



# THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

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

ADELAIDE, THURSDAY, 26 SEPTEMBER 2002

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## GOVERNMENT GAZETTE NOTICES

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

**LOCAL GOVERNMENT ACT 1999 SECTIONS 9 AND 11: ALTERATION OF THE BOUNDARIES OF THE CITY OF VICTOR HARBOR (AND INVESTIGATOR WARD) AND OF ALEXANDRINA COUNCIL (AND PORT ELLIOT—MIDDLETON WARD)**

*Proclamation By The Governor*

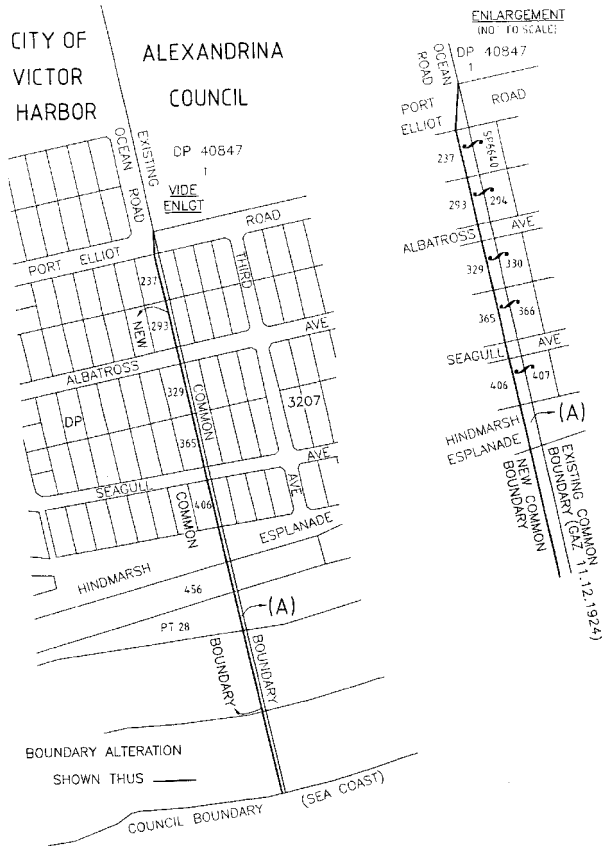
(L.S.) MARJORIE JACKSON-NELSON

PURSUANT to sections 9 and 11 of the *Local Government Act 1999*, in pursuance of a proposal recommended by the Boundary Adjustment Facilitation Panel and with the advice and consent of the Executive Council, I—

1. Alter the boundaries of the area of the City of Victor Harbor by severing from that area the land marked 'A' in the plan in the schedule (and make a consequential alteration to the boundaries of the Investigator Ward).

2. Alter the boundaries of the area of Alexandrina Council by incorporating in that area the land marked 'A' in the plan in the schedule (and make a consequential amendment to the boundaries of the Port Elliot—Middleton Ward).

**SCHEDULE**



Given under my hand and the Public Seal of South Australia, at Adelaide, 26 September 2002.

By command,

J. W. WEATHERILL, for Premier

COLG 2002/0008

**CROWN LANDS ACT 1929 SECTION 5AA(1)(c): HUNDRED OF BINNUM—DEDICATED LAND RESUMED**

*Proclamation By The Governor*

(L.S.) MARJORIE JACKSON-NELSON

*Preamble*

1. The following land is dedicated as a reserve for school purposes, not intended for ecclesiastical or denominational purposes (see *Gazette* 1 August 1907 p. 225):

Allotments 77 and 78, Town of Kybybolite, Hundred of Binnum, being the whole of the land contained in Land Grant Register Book Volume 777, Folio 25.

The registered proprietor of the land has requested the resumption of the land.

2. The following land is dedicated as a reserve for school purposes, not intended for ecclesiastical or denominational purposes (see *Gazette* 7 March 1912 p. 453):

Allotments 79 and 80, Town of Kybybolite, Hundred of Binnum, being the whole of the land contained in Land Grant Register Book Volume 945, Folio 21.

The registered proprietor of the land has requested the resumption of the land.

*Proclamation*

PURSUANT to section 5AA (1) (c) of the *Crown Lands Act 1929* and with the advice and consent of the Executive Council, I resume the land defined in clause 1, and the land defined in clause 2, of the preamble to this proclamation.

Given under my hand and the Public Seal of South Australia, at Adelaide, 26 September 2002.

By command,

J. W. WEATHERILL, for Premier

EC 02/0056CS

**SHOP TRADING HOURS ACT 1977 SECTION 13: ALTERATION OF SHOP TRADING HOURS—PORT LINCOLN SHOPPING DISTRICT—OCTOBER 2002**

*Proclamation By The Governor*

(L.S.) MARJORIE JACKSON-NELSON

PURSUANT to section 13 of the *Shop Trading Hours Act 1977* and with the advice and consent of the Executive Council, I authorise the opening of all shops in the Port Lincoln Shopping District from 11 a.m. until 5 p.m. on Sunday, 6 October 2002, subject to the conditions specified in the Schedule.

**SCHEDULE**

This proclamation only authorises the opening of a shop if—

- (a) all relevant industrial awards, workplace agreements and enterprise agreements are observed by the shop-keeper and persons employed in the business of the shop during and in relation to the hours specified in this proclamation during which the shop is open; and
- (b) subject to an industrial award, workplace agreement or enterprise agreement to the contrary—a person who is employed in the business of the shop is entitled to refuse to work at the shop during the hours specified in this proclamation unless he or she has agreed with the shopkeeper to work during those hours.

Given under my hand and the Public Seal of South Australia, at Adelaide, 26 September 2002.

By command,

J. W. WEATHERILL, for Premier

MIR 02/022CS

SHOP TRADING HOURS ACT 1977 SECTION 13: ALTERATION OF SHOP TRADING HOURS—TAILEM BEND SHOPPING DISTRICT—DECEMBER 2002

*Proclamation By The Governor*

(L.S.) MARJORIE JACKSON-NELSON

PURSUANT to section 13 of the *Shop Trading Hours Act 1977* and with the advice and consent of the Executive Council, I authorise the opening of all shops in the Tailem Bend Shopping District from 6 p.m. until 9 p.m. on Friday, 13 December 2002, subject to the conditions specified in the Schedule.

SCHEDULE

This proclamation only authorises the opening of a shop if—

- (a) all relevant industrial awards, workplace agreements and enterprise agreements are observed by the shop-keeper and persons employed in the business of the shop during and in relation to the hours specified in this proclamation during which the shop is open; and
- (b) subject to an industrial award, workplace agreement or enterprise agreement to the contrary—a person who is employed in the business of the shop is entitled to refuse to work at the shop during the hours specified in this proclamation unless he or she has agreed with the shopkeeper to work during those hours.

Given under my hand and the Public Seal of South Australia, at Adelaide, 26 September 2002.

By command,

J. W. WEATHERILL, for Premier

MIR 02/019CS

Department of the Premier and Cabinet  
Adelaide, 26 September 2002

HER Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Development Assessment Commission, pursuant to the provisions of the Development Act 1993:

Member: (from 27 September 2002 until 30 June 2003)  
Iris Iwanicki

Deputy Presiding Member: (from 27 September 2002 until 30 June 2003)  
Iris Iwanicki

By command,

J. WEATHERILL, for Premier

MUDP-PL 00022/2002CS

Department of the Premier and Cabinet  
Adelaide, 26 September 2002

HER Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Aquaculture Advisory Committee, pursuant to the provisions of the Aquaculture Act 2001:

Member: (from 30 September 2002 until 29 September 2003)  
Fred Pedler

By command,

J. WEATHERILL, for Premier

MAFF 0044/02CS

Department of the Premier and Cabinet  
Adelaide, 26 September 2002

HER Excellency the Governor in Executive Council has been pleased to appoint Paul Vogel to the position of Chief Executive, Environment Protection Authority, for a term of five years commencing on 4 November 2002, pursuant to Part 4 of the Public Sector Management Act 1995.

By command,

J. WEATHERILL, for Premier

DPC 038/02CS

Department of the Premier and Cabinet  
Adelaide, 26 September 2002

HER Excellency the Governor in Executive Council has been pleased to approve the changes set out below to the list of persons and groups authorised to access confidential information, pursuant to section 64D of the South Australian Health Commission Act 1976.

By command,

J. WEATHERILL, for Premier

DHS 14/02CS

SOUTH AUSTRALIAN HEALTH COMMISSION ACT 1976:  
SECTION 64D

AUTHORISATION OF ACCESS TO CONFIDENTIAL INFORMATION

*Authorisation By The Governor*

PURSUANT to section 64D of the South Australian Health Commission Act 1976 and with the advice and consent of the Executive Council, I authorise the persons listed below and the members from time to time of a group or body listed below to have access to confidential information in accordance with that section.

ADDITIONS:

*Department of Human Services*

*Mental Health Unit*

Critical Incidents in Mental Health (CIMH)

*Mid-West Health*

Central Continuous Improvement Committee

*Port Augusta Hospital and Regional Health Services Incorporated*

Clinical Review Committee

*Repatriation General Hospital Incorporated*

Patient Safety and Services Committee

*Women's and Children's Hospital*

Patient Care Review Committee

DELETIONS:

*Child and Youth Health*

Quality Forum

*Department of Human Services*

*Statewide Mental Health Services*

Continuum of Care Committee

NAME CHANGES:

*BreastScreen South Australia*

'Director, Breast Screen SA' is changed to 'Program Manager'

The name of 'Calvary Hospital Adelaide Inc.', to which the following Committees are attached, is changed to 'Calvary Health Care Adelaide Incorporated':

- Hospital Executive Committee.
- Nursing Executive Committee.
- Surgical Services Committee (a Sub-Committee of the Medical Committee).
- Pharmacy Committee (a Sub-Committee of the Medical Committee).
- Infection Control Committee (a Sub-Committee of the Medical Committee).
- Occupational Health and Safety Committee.
- Medical Committee.
  - Perinatal Sub-Committee.
  - Clinical Review Sub-Committee.
  - Anaesthetic Sub-Committee.
  - Critical Care Unit Sub-Committee.
  - Allied Health Committee.
  - Quality Committee.
  - Admitting and Credentials Committee.

'Statewide Mental Health Service, Glenside Campus Clinical Indicators Committee' is changed to 'Royal Adelaide Hospital Glenside Campus Clinical Indicators Committee'.

## BUILDING WORK CONTRACTORS ACT 1995

*Exemption*

TAKE notice that, pursuant to section 45 of the Building Work Contractors Act 1995, I, Michael John Atkinson, Minister for Consumer Affairs, do hereby exempt the licensee named in Schedule 1 from the application of Division 3 of Part 5 of the above Act in relation to domestic building work described in Schedule 2 and subject to the conditions specified in Schedule 3.

## SCHEDULE 1

Builtlink Pty Ltd, GL 152380.

## SCHEDULE 2

Domestic building work performed by the licensee for the construction of a display home at the property described as Lot 296, Carrick Place, Northgate.

## SCHEDULE 3

The licensee must cause an amendment to the building work contract with the land owner, the Nick Vartzokas Family Trust, such that it is a condition of the contract that the land owner will inform the Commissioner for Consumer Affairs if it proposes to transfer its interest in the land within two years of practical completion.

Dated 17 September 2002.

M. J. ATKINSON, Minister for Consumer Affairs

Ref: 610/02-00343

## BUILDING WORK CONTRACTORS ACT 1995

*Exemption*

TAKE notice that, pursuant to section 45 of the Building Work Contractors Act 1995, I, Michael John Atkinson, Minister for Consumer Affairs, do hereby exempt the licensee named in Schedule 1 from the application of Division 3 of Part 5 of the above Act in relation to domestic building work described in Schedule 2 and subject to the conditions specified in Schedule 3.

## SCHEDULE 1

Tagara Builders Pty Ltd, BLD 55451.

## SCHEDULE 2

Domestic building work performed by the licensee pursuant to a contract with Flaxjay Pty Ltd, dated 25 February 2002, for the construction of apartments at the property described as 2 and 2A St Bernards Road, Magill.

## SCHEDULE 3

1. The exemption is conditional upon Flaxjay Pty Ltd entering into a five-year lease with the University of South Australia in respect of the residential buildings, prior to the completion of construction.

2. Within 14 days of completion, the licensee must inform the Commissioner for Consumer Affairs as to whether the condition set out in 1 above has been satisfied.

Dated 3 September 2002.

M. J. ATKINSON, Minister for Consumer Affairs

Ref: 610/02-00306

## CRIMINAL LAW (FORENSIC PROCEDURES) ACT 1998

*Forensic Procedures*

NOTICE is hereby given that the Police Officers appearing below are qualified to carry out a forensic procedure, namely the taking of a sample by buccal swab, pursuant to section 33 of the Criminal Law (Forensic Procedures) Act 1998, as at 29 May 2002.

Surname	Christian Names	Date Qualified
Cardwell	Geoffrey David	13.6.02
Walker	Helen Louise	13.6.02
Bissell	Andrew Donald	13.6.02
Michael	Robert Christopher	13.6.02
Ngatokorua	Lavene	13.6.02
Kite	Donna Marie	13.6.02
Shillabeer	Sonya Lee	13.6.02
Trussell	Paul Desmond	12.6.02

## Surname Christian Names Date Qualified

Foweraker	Rickie John	12.6.02
Hartley	Cassandra Lee	12.6.02
Spencer	Darryl John	12.6.02
Smith	Narelle Lesley	12.6.02
MacIntyre	Stuart Gordon	12.6.02
Walsh	Kylie Jane	12.6.02
Carson	Geoffrey Robert	10.7.02
Boileau	Mark Anthony	10.7.02
Burns	Gregory Graham	10.7.02
O'Mahony	Danny Kevin	10.7.02
Farrelly	Murray Glen	10.7.02
Gray	Vincent Alan	10.7.02
Francis	Andrew David	10.7.02
Mur	Peter William	10.7.02
Oehme	Francine Sheila	10.7.02
Shelton	Darren Michael	10.7.02
Bristow	Michael William	10.7.02
Emmett	Philip Alastair	26.6.02
Davis	Scott	26.6.02
Bailey	Neil Craig	26.6.02
Pickert	Tanya Louise	26.6.02
Warr	Derryn Edwin	26.6.02
Smith	Nicholas James	26.6.02
Holmes	Michael Andrew	26.6.02
Ashworth	Paul Robi	26.6.02
Batten	Adrian James	26.6.02
Virgin	Kevin Arthur	26.6.02
Hore	Peter Martin	19.6.02
Fenton	Justin James	19.6.02
Hope	Ronald Ian	19.6.02
Sullivan	Grant David	19.6.02
Feltus	Peter Kenneth	19.6.02
Parker	Lloyd Albert	19.6.02
Heath	Kevin	19.6.02
Langton	Craig Anthony	19.6.02
Pearson	Michael Shaun	29.7.02
Pratt	Lindsay Gordon Scott	29.7.02
Bazeley	Martin	29.7.02
Finch	Brian Alan	29.7.02
Paxton	Stuart	29.7.02
Sims	Peter Anthony	29.7.02
Dicker	Bryan Dean	29.7.02
Thomas	Anne Susan	29.7.02
Casey	Michael Patrick	29.7.02
Newman	Karen Dora	29.7.02

Dated 11 September 2002.

M. ATKINSON, Acting Minister for Police

## DEVELOPMENT ACT 1993, SECTION 25 (17): DISTRICT COUNCIL OF THE COPPER COAST—NORTHERN YORKE PENINSULA (DC) AND WALLAROO (CT) DEVELOPMENT PLANS—GENERAL PLAN AMENDMENT

*Preamble*

1. The Development Plan amendment entitled 'District Council of The Copper Coast—Northern Yorke Peninsula (DC) and Wallaroo (CT) Development Plans—General' (the Plan Amendment) has been finalised in accordance with the provisions of the Development Act 1993.

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

## NOTICE

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

(a) approve the Plan Amendment; and

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

Dated 26 September 2002.

J. WEATHERILL, Minister for Urban Development and Planning

PLN 00/0421

## DEVELOPMENT ACT 1993, SECTION 29 (2) (a): AMENDMENT TO THE UNLEY (CITY) DEVELOPMENT PLAN

*Preamble*

It is necessary to amend the Unley (City) Development Plan dated 29 August 2002.

## NOTICE

PURSUANT to section 29 (2) (a) of the Development Act 1993, I, Jay Weatherill, MP, being the Minister administering the Act, amend The Unley (City) Development Plan dated 29 August 2002 is to be amended as follows:

- On page 8, PDC 8 (b): correct the formatting of this principle.
- On page 13, DT 40.1: amend reference '40 (k)' to read '40 (l)'.
- On page 15, DT 41.1: delete the second 'full stop' at the end of the footnote.
- On page 66, PDC 131 (h to k): correct the formatting of this principle.
- On page 193, Table Un/6:
- (a) under Kind of Development—'Fence', delete the dot point—
    - *'Development of a garage or carport located closer to the primary street frontage than the associated dwelling'*; and
  - (b) immediately following the dot point *'A home office having a floor area in excess of 50 m<sup>2</sup> or 30% of the total floor area of the associated dwelling (excluding any garage/carport) whichever is the lesser'* under Kind of Development—'A change in the use of land to a residential use that is consequential on the construction of, . . .' insert the following dot point:
    - *'Development of a garage or carport located closer to the primary street frontage than the associated dwelling'*.
- On page 37, DT 76.1:
- (a) delete the passage 'Primary street frontages are not less than those specified in the following Table:'; and
  - (b) insert the following:  
*'Primary street frontages and site widths are not less than those specified in the following Table:'*
- On page 37, DT 76.1 footnote:
- (a) delete the contents of the footnote; and
  - (b) insert the following footnote:  
*'1 Where a development involves a dwelling on a hammerhead site, the overall subject development site street frontage should be in accordance with DT 77.1 and the hammerhead site access way width should be in accordance with DT 106.1.'*
- On page 37, DT 77.1:
- (a) delete the passage 'The primary street frontages of the subject land is not less than that specified in the following Table:'; and
  - (b) insert the following:  
*'The primary street frontage and site width of the subject land is not less than that specified in the following Table:'*

Dated 26 September 2002.

J. WEATHERILL, Minister for Urban  
Development and Planning

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## HOUSING IMPROVEMENT ACT 1940

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

Address of House	Allotment, Section, etc.	Certificate of Title		Date and page of <i>Government Gazette</i> in which notice declaring house to be substandard published
		Volume	Folio	
Unit 4/14 Deakin Street, Blair Athol	Unit 4, Strata Plan 1614, Hundred of Yatala	5055	475	27.3.97, page 1362
43 High Avenue, Clearview	Allotment 335 in Deposited Plan 3418, Hundred of Yatala	5353	608	30.11.95, page 1513
3 Lymington Street, Glenelg	Allotment 15 in Deposited Plan 443, Hundred of Noarlunga	5712	619	28.10.76, page 1496
Flat at rear of 194 Mead Street, Largs Bay	Allotment 7 in Filed Plan 4279, Hundred of Port Adelaide	5337	274	30.1.97, page 707
14 Eton Street, Malvern	Allotment 145 in Deposited Plan 1153, Hundred of Adelaide	5589	632	29.9.94, page 867
2 Henley Street, Mile End	Allotment 34 in Filed Plan 144362, Hundred of Adelaide	5602	470	29.6.00, page 3453
32 Culvert Street, Parkside	Allotment 1, Primary Community Plan 21366, Hundred of Adelaide	5878	430	24.2.94, page 538
34 Culvert Street, Parkside	Allotment 1, Primary Community Plan 21366, Hundred of Adelaide	5878	430	24.2.94, page 538
62 Grand Junction Road, Rosewater	Allotment 2 in Deposited Plan 34731, Hundred of Yatala	5875	978	16.3.89, page 794
11 Ramsey Avenue, Seacombe Gardens	Allotment 678 in Deposited Plan 4800, Hundred of Noarlunga	5634	793	26.6.97, page 3078
Flat 1/1 Hart Avenue, Unley	Allotment 4 in Deposited Plan 1221, Hundred of Adelaide	5380	234	5.3.92, page 632
Flat 2/1 Hart Avenue, Unley	Allotment 4 in Deposited Plan 1221, Hundred of Adelaide	5380	234	5.3.92, page 632

Dated at Adelaide, 26 September 2002.

H. FULCHER, Acting General Manager, Housing Trust

## HOUSING IMPROVEMENT ACT 1940

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

No. of House and Street	Locality	Allotment, Section, etc.	Certificate of Title	
			Volume	Folio
595 Regency Road	Broadview	Allotment 50 in Filed Plan 111758, Hundred of Yatala	5300	718
14 Erskine Street	Goodwood	Allotment 701 in Deposited Plan 55738, Hundred of Adelaide	5842	572
16 Farnham Road	Keswick	Allotments 278 and 279 in Filed Plan 19502, Hundred of Adelaide	5859	199
18-20 George Street	Moonta	Allotment comprising pieces 95 and 96 in Filed Plan 200282, Hundred of Wallaroo	5461	377
51 North Terrace	Hackney	Allotment 40 in Filed Plan 136291, Hundred of Adelaide	5781	779
104 Goode Road	Port Pirie West	Allotment 115 in Filed Plan 184197, Hundred of Pirie	5777	713
22 Seventh Street	Quorn	Allotment 227, Town of Quorn, Hundred of Pichi Richi	5819	540
Unit 1/5 Stevens Street	Seaton	Allotment 93 in Deposited Plan 3249, Hundred of Yatala	5176	987
9 Marden Street	Wallaroo	Allotment 93 in Filed Plan 162380, Hundred of Wallaroo	5301	426
Unit 2/Site 22, The Vines Caravan Park, Sir James Hardy Way	Woodcroft	Allotment comprising pieces 2, 3 and 4 in Deposited Plan 35834, Hundred of Noarlunga	5240	217
House at rear of shop at 7 Stansbury Road	Yorke town	Allotment 21 in Deposited Plan 23922, Hundred of Melville	5386	6

Dated at Adelaide, 26 September 2002.

H. FULCHER, Acting General Manager, Housing Trust

## HOUSING IMPROVEMENT ACT 1940

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

Address of House	Allotment, Section, etc.	Certificate of Title		Date and page of <i>Government Gazette</i> in which notice declaring house to be substandard published	Maximum rental per week payable in respect of each house \$
		Volume	Folio		
24 Royal Avenue, Adelaide	Allotment 14 in Deposited Plan 1110, Hundred of Adelaide	5851	620	28.1.93, page 484	195.00
21 William Street, Alberton	Allotment 40 in Filed Plan 143204, Hundred of Yatala	5772	610	10.5.73, page 2051	90.00
18 Eleventh Street, Bowden	Allotment 25 in Filed Plan 121972, Hundred of Yatala	5446	453	30.5.68, page 1698	155.00 (whole house) 40.00 (room 1) 40.00 (room 2) 40.00 (room 3) 35.00 (room 4) 125.00
2 Bideford Avenue, Clarence Gardens	Allotment 38 in Deposited Plan 3158, Hundred of Adelaide	5200	662	25.7.02, page 2936	90.00
40 Blight Street, Davoren Park	Allotment 6 in Deposited Plan 38779, Hundred of Munno Para	5169	149	25.7.02, page 2936	100.00
22 Sissman Street, Davoren Park	Allotment 5 in Deposited Plan 40848, Hundred of Munno Para	5227	178	25.7.02, page 2936	160.00
7 Linden Avenue, Hazelwood Park	Allotment 10 in Deposited Plan 2975, Hundred of Adelaide	5401	427	29.3.01, page 1477	85.00
14 Robe Street, Kapunda	Allotment 13 in Filed Plan 100453, Hundred of Kapunda	5101	67	28.9.89, page 968	40.00
5 Waring Street, Kadina	Allotment 435 in Filed Plan 197806, Hundred of Wallaroo	5556	775	25.10.90, page 1313	184.00
60 Price Avenue, Lower Mitcham	Allotment 86 in Deposited Plan 3007, Hundred of Adelaide	5096	125	26.10.95, page 1185	100.00
21 Victoria Street, Mannum	Allotment 75 in Filed Plan 39, Hundred of Finnis	5534	163	26.1.89, page 227	45.00
10 Second Avenue, Moana	Allotment 274 in Deposited Plan 3752, Hundred of Willunga	5463	415	27.10.77, page 1314	80.00
128 Railway Terrace, Peterborough	Allotment 19 in Deposited Plan 1471 in the area named Peterborough, Hundred of Yongala	5486	900	28.4.88, page 1098	30.00
44 Pybus Street, Port Augusta	Allotment 4 in Filed Plan 112021 in the area named Port Augusta, Hundred of Davenport	5204	820	27.9.79, page 851	35.00
46 Pybus Street, Port Augusta	Allotment 17 in Filed Plan 112034 in the area named Port Augusta, Hundred of Davenport	5204	760	25.11.93, page 2605	90.00
1 Mair Street, Wallaroo	Allotment 106 in Filed Plan 189858, Hundred of Wallaroo	5775	777	29.7.93, page 716	110.00
32 Main North Road, Willaston	Allotment 81 in Filed Plan 154582, Hundred of Mudla Wirra	5475	454	25.7.02, page 2936	90.00
6 Innes Road, Windsor Gardens	Allotment 283 in Deposited Plan 6742, Hundred of Yatala	5233	394	25.7.02, page 2936	

Dated at Adelaide, 26 September 2002.

H. FULCHER, Acting General Manager, Housing Trust

## GOVERNMENT GAZETTE ADVERTISEMENT RATES

To apply from 1 July 2002

	\$		\$
Agents, Ceasing to Act as.....	34.10	Firms:	
Associations:		Ceasing to Carry on Business (each insertion) .....	22.70
Incorporation .....	17.40	Discontinuance Place of Business .....	22.70
Intention of Incorporation .....	43.00	Land—Real Property Act:	
Transfer of Properties .....	43.00	Intention to Sell, Notice of.....	43.00
Attorney, Appointment of.....	34.10	Lost Certificate of Title Notices .....	43.00
Bailiff's Sale .....	43.00	Cancellation, Notice of (Strata Plan).....	43.00
Cemetery Curator Appointed.....	25.50	Mortgages:	
Companies:		Caveat Lodgment.....	17.40
Alteration to Constitution .....	34.10	Discharge of .....	18.30
Capital, Increase or Decrease of .....	43.00	Foreclosures.....	17.40
Ceasing to Carry on Business .....	25.50	Transfer of .....	17.40
Declaration of Dividend.....	25.50	Sublet.....	8.75
Incorporation .....	34.10	Leases—Application for Transfer (2 insertions) each.....	8.75
Lost Share Certificates:		Lost Treasury Receipts (3 insertions) each.....	25.50
First Name.....	25.50	Licensing.....	51.00
Each Subsequent Name.....	8.75	Municipal or District Councils:	
Meeting Final.....	28.75	Annual Financial Statement—Forms 1 and 2 .....	481.00
Meeting Final Regarding Liquidator's Report on		Electricity Supply—Forms 19 and 20.....	341.00
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Meeting')		First Name .....	68.00
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Each Subsequent Name.....	8.75	Noxious Trade .....	25.50
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Creditors (extraordinary resolution that 'the Com-		Each Subsequent Name .....	8.75
pany be wound up voluntarily and that a liquidator		Registers of Members—Three pages and over:	
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33-48	3.50	2.50	529-544	29.70	28.75
49-64	4.45	3.35	545-560	30.50	29.75
65-80	5.20	4.30	561-576	31.25	30.50
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97-112	6.90	5.85	593-608	33.10	32.00
113-128	7.70	6.75	609-624	33.90	33.00
129-144	8.65	7.65	625-640	34.60	33.50
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161-176	10.40	9.30	657-672	36.00	35.25
177-192	11.20	10.20	673-688	37.50	36.00
193-208	12.00	11.10	689-704	38.30	37.00
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258-272	15.40	14.20	753-768	41.75	40.25
273-288	16.30	15.20	769-784	42.25	41.50
289-304	17.00	16.00	785-800	43.00	42.25
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321-336	18.70	17.60	817-832	44.75	43.75
337-352	19.60	18.60	833-848	45.75	44.50
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369-384	21.30	20.30	865-880	47.25	46.50
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401-416	22.80	21.80	897-912	49.25	47.75
417-432	23.90	22.70	913-928	49.75	49.25
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LAND AND BUSINESS (SALE AND CONVEYANCING) ACT  
1994*Exemption*

TAKE notice that, pursuant to section 23 (3) of the Land and Business (Sale and Conveyancing) Act 1994, I, Michael John Atkinson, Minister for Consumer Affairs, do hereby exempt the person named in Schedule 1 from the application of section 23 (2) of the Act in relation to the purchase of the land specified in Schedule 2.

## SCHEDULE 1

Rebecca May Pym, an officer/employee of Rob Brown Real Estate Pty Ltd.

## SCHEDULE 2

The whole of the land described in:

- certificate of title register book volume 5487, folio 319, situated at Allotment 91, Hundred of Tungkillo, Tepko Road, Rockleigh, S.A. 5254, and
- certificate of title register book volume 5429, folio 797, situated at sections 446 and 447, Hundred of Tungkillo, Tepko Road, Rockleigh, S.A. 5254.

Dated 26 September 2002.

Signed for and on behalf of the Minister for Consumer Affairs by the Commissioner for Consumer Affairs:

M. BODYCOAT, Commissioner

LAND AND BUSINESS (SALE AND CONVEYANCING) ACT  
1994*Exemption*

TAKE notice that, pursuant to section 23 (3) of the Land and Business (Sale and Conveyancing) Act 1994, I, Michael John Atkinson, Minister for Consumer Affairs, do hereby exempt the person named in Schedule 1 from the application of section 23 (2) of the Act in relation to the purchase of the land specified in Schedule 2.

## SCHEDULE 1

Ernest McLeod, an officer/employee of Elders Ltd.

## SCHEDULE 2

The whole of the land described in certificate of title register book volume 5099, folio 807, situated at 2 Riches Street and 22 Mellor Street, Port Augusta West, S.A. 5700.

Dated 26 September 2002.

Signed for and on behalf of the Minister for Consumer Affairs by the Commissioner for Consumer Affairs:

M. BODYCOAT, Commissioner

LAND AND BUSINESS (SALE AND CONVEYANCING) ACT  
1994*Exemption*

TAKE notice that, pursuant to section 23 (3) of the Land and Business (Sale and Conveyancing) Act 1994, I, Michael John Atkinson, Minister for Consumer Affairs, do hereby exempt the person named in Schedule 1 from the application of section 23 (2) of the Act in relation to the purchase of the land specified in Schedule 2.

## SCHEDULE 1

Margaret Jean Rodis, an officer/employee of D. M. Fimmell & Co. Pty Ltd.

## SCHEDULE 2

The whole of the land described in certificate of title register book volume 5284, folio 1, situated at 25 Thompson Street, Mount Gambier, S.A. 5290.

Dated 26 September 2002.

Signed for and on behalf of the Minister for Consumer Affairs by the Commissioner for Consumer Affairs:

M. BODYCOAT, Commissioner

LAND AND BUSINESS (SALE AND CONVEYANCING) ACT  
1994*Exemption*

TAKE notice that, pursuant to section 23 (3) of the Land and Business (Sale and Conveyancing) Act 1994, I, Michael John Atkinson, Minister for Consumer Affairs, do hereby exempt the person named in Schedule 1 from the application of section 23 (2) of the Act in relation to the purchase of the land specified in Schedule 2.

## SCHEDULE 1

Linley Millard Andrews, an officer/employee of Andrews and Hodges Pty Ltd.

## SCHEDULE 2

The whole of the land described in certificate of title register book volume 5647, folio 151, situated at Lots 91 and 92, Mary Street, Smithfield, S.A. 5114.

Dated 26 September 2002.

Signed for and on behalf of the Minister for Consumer Affairs by the Commissioner for Consumer Affairs:

M. BODYCOAT, Commissioner

LAND AND BUSINESS (SALE AND CONVEYANCING) ACT  
1994*Exemption*

TAKE notice that, pursuant to section 23 (3) of the Land and Business (Sale and Conveyancing) Act 1994, I, Michael John Atkinson, Minister for Consumer Affairs, do hereby exempt the person named in Schedule 1 from the application of section 23 (2) of the Act in relation to the purchase of the land specified in Schedule 2.

## SCHEDULE 1

Patrick Desmond Larsson, an officer/employee of Elders Ltd.

## SCHEDULE 2

The whole of the land described in certificate of title register book volume 5847, folio 208, situated at 18 Bengtell Close, Port Augusta West, S.A. 5700.

Dated 26 September 2002.

Signed for and on behalf of the Minister for Consumer Affairs by the Commissioner for Consumer Affairs:

M. BODYCOAT, Commissioner

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

NOTICE is hereby given, pursuant to section 52 of the Liquor Licensing Act 1997 and section 29 of the Gaming Machines Act 1992, that Facilis Pty Ltd (ACN 099 021 655) has applied to the Liquor and Gaming Commissioner for the transfer of a Hotel Licence and a Gaming Machine Licence in respect of premises situated at 23 Stanley Street, North Adelaide, S.A. 5006 and known as Kentish Arms Hotel.

The applications have been set down for hearing on 28 October 2002 at 11 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Applicant

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Germantown Wines Pty Ltd has applied to the Licensing Authority for the transfer and removal of a Producer's Licence in respect of premises situated at 218 Glen Osmond Road, Fullarton, S.A. 5063 to be removed to Olivers Road, McLaren Vale, S.A. 5171 and to be known as The Settlement Wine Co.

The application has been set down for hearing on 25 October 2002.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 19 September 2002.

Applicant

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Berlingieri Wines Pty Ltd has applied to the Licensing Authority for the removal of a Wholesale Liquor Merchant's Licence in respect of premises situated at 218 Glen Osmond Road, Fullarton, S.A. 5063 to be removed to Olivers Road, McLaren Vale, S.A. 5171.

The application has been set down for hearing on 25 October 2002.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 19 September 2002.

Applicant

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Cockatoo Ridge Sales Pty Ltd, c/o Johnson Winter & Slattery, 211 Victoria Square, Adelaide, S.A. 5000 has applied to the Licensing Authority for the removal of a Wholesale Liquor Merchant's Licence in respect of premises situated at Yalumba, Angaston, S.A. 5353 to be removed to Barossa Valley Way, Tanunda, S.A. 5352 and to be known as Cockatoo Ridge Wines.

The application has been set down for hearing on 25 October 2002 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 17 September 2002.

Applicant

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Thomco (No. 2035) Pty Ltd as trustee for the Virgara Winery Unit Trust, c/o Rick Harley, Hunt & Hunt Lawyers, has applied to the Licensing Authority for a Producer's Licence in respect of the premises to be situated at corner Heaslip, Curtis and Shorts Road, Angle Vale, S.A. 5117.

The application has been set down for hearing on 25 October 2002 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 19 September 2002.

Applicant

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Tradebart Liquor Pty Ltd, 1st Floor, 78-86 Anzac Highway, Everard Park, S.A. 5035 has applied to the Licensing Authority for a Retail Liquor Merchant's Licence in respect of the premises to be situated at 1st Floor, 78-86 Anzac Highway, Everard Park, S.A. 5035 and to be known as Tradebart Liquor.

The application has been set down for hearing on 25 October 2002 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 13 September 2002.

Applicant

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Schiller Vineyards Pty Ltd, c/o Teusner & Co. has applied to the Licensing Authority for a Producer's Licence in respect of premises to be situated at Light Pass Road, Light Pass, S.A. 5355 and to be known as Schiller Vineyards.

The application has been set down for hearing on 25 October 2002 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 16 September 2002.

Applicant

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Karin Louise Ridgeway and Peter Lyndon Carter, 17 Prince Albert Street, Albert Park, S.A. 5014 have applied to the Licensing Authority for the removal of a Special Circumstances Licence in respect of the premises situated at 17 Prince Albert Street, Albert Park, S.A. 5014 to be removed to 514 Torrens Road, Woodville North, S.A. 5012 and known as Adelaide Party Management.

The application has been set down for hearing on 25 October 2002 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicants at the applicants' address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 17 September 2002.

Applicants

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## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Nheen Luu has applied to the Licensing Authority for a Restaurant Licence in respect of premises situated at 268-270 Torrens Road, Croydon Park, S.A. 5008 and to be known as Papaya Thai Cuisine.

The application has been set down for hearing on 25 October 2002.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 16 September 2002.

Applicant

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## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Peter Charles Beaumont and Patricia Margaret Beaumont have applied to the Licensing Authority for a Producer's Licence in respect of premises situated at Lot 51, Hundred of Ridley, Swan Reach, S.A. 5354 and to be known as Old Devon Downs.

The application has been set down for hearing on 25 October 2002.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicants at the applicants' address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 19 September 2002.

Applicants

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## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Henry Hudson Wines Pty Ltd (ACN 101 911 924), c/o Wallmans Lawyers, 173 Wakefield Street, Adelaide, S.A. 5000 has applied to the Licensing Authority for a Producer's Licence and Restaurant Licence in respect of premises situated at 12 Main North Road, Clare, S.A. 5453 and to be known as The Coffee Cellar.

The application has been set down for hearing 25 October 2002.

*Conditions*

The following licence conditions are sought:

1. Extended Trading Authorisation to apply to the whole of the licensed premises as follows:

Monday to Saturday, midnight to 1 a.m. the following day;  
Sunday, 8 a.m. to 11 a.m. and 8 p.m. to 1 a.m. the following day.

2. Entertainment Consent (including the above hours sought) to apply to the whole of the licensed premises.

3. A condition to authorise the licensee to sell liquor on any day except Good Friday and Christmas Day for consumption on the licensed premises by persons:

- (i) seated at a table; or
- (ii) attending a function at which food is provided.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 19 September 2002.

Applicant

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## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Nepenthe Wines Pty Ltd, Tiers Road, Lenswood, S.A. 5240 c/o Finlaysons Lawyers, 81 Flinders Street, Adelaide, S.A. 5000 has applied to the Licensing Authority for the transfer of a Producer's Licence in respect of premises situated at Jones Road, Hahndorf, S.A. 5245 known as Glenhurst Wines and to be known as Nepenthe Wines.

The application has been set down for hearing on 28 October 2002 at 10.30 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 19 September 2002.

Applicant

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## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Pola Lefta Pty Ltd (ACN 087 799 817), has applied to the Licensing Authority for the transfer of a Restaurant Licence in respect of premises situated at 50 Unley Road, North Unley, S.A. 5061 known as Cypriana Taverna and to be known as Unley Fish Cafe.

The application has been set down for hearing on 28 October 2002.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 13 September 2002.

Applicant

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LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Frobisher Pty Ltd, c/o Wallmans Lawyers, 173 Wakefield Street, Adelaide, S.A. 5000 has applied to the Licensing Authority for a Variation to Conditions of Licence in respect of premises situated at 163 Melbourne Street, North Adelaide, S.A. 5006 and known as The Lion Hotel.

The application has been set down for hearing on 25 October 2002.

*Conditions*

The following licence conditions are sought:

1. An order deleting condition 9 of the Hotel Licence which states that the use of the basement area below the function room shall be as a wine store only; and
2. An order varying the approval given under section 69 of the Act to include the proposed additional adjacent area to the south of the existing area as shown on the plan attached; and
3. An order varying the Extended Trading Authorisation to include the proposed enlarged Area 8 which is adjacent to the licensed premises in Jerningham Street to permit trading in that area until 11 p.m. on Sundays.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 19 September 2002.

Applicant

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LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Stunsail Boom Pty Ltd, has applied to the Licensing Authority for a Direct Sales Licence in respect of premises situated at Level 2, 89 King William Street, Adelaide, S.A. 5000.

The application has been set down for hearing on 25 October 2002.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 19 September 2002.

Applicant

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LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that The Roosters Club Inc., Oval Clubrooms, Menzies Crescent, Prospect, S.A. 5082 has applied to the Licensing Authority for a Club Licence with an Extended Trading Authorisation, Entertainment Consent and section 36 (l) (1) in respect of the premises situated at Menzies Crescent, Prospect, S.A. 5082 and known as The Roosters Club.

The application has been set down for hearing on 25 October 2002 at 9 a.m.

*Conditions*

The following licence conditions are sought:

1. An Extended Trading Authorisation is sought as follows:

Friday, midnight to 1 a.m. the following day; Saturday, midnight to 2 a.m. the following day; Sunday, 8 a.m. to 11 a.m. and 8 p.m. to 10 p.m.; Public Holidays, midnight to 1 a.m. the following day except for Good Friday and Christmas Day; New Years Eve, midnight to 2 a.m. the following day.

2. Entertainment consent is sought during normal hours and extended trading hours.

3. Under section 36 (l) (1) to sell liquor on the licensed premises on any day except Good Friday and Christmas Day to a member of the club for consumption off the licensed premises.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 16 September 2002.

Applicant

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## GRANT OF PRELIMINARY SURVEY LICENCE No. 10

Office of Minerals and Energy Resources, Adelaide, 26 September 2002

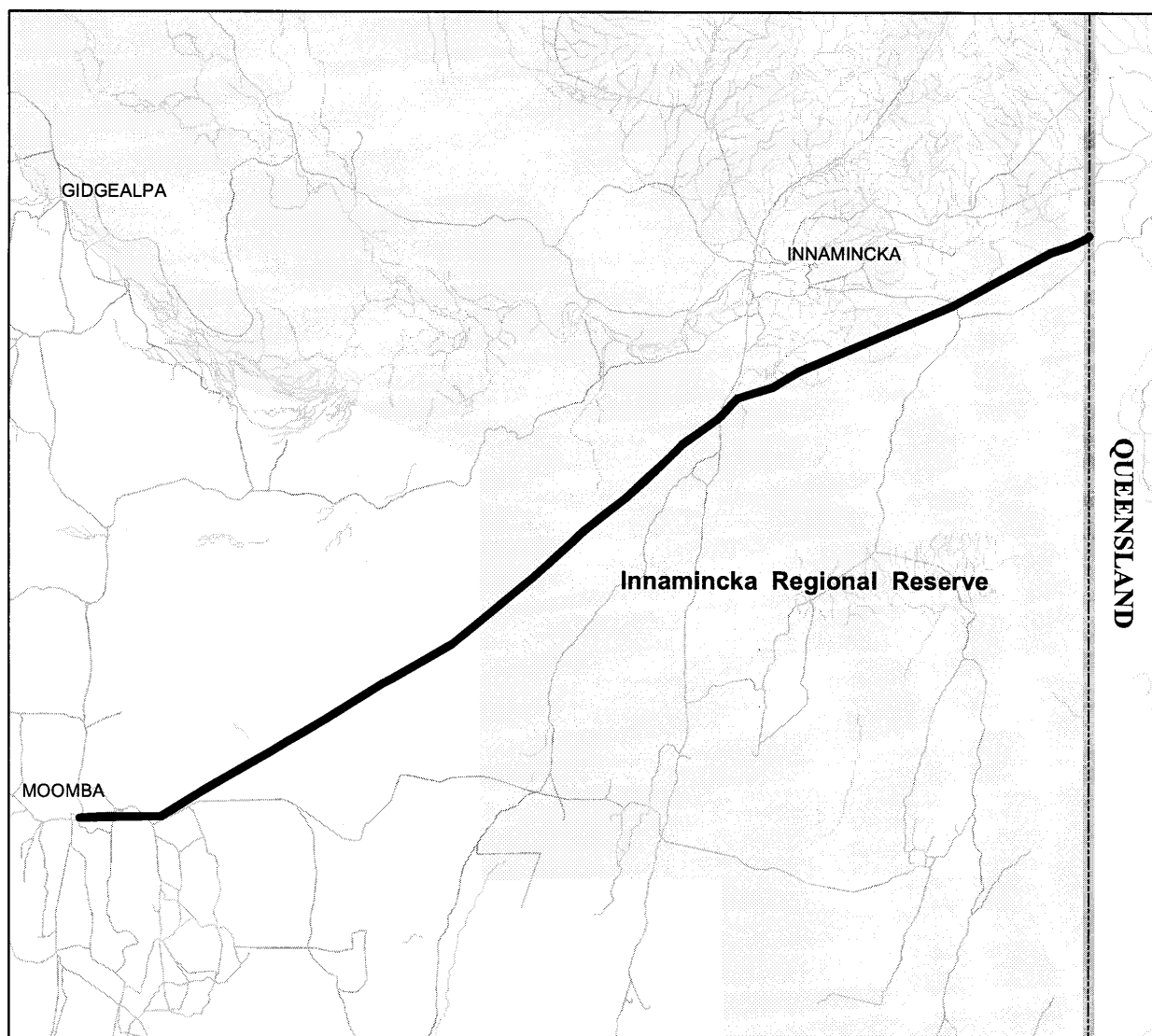
NOTICE is hereby given that the undermentioned Preliminary Survey Licence has been granted under the provisions of the Petroleum Act 2000, pursuant to delegated powers dated 28 March 2002, *Gazetted* 11 April 2002, page 1573.

B. A. GOLDSTEIN, Director Petroleum, Office of Minerals and Energy Resources,  
Delegate of the Minister for Mineral Resources Development

No. of Licence	Licensee	Locality	Date of Expiry	Area in km <sup>2</sup>	Reference
10	Epic Energy SA Pty Ltd	Moomba to Ballera	September 2003	27	27/2/252

*General Description of Preliminary Survey Licence Area*

Preliminary survey activities are authorised in a corridor which is approximately 300 m wide and 90 km long with a total area of approximately 27 km<sup>2</sup> as shown on the attached plan.



SCALE 1:500 000

## PETROLEUM ACT 2000

*Statement of Environmental Objectives for Existing Regulated Activities*

PURSUANT to section 104 (1) of the Petroleum Act 2000 (the Act) I, Barry Alan Goldstein, Director Petroleum, Office of Minerals and Energy Resources, Department of Primary Industries and Resources SA, Delegate of the Minister for Mineral Resources Development, pursuant to Delegation dated 28 March 2002, *Gazetted* 11 April 2002, do hereby publish the following document as having been approved as a statement of environmental objectives under the Act:

## Document:

Origin Energy Resources Limited Statement of Environmental Objectives for the Production and Processing of Petroleum Products and Associated Activities at the Katnook and Ladbroke Grove Gas Plants Otway Basin—South Australia September 2002.

This document is available for public inspection on the Environmental Register section of the Petroleum Group's web site ([www.petroleum.pir.sa.gov.au](http://www.petroleum.pir.sa.gov.au)) or at the Public Office determined pursuant to section 107 (1) of the Act to be at:

Minerals and Petroleum Centre  
Office of Minerals and Energy Resources  
Ground Floor  
101 Grenfell Street  
Adelaide, S.A. 5000

Dated 20 September 2002.

B. A. GOLDSTEIN, Delegate of the Minister for Mineral Resources Development

## PRIMARY INDUSTRIES AND RESOURCES SOUTH AUSTRALIA

*Aquaculture Cost Recovery—Draft Aquaculture Policy*

PURSUANT to section 12 of the Aquaculture Act 2001, notice is hereby given that the Minister for Agriculture, Food and Fisheries has released a draft aquaculture policy for public comment.

The draft policy establishes a policy framework for cost recovery which provides for equitable sharing of the cost associated with resource management and regulation of the State's aquaculture industry.

This draft policy paper has been prepared in accordance with the Productivity Commission's recent report, 'Cost Recovery by Government Agencies' (August 2001). Broadly, the areas where government carries out activities of direct benefit to industry are:

- Resource management;
- Regulatory management; and
- Research and development.

The draft policy has been prepared using an 'attributable costs' method. The general principle of this method is that service recipients contribute to the costs of government services from which they receive a direct benefit, at a level commensurate with the cost of providing those services.

Copies of the Draft Aquaculture Cost Recovery Policy are available from PIRSA Aquaculture, 14th Floor, 25 Grenfell Street (G.P.O. Box 1625), Adelaide, S.A. 5001, on the internet at [www.pir.sa.gov.au/aquaculture](http://www.pir.sa.gov.au/aquaculture), by telephoning (08) 8226 0314 or by faxing (08) 8226 0330.

Written submissions in relation to the proposed policy are invited from the public and should be made to Heather Robin, PIRSA Aquaculture, G.P.O. Box 1625, Adelaide, S.A. 5001. Submissions must be received by 5 p.m. on Friday, 6 December 2002.

Dated 23 September 2002.

PAUL HOLLOWAY, Minister for Agriculture, Food and Fisheries

## PRIMARY INDUSTRIES AND RESOURCES SOUTH AUSTRALIA

*Environmental Management—Draft Aquaculture Policy*

PURSUANT to section 12 of the Aquaculture Act 2001, notice is hereby given that the Minister for Agriculture, Food and Fisheries has released a draft aquaculture policy for public comment.

The draft policy establishes a policy framework for environmental management of the aquaculture industry including environmental assessment, monitoring and management issues. The Draft Environmental Management Policy will contribute to the ecologically sustainable development of all sectors of the aquaculture industry in South Australia.

Copies of the Environmental Management Draft Policy are available from PIRSA Aquaculture, 14th Floor, 25 Grenfell Street (G.P.O. Box 1625), Adelaide, S.A. 5001, on the internet at [www.pir.sa.gov.au/aquaculture](http://www.pir.sa.gov.au/aquaculture), by telephoning (08) 8226 0314 or by faxing (08) 8226 0330.

Written submissions in relation to the draft policy are invited from the public and should be made to Carina Cartwright, PIRSA Aquaculture, G.P.O. Box 1625, Adelaide, S.A. 5001. Submissions must be received by 5 p.m. on Friday, 6 December 2002.

Dated 23 September 2002.

PAUL HOLLOWAY, Minister for Agriculture, Food and Fisheries

## PRIMARY INDUSTRIES AND RESOURCES SOUTH AUSTRALIA

*Aquaculture Resource Management and Ecologically Sustainable Development—Draft Aquaculture Policy*

PURSUANT to section 12 of the Aquaculture Act 2001, notice is hereby given that the Minister for Agriculture, Food and Fisheries has released a draft aquaculture policy for public comment.

The draft policy establishes a policy framework for promoting the ecologically sustainable development of South Australia's aquaculture resources.

Ecologically sustainable development has been clearly defined and accepted as a guiding framework for aquaculture in South Australia. However, application of the principles of ecologically sustainable development requires a clearly defined framework that maps out the application of general ecologically sustainable development objectives in the aquaculture context, the scope of the issues that need to be addressed and how progress will be assessed and reported. The draft policy represents the first step in the development of a formal framework for the ecologically sustainable development of the aquaculture industry in South Australia.

Copies of the Draft Aquaculture Resource Management and Ecologically Sustainable Development Policy are available from PIRSA Aquaculture, 14th Floor, 25 Grenfell Street (G.P.O. Box 1625), Adelaide, S.A. 5001, on the internet at:

[www.pir.sa.gov.au/aquaculture](http://www.pir.sa.gov.au/aquaculture),

by telephoning (08) 8226 0314 or by faxing (08) 8226 0330.

Written submissions in relation to the proposed policy are invited from the public and should be made to Dr Micheal Deering, PIRSA Aquaculture, G.P.O. Box 1625, Adelaide, S.A. 5001. Submissions must be received by 5 p.m. on Friday, 6 December 2002.

Dated 23 September 2002.

PAUL HOLLOWAY, Minister for Agriculture, Food and Fisheries

## REAL PROPERTY (REGISTRATION OF TITLES) ACT 1945

WHEREAS the persons named in the schedule appear to be entitled to the land set forth and described before their names, notice is hereby given that unless caveat be lodged with me at the Lands Titles Office, 101 Grenfell Street, Adelaide, by some person having an estate or interest in the said land on or by the date specified, it is my intention to bring the said land under the provisions of the Real Property Act 1886, as amended, pursuant to the authority vested in me by the Real Property (Registration of Titles) Act 1945. Plans of the land may be inspected at this office, and in the office of the Corporation or District Council in which the land is situated.

## THE SCHEDULE

Search No.	Description of Property	Name	Date up to and inclusive of which caveat may be lodged
3001	Allotment 110 in Filed Plan No. 218556 of portion of Section 290, Hundred of Adelaide in the area named Marryatville	St Matthews Church Kensington Incorporated	28 November 2002

Dated at the Lands Titles Office, 101 Grenfell Street, Adelaide, 18 September 2002.

S. LIBBISS, Registrar-General

ROADS (OPENING AND CLOSING) ACT 1991:  
SECTION 24**NOTICE OF CONFIRMATION OF ROAD  
PROCESS ORDER**

*Centenary Avenue, Maitland  
Deposited Plan 60433*

BY Road Process Order made on 5 August 2002, the District Council of Yorke Peninsula ordered that:

1. Portion of the public road (Centenary Avenue), adjacent to the eastern boundary of section 138, Hundred of Maitland, more particularly delineated and lettered 'A', in Preliminary Plan No. 02/0045 be closed.

2. Transfer the whole of the land subject to closure to ELDERCARE INC. in accordance with agreement for transfer dated 4 July 2002 entered into between the District Council of Yorke Peninsula and Eldercare Inc.

3. The following easement is granted over portion of the land subject to that closure:

Grant to the Distribution Lessor Corporation an easement for underground electricity supply purposes.

On 10 September 2002, that order was confirmed by the Minister for Administrative Services, conditionally upon approval and deposit of the survey plan by the Registrar-General. The condition has now been fulfilled.

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

Dated 26 September 2002.

P. M. KENTISH, Surveyor-General

## SOIL CONSERVATION AND LAND CARE ACT 1989

*Appointments*

I, JOHN DAVID HILL, Minister for Environment and Conservation in the State of South Australia to whom the administration of the Soil Conservation and Land Care Act 1989, has been committed, do hereby appoint the following person as a member of the Lower South East Soil Conservation Board, pursuant to section 24 of the Act until 30 December 2003:

Nancy Alice Marion Mann

Dated 16 September 2002.

J. HILL, Minister for Environment and Conservation

## SOIL CONSERVATION AND LAND CARE ACT 1989

*Appointments*

I, JOHN HILL, Minister for Environment and Conservation in the State of South Australia to whom the administration of the Soil Conservation and Land Care Act 1989 has been committed, do hereby appoint the following people as panel members for the Soil Conservation Appeal Tribunal pursuant to section 47 of the Act for a period from 24 August 2002 until 23 August 2005:

Extensive experience in soil conservation and land management:

David Gary Jericho  
Mary Ann Crawford  
Michael John Kluge  
Neil McKinnon Smith  
Edith Anna Clarke

Tertiary qualifications in agricultural science, land management or any other appropriate field:

Lachlan McLaren  
Gerard Davies  
Douglas James Reuter  
Megan Mary Lewis  
Carolyn Ireland

JOHN HILL, Minister for Environment and Conservation

## NOTICE TO MARINERS

NO. 45 OF 2002

*South Australia—Otway Basin—South East Coast—Temporary Seismic Survey*

WOODSIDE ENERGY AUSTRALIA will be carrying out a Carpenter Marine 3D Seismic Survey approximately 7 km from the coastline over an area of 300 km<sup>2</sup> bounded by the following WGS 84 co-ordinates:

Latitude 37°45'S and longitude 139°54'E  
Latitude 37°45'S and longitude 140°12'E  
Latitude 37°54'S and longitude 140°17'E  
Latitude 37°54'S and longitude 139°59'E

The survey is expected to be carried out between 23 September 2002 and 30 October 2002.

The seismic vessel M.V. *Geco Beta* will be involved in the deployment and retrieval of six streamers behind and up to 300 m on either side of the vessel. The vessel has sufficient power to tow the 4 600 m long streamers and dual 15 m long airgun arrays at an average speed of 4.6 knots. The airguns will be working at operating pressures of 2 000 psi and producing sound pulses of 220-240 dB at frequencies up to 110 Hz.



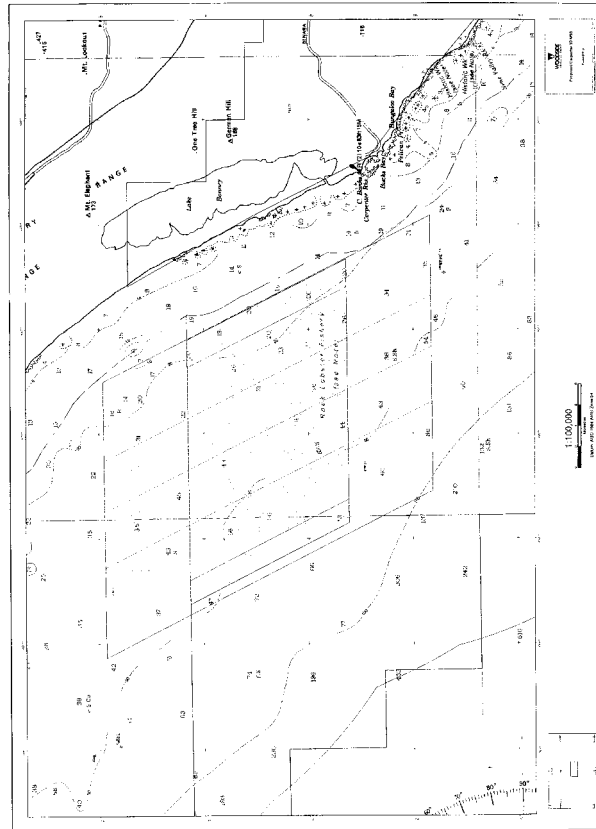
A yellow plastic tail buoy equipped with a radar reflector and a quick flashing light will be attached to the end of each towed streamer.

Additional support and scout vessels will be operating during the survey to assist the seismic vessel and to divert any marine traffic away from the towed equipment if necessary.

Mariners are advised to exercise caution and keep well clear of the survey area during the above periods, as the survey vessel has very limited steering capabilities whilst operations are in progress. There is also a potential for snagging of the streamers which will generally be submerged in 7.5 m water depth.

Navy charts affected: Aus 348.

Publication affected: Australia pilot Vol. 1 (Seventh Edition 1992) page 141.



Adelaide, 16 September 2002.

M. WRIGHT, Minister for Transport

TSA 2002/00309

#### NOTICE TO MARINERS

No. 46 of 2002

##### *South Australia—Thevenard—Yatala Channel—Beacon Missing*

MARINERS are advised that No. 21 beacon in the Yatala channel in Thevenard in approximate position Latitude 32°10'S, Longitude 133°37.8'E has been reported as missing. The beacon will be missing until further notice.

Mariners are advised to proceed with caution in the vicinity.

Navy charts affected: Aus 120.

Publication affected: Australia Pilot Vol. 1, Seventh Edition 1992, page 74.

Adelaide 19 September 2002.

M. WRIGHT, Minister for Transport

TSA 2002/00309

FP 2001/1439

## RULES OF COURT

### Amending the District Court Rules 1992 Amendment No. 38 of the District Court Rules

BY virtue and in pursuance of section 51 of the District Court Act 1991, and all other powers us thereunto enabling, We, Terence Anthony Worthington, Chief Judge, and Robert Martin Lunn and Geoffrey Louis Muecke, Judges of the District Court of South Australia, do hereby make the following Rules of Court:

1. These Rules may be cited as the “District Court Rules 1992, Amendment No. 38.”

2. The District Court Rules 1992, as amended, by these Rules, may be cited as the “District Court Rules 1992”.

3. That Rule II-7 be amended by making the following substitution and additions to the definitions in Rule 5:

(a) Deleting the existing definition of “address for service” and inserting in lieu the following:

“‘address for service’ means an address of a place at which an application or other document may be sent or left for the party giving such address. Such address:

(a) if a physical address, shall be within 50 km of the Adelaide General Post Office, or in any proceedings that have been commenced in a District Registry within 50 km of that District Registry, and, if it is of a building or property which is divided into parts which are capable of separate occupation, shall also specify which part of the building or property is the address for service;

(b) may be outside the above radius where it is a place, within Australia, at which a legal practitioner filing the address for service carries on practice and where a number for facsimile transmission is included in the address for service;

(c) may include such a number where the party giving the address for service is prepared to receive service of documents by facsimile transmission at the number under Rule 12.05 (1) (g) and may also contain a box number and a branch of the Adelaide Document Exchange where the party giving that address for service is prepared to receive documents in accordance with the provisions of Rule 12.05 (1) (c);

(d) shall, wherever the addressee is physically located, be a sufficient address for the purposes of this definition, if it specifies an e-mail address to which documents may electronically be directed to the party giving it and the party initiating the proceedings has also indicated, on a document filed by such party, that it has an e-mail address. This subparagraph shall apply only to all actions commenced on or after 1 January 2003, by legal practitioners who register for participation in an interim e-Filing pilot project commissioned by the Court. However, a party filing a notice of address for service may, in any action, include in it an e-mail address at which that party is prepared to receive documents in electronic format.”

(b) Insert after the definition of “administrator” the following:

“‘affidavit’ includes an electronic statement of the nature referred to in Rule IA.22.”

(c) After the definition of “appeal” insert:

“‘authorised electronic communication’ means:

(a) a communication of information in the form of data, text or images by means of guided or unguided electromagnetic energy, or both, including an e-mail or an e-mail attachment; or

(b) a communication of information in the form of sound by means of guided or unguided electromagnetic energy, or both, where the sound is processed, at its destination, by an automated speech recognition system,

in accordance with information technology requirements specified by the Court by Practice Direction.

‘authorised electronic authentication code’ means any P code and related password nominated by a registered user, from time to time, in accordance with Rules 1A.12 and 1A.13, for the purpose of identifying an authorised legal practitioner and indicating the appointment of that person as the agent of a registered user, thereby authenticating access by him or her, as such agent, to an electronic system maintained by the Court. It also includes any Personal Identification Number (PIN) allocated to a non-registered user and associated password, as provided for by Practice Direction.”

(d) After the definition of “defendant” insert:

“‘deliver’ includes electronic transmission to the e-mail address of the deliverer by an authorised electronic communication.”

(e) After the definition of “document” insert:

“‘e-mail address’ means the mailing address to and from which an authorised electronic communication may be sent and received, using the World Wide Web.”

(f) After the definition of “examiner” insert:

“‘file’ includes delivery to the Registry, by authorised electronic communication, and receipt into an electronic file of the Court as a record of proceedings.”

(g) After the definition of “grant of representation” insert:

“‘image’ means a picture that has been created, copied, stored or transmitted in electronic form.

‘issued’ includes sending by means of an authorised electronic communication.

‘information’ means information in the form of data, text, images or speech.

‘L Code’ means the alpha/numeric designator (commonly referred to as ‘the Law Firm number’), issued by the Law Society of South Australia (‘the Society’) to a firm or sole legal practitioner for practice identification purposes.”

(h) After the definition of “notice” insert:

“‘P Code’ means the alpha/numeric designator (commonly referred to as ‘the practitioner number’) issued by the Society to each individual legal practitioner entitled to practice in South Australia for personal identification purposes.”

(i) After the definition of “proceedings” insert:

“‘registered user’ means a person who has registered to gain access to and use any electronic filing or other system maintained or operated by the Courts Administration Authority.”

(j) After the definition of “society” insert:

“‘specified document’ means a document which is specified in any Practice Direction as being a document which may, or must, be filed in the Court using an electronic filing system maintained or operated by it.”

(k) After the definition of “statute” insert:

“‘transmit’ includes sending by means of an authorised electronic communication.”

4. That a new Rule II-8A be inserted:

“II-8A Rule 7.04 is to apply except the words ‘provided that the summons for ejectment under Part XVII of the Real Property Act shall be in Form 5’ are to be deleted.”

5. That Rule II-9A be deleted to the intent that Rule 8 in its entirety is to apply to the District Court.

6. That Rule II-20 be amended by substituting the following new subrule 55.01 (1):

“(1) Except where the Court directs to the contrary upon the filing of an *inter partes* summons the plaintiff is to file in the Registry an application for directions in Form 17.”

7. That Rule II-31 be amended by inserting in Rule 67.06 after “Subject to Rule 67.05” the words “and Rule 62.08”.

8. That Rule II-79 be revoked and replaced by:

“II-79 The forms in the First Schedule are to apply subject to:

(a) In form 1 ‘District Court’ is to be substituted for ‘Supreme Court’; and

(b) Forms 5, 10, 22, 31, 32, 37 and 38 are excluded.”

9. That Rule III-15 be amended by deleting from Rule 122.02A (2) the words “the following form” and the whole of the following form and replacing them by “Form 13”.

10. That Rule III-22 be amended in respect of its Rule 128 by:

(a) deleting from Rule 128.02 (1) the words “the following form” and the whole of the following form and replacing them by “Form 3”;

(b) substituting in Rule 128.08 “a notice of address for service” for “an appearance” in both subrules (1) and (2);

(c) substituting in Rule 128.07 (2) “the last notice of address for service” for “the last appearance”, “all notices of address for service” for “all appearances” and “a notice of address for service” for “an appearance”;

(d) inserting in Rule 128.08 the words “Form 45 and” immediately after “in accordance with”;

(e) deleting from Rule 128.10 the words “with the following form” and the whole of the following form and replacing them by “in Form 3”;

(f) substituting in Rule 128.12 (1) “a notice of address for service” for “an appearance”; and

(g) substituting in Rule 128.13 (2) “last notice of address for service” for “last appearance”, “all notices of address for service” for “all appearances” and “a notice of address for service” for “an appearance”.

11. That Rule III-22 be amended in respect of its Rule 134 by:

(a) deleting from Rule 134.03 the words “the following form” and the whole of the following form and replacing them by “Form 3”;

(b) deleting from Rule 134.07 (1) the words “shall enter an appearance . . . of that service” and replacing them by “is to file a notice of address for service under Rules 8 and 21”;

(c) substituting in Rules 134.07 (2), 134.08, 134.09 (1) (twice) “a notice of address for service” for “an appearance”; and

(d) substituting in Rule 134.09 (2) (c) “no notice of address for service” for “no appearance”.

12. That Rule V-2 be amended by substituting in subparagraphs (b) and (c) “a notice for address for service” for “an appearance”.

13. That Rule V-6 be amended by substituting in its Rule 7.04 (1) “Form 3” for “Form V-1”.

14. That Rule V-7 be amended by substituting in its Rule 7.07 “notice of address for service” for “appearance”.

15. That Rule V-10 be amended by substituting in its Rule 21.01 (2) “a notice of address for service” for “an appearance”.

16. That Form V-1 be deleted.

17. That Rule VI-27 be amended by inserting after “by Parts II and III of these rules” the words “, but excluding the amendments made by Supreme Court Rules 1987, Amendment No. 87,”.

18. (1) The foregoing amendments shall apply to all actions commenced on or after 1 January 2003 which are governed by Parts II, III and V.

(2) The repealed Rules 8, 21, 23 and 24 shall continue to apply in actions under Parts II, III and V to summonses issued prior to 1 January 2003, save that if a notice of address for service is filed after 1 January 2003 in any such action under the new Rule 21 it will be deemed to be an appearance.

(3) Where any interlocutory step in any action pending at 1 January 2003 has been completed by 1 January 2003 it shall not be necessary to comply with these Rules and Supreme Court Rules 1987, Amendment No. 87 in respect of any equivalent under these Rules of that interlocutory step.

Dated 5 September 2002.

T. A. WORTHINGTON, Chief Judge

R. M. LUNN, Judge

G. L. MUECKE, Judge

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## RULES OF COURT

### Amending the Supreme Court Rules 1987 Amendment No. 87 to the Supreme Court Rules

BY virtue and in pursuance of section 72 of the Supreme Court Act 1935, and all other enabling powers, We, the Judges of the Supreme Court of South Australia, make the following Rules to take effect as amendments to the Supreme Court Rules 1987, as amended:

1. These Rules may be cited as the “Supreme Court Rules 1987, Amendment No. 87”.

2. The Supreme Court Rules 1987, as amended, by these Rules may be cited as the “Supreme Court Rules 1987”.

3. After Rule 1, insert a new Rule 1A as follows:

**“Rule 1A—e-Business Transactions**

*Electronic record*

1A.01 The primary record of actions commenced in the Court shall be in the form of an electronic file.

*Electronic communication*

1A.02 The primary method of communication by legal practitioners and parties in person with the Court shall be by an authorised electronic communication, utilising the relevant function on the Internet Website of the Courts Administration Authority (“the CAA Website”) established for the purpose.

1A.03 If a person is required or permitted to give information in writing or produce a document that is in the printed or typewritten form to either:

(a) the Court; or

(b) a person who has advised either

(i) the Registrar, or

(ii) the person giving the information or producing the document,

of their willingness to receive information by means of authorised electronic communication, that requirement is taken to have been met if the person gives the information, or produces the document, by means of an authorised electronic communication.

1A.04 If the Court is required to give information to a person in writing, and that person has advised the Registrar of their willingness to receive information by means of an authorised electronic communication, that requirement is taken to have been met if the Court gives the information by means of such a communication.

1A.05 A person who has an e-mail address shall state that address on any documents or communication filed, served or given. The publishing of an e-mail address in such a manner indicates a willingness, thereafter, to receive information, at that address, by means of an authorised electronic communication from both the Court and other parties or persons.

1A.06 The Registrar shall approve and promulgate a facsimile number for the purpose of receiving information authorised, by Practice Direction, to be received by such means.

1A.07 Information sent to the Registrar by facsimile transmission must be:

(a) sent to the approved facsimile number for the Court; and

(b) accompanied by a cover sheet clearly stating:

(i) the sender’s name, postal address, document exchange number (if any), telephone number, facsimile number and e-mail address (if any); and

- (ii) the number of pages transmitted; and
  - (iii) what action is required in relation to the document.
- 1A.08 If the information comprises a document that is required to be signed or sealed by or on behalf of the Registrar, and is accepted, the Registrar must:
- (a) make one copy of it; and
  - (b) if the sender requests that the document be held for collection—hold it for collection for 7 days; and
  - (c) if the sender does not request the document to be held for collection, or having made a request does not collect the document within 7 days—return the document by facsimile transmission to the facsimile number stated on the cover sheet.
- 1A.09 A person who sends information to the Registrar by facsimile transmission must:
- (a) keep the original information and the transmission report evidencing successful transmission; and
  - (b) produce the original information or the transmission report as directed by the Court.
- 1A.10 If the Court directs that the original information be produced, the first page of it must be endorsed with:
- (a) a statement that the information is the original of that sent by facsimile transmission; and
  - (b) the date that the information was sent by facsimile transmission.

*Establishment of electronic filing system*

- 1A.11 The Registrar shall establish an electronic filing system and make provision for specified documents to be filed, served, delivered or otherwise conveyed using that service.

*Registered user*

- 1A.12 (1) Subject to these rules, a firm or sole legal practitioner may become a registered user of such system in accordance with the procedures prescribed in any Practice Direction for the time being issued by the Court.
- (2) Registered user status will only be accorded to the holder for the time being of an L Code.
  - (3) The Registrar shall not permit registration unless satisfied that proper arrangements have been made, on application for registration, for timely payment of all court fees becoming due in respect of any electronic transactions initiated by the proposed registrant.

*Authorised Electronic Authentication*

- 1A.13 (1) Upon registration in manner prescribed by Practice Direction, a registered user shall nominate:
- (a) the P Code of each practitioner for the time being authorised to operate the electronic filing system for and on behalf of that user; and
  - (b) ensure that each such practitioner thereafter nominates a separate related password in respect of that person.
- (2) The last mentioned password and conform with the technical requirements specified and be changed from time to time in manner stipulated by Practice Direction.
  - (3) An authorised practitioner will not be permitted to operate the electronic filing system without first entering a current valid authorised electronic authentication code for that practitioner.

*Security of authentication code*

- 1A.14 (1) A registered user shall ensure the confidentiality and security of any authorised electronic authentication codes assigned by it to authorised practitioners and shall take reasonable steps to prevent unauthorised use of them.
- (2) It shall be the responsibility of a registered user to ensure that, in accordance with any relevant Practice Direction, its registration details are forthwith amended when a practitioner ceases to be authorised to operate the electronic filing system on behalf of that user.
- (3) Until any such amendment is made, the registered user shall be bound by the actions of each authorised practitioner nominated by it.

*Electronic filing*

- 1A.15 (1) Where a specified document is required to be filed with, served on, delivered or otherwise conveyed to the Registrar under any other provision of these Rules or any Practice Direction, it must be so filed, served, delivered or otherwise conveyed using the electronic filing system maintained by the Court in accordance with this Rule and any Practice Directions for the time being issued by the Registrar.
- (2) Notwithstanding anything in paragraph (1), the Registrar may, for proper reason, allow a document, part of a document or any class of documents to be filed, served, delivered or otherwise conveyed other than by using the electronic filing system. The Registrar shall do so where satisfied that a person or legal practitioner is reasonably unable to become a registered user.
- (3) All specified documents shall be entered into the electronic filing system, by inserting the data required to generate them, in the relevant electronic templates provided for the purpose through the CAA Website. Where no specific form is prescribed for a document proposed to be filed, it shall be filed by completing the input template for Form 45.

*Signing of electronic documents*

- 1A.16 Where a specified document is filed, served, delivered or otherwise conveyed using an electronic filing system maintained by the Court, any requirement under any other provision of these Rules relating to signing by or the signature of:
- (a) the registered user, shall be deemed to be complied with if the authorised electronic authentication code of the registered user has been utilised to permit the transmission containing the document;
- (b) the Registrar, shall be deemed to be complied with if the authorised electronic authentication code of the Registrar or a duly authorised officer of the Registry has been utilised to permit the transmission containing the document, and the name of the Registrar or an image of the Registrar's signature is reproduced on the document by the electronic filing system.

*Date and time of filing*

- 1A.17 (1) Where a document is filed with, served on, delivered or otherwise conveyed to the Registrar using an electronic filing system maintained by the Court and is subsequently accepted by the Registrar, it shall be deemed to be filed, served, delivered or conveyed on the date and at the time that the final part of the transmission of that document is received into the Court electronic filing system;
- (2) Where an originating process is filed or otherwise conveyed using an electronic filing system maintained by the Court and it is subsequently accepted by the Registrar, it shall be deemed to be issued on the date and at the time that the last part of the transmission is received into the system.



- (3) The Registrar shall cause an electronic notification of receipt of each document and the time and date thereof to be sent to the transmitter of such document forthwith after such receipt. Such notification may be by means of authorised electronic communication.

*When time for service begins to run*

- 1A.18 (1) Where a document is filed with, served on, delivered or otherwise conveyed to the Registrar by electronic transmission, the time for service of that document shall only begin to run from the next business day after the time that the Registrar's notification of receipt of the document is sent to the transmitter.
- (2) If the Registrar's notification referred to in paragraph (1) is sent to a registered user on a Saturday, or on a Sunday or Public Holiday, it shall be deemed, for the purpose of this Rule, to have been sent on the business day next following that Saturday, Sunday or Public Holiday, as the case may be.

*Service of documents*

- 1A.19 (1) If a specified document:
- (a) other than a document which is required by these Rules to be served personally; or
  - (b) being a document which is required by these Rules to be served personally and which the party to be served has agreed, or is deemed to have agreed, may be served by means of an authorised electronic communication,
- is required under any other provision of these Rules to be served, delivered or otherwise conveyed by a registered user (referred to in this Rule as the first registered user) on any other person and that person is a registered user or is represented by a legal practitioner who is a registered user (referred to in this Rule as the second registered user), such service, delivery or conveyance may be effected by means of an authorised electronic communication.
- (2) The document shall be deemed to be served, delivered or otherwise conveyed on the next business day after it has been transmitted to the second registered user.
  - (3) Where a specified document has to be served, delivered or conveyed by the first registered user on or to more than one person, some only of whom are registered users, the first registered user may effect such service, delivery or conveyance by electronic communication on such of those persons who are registered users, and paragraphs (1) and (2) of this Rule shall apply to such service.

*Notification or delivery by Registrar*

- 1A.20 Where the Registrar is required by any other provision of these Rules to send a notice to or to deliver or furnish any document to a person who is a registered user, the Registrar may do so by an authorised electronic communication.

*Mode of amendment of electronic documents*

- 1A.21 Amendments of specified documents shall be effected in the manner prescribed by these Rules or any relevant Practice Direction.

*Electronic statement of fact*

- 1A.22 (1) Subject to any express statutory provision which may require the swearing of an affidavit, or the making of an affirmation, the Court may, in any action, receive and act upon an electronic statement of fact ("electronic statement"), made and filed in accordance with this Rule.
- (2) An electronic statement shall be in Form 44. The provisions of Rules 83.01, 83.02, 83.03, 83.04, 83.08, 83.09, 83.10, 83.11, 83.12 and 83.13 shall, mutatis mutandis, apply to electronic statements. Each exhibit to an electronic statement shall be filed as a separate document in the proceedings, save that, where it is

impractical to convert a specific document into electronic format, a true copy of that document in electronic format (endorsed as being a true copy) shall be made and filed and the original lodged with the Registrar, or, in the case of documents of the nature referred to in Rule 83.08 (3), dealt with as the Registrar may direct.

- (3) A person who wishes to file an electronic statement must comply with the following requirements:
  - (a) a paper copy of the electronic statement must be printed and signed by the maker of it in the presence of a person before whom, pursuant to Rule 83.06 or section 66 of the Evidence Act 1929, an affidavit may be sworn, who shall subscribe such signature as a witness; and
  - (b) the original paper copy must be recorded in a register maintained by the registered user who transmits it to the Court and retained by such user for a period of seven years after final judgment has been entered or the last step taken in, or in relation to, the action, whichever is the later.
- (4) If an electronic statement cannot subsequently be retrieved from the computer system of the Court for any reason, the contents of it and the fact that it was made may be proved by producing the paper copy of it that has been retained by the registered user in accordance with this rule.
- (5) An affidavit or affirmation shall not, without the leave of the Court, be sworn or made and filed in any proceeding in which an electronic statement may be made pursuant to this Rule. The provisions of any other Rule requiring or relating to the swearing or filing of an affidavit or the making or filing of an affirmation shall be read and construed subject to this Rule.
- (6) In any case in which an affidavit or affirmation is required, by statute, to be sworn or made in an action, such a document shall be duly sworn or made in accordance with Form 42 or Form 43, as the case may be, and:
  - (a) where sought to be relied upon by a party who is represented by a legal practitioner, the original thereof shall be retained on file of such practitioner;
  - (b) where sought to be relied upon by a litigant in person, the original thereof shall be retained by such person,for a period of not less than seven years from the date thereof.

The original of any such affidavit or affirmation must be produced to the Court for inspection, by the holder thereof, whenever the Court shall direct such production.
- (7) If an affidavit or affirmation referred to in subrule (6) is sought to be relied upon by a registered user, a completed copy of it shall be transmitted to the Court for filing, using the electronic template, provided for the purpose, in an electronic filing system maintained by the Court. The Court may have regard to and act upon the content of the affidavit or affirmation so transmitted, as if the original thereof had physically been filed in the registry. Where such affidavit or affirmation is sought to be relied upon by a practitioner or party who is not a registered user, the original document shall be delivered to the registry and scanned, or otherwise entered, into the electronic filing system, by such means as the Registrar may direct.
- (8) Any person who:
  - (a) makes a statement for electronic transmission knowing any of its content to be false or misleading;
  - (b) authorises the transmission of an electronic statement, knowing any of its content to be false or misleading; or

- (c) Makes such transmission, or causes it to be made, knowing any of its content to be false or misleading,  
may be found guilty of contempt of court.

*Presumption*

1A.23 Where a document is transmitted into an electronic filing system maintained by the Court by use of an authorised electronic authentication code of, or nominated by, a registered user:

- (a) with or without the authority of the registered user; and  
(b) before the notification to the Registrar, in the manner specified in any relevant Practice Direction, of cancellation of the authorised electronic authentication code,

it shall be presumed, unless proven otherwise, that:

- (i) the document has not been altered since the authorised authentication code was entered;  
(ii) the document was transmitted accurately;  
(iii) the document was made and transmitted by or on behalf of the registered user;  
(iv) the authorised electronic authentication code was used with the intention of approving the document; and  
(v) if the document is an electronic statement an affidavit or an affirmation, it was duly made or sworn by the person said to have made or sworn it.

*Discrepancy*

1A.24 Where a specified document has been filed using an electronic filing system maintained by the Court, and there is any inconsistency between:

- (a) the information entered into the electronic template of the document or of the transmission containing the document; and  
(b) the information contained in the document,

the information in the electronic template shall prevail.

*Authentication of Documents*

1A.25 Notwithstanding the provisions of any other Rule, any documents or classes of documents accepted for filing in, or issued by, the Court may be authenticated by means of an electronically generated unique identifier of a type approved by the Registrar, in lieu of being attested by the signature of an officer of the Court affixed to it. The Registrar may cause a computer-generated facsimile seal or other symbol to be affixed to a document as a means of indicating the authentication of it.

*Security of documents*

1A.26 Any electronic filing system established by the Registrar must ensure that such system shall, upon the filing of a document in electronic form, automatically convert it to portable document format (pdf), so that it will, thereafter, be incapable of amendment, other than by the sub-subsequent filing of another document. This Rule does not apply to draft minutes of order submitted to the Court for its consideration or for settling.

*Disclaimer*

1A.27 A party or legal practitioner transmitting a document or information electronically either to the Court or to any other party shall be entitled to endorse at the foot of it an appropriate disclaimer to cater for the eventuality that a document or information is inadvertently sent to a transmittee not intended to receive it.

*Operation*

1A.28 (1) This Rule is enacted, in part, to support an interim pilot e-filing project commissioned by the Court.

(2) The following subrules shall, unless the Court otherwise directs in specific cases, apply to all actions commenced on or after 1 January 2003 by legal practitioners who have registered for participation in the pilot project”:

R 1A.01

R 1A.15

R 1A.22

R 81.11A

4. Amend Rule 2A.04 by deleting “lodged” and inserting in lieu “filed”.

5. Amend Rule 3.07 by adding after Rule 3.07 (2) the following:

“However, where a document is to be filed using an electronic filing system maintained by the Court, the prescribed form and the input template related to it shall be used, unless there is good reason not to do so. If the circumstances of a case require departure from the prescribed form, the document shall be input using Form 45 and the input template related to it.”

6. Amend Rule 5 by:

(a) Deleting the existing definition of “address for service” and inserting in lieu the following:

“address for service” means an address of a place at which an application or other document may be sent or left for the party giving such address. Such address:

(a) if a physical address, shall be within 50 km of the Adelaide General Post Office and, if it is of a building or property which is divided into parts which are capable of separate occupation, shall also specify which part of the building or property is the address for service;

(b) may be outside the above radius where it is a place, within Australia, at which a legal practitioner filing the address for service carries on practice and where a number for facsimile transmission is included in the address for service;

(c) may include such a number where the party giving the address for service is prepared to receive service of documents by facsimile transmission at the number, under Rule 12.05 (1) (g) and may also contain a box number and a branch of the Adelaide Document Exchange where the party giving that address for service is prepared to receive documents in accordance with the provisions of Rule 12.05 (1) (c);

(d) shall, wherever the addressee is physically located, be a sufficient address for the purposes of this definition, if it specifies an e-mail address to which documents may electronically be directed to the party giving it and the party initiating the proceedings has also indicated, on a document filed by such party, that it has an e-mail address. This subparagraph shall apply only to all actions commenced on or after 1 January 2003, by legal practitioners who register for participation in an interim e-Filing pilot project commissioned by the Court. However, a party filing a notice of address for service may, in any action, include in it an e-mail address at which that party is prepared to receive documents in electronic format.

(b) Insert after the definition of “Administrator” the following:

“Affidavit” includes an electronic statement of the nature referred to in Rule 1A.22.

- (c) After the definition of “Appeal” insert:  
“authorised electronic communication” means:
- (a) a communication of information in the form of data, text or images by means of guided or unguided electromagnetic energy, or both, including an e-mail or an e-mail attachment; or
  - (b) a communication of information in the form of sound by means of guided or unguided electromagnetic energy, or both, where the sound is processed, at its destination, by an automated speech recognition system,
- in accordance with information technology requirements specified by the Court by Practice Direction.
- “authorised electronic authentication code” means any P code and related password nominated by a registered user, from time to time, in accordance with rules 1A.12 and 1A.13, for the purpose of identifying an authorised legal practitioner and indicating the appointment of that person as the agent of a registered user, thereby authenticating access by him or her, as such agent, to an electronic system maintained by the Court. It also includes any Personal Identification Number (PIN) allocated to a non-registered user and associated password, as provided for by Practice Direction.
- (d) After the definition of “defendant” insert:  
“deliver” includes electronic transmission to the e-mail address of the deliverer by an authorised electronic communication.
- (e) After the definition of “document” insert:  
“e-mail address” means the mailing address to and from which an authorised electronic communication may be sent and received, using the World Wide Web.
- (f) After the definition of “examiner” insert:  
“file” includes delivery to the Registry, by authorised electronic communication, and receipt into an electronic file of the Court as a record of proceedings.
- (g) After the definition of “grant of representation” insert:  
“image” means a picture that has been created, copied, stored or transmitted in electronic form.  
“issued” includes sending by means of an authorised electronic communication.  
“information” means information in the form of data, text, images or speech.
- (h) After the definition of “Judge” insert:  
“L Code” means the alpha/numeric designator (commonly referred to as “the Law Firm number”), issued by the Law Society of South Australia (“the Society”) to a firm or sole legal practitioner for practice identification purposes.
- (i) After the definition of “Officer of the Court” insert:  
“P Code” means the alpha/numeric designator (commonly referred to as “the practitioner number”) issued by the Society to each individual legal practitioner entitled to practice in South Australia for personal identification purposes.
- (j) After the definition of “Proper Officer” insert:  
“registered user” means a person who has registered to gain access to and use any electronic filing or other system maintained or operated by the Courts Administration Authority.
- (k) After the definition of “society” insert:  
“specified document” means a document which is specified in any Practice Direction as being a document which may, or must, be filed in the Court using an electronic filing system maintained or operated by it.

(l) After the definition of “Statute” insert:

“transmit” includes sending by means of an authorised electronic communication.

7. Amend Rule 7 by:

(a) deleting from Rule 7.03 “Form 2” and inserting in lieu “Form 1”.

(b) deleting Rule 7.04 and inserting in lieu:

“Where it is necessary to serve a summons on any person it shall be in Form 3 and shall be supported either by an affidavit setting out the facts relied upon for the relief sought or by a statement of claim Form 4 pleading the plaintiff’s cause of action in accordance with the requirements of Rules 9 and 46A provided that the summons for ejectment under Part XVII of the Real Property Act shall be in Form 5.”

(c) deleting the word “appearance” at the end of Rule 7.07 and inserting in lieu “notice of address for service”.

(d) deleting Rule 7.09 and inserting in lieu:

“7.09 (1) Unless a statute or Rule otherwise provides, an *inter partes* summons shall require the defendant to file an address for service and shall warn the defendant that, if that party does not file such a notice within the prescribed time, the plaintiff may proceed in the action without further notice.

(2) Where any statute expressly contemplates or requires that an appearance be entered by a defendant or other party to an action a document in conformity with Form 6 may be filed and shall thereupon stand as an appearance by such defendant or other party.”

(e) deleting Rule 7.10 and inserting in lieu:

“7.10 The proper officer shall:

(a) ensure that all documents which are required to be filed in or issued from the Court are entered in the relevant electronic or other record of the Court maintained in respect of proceedings, in which each action shall be distinguished by a unique numeric designator;

(b) cause one or more hard copies of any document which is required to be served personally, to be prepared, authenticated by computer-generated, or other, imprinted seal or official designation thereon, and issued to the party filing the document; and

(c) ensure that a true copy of such document is retained in the record of the Court, in either electronic or hard copy form.”

8. Delete Rule 8 and insert in lieu:

“8.00 *Time for notice of address for service*

The time limits stipulated in an *inter partes* summons for filing a notice of address for service shall be as follows:

(a) Where the place for service is within any State of the Commonwealth, or in the Australian Capital Territory or the Northern Territory—21 days; and

(b) Where service is to be in any other place—60 days.”

9. Amend Rule 10.01 (2) by deleting the word “lodge” and inserting in lieu “file”.

10. Amend Rule 11 by:

(a) deleting Rule 11.02 (1) and inserting in lieu:

“(1) A party who changes its:

(a) address for service;

(b) solicitor;

(c) number for facsimile transmission;

(d) DX number; or

(e) e-mail address,

shall forthwith file a notice of change in the Registry and serve a copy of such a notice upon each other party.”

(b) by deleting from Rule 11.02 (2) “Form 4” and inserting “Form 7”.

(c) by deleting Rule 11.03 and inserting in lieu:

“Where:

(a) any document is served by post to an address for service is returned unclaimed; or

(b) on an attempted service at an address for service the party or his representative cannot be found, and there is nothing at the address to suggest that there is any connection with the party who has given the address for service; or

(c) the relevant internet service provider, notifies a party attempting service by e-mail that an e-mail properly addressed to an e-mail address of another party as set out in a Form 1 or notice of address for service filed by that last mentioned party, that, for any reason, the e-mail cannot be delivered,

any other party shall apply to the Court either to strike out the address for service or for directions as to how service should be effected on the party who has given such address for service.”

(d) by deleting from Rule 11.05 (2) (c): “an appearance” and inserting in lieu “a notice of address for service”

(e) by deleting Rule 11.06 (5) (a) and inserting in lieu:

(a) cause the order to be settled and entered and also to serve a copy of it on the former client and every other party except a party who has not filed an address for service; and”

11. Amend Rule 12 by deleting Rule 12.05 (1) (h) and inserting in lieu:

“(h) Where the solicitor for a party has specified an e-mail address in a notice of address for service, or other document filed in the action, by transmitting a copy of the document by means of an authorised electronic communication to such solicitor at the nominated e-mail address.”

12. Amend Rule 16.00 (g) by deleting “Form 6” and inserting in lieu “Form 10”.

13. Amend Rule 18 by deleting from Rule 18.04 (1) (a) “Form 7” and inserting in lieu “Form 11”

14. Amend Rule 19 by deleting from Rule 19.00 (a) (i) “Form 8” and inserting in lieu “Form 12”.

15. Amend Rule 21 by:

(a) deleting Rule 21.01, 21.02 and 21.03 and inserting in lieu thereof:

“21.01 *Filing and service of a notice of address for service*

A party upon whom a summons has been served shall, within the time stipulated in the summons, file a notice of address for service and serve copies thereof on the plaintiff and all other parties who have already filed a notice of address for service, of which the party served has notice.

“21.02 *Filing and service of a notice of address for service*

Where two or more defendants to a proceeding file a notice of address for service at the same time either personally or by the same solicitor, it shall only be necessary to file and serve one set of documents.

“21.03 *Content of notice of Address for Service*

(1) A notice of address for service must specifically acknowledge service of the relevant summons on the party filing the notice and otherwise conform with Form 6.

- (2) Where a solicitor files such a notice as agent for a principal solicitor, whether within South Australia or elsewhere, the name, address, telephone number, facsimile number and e-mail address of that principal shall be specified.
- (3) Where a person named in a summons as the defendant becomes aware of the issue of that summons, such person may cause a notice of address to be filed in the action prior to receipt of service of the summons. In such event the summons shall be deemed to have been duly served on the person immediately prior to the filing of the notice."

(b) by deleting from Rule 21.04, 21.05, 21.06, 21.07 and 21.08 "an appearance" and inserting in lieu "a notice of address for service".

16. Amend Rule 23 by:

- (a) deleting the word "appearance" wherever such word appears and inserting in lieu "notice of address for service".
- (b) deleting the word "an" in Rule 23.03 and inserting in lieu the word "a".
- (c) deleting the word "an" where it appears in Rule 23.05 and inserting in lieu "a".

17. Amend Rule 24 by:

- (a) deleting "an appearance" in Rule 24.01 and inserting in lieu "a notice of address for service".
- (b) deleting the word "appearance" in Rule 24.02 and inserting in lieu "notice of address for service".

18. Amend Rule 25.01 (c) by deleting "an appearance" and inserting in lieu "a notice of address for service".

19. Amend Rule 34.02 by deleting "the appearance" and inserting in lieu "a notice of address for service".

20. Amend Rule 35.07 by deleting "appearance has been entered" and inserting in lieu "notice of address for service has been filed".

21. Amend Rule 36 by:

- (a) deleting from Rule 36.04 (1) "an appearance" and inserting in lieu "a notice of address for service".
- (b) deleting from Rule 36.04 (2) "appearance" and inserting in lieu "notice of address for service".
- (c) deleting from Rule 36.05 "an appearance" and inserting in lieu "a notice of address for service".
- (d) deleting from the first line of Rule 36.06 "an appearance" and inserting in lieu "a notice of address for service" and by deleting from subparagraph (b) "appearance" and inserting in lieu "notice of address for service".
- (e) deleting from Rule 36.11 (2) "lodged with the Registrar" and inserting in lieu "filed".

22. Amend Rule 37 by:

- (a) deleting from Rule 37.01 (1) "Form 10" and inserting in lieu "Form 13".
- (b) deleting from Rule 37.01 (2) "entered an appearance" and inserting in lieu "filed a notice of address for service".
- (c) deleting from Rule 37.04 "an appearance" and inserting in lieu "a notice of address for service".
- (d) deleting from Rule 37.07 (1) "Form 11" and inserting in lieu "Form 14".
- (e) deleting from Rule 37.07 (2) "entered an appearance" and inserting in lieu "filed a notice of address for service".
- (f) deleting from Rule 37.07 (4) "appeared" and inserting in lieu "filed an appearance".

23. Amend Rule 39.04 (a) by deleting "Form 12" and inserting in lieu "Form 15".



24. Amend Rule 40 by adding after Rule 40.01 (5) the following:

“40.01 (6) Any document required to be lodged with the Registrar pursuant to the foregoing subrules shall be lodged by transmitting the same to the Registrar as an attachment to an e-mail transmission directed to such e-mail address as shall be approved by the Registrar of the purpose, unless, in the opinion of the Registrar, it shall be unreasonable or impractical to do so.”

25. Amend Rule 41.01 by adding after Rule 41.01 (4) the following:

“41.01 (5) Any document required to be lodged with the Registrar pursuant to the foregoing subrules shall be lodged by transmitting the same to the Registrar as an attachment to an e-mail transmission directed to such e-mail address as shall be approved by the Registrar for the purpose unless, in the opinion of the Registrar, it shall be unreasonable or impractical to do so.”

26. Amend Rule 44.01 (c) by deleting “appeared, or appears” and inserting in lieu “file a notice of address for service, or files such a notice”.

27. Amend Rule 46.02 by adding at the end thereof “A reply shall be in Form 9”.

28. Amend Rule 46A by:

(a) adding after Rule 46A.01 (2) the following:

(3) a statement of claim shall be in Form 4, a defence and/or counterclaim shall be in Form 8 and a reply in Form 9.

(b) adding at the end of Rule 46A.02 (e):

“In the case of a pleading filed electronically, it shall be a sufficient compliance with this subrule if such pleading is filed by or with the authority of the file principal and includes the text of the following certificate:

“This pleading is put forward in accordance with the instructions of the [Party], by [Name of file principal] who certifies that it complies with the Rules concerning pleadings”.

29. Amend Rule 47.01 by adding at the end thereof “A defence shall be Form 8”.

30. Amend Rule 48 by:

(a) adding at the end of Rule 48.02 “A counterclaim shall be in Form 8”.

(b) deleting from Rule 48.06 (c) “an appearance” and inserting in lieu “a notice of address for service” and by deleting the word “appearance” at the end thereof and inserting in lieu “notice of address for service”.

(c) deleting from Rule 48.06 (d) “appearance” and inserting in lieu “notice of address for service”.

31. Amend Rule 50 by:

(a) deleting from Rule 50.01 (2) (b) “appearance” and inserting in lieu “notice of address for service”.

(b) deleting from Rule 50.03 (c) “the LIS” and inserting in lieu “any”.

32. Amend Rule 53 by deleting Rules 53.01 to 53.05 inclusive and inserting in lieu:

“53.01 *Right to amend*

(1) A party may amend any document, other than an order, filed by such party in a proceeding once without leave of the court at any time up to 14 days after discovery of documents has been made by all parties pursuant to Rule 58A, or at any time by consent of all other parties, or, subject to Rule 67.01 (6), with the leave of the Court.

(2) An offer to consent to judgment shall not be capable of amendment once a notice of acceptance has been filed, nor shall this Rule authorise amendment of such a notice.

- (3) An affidavit or electronic statement may not be amended pursuant to Rule 53.01 but, should there be any error or omission in such a document, including an affidavit or electronic statement in answer to interrogatories, the party filing it shall:
- (a) file a further affidavit or electronic statement by the same deponent or maker setting out the error or omission, the true position and how the error or omission came to be made;
  - (b) include at the top of the first page of the last-mentioned affidavit or electronic statement an endorsement to the following effect—“Affidavit [*Electronic statement*] by way of correction of affidavit [*electronic statement*] of same deponent [*maker*] filed on..... 20...”
  - (c) serve copies of the affidavit or electronic statement so endorsed on all interested parties.”

“53.02 *Method of making amendments*

- (1) Where a document is amended, or further amended, a fresh copy of it, with the new amendments included, shall be prepared and transmitted to the Court for separate filing, regardless of the number and length of the amendments made.
- (2) A fresh amended copy of the document is to be titled so as to indicate that it is an amended, or further amended, version and the date as at which it has last been amended. It will thereafter stand in the proceedings in lieu of the document amended.
- (3) The changes made in the document from the last version filed are to be indicated in the following manner:
  - (a) deletions are to be made by drawing a single line across any words to be deleted; and
  - (b) insertions are to be underlined or shaded.
- (4) The fresh amended copy of the document is to be submitted through the electronic filing system for filing as a new document or, if not prepared by a registered user, lodged in the Registry in hard copy for filing, notwithstanding that it is in substitution for a document filed on an earlier date.”

“53.03 *Amendment where limitation period has expired*

Where an application for leave to amend is made after any relevant period of limitation has expired, the court may, nevertheless, grant leave, on such terms as it thinks fit:

- (a) to correct the name of a party, notwithstanding that it is alleged that the effect of the amendment will be to substitute a new party, if the Court is satisfied that the mistake was genuine and not intended to mislead;
- (b) to alter the capacity in which a party brings or opposes a proceeding, if the capacity after the amendment is made is one in which, at the date of issue of the originating proceeding, a party might have brought or opposed the proceeding; or
- (c) to add or substitute a new cause of action, if the new cause of action arises out of the same, or substantially the same, facts as the original cause of action.”

32. Amend Rule 54.01 (2) by deleting “Form 13” and inserting in lieu “Form 16”.

33. Amend Rule 55 by:

- (a) deleting Rule 55.01 (1) and inserting in lieu “Except where the Court directs to the contrary upon the filing of an *inter partes* summons which is not:
  - (a) seeking leave to appeal from another Court;
  - (b) seeking an order for possession and made returnable for a specified date,
 the plaintiff shall file in the Registry an application for directions in Form 17.”

- (b) deleting Rule 55.02 and inserting in lieu:

“55.02 *Dates of hearing*

- (1) An application for directions which only seeks general directions shall be filed without specifying a hearing date in it.
- (2) If the application for directions seeks other than general directions the party filing it shall obtain a hearing date and time from the Court in manner stipulated by Practice Direction and insert them in the application.”

- (c) deleting from Rule 55.03 “appearance” and inserting in lieu “notice of address for service”.

- (d) deleting Rule 55.04.

- (e) deleting Rule 55.05 and inserting in lieu:

“55.05 *Ex parte summons*

Unless the Court shall otherwise direct, it shall not be necessary to file an application for directions in proceedings commenced by issue of an *ex parte* summons. The party issuing the *ex parte* summons shall, as soon as practicable after such issue, file a request that the matter be heard and determined as a non-contentious application in accordance with the Practice Direction issued by the Registrar with regard to applications of the type.”

- (f) deleting Rule 55.06 and inserting in lieu:

“55.06 *Directions sought on other than normal return date for case flow management purposes*

- (1) Any party seeking directions in an action prior to trial, other than general directions of the nature specified in Rule 55.11, shall file and serve a separate notice for directions in Form 18. The return date for such notice shall be obtained by the applicant from the Court in such manner as the Registrar shall from time to time direct.
- (2) Any party may, if the circumstances warrant so doing, cause the application for directions to be set down for hearing on a return date obtained by the applicant from the Court in such manner as the Registrar shall from time to time direct, for general directions of the nature specified in Rule 55.11. Not less than two clear days’ notice of the hearing and the relief sought shall be given to all other parties.
- (3) The Registrar may, at any time, at discretion, set down the application for directions (or, if none has been filed, file and set down an application for directions) on notice to the parties, if of the opinion that a case flow management or other consideration requires review of the status of the action, or any issue in it, by the Court.”

- (g) deleting from Rule 55.11 (y) “the LIS” and inserting in lieu “any”.

- (h) deleting from Rule 55.12 (k) “the LIS” and inserting in lieu “that day specified”.

- (i) deleting Rules 55.18, 55.20, 55.21 and 55.22.

34. Amend Rule 55A by adding after Rule 55A.04 the following:

“55A .05 *Format of tender lists*

The Court may direct that any list of documents to be filed and served pursuant to Rule 55A.02 or 55A.03 shall be in such electronic format and be filed and served in such manner as it shall stipulate.”

35. Amend Rule 56B by:

- (a) deleting from Rule 56B.01 (2) (c) “Rule 119.16” and inserting in lieu “Rules 119.15 and 119.16”.

- (b) amend Rule 56B.01 (2) (h) by deleting the word “appearances” and inserting in lieu “notices of address for service”.

- (c) deleting Rule 56B.04 (j) and inserting in lieu “what documents are to be filed for the use of the Judicial Officer who is to conduct the settlement conference, which party is to file them and when they are to be filed”.

## 36. Amend Rule 58A by:

- (a) deleting from Rule 58A.2 (1) "Form 16B" and inserting in lieu "Form 19".
- (b) deleting from Rule 58A.10 reference to Rule 58.09 and by adding at the end thereof:  
"For the purposes of this Rule subrule 58.01 (3) is to be read and construed as if the word "either" had been inserted before the word "photostat" in line 4 and the phrase "or electronic copies thereof at such cost as may be fair and reasonable" had been inserted at the end of it."
- (c) adding a new Rule 58A.11 after Rule 58A.10 as follows:

*"58A.11 Discovery by authorised electronic communication*

Where the original discovery was made by means of an authorised electronic communication, supplementary discovery in accordance with the terms of Rule 58.05 and 58.06 shall be in the same form."

## 37. Amend Rule 59 by:

- (a) adding at the end of Rule 59.01A (b) "Any such indexing shall conform with guidelines for the use of technology published in a Practice Direction of the Court."
- (b) deleting from Rule 59.07 (2) "Form 16A" and inserting in lieu "Form 20".

## 38. Amend Rule 62 by:

- (a) deleting from Rule 62.04 (1) "appearance" and inserting in lieu "filing a notice of address for service."
- (b) deleting Rule 62.04 (2) and inserting in lieu:  
"(2) *Direction for specially returnable summons*

The Court or a Registrar may, by administrative act, direct that a summons be dealt with under subrule (1) at a specific time and place. No notice to any other party of the hearing shall be required, other than due service of the summons, with a notification to each party served of such time and place."

## 39. Amend Rule 63.13 (4) by deleting "the Forms 17, 18 and 19" and inserting in lieu "Form 21".

## 40. Amend Rule 65 by:

- (a) deleting from Rule 65.01 "Form 3" and inserting in lieu "Form 5".
- (b) deleting from Rule 65.02 "an appearance" and inserting in lieu "a notice of address for service".
- (c) deleting from Rule 65.03 (2) "an appearance" and inserting in lieu "a notice of address for service".
- (d) deleting from Rule 65.03 (3) "an appearance" and inserting in lieu "a notice of address for service".
- (e) deleting from Rule 65.07 (2) "Form 20" and inserting in lieu thereof "Form 22".

## 41. Amend Rule 67 by:

- (a) deleting Rule 67.01 (4) and inserting in lieu:  
"(4) *Applications may be made specially returnable*  
Notwithstanding the provisions of rule 67.04, the Court or a Registrar may, by administrative act, direct that an application be dealt with at a specific time and place. No notice to any other party of the hearing shall be required, other than due service of the application, with a notification to each party served of such time and place."
- (b) inserting in Rule 67.03 (3) after the word "radio" the word "e-mail".
- (c) deleting from Rule 67.04 (3) "an appearance" and inserting in lieu "a notice of address for service".
- (d) inserting at the commencement of Rule 67.06 "Subject to Rule 62.08".

## 42. Amend Rule 72 by:

- (a) deleting Rule 72.05 (c) and inserting in lieu “be approved by the parties or their solicitors in such manner as the Court may direct”.
- (b) deleting from Rule 72.09 (1) (a) “signed” and inserting in lieu “settled”.
- (c) deleting from Rule 72.10 “lodge with the Registrar” and inserting in lieu thereof “file”.
- (d) inserting at the commencement of Rule 72.10 “(1)” and by adding at the end thereof a new rule (2) as follows:
  - “(2) The Registrar may stipulate that any case books for the use of the Judges shall be in a prescribed electronic format.”
- (e) deleting from Rule 72.13 (2) “a written” and inserting in lieu “an”, by deleting “signed” and inserting in lieu “acknowledged” and by adding at the end thereof “An agreement shall be acknowledged for the purposes of this Rule if the parties or their solicitors transmit to the Registrar by an authorised electronic communication an expression of their concurrence in its terms.”
- (f) deleting Rule 72.14 and inserting in lieu thereof:

“72.14 *Reporting the result of the case*

Upon the final determination of any question of law stated from another Court or Tribunal the Registrar is to file a copy of the decision and any published reasons related to it in the record of proceedings for the matter and advise the proper officer of the Court or Tribunal of that action by an authorised electronic communication.”

## 43. Amend Rule 74A by:

- (a) deleting Rule 74A.04 (b) and inserting in lieu “Before the hearing of an application that the action proceed to trial, a Certificate of Readiness (Form 40) has been filed by the file principal for one of the parties”.
- (b) adding at the end of Rule 74A.07 (1) “Where the file for the action is electronic, this Rule shall not apply unless the Court so orders”.
- (c) adding at the end of Rule 74.07 (4) “It may do so by an authorised electronic communication”.

## 44. Amend Rule 75 by:

- (a) deleting Rule 75.11 and inserting in lieu “If a Judge shall direct that any judgment be entered for any party such member of staff as shall be directed to do so shall thereupon enter details of the judgment into the electronic record of the Court.”
- (b) deleting from Rule 75.19 “appearance” and inserting in lieu “filing a notice of address for service”.

## 45. Amend Rule 76 by:

- (a) inserting in Rule 76.03 (g) (ii) after the word “cause” the words “a true copy of”.
- (b) inserting in Rule 76.03 (g) (iii) after the word “filing” the words “a copy of”.
- (c) adding at the end of Rule 76.03 (g) (v) “The Registrar will, upon receipt of it, file a true copy of the memorandum”.

## 46. Amend Rule 78 by:

- (a) deleting subrule 78.05 (a) and inserting in lieu:
  - “(a) be responsible for all expenses incurred by the Court, or by any person at the request of the Court, in respect of the letter of request and, on being given notice of the amount of any such expenses, and”
- (b) deleting subrule 78.05 (b) and inserting in lieu:
  - “(b) file:
    - (i) a letter of request (Form 23);
    - (ii) the interrogatories (if any) and cross-interrogatories (if any) to accompany the letter of request; and

(iii) where English is not an official language of the country to whose judicial authorities the letter of request is sent, a translation of each of the documents so filed in an official language of that country appropriate to the place where the evidence is to be taken. Such translation must be certified by the person making it to be a correct translation; and the certificate must state his full name and address and his qualifications for making the translation.”

- (c) deleting from Rule 78.08 (2) “annexed to” and inserting in lieu “record in”.
- (d) deleting from Rule 78.10 (3) “to be filed” and adding at the end thereof “The Registrar shall cause a copy of the deposition to be entered on the electronic record of the Court in respect of the matter.”
- (e) deleting from Rule 78.11 (1) “filed” and inserting in lieu “sent to the Registrar”.
- (f) deleting from Rule 78.11 (2) “Upon the certificate being filed, and” and inserting in lieu “The Registrar shall cause a true copy of it to be entered in the record of the proceedings, whereupon,”.

47. Amend Rule 81 by:

- (a) deleting from Rule 81.01 (2) “Form 23” and inserting in lieu “Form 24”.
- (b) deleting from Rule 81.02 “upon a note from the Judge or Master” and inserting in lieu “with the concurrence of a Judge or Master”.
- (c) deleting from Rule 81.03 (5) “written” and by adding at the end thereof “Notice of delivery shall be given by the Registrar by authorised electronic communication whenever possible”.
- (d) deleting Rule 81.05 (1) and inserting in lieu “A subpoena shall bear a unique indication of its authenticity (which may be computer generated) in a form approved by the Registrar”.
- (e) deleting Rule 81.05 (2) and inserting in lieu “Before a subpoena is issued a praecipe for its issue in Form 25 shall be filed.”
- (f) inserting after Rule 81.11 a new Rule 81.11A as follows:

*“Conversion of hard copy documents to electronic format*

81.11A(1) The solicitor responsible for the issue of the subpoena or obtaining an order of the Court for the production of documents to the Registrar prior to trial shall take all such steps as may be necessary to convert the content of such of those documents as shall be required for use at the trial into electronic form (if not already in that form) and cause the relevant electronic files relating to them to be uploaded into the Court file or litigation support system as a Judge or Master shall direct.

(2) For that purpose, upon receipt of documents pursuant to subpoena or order, or release of them in manner provided in rule 81.11 (g), the Registrar shall cause the application for directions to be listed before a Judge or Master for consideration as to what directions ought to be given, to give effect to the provisions of (1) above.”

- (g) deleting from Rule 81.13 (4) “Form 45” and inserting in lieu “Form 39”.

48. Amend Rule 82.04 (1) by inserting after “The Registrar shall” the following “cause a copy of the report to be entered in the Court record of the proceedings and”.

49. Amend Rule 83 by:

- (a) adding after Rule 83.01 (2) the following:
  - “(3) An affidavit shall be in Form 42.
  - (4) An affirmation shall be in Form 43.”
- (b) adding at the end of Rule 83.08 (3) “This subrule shall only apply to any exhibit which, for some reason, cannot conveniently be filed with the Court in an electronic format”.

50. Amend Rule 84 by:

- (a) inserting in Rule 84.01 (6) after “of the Court” the following “or otherwise duly authenticated in accordance with its practice”.
- (b) by deleting subrule 84.05 (3) and inserting in lieu:

“(3) Upon the request of any party and being satisfied that all other parties consent to such course, a Master or the Registrar may draw up and enter an order in any case in which, in the opinion of the officer, the Court would make such an order upon the consent of the parties. For the purpose the Master or Registrar may act upon apparently genuine consents transmitted to him by means of authorised electronic communications.”
- (c) deleting Rule 84.18 (2) and inserting in lieu:

(2) “Where the defendant has not filed a notice of address for service or has appeared in person, no order for judgment by consent shall be made unless the defendant appears before a Judge or Master and gives his consent in person or unless his written consent is attested by a solicitor acting on his behalf except in cases where the defendant is a practitioner of the Court.”

## 51. Amend Rule 85 by:

- (a) deleting from Rule 85.07 (b) “written”.
- (b) deleting Rule 85.26 (1) and inserting in lieu:

“(1) The Master may direct the preparation of a draft certificate by the solicitor of one of the parties and thereafter settle the form of it on such notice to the parties and with or without their attendance, as the Master deems proper.”

## 52. Amend Rule 86 by:

- (a) deleting Rule 86.02 and inserting in lieu “A judgment creditor may file a request in Form 29 with the Registrar to issue a summons under sections 4 (2) or 5 (5) of the Act, which is to be in Form 33, together with as many copies of the summons as are required by the Registrar.”
- (b) deleting from Rule 86.11 “Form 26” and inserting in lieu “Form 28”.

## 53. Amend Rule 87 by:

- (a) deleting from Rule 87.02 (1) “Form 27” and inserting in lieu “Form 29”.
- (b) deleting from Rule 87.02 (7) “Form 35” and inserting in lieu “Form 34”.

## 54. Amend Rule 88 by:

- (a) deleting from Rule 88.02 (1) “Form 24” and inserting in lieu “Form 26”.
- (b) deleting from Rule 88.02 (2) “Form 25” and inserting in lieu “Form 27”.
- (c) deleting from Rule 88.02 (3) “Form 26” and inserting in lieu “Form 28”.
- (d) deleting Rule 88.05 (1) and inserting in lieu “The person seeking the issue of a warrant referred to in Rule 88.02 is to file a request in Form 29 with the Registrar for the issue of the warrant together with such copies of the warrant as the Registrar may require.”

## 55. Amend Rule 88A by:

- (a) deleting Rule 88A.07 and inserting in lieu:

“(1) The Sheriff may only suspend the execution of any process upon:

  - (a) an order of the Court;
  - (b) an absolute instruction in writing to that effect filed with him by the judgment creditor.

- (2) Subject to any order of the Court a judgment creditor who has filed an instruction to suspend the execution of any process may withdraw the instruction by filing with the Sheriff an instruction to execute the process.
- (b) deleting from Rule 88A.07A (1) "Form 36" and inserting in lieu "Form 35".
56. Amend Rule 89.04 (3) by deleting "lodge" and inserting in lieu "file".
57. Amend Rule 91 by:
- (a) deleting Rule 91.03 (1) and (2) and inserting in lieu:
- "(1) The Registrar of the Commercial Tribunal shall transmit its file to the Registrar of this Court in electronic form, if such file is maintained by the Tribunal in that form. If it is not so maintained, the file shall be transmitted in hard copy form.
- (2) Upon receipt of such file the Registrar of this Court shall incorporate the content of it into the electronic record of the Court by such means as the Registrar shall deem appropriate."
- (b) deleting Rule 91.04 and inserting in lieu "Where an action in the Supreme Court is transferred by order of the Supreme Court to the Commercial Tribunal under section 56 (3) of the Landlord and Tenant Act 1936 the party obtaining the order for transfer must cause copies of that order and of all relevant documents on the file of this Court to be transmitted to the Registrar of the Commercial Tribunal within 14 days of the making of the order."
58. Amend Rule 93 by:
- (a) deleting from Rule 93.03 "Form 28" and inserting in lieu "Form 30".
- (b) deleting from Rule 93.04 "Form 28" and inserting in lieu "Form 30".
59. Amend Rule 94 by:
- (a) deleting from Rule 94.03 the words "writing" and "written".
- (b) deleting from Rule 94.05 (c) (i) "written".
60. Amend Rule 95 by:
- (a) deleting from Rule 95.01 (2) (b) "lodged with" and inserting in lieu "served on".
- (b) deleting from Rule 95.01 (2A) (a) "lodged" and inserting in lieu "filed".
- (c) inserting at the end of Rule 95.01 (2A) the following:
- "Such transmission shall be by way of authorised electronic communication, provided that, if it is impractical for the Court or Tribunal below to do so in respect of any document, that Court or Tribunal shall lodge the original or a hard copy of the document with the Registrar. The Registrar may thereupon cause the document or a true copy thereof to be scanned into any electronic filing system maintained by the Court."
- (d) deleting Rule 95.05 (b) and inserting in lieu:
- "(b) file copies of such evidence or documents as are relevant but not included in the appeal book; provided that, where directed by the Registrar to do so, the respondent shall supply to the Court three copies of such material in hard copy format;"
- (e) inserting at the beginning of Rule 95.05 (c) "Serve".
- (f) adding at the end of Rule 95.09 (1) "and whether the Appeal Book shall be in electronic or hard copy format".
- (g) inserting after Rule 95.09 (1) a new Rule 95.09 (1A) as follows:
- "(1A) If the appeal book is to be in electronic format, it shall conform with any Practice Direction for the time being in force dealing with the format and content of such appeal books and any specific direction given by the Court or the Registrar in the particular case. If the appeal book is to be in hard copy the provisions of subrules (2) to (6) of this Rule shall be applicable to it."
- (h) adding at the end of Rule 95.13 (c) "The report shall be forwarded to the Registrar as an authorised electronic communication."



- (i) deleting Rule 95.14 and inserting in lieu:
- “The Court may, of its own motion or on the application of a party, direct any party to prepare detailed submissions as to its case and may give such directions relating to the preparation, form and content of the submissions as the Court thinks fit:
- (a) Notice of a direction under this Rule shall be served on the parties by the Registrar.
- (b) Such submissions shall:
- (i) be divided into paragraphs numbered consecutively;
- (ii) so far as practicable refer to the matter in the Appeal Book by Volume number (if any) and page number.
- (c) A party on whom a notice is served under this Rule shall:
- (i) if he is an appellant not later than 7 clear days before the date fixed for the hearing;
- (ii) if he is a respondent not later than 3 clear days before the date fixed for the hearing,
- transmit his submissions to the Registrar by an authorised electronic communication. The Registrar shall thereupon send such submissions to each Judge sitting to hear the appeal.
- (d) A party who transmits his submission to the Registrar in accordance with subparagraph (c) shall, on the date on which he does so, serve a copy on each other party to the appeal.”

61. Amend Rule 96.01 (e) by adding at the end of it “or by transmitting it to the Secretary at any time at such officer’s e-mail address.

62. Amend Rule 96A.02 (3) by adding at the end of it “, or, if the file has been maintained in electronic format afford electronic access to it by the Registrar of the Supreme Court and the Judge to whom the application for leave to appeal has been assigned.”

63. Amend Rule 96AA.02 (2) by adding at the end thereof “, or, if the file has been maintained in electronic format, afford electronic access to it by the Registrar of the Supreme Court and the Judge to whom the appeal has been assigned.”

64. Amend Rule 96B by:

- (a) adding at the end of Rule 96B.02 (3) “, or, if the file has been maintained in an electronic format, afford electronic access to it by the Registrar of the Supreme Court and the Judge to whom the appeal has been assigned.”
- (b) deleting from Rule 96B.06 “44A” and inserting in lieu “Form 38”.

65. Amend Rule 96C by:

- (a) deleting from Rule 96C.03 (3) “Form 44” and inserting in lieu “Form 37”.
- (b) deleting from Rule 96C.05 (2) “certified”.
- (c) adding at the end of Rule 96C.05:

“If a copy of any of the above documents comprises portion of an electronic file maintained by the Magistrates Court in respect of the matter it shall be sufficient compliance with this Rule, as to such document, if the Registrar of the Supreme Court and the Judge to whom the appeal is assigned are given access to that electronic file.”

66. Amend Rule 96D.05 by adding at the end of it:

“If a copy of any of the above documents comprises portion of an electronic file maintained by the Youth Court in respect of the matter it shall be sufficient compliance with this Rule, as to such document, if the Registrar of the Supreme Court and the Judge to whom the appeal is assigned are given access to that electronic file.”

## 67. Amend Rule 97 by:

## (a) adding at the end of Rule 97.02 (5):

“If a copy of any of the above documents comprises portion of an electronic file maintained by the Court or Tribunal below in respect of the matter, it shall be sufficient compliance with this Rule, as to such document, if the Registrar and the Judge to whom the application is assigned are given access to such electronic file.”

## (b) adding at the end of Rule 97.06:

“If a copy of any of the above documents comprises portion of an electronic file maintained by the Court or Tribunal below in respect of the matter, it shall be sufficient compliance with this Rule, as to such document, if the Registrar and the Judge to whom the appeal is assigned are given access to such electronic file.”

## (c) adding at the end of Rule 97.14 “A report may be made by means of an authorised electronic communication”.

## (d) deleting from Rule 97.15 “a written case” and inserting in lieu “detailed submissions”.

## (e) deleting from the second paragraph (a) of Rule 97.19 “written”.

## 68. Amend Rule 98 by inserting after Rule 98.04A (3) a new subrule as follows:

“(3A) The provisions of subrules (2) and (3) above do not exclude the operation of Rule 62.08.”

## 69. Amend Rule 101 by:

## (a) deleting from Rule 101.06 (5) (a) (i) “lodge” and inserting in lieu “file”.

## (b) deleting from Rule 101.09 (1) “lodge” and inserting in lieu “file”.

## (c) deleting from Rule 101.09 (2) “lodge” and inserting in lieu “file”.

## (d) deleting Rule 101.09 (3) and inserting in lieu “A solicitor who files a bill of costs for taxation pursuant to section 42 of the Legal Practitioners Act 1981, shall, at the time of filing, provide to the Registrar a true copy of any account or bill of costs previously rendered by the solicitor to the client in respect of the work done referred to in the bill of costs filed for taxation.”

## (e) by deleting from Rule 101.09 (4) “lodged” and inserting in lieu “filed”.

## 70. Amend Rule 101A.02 by deleting “Form 37” and inserting in lieu “Form 36”.

## 71. Amend Rule 102 by:

## (a) inserting before the word “document” in Rule 102.01 (1) “hard copy”.

## (b) deleting from Rule 102.01 (3) “the LIS” and inserting in lieu “a”.

## (c) inserting before the word “document” in Rule 102.02 (1) “hard copy”.

## (d) deleting from Rule 102.02 (1) (d) “Form 1A” and inserting in lieu “Form 1”.

## (e) adding after Rule 102.02 (5) the following:

“(6) Any document transmitted to the Court by means of an authorised electronic communication shall, in its format, comply with the requirements of this Rule as to presentation of a hard copy document.”

## (f) deleting Rule 102.03 and inserting in lieu:

“102.03 Any notice, request or consent required or allowed by these rules shall be transmitted as an authorised electronic communication unless, for good reason, it is impractical to do so. In any case in which it is necessary to transmit such a document in hard copy format it shall be printed, typed or handwritten, unless the Court otherwise orders.”

## (g) deleting Rule 102.05 and inserting in lieu thereof:

“(1) Where a document is prepared by a party for use in the Court is in written, typewritten or photocopied, or in an approved electronic computer readable form, the party by whom it was prepared must

supply to any other party entitled to a copy, not being a party on whom it has been served, with one copy of it and, where the document in question is an affidavit, of any document exhibited to it. The copy must be ready for delivery within 48 hours (excluding Saturdays, Sundays and holidays) after a written request for it, together with an undertaking to pay proper charges, is received, and must be supplied thereafter on payment of those charges. Such copy shall be supplied by means of an authorised electronic communication, or in electronic format on diskette, unless the requesting party can demonstrate good reason for requiring it in hard copy form.

- (2) Where, upon an *ex parte* hearing, an order is made against or affecting the rights of any person such person may obtain a copy of the affidavits filed by the applicant in support of his summons or application in the manner provided by paragraph (1).”
- (h) deleting Rule 102.07 and inserting in lieu “Upon being satisfied that there is good reason to do so, the Registrar may issue to any person a copy of any document filed, or to be filed, in a proceeding, duly authenticated as an office copy of it.”
- (i) deleting from Rule 102.09 “lodged” and inserting in lieu “filed” and by adding at the end of that Rule:
- “In the event that such a document has been filed by a party by means of the Court electronic filing system, the Court may, of its own motion or on application of another party, by order, direct that it be deleted from such file.”

72. Amend Rule 104 by:

- (a) deleting Rule 104.02 and inserting in lieu:
- “104.02 *Issue and service of summons*
- (1) A probate action shall be instituted by summons.
- (2) Such summons may not be served, nor the action proceeded with, until the plaintiff has filed:
- (a) an affidavit verifying the claim and the capacity in which the plaintiff claims; and
- (b) a certificate issued by the Registrar of Probates that the affidavit so filed is a sufficient affidavit, which certificate may be issued in electronic format.”
- (b) deleting from Rule 104.04 (1) “an appearance” and inserting in lieu “a notice of address for service”.
- (c) deleting Rule 104.04 (2) and inserting in lieu:
- “(2) Every document referred to in subrule (1) in the custody or control of a party shall be lodged with the Registrar of Probates in a sealed packet bearing the title of the action and a true copy thereof shall be exhibited to the affidavit of the party and filed in the action.”
- (d) deleting from Rule 104.05 “an appearance” wherever it appears and inserting in lieu “a notice of address for service”.
- (e) deleting from Rule 104.10 “an appearance” and inserting in lieu “a notice of address for service”.

73. Amend Rule 107 by:

- (a) deleting from Rule 107.05 (5) (c) “or lodged”.
- (b) adding after Rule 107.05 (6):
- “(7) Where the record of the Court for an action is maintained as an electronic file the Registrar may satisfy a proper requirement for production of the record to any Court or Tribunal either by granting to it read only access to such record (where it is practicable to do so) or by transmitting a copy of such record to it by means of an authorised electronic communication.”

74. Amend Rule 111 by:
- (a) deleting from Rule 111.05 (a) “sealed” and inserting in lieu “settled and entered”.
  - (b) deleting from Rule 111.05 (b) “sealing” and inserting in lieu “entry”.
75. Amend Rule 114A by:
- (a) deleting from Rule 114A.05 the words “an appearance” and inserting in lieu “a notice of address for service”.
  - (b) by deleting from Rule 114A.09 the words “an appearance” and inserting in lieu “a notice of address for service”.
76. Amend Rule 115A by:
- (a) deleting from Rule 115A.02 “Form 47” and inserting in lieu “Form 41”.
  - (b) deleting from Rule 115A.08 (1) “lodge” and inserting in lieu “file”.
  - (c) adding at the end of Rule 115A.08 (2) “Such register may be maintained in electronic format”.
77. Amend Rule 116.06 (b) by deleting “appear to the summons” and inserting in lieu “file a notice of address for service”.
78. Amend Rule 117.04 (1) by deleting “Form 33” and inserting in lieu “Form 32”.
79. Amend Rule 117A by:
- (a) deleting from Rule 117A.02 (5) “Form 33A” and inserting in lieu “Form 31”.
  - (b) deleting from Rule 117A.03 (4) “an appearance” and inserting in lieu “a notice of address for service”.
80. Amend Rule 119 by deleting the present rule and inserting in lieu:
- “119.01 Rule 119 applies to proceedings under the Inheritance (Family Provisions) Act 1972, which for the purposes of Rule 119 only is referred to as ‘the Act’.
- 119.02 The provisions of Rule 119 as amended by Amendment 87 to the Supreme Court Rules shall apply to all proceedings issued under the Act on and from 1 January 2003 and to such other proceedings under the Act as the Court may direct.
- 119.03 An executor or administrator (unless it be the plaintiff) and every person with a beneficial interest in the estate of the deceased which may be adversely affected by any order sought in the action shall be made a defendant to a summons under the Act.
- 119.04 Upon the issue of a summons under the Act, the plaintiff shall file an affidavit deposing to the best of the deponents information and belief as to the names, current addresses and, if infants, the ages, of:
- (a) all of the persons within s 6 of the Act who may be entitled to claim under the Act in relation to the estate of the deceased;
  - (b) all of the beneficiaries in the estate of the deceased.
- 119.05 (1) Within 14 days of the issue of the summons under the Act the plaintiff shall send by pre-paid certified post to all of the persons named in the affidavit under Rule 119.04 (a) a notice in the following form:
- “I (full name) of (address) being a (state relationship to the deceased eg son, widow etc) of (name of deceased) late of (state last address of deceased) have instituted an Action No. of 20 , in the Supreme Court of South Australia on (date of issue of summons) seeking an order for provision for myself out of the estate of the deceased [(if applicable) over and above that given to me by the last will (or on the intestacy) of (name deceased)].

If you also have grounds to make such a claim, and wish to do so, you should file a counterclaim in the action seeking such an order within 28 days of the posting of this notice to you. Under section 8 (1) of the Act your application should be served on the executor (administrator) within six months from the granting of Probate (Letters of Administration), but the Court has power to extend the time. If you wish to make a claim, you should seek legal advice as soon as possible.

DATE

.....  
Plaintiff

Address .....  
.....”

- (2) Where the notice under (1) is to be served on a person under disability it shall be sent to the person who is to be served under Rule 15.
  - (3) Where a notice under (1) is to be sent to a person outside Australia it shall be sent by airmail post and the time stated in the notice shall be sixty days and not 28 days.
- 119.06 (1) A person other than the plaintiff who wishes to make a claim under the Act against the estate of the deceased may file a counterclaim in the action seeking an order under the Act whether or not that person is named as a defendant in the action.
- (2) Where a person not named as a defendant files a counterclaim pursuant to subrule (1) that person shall thereupon become and be shown as a defendant in the action.
  - (3) Where a counterclaim is filed under (1) it shall proceed on affidavits or pleadings in the same manner as the plaintiff's claim in the action.
  - (4) Where a counterclaim is out of time under section 8 of the Act the claimant shall upon filing it also file an application seeking an extension of the time and an affidavit in support.
- 119.07 Upon a hearing of an application for directions in an action under the Act the Court may if it sees fit:
- (a) direct service on a particular defendant by means other than personal service;
  - (b) strike out a defendant from the proceedings if such defendant does not file a notice of address for service to the summons after service.
- 119.08 Where a defendant is an executor or an administrator of the estate of the deceased, and is also a beneficiary in the estate, such defendant may file separate notices of address for service in the capacity as executor or administrator and as a beneficiary, but unless such person's notice of address for service is expressly limited it shall be treated as a notice of address for service by such person in both capacities.
- 119.09 Where any executor or administrator is served with summonses seeking relief under the Act issued by different persons the executor or administrator shall forthwith apply to the Court for an order as to the consolidation, or other directions for the disposal, of the respective summonses.
- 119.10 Within 21 days of filing a notice of address for service an executor or administrator shall file an affidavit setting out:
- (a) the assets and liabilities of the estate;
  - (b) a copy of the Grant of Probate of Letters of Administration;
  - (c) any facts raised in contradiction of, or in addition to the affidavit of the plaintiff filed under Rule 119.04.

- 119.11 Where an action under the Act is out of time under section 8 of the Act the plaintiff may seek an order in Chambers for an extension of time under that section by an application supported by an affidavit, provided that if it seems fit the Court may direct that such application be dealt with in conjunction with any trial of the action.
- 119.12 (1) Not more than 35 days and not less than 14 days before the date set for the trial of the action the executor or administrator in an action under the Act shall file a further affidavit setting out any changes in the financial position of the estate since the affidavit filed under Rule 119.10.
- (2) Not less than 14 days before the date set for the trial of an action under the Act each other party who disputes any matter set out in the affidavits of the executor or the administrator shall file a notice stating the respect in which such party disputes the matters set out in the affidavits and the grounds thereof.
- (3) If no notice is filed under (2) by any party, the executor or administrator may unless the trial Judge otherwise directs attend at the commencement of the trial, tender the affidavits and then withdraw.
- 119.13 Where there is more than one claimant in an action under the Act at the time of seeking leave to enter the action for trial the plaintiff shall file a document setting out the names of all of the parties, the names of their respective solicitors and stating whether the parties so named claim any provision from the estate or oppose any orders sought by any other party.
- 119.14 Where the Court directs pursuant to section 9 (4) of the Act that a certified copy be made on the Probate or Letters of Administration two photographic copies of the order of the Court which have been certified to be true copies by the Registrar shall be lodged with the Registrar of Probates as soon as possible after the entry of the order.
- 119.15 (1) Unless the Court directs to the contrary Rule 119.15 shall apply to all proceedings under the Act instituted after 1 July 2002 where the plaintiff reasonably believes that the net estate of the deceased available for distribution is \$250 000 or less.
- (2) Rules 119.03, 119.04, 119.05, 119.10 and 119.14 shall each apply to proceedings under Rule 119.15.
- (3) (a) Upon the issue of a summons seeking provision under the Act where Rule 119.15 applies the plaintiff shall forthwith serve by prepaid post (and where the addressee is out of Australia, by airmail post) a notice of a preliminary hearing in the following form (*mutatis mutandis*):
- “Action heading
- To (set out the full names and addresses of all beneficiaries in the state whose interests may be adversely affected by an order sought in the action, and, if infants or persons under disability, the names and addresses of the person to be served on their behalf) as the beneficiaries in the estate of ..... deceased.
- And to (set out the full names and addresses of all persons under section 6 of the Act who have not already been named, and who may be entitled to make a claim under the Act against the estate of the deceased, and, if infants or persons under disability, the names of the persons to be served on their behalf) as persons who may have a claim under the Inheritance (Family Provisions) Act 1971, for the provision out of the estate of ..... deceased.

*NOTICE OF PRELIMINARY HEARING*

An action has been commenced in the Supreme Court of South Australia by (insert full name and address of the plaintiff) seeking an order under the Inheritance (Family Provision) Act 1972, to vary the distribution of the estate of the deceased in his/her favour. If you wish to oppose such a claim, or to make a claim under the Act, on your own behalf (if you should have a legal right to do so), **YOU MUST ATTEND IN PERSON OR BY A SOLICITOR** before a Master of the Supreme Court at the Supreme Court House, 1 Gouger Street, Adelaide, or at such other place as the Master may direct, on ..... day ..... 20 , at ..... a.m./p.m. The Master will then explore the possibility of whether the matter can be resolved by agreement between the parties, and if not, the Master will either summarily determine the proceeding or give directions about how it is to proceed. If you do not attend either in person or through your solicitor in answer to this notice, the Court may assume that you do not wish to be heard in relation to any claims against the estate whether by the plaintiff or any other persons. If you wish to obtain legal advice about your position in the matter, you should do so as soon as possible, and well before the date mentioned above.

Dated ..... 20

.....  
Solicitor for the Plaintiff'

on all interested parties and any executor or administrator of the deceased person, together with copies of the summons and any affidavit or affidavits filed in the proceedings.

- (b) The Registrar shall, upon the application of the plaintiff, appoint a date and time for insertion in the prescribed notice.
  - (c) Due compliance with this Rule shall be proved by affidavit filed prior to the above date.
- (4) Upon the date set in the notice referred to in subrule (3) above, or on any adjournment thereof, a Master may whether all of the persons who have been given notice have attended or not:
- (a) exercise any of the powers which could be exercised by the Master on a directions hearing;
  - (b) if it appears proper and just to all parties to do so, determine summarily the claim of the plaintiff or any other person against the estate of the deceased under the Act upon affidavit or oral evidence without being bound by the usual rules of evidence;
  - (c) direct how the proceedings are to continue thereafter and which, if any, of the other parts of Rule 119 should there-after apply to the proceedings;
  - (d) appoint a legal practitioner to make submissions or adduce evidence on behalf of, or represent, any interested persons who are under disability or who have not attended;
  - (e) Award less than full costs expressed as a percentage of full costs where the amount of the estate in issue is less than \$50 000.
- (5) In exercising any discretion under subrule (4) as to how the proceedings should be dealt with the Court may take into account the expense to the estate, or to parties, of having the proceedings determined other than in accordance with Rule 119.15.
- (6) Rule 119.15 shall not apply to a plaintiff who is not represented by a solicitor unless prior to signing the notice under subrule (3), or within 14 days of any solicitor ceasing to act for such plaintiff, such plaintiff obtains the leave of the Court to proceed under Rule 119.15

(7) Where any claim under the Act is dealt with by the Court other than under Rule 119.15 and the Court considers that the procedures under Rule 119.15 should have been used for the proceedings, without otherwise affecting its general discretion as to costs, the Court may order the parties responsible for the procedures under Rule 119.15 not being used to bear any additional costs thereby occasioned to the estate of the deceased or to any other party.

119.15 (8) The Court may at any time order that proceedings issued, other than in accordance with Rule 119.15, continue as if they had been issued in accordance with Rule 119.15.”

81. Amend Rule 123 by inserting after Rule 123.08 a new Rule 123.08A as follows:

“R 123.08A Notwithstanding the provisions of Rule 123.07 and Rule 123.08 the Registrar may, by agreement with the other Court concerned, comply with those rules by transmitting or receiving (as the case may be) copies of the documents or papers relating to proceedings by means of authorised electronic communication, in lieu of sending or receiving original documents or papers.”

82. Amend Rule 133.03 by deleting subparagraphs (a) to (e) inclusive and inserting in lieu “be by *inter partes* summons”.

83. Amend the First Schedule by deleting the Forms 1A to 47 inclusive and inserting in lieu Forms 1 to 47 as follows:

“FORM 1

R 102.02 (1) (d)

FDN [*computer generated*]

IN THE SUPREME COURT OF SOUTH AUSTRALIA

No. of

BETWEEN

Plaintiff

and

Defendant

---

[*Document type eg Inter Partes Summons, Third Party Notice Etc.*]

---

Date of document:

Filed on behalf of the [Party] by [Solicitor] - [Address] [mandatory field]

[or [Telephone]

Filed by [Party] -] [Mobile]

[Facsimile]

[DX Box]

[Email]

Settled by:

Date and time of filing or transmission: [*Computer Generated*]



## "FORM 2

## EX PARTE SUMMONS

Rule 7.03

Summons issued by/on behalf of \_\_\_\_\_ of \_\_\_\_\_ .

The following orders are sought:

Summons issued pursuant to section [No.] of the [Act]  
[or] Rule [No.] of the [Court] Rules.

It is requested that this summons be heard and determined by the Court without attendance on behalf of any other party."

## "FORM 3

## INTER PARTES SUMMONS

Rule 7.04

To \_\_\_\_\_ of \_\_\_\_\_ :

You are advised that the plaintiff(s) make(s) a claim against you or which may affect you. Details of the claim and orders sought are attached.

If you wish to defend the claim, you or your solicitor must file a Notice of Address for Service within \_\_\_\_\_ days after service of this Summons on you.

The Notice of Address for Service must be filed either electronically through the Website of the Courts Administration Authority ([www.courts.sa.gov.au](http://www.courts.sa.gov.au)) or at a Registry of the \_\_\_\_\_ Court. A list of the Registry addresses is attached.

If you do not have a Solicitor, you may attend personally at a Registry to do this.

If a Notice of Address for Service is not filed within the time stated, orders may be made against you in your absence.

This Summons has the following statutory endorsements under section \_\_\_\_\_ [or]  
Rule \_\_\_\_\_ of the \_\_\_\_\_ Act [or] \_\_\_\_\_ Court Rules:

---

List of Registry Addresses

[Set out list - computer generated]"

## "FORM 4

## STATEMENT OF CLAIM/ORDERS SOUGHT

Rule 46A.02, 46A.03 and 46A.04

Part 1:

The facts and basis of the claim are:

Part 2:

The orders sought are

Certificate:

This pleading is put forward in accordance with the instructions of the [Party] by [Name of File Principal], who certifies that it complies with the Rules concerning pleadings."

## "FORM 5

SUMMONS UNDER PART XVII  
OF THE REAL PROPERTY ACT 1886

Rules 7.04, 65.01

To \_\_\_\_\_ of \_\_\_\_\_ :

The plaintiff(s) make(s) a claim against you for possession of the following property:

The attached Statement of Claim sets out the facts alleged and the orders sought.

If you wish to defend the claim, you must attend either personally or by Solicitor at [Place of Hearing] on the \_\_\_\_\_ day of \_\_\_\_\_ 2001 at \_\_\_\_\_ a.m./p.m., when the matter will be heard.

If no-one attends at this time, the order(s) sought, or some other order may be made in your absence.

This Summons is issued pursuant to Part XVII of the Real Property Act 1886, and Rule 65 of the Supreme Court Rules 1987.

[NOTE: Statement of claim to be in Form 4]"

## "FORM 6

## ADDRESS FOR SERVICE/AND OF SOLICITOR

Rule 21.01

The [Party] acknowledges service of the [Document] in this action.

The address for service of the [Party] is shown on Form 1 attached hereto."

## "FORM 7

## NOTICE OF CHANGE OF ADDRESS FOR SERVICE

Rule 11.02

The address for service of the [Party] is now as shown on Form 1, attached hereto."

## "FORM 8

## DEFENCE (AND COUNTERCLAIM)

Rules 46A.05, 48.02

## DEFENCE

In answer to the statement of claim the defendant [*if more than one defendant, indicate which*] say(s):

*[Plead as required by Rules 22 and 46A.05, in successive numbered paragraphs]*

*[If applicable]*

## COUNTERCLAIM

The defendant [*if more than one specify which*] counterclaim(s) against the plaintiff [*if multiple plaintiffs, specify whether against all or only some*].

Part 1:

The facts and basis of the claim are:

Part 2:

The orders sought are:

Certificate:

This pleading is put forward in accordance with the instructions of the [Party] by [Name of File Principal], who certifies that it complies with the rules concerning pleadings."

## "FORM 9

## REPLY

Rules 46.02, 46A.06

In answer to the defence the plaintiff [*if more than one plaintiff, indicate which*] say(s):

[*Plead in successive numbered paragraphs*]

[*If applicable*]

In answer to the counter claim the plaintiff [*if more than one plaintiff, indicate which*] say(s):

[*Plead in successive numbered paragraphs*]

Certificate:

This pleading is put forward in accordance with the instructions of the [*Party*] by [*Name of File Principal*], who certifies that it complies with the Rules concerning pleadings."

## "FORM 10

## CERTIFICATE OF SERVICE OF FOREIGN PROCESS OR CITATION

[Supreme Court Only]

Rule 16 (g)

I, [*Full Name*] the Registrar of the Supreme Court of South Australia, HEREBY CERTIFY that the documents annexed hereto are as follows:

- (1) The original Letter of Request for service of process received from the [*Court/Tribunal*] at [*Address*] in the matter of [*Name of Plaintiff*] V [*Name of Defendant*];
- (2) The process received with such Letter of Request; and
- (3) A copy of the evidence of service upon the person named in such Letter of Request.

And I certify that the cost of effecting such service amounts to the sum of \$AUD [*Amount in Dollars*], which amount is to be remitted by the requesting [*Court/Tribunal*] to the Treasurer for South Australia, at Adelaide.

Dated at Adelaide, South Australia, the            day of            200X.

Registrar

[*Computer authentication to be printed on certificate*]"

## "FORM 11

NOTICE OF SUMMONS TO BE SERVED  
OUT OF THE JURISDICTION

Rule 18.04

TO [*Name of Defendant*] of [*Address of Defendant*]

TAKE NOTICE that [*Name of Plaintiff*] of [*Address of Plaintiff*] has commenced an action against you in the [*Court*] of South Australia by a Summons issued on [*date issued*] in [*Action No.*]. A copy of the Summons and the detailed Statement of Claim is attached hereto.

You must within [*No.*] clear days of the service of this Notice upon you, file a notice of address for service in accordance with the Rules of Court in the Registry of the [*Court*] of South Australia, at [*Address*] in the State of South Australia if you wish to defend the action.

If you do not file such a notice of address for service, judgment may be given against you in your absence, without further notice.

.....  
Plaintiff [*or Solicitor for Plaintiff*]"

## "FORM 12

REQUEST FOR SERVICE ABROAD  
PURSUANT TO CONVENTION

Rule 19 (a) (i)

I request that a Notice of Summons [*or as the case may be*] in this action, be transmitted through the proper channel to [*Name of Country*] for service on the Defendant, [*Name of Defendant*] at [*Address of Defendant*] or elsewhere in [*Name of Country*] directly through [*an Embassy, High Commission, Consul or relevant Judicial Authority*].

I personally undertake to be responsible for all expenses incurred by the Attorney-General for South Australia in respect of the service hereby requested.

On receiving due notification of the amount of such expenses I undertake to pay the same to the Attorney-General's Office, and to produce the receipt for such payment to the proper officer of the [*Court*]."

## "FORM 13

## THIRD PARTY NOTICE

Rule 37.01

To [*Name of Third Party*] of [*Address of Third Party*].

This action has been brought by the Plaintiff(s) against the Defendant(s). The Plaintiff's(s) claim against the Defendant(s) is set out in the copy Summons and Statement of Claim attached hereto.

The Defendant claims against you on the grounds contained in the separate Statement of Claim also attached hereto.

If you wish to dispute the Plaintiff's(s') claim against the Defendant, or the Defendant's(s') claim against you, you must file a Notice of Address for Service within clear days after the service of this Notice upon you and then file a Defence, in accordance with the Rules of Court.

The Notice of Address for Service must be filed either electronically through the Website of the courts Administration Authority ([www.courts.sa.gov.au](http://www.courts.sa.gov.au)) or a the Registry of the [ *Court* ] of South Australia. A list of the Registry addresses is attached.

If you do not have a Solicitor, you may attend personally at a Registry to do this.

Unless you file a Notice of Address for Service and Defence, you will not be entitled to challenge the Defendant's(s') liability to the plaintiff and will be taken to have admitted the Defendant's(s') claim against you, and your liability to reimburse or contribute to the amount of Judgment in favour of the Plaintiff. A Judgment in respect of such liability may be given against you without further notice.

[NOTE: *Statement of claim to be in Form 4*]

---

List of Registry Addresses

[*Set out list – computer generated*]

.....  
Plaintiff [*or Solicitor for the Plaintiff*]"

## "FORM 14

## CONTRIBUTION NOTICE

Rule 37.07

In this action the [Party], [Name], claims relief against you as follows:

Part 1:

The facts and basis of the claim are:

Part 2:

The orders sought are:"

## "FORM 15

## NOTICE OF PAYMENT INTO COURT

Rule 39.04 (a)

On [Date] the [Party] has paid \$AUD [figures] into Court with an [admission/denial] of liability and says that this sum is sufficient to satisfy the plaintiff's claim in this action.

*[NOTE: If there is more than one cause of action and a specific amount is allotted to a particular cause of action, and if a set off or counterclaim has been taken into account, this must also be expressly stated.]*"

## "FORM 16

## NOTICE TO ADMIT

Rule 54.01

You are required, within fourteen clear days or such other extended time as agreed between the parties, to admit or specifically deny the truth of the following facts:

*[Where relevant -*

*You are also required to admit, or specifically deny, the authenticity and admissibility of the following documents, or set forth in detail your reasons for refusal to do so. True copies are attached.]*"

## "FORM 17

## APPLICATION FOR DIRECTIONS

R.55.01 (1)

The [*Plaintiff*] applies for the following order and directions:

1. General directions.
  
2. [*Other specific directions or orders*]

Application made pursuant to section [*No.*] of the [*Act*]

[*or*] Rule [*No.*] of the [*Court*] Rules.

You will be notified separately of the time and place of the hearing of the application."

## "FORM 18

## NOTICE FOR SPECIFIC DIRECTIONS

Rule 55.18

To [*Party*]

The [*Plaintiff*] intends to apply to the court for specific directions in this action as follows:

[*Details of Orders to be sought*]

The application will be made pursuant to section [*No.*] of the [*Act*]

[*or*] Rule [*No.*] of the [*Court*] Rules.

You will be notified separately of the time and place of the hearing of the application."



## "FORM 19

## LIST OF DOCUMENTS

Rule 58A.02 (1)

To [Party]

The [Party] makes discovery as follows:

1. The documents which are at present in the possession, custody or power of that party:
  - (a) for which privilege is not claimed are:  
*[Numbered list of documents]*
  - (b) for which privilege is claimed are:  
*[Numbered list of documents specifying grounds on which privilege is claimed]*
2. The documents which have been, but are no longer in possession, custody or power of the [Party] are:  
*[Numbered list of documents stipulating when they were last in the possession, custody or power, and what happened to them.]*
3. The [Party], by this list of documents, has now fully discharged that party's obligations, as at the date of delivery of this list, regarding discovery of documents in this action."

## "FORM 20

## NOTICE TO PRODUCE

Rule 59.07 (2)

To [Party or Parties]

You are required to produce and show to the Court at the trial of this action, the following documents which are in your possession, custody or power:

*[Numbered paragraphs describing each of the documents for which production is sought.]*"

## "FORM 21

ORDER FOR POSSESSION OF PROPERTY FORMING  
A SECURITY FOR PAYMENT TO THE PLAINTIFF OF  
ANY PRINCIPAL OR INTEREST

Rule 63.13

## THE COURT ORDERS THAT:

1. The Defendant give the Plaintiff possession on or before [*Date*] of the land subject to Memorandum of Mortgage, Registered No. [     ],  
dated [*date*], being:  
  
    [*Description of Land, including relevant title reference(s)*]
2. The Plaintiff recover from the Defendant the sum of \$AUD[*Amount*] for the costs of these proceedings [or "*the costs of these proceedings to be taxed*"].
3. If the Defendant pays to the Plaintiff all the moneys secured by the above [*Mortgage*], the Plaintiff (subject and without prejudice to the due exercise of any power of sale under the said Mortgage) is to re-deliver possession of the said property to the Defendant and discharge the said [*Mortgage*].
4. Any party be at liberty to apply to the Court for the discharge or a variation of this Order."

## "FORM 22

## SUMMONS FOR POSSESSION UNDER RULE 65.07

Rule 65.07 (2)

The Defendant(s) [*full name(s)*] and any other person(s) occupying the premises hereinafter referred to, are to attend the [*Court*] at [*Address of Court or Registry*] on [*Day*], the [*Date*] day of [*Month*] 200X, at [*Time*] a.m./p.m. on the hearing of an application by the Plaintiff(s) for an order to recover possession of [*Full description of premises, including relevant title reference(s)*], on the ground(s) that the Plaintiff(s) *is/are* entitled to possession of those premises and that you are in occupation without licence or consent.

This application is made under [*Section No. and short title of the Statute and/or Rule No. of the Supreme Court rules/District Court Rules*]

NOTE: A person served with this Summons may apply to the Court personally, or by Solicitor, to be joined as a Defendant. If a person occupying the premises does not attend personally or by Solicitor at the time and place above-mentioned, such order will be made as the Court thinks appropriate, without further notice."

## "FORM 23

## LETTER OF REQUEST

R 78.05 (b)

To the Competent Judicial Authority of

in the

A civil action has been commenced in the [Court] Court of South Australia, in which [name] of [address] is plaintiff and [name] of [address] is defendant. In it the plaintiff claims [set out details]

It is necessary, for the determination of the matters in dispute, that the following persons, resident within your jurisdiction, be examined as witnesses upon oath concerning those matters:

[Insert names and addresses of proposed witnesses]

I [name], the Registrar of the [Court] Court of South Australia, request that, for the assistance of such Court, you summon the said witnesses (and such other witnesses as the agents of the plaintiff and the defendant shall request you in writing so to summon) to attend, at such time and place as you shall appoint, before such person as, according your procedure, is competent to take examination of witnesses, and that you cause such witnesses to be examined [either upon the interrogatories which accompany this letter of request or orally] with regard to the matters in question, in the presence of the agents of the plaintiff and defendant, or such of them as shall, on due notice given, attend the examination.

I further request that you permit the agents of both the plaintiff and the defendant, or such of them as shall be present, to examine such witnesses as may, after due notice in writing, be produced on their behalf, and permit any other party to cross examine the witnesses and the party producing any witness for examination to re-examine that witness orally.

I also request that the evidence of all witnesses be reduced into writing and all books, letters, papers and documents produced upon the examination be duly marked for identification, and that you further authenticate such examination by the seal of your Tribunal or in such other way as is in accordance with your procedure, and return the same to me together with a note of the charges and expenses payable in respect of this request through the Ambassador, High Commissioner or Consul from whom the same was received, for transmission to the [Court] Court of South Australia.

I finally request that you cause me, or the agents of the parties, if appointed, to be informed of the date and place where the examination is to take place."

## "FORM 24

## SUBPOENA

R 81.01 (2)

TO: *[full names and addresses of proposed witnesses]*

The *[Court]* Court of South Australia ORDERS that you attend before it at *[place]* on *[day of week]* the *[date]* day of *[month]* *[year]* at *[time]*, and thereafter until you have fully complied with this subpoena, or have been excused from further attendance, to:

*[Delete either A or B if not applicable]*

A. Give evidence to the Court.

B. Produce to the Court the following documents:

*[Set out a proper description of each of the documents]*

Dated this *[date]* day of *[month]* *[year]*

*[Court authentication—? Facsimile seal and name of Registrar]*

## NOTE:

*A person served with this subpoena is entitled to receive, a reasonable time before the day on which that person is to attend Court, payment of a sufficient sum to meet the reasonable expenses of the attendance. Disobedience of the subpoena may result in conviction for contempt of court and liability to imprisonment or other punishment. An explanation of how to comply with the subpoena is attached.*

## EXPLANATORY NOTES

1. This document is called a subpoena. It requires you to attend at court to give evidence (and/or to produce documents) to the Court.
2. If you do not understand what you must do, or if you do not wish to, or cannot, comply with it, you should consult a lawyer about it as soon as possible. The subpoena is only valid if it is served within 12 weeks of the date of its issue.
3. If this subpoena only requires the production of documents or things, you may comply with it by delivering all of the documents or things to the Registrar of the Court at *[address]* not less than 24 hours before the time and date referred to in the subpoena. If you do that, you do not have to attend at the time shown in the subpoena. You should only so deliver the documents or things to the Registrar if you have all the documents and things referred to in the subpoena and if you have no objection to producing them to the Court and to them being inspected by the parties to the action. If you do deliver documents or things to the Registrar, they should be securely packaged and **CLEARLY MARKED WITH THE ACTION NUMBER AND THE NAMES OF THE PARTIES AS APPEARING ON THE HEADING TO THE SUBPOENA AND WITH YOUR NAME AND ADDRESS.**
4. If the subpoena requires you to attend to give evidence, the progress of the hearing may be such that you will not be called to give your evidence until after the time shown on the subpoena. If you do not wish to wait outside the courtroom until it is your turn to give evidence, you can contact the solicitor who issued this subpoena (whose name, address and telephone number appear on the front sheet). That solicitor may be able to arrange a later time for you to attend. Otherwise you *must* attend at the date and time shown.
5. When you attend at Court, you will need to locate the room in the Court building where the hearing is taking place and how to get to that room. That room may not be known until shortly before you have to attend. You can find this out either by contacting the solicitor who issued this subpoena, or by inquiry at the Registry Office of the Court, or the reception desk of the Court building. You may be able to obtain some information by telephoning the Court Registry on *[telephone number]*.

6. PURSUANT TO THE RULES OF COURT, YOU WILL BE TAKEN TO HAVE WAIVED ANY OBJECTION TO THE PRODUCTION OF ANY DOCUMENT OR THING WHETHER ON THE GROUND OF LEGAL PROFESSIONAL PRIVILEGE OR ANY OTHER GROUND, IF YOU DELIVER THE DOCUMENT OR THING TO THE REGISTRAR, RATHER THAN TO THE COURT ON THE DATE SPECIFIED ABOVE (THE RETURN DATE). IF YOU CLAIM TO BE ENTITLED TO RESIST, ON ANY GROUND, PRODUCTION OF ANY DOCUMENT OR THING, OR ITS INSPECTION BY ANY PARTY TO THE PROCEEDINGS, YOU MUST ATTEND BEFORE THE COURT ON THE RETURN DATE, WHEN YOU WILL BE GIVEN AN OPPORTUNITY TO EXPLAIN YOUR OBJECTION.
7. In addition to your reasonable expenses of attending at Court you are also entitled to be paid by the party issuing the subpoena your reasonable expenses incurred in complying with the subpoena, including an appropriate witness fee. If you need all, or some, of these expenses to be paid *before* you comply with this subpoena, you should contact the solicitor issuing it about the matter.”

## “FORM 25

## REQUEST FOR ISSUE OF SUBPOENA(S)

R 81.05 (2)

To the Registrar, [*Court*] Court

Please issue subpoenas, in the respective forms attached hereto.

[*As appropriate*]

Those subpoenas will be served by the requesting party

*or*

It is requested that the Sheriff serve the subpoenas, at the expense of the requesting party

[*If applicable*]

It is requested that the subpoena addressed to [*Name*] be returnable prior to trial before [*the Registrar OR a Judge OR a Master*] at [*time*] on [*date*] at [*address*]. [*If a subpoena is to be returnable before a specific judicial officer having the conduct of pre-trial proceedings this should be stated*].

Dated [*date*]

[*Party/Solicitor for the requesting Party*]”

“FORM 26

WARRANT OF SALE

R 88.02 (1)

To: The Sheriff of South Australia

In this action [*name and address*] is, pursuant to a judgment or order dated [*date*], indebted to the [*Party*] as follows:

Balance of judgment sum.....	\$
Costs .....	\$
Interest under Rule 84.19 to date of warrant.....	\$
Costs and expenses of this warrant .....	\$
	_____
Total .....	\$
	_____

YOU ARE DIRECTED:

- (1) To sell such of the personal and real property of the [*Party*] as are within the State of South Australia in order to satisfy the unsatisfied judgment, interest and costs and further interest accruing under Rule 84.19 after the date of this warrant, until you receive payment of the monies which are the subject of this warrant and all of your expenses and fees relating to its execution.
- (2) To report to this Court concerning your execution of this warrant and the results thereof.

Dated [*date*]

[*Authentication by Registrar—query facsimile seal and name of Registrar*”

“FORM 27

WARRANT OF POSSESSION

R 88.02 (2)

To: The Sheriff of South Australia

In this action, on [*date*], it was ordered that the plaintiff [*full name*] recover from the defendant possession of [*full description of property, including relevant title reference(s)*].

YOU ARE DIRECTED to take whatever lawful steps are necessary to cause the plaintiff to have possession of the said property and to report to this Court concerning your execution of this Warrant and the results and your costs and expenses thereof.

Dated [*date*]

[*Authentication by Registrar—? Facsimile seal and name of Registrar*]

Registrar”

## "FORM 28

## WARRANT OF ARREST

R 86.11, 88.02 (3)

To the Sheriff of South Australia

In this action, on [date], this court ordered [set out terms of the order for arrest]

YOU ARE THEREFORE DIRECTED to arrest [insert name and address of person to be arrested] pursuant to the said order and to bring that person before the court in accordance with the terms of the said order.

Dated [date]

Registrar.

[Authentication by Registrar—Facsimile seal and name of Registrar]"

## "FORM 29

## REQUEST FOR ISSUE OF SUMMONS, ORDER OR WARRANT

R 86, 87 and 88

To the Registrar of the [Court] Court

The [party] request(s) you to issue a [summons/warrant/garnishee] in the form attached hereto against [name of person] of [address] in relation to the judgment entered in this action on [date], which remains wholly unsatisfied [or, if partly satisfied, which remains unsatisfied as to the sum of \$ ].

Dated [date]

[Party/Solicitor for [party]]"

## "FORM 30

## REGISTRAR'S SUMMONS FOR CONTEMPT

RR 93.03, 93.04 (2)

To *[name and address of persons summoned]*

You are required to attend before the *[Court]* Court at *[time]* on *[date]* at *[place]* on the hearing of this summons, which is issued by the Registrar of the Court, to answer a charge of contempt of Court in that you did, on *[date]*, *[set out details of the alleged contempt]*.

Dated *[date]*

Registrar

This summons is issued pursuant to Rule 93.03/93.04 (2) of the *[Supreme Court Rules/District Court Rules]*

NOTE: If you fail to attend at the above time and place, orders may be made against you in your absence and you may be punished for contempt of Court."

## "FORM 31

## NOTICE OF REGISTRATION OF JUDGMENT UNDER THE FOREIGN JUDGMENTS ACT 1991

[Supreme Court only]

R 117A .02 (5)

To *[full name and address of judgment debtor]*

Pursuant to an order of this court dated *[date]* a judgment against you, particulars of which are set out below, was, on *[date]*, registered in the Supreme Court of South Australia pursuant to the Foreign Judgments Act 1991. You are entitled, pursuant to section 7 of that Act, to apply to set aside the registration of the judgment, on any of the grounds set out in that section, within *[period]* days of service of this notice upon you. The name and address of the solicitor for the judgment creditor in South Australia, upon whom any proceedings taken by you to set aside the registration of the judgment may be served, is set out on Form 1 attached hereto.

## PARTICULARS OF JUDGMENT

Judgment creditor:

*[Full name, address and occupation]*

Judgment debtor:

*[Full name, address and occupation]*

Date of judgment:

*[Date]*

Abstract of judgment:

*[Including the amount (if any) ordered to be paid, the rate of interest (if any) payable on it, the date from which interest (if any) is payable and/or (where applicable) particulars of personal property ordered to be recovered or delivered up.]*

*[Name]*

Solicitor or Agent for the judgment creditor"



## "FORM 32

NOTICE OF REGISTRATION OF JUDGMENT UNDER FOREIGN JUDGMENTS  
ACT 1971

R 117.04

To *[full name and address of judgment debtor]*

Pursuant to an order of this court dated *[date]*, a judgment against you, particulars of which are set out below, was, on *[date]*, registered in the *[name]* Court of South Australia pursuant to the Foreign Judgments Act 1971. You are entitled, pursuant to 68 of that Act, on any of the grounds set out in that section, to apply to set aside the registration of the judgment within *[Period]* days of service of this notice upon you. The name and address of the solicitor for the judgment creditor in South Australia, upon whom any proceedings taken by you to set aside the registration of the judgment may be served, is set out on Form 1 attached.

## PARTICULARS OF JUDGMENT

Judgment creditor:

*[Full name, address and occupation]*

Judgment debtor:

*[Full name, address and occupation]*

Date of judgment:

*[Date]*

Abstract of judgment:

*[Including the amount (if any) ordered to be paid, the rate of interest (if any) payable thereon, the date from which interest (if any) is payable and/or (where applicable) particulars of personal property ordered to be recovered or delivered up.]*

*[Name]*

Solicitor for judgment creditor"

## "FORM 33

## SUMMONS FOR EXAMINATION IN RESPECT OF A JUDGMENT DEBT

R 86.02

To *[full name and address of person summoned]*

You are a judgment debtor in the sum of \$*[amount]* pursuant to a judgment entered on *[date]* *[or You are alleged to be a person who may be able to assist with the investigation of the means of a judgment debtor, *[full name of judgment debtor]*, to satisfy a judgment of \$*[amount]* entered against that person on *[date]*.*

You are summoned to appear before the *[Court]* Court of South Australia at *[time]* on *[date]* and *[place]* for examination in connection with the payment of such judgment debt and/or to then produce the following documents *[full description of all of the documents required]*.

Dated *[date]*

Registrar

*[Authentication by Registrar—Facsimile seal and name of Registrar]*

NOTE: If you fail to appear, as required by the summons, the Court may, pursuant to section 4 (4) of the Enforcement of Judgments Act 1991, issue a warrant for your arrest."

## "FORM 34

## GARNISHEE ORDER

R 87.02 (7)

By a judgment entered by the *[judgment creditor]* on *[date]* it was ordered that the *[judgment debtor]* pay to the *[judgment creditor]* \$*[amount]* (of which \$*[amount]* remains owing).

THE COURT ORDERS that *[name and address of garnishee]* ("the garnishee") pay to the *[judgment creditor]* \$*[amount]* in reduction of any moneys payable to the *[judgment debtor]* by the garnishee and in satisfaction, to the extent of the payment, of the judgment debt of the *[judgment debtor]* to the *[judgment creditor]*.

The Court will sit in chambers at *[place]* at *[time]* on *[date]* to hear any submissions from the *[judgment debtor]* or the garnishee to confirm, vary or revoke this order.

*[If required]*

AND IT IS FURTHER ORDERED that the garnishee be authorised to retain from the money subject to attachment the sum of \$*[amount]* as compensation for the garnishee's expenses in complying with this order.

Dated *[date]*

Registrar

*[Authentication by Registrar—Facsimile seal and name of Registrar]*

NOTE: If you do not attend at the above time and place, it may be taken that you do not contest your liability in this matter and orders may be made in your absence."

## "FORM 35

## NOTICE OF CLAIM TO PROPERTY SUBJECT TO EXECUTION

R 88A.07A (1)

To the Sheriff of South Australia

I [*Full Name and Address*] claim to have an interest in the property mentioned below and seek that you give effect to such claim. This notice is given pursuant to section 16 (2) of the Enforcement of Judgments Act 1991 and Rule 88A.07A (1) of the [*Court*] Court Rules.

Particulars of the property are:

[*Set out full details of the property in which the interest is claimed*]

Particulars of interest claimed are:

[*Set out full details of the nature of the claim*]

[NOTE: *If notice relates to more than one item of property, separately identify each item and the details related to it.*]

Dated [*date*][*Name*][*Party/Solicitor for Party*"]

“FORM 36

SHORT FORM BILL OF COSTS

R 101A.02

SHORT FORM BILL OF COSTS OF THE [Party]

(Presented pursuant to order dated [date])

To the [Party]:

If you wish to dispute any item in this bill you must, pursuant to Rule 101A.02 (2) of the [name] Court Rules, within 21 days of receipt of this bill:

- (1) set out in the appropriate column below, your response to each disputed item; and
(2) serve a copy of the bill containing such responses by sending the same by prepaid post to [party presenting bill] at the address of such party shown on Form 1 attached hereto.

In the event that you do not forward a copy of the bill with your response(s) set out therein within the period of 21 days, you will be deemed to have admitted liability to pay the costs sought in this bill.

Table with 4 columns: Cost Item Offer, No. Pages/Length attendance, Rate per Page Hour Letter Attend., Amount Response claimed (e.g. agreed, disputed, agreed in part). Includes dollar signs at the bottom of the columns.

[NOTE: This form is to be read in conjunction with the costs schedules allowed by an amendment to the Supreme Court Rules, which fixes the percentage increase. Where the period during which costs were incurred includes more than one schedule of costs, the items claimed for relevant periods should be separately set out in each of the paragraphs of this form and the "Amount claimed" should be calculated by reference to the fee allowed for the relevant period. The items referred to in the square brackets below are items contained in the Fifth Schedule to the Supreme Court Rules.]

1. Preparation of documents [1 and 23]

A. Documents filed at Court

Briefly state the nature of the documentation and the number of A4 pages:

- (i) For the period ..... and (if applicable)
(ii) For the period.....

B. Any other documents (apart from documents referred to in items 13, 14, 16, 17 and 18) including conveyancing documents.

Briefly state the nature of the documentation and the number of A4 pages:

- (i) For the period..... and (if applicable)
(ii) For the period.....

## 2. Copying documents [4]

Briefly state the nature of the documentation and the number of A4 pages:

- (i) *For the period..... and (if applicable)*
- (ii) *For the period.....*

## 3. Perusals [5]

Briefly state the nature of the documentation and the number of A4 pages:

- (i) *For the period..... and (if applicable)*
- (ii) *For the period.....*

## 4. Scanning documents [6]

Briefly state the nature of the documentation and the number of A4 pages:

- (i) *For the period..... and (if applicable)*
- (ii) *For the period.....*

## 5. Attendances [7]

Specify attendances claimed (e.g.:

5 attendances on plaintiff/defendant to obtain instructions-total 7.5 hours  
3 conferences with counsel-total 2.5 hours)

- (i) *For the period..... and (if applicable)*
- (ii) *For the period.....*

## 6. Attendances [8]

Briefly summarise attendances claimed and state total number of hours:

- (i) *For the period..... and (if applicable)*
- (ii) *For the period.....*

## 7. Solicitor attending in Chambers (including pre-trial conferences, conciliation conferences and callovers [9])

Briefly summarise the nature and number of attendances.

- (i) *For the period.....*  
*Specify:*
  - (a) total number of short attendances;
  - (b) total number of ordinary attendances;
  - (c) total number of protracted attendances and number of hours.
- (ii) *For the period..... (specify as above)*

## 8. Clerk's (other than junior clerk) attendances and travelling time [10]

Briefly summarise the nature and number of attendances

- (i) *For the period..... and (if applicable)*
- (ii) *For the period.....*

## 9. Junior clerk's attendances [7]

Briefly summarise the nature and number of attendances

- (i) *For the period..... and  
(if applicable)*
- (ii) *For the period.....*

## 10. Telephone attendances (solicitor) [12]

Specify number of calls by reference to 6 minute intervals (= 1 unit)

e.g. 15 x 1 unit  
10 x 2 units etc.

- (i) *For the period..... and  
(where applicable)*
- (ii) *For the period.....*

## 11. Telephone attendances (clerk) [13]

Specify number of calls by Reference to 6 minute intervals (= 1 unit)

e.g. 15 x 1 unit  
10 x 2 units etc.

- (i) *For the period..... and  
(where applicable)*
- (ii) *For the period.....*

## 12. Attendances re affidavits or statements of fact [14]

Specify number of attendances

- (i) *For the period..... and  
(if applicable)*
- (ii) *For the period.....*

## 13. Letters [15]

Specify (e.g. the 8 x 1 page, 10 x 2 pages etc.)

- (i) *For the period..... and  
(if applicable)*
- (ii) *For the period.....*

## 14. Facsimile transmissions [16]

Specify number and length of transmissions:

e.g. 8 x 1 page,  
10 x 2 pages etc.

- (i) *For the period..... and  
(if applicable)*
- (ii) *For the period.....*

## 15. Payment of accounts [17]

Specify number of accounts paid

- (i) *For the period..... and  
(if applicable)*
- (ii) *For the period.....*

## 16. Registration of judgment [18]

Briefly summarise work done

## 17. Copy documents [19]

Specify number of A4 pages and divide into costs periods where necessary

## 18. Briefs and Appeal Books [20]

Specify number of A4 pages and divide into costs periods where necessary

20. Preparation of short form bill of costs [22]  
 Disbursements  
 Specify and attach scanned copy of accounts  
 Counsel fees  
 Attach scanned copy of accounts(s)

---

TOTAL:

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”

“FORM 37

NOTICE OF APPEAL PURSUANT TO SECTION 42 OF MAGISTRATES COURT  
 ACT 1991

R 96C.03 (3)

The [*Party*] appeals to the Supreme Court of South Australia, at its sittings in [*specify month and year*] for hearing appeals under section 42 of the Magistrates Court Act 1991, against the judgment of that Court given on [*date*].

The appeal is against [*specify whether against conviction, penalty, or both. If penalty was imposed on a date different to the date of conviction, indicate the dates relevant to each*]

[*If applicable:*

The appellant seeks an extension of time within which to appeal, upon the following grounds:

(*Specify grounds*)

The grounds of appeal are:

[*Specify grounds*]

Pursuant to the provisions of Rule 96C.05 of the Supreme Court Rules, the Registrar of the Magistrates Court is requested:

- (1) to advise the Registrar of the Supreme Court of the existence of the appeal and afford that Court access to the electronic file relating to this matter; and
- (2) to forward to the Registrar all hard copy material relevant to the appeal, which is not contained in such electronic file.

[NOTE: *This notice is to be accompanied by Form 1, duly completed.*”]

## "FORM 38

NOTICE OF APPEAL PURSUANT TO SECTION 40 OF MAGISTRATES COURT  
ACT 1991

R 96B.06

The [Party] appeals [*select applicable alternative*] to the Supreme Court of South Australia, at its sittings in [*specify month and year*] for hearing appeals under section 40 of the Magistrates Court Act 1991, against the judgment of that Court given on [*date*].

The appeal is against [*specify whether the appeal is against the whole judgment, or only part of it. In the latter case indicate which portion of the judgment is appealed against.*]

[*If applicable:*

The appellant seeks an extension of time within which to appeal, upon the following grounds:

(*Specify grounds*)

Grounds of appeal are:

[*Specify grounds*]

Pursuant to the provisions of Rule 97.06 of the Supreme Court Rules, the Registrar of the Magistrates Court is requested:

- (1) to advise the Registrar of the Supreme Court of the existence of the appeal and afford that Court access to the electronic file relating to this matter; and
- (2) to forward to the Registrar all hardcopy material relevant to the appeal, which is not contained in such electronic file.

[NOTE: This notice is to be accompanied by Form 1, duly completed.]"

## "FORM 39

## CERTIFICATE OF NON-COMPLIANCE WITH SUBPOENA

R 81.13 (4)

I CERTIFY AS FOLLOWS:

- (1) A subpoena in the form attached hereto was issued by this Court against [*insert name and address of person*].
- (2) Leave was given by a Judge of this Court, on [*date*], to serve the subpoena in New Zealand.
- (3) The said [*insert Name of Person*] failed to comply with the subpoena in that [*insert details of respects in which the person failed to comply with the subpoena*].
- (4) [*If Applicable*] An application to have the subpoena set aside was made and [*insert details of result of the application*].

Dated [*date*]

Registrar of the [*Court*] Court of South Australia.

[NOTE: the certificate is to be authenticated by a computer-generated logo and the signature of the Registrar]"



## "FORM 40

## CERTIFICATE OF READINESS FOR TRIAL

R 74A.04

[To be filed by the file principal for one of the parties]

IT IS CERTIFIED, by [name], the file principal for the [Party], on due enquiry having been made of all other parties to the proceedings, that:

1. All pleadings are closed and no party has any intention of filing any further pleading or seeking any amendment of any pleading.
2. All particulars ordered or requested have been given as between all parties and no further particulars are sought.
3. The parties have made discovery of all documents in their possession or power relating to any matter in the issue in the action, and are not aware of any other documents of which discovery should be made.
4. No party has any intention of making any further application for discovery of documents by a stranger to the action, and any such application already made is completed and complied with and no further application in respect thereof will be made.
5. All parties have completed inspection of all documents of which discovery has been made.
6. No party has any intention of interrogating any party, or, if interrogatories have already been delivered, no party has any intention of seeking to deliver any further interrogatories.
7. All interrogatories which have been delivered have been answered and no party has any intention of seeking any further or better answers.
8. All requests to admit facts or documents have been served and responded to and no party has any intention of bringing a further application with respect to the same.
9. Except for any subpoena which, on the advice of counsel, should not have been made returnable before trial, all subpoenas for the production of documents have been issued, served and complied with the satisfaction of the party issuing the same, save for any matter specifically reserved on the return of any such subpoena for the consideration of the trial Judge.
10. Where Rule 55A has been ordered to apply, tender lists have been filed and served by all parties in accordance with that rule.
11. All medical and other expert reports to be used by the parties have been obtained and made available to all parties, save for any such report as may be the subject of an order pursuant to Rule 38.01 (4) that a party be not required to deliver the same to any other party. Such reports, the tender of which can be agreed, have been agreed and no direction is sought or thought to be desirable to limit the number of expert witnesses to be called.
12. Special damages have been agreed in the sum of \$[amount] [or state any other situation].
13. Actuarial Certificates will be tendered by consent.
14. All interlocutory processes are completed and the action is in all respects ready for trial.
15. The estimated length of trial is [period] days.
16. The following Judges may possibly be disqualified from hearing the action:  
[List Names]
17. The provisions of Rule 74A.07 as to copy documents have been complied with.
18. All endeavours to resolve the matter other than by trial have been exhausted without success and the parties and their advisers do not believe that the manner can be resolved other than by proceeding trial."

## "FORM 41

## APPLICATION UNDER SECTION 59ie OF THE EVIDENCE ACT 1929

R115A.02

The [Party] intends to apply to the Court for specific directions that the [specify whether "the hearing of the application for....." or "the trial of this action"] be conducted with the aid of an [specify either "audio" or "audio visual"] link.

The following information is provided in support of the application for directions:

1. It is proposed that such link be utilised in relation to [specify whether "the whole of the proceeding" or "portion only of the proceeding, namely....."].
2. The link is required from [originating City/town] to [receiving City/town].
3. Details of the persons to appear before the Court, or give evidence by the proposed link are as follows:  

[Set out names and roles]
4. The suggested time for the commencement of the link is [time and date].
5. The estimated duration of the link is [period].
6. The application is made [with/without] the consent of all parties to the proceedings.  

[If all parties do not consent indicate who are dissenting parties and the nature of the objection raised by them]
7. [If a hearing date has been fixed, indicate time and place]."

## "FORM 42

## AFFIDAVIT

R 83.01

I [full name, address and occupation of deponent] MAKE OATH AND SAY:

[set out text of affidavit in successive, numbered paragraphs]

Sworn at [place] on [date]

Before me

[Deponent]

[Attesting witness]"

## "FORM 43

## AFFIRMATION

R 83.01

I [*full name, address and occupation of maker*] DO SOLEMNLY AND SINCERELY  
DECLARE AND AFFIRM:

[*set out text of affirmation in successive, numbered paragraphs*]

Declared and affirmed at [*place*]

on [*date*]

Before me

[*Affirmant*]

[*Attesting witness*]"

## "FORM 44

## ELECTRONIC STATEMENT OF FACTS

R 1A.22(2)

I [*full name, address and occupation of maker*] make the statement which follows. I  
declare that such statement is true to the best of my knowledge and belief. I understand  
that, if it contains material which I know to be false or misleading, I may be found guilty  
of contempt of court.

[*Set out text of statement in successive, numbered paragraphs*]

Statement subscribed at [*place*]

on [*date*] in my presence:

[*Maker of statement*]

[*Attesting witness*]"

## "FORM 45

## OTHER DOCUMENTS

[*Any other documents to be filed in an action, for which no specific form is described,  
may utilise this full text form. This form must be accompanied by Form 1, duly  
completed, and its content must comply with the general format and substance  
requirements prescribed by the Rules of Court.*]"

## "FORM 46

## REQUEST FOR ELECTRONIC PROCESSING OF MATTER

Rule 62.08 (1)

[NOTE: The initiating summons, application or notice for specific directions to which this application relates must be filed prior to the filing of this application.]

To the Registrar:

1. The Court is requested to hear and determine the application for [*Description of application*] filed in the above action on ..... 20... (FDN .....) electronically.
2. [*If applicable*] [*name of judicial officer*] is already seised of the proceedings to which this application relates.
3. Other parties entitled to be served or given notice of the application are:

Party

E-mail Address

[*Supply relevant details*]

All such parties are information addressees of this message.

4. The applicant relies on the following documents in support of the application:

Document

Filing Date (if any)

DN

(1)

(2) [*insert relevant details*]

(3)

etc.

6. Minutes of the order proposed [have been/will be] [*select text appropriate to circumstances*] filed separately in Form 47.
7. [*Where applicable*] I certify that all other requisite parties have consented to the order proposed.

*or*

Formal consents by all other requisite parties are separately filed.

8. [*If desired*] Submissions in support of the application are as follows:

[*Set out text of submissions*]"

## "FORM 47

## MINUTES OF ORDER

Rule 62.08

THE COURT ORDERS AS FOLLOWS:

[*Insert text of proposed order in sequentially numbered paragraphs and in double space*]"

84. Amend the Second Schedule by deleting from Items 21 and 22 “or lodged”.

85. (1) These amendments shall not apply to actions under the Corporations Act.

(2) Subject to subparagraph (1), the foregoing amendments shall apply to all actions on and after 1 January 2003 unless the Court otherwise directs.

(3) The repealed Rules 8, 21, 23 and 24 shall continue to apply to summonses issued prior to 1 January 2003, save that if a notice of address for service is filed after 1 January 2003 in any such action under the new Rule 21 it will be deemed to be an appearance.

(4) Where any interlocutory step in any action pending at 1 January 2003 has been completed by 1 January 2003 it shall not be necessary to comply with these Rules in respect of any equivalent under these Rules of that interlocutory step.

GIVEN under our hands and the Seal of the Supreme Court of South Australia this 2<sup>nd</sup> day of September 2002.

(L.S.)

J. DOYLE, CJ  
G. C. PRIOR, J  
J. W. PERRY, J  
E. P. MULLIGHAN, J  
B. M. DEBELLE, J  
B. T. LANDER, J  
H. C. WILLIAMS, J  
D. J. BLEBY, J  
D. F. WICKS, J  
BRIAN MARTIN, J  
T. A. GRAY, J  
A. BESANKO, J

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## REGULATIONS UNDER THE WORKERS REHABILITATION AND COMPENSATION ACT 1986

No. 183 of 2002

*At the Executive Council Office at Adelaide, 26 September 2002*

PURSUANT to the *Workers Rehabilitation and Compensation Act 1986* and with the advice and consent of the Executive Council, I make the following regulations.

MARJORIE JACKSON-NELSON, Governor

PURSUANT to section 10AA(2) of the *Subordinate Legislation Act 1978*, I certify that, in my opinion, it is necessary or appropriate that the following regulations come into operation as set out below.

M. WRIGHT, Minister for Industrial Relations

### SUMMARY OF PROVISIONS

1. Citation
2. Commencement
3. Variation of reg. 5—Legislative definitions

#### Citation

1. The *Workers Rehabilitation and Compensation (Claims and Registration) Regulations 1999* (see *Gazette* 25 November 1999 p. 2764), as varied, are referred to in these regulations as "the principal regulations".

#### Commencement

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

#### Variation of reg. 5—Legislative definitions

3. Regulation 5 of the principal regulations is varied by striking out subregulation (8) and substituting the following subregulation:

(8) For the purposes of the definition of "**local government corporation**" in section 3(1) of the Act, the following bodies are prescribed as being within this definition:

- (a) committees of a council under the *Local Government Act 1999*;
- (b) subsidiaries of a council (or councils) established under the *Local Government Act 1999*;
- (c) control boards established under the *Animal and Plant Control (Agricultural and Other Purposes) Act 1986*;
- (d) the Local Government Finance Authority of South Australia established under the *Local Government Finance Authority Act 1983*;
- (e) the Local Government Superannuation Board continued under the *Local Government Act 1999*;
- (f) Local Government Training Authority (S.A.) Incorporated;

(g) Council Purchasing Authority Pty. Limited;

(h) Maxima Training Group Inc.

02WCK001CS

R. DENNIS, Clerk of the Council

## REGULATIONS UNDER THE WORKERS REHABILITATION AND COMPENSATION ACT 1986

No. 184 of 2002

*At the Executive Council Office at Adelaide, 26 September 2002*

PURSUANT to the *Workers Rehabilitation and Compensation Act 1986* and with the advice and consent of the Executive Council, I make the following regulations.

MARJORIE JACKSON-NELSON, Governor

PURSUANT to section 10AA(2) of the *Subordinate Legislation Act 1978*, I certify that, in my opinion, it is necessary or appropriate that the following regulations come into operation as set out below.

M. WRIGHT, Minister for Industrial Relations

### SUMMARY OF PROVISIONS

1. Citation
2. Commencement
3. Substitution of Scheds. 1 and 1A

#### SCHEDULE 1

*Scale of Charges—Private Hospitals—Services Other than Psychiatric Services*

#### SCHEDULE 1A

*Scale of Charges—Psychiatric Services—Private Hospitals*

#### Citation

1. The *Workers Rehabilitation and Compensation (Scales of Medical and Other Charges) Regulations 1995* (see *Gazette* 16 November 1995 p. 1370), as varied, are referred to in these regulations as "the principal regulations".

#### Commencement

2. These regulations will come into operation on 1 October 2002.

#### Substitution of Scheds. 1 and 1A

3. Schedules 1 and 1A of the principal regulations are revoked and the following Schedules are substituted:



**SCHEDULE 1***Scale of Charges—Private Hospitals—Services Other than Psychiatric Services*

<b>Item No</b>	<b>Service Description</b>		<b>Charge</b>
<b>Accommodation-Group A</b>			
<b>Advanced Surgical-Shared Room-Group A</b>			
PR100	1 or more days but not more than 7 days	- per day	\$463
PR105	8 or more days but not more than 14 days	- per day	\$398
PR110	15 or more days	- per day	\$273
<b>Surgical-Shared Room-Group A</b>			
PR120	1 or more days but not more than 7 days	- per day	\$395
PR125	8 or more days but not more than 14 days	- per day	\$340
PR130	15 or more days	- per day	\$230
<b>Medical-Shared-Group A</b>			
PR180	1 or more days but not more than 7 days	- per day	\$387
PR185	8 or more days but not more than 14 days	- per day	\$341
PR190	15 or more days	- per day	\$231
<b>Accommodation-Group B</b>			
<b>Advanced Surgical-Shared Room-Group B</b>			
PR200	1 or more days but not more than 7 days	- per day	\$402
PR205	8 or more days but not more than 14 days	- per day	\$363
PR210	15 or more days	- per day	\$275
<b>Surgical-Shared Room-Group B</b>			
PR220	1 or more days but not more than 7 days	- per day	\$373
PR225	8 or more days but not more than 14 days	- per day	\$336
PR230	15 or more days	- per day	\$220

**Medical-Shared Room-Group B**

PR280	1 or more days but not more than 7 days	- per day	\$373
PR285	8 or more days but not more than 14 days	- per day	\$336
PR290	15 or more days	- per day	\$220

**Other Accommodation Charges-Group A**

PR300	High Dependency Unit	- per day	\$633
PR310	Advanced Dependency	- per day	\$795
PR330	Intensive Care - no Ventilator	- per day	\$1410
PR340	Intensive Care - Ventilator	- per day	\$2002
PR400	Private room allocated on the basis of medical need	- per day	\$11

Note: A private room can be allocated on the basis of a medical need determined by the treating/admitting medical practitioner. In such a case, the \$11 per day will be paid for occupancy of the private room. In all other cases, the charge for a private room will be the same as the charge prescribed for a shared room.

**Inpatient Pain Assessment/Management**

PR700	1 or more days but not more than 7 days	- per day	\$362
PR705	8 or more days but not more than 14 days	- per day	\$340
PR710	15 or more days	- per day	\$221

**Hospital Rehabilitation Services****Rehabilitation Orthopaedic Program**

PR600	1 or more days but not more than 21 days	- per day	\$396
PR605	22 or more days	- per day	\$332

Note: Orthopaedic programs include physiotherapy, hydrotherapy, occupational therapy, case conferences and discharge planning.

**Rehabilitation Trauma Program**

PR610	1 or more days but not more than 50 days	- per day	\$492
PR615	51 or more days	- per day	\$444

Note: Trauma programs include physiotherapy, occupational therapy, psychology, hydrotherapy, dietitian, podiatry, case conferences and discharge planning.

**Same Day Services and Charges-Group A and B**

PR410	Band 1, including gastrointestinal endoscopy, some minor surgical and non surgical procedures not normally requiring anaesthetic.	\$193
PR420	Band 2, including procedures other than Band 1 performed under local anaesthetic with no sedation. Theatre time less than 1 hour.	\$285
PR430	Band 3, including procedures other than Band 1 performed under a general or regional anaesthesia or intravenous sedation. Theatre time less than 1 hour.	\$333
PR440	Band 4, including procedures other than Band 1 performed under general or regional anaesthesia or intravenous sedation. Theatre time 1 hour or more.	\$353

**Theatre Fee-Band**

PRT1A	1A	\$85
PRT01	1	\$275
PRT02	2	\$351
PRT03	3	\$488
PRT04	4	\$706
PRT05	5	\$906
PRT06	6	\$1193
PRT07	7	\$1632
PRT08	8	\$1742
PRT9A	9A	\$2026
PRT09	9	\$2324
PRT10	10	\$3042
PRT11	11	\$4317
PRT12	12	\$4635
PRT13	13	\$4383
PRT50	Dental Minor	\$260
PRT55	Dental Major	\$469

Note 1: Services in this section will be determined in accordance with the National Procedure Banding Schedule.

Note 2: Only one theatre fee is payable per session.

**General Notes**

For the purpose of determining fees, hospitals are categorised by WorkCover Corporation into Groups A and B and Rehabilitation. For details of criteria and current hospital listings, contact WorkCover Corporation on 13 18 55.

**SCHEDULE 1A**  
*Scale of Charges—Psychiatric Services—Private Hospitals*

Item No.	Service Description		Charge
<b>Inpatient Services</b>			
PR800	1 or more days but not more than 14 days	- per day	\$421
PR803	15 or more days but not more than 28 days	- per day	\$324
PR813	29 or more days but not more than 42 days	- per day	\$248
PR815	43 or more days	- per day	\$189
PR850	Private room allocated on the basis of medical need	- per day	\$11
<p>Note: A private room can be allocated on the basis of a medical need determined by the treating/admitting medical practitioner. In such a case, the \$11 per day will be paid for occupancy of the private room. In all other cases, the charge for a private room will be the same as the charge prescribed for a shared room.</p>			
<b>Intensive Care Unit</b>			
PR825	Intensive Care-Maximum stay 5 days	- per day	\$691
<b>Same Day Service</b>			
PRO81	Groupwork session		\$54
PRO82	Electro-convulsive therapy (ECT)		\$135
PRO83	Half-day program		\$144
PRO84	Day Program		\$228
PRO86	Day Program and procedure		\$292
PRO87	Marcaïn therapy		\$135
PRO88	Moderate Clinic		\$54
<p>Note: The item numbers for same day services begin with the letters "PRO" (not "PR" followed by a zero.)</p>			

**REGULATIONS UNDER THE LIQUOR LICENSING ACT 1997**

No. 185 of 2002

*At the Executive Council Office at Adelaide, 26 September 2002*

PURSUANT to the *Liquor Licensing Act 1997* and with the advice and consent of the Executive Council, I make the following regulations.

MARJORIE JACKSON-NELSON, Governor

PURSUANT to section 10AA(2) of the *Subordinate Legislation Act 1978*, I certify that, in my opinion, it is necessary or appropriate that the following regulations come into operation as set out below.

M. J. ATKINSON, Minister for Consumer Affairs

**SUMMARY OF PROVISIONS**

1. Citation
2. Commencement
3. Variation of Sched. 1—Long Term Dry Areas

**Citation**

1. The *Liquor Licensing (Dry Areas—Long Term) Regulations 1997* (see *Gazette* 6 November 1997 p. 1217), as varied, are referred to in these regulations as "the principal regulations".

**Commencement**

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

**Variation of Sched. 1—Long Term Dry Areas**

3. Schedule 1 of the principal regulations is varied—

(a) by striking out from paragraph (a) in the column headed "*Period*" in the item headed "**Victor Harbor—Area 1**" "2002" and substituting "2004";

(b) by striking out from paragraph (a) in the column headed "*Period*" in the item headed "**Victor Harbor—Area 2**" "2002" and substituting "2004".

OLGC11/94TC1

R. DENNIS, Clerk of the Council

**REGULATIONS UNDER THE DEVELOPMENT ACT 1993**

No. 186 of 2002

*At the Executive Council Office at Adelaide, 26 September 2002*

PURSUANT to the *DEVELOPMENT ACT 1993* and with the advice and consent of the Executive Council, I make the following regulations.

MARJORIE JACKSON-NELSON, Governor

PURSUANT to section 10AA(2) of the *Subordinate Legislation Act 1978*, I certify that, in my opinion, it is necessary or appropriate that the following regulations come into operation as set out below.

J. WEATHERILL, Minister for Urban Development and Planning

**SUMMARY OF PROVISIONS**

1. Citation
2. Commencement
3. Variation of Sched. 23

**Citation**

1. The *Development Regulations 1993* (see *Gazette* 27 October 1993 p. 1954), as varied, are referred to in these regulations as "the principal regulations".

**Commencement**

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

**Variation of Sched. 23**

3. Schedule 23 of the principal regulations is varied—

(a) by striking out paragraph (e);

(b) by striking out paragraph (l).

CPSA 2002/00026  
PLN/00/0309

R. DENNIS, Clerk of the Council

**REGULATIONS UNDER THE FISHERIES ACT 1982**

No. 187 of 2002

*At the Executive Council Office at Adelaide, 26 September 2002*PURSUANT to the *Fisheries Act 1982* and with the advice and consent of the Executive Council, I make the following regulations.

MARJORIE JACKSON-NELSON, Governor

PURSUANT to section 10AA(2) of the *Subordinate Legislation Act 1978*, I certify that, in my opinion, it is necessary or appropriate that the following regulations come into operation as set out below.

PAUL HOLLOWAY, Minister for Agriculture, Food and Fisheries

**SUMMARY OF PROVISIONS**

1. Citation
2. Commencement
3. Variation of Sched. 1—Fishing activities of a prescribed class for the purposes of s. 41 of the Act

**Citation**

1. The *Fisheries (General) Regulations 2000* (see *Gazette* 31 August 2000 p. 1235), as varied, are referred to in these regulations as "the principal regulations".

**Commencement**

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

**Variation of Sched. 1—Fishing activities of a prescribed class for the purposes of s. 41 of the Act**

3. Schedule 1 of the principal regulations is varied by striking out from clause 103 ", mesh net, gill net, bait net".

MAFF02/0037CS

R. DENNIS, Clerk of the Council

## REGULATIONS UNDER THE ELECTRICITY ACT 1996

No. 188 of 2002

*At the Executive Council Office at Adelaide, 26 September 2002*

PURSUANT to the *Electricity Act 1996* and with the advice and consent of the Executive Council, I make the following regulations.

MARJORIE JACKSON-NELSON, Governor

PURSUANT to section 10AA(2) of the *Subordinate Legislation Act 1978*, I certify that, in my opinion, it is necessary or appropriate that the following regulations come into operation as set out below.

P. CONLON, Minister for Energy

### SUMMARY OF PROVISIONS

1. Citation
2. Commencement
3. Variation of reg. 4—Interpretation
4. Insertion of regs. 4A and 4B
  - 4A. Interpretation—definition of annual electricity consumption level
  - 4B. Interpretation—definition of small customer
5. Variation of reg. 5A—Interpretation—definition of contestable customer
6. Revocation of regs. 5A and 5B
7. Variation of reg. 5C—Functions and powers of Commission
8. Variation of reg. 6—Exemptions from requirement to be licensed
9. Variation of reg. 7—Licence fees and returns
10. Variation of reg. 7A—Consideration of application for licence
11. Insertion of reg. 7AB
  - 7AB. Prescribed class of customers for purposes of section 24(2)(b) of Act
12. Insertion of Parts 2B and 2C

#### PART 2B

#### STANDARD TERMS AND CONDITIONS FOR SALE OR SUPPLY

- 7C. Prescribed classes of customers

#### PART 2C

#### SPECIAL PROVISIONS RELATING TO SMALL CUSTOMERS

- 7D. Interpretation
- 7E. Exemption from standing contract condition
- 7F. Provisions relating to default contracts

### Citation

1. The *Electricity (General) Regulations 1997* (see *Gazette* 26 June 1997 p. 3144), as varied, are referred to in these regulations as "the principal regulations".

### Commencement

2. (1) These regulations, other than a provision referred to in subregulation (2), come into operation on the day on which they are made.



(2) The following provisions will come into operation on 1 January 2003:

- regulation 3(b)
- regulation 6
- regulation 8(a), (e), (f), and (g)
- regulation 11
- regulation 12.

#### **Variation of reg. 4—Interpretation**

3. Regulation 4 of the principal regulations is varied—

(a) by inserting after the definition of "**other cable system**" in subregulation (1) the following definition:

**"retail contract"** means a contract between an electricity entity and a customer for the sale and purchase of electricity;;

(b) by striking out subregulation (1a).

#### **Insertion of regs. 4A and 4B**

4. The following regulations are inserted after regulation 4 of the principal regulations:

##### **Interpretation—definition of annual electricity consumption level**

4A. (1) For the purposes of the definition of "**annual electricity consumption level**" in section 4 of the Act, the following provisions apply to the determination of a customer's annual electricity consumption level:

- (a) the customer's annual electricity consumption level is to be determined for each metered connection point through which the customer has or seeks electricity supply under a retail contract;
- (b) if the customer has been entitled under a retail contract to electricity supply through the connection point for the 12 months immediately preceding the relevant day, the customer's annual electricity consumption level for the connection point is—
  - (i) the actual volume of the electricity supply, expressed in MW.h, through the connection point for that 12 months period as measured by the meter at the connection point; or
  - (ii) if the measurement of the volume of electricity by the meter has been significantly affected by inaccuracies during that 12 months period—the estimated volume of the electricity supply, expressed in MW.h, through the connection point for the 12 months immediately following the relevant day;
- (c) if the customer has not been entitled under a retail contract to electricity supply through the connection point for the 12 months immediately preceding the relevant day, the customer's annual electricity consumption level for the connection point is the estimated volume of the electricity supply, expressed in MW.h, through the connection point for the 12 months immediately following the relevant day;

- (d) an estimate is to be made for the purposes of paragraph (b) or (c) taking into account relevant past electricity consumption levels, the electricity consumption level of plant and equipment to be powered through the connection point, the operations for which electricity is required to be supplied through the connection point and other relevant factors;
- (e) the determination of the actual or estimated volume of electricity supply through the connection point may be by agreement between the customer and the electricity entity or, failing such agreement, will be a matter for the decision of the Commission on application to the Commission by the customer or the entity;
- (f) a determination under this regulation of the customer's annual electricity consumption level for the connection point continues in operation from the relevant day until—
  - (i) the customer ceases to be entitled to electricity supply through the connection point under a retail contract with the electricity entity; or
  - (ii) a subsequent determination is made under this regulation of the customer's annual electricity consumption level for the connection point,whichever first occurs;
- (g) at least 12 months must elapse from the relevant day before a subsequent determination is made under this regulation of the customer's annual electricity consumption level for the connection point.

(2) In this regulation—

"**the relevant day**", in relation to the determination of the customer's annual electricity consumption level for the connection point, means—

- (a) the day on which the determination is made; or
- (b) if some earlier or later day is agreed to by the customer and the electricity entity, or is decided on by the Commission, as the relevant day for the purposes of the determination—that day.

**Interpretation—definition of small customer**

**4B.** For the purposes of the definition of "**small customer**" in section 4 of the Act, each customer whose annual electricity consumption level for a connection point is less than 160MW.h is classified as a small customer in relation to electricity supply to the customer through the connection point.

**Variation of reg. 5A—Interpretation—definition of contestable customer**

**5.** Regulation 5A of the principal regulations is varied by striking out "Industry Regulator" wherever occurring and substituting, in each case, "Commission".

**Revocation of regs. 5A and 5B**

**6.** Regulations 5A and 5B of the principal Act are revoked.

**Variation of reg. 5C—Functions and powers of Commission**

7. Regulation 5C of the principal regulations is varied—

- (a) by striking out "Industry Regulator" wherever occurring and substituting, in each case, "Commission";
- (b) by striking out from subregulation (1) "Industry Regulator's" and substituting "Commission's";
- (c) by striking out from subregulation (1) "*Independent Industry Regulator Act 1999*" and substituting "*Essential Services Commission Act 2002*".

**Variation of reg. 6—Exemptions from requirement to be licensed**

8. Regulation 6 of the principal regulations is varied—

- (a) by striking out paragraphs (a), (b), (c) and (d) of subregulation (3);
- (b) by striking out "Industry Regulator" wherever occurring and substituting, in each case, "Commission";
- (c) by striking out from subregulation (4) "Regulator" and substituting "Commission";
- (d) by striking out from subregulation (5) "*Independent Industry Regulator Act 1999*" and substituting "*Essential Services Commission Act 2002*";
- (e) by striking out subregulation (7);
- (f) by striking out from subregulation (9) the definitions of "**contestability transition period**", "**franchise retailer**" and "**franchise terms and conditions**";
- (g) by striking out paragraph (b) of the definition of "**transitional inset customer**" in subregulation (9).

**Variation of reg. 7—Licence fees and returns**

9. Regulation 7 of the principal regulations is varied by striking out from subregulation (4)(b) "*Electrical Products Act 1988*" and substituting "*Electrical Products Act 2000*".

**Variation of reg. 7A—Consideration of application for licence**

10. Regulation 7A of the principal regulations is varied by striking out "Industry Regulator" and substituting "Commission".

**Insertion of reg. 7AB**

11. The following regulation is inserted after regulation 7A of the principal regulations:

**Prescribed class of customers for purposes of section 24(2)(b) of Act**

**7AB.** For the purposes of section 24(2)(b) of the Act, each small customer is a customer of a prescribed class.

**Insertion of Parts 2B and 2C**

12. The following Parts are inserted after Part 2A of the principal regulations:

**PART 2B  
STANDARD TERMS AND CONDITIONS FOR SALE OR SUPPLY**

**Prescribed classes of customers**

7C. For the purposes of sections 23(1)(n)(iv) and 36(1) of the Act—

- (a) each customer whose annual electricity consumption level for a metered connection point equals or exceeds 160 MW.h is a customer of a prescribed class in relation to electricity supply to the customer through the connection point;
- (b) each customer whose annual electricity consumption level for a metered connection point equals or exceeds 30MW.h but is less than 160MW.h is a customer of a prescribed class in relation to electricity supply to the customer through the connection point;
- (c) each customer whose annual electricity consumption level for a metered connection point is less than 30MW.h is a customer of a prescribed class in relation to electricity supply to the customer through the connection point;
- (d) each customer to whom electricity must be supplied under a retailer of last resort requirement (*see* section 23(1)(n)(ix)) is a customer of a prescribed class in relation to electricity supply to the customer in accordance with the requirement.

**PART 2C  
SPECIAL PROVISIONS RELATING TO SMALL CUSTOMERS**

**Interpretation**

7D. In this Part—

"**business day**" means a day other than a Saturday or a Sunday or other public holiday;

"**default contract**" means a retail contract under which an electricity entity to which section 36AB of the Act applies sells electricity at the entity's default contract price and subject to the entity's default contract terms and conditions;

"**default contract price**" and "**default contract terms and conditions**" have the same respective meanings as in section 36AB of the Act;

"**excluded area**" means an area—

- (a) that is not served by the same continuous network for the transmission and distribution of electricity that serves Adelaide; or
- (b) that is for the time being determined by the Minister to be an excluded area;

"**market contract**" means a retail contract other than a standing contract or default contract;

"**standing contract**" means a retail contract under which an electricity entity to which section 36AA of the Act applies sells electricity at the entity's standing contract price and subject to the entity's standing contract terms and conditions;

"standing contract price" and "standing contract terms and conditions" have the same respective meanings as in section 36AA of the Act.

**Exemption from standing contract condition**

**7E.** An electricity entity to which section 36AA of the Act applies is exempt from the application of subsection (2) of that section in relation to the sale of electricity to be supplied through a particular connection point if—

- (a) the connection point is situated within an excluded area; or
- (b) the customer is bound to receive electricity supply through the connection point under a market contract.

**Provisions relating to default contracts**

**7F.** (1) If a person receives electricity supply through a connection point otherwise than under a retail contract—

- (a) that person; and
- (b) the electricity entity that was last a party to a retail contract in relation to that connection point,

become parties to a default contract in relation to that connection point for the purposes of section 36AB(2) of the Act.

(2) Subregulation (1) does not apply in relation to a connection point situated within an excluded area.

(3) The default contract continues until—

- (a) the customer becomes a party to a market contract or standing contract (whether with the same entity or some other electricity entity) in relation to the connection point; or
- (b) some other person becomes a party to a retail contract in relation to the connection point.

(4) On the electricity entity becoming aware that it has become a party to the default contract, the entity must, within 5 business days, give the customer a written notice setting out the terms and conditions of the default contract and describing, in general terms, the other contractual options that may be available to the customer for the purchase of electricity.

(5) The electricity entity must, in giving notice under subregulation (4), comply with any requirements imposed by a code made by the Commission under the *Essential Services Commission Act 2002*, relating to the contents of the notice or the manner in which the notice is to be given.

(6) For the purposes of the definition of "**default contract price**" in section 36AB(3) of the Act, the prescribed period is—

- (a) before 1 January 2003—90 days;
- (b) on or after 1 January 2003—28 days.

MEN 02/009 CS

R. DENNIS, Clerk of the Council

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## CITY OF BURNSIDE

*Appointment*

NOTICE is hereby given that the City of Burnside has appointed John Francis Hanlon as Chief Executive Officer, effective from 25 September 2002, *vice* R. W. S. Donne, resigned.

P. DINNING, Acting Chief Executive Officer

## RURAL CITY OF MURRAY BRIDGE

*Supplementary Election for Councillor in Monarto Ward*

NOMINATIONS are hereby invited and will be received at Rural City of Murray Bridge located at 2 Seventh Street, Murray Bridge, from 26 September 2002 until 12 noon Thursday, 17 October 2002, from any person eligible to be a candidate for election to the vacancy.

Nomination forms and candidate's handbooks are available from 2 Seventh Street, Murray Bridge.

A candidate must submit a profile of not more than 150 words with the nomination form.

A candidate photograph of predominantly the head and shoulders, taken within the preceding 12 months, may also be submitted.

A briefing session for prospective candidates will be conducted at 7 p.m. on Wednesday, 2 October at 2 Seventh Street, Murray Bridge.

If more than the required number of nominations are received for the vacancy, an election will be conducted entirely by postal ballot with the return of the completed ballot papers to reach the Deputy Returning Officer no later than 12 noon on Monday, 18 November 2002.

STEVE TULLY, Returning Officer

## CITY OF PLAYFORD

## DEVELOPMENT ACT 1993

*Playford (City) Development Plan—Elizabeth Regional Centre Plan Amendment Report—Draft for Public Consultation*

NOTICE is hereby given that the City of Playford has prepared a draft Plan Amendment Report to amend the Playford (City) Development Plan.

The draft Plan Amendment Report will amend the Playford (City) Development Plan by implementing the relevant section of the Elizabeth Regional Centre Revitalisation Strategy. In particular, the PAR proposes to introduce:

- Elizabeth Service Centre, 1 Prince Charles Walk, Elizabeth;
- Smithfield Service Centre, Warooka Drive, Smithfield;
- Elizabeth Library, 3 Windsor Square, Elizabeth;
- Smithfield Library, Warooka Drive, Smithfield.

A copy of the draft Plan Amendment Report can be purchased from the Elizabeth and Smithfield Service Centres at \$5.50 each or viewed on the council's website on [www.playford.sa.gov.au](http://www.playford.sa.gov.au).

Written submissions regarding the draft amendment will be accepted by the City of Playford until 5 p.m. on Thursday, 28 November 2002. The written submissions should also clearly indicate whether you wish to speak at the public hearing on your submission. All submissions should be addressed to the Group Manager City Development of the City of Playford, Warooka Drive, Smithfield, S.A. 5114.

Copies of all submissions received will be available for inspection by interested persons at the Smithfield Service Centre, Warooka Drive, Smithfield from 29 November 2002 until the date of the public hearing.

A public hearing will be held at 7 p.m. at the Brin Whiting Lounge at Elizabeth on Wednesday, 11 December 2002. The public hearing may not be held if no submission indicates an interest in speaking at the public hearing.

Dated 26 September 2002.

T. JACKSON, Chief Executive Officer

## CITY OF PORT AUGUSTA

*Establishment of a Carparking Fund**Preamble*

1. Section 50A (1) of the Development Act 1993 provides that a council may, with the approval of the Minister for Urban Development and Planning, establish a carparking fund for an area designated by the council.

2. At its meeting held on 27 August 2001, the council adopted a Rule (RULA0063) for a carparking fund and decided to seek the approval of the Minister for Transport and Urban Planning for the establishment and approval of the carparking fund. The Minister approved the establishment of the carparking fund by letter dated 20 August 2002 (098438).

3. The establishment of a fund will be effected by notice in the *Government Gazette* (section 50A (2)). Also, a determination of a council for the purposes of calculating amounts to be paid into a carparking fund, has effect when published in the *Gazette* (section 50A (6) (a)).

## NOTICE

PURSUANT to the provisions of section 50A (1) of the Development Act 1993, the Corporation of the City of Port Augusta hereby gives notice of the establishment of a carparking fund.

*Name of Carparking Fund*

City of Port Augusta Carparking Fund.

*Description of the designated area*

The carparking fund will apply to the District Centre Zone (Maps PtAu14 and PtAu15) in the City of Port Augusta Development Plan.

*Description of carparks to be funded*

Generally in accordance with the 'preferred carparking sites' outlined in the Carparking Fund Rules (RULA0063) but highlighting the foreshore area and south of Flinders Terrace, Port Augusta.

*Contribution rate*

\$2 450 per carparking site (REPA3065) of 15 August 2001.

*Date of Operation*

26 September 2002.

J. G. STEPHENS, City Manager

## CITY OF VICTOR HARBOR

## ROADS (OPENING AND CLOSING) ACT 1991

*Public Road, McCracken*

PURSUANT to section 10 of the Roads (Opening and Closing) Act 1991, the City of Victor Harbor hereby gives notice of its intent to make a Road Process Order to close portion of the public road adjoining Piece 212 in Deposited Plan 58490, Hundred of Goolwa, lettered 'A' in Preliminary Plan 02/0082. The closed road is to be transferred to Lakeview Developments Pty Ltd and merged with Allotment comprising Pieces 211 and 212 in Deposited Plan 58490.

A copy of the Preliminary Plan and Statement of persons affected are available for public inspection at the Council Office, 1 Bay Road, Victor Harbor or the Adelaide office of the Surveyor-General during normal office hours.

Any application for easement or objection must set out the full name, address and details of the submission and must be fully supported by reasons.

The application for easement or objection must be made in writing to the Council, P.O. Box 11, Victor Harbor, S.A. 5211 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.

G. MAXWELL, City Manager



## CITY OF VICTOR HARBOR

## ROADS (OPENING AND CLOSING) ACT 1991

*Public Road, Hindmarsh Tiers*

PURSUANT to section 10 of the Roads (Opening and Closing) Act 1991, the City of Victor Harbor hereby gives notice of its intention to implement a Road Process Order to close in the Hundred of Encounter Bay, portion of public road which divides pieces 1\* and 2\* in Deposited Plan 26581 more particularly delineated and lettered 'A' on Preliminary Plan No. PP02/0051. The closed road is to be transferred to Hindmarsh Valley Enterprises Pty Ltd (ACN 008 168 527) and merged with pieces 1\* and 2\* in Deposited Plan 26581 (CT 5285-239) to form a single allotment.

A statement of persons affected by the process together with a copy of the preliminary plan is available for public inspection at the offices of the City of Victor Harbor, Bay Road, Victor Harbor and the Adelaide offices of the Surveyor-General during normal office hours.

Any person who may wish to object to the proposed road process, or any person who may wish to apply for an easement to be granted in that person's favour over the land subject to the proposed closure must lodge with the said council a notice of objection or an application for easement within 28 days of the date of the publication of this notice.

All objections shall be in writing stating the objector's full name and address and reasons for the objection and whether the objector wishes to appear in person or be represented at a meeting convened by the council for the determination of objections.

Any application for easement shall be in writing stating the applicant's full name and address, the reasons for the application for the grant of easement, full details of the nature and location of the easement applied for and whether the easement will be in favour of adjoining or nearby land, and if so, specifying the land to which the easement will be annexed.

Where a submission is made the council will give notification of a meeting at which the matter will be considered so that the person making the submission or their representative may attend if desired.

A copy of any notice or application shall, at the same time it is lodged with the City of Victor Harbor be forwarded to the Adelaide office of the Surveyor-General.

Dated 16 September 2002.

G. MAXWELL, Chief Executive Officer

## CITY OF VICTOR HARBOR

*Exclusion of Land from Classification as Community Land*

NOTICE is hereby given that pursuant to section 193 of the Local Government Act 1999, the council resolved at its meeting held on 23 September 2002, that the land described in the schedule below be excluded from classification as community land.

## THE SCHEDULE

Title	Parcel	Plan	Street	Description
CT 5660/307			Coral Street	Public Library
CT 5728/460	568	F165817		
CT 5679/918	569	F165818	Coral Street	Town Hall
CT 5425/575	567	F165816	Coral Street	Town Hall
	164	Hundred of Waitpinga	Off Jagger Road	Victor Harbor Refuse And Recycling Depot
CT 5563/831	63	D48791	Oval Park Road	Recreation Centre
CT 5799/781	173	F166232	1/11 Seymour Lane	Community Housing/Encounter FM
			2/11 Seymour Lane	Community Radio
			18 Seaview Road	
CT 5430/671	15	D6204	12 Richardson Road	Community Housing
CT 5587/502	100	D48141	Victoria Street	Caravan Park

Title	Parcel	Plan	Street	Description
CT 5297/742	2	F161439	9-11 Inman Street	Caravan Park
CT 5341/618	92	FP166402	5-7 Inman Street	Caravan Park Residence
CT 5317/195	1	D44034	112 Victoria Street	Caravan Park Car Park
CT 5317/196	2	D44034	13 Inman Street	Caravan Park Car Park
CT 5434/741	798	Hundred of Encounter Bay	Eyre Terrace	Eyre Terrace Car Park
CT 5604/607	70	DP 50442	Stuart Street	Stuart Lovell Car Park
CT 5311/901	108 & 109	F166415	16-26 McKinlay Street	McKinlay Street Park
CT 5347/324	38	D99	McKinlay Street	
CT 5367/550	571	F165820	Street	

G. MAXWELL, City Manager

## THE BERRI BARMERA COUNCIL

## ROADS (OPENING AND CLOSING) ACT 1991

*Walsh Road, Glossop*

NOTICE is hereby given pursuant to section 10 of the Act, that the Berri Barmera Council proposes to make a Road Process Order to close, sell and transfer to Daryl Graham and Lyn-Marie Wutke the portion of Walsh Road adjoining section 467, Cobdogla Irrigation Area, shown marked 'A' on Preliminary Plan No. 02/0068.

A copy of the plan and statement of persons affected are available for public inspection at Council's Office, 19 Wilson Street, Berri and the office of the Surveyor-General, 101 Grenfell Street, Adelaide during normal office hours.

Any application for easement or objections must be made in writing within 28 days from 27 September 2002, to the Council, P.O. Box 229, Berri, S.A. 5343 and the Surveyor-General, G.P.O. Box 1354, Adelaide, S.A. 5001, setting out full details. Where a submission is made, council will give notification of a meeting to deal with the matter.

Dated 26 September 2002.

M. J. HURLEY, Chief Executive Officer

## DISTRICT COUNCIL OF CEDUNA

*Appointment*

NOTICE is hereby given that the District Council of Ceduna, at its meeting held on 12 September 2002, appointed David Michael Thompson as an Authorised Officer, pursuant to section 7 of the Public and Environmental Health Act 1987 and section 8 of the Food Act 1985.

A. J. IRVINE, Chief Executive Officer

## DISTRICT COUNCIL OF FRANKLIN HARBOUR

*Area Councillor Vacancy*

NOTICE is hereby given in accordance with section 54 (6) of the Local Government Act 1999, that a vacancy of Area Councillor has occurred due to the passing of Mr B. D. Burton, to take effect from Sunday, 15 September 2002.

B. A. FRANCIS, District Clerk

## DISTRICT COUNCIL OF FRANKLIN HARBOUR

*Close of Roll for Supplementary Election*

NOTICE is hereby given that due to the passing of a member of the council, a supplementary election will be necessary to fill the vacancy of Area Councillor for the District Council of Franklin Harbour.

The voters roll to conduct this supplementary election will close at 5 p.m. on Monday, 30 September 2002.

Nominations to fill the vacancy will open on Thursday, 24 October 2002 and will be received up until 12 noon on Thursday, 14 November 2002.

The election will be conducted entirely by post with the return of ballot material to reach the Returning Officer no later than 12 noon on Monday, 16 December 2002.

STEVE TULLY, Returning Officer

#### KINGSTON DISTRICT COUNCIL

##### *Appointment*

NOTICE is hereby given that pursuant to section 102 of the Local Government Act 1999, Geoff Alexander, Manager of Environmental and Inspectorial Services be appointed Acting Chief Executive Officer for the period from Monday, 30 September 2002 to Friday, 11 October 2002, being a two week period, *vide* Chief Executive Officer on annual leave.

S. RUFUS, Chief Executive Officer

#### SOUTHERN MALLEE DISTRICT COUNCIL

##### *Periodical Review*

NOTICE is hereby given that the Southern Mallee District Council has reviewed its elector representation arrangements in accordance with the provisions of section 12 of the Local Government Act 1999.

Pursuant to section 12 (13) (a) of the Local Government Act 1999, the Electoral Commissioner has certified that the Periodical Review has complied with the requirements of section 12 of the said Act. The revised representation arrangements take effect as from the day of the first general election held after the expiration of five months from the publication of this notice.

The revised representation arrangements are as follows:

- Councillors reduced from 10 to 9.
- Ward numbers reduced from 5 to 4.  
(Kelly, Scales and Gray Ward boundaries to be amended to provide for two wards Kelly/Scales and Gray).

Dated 19 September 2002.

P. WOOD, Chief Executive Officer

#### DISTRICT COUNCIL OF STREAKY BAY

##### BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

##### *By-law No. 1—Permits and Penalties*

TO provide for a permit system and continuing penalties in council by-laws, to clarify the construction of such by-laws, and to repeal by-laws.

A. All previous by-laws made or adopted by the council, prior to the date this by-law is made, are hereby repealed, effective from the day on which this by-law comes into operation.

##### *Permits*

1. (1) In any by-law of the council, unless the contrary intention is clearly indicated, the word 'permission' means the permission of the council given in writing.

(2) The council may attach such conditions to a grant of permission as it thinks fit, and may vary or revoke such conditions or impose new conditions by notice in writing to the permit holder.

(3) Any permit holder shall comply with every such condition.

(4) The council may revoke such grant of permission at any time by notice in writing to the permit holder.

##### *Offences and Penalties*

2. (1) Any person who commits a breach of any by-law of the council shall be guilty of an offence and shall be liable to a maximum penalty being the maximum penalty referred to in the Local Government Act 1999, that may be fixed by by-law for any breach of a by-law.

(2) Any person who commits a breach of any by-law of the council of a continuing nature shall be guilty of an offence and, in addition to any other penalty that may be imposed, shall be liable to a further penalty for every day on which the offence is continued, such penalty being the maximum amount referred to in the Local Government Act 1934 and/or the Local Government Act 1999, which may be prescribed by by-law for offences of a continuing nature.

##### *Construction*

3. Every by-law of the council shall be subject to any Act of Parliament and Regulations made thereunder.

The foregoing by-law was duly made and passed at a meeting of the District Council of Streaky Bay held on 18 September 2002, by an absolute majority of the members for the time being constituting the council, there being at least two-thirds of the members present.

D. LANE, Chief Executive Officer

#### DISTRICT COUNCIL OF STREAKY BAY

##### BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

##### *By-law No. 2—Moveable Signs*

TO set standards for moveable signs on streets and roads and to provide conditions for and the placement of such signs.

##### *Definitions*

1. In this by-law:

- (1) 'footpath area' means that part of a street or road between the property boundary of the street or road and the edge of the carriageway on the same side as that boundary; and
- (2) 'moveable sign' has the same meaning as in the Local Government Act 1999.

##### *Construction*

2. A moveable sign displayed on a public street or road shall:

- (1) be of a kind known as an 'A' Frame or Sandwich Board sign, an 'inverted "T"' sign, or a flat sign;
- (2) be well constructed and maintained in good condition so as not to present a hazard to any member of the public;
- (3) be of strong construction so as to be stable when in position and to be able to keep its position in adverse weather conditions with no sharp or jagged edges or corners;
- (4) not be unsightly or offensive in appearance or content;
- (5) not contain flashing parts;
- (6) be constructed of timber, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- (7) not exceed 900 mm in perpendicular height, or have a base with any side exceeding 600 mm in length;
- (8) not have a display area exceeding one square metre in total or, if the sign is two-sided, one square metre on each side;
- (9) be stable when in position;
- (10) in the case of an 'A' Frame or Sandwich Board sign:
  - (a) be hinged or joined at the top;
  - (b) be of such construction that its sides shall be securely fixed or locked in position when erected;
- (11) in the case of an 'inverted "T"' sign, contain no struts or supports that run between the display area and the base of the sign.

##### *Position*

3. (1) A moveable sign shall only be positioned on a public street or road on the footpath area subject to the following conditions. Where there is no kerb to define the footpath, a set back of 400 mm from the edge of the carriageway is required;

(2) in the case of a flat sign, must be in line with and against the property boundary of the street or road;

(3) must be no less than 2 m between the sign and any structure, fixed object, tree, bush or plant (including another moveable sign);

(4) must not be placed on a sealed part of any footpath area, unless the sealed part is wide enough to contain the sign and still leave a clear thoroughfare at least 1.2 m wide;

(5) not within one metre of the corner of a street or road;

(6) must be adjacent to the premises of the business to which it relates.

#### *Restrictions*

4. A moveable sign shall:

- (1) display material which advertises a business being conducted on commercial premises adjacent to the sign, or the products available from that business;
- (2) be limited to one per business premises;
- (3) only be displayed when the business is open;
- (4) be securely fixed in position such that it cannot be blown over or swept away;
- (5) not be in such a position or in such circumstances that the safety of any user of the street or road is at risk;
- (6) not be displayed during the hours of darkness unless it is clearly visible;
- (7) not to be displayed on a medium strip, traffic island or on a carriage way of a street or road.

#### *Exceptions*

5. (1) Paragraph 3 (5) and paragraph 4 (1) do not apply to a moveable sign which is used:

- (a) to advertise a garage sale taking place from residential premises;
- (b) as a directional sign to an event run by an incorporated association or a charitable body;
- (c) with permission.

(2) Paragraphs 4.1 and 4.2 do not apply to a flat sign, the message of which only contains newspaper headlines and the name of a newspaper.

#### *Application*

6. This by-law does not apply if:

- (1) the moveable sign is placed there pursuant to an authorisation under another Act; or
- (2) the moveable sign is designed to direct people to the open inspection of any land or building that is available for purchase or lease; or
- (3) the moveable sign is related to a State or Commonwealth election and is displayed during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day.

#### *Construction*

This by-law is subject to any Act of Parliament and Regulations made thereunder.

The foregoing by-law was duly made and passed at a meeting of the District Council of Streaky Bay held on 18 September 2002, by an absolute majority of the members for the time being constituting the council, there being at least two-thirds of the members present.

D. LANE, Chief Executive Officer

## DISTRICT COUNCIL OF STREAKY BAY

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

### *By-law No. 3—Roads*

FOR the management of roads vested in or under the control of the council.

#### *Definitions*

1. In this by-law:

- (1) 'authorised person' means a person appointed an authorised person pursuant to section 260 of the Local Government Act 1999;
- (2) 'electoral matter' has the same meaning as in the Electoral Act 1995, provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
- (3) 'Emergency Vehicle' has the same meaning as in the Australian Road Rules 1999 and the Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999;
- (4) 'road' has the same meaning as in the Local Government Act 1999.

#### *Activities Requiring Permission*

2. No person shall without permission on any road:

##### *Repairs to Vehicles*

- (1) perform the work of repairing, washing, painting, panel-beating or other work of any nature on or to any vehicle, provided that this paragraph shall not extend to running repairs in the case of breakdown;

##### *Donations*

- (2) ask for or receive or indicate that he or she desires a donation of money or any other thing;

##### *Preaching*

- (3) preach or harangue;

##### *Amplification*

- (4) use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound or broadcasting announcements or advertisements;

##### *Horses, Cattle, Camel or Sheep*

- (5) ride, lead or drive any horse, cattle, camel or sheep, on any street or road in those areas that the council has designated by resolution;

##### *Camping*

- (6) camp or remain overnight.

#### *Posting of Bills*

3. No person shall, without the council's permission, post any bills, advertisements or other papers or items on a building or structure on a road except for any electoral matter posted on a building or structure with the authority of a candidate during the course of a Federal, State or Local Government election or Referendum.

#### *Public Exhibitions and Displays*

4. No person shall, without the council's permission, allow any public exhibition or display to occur on a road.

#### *Removal of Animals and Persons*

5. (1) If any animal is found on part of a road in breach of a by-law any person in charge of the animal shall forthwith remove it from that part on the request of any authorised person; and

(2) An authorised person may direct any person who is considered to be committing or has committed a breach of this by-law to leave that part of the road. Failure to comply with that direction forthwith is a breach of this by-law.

*Exemptions*

6. The restrictions in this by-law do not apply to any police officer, council officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the council and while acting under the supervision of a council officer, or an emergency worker when driving an emergency vehicle in an emergency situation.

*Construction*

7. This by-law is subject to any Act of Parliament and Regulations made thereunder.

*Applications of Paragraphs*

8. Paragraph 2.5 of this by-law shall apply only in such portion or portions of the area as the council may by resolution direct in accordance with section 246 (3) (e) of the Local Government Act 1999.

The foregoing by-law was duly made and passed at a meeting of the District Council of Streaky Bay held on 18 September 2002, by an absolute majority of the members for the time being constituting the council, there being at least two-thirds of the members present.

D. LANE, Chief Executive Officer

## DISTRICT COUNCIL OF STREAKY BAY

## BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

*By-law No. 4—Local Government Land*

FOR the management of all land vested in or under the control of the council.

*Definitions*

1. In this by-law:

- (1) 'authorised person' means a person appointed an authorised person pursuant to section 260 of the Local Government Act 1999;
- (2) 'electoral matter' has the same meaning as in the Electoral Act 1995, provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
- (3) 'Emergency Vehicle' has the same meaning as in the Australian Road Rules 1999 and the Road Traffic (Road Rules) Ancillary and Miscellaneous Provisions Regulations 1999;
- (4) 'Foreshore' means the area between the Low Water Mark on the seashore and the nearest boundary of:
  - (1) a road;
  - (2) a section;
  - (3) a public reserve; or
  - (4) land comprised in a land grant, Crown Land or Crown Licence;
- (5) 'local government land' means all land vested in or under the control of the council (except streets and roads);
- (6) 'Low Water Mark' means the lowest meteorological tide;
- (7) 'Razorshell' means an elongated marine mollusc of the family Pinnidae;
- (8) 'vehicle' has the same meaning as in the Australian Road Rules 1999.

*Activities Requiring Permission*

2. No person shall without permission on any local government land:

*Vehicles Generally*

- (1) (1) being the driver of a vehicle, fail to obey the indications given by any sign erected by or with the authority of the council, for regulating traffic or indicating the direction or route to be followed by traffic on that land;

- (2) drive or propel a vehicle on any part thereof where the council has excluded vehicles generally (or of that class) pursuant to section 359 of the Local Government Act 1934;

*Vehicles on Foreshore*

- (2) (1) drive or propel a vehicle onto or from the foreshore other than by a ramp or thoroughfare constructed or provided by the council for that purpose;
- (2) allow any vehicle to remain stationary on any boat ramp longer than is necessary to launch or retrieve a boat;
- (3) drive or propel any vehicle on such a ramp or thoroughfare or elsewhere on the foreshore at a speed greater than 25 km per hour;

*Trading*

- (3) (1) carry on the business of selling or offering or exposing for sale any goods, merchandise, commodity, article or thing; or
- (2) set up a van or other vehicle or stall or other structure, tray, carpet or device for the purpose of buying or selling any goods, merchandise, commodity, article or thing;

*Overhanging Articles*

- (4) suspend or hang any article or thing from any building, verandah, pergola, post or other structure where it might present a nuisance or danger to any person using local government land;

*Entertainers*

- (5) sing, busk or play any recording or upon any musical instrument so as to appear to be for the purpose of entertaining other persons;

*Donations*

- (6) ask for or receive or indicate that he or she desires a donation of money or any other thing;

*Preaching*

- (7) preach or harangue;

*Distribute*

- (8) give out or distribute to any bystander or passer-by any handbill, book, notice, or other printed matter, provided that this restriction shall not apply to any handbill or leaflet given out or distributed by or with the authority of a candidate during the course of a Federal, State or Local Government election or to a handbill or leaflet given out or distributed during the course and for the purpose of a Referendum;

*Handbills on Cars*

- (9) place or put on any vehicle any handbill, advertisement, notice or printed matter except for any electoral matter posted on a vehicle with the authority of a candidate during the course of a Federal, State or Local Government election or Referendum;

*Amplification*

- (10) use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound or broadcasting announcements;

*Removing Soil etc.,*

- (11) carry away or remove any soil, clay, gravel, sand, timber, stones, pebbles, seaweed or any part of the land;

*Depositing Soil*

- (12) deposit any soil, clay, gravel, sand, timber, stones, pebbles or any other matter on the land;

*Picking Fruit etc.,*

- (13) pick fruit, nuts or berries from any trees or bushes thereon;

*Games*

- (14) (1) participate in any game recreation or amusement which involves the use of a ball missile or other object which by the use thereof may cause or be likely to cause injury or discomfort to any person being on or in the vicinity of that land or detract from or be likely to detract from another person's lawful use and enjoyment of that land;
- (2) play any organised competition sport, as distinct from organised social play, in accordance with paragraph 8 of this by-law.

*Athletic and Ball Sports*

- (15) (1) to which this subparagraph applies, in accordance with paragraph 8 of this by-law, promote, organise or take part in any organised athletic sport;
- (2) to which this subparagraph applies, in accordance with paragraph 8 of this by-law, play or practice the game of golf;

*Smoking*

- (16) smoke tobacco or any other substance in any building or part thereof;

*Closed Lands*

- (17) enter or remain on any part of local government land:
- (1) at any time during which the council has declared that the part shall be closed to the public, and which is indicated by a sign adjacent to the entrance to that part;
- (2) where the land is enclosed with fences and/or walls, and gates have been closed and locked; or
- (3) where admission charges are payable, for that person to enter that part without paying those charges;

*Tents*

- (18) (except with the council or other government authority) erect any tent or other structure of calico, canvass, plastic or similar material as a place of habitation;

*Camping*

- (19) camp or remain overnight;

*Fauna*

- (20) (1) take, interfere with or disturb any animal or bird or the eggs or young of any animal or bird;
- (2) disturb, interfere with or damage any burrow, nest or habitat of any animal or bird; or
- (3) use, possess or have control of any device for the purpose of killing or capturing any animal or bird;

*Flora*

- (21) (1) take, uproot or damage any plant;
- (2) remove, take or disturb any soil, stone, wood, tender or bark;
- (3) collect or take any dead wood or timber for the purpose of using the same to make or maintain a fire; or
- (4) ride or drive any vehicle or animal or run, stand or walk on any flower bed or garden plot;

*Animals*

- (22) (1) allow any stock to stray into or depasture therein;
- (2) allow any animal to damage any flower bed, garden plot, tree, lawn or other item or place;

*Fires*

- (23) light any fire except—
- (1) in a place provided by the council for that purpose; or
- (2) in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material;

*Fireworks*

- (24) use, discharge or explode any fireworks;

*Swimming*

- (25) swim or bathe in any pond or lake to which this subparagraph 2.25 applies;

*Bridge jumping*

- (26) jump or dive from any bridge;

*Boat Ramps*

- (27) launch or retrieve a boat to or from any pond or lake to which this subparagraph 2.27 applies;

*Use of Boats*

- (28) (1) hire out a boat or otherwise use it for commercial purposes in any pond or lake; or
- (2) hire out a boat on or from any part of the foreshore;

*Toilets*

- (29) in any public convenience on local government land:
- (1) urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;
- (2) smoke tobacco or any other substance;
- (3) deposit anything in a pan, urinal or drain that is likely to cause a blockage;
- (4) use it for a purpose for which it was not designed or constructed;
- (5) enter any toilet that is set aside for use of the opposite sex except where:
- (a) a child under the age of five years accompanied by an adult person; and/or
- (b) to provide assistance to a disabled person;

*Cemeteries*

- (30) comprising a cemetery:
- (1) bury or inter any human or animal remains;
- (2) erect any memorial;

*Jet Ski*

- (31) use or allow to be used a Jet Ski.

*Posting of Bills*

3. No person shall without the council's permission post any bills, advertisements or other papers or items on a building or structure on local government land or other public place except for any electoral matter posted on a building or structure with the authority of a candidate during the course of a Federal, State or Local Government election or Referendum.

*Prohibited Activities*

4. No person shall on any local government land:

*Use of Equipment*

- (1) use any form of equipment or property belonging to the council other than in the manner and for the purpose for which it was designed or set aside;

*Repairs to Vehicles*

- (2) perform the work of repairing, washing, painting, panel-beating or other work of any nature on or to any vehicle, provided that this paragraph shall not extend to running repairs in the case of breakdown;

*Annoyances*

- (3) annoy or unreasonably interfere with any other person's use of the land by making a noise or creating a disturbance that has not been authorised by the council;

*Directions*

- (4) fail to comply with any reasonable direction or request from an authorised person of the council relating to:
- (1) that person's use of the land;
- (2) that person's conduct and behaviour on the land;
- (3) that person's safety on the land; or
- (4) the safety and enjoyment of the land by other persons.

*Missiles*

- (5) throw, roll or discharge any stone, substance or missile to the danger of any person or animal;

*Glass*

- (6) wilfully break any glass, china or other brittle material;

*Defacing Property*

- (7) deface, paint, write, cut names or make marks on or fix bills or advertisements to any tree, rock, gate, fence, building, sign or other property of the council therein except for any electoral matter posted on a building or structure with the authority of a candidate during the course of a Federal, State or Local Government election or Referendum;

*Horses, Cattle, Camels or Sheep*

- (8) (1) send, drive, lead, ride or take any horse, cattle, camel or sheep or permit any horse, cattle, camels or sheep to be sent, driven, led, ridden or taken on any land which the council has, by resolution, declared to be prohibited for such purpose;
- (2) allow any horse, cattle, camel or sheep to be let loose or left unattended on any land which the council has, by resolution, declared to be prohibited for such purpose;

*Razorshells*

- (9) discard the shell of a razorshell;

*Fish Carcass*

- (10) discard any fish carcass or bait.

*Removal of Animals and Persons*

5. (1) If any animal is found on any part of local government land in breach of a by-law:

- (1) any person in charge of the animal shall forthwith remove it from that part on the request of an authorised person; and
- (2) any authorised person may remove it therefrom if the person fails to comply with the request, or if no person is in charge of the animal;

(2) An authorised person may direct any person who is considered to be committing or has committed a breach of this by-law to leave that part of the local government land. Failure to comply with that direction forthwith is a breach of this by-law.

*Sand Dunes, Coastal Slopes and Cliffs*

6. No person shall:

- (1) destabilise sand on a sand dune, by any means so as to cause it to unnecessarily mass waste down slope;
- (2) destroy, remove or cause interference to live or dead vegetation within a sand dune, coastal slope or coastal cliff;
- (3) introduce non-indigenous flora or fauna or dump any material in a sand dune;
- (4) carry out any other activity that may damage or threaten the integrity of sand dunes, coastal slopes or cliffs.

*Exemptions*

7. The restrictions in this by-law do not apply to any police officer, council officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the council and while acting under the supervision of a council officer, or an emergency worker when driving an emergency vehicle in an emergency situation.

*Application of Paragraphs*

8. Any of sub-paragraphs 2.14.2, 2.15, 2.25 and 2.27 of this by-law shall apply only in such portion or portions of the area as the council may by resolution direct in accordance with section 246 (3) (e) of the Local Government Act 1999.

*Construction*

9. This by-law is subject to any Act of Parliament and Regulations made thereunder.

The foregoing by-law was duly made and passed at a meeting of the District Council of Streaky Bay held on 18 September 2002, by an absolute majority of the members for the time being constituting the council, there being at least two-thirds of the members present.

D. LANE, Chief Executive Officer

## DISTRICT COUNCIL OF STREAKY BAY

BY-LAW MADE UNDER THE DOG AND CAT MANAGEMENT ACT 1995 AND THE LOCAL GOVERNMENT ACT 1999

*By-law No. 5—Dogs*

FOR the management and control of dogs within the Council's area.

*Definitions*

1. In this by-law unless the context otherwise requires:

- (1) 'Act' means the Dog and Cat Management Act 1995;
- (2) 'approved kennel establishment' means a building, structure or area approved by the relevant authority, pursuant to the Development Act 1993, for the keeping of cats and/or dogs on a temporary or permanent basis;
- (3) 'council land' means all parklands, reserves, ornamental grounds, streets, roads, jetties, bridges, foreshore, public places and other land vested in or under the control of the council;
- (4) 'dog' means an animal of the species *Canis familiaris* but does not include a dingo or cross of a dingo;
- (5) 'premises' means any domestic and non-domestic premises, except a kennel establishment in respect of which a development authorisation is in force under the Development Act 1993.

*Dog Free Areas*

2. No person shall on any council land to which this paragraph applies, in accordance with paragraph 7 of this by-law cause suffer or permit any dog under that person's control, charge or authority to be, or remain in that place.

*Dogs on Leash Areas*

3. No person shall on any council land to which this paragraph applies, in accordance with paragraph 7 of this by-law, cause, suffer or permit any dog under that person's control, charge or authority to be or remain in that public place unless such dog is restrained by a strong leash not exceeding 2 m in length and either tethered securely to a fixed object or held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.

*Dog Exercise Areas*

4. (1) Any person may enter upon any part of council land to which this paragraph applies in accordance with paragraph 7 of this by-law, for the purpose of exercising a dog under his or her control;

(2) Where a person enters upon such part of council land for that purpose, he or she shall ensure that the dog or dogs under his or her control remain under effective control (within the meaning of the Dog and Cat Management Act 1995) while on the land;

(3) Signs shall be erected to denote the land to which this paragraph applies, and information shall be provided to the public in a manner determined by the council's Chief Executive Officer to inform the public about such land.

*Limit on Dog Numbers*

5. (1) The limit on the number of dogs kept in any dwelling in the township shall be two dogs;

(2) The limit on the number of dogs kept in any dwelling outside of the township shall be three dogs (other than working dogs);

(3) No person shall, without obtaining the written permission of the council, keep any dog on any premises where the number of dogs on those premises exceeds the limit unless the premises are an approved kennel establishment.

*Limit on Cat Numbers*

6. (1) The limit on the number of cats kept on premises shall be two;

(2) No person shall, without obtaining the written permission of the council, keep any cat on any premises where the number of cats on those premises exceeds the limit unless the premises are an approved kennel establishment.

*Application of Paragraphs*

7. Any of paragraphs 2, 3 and subparagraph 4.1 of this by-law shall apply only in such portion or portions of council land as the council may by resolution direct in accordance with section 246 (3) (e) of the Local Government Act 1999.

*Construction*

8. This by-law is subject to any Act of Parliament and Regulations made thereunder.

The foregoing by-law was duly made and passed at a meeting of the District Council of Streaky Bay held on 18 September 2002, by an absolute majority of the members for the time being constituting the council, there being at least two-thirds of the members present.

D. LANE, Chief Executive Officer

## DISTRICT COUNCIL OF TUMBY BAY

*Results of Supplementary Election*

Area Councillor (2)—Quota: 450

Candidates	First Preference Votes	After Distribution of Preferences
Stirling, Graeme .....	613	elected
Baker, Malcolm.....	174	
Curtis, Craig.....	186	elected
Cave, Paul .....	376	
Informal.....	23	
Total .....	1 372	

59.4% Vote

E. A. ROBERTS, Deputy Returning Officer

## DISTRICT COUNCIL OF TUMBY BAY

## DEVELOPMENT ACT 1993

*Amendment to the Development Plan—Draft for Public Consultation*

NOTICE is hereby given that the District Council of Tumby Bay, pursuant to section 25 (7) of the Act, has prepared an amendment to its Development Plan, which affects the AusBulk facilities for the storage, handling and transportation in bulk of the locally produced grain.

Pursuant to section 25 (11) of the Act, the draft Plan Amendment Report and the statement will be available for inspection and purchase during normal office hours from 1 October 2002 until 26 November 2002, at the council office, corner of Mort-lock Street and West Terrace, Tumby Bay, and the Department of Transport and Urban Planning, Level 5, 136 North Terrace, Adelaide.

Copies of the Plan Amendment Report are available to purchase for \$15, at the council office, in Tumby Bay.

Persons interested in making submissions on the Plan Amendment Report should do so in writing by 26 November 2002. All submissions should be addressed to the District Clerk, District Council of Tumby Bay, P.O. Box 61, Tumby Bay, S.A. 5605.

Submissions received by council will be available for public inspection at the council office from 26 November 2002 until the date of the public hearing.

A public hearing will commence at 7 p.m. in the Council Chambers, corner of Mortlock Street and West Terrace, Tumby Bay on 9 December 2002, at which interested persons may appear and be heard in relation to the amendment to the Development Plan and submissions.

Dated 23 September 2002.

E. A. ROBERTS, District Clerk

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

*Beinke, Frieda Gertrude*, late of 404 Payneham Road, Glynde, of no occupation, who died on 28 July 2002.

*Briggs, Gwendoline May*, late of 41 Burley Griffin Boulevard, Brompton, retired textile supervisor, who died on 24 July 2002.

*Dodd, Allan William*, late of 23 Kyeema Avenue, Cumberland Park, retired fitter, who died on 28 July 2002.

*Dodgson, Bertram John*, late of 16 Hastings Road, Colonel Light Gardens, retired process worker, who died on 11 July 2002.

*Draper, Sharryn Marie*, late of 2 Belmont Place, Banksia Park, retired dental hygienist, who died on 14 July 2002.

*Farrell, Margaret May*, late of 14-22 King William Road, Wayville, of no occupation, who died on 9 September 2002.

*Fowler, Viktoria*, late of 43 Elgin Avenue, Christies Beach, retired bookbinder, who died on 10 August 2002.

*Hanham, Troy John*, late of 51 Ringwood Road, Morphet Vale, labourer, who died on 24 February 2002.

*Hartman, Phylis Lavinia*, late of 66 Nelson Road, Valley View, of no occupation, who died on 23 July 2002.

*Henderson, Olga*, late of 4 Paradise Close, Highbury, home duties, who died on 16 August 2002.

*Howe, Robert Alfred*, late of 84 Reservoir Road, Modbury, retired accountant, who died on 17 March 2002.

*Karutz, Desmond George*, late of 218 Hanson Road, Mansfield Park, driver, who died on 4 June 2002.

*Karutz, Maureen Adele*, late of 218 Hanson Road, Mansfield Park, home duties, who died on 20 June 2002.

*Kavanagh, Rhondda Constance May*, late of Walkerville Terrace, Walkerville, of no occupation, who died on 26 July 2002.

*Lees, Ronald Samuel*, late of Fosters Road, Oakden, retired electrical mechanic, who died on 29 July 2002.

*Lewis, Mary Gertrude*, late of 5 Mitchell Street, Hyde Park, of no occupation, who died on 18 July 2002.

*Mays, Winifred Johanna*, late of 1 Madras Street, Oaklands Park, home duties, who died on 16 June 2002.

*Middelberg, Elisabeth*, late of 86 Oaklands Road, Glengowrie, retired pantry maid, who died on 25 July 2002.

*Nikolaidis, Dimitrios*, late of Wright Road, Coober Pedy, retired opal miner, who died on 13 March 2002.

*Randell, Laurel Edith*, late of 160 Walkerville Terrace, Walkerville, retired registered nurse, who died on 27 August 2002.

*Richards, Allan James*, late of 34 Norman Terrace, Everard Park, retired handyman, who died on 30 July 2002.

*Richardson, Jessie Beatrice*, late of 10 Woodfield Drive, Salisbury Downs, widow, who died on 26 July 2002.

*Rooke, Andries Jan*, late of 67 Marrett Drive, Ingle Farm, retired gardener, who died on 29 February 1996.

*Seller, Helmi*, late of 580 Lower North East Road, Campbelltown, retired teacher, who died on 2 July 2002.

*Stent, Frederick John*, late of 39 Finnis Street, Marion, retired inspector, who died on 3 August 2002.

*Wiley, Mary Winnifred*, late of 122 St. Bernards Road, Magill, of no occupation, who died on 2 August 2002.

*Winton, Phillip George*, late of First Street, Minlaton, retired clerk, who died on 12 August 2002.

*Wrobel, Theresa*, late of 1 Goroonga Street, Seaview Downs, home duties, who died on 25 July 2002.

Notice is hereby given pursuant to the Trustee Act 1936, as amended, the Inheritance (Family Provision) Act 1972, and the Family Relationships Act 1975, that all creditors, beneficiaries, and other persons having claims against the said estates are required to send, in writing, to the Public Trustee, 25 Franklin Street, Adelaide, S.A. 5000, full particulars and proof of such claims, on or before 25 October 2002, otherwise they will be excluded from the distribution of the said estate; and notice is also hereby given that all persons who are indebted to the said estates are required to pay the amount of their debts to the Public Trustee or proceedings will be taken for the recovery thereof; and all persons having any property belonging to the said estates are forthwith to deliver the same to the Public Trustee.

Dated 26 September 2002.

C. J. O'LOUGHLIN, Public Trustee

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IN the matter of the estate of the undermentioned deceased person:

*Baird, Maria Pamphela Androneke*, otherwise *Mariea Baird*, late of Unit 3/91 Princes Road, Mitcham, S.A. 5062, who died on 4 April 2002.

Notice is hereby given pursuant to the Trustee Act 1936, as amended, the Inheritance (Family Provision) Act 1972-1975 and the Family Relationships Act 1975, that all creditors, beneficiaries, and other persons having claims against the abovenamed estate are directed to send full particulars of such claims to the undersigned on or before 24 October 2002, otherwise they will be excluded from the distribution of the said estate.

PERPETUAL TRUSTEES SA LIMITED (ACN 008 273 916), c/o Ground Floor, 39 Hunter Street, Sydney, N.S.W. 2000.

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#### PARTNERSHIP ACT 1891

##### *Dissolution of Partnership*

NOTICE is hereby given that the partnership of G. D. and S. H. Edwards, trading as Robe Petrol Inn was dissolved on 20 September 2002.

Dated 23 September 2002.

T. RYMILL & CO., Solicitors

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#### SALE OF PROPERTY

Auction Date: Friday, 25 October 2002 at 11 a.m.

Location: 52 Curzon Street, Camden Park, S.A. 5038.

NOTICE is hereby given that on the above date at the time and place stated, by virtue of the Warrant of Sale issued out of the Magistrates Court of South Australia in Action No. AMCCI 10585 of 2001, directed to the Sheriff of South Australia in an action wherein Adelaide Bank Limited, is the Plaintiff and Lynette Ann Dayman is the Defendant, I, Tim Goodes, Sheriff of the State of South Australia, will by my auctioneers, Griffin Real Estate, make sale of the estate, right, title or interest whatsoever it may be of the Defendant Lynette Ann Dayman, as the registered proprietor of an estate in fee simple in the following:

That piece of land situated in the area named Camden Park, being 52 Curzon Street, being the property comprised in Certificate of Title Register Book Volume 5242, Folio 469.

Further particulars from the auctioneers: Griffin Real Estate, 179 King William Road, Hyde Park, S.A. 5061. Tel. (08) 8357 3177.

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# ATTENTION

CUSTOMERS requiring a proof of their notice for inclusion in the *Government Gazette*, please note that the onus is on you to inform **Government Publishing SA** of any subsequent corrections by **10 a.m. on Thursday**, which is our publication deadline.

For any corrections to your notice please phone 8207 1045 or Fax 8207 1040 **before** 10 a.m. on Thursday.

If we do not receive any communication by 10 a.m. on Thursday (day of publication) we will presume the notice is correct and will print it as it is.

**Remember**—the onus is on you to inform us of any corrections necessary to your notice.

**NOTE: Closing time for lodging new copy (electronically, fax or hard copy) is 4 p.m. on Tuesday preceding the day of publication. Phone 8207 1045—Fax 8207 1040.**

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