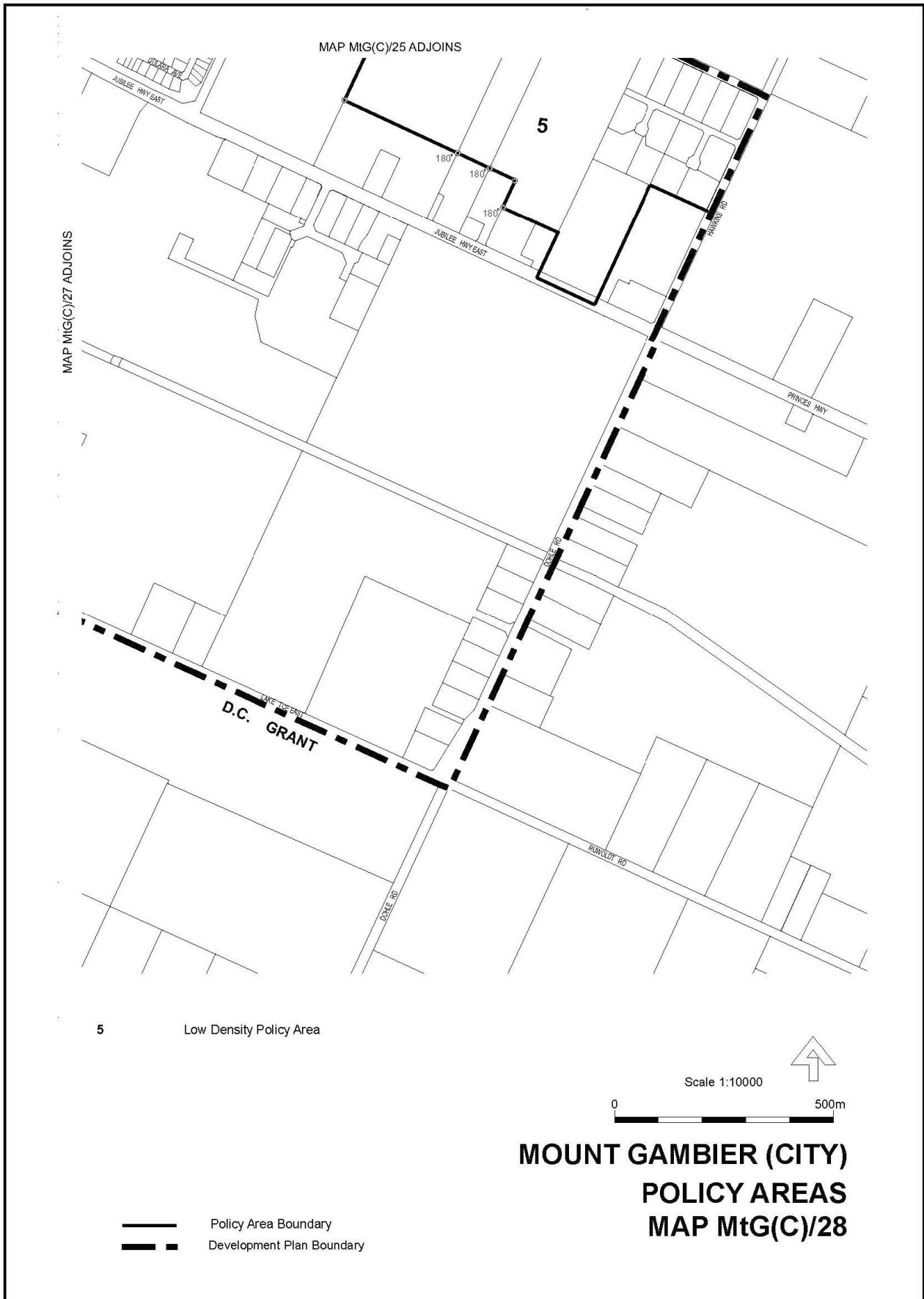


ATTACHMENT C

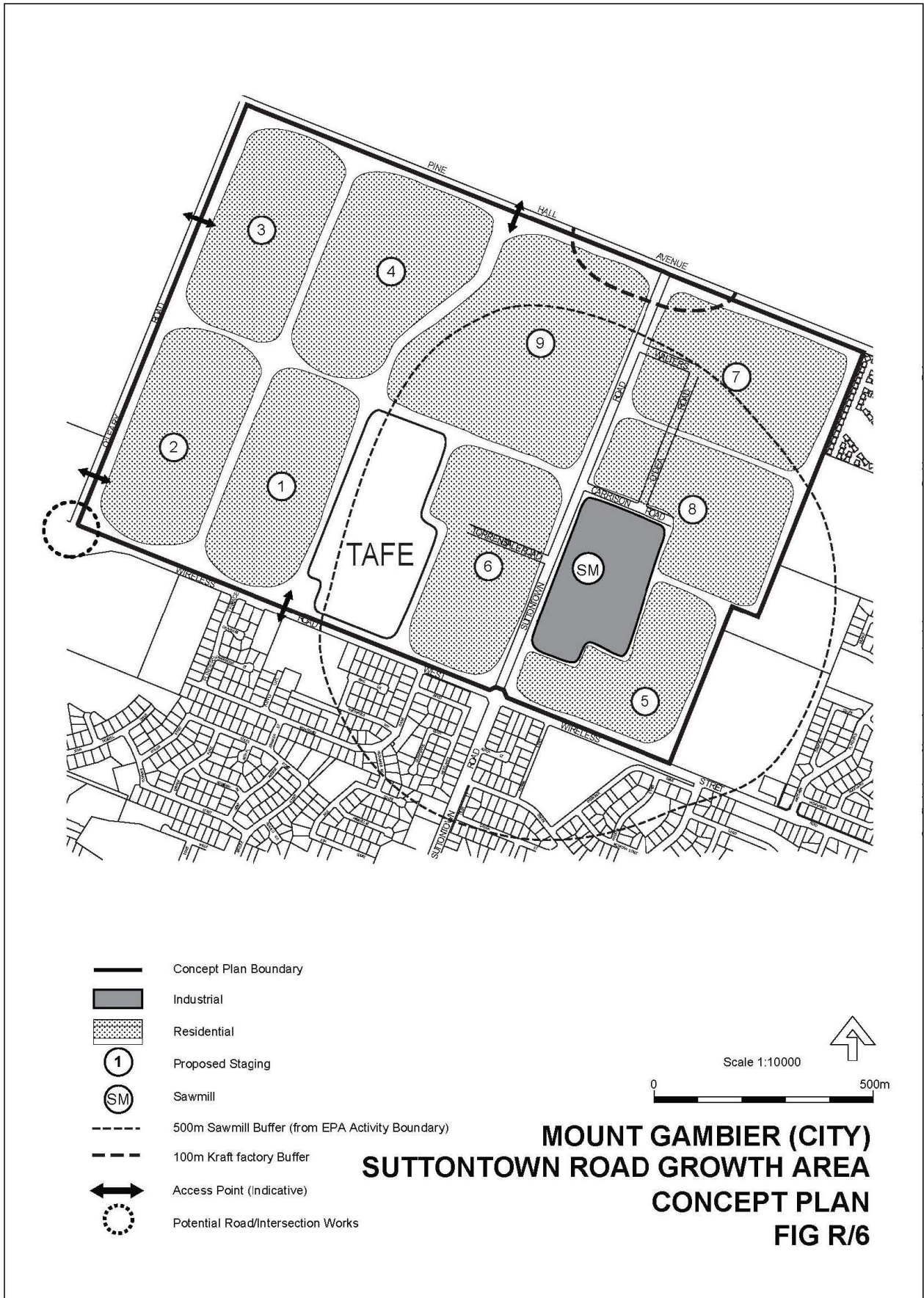


**MOUNT GAMBIER (CITY)
POLICY AREAS
MAP MtG(C)/20**

ATTACHMENT D



ATTACHMENT E



DEVELOPMENT ACT 1993, SECTION 25 (17): CITY OF SALISBURY WALPOLE ROAD PARALOWIE RESIDENTIAL DEVELOPMENT PLAN AMENDMENT

Preamble

1. The Walpole Road Paralowie Residential DPA (the Amendment) by the City of Salisbury has been finalised in accordance with the provisions of the Development Act 1993.

2. The Minister for Planning has decided to approve the Amendment.

NOTICE

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

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

Dated 28 July 2015.

JOHN RAU, Deputy Premier, Minister for Planning

DEVELOPMENT ACT 1993, SECTION 25 (17): CITY OF PLAYFORD VIRGINIA NURSERY DEVELOPMENT PLAN AMENDMENT

Preamble

1. The Virginia Nursery Development Plan Amendment (the Amendment) by the City of Playford has been finalised in accordance with the provisions of the Development Act 1993.

2. The Minister for Planning has decided to approve the Amendment.

NOTICE

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

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

Dated 28 July 2015.

JOHN RAU, Deputy Premier, Minister for Planning

DEVELOPMENT ACT 1993, SECTION 25 (17): LIGHT REGIONAL COUNCIL—GAWLER RIVERS FLOOD PRONE AREA DEVELOPMENT PLAN AMENDMENT

Preamble

1. The Gawler Rivers Flood Probe Area Development Plan Amendment (the Amendment) by the Light Regional Council has been finalised in accordance with the provisions of the Development Act 1993.

2. The Minister for Planning has decided to approve the Amendment.

NOTICE

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

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

Dated 28 July 2015.

JOHN RAU, Deputy Premier, Minister for Planning

DEVELOPMENT ACT 1993: SECTION 48

DECISION BY THE MINISTER FOR PLANNING AS DELEGATE OF THE GOVERNOR

Preamble

1. On 23 December 2013, notice of the Governor's decision to grant a development authorisation under Section 48 of the Development Act 1993, in respect of an upgrade to the Port Pirie Smelter by Nyrstar Port Pirie Pty Ltd, was published in the *South Australian Government Gazette* at p. 5268.

2. Simultaneously, the Governor delegated his power to grant a variation to the Port Pirie Smelter upgrade development authorisation to the Minister for Planning pursuant to Section 48 (8) of the Development Act 1993.

3. A variation to the authorisation relating to a relocation of the new oxygen plant was notified in the *South Australian Government Gazette* on 2 April 2005 at p. 1351.

4. By letter dated 8 April 2015, Nyrstar Port Pirie Pty Ltd, being the beneficiary of the development authorisation, sought a variation to the authorisation so as to permit modifications to the design of the TSL furnace building.

5. I am satisfied that the Public Environmental Report and Assessment Report prepared in relation to the proposed Major Development are appropriate and have had regard, when considering the proposed Major Development, to all relevant matters under Section 48 (5).

6. For ease of reference the conditions attached to the Port Pirie Smelter upgrade development authorisation are republished in full hereunder. The timeframes for commencement of substantial work on the site of the development, and completion of the development, remain the same as measures from the date of the original development authorisation.

Decision

PURSUANT to Section 48 (7) (b) (ii) of the Development Act 1993, and having due regard to the matters set out in Section 48 (5) and all other relevant matters, the Minister for Planning exercising the power of the Governor delegated by notice in the *South Australian Government Gazette* dated 23 December 2013, pursuant to Section 48 (8), varies the Nyrstar Port Pirie Pty Ltd Port Pirie Smelter upgrade development authorisation dated 23 December 2013, in accordance with the following conditions:

CONSOLIDATED VERSION OF CONDITIONS OF AUTHORISATION

1. The proponent shall carry out the development generally in accordance with the:

- (a) Development Application, prepared by Parsons Brinkerhoff Australia Pty Ltd on behalf of Nyrstar, dated March 2013, except as varied by the conditions listed below or to the extent that they are varied by the plans and drawings described in Paragraphs 1 (d-e);
- (b) Public Environmental Report, prepared by COOE Pty Ltd (and Associates) on behalf of Nyrstar Port Pirie, dated August 2013, except as varied by the conditions listed below or to the extent that they are varied by the plans and drawings described in Paragraphs 1 (d-e);
- (c) Response Document prepared by COOE Pty Ltd (and Associates) on behalf of Nyrstar Port Pirie Pty Ltd, dated October 2013, except as varied by the conditions listed below or to the extent that they are varied by the plans and drawings described in Paragraphs 1 (d-e);
- (d) The drawing contained in the letter from Nyrstar dated 24 November 2014, except as varied by the conditions listed below or to the extent that they are varied by the plan and drawing described in Paragraph 1 (e); and
- (e) The plan and drawing contained in the letter from Nyrstar dated 8 April 2015.

2. The proponent shall prepare final engineering designs for the cooling water intake structure (and associated infrastructure) and the cooling water discharge pipeline and diffuser structure (and associated infrastructure) for approval by the Minister for Planning, prior to construction commencing. These designs shall demonstrate predicted dilution to meet EPA temperature criteria and shall be prepared in consultation with the Department for Environment, Water and Natural Resources and to the satisfaction of the Environment Protection Authority.

3. Once the cooling water discharge diffuser structure has been constructed and is operating, the achieved discharge dilution rate shall be field validated to test achievement of modelled predictions, including under worst case scenarios (such as a summer dodge tide with no wind).

4. The proponent shall undertake further air quality modelling and monitoring to validate modelled predictions, to the satisfaction of the Environment Protection Authority (EPA), as follows (unless modified by the EPA through future EPA licence conditions):

- (a) Additions to the current air quality monitoring network (together with the existing network) shall collect data for a minimum period of 12 months before start-up of new equipment, during commissioning of new equipment and for 12 months after new equipment is fully operational, including:
- (i) continuing to operate High Volume Air Samplers in the sector of dominant wind (i.e. to the north-west of the smelter);
 - (ii) establishment of a sulphur dioxide (SO₂) monitor on the western side of Port Pirie (such as a location at the Pirie West Primary School); and
 - (iii) establishment of one continuous (i.e. 'real-time'), mobile lead monitor, together with relevant meteorological monitoring, to be used on a campaign basis at locations determined in consultation with the EPA, to aid in event recognition, source reconciliation and for process management (i.e. for site performance improvement).
- (b) The proponent shall quantify the reduction in PM₁₀ levels by developing and implementing a monitoring plan for PM₁₀ before, during and after construction.

5. The proponent shall prepare final detailed plans for the development (drawings, cross-sections and elevations), to the satisfaction of the EPA, for approval by the Minister for Planning, prior to construction commencing.

6. For the purposes of Section 48 (11) (b) of the Development Act 1993, the proponent shall commence the development by substantial work on the site of the development by 23 December 2015, which represents two years from the date of the original authorisation.

7. The proponent shall have completed the development by 23 December 2018, which represents five years from the date of the original authorisation, failing which this authorisation may be cancelled.

8. No building work shall be undertaken unless the work has been certified by a private certifier, the Port Pirie Regional Council or by some person determined by the Minister for Planning, as complying with the provisions of the Building Rules (or the Building Rules as modified according to criteria prescribed by the Regulation). For the purposes of this condition 'building work' does not include plant and equipment or temporary buildings that are not permanently attached to the land.

9. Final engineering designs structures and equipment not covered by the provisions of the Building Rules shall be prepared and independently certified by a registered engineer, to the satisfaction of the Department of Planning, Transport and Infrastructure (Planning Division). A certificate as to the structural soundness of the proposed structures shall be submitted to the Department of Planning, Transport and Infrastructure (Planning Division), prior to the commencement of construction.

10. The oxygen plant must be designed and constructed to ensure that the predicted noise from all plant, equipment and processes does not exceed:

- (a) 35dB(A) L_{eq} between 10 p.m. and 7 a.m.; and
- (b) 60dB(A) L_{max} between 10 p.m. and 7 a.m. at the nearest noise sensitive receivers in the Residential Zone when measured and adjusted (where relevant) in accordance with the Environment Protection (Noise) Policy 2007.

11. The proponent shall prepare a Construction Environmental Management Plan 'CEMP', to the satisfaction of the Environment Protection Authority and in consultation with an EPA accredited Site Contamination Auditor, the Department of Planning, Transport and Infrastructure (Transport Services) and the Port Pirie Regional Council, for approval by the Minister for Planning prior to the commencement of any

construction or demolition works. The CEMP must include an Earth Moving Plan (including dust suppression), a Demolition Plan, a Dredging Management Plan, a Soil Erosion and Drainage Management Plan 'SEDMP', a Material Handling Procedures, a Waste Management and Recycling Plan, a Groundwater Management and Monitoring Plan and a Traffic Management Plan. The matters to be addressed in the CEMP shall generally include, but shall not be limited to, the management, mitigation, and monitoring of, and corrective actions/contingency plans in relation to the following matters:

- dust and sediment control;
- odour emissions;
- surface and ground water management;
- site contamination;
- waste management (for all waste streams) and overall site clean-up (including litter);
- use and storage of chemicals, oil, construction-related hazardous substances and of other materials that have the potential to contaminate stormwater, groundwater or the marine environment (including emergency responses);
- noise emissions (including ongoing noise assessment and monitoring to ascertain the effectiveness of noise control measures);
- Aboriginal heritage requirements in accordance with the Aboriginal Heritage Act 1988;
- vegetation clearance;
- introduced plants and animals (including marine species);
- impacts on seagrass and marine flora;
- impacts on the marine environment (especially noise, erosion and turbidity);
- traffic management strategies;
- effect on existing infrastructure;
- impacts on adjacent land users;
- site security, fencing and safety and management of impacts on local amenity for residents, traffic and adjacent land users;
- periods and hours of construction and operation in accordance with the requirements of the Environment Protection (Noise) Policy 2007; and
- community complaints register regarding the above matters.

12. The proponent shall prepare an Operations Environmental Management Plan 'OEMP' for the operational phase of the development, to the satisfaction of the Environment Protection Authority and in consultation with the Department of Planning, Transport and Infrastructure (Transport Services) and the Port Pirie Regional Council, for approval by the Minister for Planning prior to the operation of new plant. The OEMP must include an Air Quality Management Strategy, a Community Health Management Strategy, a Community Amenity Management Strategy, a Natural Resources Management Strategy, an Odour Management Strategy, a Sub-surface Quality Management Strategy, a Surface Water Quality Management Strategy, a Groundwater Management Strategy, a Visual Amenity Management Strategy and a Traffic Management Plan. The matters to be addressed in the consolidated OEMP shall generally include the management, mitigation, and monitoring of, and corrective actions/contingency plans in relation to impacts related to the operation of the upgraded smelter facility.

13. All works and site activities shall be undertaken in accordance with the approved Construction Environmental Management Plan 'CEMP' and Operations Environmental Management Plan 'OEMP'.

NOTES TO PROPONENT

1. In respect of Condition (2), the cooling water intake structure should be designed to have an intake velocity as close as possible to 0.2 metres/second, but no greater than 0.6 metres/second in order to minimise entrainment and entrapment of marine organisms as far as practicable. Where 0.2 metres/second cannot be achieved, the proponent should provide the rationale for the engineering designs.

2. Pursuant to Development Regulation 64 of the Development Regulations 2008, the proponent is advised that the Port Pirie Regional Council or private certifier conducting a Building Rules assessment must:

- (a) provide to the Minister a certification in the form set out in Schedule 12A of the Development Regulations 2008, in relation to the building works in question; and
- (b) to the extent that may be relevant and appropriate:
 - (i) issue a Schedule of Essential Safety Provisions under Division 4 of Part 12;
 - (ii) assign a classification of the building under these regulations; and
 - (iii) ensure that the appropriate levy has been paid under the Construction Industry Training Fund 1993.

Regulation 64 of the Development Regulations 2008, provides further information about the type and quantity of all Building Rules certification documentation for Major Developments required for referral to the Minister for Planning.

3. The Port Pirie Regional Council or private certifier undertaking Building Rules assessments must ensure that the assessment and certification are consistent with this development authorisation (including any Conditions or Notes that apply in relation to this development authorisation).

4. Should the proponent wish to vary the Major Development or any of the components of the Major Development, an application may be submitted, provided that the development application variation remains within the ambit of the Public Environmental Report and Assessment Report referred to in this development authorisation. If an application variation involves substantial changes to the proposal, pursuant to Section 47 of the Development Act 1993, the proponent may be required to prepare an amended Public Environmental Report for public inspection and purchase. An amended Assessment Report may also be required to assess any new issues not covered by the original Assessment Report and a decision made by the Governor pursuant to Section 48 of the Development Act 1993.

5. The proponent's CEMP and OEMP should be prepared taking into consideration, and with explicit reference to, relevant EPA policies and guideline documents, including, but not limited to: the Environment Protection (Air Quality) Policy 1994, the National Environment Protection (Ambient Air Quality) Measure 1998, the Environment Protection (Noise) Policy 2007, the Environment Protection (Water Quality) Policy 2003, the Environment Protection (National Pollutant Inventory) Policy 2008, the National Environment Protection (Assessment of Site Contamination) Measure 1999, the EPA Code of Practice for Materials Handling on Wharves 2007, EPA Bunding and Spill Management Guidelines 2012, EPA Handbooks for Pollution Avoidance and the EPA Stormwater Pollution Prevention Codes of Practice, in addition to other legislative requirements and Guidelines/Australian Standards requiring compliance.

6. The proponent is reminded of its obligations under the Environment Protection Act 1993, to seek to vary the current EPA licence that applies to the smelter facility to take into account any relevant changes resulting from the approved development. The EPA has the responsibility of imposing licensing conditions, including the setting of air quality standards that must be met and it may impose more stringent requirements than are detailed in this authorisation.

7. All works and activities must be undertaken in accordance with the General Environmental Duty as defined in Part 4, Section 25 (1) of the Environment Protection Act 1993 (which requires that a person must not undertake any activity, which pollutes, or may pollute, without taking all reasonable and practical measures to prevent or minimise harm to the environment), relevant Environment Protection Policies made under Part 5 of the Environment Protection Act 1993 and other relevant publications and guidelines.

8. In respect of Condition (10), the proponent is advised to seek advice from an acoustic engineer about how to design and operate the oxygen plant to achieve the condition. An acoustic engineer is defined as a person eligible for full Member status of both the Institution of Engineers and the Australian Acoustical Society.

9. The proponent is reminded of its obligations under the Native Vegetation Regulations 2003, whereby any native vegetation clearance must be undertaken in accordance with a management plan that has been approved by the Native Vegetation Council that results in a significant environmental benefit on the property where the development is being undertaken, or a payment is made into the Native Vegetation Fund of an amount considered by the Native Vegetation Council to be sufficient to achieve a significant environmental benefit in the manner contemplated by Section 21 (6) of the Native Vegetation Act 1991, prior to any clearance occurring. It should be noted the Act also includes within the definition of native vegetation, native plants growing 'in or under waters of the sea' where the 'waters of the sea' includes 'any water that is subject to the ebb and flow of the tide'.

10. The proponent is reminded of its obligations under the Aboriginal Heritage Act 1988, whereby any 'clearance' work, which may require permission to disturb damage or destroy Aboriginal Sites, must be undertaken with the full authorisation of the Minister for Aboriginal Affairs and Reconciliation, according to Section 23 of the Aboriginal Heritage Act 1988.

11. The proponent, and all agents, employees and contractors, such as construction crews, must be conversant with the provisions of the Aboriginal Heritage Act 1988, particularly the requirement to immediately contact the Department of the Premier and Cabinet (Aboriginal Affairs and Reconciliation) in the event that archaeological items (especially skeletal material) are uncovered during earthmoving.

12. The proponent is reminded of its obligations under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999, not to undertake any activity that could have a significant impact on any matter of National Environmental Significance, without first referring it to Commonwealth Minister for the Environment for consideration.

13. As foreign vessels are allowed to berth at the wharf, the proponent would need to consult with the Department of Planning, Transport and Infrastructure (Marine Safety) to address any requirements of the Australian Quarantine Inspection Service and the Australian Customs Service.

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

Given under my hand at Adelaide, 28 July 2015.

JOHN RAU, Minister for Planning

DOG FENCE ACT 1946

Appointment

PURSUANT to Section 6(1) of the Dog Fence Act 1946, I, the Honourable Ian Hunter, MLC, Minister for Sustainability, Environment and Conservation have appointed Carolyn Ireland as Chairperson of the Dog Fence Board from 29 July 2015 until 13 July 2019.

Dated 29 July 2015.

IAN HUNTER, Minister for Sustainability,
Environment and Conservation

DOG FENCE ACT 1946

Appointment of Dog Fence Board

PURSUANT to Section 6(1) of the Dog Fence Act 1946, I, the Honourable Ian Hunter, MLC, Minister for Sustainability, Environment and Conservation have appointed the undermentioned to the Dog Fence Board.

Member: (from 29 July 2015 until 13 July 2019)

Carolyn Ireland
Kathryn June Fargher
Christobel Treloar
Jock Hugh MacLachlan
James Peter Lawrie

Dated 29 July 2015.

IAN HUNTER, Minister for Sustainability,
Environment and Conservation

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

*Suspension of Petroleum Exploration Licences—
PELs 568 and 569*

PURSUANT to Section 90 of the Petroleum and Geothermal Energy Act 2000, notice is hereby given that the abovementioned Petroleum Exploration Licences have been suspended for the period from and including 31 July 2015 until 30 July 2016, under the provisions of the Petroleum and Geothermal Energy Act 2000, pursuant to delegated powers dated 21 March 2012.

The expiry date of PELs 568 and 569 is now determined to be 16 December 2018.

Dated 31 July 2015.

B. A. GOLDSTEIN,
Executive Director,
Energy Resources Division,
Department of State Development,
Delegate of the Minister for Mineral
Resources and Energy

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

*Suspension of Petroleum Exploration Licences—
PELs 118 and 119*

PURSUANT to Section 90 of the Petroleum and Geothermal Energy Act 2000, notice is hereby given that the abovementioned Petroleum Exploration Licences have been suspended for the period from and including 31 July 2015 until 30 July 2016, under the provisions of the Petroleum and Geothermal Energy Act 2000, pursuant to delegated powers dated 21 March 2012.

The expiry date of PELs 118 and 119 is now determined to be 1 January 2020.

Dated 31 July 2015.

B. A. GOLDSTEIN,
Executive Director,
Energy Resources Division,
Department of State Development,
Delegate of the Minister for Mineral
Resources and Energy

LOCAL GOVERNMENT ACT 1999
NOTICE OF APPROVAL OF A REGIONAL SUBSIDIARY

Fleurieu Regional Aquatic Centre

THE ALEXANDRINA COUNCIL AND THE CITY OF VICTOR HARBOR have resolved to establish a subsidiary pursuant to Section 43 of the Local Government Act 1999, to enable the joint ownership of the Fleurieu Regional Aquatic Centre by the Constituent Councils and the provision of facilities and services at the Aquatic Centre; to manage the facilities of and services at the Aquatic Centre in accordance with the Charter set out below and all applicable legislation; to undertake the care, protection, management, operation and improvement of the Aquatic Centre and its associated facilities and services in an efficient, effective and sustainable manner.

Pursuant to Clause 17 of Part 2 of Schedule 2 of the Local Government Act 1999, I approve the establishment of the Fleurieu Regional Aquatic Centre.

The Charter of the Fleurieu Regional Aquatic Centre is set out below.

Dated 3 August 2015.

GEOFF BROCK, Minister for Local Government

FLEURIEU REGIONAL AQUATIC CENTRE AUTHORITY

REGIONAL SUBSIDIARY

CHARTER 2015

1. INTRODUCTION

1.1 Name

The name of the subsidiary is the Fleurieu Regional Aquatic Centre Authority (referred to as 'the Authority' in this Charter).

1.2 Definitions

'the Act' means the Local Government Act 1999 and includes all regulations made thereunder;

'the Aquatic Centre' means the Fleurieu Regional Aquatic Centre located at Lot 50, Corner of Waterport Road and Ocean Road, Hayborough South Australia 5212 consisting of:

- an 8 lane 25 meter lap swimming pool;
- a multi-use rehabilitation, leisure and children's pool;
- a crèche facility;
- a commercial kiosk;
- plant and equipment rooms;
- dedicated change rooms and toilet facilities;
- office, first aid and lifeguard accommodation;
- dedicated carparking, bus parking, pedestrian linkages and traffic management;
- other facilities and services as may be provided from time to time;

'the Authority' means the Fleurieu Regional Aquatic Centre Authority;

'the Board' means the Board of Management of the Authority set out at Clause 3;

'Board Member' includes a Constituent Council Board Member, an Independent Board Member and a Deputy Board Member;

'Budget' means the annual budget adopted by the Authority pursuant to Clause 1.38;

'Business Plan' means the business plan adopted by the Authority pursuant to Clause 1.44;

'Chairperson' means the member of the Board appointed pursuant to Clause 1.25;

'Executive Officer' means the person appointed pursuant to Clause 1.28 as the Executive Officer of the Authority;

'Constituent Councils' means those councils identified at Clause 1.4;

'Constituent Council Board Member' means a member of the Board appointed pursuant to Clause 1.18.1.1;

'Council' means a council constituted under the Act;

'Date of Withdrawal' means the date a Constituent Council's withdrawal from the Authority becomes effective pursuant to Clause 1.49;

'Deputy Board Member' means a deputy member of the Board appointed pursuant to Clause 1.20;

‘**Financial Statements**’ has the same meaning as in the Act;

‘**Financial Year**’ means 1 July in each year to 30 June in the subsequent year;

‘**Independent Board Member**’ means a member of the Board appointed pursuant to Clause 1.18.1.2;

‘**Long Term Financial Plan**’ means the long term financial plan prepared by the Authority and approved by the Constituent Councils pursuant to Clause 1.42;

‘**Net Assets**’ means total assets (current and non-current) less total liabilities (current and non-current) of the Authority as reported in the annual audited financial statements of the Authority;

‘**Selection Panel**’ means the Panel established pursuant to Clause 1.20;

‘**Strategic Plan**’ means the strategic plan adopted by the Authority pursuant to Clause 1.43.

1.3 Interpretation

In this Charter, unless the context otherwise requires:

- 1.3.1 headings do not affect interpretation;
- 1.3.2 singular includes plural and plural includes singular;
- 1.3.3 words of one gender include any gender;
- 1.3.4 a reference to a person includes a partnership, corporation, association, government body and any other entity;
- 1.3.5 a reference to legislation includes any amendment to it, any legislation substituted for it, and any subordinate legislation made under it;
- 1.3.6 an unenforceable provision or part of a provision of this Charter may be severed, and the remainder of this Charter continues in force, unless this would materially change the intended effect of this Charter;
- 1.3.7 the meaning of general words is not limited by specific examples introduced by ‘including’, ‘for example’ or similar expressions; and
- 1.3.8 a reference to a ‘Clause’ means a clause of this Charter.

1.4 Establishment

- 1.4.1 The Authority is a regional subsidiary established under Section 43 of the Act by the Constituent Councils.
- 1.4.2 The Constituent Councils are:
 - 1.4.2.1 Alexandrina Council; and
 - 1.4.2.2 the City of Victor Harbor.

1.5 Local Government Act 1999

This Charter must be read in conjunction with Parts 2 and 3 of Schedule 2 to the Act. The Authority shall conduct its affairs in accordance with Parts 2 and 3 of Schedule 2 to the Act except as modified by this Charter in a manner permitted by the Act.

1.6 Objects and Purposes of the Authority

The Authority is established for the following objects and purposes:

- 1.6.1 to enable the joint ownership of the Aquatic Centre by the Constituent Councils and the provision of facilities and services at the Aquatic Centre;

- 1.6.2 to manage the facilities of and services at the Aquatic Centre in accordance with this Charter and all applicable legislation;
- 1.6.3 to undertake the care, protection, management, operation and improvement of the Aquatic Centre and its associated facilities and services in an efficient, effective and sustainable manner;
- 1.6.4 to pro-actively manage the business of the Aquatic Centre in a competitive and changing environment;
- 1.6.5 to deliver effective and sustainable service provision for the Constituent Councils, customers of the Aquatic Centre and the regional communities of and surrounding the Constituent Councils;
- 1.6.6 to contribute to the education and welfare of the Constituent Councils and the wider community through the facilitation of various aquatic programs;
- 1.6.7 to foster social inclusion through the provision of a community place providing a variety of aquatic programs and associated services and facilities;
- 1.6.8 to maximise participation in and use of the aquatic programs provided at the Aquatic Centre and the facilities and services of the Aquatic Centre by users of all ages and abilities;
- 1.6.9 to undertake key strategic and policy decisions for the purpose of enhancing and developing the Aquatic Centre;
- 1.6.10 to establish and demonstrate ethical policies and standards, in accordance with the rights of customers and industry standards; and
- 1.6.11 to, as far as possible, be financially self-sufficient.

1.7 **National Competition Policy**

If the Authority is at any time involved in a significant business activity as defined in the Clause 7 Statement prepared under the Competition Principles Agreement of the National Competition Policy, it will implement the principles of competitive neutrality by way of annual review of its business operations in the market place and application of the relevant principle(s) where that is appropriate to do so, unless the benefits to be realised through the application of the principles of competitive neutrality outweigh the costs associated with implementation as provided for in Part 4 of the Government Business Enterprises (Competition) Act 1996.

FUNCTIONS, POWERS AND DUTIES OF THE AUTHORITY

The functions, powers and duties of the Authority are to be exercised in the performance and furtherance of the Authority's objects and purposes.

1.8 **Functions and Powers**

In addition to those specified in the Act, the functions and powers of the Authority are:

- 1.8.1 to be responsible for the operation, renewal and maintenance of the Aquatic Centre;
- 1.8.2 to promote the services and facilities of the Aquatic Centre;
- 1.8.3 to accumulate surplus funds for investment purposes;
- 1.8.4 to establish and maintain a reserve fund or funds clearly identified for the upkeep and/or replacement of fixed assets of the Authority or meeting any deferred liability of the Authority;
- 1.8.5 to establish and maintain a cash reserve development fund or funds clearly identified for future initiatives supported by the Strategic Plan;
- 1.8.6 subject to Clause 1.12 to enter into any kind of contract or arrangement;
- 1.8.7 to borrow funds and incur expenditure in accordance with Clause 2.6;
- 1.8.8 subject to Clause 1.12 to employ, engage determine conditions of employment/engagement, remunerate, remove, suspend or dismiss/terminate the Executive Officer of the Authority;

- 1.8.9 subject to Clause 1.12 to employ, engage or retain professional advisers to the Authority;
- 1.8.10 to set and charge fees for the use of facilities and services at the Aquatic Centre;
- 1.8.11 subject to Clause 1.12 to institute, initiate and carry on legal proceedings;
- 1.8.12 to adopt and use a trading name provided that the Authority must first register the trading name with Consumer and Business Services in accordance with the Business Names Act 1996;
- 1.8.13 subject to Clause 1.12 to agree to undertake a project in conjunction with any council or government agency or authority and in so doing to participate in the formation of a trust, partnership or joint venture with any council or government agency or authority to give effect to the project;
- 1.8.14 to open and operate bank accounts;
- 1.8.15 to make submissions for and accept grants, subsidies and contributions to further its objects and purposes;
- 1.8.16 to invest any funds of the Authority in any investment provided that:
 - 1.8.16.1 in exercising this power of investment the Authority must exercise the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and
 - 1.8.16.2 the Authority must avoid investments that are speculative or hazardous in nature;
 - 1.8.16.3 any investments must be with the Local Government Finance Authority only;
- 1.8.17 subject to Clause 1.9 undertaking and exercising such powers and functions as specified in this Charter outside the areas of the Constituent Councils;
- 1.8.18 provided that the consent of the Constituent Councils has first been obtained other than as set out in Clause 1.8.13, to participate in a trust, including by becoming and exercising the powers of a trustee, not inconsistent with this Charter or the objects and purposes of the Authority;
- 1.8.19 the power to do anything else necessary or convenient for or incidental to the exercise, performance or discharge of its powers, functions or duties or the attainment of its objects and purposes;
- 1.8.20 to directly market the facilities and services of the Aquatic Centre;
- 1.8.21 with the prior approval of the Constituent Councils to purchase, sell or otherwise acquire, dispose of or encumber any real property or interests therein other than by lease or licence;
- 1.8.22 subject to Clause 1.12, to lease, licence, hire or rent any real property or interests therein.

1.9 **Duties**

The Authority has the following duties:

- 1.9.1 to exercise the functions and powers of the Authority only in the performance and furtherance of the Authority's objects and purposes;
- 1.9.2 notwithstanding any other Clause or provision in this Charter not to act outside the areas of the Constituent Councils unless the prior approval of the Constituent Councils that such action is necessary or expedient to the performance of the Constituent Councils' or the Authority's functions has been obtained;
- 1.9.3 to comply with this Charter, the Act, all other applicable law and any lawful joint direction of the Constituent Councils.

1.10 Other Powers, Functions and Duties

The Authority may exercise such other functions, powers and duties as are delegated to the Authority or authorised by the Constituent Councils from time to time.

1.11 Common Seal

- 1.11.1 The Authority will have a common seal.
- 1.11.2 The common seal of the Authority must not be affixed to a document except to give effect to a resolution of the Board.
- 1.11.3 The affixation of the common seal of the Authority must be attested by two Board Members or the Executive Officer and one (1) Board Member.
- 1.11.4 The Executive Officer must maintain a register which records the resolutions of the Board giving authority to affix the common seal and details of the documents to which the common seal has been affixed with the particulars of persons who witnessed the fixing of the seal and the date that the seal was affixed.
- 1.11.5 The Authority may by instrument under common seal authorise a person to execute documents on behalf of the Authority subject to any limitations specified in the instrument of authority.

1.12 Borrowings and Expenditure

- 1.12.1 The Authority has the power to incur expenditure as follows:
 - 1.12.1.1 in accordance with a budget adopted by the Authority and approved by the Constituent Councils as required by the Act or this Charter; or
 - 1.12.1.2 with the prior approval of both of the Constituent Councils; or
 - 1.12.1.3 in accordance with the Act, in respect of expenditure not contained in a budget adopted by the Authority for a purpose of genuine emergency or hardship.
- 1.12.2 Subject to Clause 1.12.3 the Authority has the power to borrow money as follows:
 - 1.12.2.1 in accordance with a budget adopted by the Authority as required by the Act or this Charter;
 - 1.12.2.2 in respect of an overdraft facility or facilities up to a maximum amount of \$100,000;
 - 1.12.2.3 with the prior approval of the Constituent Councils.
- 1.12.3 Unless otherwise approved by both of the Constituent Councils any and all borrowings taken out by the Authority:
 - 1.12.3.1 must be from the Local Government Financial Authority; and
 - 1.12.3.2 in the case of fixed loans, must be drawn down within a period of 24 months from the date of approval.

1.13 Property

- 1.13.1 All property held by the Authority is held by it on behalf of the Constituent Councils.
- 1.13.2 Except as provided in Clause 1.8.22 no property of the Authority may be sold, encumbered or otherwise dealt with without the prior approval of the Constituent Councils and the approval of the Authority by a resolution of the Board.

1.14 Delegation by the Authority

- 1.14.1 The Authority may, in accordance with this Charter, and the Act by resolution, delegate to a committee, an employee of the Authority or a Constituent Council or to a person for the time being occupying a particular office or position any of its powers and functions under this Charter but may not delegate:
- 1.14.1.1 the power to borrow money or obtain any other forms of financial accommodation not contained in a Budget adopted by the Authority;
 - 1.14.1.2 the power to approve expenditure of money on works, services or operations of the Authority not contained in a Budget adopted by the Authority;
 - 1.14.1.3 the power to approve the reimbursement of expenses or payment of allowances to Board Members;
 - 1.14.1.4 the power to adopt or revise a Budget of the Authority;
 - 1.14.1.5 the power to adopt or revise a Business Plan, Strategic Plan or Long Term Financial Plan of the Authority;
 - 1.14.1.6 the power to adopt or revise financial estimates and reports; and
 - 1.14.1.7 the power to make any application or recommendation to the Minister.
- 1.14.2 A delegation is revocable at will and does not prevent the Authority from acting in a matter.

BOARD OF MANAGEMENT**1.15 Structure**

- 1.15.1 The Authority is a body corporate and is governed by the Act and this Charter.
- 1.15.2 The Board is the Authority's governing body and has the responsibility for the administration of the affairs of the Authority ensuring that the Authority acts in accordance with this Charter and all relevant legislation including the Act.
- 1.15.3 All meetings of the Authority shall be meetings of the Board.

1.16 Role of the Board

The Board, is responsible for the administration of the affairs of the Authority and ensuring that the Authority acts in accordance with this Charter and all relevant legislation including the Act.

1.17 Functions of the Board

In addition to the functions of the Board set out in the Act, the functions of the Board include:

- 1.17.1 striving to position the Authority as the premier provider of a regional aquatic facility and related services;
- 1.17.2 the formulation of strategic and business plans in accordance with Clauses 1.43 and 1.44 and the development of strategies aimed at improving the business of the Aquatic Centre;
- 1.17.3 providing professional input and policy direction to the Authority;
- 1.17.4 ensuring strong accountability and stewardship of the Authority;
- 1.17.5 monitoring, overseeing and measuring the performance of the Executive Officer of the Authority;
- 1.17.6 ensuring that ethical behaviour and integrity is established and maintained by the Authority, the Board and Board Members in all activities undertaken by the Authority;
- 1.17.7 subject to Clause 1.26.5, ensuring that the business of the Authority is undertaken in an open and transparent manner;

- 1.17.8 developing and adopting such policies and procedures as give effect to good governance and administrative practices;
- 1.17.9 exercising the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and
- 1.17.10 avoiding investments that are speculative or hazardous by nature.
- 1.18 **Membership of the Board**
- 1.18.1 The Board shall consist of five (5) members appointed as follows:
- 1.18.1.1 Constituent Council Board Members
- Each Constituent Council must appoint for a maximum period of two (2) years taking into account the timing of local government general elections and on such other conditions as the Constituent Council may determine one (1) elected member of the Constituent Council to be a Board Member and may at any time terminate or revoke that appointment and appoint another elected member of the Constituent Council to be a Board Member;
- 1.18.1.2 Independent Board Members
- (a) Following the receipt of recommendations from the Selection Panel in accordance with Clause 1.18.3, the Constituent Councils must appoint three (3) persons to be Board Members for a maximum period of three (3) years each provided that no more than one (1) Independent Board Member's term of office will conclude per calendar year and on such other conditions as the Constituent Councils may determine and the Constituent Councils may at any time terminate or revoke one or more of those appointments and appoint one or more (as the case may be) other persons to be a Board Member(s).
- (b) The Constituent Councils must as far as possible ensure that the Independent Board Members collectively possess the following skills and experience:
- (i) chairing;
- (ii) finance;
- (iii) governance;
- (iv) community service delivery;
- (v) asset management; and
- (vi) risk management.
- 1.18.2 Each Constituent Council must give notice in writing to the Authority of its appointment of Board Members, the term of appointment, any other conditions, and of any termination or revocation of those appointments. A notice in writing signed by the Chief Executive Officer of the Constituent Council will be sufficient evidence of an appointment, termination or revocation of an appointment and will constitute notice as required by this Clause 1.18.2.
- 1.18.3 The Selection Panel shall invite applications for the position of Independent Board Member and assess such applications through such process as it considers appropriate and make recommendations to the Constituent Councils on the appointment of Independent Board Members including the terms and conditions to attach to such appointments.

1.19 Deputy Board Member

- 1.19.1 Each Constituent Council must appoint an elected member of the Constituent Council (not being a Board Member) to be a Deputy Board Member for such term and on such other conditions as the Constituent Council may determine and may at any time terminate or revoke that appointment and appoint another elected member of the Constituent Council to be a Deputy Board Member.
- 1.19.2 A Deputy Board Member is entitled to act in place of the Board Member appointed by the same Constituent Council that appointed the Deputy Board Member if that Board Member is absent or unable for any reason to act as a Board Member.
- 1.19.3 In the absence of a Board Member or inability of a Board Member to act as a Board Member, a Deputy Board Member appointed by the same Constituent Council that appointed the Board Member may exercise all the rights and privileges of the Board Member and will be deemed to be the Board Member for the period of the Board Member's absence or inability to act as a Board Member.

1.20 Selection Panel

- 1.20.1 The Selection Panel is to be comprised of five (5) members being the Mayors and the Chief Executive Officers of the Constituent Councils or in the case of the Mayors a proxy elected member appointed by the Mayor or in the case of the Chief Executive Officer a proxy officer appointed by the Chief Executive Officer (where the proxy must respectively be a member or officer from the appointer's council) and either a legal practitioner or a human resource specialist, not being an employee or elected member of a Constituent Council, unanimously agreed to by the Chief Executive Officers and Mayors of the Constituent Councils and engaged for the purpose – and who in the opinion of the Chief Executive Officers and Mayors will add value by their abilities and experience to the effective performance of the Authority's business and management obligations.
- 1.20.2 Those members of the Selection Panel comprising the Mayors or Chief Executive Officers of the Constituent Councils will cease to hold office as a member of the Selection Panel upon ceasing to hold office as a Mayor of a Constituent Council or ceasing to be employed as a Chief Executive Officer of a Constituent Council.
- 1.20.3 Subject to Clause 1.20.4, the member of the Selection Panel being a legal practitioner or human resource specialist will hold office for up to three years as determined by the Chief Executive Officers and Mayors of the Constituent Councils and at the conclusion of their term of office will be eligible for reappointment.
- 1.20.4 The Chief Executive Officers and Mayors of the Constituent Councils may at any time terminate the appointment of the member of the Selection Panel being the legal practitioner or human resource specialist.
- 1.20.5 The member of the Selection Panel, being the legal practitioner or human resource specialist, shall be remunerated by the Authority in such amount as determined by the Chief Executive Officers and Mayors of the Constituent Councils.

1.21 Office of Board Member

- 1.21.1 Subject to Clause 1.21.4, at the conclusion of a Constituent Council Board Member's term of office such Constituent Council Board Member will be eligible for re-appointment except that no person shall hold office as a Board Member for more than two (2) consecutive terms save that where a term of office held by a Constituent Council Board Member is less than one (1) year, that term of office shall not be counted as a term of office of that Constituent Council Board Member for the purposes of this Clause 1.21.1.
- 1.21.2 Subject to Clause 1.21.4, at the conclusion of an Independent Board Member's term of office such Independent Board Member will be eligible for re-appointment except that no person shall hold office as a Board Member for more than two (2) consecutive terms, save where a term of office held by an Independent Board Member is less than one (1) year, that term of office shall not be counted as a term of office of that Independent Board Member for the purposes of this Clause 1.21.2.
- 1.21.3 The Constituent Councils must ensure when appointing an Independent Board Member and determining the term of office of an Independent Board Member that no more than one (1) Independent Board Member's term of office will conclude per calendar year.

- 1.21.4 A Board Member, including where applicable an Independent Board Member, will cease to hold office:
- 1.21.4.1 if any of the grounds or circumstances set out in the Act as to when a Board Member's office becomes vacant arises: or
- 1.21.4.2 in relation to a Constituent Council Board Member and Deputy Board Member, immediately upon:
- (a) the Constituent Council which appointed the Board Member terminating or revoking the Board Member's appointment;
 - (b) the Constituent Council which appointed the Board Member ceasing to be a Constituent Council;
 - (c) the Board Member ceasing to be an elected member of the Constituent Council that appointed him or her;
 - (d) the conclusion of the next periodic local government election following their appointment.
- 1.21.5 The Authority may, by resolution supported by at least two thirds of the Board Members currently in office (excluding the Board Member subject to this Clause and ignoring any fraction) make a recommendation to a Constituent Council that it terminate the appointment of a Constituent Council Board Member appointed by that Constituent Council, or make a recommendation to the Constituent Councils that they terminate the appointment of an Independent Board Member, in the event of any behaviour of a Board Member which in the opinion of the Authority amounts to:
- 1.21.5.1 impropriety;
- 1.21.5.2 serious neglect of duty in attending to the responsibilities as a Board Member;
- 1.21.5.3 breach of fiduciary duty to the Authority;
- 1.21.5.4 breach of any of the legislative obligations and duties of a Board Member including the conflict of interest provisions in the Act;
- 1.21.5.5 breach of the duty of confidentiality to the Authority; or
- 1.21.5.6 any other behaviour which may discredit the Board, the Authority or the Constituent Councils.
- 1.21.6 Where, for any reason, the office of a Constituent Council Board Member becomes vacant the Constituent Council which appointed the Board Member will be responsible for appointing a replacement Board Member.
- 1.21.7 Where, for any reason, the office of an Independent Board Member becomes vacant the Constituent Councils will be responsible for appointing a replacement Board Member.
- 1.21.8 Where any vacancy occurs in the membership of the Board it must be filled in the same manner as the original appointment and the person appointed to fill the vacancy will be appointed for the balance of the term of the original appointment and at the expiry of that term shall be eligible for reappointment.

1.22 Remuneration of Board Members

- 1.22.1 The Authority will pay each Board Member an annual fee as determined by the Constituent Councils following the receipt of a recommendation from the Selection Panel having regard to the Guidelines for Agencies and Board Directors published from time to time by the Department of Premier and Cabinet for Government Boards and Committees or such publication as may succeed such Guidelines).
- 1.22.2 All Board Members will receive from the Authority reimbursement of expenses properly incurred in performing or discharging official functions and duties as determined by the Authority and set out in a policy adopted by the Authority for the purposes of this clause.
- 1.22.3 The Selection Panel will review the annual fee to be paid to the Board Members and make recommendations to the Constituent Councils of the outcome of the review and any alteration to such annual fees.

1.23 Insurance

The Authority must take out a suitable policy of insurance insuring Board Members and their spouses or another person who may be accompanying a Board Member, against risks associated with the performance or discharge of their official functions and duties or on official business of the authority.

1.24 Propriety of Members of the Board

- 1.24.1 All provisions governing the propriety and duties of elected members of a council and public officers under the Act and other South Australian legislation apply to Board Members.
- 1.24.2 Board Members are required to submit returns under Chapter 5, Part 4, Division 2 of the Act.
- 1.24.3 The provisions regarding conflict of interest prescribed in the Act apply to all Board Members as if they were elected members of a council and the Authority were a council.
- 1.24.4 Board Members must act in accordance with their duties of confidence and confidentiality and other legal and fiduciary duties, to the Authority at all times while acting in their capacity as a Board Member including honesty and the exercise of reasonable care and diligence as required by Part 4, Division 1, Chapter 5 of the Act and Clause 23 of Schedule 2, Part 2 of the Act.
- 1.24.5 The Authority must adopt a Code of Conduct for Board Members to be approved by the Constituent Councils.

1.25 Chairperson of the Board

- 1.25.1 The Selection Panel must make a recommendation to the Constituent Councils on the appointment from amongst the Independent Board Members of a Chairperson.
- 1.25.2 Following the receipt of a recommendation by the Selection Panel, the Constituent Councils will appoint an Independent Board Member to be the Chairperson for a term of up to three (3) years and on such other terms as determined by the Constituent Councils and subject to Clauses 1.21.2 and 1.21.4 at the conclusion of the Chairperson's term of office, the Chairperson will be eligible for reappointment.
- 1.25.3 The Chairperson will cease to hold office as Chairperson in the event:
- 1.25.3.1 the Chairperson resigns as Chairperson; or
 - 1.25.3.2 the Chairperson ceases to be a Board Member; or
 - 1.25.3.3 the Constituent Councils terminate the Chairperson's appointment as Chairperson.
- 1.25.4 In the event that the office of Chairperson becomes vacant, then the Constituent Councils must appoint a new Chairperson who shall hold office for the balance of the original term or until such later date as the Constituent Councils may determine.
- 1.25.5 The Board shall appoint a Board Member, other than the Chairperson to be the Deputy Chairperson for a term of up to three (3) years and at the conclusion of the Deputy Chairperson's term of office, the Deputy Chairperson is eligible for reappointment.

- 1.25.6 In the event that the Chairperson resigns, is removed from office by the Constituent Councils, refuses or is unable to act as Chairperson, or is no longer eligible to act as a Board Member, then the Deputy Chairperson shall act in that office and in the event that the Deputy Chairperson refuses or is unable to act as Chairperson, the Board shall appoint a Board Member to be the Chairperson until such time as a Chairperson has been appointed by the Constituent Councils whereupon the person so appointed shall hold office as the Chairperson for the balance of the original term.
- 1.25.7 The Chairperson must preside at all meetings of the Board and, in the event the Chairperson is absent from a meeting, the Deputy Chairperson shall preside and in the event of both the Chairperson and Deputy Chairperson being absent from a meeting, the Board must appoint one of the Board Members present to preside at that meeting only.

1.26 **Proceedings of the Board**

Board Meetings

- 1.26.1 Ordinary meetings of the Board will be held at such times and places as determined by the Board except that there must be at least one ordinary meeting of the Board every three months.
- 1.26.2 An ordinary meeting of the Board will constitute an ordinary meeting of the Authority. The Board shall administer the business of the Authority at the ordinary meeting.
- 1.26.3 For the purpose of this Clause 1.26, the contemporary linking together by telephone, audio-visual or other instantaneous means ('telecommunications meeting') of the Board Members provided that at least a quorum is present, is deemed to constitute a meeting of the Board. Each of the Board Members taking part in the telecommunications meeting, must at all times during the telecommunications meeting be able to hear and be heard by each of the other Board Members present. At the commencement of the meeting, each Board Member must announce his/her presence to all other Board Members taking part in the meeting. A Board Member must not leave a telecommunications meeting by disconnecting his/her telephone, audio-visual or other communication equipment, unless that Board Member has previously notified the Chair of the meeting.
- 1.26.4 A proposed resolution in writing and given to all Board Members in accordance with procedures determined by the Board will be a valid decision of the Board and will constitute a valid decision of the Authority where a majority of Board Members vote in favour of the resolution by signing and returning the resolution to the Executive Officer or otherwise giving written notice of their consent and setting out the terms of the resolution to the Executive Officer. The resolution will be deemed a resolution of the Board and will be as valid and effective as if it had been passed at a meeting of the Board duly convened and held.
- 1.26.5 Meetings of the Board will be open to the public and Chapter 6 Part 3 of the Act extends to the Authority as if the Authority were a council and the Board Members were members of the council.
- 1.26.6 The Executive Officer must within one calendar month following a local government periodic election, call an ordinary meeting of the Board at which meeting the time, date and place of ordinary meetings of the Board will be determined.

Notice of Meetings

- 1.26.7 Subject to Clause 1.26.11, notice of an ordinary meeting of the Board will be given by the Executive Officer to each Board Member not less than three (3) clear days prior to the holding of the meeting.
- 1.26.8 The Executive Officer must, in relation to a notice of meeting of the Board for the purpose of considering the making of a recommendation to the Constituent Councils to wind up the Authority, provide the notice to all Board Members at least four (4) months before the date of the meeting.
- 1.26.9 Notice of a meeting of the Board must:
- 1.26.9.1 be in writing; and
 - 1.26.9.2 set out the date, time and place of the meeting; and
 - 1.26.9.3 be signed by the Executive Officer; and
 - 1.26.9.4 contain, or be accompanied by, the agenda for the meeting.

- 1.26.10 Any Constituent Council, the Chairperson or three (3) Board Members may by delivering a written request to the Executive Officer require a special meeting of the Board to be held and any such special meeting shall constitute a special meeting of the Authority. The written request must be accompanied by the agenda for the special meeting and if an agenda is not provided the request has no effect.
- 1.26.11 On receipt of a written request pursuant to Clause 1.26.10, the Executive Officer and Chairperson must determine the date and time of the special meeting and the Executive Officer must give notice to all Board Members at least four (4) hours prior to the commencement of the special meeting.
- 1.26.12 The Executive Officer must, insofar as is reasonably practicable:
- 1.26.12.1 ensure that items on an agenda given to Board Members are described with reasonable particularity and accuracy; and
 - 1.26.12.2 supply to each Board Member at the time that notice of a meeting is given a copy of any documents or reports that are to be considered at the meeting (so far as this is practicable).
- 1.26.13 Notice of a meeting of the Board may be given to a Board Member:
- 1.26.13.1 personally; or
 - 1.26.13.2 by delivering the notice (whether by post or otherwise) to the usual place of residence of the Board Member or to another place authorised in writing by the Board Member; or
 - 1.26.13.3 in the case of a Constituent Council Board Member by leaving the notice for the Board Member at an appropriate place at the principal office of the Constituent Council which appointed the Board Member; or
 - 1.26.13.4 by a means authorised in writing by the Board Member as being an available means of giving notice.
- 1.26.14 A notice that is not given in accordance with Clause 1.26.13 is taken to have been validly given if the Executive Officer considers it impracticable to give the notice in accordance with that Clause and takes action the Executive Officer considers reasonably practicable in the circumstances to bring the notice to the attention of the Board Member.
- 1.26.15 The Executive Officer must give notice to the public of the times and places of meetings of the Board at least three (3) clear days prior to the holding of the meeting by causing a copy of the notice and agenda for the meeting to be placed on public display at the principal offices of the Constituent Councils and the Authority.
- 1.26.16 Subject to Clause 1.26.18, the Executive Officer must also ensure that a reasonable number of copies of any document or report supplied to Board Members for consideration at a meeting of the Board are available for inspection by members of the public:
- 1.26.16.1 at the principal offices of the Constituent Councils and the Authority as soon as practicable after the time when the document or report is supplied to Board Members; or
 - 1.26.16.2 in the case of a document or report supplied to Board Members at the Board Meeting, at the meeting as soon as practicable after the time when the document or report is supplied to Board Members.
- 1.26.17 The Executive Officer may indicate on a document or report provided to Board Members under Clause 1.26.12 any information or matter contained in or arising from a document or report that may, if the Board determines, be considered in confidence in accordance with Clause 1.26.5 provided that the Executive Officer at the same time specifies the basis on which an order could be made pursuant to the provisions of Chapter 6 Part 3 of the Act.

- 1.26.18 Clause 1.26.16 does not apply to a document or report:
- 1.26.18.1 that is subject to the operation of Clause 1.26.17; or
- 1.26.18.2 that relates to a matter dealt with by the Board on a confidential basis in accordance with Clause 1.26.5 and Chapter 6 Part 3 of the Act.
- 1.26.19 The Executive Officer must maintain a record of all notices of Board meetings given under Clause 1.26.9 to Board Members.

Quorum

- 1.26.20 A meeting of the Board must not commence until a quorum of Board Members is present and a meeting must not continue if there is not a quorum of Board Members present. A quorum of Board Members will comprise one half of the Board Members in office, ignoring any fraction, plus one.

Majority Decision Making

- 1.26.21 Unless otherwise required at law or by this Charter, all matters for decision at a meeting of the Board will be decided by a simple majority of the Board Members present and entitled to vote on the matter. All Board Members including the Chairperson present and entitled to vote on a matter are required to vote. All Board Members including the Chairperson are entitled to a deliberative vote and if the votes are equal the Chairperson or other Board Member presiding at the meeting does not have a second or casting vote.

Confidentiality

- 1.26.22 All Board Members must at all times keep confidential all documents and reports provided to them for their consideration prior to a meeting of the Board that is subject to the operation of Clause 1.26.17 or that relates to a matter dealt with by the Board on a confidential basis in accordance with Clause 1.26.5 and Chapter 6, Part 3 of the Act.

Minutes

- 1.26.23 The Executive Officer must cause minutes to be kept of the proceedings at every meeting of the Board and ensure that the minutes are presented to the next ordinary meeting of the Board for confirmation. Where the Executive Officer is absent or excluded from attendance at a meeting of the Board pursuant to Clause 1.26.5, the person presiding at the meeting shall cause the minutes to be kept.
- 1.26.24 The Executive Officer must, within five (5) days after a meeting of the Board provide to each Board Member a copy of the minutes of the meeting of the Board.
- 1.26.25 Subject to Clause 1.26.26, a copy of the minutes of a meeting of the Board must be placed on public display at the principal offices of the Constituent Councils and the Authority within five (5) days after the meeting and kept on public display for a period of one (1) month.
- 1.26.26 Clause 1.26.25 does not apply to the minutes of a meeting of the Board that relates to a matter dealt with by the Board on a confidential basis in accordance with Clause 1.26.5 and Chapter 6 Part 3 of the Act.

Code of Practice

- 1.26.27 The Board must adopt a Code of Practice for Meeting Procedures to apply to the proceedings at and conduct of meetings of the Board. The Code of Practice for Meeting Procedures must not be inconsistent with the Act or this Charter.
- 1.26.28 The Code of Practice for Meeting Procedures may be reviewed by the Board at any time and must be reviewed at least once every three (3) years.
- 1.26.29 In the event of any inconsistency between this Charter and the Code of Practice for Meeting Procedures, this Charter shall prevail.

Board Committees

- 1.26.30 The Board may establish Committees as it considers necessary, and determine the membership and terms of reference and meeting procedures of such committees as it sees fit.

1.27 Board Annual Performance Review

- 1.27.1 The Selection Panel will oversee an independent performance review of the Board to be undertaken every second year. The performance review will be conducted within two (2) calendar months of the commencement of a Financial Year in respect of the immediately preceding Financial Year and will be facilitated by an independent consultant experienced in such performance reviews on such conditions as the Selection Panel may determine.
- 1.27.2 In conducting the performance review the independent consultant will:
- 1.27.2.1 have regard to requirements of the Act and the Regulations;
 - 1.27.2.2 be provided with access to Board papers, minutes, budgets, financial results, plans and procedures;
 - 1.27.2.3 interview Board members individually or collectively;
 - 1.27.2.4 make recommendations as to the:
 - (a) workings of the Board;
 - (b) replacement of individual Board members;
 - (c) addition of Board members;
 - 1.27.2.5 consult with Board members individually or collectively before issuing the final report;
 - 1.27.2.6 prepare a report for consideration by the Constituent Councils.

EXECUTIVE OFFICER AND APPOINTMENT OF OTHER STAFF

- 1.28 The Authority may employ staff and must appoint an Executive Officer on a fixed term performance based employment contract, which does not exceed five years in duration and on such other terms as determined by the Authority. The Authority may at the end of the contract term enter into a new contract not exceeding five years in duration with the same person.
- 1.29 The Executive Officer is responsible for appointing, managing, suspending and dismissing the other employees of the Authority on behalf of the Authority.
- 1.30 In the absence of the Executive Officer for any period exceeding one week, the Executive Officer must appoint a suitable person as Acting Executive Officer. If the Executive Officer does not make or is incapable of making such an appointment a suitable person must be appointed by the Board.
- 1.31 The Authority delegates responsibility for day to day management of the Authority to the Executive Officer, who will ensure that sound business and human resource management practices are applied in the efficient and effective management of the operations of the Authority.
- 1.32 The functions of the Executive Officer include:
- 1.32.1 ensuring that the decisions of the Authority are implemented in a timely and efficient manner;
 - 1.32.2 providing information to assist the Authority to assess the Authority's performance against its Strategic, Long Term Financial and Business Plans;
 - 1.32.3 providing advice and reports to the Authority on the exercise and performance of its powers and functions under this Charter or any Act;
 - 1.32.4 co-ordinating and initiating proposals for consideration of the Authority including but not limited to continuing improvement of the operations of the Authority;

- 1.32.5 ensuring that the assets and resources of the Authority are properly managed and maintained;
 - 1.32.6 ensuring that records required under the Act or any other legislation are properly kept and maintained;
 - 1.32.7 exercising, performing or discharging other powers, functions or duties conferred on the Executive Officer by or under the Act or any other Act, and performing other functions lawfully directed by the Authority;
 - 1.32.8 achieving financial outcomes in accordance with adopted plans and budgets; and
 - 1.32.9 establishing policies and procedures relating to work, health and safety.
- 1.33 The Authority must undertake a review of the performance of the Executive Officer at least once every two years.
- 1.34 The Executive Officer and other senior staff of the Authority as determined by the Authority, are required to submit returns under Chapter 7, Part 4, Division 2 of the Act, as if the Executive Officer and other staff of the Authority were employees of a council and the Authority was a council.
- 1.35 The Executive Officer may delegate or sub-delegate to an employee of the Authority or a committee comprising employees of the Authority, any power or function vested in the Executive Officer. Such delegation or sub-delegation may be subject to conditions or limitations as determined by the Executive Officer.
- 1.36 Where a power or function is delegated to an employee, the employee is responsible to the Executive Officer for the efficient and effective exercise or performance of that power or function.
- 1.37 A written record of delegations and sub-delegations must be kept by the Executive Officer at all times.

FINANCIALS

- 1.38 **Budget**
- 1.38.1 The Authority must before 30 April of each year prepare and submit a draft Budget to the Constituent Councils for the ensuing Financial Year (or, if appropriate, part Financial Year) in accordance with the Act for approval by the Constituent Councils.
 - 1.38.2 The Authority must adopt after 31 May and within six (6) weeks of approval of the draft Budget by both of the Constituent Councils in each year, a Budget in accordance with the Act for the ensuing Financial Year consistent with the approval given by the Constituent Councils pursuant to Clause 1.38.1.
 - 1.38.3 The Authority may in a Financial Year, after consultation with the Constituent Councils, incur spending before adoption of its Budget for the year, but the spending must be provided for in the appropriate Budget for the year.
 - 1.38.4 The Authority must each Financial Year provide a copy of its adopted Budget to the Constituent Councils within five (5) business days after the adoption of the Budget by the Authority.
 - 1.38.5 Quarterly reports summarising the financial position and performance of the Authority against the Budget must be prepared and presented to the Board at each ordinary meeting of the Board and copies provided to the Constituent Councils.
 - 1.38.6 The Authority must reconsider its Budget in accordance with the Act in a manner consistent with the Act and may with the approval of the Constituent Councils amend its Budget for a Financial Year at any time before the year ends.
 - 1.38.7 The contents of the Budget must be in accordance with the Act.
- 1.39 **Financial Contributions**
- 1.39.1 The Constituent Councils will contribute funds to the Authority as set out in the Budget adopted by the Authority and approved by the Constituent Councils.
 - 1.39.2 The Constituent Councils may agree to provide the Authority with additional funds at any time on such terms and conditions, if any, as determined by the Constituent Councils.

1.40 Financial Standards and Reporting

- 1.40.1 The Authority must ensure that the Financial Statements of the Authority for each Financial Year are audited by the Authority's auditor.
- 1.40.2 The Financial Statements must be finalised and audited in sufficient time to be included in the Annual Report to be provided to the Constituent Councils pursuant to Clause 1.45.

1.41 Financial Transactions

- 1.41.1 The Authority must establish and maintain a bank account with such banking facilities and at a bank to be determined by the Authority.
- 1.41.2 The Authority will develop and maintain appropriate policies for all financial transactions.
- 1.41.3 The Executive Officer must act prudently in the handling of all financial transactions for the Authority.

1.42 Long Term Financial Plan

- 1.42.1 The Authority must prepare and submit to the Constituent Councils for their approval a Long Term Financial Plan covering a period of at least ten (10) years in a form and including such matters which, as relevant, is consistent with Section 122 of the Act and the Local Government (Financial Management) Regulations 2011 as if the Authority were a council.
- 1.42.2 The Authority may at any time review the Long Term Financial Plan but must undertake a review of the Long Term Financial Plan as soon as practicable after the annual review of its Business Plan and concurrently with any review of its Strategic Plan.
- 1.42.3 In any event, the Authority must undertake a comprehensive review of its Long Term Financial Plan every four (4) years.
- 1.42.4 The Long Term Financial Plan will be taken to form part of the Authority's Strategic Plan.

MANAGEMENT FRAMEWORK**1.43 Strategic Plan**

Consistent with the Long Term Financial Plan set out above, the Authority must:

- 1.43.1 prepare and adopt a Strategic Plan with a minimum operational period of ten (10) years which sets out the goals, objectives, strategies and priorities of the Authority over the period of the Strategic Plan;
- 1.43.2 prepare an Asset Management Plan, with detailed financials for the first ten years;
- 1.43.3 submit the Strategic Plan to the Constituent Councils for their approval.

1.44 Business Plan

The Authority:

- 1.44.1 must in consultation with the Constituent Councils prepare and adopt a Business Plan for a minimum three (3) year period which will continue in force for the period specified in the Business Plan or until the earlier adoption by the Authority of a new Business Plan;
- 1.44.2 must in consultation with the Constituent Councils review the Business Plan annually and following such a review the Business Plan shall continue to operate for the period for which the Business Plan was adopted pursuant to Clause 1.44.1;
- 1.44.3 may, after consultation with the Constituent Councils amend its Business Plan at any time; and
- 1.44.4 must ensure the contents of the Business Plan is in accordance with the Act.

1.45 Annual Report

- 1.45.1 The Authority must each year, produce an Annual Report summarising the activities, achievements and financial performance of the Authority for the preceding Financial Year.
- 1.45.2 The Annual Report must incorporate the audited financial statements of the Authority for the relevant Financial Year.
- 1.45.3 The Annual Report must be provided to the Constituent Councils by 30 September each year.

1.46 Audit

- 1.46.1 The Authority must cause adequate and proper books of account to be kept in relation to all the affairs of the Authority and must establish and maintain effective auditing of its operations.
- 1.46.2 The Authority must appoint an Auditor in accordance with the Act on such terms and conditions as determined by the Authority.
- 1.46.3 The audited Financial Statements of the Authority, together with the accompanying report from the Auditor, shall be submitted to both the Board and the Constituent Councils by 30 September in each year.

1.47 Audit and Risk Management Committee

- 1.47.1 The Authority must establish an Audit and Risk Management Committee to be comprised of five (5) persons nominated by the Authority and approved by the Constituent Councils.
- 1.47.2 The members of the Audit and Risk Management Committee:
- 1.47.2.1 must include two (2) professionally qualified officers, one of each from the staff of the Constituent Councils;
 - 1.47.2.2 must include at least 1 person who is not a member of the Board and who is determined by the Constituent Councils to have financial experience relevant to the functions of the Audit and Risk Management Committee;
 - 1.47.2.3 may include elected members of the Constituent Councils;
 - 1.47.2.4 must have regard to the Act in performing their duties.
- 1.47.3 The term of appointment of a member of the Audit and Risk Management Committee shall be for a term not exceeding two (2) years at the expiry of which such member will be eligible for reappointment.

1.48 Insurance and Superannuation Requirements

- 1.48.1 The Authority shall register with the Local Government Mutual Liability Scheme and the Local Government Workers Compensation Scheme and comply with the rules of the schemes.
- 1.48.2 The Authority shall advise Local Government Risk Management Services of its insurance requirements relating to Local Government Special Risks including buildings, structures, vehicles and equipment under the management, care and control of the Authority.
- 1.48.3 The Authority shall register with the Local Government Superannuation Scheme and comply with the rules of the Scheme.

MISCELLANEOUS PROVISIONS**1.49 Withdrawal of a Constituent Council**

The withdrawal of either Constituent Council is inconsistent with the requirements of Section 43 of the Act and will result in the Authority being wound up pursuant to Clause 1.51 and Part 2 of Schedule 2 to the Act.

1.50 New Members

Subject to the provisions of the Act, and in particular to obtaining the Minister's approval a council may become a Constituent Council by agreement of both Constituent Councils and this Charter may be amended to provide for the admission of a new constituent council or councils, with or without conditions.

1.51 Winding-Up

1.51.1 The Authority may be wound up in accordance with the Act and will be wound up where either Constituent Council seeks to withdraw from the Authority.

1.51.2 Should the Board request the Constituent Councils to consider winding up the Authority or should one of the Constituent Councils request the other Constituent Council(s) to consider winding up the Authority or otherwise indicate an intention to withdraw from the Authority the Council or Councils as the case may be must call a special meeting in accordance with Clause 1.26.10.

1.51.3 On a winding-up of the Authority, the surplus assets or liabilities of the Authority, as the case may be, must be distributed between or become the responsibility of the Constituent Councils in proportion to each Constituent Councils' equity in the Authority as set out in the Authority's balance sheet for the current financial year.

1.52 Non-derogation and Direction by Constituent Councils

1.52.1 The establishment of the Authority does not derogate from the power of any of the Constituent Councils to act independently in relation to a matter within the jurisdiction of the Authority.

1.52.2 Provided that the Constituent Councils have all first agreed as to the action to be taken, the Constituent Councils may jointly direct and control the Authority.

1.52.3 Where the Authority is required pursuant to the Act or this Charter to obtain the approval of one or more of the Constituent Councils that approval must only be granted and must be evidenced by a resolution passed by either or each of the Constituent Councils granting such approval.

1.52.4 Unless otherwise stated in this Charter where the Authority is required to obtain the consent or approval of the Constituent Councils this means the consent or approval of both of the Constituent Councils expressed in the same or similar terms.

1.52.5 For the purpose of this Clause 1.52, any direction given by the Constituent Councils must be communicated by notice in writing provided to the Executive Officer of the Authority together with a copy of the relevant resolutions of the Constituent Councils.

1.53 Review of Charter

1.53.1 The Authority must review this Charter at least once in every four (4) years.

1.53.2 This Charter may be amended with the approval of both of the Constituent Councils.

1.53.3 The Executive Officer must ensure that the amended Charter is published in the *Gazette* in accordance with the Act and a copy of the amended Charter provided to the Minister.

1.53.4 Before the Constituent Councils vote on a proposal to alter this Charter they must take into account any recommendation of the Board.

1.54 Transitional Provisions**1.54.1 Executive Officer**

The Constituent Councils must appoint a person to act in the position of Executive Officer as soon as possible after the establishment of the Authority until such time as the Authority appoints an Executive Officer in accordance with Clause 1.28.

1.54.2 First Board Meeting

1.54.2.1 The first meeting of the Board following the establishment of the Authority will be called by the Acting Executive Officer appointed pursuant to Clause 1.54.1 to be held within three (3) months of the appointment by the Constituent Councils of the Board Members.

1.54.2.2 At the first meeting of the Board, the Board will determine the time, date and place of ordinary meetings of the Board up to the following local government periodic election.

1.54.2.3 The Acting Executive Officer must give notice of the first Board meeting to Board Members and the public in accordance with Clause 1.26.

1.54.3 Code of Practice

The Code of Practice to be adopted by the Authority pursuant to Clause 1.26.27 must be adopted within twelve (12) months of the establishment of the Authority.

1.54.4 First Budget

1.54.4.1 Notwithstanding Clause 1.38, the first draft Budget of the Authority following its establishment for the current part financial year must be submitted to the Constituent Councils for their approval within four (4) months of the first Board meeting held in accordance with Clause 1.54.2.

1.54.4.2 Notwithstanding Clause 1.38, the Authority must, within six (6) weeks of approval by the Constituent Councils of the first draft budget for the current part financial year submitted in accordance with Clause 1.54.4.1, adopt a Budget consistent with the approval given by the Constituent Councils pursuant to Clause 1.54.4.1 and in accordance with the Act.

1.54.5 Plans

The first Long Term Financial Plan, Strategic Plan and Business Plan of the Authority following its establishment must be submitted to the Constituent Councils for their approval within twelve (12) months of the establishment of the Authority.

1.54.6 Audit Committee

The Authority must establish an Audit and Risk Management Committee in accordance with Clause 1.54.5 within six (6) months of the first Board meeting held in accordance with Clause 1.54.2.

1.55 Disputes**1.55.1 General**

1.55.1.1 Where a dispute arises between the Constituent Councils or between a Constituent Council and the Authority (the parties to this Charter) which relates to this Charter or the Authority, ('the Dispute') the parties will use their best endeavours to resolve the Dispute and to act at all times in good faith.

- 1.55.2 **Mediation**
- 1.55.2.1 A party is not entitled to initiate arbitration or court proceedings (except proceedings seeking urgent equitable or injunctive relief) in respect of a Dispute unless it has complied with this Clause 1.55.2.
- 1.55.2.2 If the parties are unable to resolve the Dispute within thirty (30) days, the parties must refer the Dispute for mediation in accordance with the Mediation Rules of the Law Society of South Australia Incorporated, within seven (7) days of a written request by any party to the other party that the Dispute be referred for mediation, to:
- (a) a mediator agreed by the parties; or
- (b) if the parties are unable to agree on a mediator at the time the Dispute is to be referred for mediation, a mediator nominated by the then President of the Law Society or the President's successor.
- 1.55.2.3 In the event the parties fail to refer the matter for mediation in accordance with Clause 1.55.2.2, one or more of the parties may refer the matter for mediation in accordance with the Mediation Rules of the Law Society of South Australia Incorporated to a mediator nominated by the then President of the Law Society or the President's successor.
- 1.55.2.4 The role of any mediator is to assist in negotiating a resolution of the dispute. A mediator may not make a decision that is binding on a party unless that party has so agreed in writing.
- 1.55.2.5 If mediation does not resolve the Dispute within 28 days of referral of the Dispute for mediation or such longer period agreed unanimously by the parties as evidenced by resolutions of each of the parties, any party may then refer the Dispute to Arbitration in accordance with Clause 1.55.3.
- 1.55.3 **Arbitration**
- 1.55.3.1 An arbitrator may be appointed by agreement between the parties.
- 1.55.3.2 Failing agreement as to an arbitrator the then Chairperson of the South Australian Chapter of the Institute of Arbitrators or his successor shall nominate an Arbitrator pursuant to these conditions.
- 1.55.3.3 A submission to arbitration shall be deemed to be a submission to arbitration within the meaning of the Commercial Arbitration Act 1985 (South Australia).
- 1.55.3.4 Upon serving a notice of arbitration the party serving the notice shall lodge with the arbitrator a deposit by way of security for the cost of the arbitration proceedings.
- 1.55.3.5 Upon each submission to arbitration, the costs of and incidental to the submission and award shall be at the discretion of the arbitrator who may in his or her sole discretion determine the amount of costs, how costs are to be proportioned and by whom they are to be paid.
- 1.55.4 Whenever reasonably possible performance of the obligations of the parties pursuant to this Charter shall continue during the mediation or arbitration proceedings and no payment by or to a party shall be withheld on account of the mediation and arbitration proceedings.

Dated 3 August 2015.

P. DINNING, Chief Executive Officer, Alexandrina Council

G. MAXWELL, Chief Executive Officer, City of Victor Harbor

SOUTH AUSTRALIA

District Court Civil Supplementary Rules 2014 (Amendment No. 1)

BY virtue and in pursuance of Section 51 of the District Court Act 1991 and all other enabling powers, We, Geoffrey Louis Muecke, Chief Judge, Rauf Soulio and Paul Vincent Slattery, Judges of the District Court of South Australia, make the following Rules of Court.

1. These Rules may be cited as the District Court Civil Supplementary Rules 2014 (Amendment No. 1).

2. The amendments made by these Rules come into effect on 1 September 2015 or the date of their gazettal, whichever is later.

3. The District Court Civil Supplementary Rules 2014 are amended as set out below.

4. Supplementary Rule 67 is amended by inserting a new subrule (3) as follows:

‘(3) When a counterclaim is in the same document as the defence pursuant to Rule 35 (4), the defendant is to file a document in Form 8 accompanied by a document combining Forms 19 and 20.’

5. A new supplementary Rule 74A is inserted under the heading ‘Part 3—Discontinuance of an action or part of an action’ as follows:

‘74A Notice of discontinuance:

(1) A notice of discontinuance of an action, cross action or third party action under Rule 107 (1) is to be in Form 23A.

(2) A notice of discontinuance of a claim or defence under Rule 107 (2) is to be in Form 23B’.

6. Supplementary Rule 162 is amended by inserting a note at the end as follows:

‘Note—

The affidavit must comply with Supplementary Rule 49.’

7. Form 7 in Schedule 3 is amended by substituting ‘inactive’ for ‘active’ wherever it appears.

8. Form 27 contained in the Schedule to these Supplementary Rules is substituted for Form 27 in Schedule 3.

9. Forms 23A, 23B and 51A contained in the Schedule to these Supplementary Rules are added to Schedule 3.

Dated 28 July 2015.

G. L. MUECKE, Chief Judge

R. SOULIO, Judge

P. V. SLATTERY, Judge

THE SCHEDULE**Supplementary Rule 93**

Form 27

Electronic application and minutes

ELECTRONIC APPLICATION AND MINUTES **By consent** **Ex parte***(mark box)***Application**Action title (*abbreviated*):Action Number: (*action number*)Applicant: (*role of party*), (*name*)Date of application: (*date*)**Particulars**

1. The applicant seeks the following specific orders/directions:
(state specific orders/directions sought).

2. The grounds/reasons for the orders/directions sought are:
(state reasons for application or refer to relevant affidavit evidence)

3. *(when order is by consent)* The consent is evidenced by
(set out how the consent is being given, eg by endorsement on minutes of order, by e-mail from another solicitor dated (date) or otherwise).

Date:

The Court orders that:

1.

.....
 Judge/Master/Registrar

Date:**Notes**

1. Draft minutes of order should be attached if required by supplementary rule 94.
2. If it is necessary to rely on an affidavit not already on file, a completed electronic copy is to be attached in accordance with rule 47.

MINUTES OF ORDER

District Court Judge: His/Her Honour Judge.....

District Court Master: His/Her HonourMaster

Date of application:

Application made by: plaintiff/defendant (*delete whichever is inapplicable*)

Date of hearing:

Date of order:

Appearances:

(name), solicitor/counsel (*delete whichever is inapplicable*) for the plaintiff*(name)*, solicitor/counsel (*delete whichever is inapplicable*) for the defendant, etc.

THE COURT ORDERS that:

(insert text of proposed order in sequentially numbered paragraphs and in double space)

Rule 104

Form 23A Notice of discontinuance of action, cross action or third party action

NOTICE OF DISCONTINUANCE OF ACTION, CROSS ACTION OR THIRD PARTY ACTION

The *(role of party) (name)* hereby wholly discontinues his/her/its/their *(delete whichever is inapplicable)* action/cross action/third party action *(delete whichever is inapplicable)* against the *(role of party) (name)*.

Date:

.....
Signed by *(name)*
(role of party)/(role of party's) solicitor *(delete whichever is inapplicable)*

(If the Court has ordered that the action proceed to trial, pursuant to rule 107(3) consent of all of the other parties to the discontinuance is required)

CONSENT OF THE OTHER PARTIES

Date:

.....
Signed by *(name)*
(role of party)/(role of party's) solicitor *(delete whichever is inapplicable)*

Date:

.....
Signed by *(name)*
(role of party)/(role of party's) solicitor *(delete whichever is inapplicable)*

Rule 107

Form 23B

Notice of discontinuance of claim or defence

NOTICE OF DISCONTINUANCE OF CLAIM OR DEFENCE

The *(role of party) (name)* hereby wholly discontinues *(identify the claim or defence asserted by the party that the party now seeks to abandon)* against the *(role of party) (name)*.

Date:

.....
Signed by *(name)*
(role of party)/(role of party's) solicitor *(delete whichever is inapplicable)*

(If the Court has ordered that the action proceed to trial, pursuant to rule 107 (3) consent of all of the other parties to the discontinuance is required)

CONSENT OF THE OTHER PARTIES**Date:**

.....
Signed by *(name)*
(role of party)/(role of party's) solicitor *(delete whichever is inapplicable)*

Date:

.....
Signed by *(name)*
(role of party)/(role of party's) solicitor *(delete whichever is inapplicable)*

Rules 274 (2) (b) (ii) and 279

Form 51A

Allocatur

ALLOCATUR

IT IS CERTIFIED that the costs payable herein by the defendant to the plaintiff (*state if on an interim basis*) have been fixed at \$ _____ and that sum is now payable for costs by the plaintiff/defendant to the defendant/plaintiff as a judgment of the Court.

Dated the _____ day of _____

DEPUTY REGISTRAR

SOUTH AUSTRALIA

District Court Civil Rules 2006 (Amendment No. 30)

BY virtue and in pursuance of Section 51 of the District Court Act 1991 and all other enabling powers, We, Geoffrey Louis Muecke, Chief Judge, Rauf Soulio and Paul Vincent Slattery, Judges of the District Court of South Australia, make the following Rules of Court.

1. These Rules may be cited as the District Court Civil Rules 2006 (Amendment No. 30).
2. The amendments made by these Rules come into effect on 1 September 2015 or the date of their gazettal, whichever is later.
3. The District Court Civil Rules 2006 are amended as set out below.
4. Rule 27 is amended by:
 - (a) inserting at the end of subrule (1) ‘on such terms and conditions and for such purposes as the Court thinks fit’;
 - (b) substituting in subrule (2) ‘the authorisation granted under subrule (1)’ for ‘the conduct of the proceeding’.
5. Rule 96 is amended by inserting a new subrule (5) as follows:

‘(5). Unless the contrary intention appears, when an action is proceeding on affidavits in lieu of pleadings under this Rule, a reference in these Rules and in the Supplementary Rules to—

 - (a) ‘pleadings’ is to be taken to include affidavits in lieu of pleadings;
 - (b) ‘statement of claim’ is to be taken to include an affidavit in lieu of statement of claim;
 - (c) ‘defence’ is to be taken to include an affidavit in lieu of defence;
 - (d) ‘reply’ is to be taken to include an affidavit in lieu of reply;
 - (e) ‘counterclaim’ is to be taken to include an affidavit in lieu of counterclaim’.
6. Rule 99 (1) (a) is amended by inserting ‘the name of’ before ‘each cause of action’.
7. Rule 229 (3) is amended by inserting in alphabetical order the following definition:

‘defence includes an affidavit in lieu of a defence when the action is proceeding on affidavits in lieu of pleadings under Rule 96;’
8. Rule 295 (1) (f) is amended by omitting ‘in special circumstances’.
9. Rules 329 and 337 are amended by:
 - (a) substituting ‘for the issue of’ for ‘to issue’ in subrule (1);
 - (b) inserting ‘the following’ at the end of subrule 2 (b), and inserting ‘the names of’ at the beginning of paragraph (2) (b) (i);
 - (c) inserting ‘the arbitrator or the names of the arbitrators constituting’ after ‘the name of’ in paragraph (2) (b) (ii);
 - (d) deleting ‘in accordance with’ at the end of subrule (3);
 - (e) substituting ‘may be’ for ‘is’ and substituting ‘referred to in’ for ‘payable under’ in subrule (5);
 - (f) inserting as new subrule (6): ‘A person served with a subpoena is to comply with the subpoena in accordance with its terms.’;
 - (g) inserting as new subrule (7): ‘Part 10 Division 4 applies so far as is practicable to a subpoena referred to in this Rule’.

10. Rules 330 and 338 are amended by:
 - (a) inserting ‘the name of’ before ‘the person against’ in subrule (2) (a);
 - (b) deleting ‘for the making of the order’ at the end of subrule (2) (e).
11. Rules 331 and 339 are amended by:
 - (a) inserting ‘the name of’ before ‘the person against’ in subrule (2) (a);
 - (b) deleting ‘for the making of the order’ at the end of subrule (2) (c);
 - (c) inserting ‘and’ at the end of subrule (2) (d);
 - (d) deleting ‘the’ before ‘terms of’ in subrule (2) (e) (ii);
 - (e) substituting ‘make the order’ for ‘allow disclosure’ at the end of subrule (2) (e) (ii) (B).
12. Rule 332 is amended by substituting as the title ‘Application for relief under miscellaneous provisions of the Model Law’.
13. Rules 333 and 342 are amended by:
 - (a) substituting ‘applicant’ for ‘plaintiff’ in subrule (2) wherever it appears and deleting ‘or’ at the end of subrule (2) (a);
 - (b) deleting subrules (3) and (4) and substituting the following:
 - ‘(3) The application is to be accompanied by an affidavit—
 - (a) exhibiting—
 - (i) a copy of the arbitration agreement; and
 - (ii) a copy of the award including the reasons of the arbitral tribunal for the award; and
 - (b) identifying—
 - (i) the detailed grounds for seeking the order;
 - (ii) the material facts relied on; and
 - (iii) the date on which the applicant received the award or, if a request was made under [Article 33 of the Model Law in Rule 333] [Section 33 of the Commercial Arbitration Act in Rule 342] to the arbitral tribunal to correct the award, the date on which that request was disposed of by the arbitral tribunal’.
 - (c) re-numbering subsequent subrules accordingly;
 - (d) adding ‘the’ after ‘affected by’ in re-numbered subrule (4);
 - (e) substituting ‘commenced’ for ‘instituted’ in re-numbered subrule (5).
 14. Rule 334 is amended by:
 - (a) inserting ‘an affidavit’ after ‘be accompanied by’ in subrule (2);
 - (b) inserting ‘exhibiting’ before ‘the documents’ and after ‘Article 35’ inserting ‘(2)’ in subrule (2) (a);
 - (c) deleting ‘an affidavit’ before ‘stating’ in subrule (2) (b).
 15. Rule 335 is amended by inserting ‘for leave’ after ‘International Arbitration Act’ and deleting ‘Investment Convention’ after ‘enforce an’ in subrule (1).
 16. Rule 336 is amended by inserting ‘exhibiting’ at the beginning of subrule (2) (a).
 17. Rule 340 is amended by substituting as the title ‘Application for relief under miscellaneous provisions of Commercial Arbitration Act’.
 18. Rule 341 is amended by:
 - (a) substituting ‘is’ for ‘be’ in subrule (1);
 - (b) inserting ‘and determine’ after ‘hear’ and substituting ‘apply for the determination of’ for ‘determine’ in subrule (5).

19. Rule 343 is amended by:

- (a) deleting existing subrules (2), (3) and (4) and inserting new subrules (2), (3) and (4) in their place as follows:
 - ‘(2) The application is to state—
 - (a) the question of law to be determined; and
 - (b) the grounds on which it is alleged that leave to appeal should be granted.
 - (3) The application is to be accompanied by an affidavit showing that, before the end of the appeal period referred to in Section 34A (1) and (6) of the Commercial Arbitration Act, the parties agreed that an appeal may be made under Section 34A of that Act.
 - (4) The affidavit is to exhibit—
 - (a) a copy of the arbitration agreement; and
 - (b) a copy of the award, including the reasons of the arbitral tribunal for the award.’
- (b) inserting a new subrule (5) as follows:
 - (5) The application is to be accompanied by a submission setting out—
 - (a) the name and usual or last known place of residence or business of any person whose interest might be affected by the proposed appeal or, if the person is a company, the last known registered office of the company;
 - (b) the nature of the dispute with sufficient particularity to give an understanding of the context in which the question of law arises;
 - (c) when and how the arbitral tribunal was asked to determine the question of law and where in the award or the reasons, and in what way, the arbitral tribunal determined it;
 - (d) the relevant facts found by the arbitral tribunal on the basis of which the question of law is to be determined by the Court;
 - (e) the basis on which it is contended that the determination of the question of law will substantially affect the rights of one or more parties;
 - (f) the basis on which it is contended that—
 - (i) the decision of the arbitral tribunal on the question of law is obviously wrong; or
 - (ii) the question of law is of general public importance and the decision of the arbitral tribunal is open to serious doubt;
 - (g) the basis on which it is contended that, despite the agreement of the parties to resolve the matter by arbitration, it is just and proper in the circumstances for the Court to determine the question; and
 - (h) a succinct statement of the argument in support of the application for leave and the appeal if leave is granted.’
- (c) re-numbering existing subrule (5) as (6) and subsequent subrules accordingly;
- (d) deleting ‘calendar’ after ‘14’, substituting ‘on’ for ‘upon it’, substituting ‘or within such further period as the Court may allow, that party is to’ for ‘may’ and ‘statement of any’ for ‘written outline of the’ in re-numbered subrule (7);
- (e) inserting ‘of the application for leave to appeal,’ after ‘oral hearing’ and ‘and determine’ after ‘hear’ in re-numbered subrule (8);
- (f) deleting ‘first’ after ‘If the Court’ and ‘on the merits’ after ‘hearing the appeal’ in re-numbered subrule (9).

20. Rule 344 is amended by:

- (a) inserting 'an affidavit' after 'be accompanied by' in subrule (2);
- (b) inserting 'exhibiting' before 'the documents' in subrule (2) (a);
- (c) deleting 'an affidavit' before 'stating' in subrule (2) (b);
- (d) inserting 'domestic' before 'award' in subrule (2) (b) (ii).

Dated 28 July 2015.

G. L. MUECKE, Chief Judge

R. SOULIO, Judge

P. V. SLATTERY, Judge

GOVERNMENT GAZETTE ADVERTISEMENT RATES

To apply from 1 July 2015

| | \$ | | \$ |
|--|--------|--|--------|
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| Each Subsequent Name | 13.00 | Noxious Trade | 37.75 |
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South Australia

Statutes Amendment (Serious and Organised Crime) Act (Commencement) Proclamation 2015

1—Short title

This proclamation may be cited as the *Statutes Amendment (Serious and Organised Crime) Act (Commencement) Proclamation 2015*.

2—Commencement of Act

The *Statutes Amendment (Serious and Organised Crime) Act 2015* (No 19 of 2015) will come into operation on 6 August 2015.

Made by the Governor

with the advice and consent of the Executive Council
on 6 August 2015

AGO0013/15CS

South Australia

Administrative Arrangements (Administration of ANZAC Day Commemoration Act) Proclamation 2015

under the *Administrative Arrangements Act 1994*

1—Short title

This proclamation may be cited as the *Administrative Arrangements (Administration of ANZAC Day Commemoration Act) Proclamation 2015*.

2—Commencement

This proclamation will come into operation on 17 August 2015.

3—Administration of Act committed to Minister for Veterans' Affairs

The administration of the *ANZAC Day Commemoration Act 2005* is committed to the Minister for Veterans' Affairs.

Made by the Governor

with the advice and consent of the Executive Council
on 6 August 2015

DPC15/051CS

South Australia

Law of Property (Declaration of Body) Proclamation 2015

under section 41A of the *Law of Property Act 1936*

1—Short title

This proclamation may be cited as the *Law of Property (Declaration of Body) Proclamation 2015*.

2—Commencement

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

3—Declaration of body

Alano Utilities (Mt Barker) Pty Ltd (ACN 154 166 257) is declared to be a body for the purposes of section 41A(1)(a)(iii) of the *Law of Property Act 1936*.

Made by the Governor

with the advice and consent of the Executive Council
on 6 August 2015

AGO0094/15CS

South Australia

Fees Regulation (Public Trustee Administration Fees) Regulations 2015

under the *Fees Regulation Act 1927*

Contents

- 1 Short title
- 2 Commencement
- 3 Fee under Administration and Probate Act
- 4 Fee under Guardianship and Administration Act

Schedule 1—Revocation of *Fees Regulation (Public Trustee Administration Fees) Regulations 2002*

1—Short title

These regulations may be cited as the *Fees Regulation (Public Trustee Administration Fees) Regulations 2015*.

2—Commencement

These regulations will come into effect in accordance with section 5 of the *Fees Regulation Act 1927*.

3—Fee under Administration and Probate Act

- (1) The fee payable by an administrator to the Public Trustee for examination of a statement and account lodged with the Public Trustee under section 56 of the *Administration and Probate Act 1919* is \$210 per hour or part of hour.
- (2) The fee payable under subregulation (1) may be paid by the administrator from the estate in relation to which the statement and account have been prepared.

4—Fee under Guardianship and Administration Act

- (1) The fee payable by an administrator of a protected person's estate to the Public Trustee for examination of a statement of the accounts of an estate and preparation of a report for the South Australian Civil and Administrative Tribunal by the Public Trustee under section 44 of the *Guardianship and Administration Act 1993* is \$210 per hour or part of hour.
- (2) The fee payable under subregulation (1) may be paid by the administrator from the protected person's estate.

Schedule 1—Revocation of *Fees Regulation (Public Trustee Administration Fees) Regulations 2002*

The *Fees Regulation (Public Trustee Administration Fees) Regulations 2002* are revoked.

Made by the Governor

with the advice and consent of the Executive Council
on 6 August 2015

No 192 of 2015

AGO0034/15CS

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CITY OF CHARLES STURT

Appointment

PURSUANT to Section 56A (22) of the Development Act 1993, Council appointed the Acting Chief Executive Officer, Paul Sutton as Public Officer in relation to the City of Charles Sturt Council Development Assessment Panel.

Contact details for the Public Officer are:

Paul Sutton, Public Officer,
City of Charles Sturt, Development Assessment Panel,
72 Woodville Road,
Woodville, S.A. 5011.
Telephone: (08) 8408 1111.

The appointment is from 27 July 2015 until 29 January 2016.

PORT AUGUSTA CITY COUNCIL

Adoption of Valuation and Declaration of Rates

NOTICE is hereby given that the Corporation of the City of Port Augusta at a Meeting held on 6 July 2015, resolved for the 2015-2016 financial year as follows:

Adoption of Valuations

That the Corporation of the City of Port Augusta for the 2015-2016 financial year adopts pursuant to Section 167 (2) (b) of the Local Government Act 1999, the valuations of the Valuer-General of site values for all land in the area of the Council which amounts in total to value of \$736 257 840 and which represents the sum of all properties set forth in the assessment records of the Council for the 2015-2016 financial year and hereby specifies 6 July 2015, as the day upon which the adoption of such valuations of the Valuer-General shall become the valuations of the Council.

Declaration of Rates

1. Declares differential general rates according to the locality and the use of the land based upon the site value of the land on all rateable land within the area of the Council for the year ending 30 June 2016, as follows:

- (a) in that area of the City zoned in the Development Plan as Residential, Highway Services, Bulky Goods, Residential Stables, Neighbourhood Centre, Urban Coastal, District Centre, Local Centre, Industry, Airport and Recreation:
 - (i) 2.27633 cents in the dollar on rateable land with a land use category of 1, 8 and 9;
 - (ii) 3.6435 cents in the dollar on all rateable land with a land use category of 2, 3, 4, 5 and 6; and
 - (iii) 0.5869 cents in the dollar for all rateable land with a land use category of 7.
- (b) in that area of the City zoned in the Development Plan as Public Purposes, Defence, Conservation, Rural Living, Coastal Conservation and Primary Industry:
 - (i) 1.5789 cents in the dollar on rateable land with a land use category of 1 and 9;
 - (ii) 3.6435 cents in the dollar on all rateable land with a land use category of 2, 3, 4, 5 and 6;
 - (iii) 0.5869 cents in the dollar for all rateable land within a land use category of 7; and
 - (iv) 0.8085 cents in the dollar on all rateable land with a land use category of 8.
- (c) in the area of the City zoned in the Development Plan as Coastal Holiday Settlement:
 - (i) 0.725220 cents in the dollar on all rateable land with a land use category of 1, 2, 3, 4, 5 and 6;
 - (ii) 0.5869 cents in the dollar on all rateable land with a land use category of 7;
 - (iii) 0.8085 cents in the dollar on all rateable land with a land use category of 8; and
 - (iv) 2.27633 cents in the dollar on all rateable land with a land use category of 9.

- (d) in all other areas not specifically referred to in subparagraphs (a), (b) and (c) above, 2.27633 cents in the dollar on all other rateable land irrespective of its land use category.

2. Council fixes a minimum amount payable by way of rates of \$1 223 in respect of all rateable land in its area except rateable land with a land use category of 7.

3. Council declares an annual service charge of \$497 per unit for all vacant and occupied properties to which the effluent drainage disposal services is made available within the City of Port Augusta for the 2015-2016 financial year in the Willsden, Augusta Park, Hospital Road, Zanuckville, Conwaytown, Transcontinental Estate and Stirling North Effluent Community Waste Water Management Schemes.

4. —

- (i) Council declares an annual service charge of \$218 for the purpose of a kerbside waste collection and recycling service for all occupied properties within the City of Port Augusta (with the exception of the Commissariat Point and Blanche Harbor Coastal home localities and Miranda Township) to which the service is made available in 2015-2016 financial year; and
- (ii) an annual service charge of \$109 for the purpose of a mixed bin waste collection service to all residential properties within the Commissariat Point and Blanche Harbor Coastal Home localities and Miranda Township to which the service is made available in the 2015-2016 financial year.

5. In order to reimburse the Council for amounts contributed to the Northern and Yorke Natural Resources Management Board totalling \$235 925 the Council declares a separate rate based on a fixed charge of \$32 on all rateable properties within the area of the Council.

J. BANKS, Chief Executive Officer

CITY OF PORT LINCOLN

Appointment of Authorised Officer

NOTICE is hereby given that the City of Port Lincoln has duly appointed Murray Graham as an Authorised Officer, pursuant to the:

- (a) Dog and Cat Management Act 1995;
- (b) Local Government Act 1999;
- (c) Road Traffic Act 1961;
- (d) Road Traffic (Miscellaneous) Regulations 1999;
- (e) Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999;
- (f) Fire and Emergency Services Act 2005;
- (g) Fire and Emergency Services Regulations 2005;
- (h) Expiation of Offences Act 1996; and
- (i) Environment Protection Act 1993 and the Environment Protection (Burning) Policy 1994.

R. DONALDSON, Chief Executive Officer

CITY OF PORT LINCOLN

Revoke Authorised Officer

NOTICE is hereby given that all previous appointments for Justin Clements are hereby revoked.

R. DONALDSON, Chief Executive Officer

CITY OF PORT LINCOLN

Revoke Authorised Officer

NOTICE is hereby given that all previous appointments for Dean Brooksby are hereby revoked.

R. DONALDSON, Chief Executive Officer

DISTRICT COUNCIL OF GRANT

ROADS (OPENING AND CLOSING) ACT 1991

Carpenter Rocks and Waters Road, Kongorong

NOTICE is hereby given, pursuant to Section 10 of the Roads (Opening and Closing) Act 1991, that the District Council of Grant hereby gives notice of its intent to implement a Road Process Order to close portion of Carpenter Rocks Road and Waters Road and merge with the adjoining Allotment 4 in Filed Plan 14278 more particularly delineated and lettered as 'A' in Preliminary Plan No. 15/0015.

A copy of the plan and a statement of persons affected are available for public inspection at the office of the Council, 324 Commercial Street West, Mount Gambier and the Adelaide office of the Surveyor-General during normal office hours or can be viewed on Council's website: www.dccgrant.sa.gov.au.

Any application for easement or objection must set out the full name, address and details of the submission and must be fully supported by reasons. The application for easement or objection must be made in writing to the Council, P.O. Box 724, Mount Gambier S.A. 5290, within 28 days of this notice and a copy must be forwarded to the Surveyor-General, G.P.O. Box 1354, Adelaide, S.A. 5001. Where a submission is made, the Council will give notification of a meeting at which the matter will be considered.

Dated 6 August 2015.

T. SMART, Chief Executive Officer

DISTRICT COUNCIL OF LOWER EYRE PENINSULA

Adoption of Valuations and Declaration of Rates

NOTICE is hereby given that on 17 July 2015, the District Council of Lower Eyre Peninsula, pursuant to Chapter 10 of the Local Government Act 1999 and for the financial year ending 30 June 2016:

1. Pursuant to Section 167 (2) (a) of the Local Government Act 1999, adopted for rating purposes the most recent capital valuations made by the Valuer-General and available to Council that apply to rateable land within its area totalling \$1 824 280 500.

2. Pursuant to Section 153 (1) (b) of the Local Government Act 1999, declared differential general rates varying according to the locality of land as follows:

- 0.2498 cents in the dollar in respect of rateable land within the gazetted townships of Cummins, Coffin Bay, North Shields, Louth Bay, Boston, Tulka and Tiatukia;
- 0.2211 cents in the dollar in respect of rateable land within the gazetted townships of Edillilie, Yeelanna, Coultla, Mount Hope, Wanilla, Mount Dutton Bay and Lake Wangary; and
- 0.2211 cents in the dollar in respect of all other rateable land outside of those gazetted townships and within the area of the Council.

3. Pursuant to Section 152 (1) (c) (ii) of the Local Government Act 1999 and in accordance with the provisions of Section 152 of the Local Government Act 1999, a fixed charge of \$375 in respect of all rateable land within the area of the Council.

4. Pursuant to Section 95 of the Natural Resources Management Act 2004 and Section 154 of the Local Government Act 1999 and in order to reimburse the Council the amounts contributed to the Eyre Peninsula Natural Resources Management Board, declared a separate rate based on a fixed charge of \$63.35 in respect of all rateable land within the area of the Board and within the area of the Council.

5. Pursuant to Section 155 of the Local Government Act 1999, declared the following annual service charges based on the nature of the service in respect of all land to which it provides or makes available Community Wastewater Management Systems within the Council area:

| | |
|----------------------------|-----|
| Occupied Allotment Charge— | \$ |
| Cummins Township | 450 |
| Vacant Allotment Charge— | |
| Cummins Township | 300 |

| | |
|---------------------------------|-----|
| Occupied Allotment Charge— | \$ |
| North Shields Township | 450 |
| Vacant Allotment Charge— | |
| North Shields Township | 300 |
| Occupied Allotment Charge— | |
| Coffin Bay Township | 450 |
| Vacant Allotment Charge— | |
| Coffin Bay Township | 300 |
| Occupied Pump Reduction Charge— | |
| Coffin Bay Township | 300 |
| Vacant Pump Reduction Charge— | |
| Coffin Bay Township | 135 |
| Extra Pump Out Charge— | |
| Coffin Bay Township | 45 |
| Occupied Allotment Charge— | |
| Tulka Settlement | 450 |
| Vacant Allotment Charge— | |
| Tulka Settlement | 300 |
| Occupied Pump Reduction Charge— | |
| Tulka Settlement | 430 |

R. PEARSON, Chief Executive Officer

DISTRICT COUNCIL OF MALLALA

NOTICE is hereby given that the Council at its meeting held on 20 July 2015, in respect of the financial year ending 30 June 2016, resolved as follows:

Adoption of Valuations and Declaration of Rates

To adopt, for rating purposes, the most recent valuations of the Valuer-General available to the Council of the Capital Value of land within the Council's area totalling \$1 629 056 840 of which \$1 600 671 268 is the total Capital Value of rateable land.

General Rates

To declare differential general rates on property within its area based on land use as follows:

- 0.4368 cents in the dollar on rateable land of Category 1 (Residential), Category 8 (Vacant Land) and Category 9 (Other).
- 0.5678 cents in the dollar on rateable land of Category 2 (Commercial—Shop), Category 3 (Commercial—Office), Category 4 (Commercial—Other), Category 5 (Industry—Light) and Category 6 (Industry—Other).
- 0.3971 cents in the dollar on rateable land of Category 7 (Primary Production).

Fixed Charge

To declare a fixed charge of \$100 on all rateable property within its area.

Waste Collection Charge

To declare a service charge of \$180 for the collection of waste.

STEDS and CWMS Annual Service Charges

To impose service charges in respect to rateable and non-rateable land as follows:

| | |
|---------------------|-----|
| Middle Beach—STEDS: | \$ |
| Large Tank | 405 |
| Small Tank | 375 |

Mallala Township—CWMS:

| | |
|-------------------------|-----|
| Per Property Unit | \$ |
| | 586 |

connections to the Mallala CWMS for sub-divisions or new developments after the initial construction phase will be charged at \$4 500 per property connection.

Natural Resources Management Levy

To declare a separate rate of 0.009568 cents in the dollar on rateable land within its area for the purpose of raising the amount of \$152 576 payable to the Adelaide and Mount Lofty Ranges Natural Resources Management Board.

Payment of Rates

District Council of Mallala hereby determines that all rates shall be payable in four equal or approximately equal instalments falling due on the following dates:

First instalment: 18 September 2015;
 Second instalment: 4 December 2015;
 Third instalment: 4 March 2016; and
 Fourth instalment: 3 June 2016.

K. MÁRTON, Chief Executive Officer

DISTRICT COUNCIL OF MOUNT REMARKABLE

Changes of Road Names

NOTICE is hereby given that at a meeting of Council held on 9 September 2014, Council resolved pursuant to Section 219 (1) of the Local Government Act 1999, to change the names of the following roads:

Grieg Road to Greig Road and Paragum Road to Paragums Road.

At a meeting of Council held on 14 October 2014, change the name of the following road:

Karpfaenger Road to Karpfanger Road.

At a meeting of Council held on 19 May 2015, change the name of the following road:

Unknown Road, Telowie to Holman Road, Telowie.

W. HART, Chief Executive Officer

RENMARK PARINGA COUNCIL

Adoption of Valuations and Declaration of Rates 2015-2016

NOTICE is hereby given that at meetings held on Thursday, 2 July 2015 and Tuesday 28 July 2015, the Renmark Paringa Council for the financial year ending 30 June 2016, passed the following resolutions:

Adoption of Valuations

To adopt the most recent valuations of the Valuer-General available to Council of the capital value of land within the Council's area, totalling \$1 290 010 480 for rating purposes.

Declaration of General Rates

Declared differential general as follows:

- (a) 0.2149 cents in the dollar on rateable land of Category 1 (Residential) and Category 9 (Other);
- (b) 0.4557 cents in the dollar on rateable land of Category 2 (Commercial—Shop), Category 3 (Commercial—Office), Category 4 (Commercial—Other), Category 5 (Industry—Light) and Category 6 (Industry—Other);
- (c) 0.3205 cents in the dollar on rateable land of Category 7 (Primary Production); and
- (d) 0.7084 cents in the dollar on rateable land of Category 8 (Vacant Land).

Fixed Charge

Imposed a fixed charge of \$390 on each separate piece of rateable land within the area of the Council.

Separate Rate—Natural Resources Management Levy

Declared a separate rate of 0.010598 cents in the dollar, on all rateable land in the Council area in respect of the S.A. Murray Darling Basin Natural Resources Management Levy.

Service Charges

- (1) Declared an annual service charge of \$400 per unit on rateable and non-rateable land where a septic tank effluent disposal connection point is provided by Council.
- (2) Declared an annual service charge of \$128 for residual waste collection within the Township areas (Town Residential).
- (3) Declared an annual service charge of \$128 for residual waste collection within the Rural areas (Rural Residential).
- (4) Declared an annual service charge of \$60 for recycling collection within the Township areas (Town Residential).
- (5) Declared an annual service charge of \$60 for recycling collection within the Rural areas (Rural Residential).
- (6) Declared an annual service charge of \$52 for organics collection within the Township areas (Town Residential).

T. SIVIOUR, Chief Executive Officer

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

Barton, Ronald John, late of 1 Warooka Drive, Smithfield, retired customs officer, who died on 26 May 2015.

Burton, Eva Mary Evelyn, late of Leighton Avenue, Klemzig, of no occupation, who died on 29 May 2015.

Findell, Charles Edward, late of 11 Mawson Road, Salisbury, of no occupation, who died on 25 May 2015.

Halls, Ursula Helen Theodora, late of 23 Laffers Crescent, Reynella, retired lecturer/tutor, who died on 11 May 2015.

Hawke, Valma Dawn, late of 48 Smith-Dorrien Street, Mitcham, of no occupation, who died on 7 June 2015.

Liddell, Valma Irene, late of Blamey Road, Elizabeth East, retired business proprietor, who died on 17 April 2015.

Morris, Helen Nancy, late of 462 Henley Beach Road, Lockleys, home duties, who died on 16 June 2013.

Murray, Iris Edna, late of 7 Pam Street, Netley, retired sales assistant, who died on 7 June 2015.

Newbury, Shirley Jessie, late of 1 East Parkway, Northgate, of no occupation, who died on 2 June 2015.

O'Brien, Helen Louise, late of 286 Gorge Road, Athelstone, retired care worker, who died on 17 March 2015.

Paul, Margaret Joan, late of 48 Smith-Dorrien Street, Mitcham, widow, who died on 7 June 2015.

Smithson, Gladys Hilda Patricia, late of 7 Wilga Avenue, Kensington Gardens, home duties, who died on 9 March 2015.

Notice is hereby given pursuant to the Trustee Act 1936, the Inheritance (Family Provision) Act 1972 and the Family Relationships Act 1975, that all creditors, beneficiaries, and other persons having claims against the said estates are required to send, in writing, to the office of Public Trustee, G.P.O. Box 1338, Adelaide, S.A. 5001, full particulars and proof of such claims, on or before 4 September 2015, otherwise they will be excluded from the distribution of the said estate; and notice is also hereby given that all persons indebted to the said estates are required to pay the amount of their debts to the Public Trustee or proceedings will be taken for the recovery thereof; and all persons having any property belonging to the said estates are forthwith to deliver same to the Public Trustee.

Dated 6 August 2015.

D. A. CONTALA, Public Trustee

ATTENTION

CUSTOMERS requiring a proof of their notice for inclusion in the *Government Gazette*, please note that the onus is on you to inform **Government Publishing SA** of any subsequent corrections.

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