



**THE SOUTH AUSTRALIAN**

**GOVERNMENT GAZETTE**

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ADELAIDE, THURSDAY, 25 SEPTEMBER 2008

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**GOVERNMENT GAZETTE NOTICES**

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Department of the Premier and Cabinet  
Adelaide, 25 September 2008

HIS Excellency the Governor in Executive Council has revoked the appointment of John Counihan as a Deputy Member (to Helen Radoslovich) of the Veterinary Surgeons Board of South Australia, pursuant to the provisions of the Veterinary Practice Act 2003 and section 36 of the Acts Interpretation Act 1915.

By command,

PAUL CAICA, for Premier

MAFF08/022CS

Department of the Premier and Cabinet  
Adelaide, 25 September 2008

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the South Australian Tourism Commission Board, pursuant to provisions of the South Australian Tourism Commission Act 1993:

Director: (from 1 October 2008 until 30 September 2009)  
Anne Kathryn Skipper

Director: (from 1 October 2008 until 30 September 2010)  
Jeffrey Ellison  
Ian Philip Horne  
Jane Jeffreys  
Lynette Tuit

Deputy Director: (from 1 October 2008 until 30 September 2009)

Anne Kathryn Skipper (Deputy to Foord)

By command,

PAUL CAICA, for Premier

MT08/006CS

Department of the Premier and Cabinet  
Adelaide, 25 September 2008

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the State Procurement Board, pursuant to the provisions of the State Procurement Act 2004:

Member: (from 25 September 2008 until 24 September 2010)  
Nicolle Shelley Rantanen

By command,

PAUL CAICA, for Premier

TF08/057CS

Department of the Premier and Cabinet  
Adelaide, 25 September 2008

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the South Australian Film Corporation, pursuant to provisions of the South Australian Film Corporation Act 1972:

Member: (from 25 September 2008 until 24 September 2011)  
Gabrielle Kelly  
Susan MacKinnon

By command,

PAUL CAICA, for Premier

ASACAB001/08

Department of the Premier and Cabinet  
Adelaide, 25 September 2008

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Veterinary Surgeons Board of South Australia, pursuant to provisions of the Veterinary Practice Act 2003:

Member: (from 25 September 2008 until 24 September 2011)  
Adele Lea Steel

Member: (from 1 October 2008 until 30 September 2011)

Andrew Wallace Carter  
Debra Ruth Lane  
Charles Benjamin Goode

Deputy Member: (from 25 September 2008 until 24 September 2011)

Mark David Peters (Deputy to Steel)

Deputy Member: (from 1 October 2008 until 30 September 2011)

John Counihan (Deputy to Goode)  
Paul Douglas Leadbeter (Deputy to Lane)  
Kirsten Hailstone (Deputy to Carter)

Presiding Member: (from 1 October 2008 until 30 September 2011)

Debra Ruth Lane

By command,

PAUL CAICA, for Premier

MAFF08/022CS

Department of the Premier and Cabinet  
Adelaide, 25 September 2008

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable Kevin Owen Foley, MP, Deputy Premier, Treasurer, Minister for Industry and Trade and Minister for Federal/State Relations to be also Acting Premier, Acting Minister for Economic Development, Acting Minister for Social Inclusion and Acting Minister for Sustainability and Climate Change for the period from 26 September 2008 to 29 September 2008 inclusive, during the absence of the Honourable Michael David Rann, MP.

By command,

PAUL CAICA, for Premier

DPC030/96PT4CS

Department of the Premier and Cabinet  
Adelaide, 25 September 2008

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable John David Hill, MP, Minister for Health, Minister for the Southern Suburbs and Minister Assisting the Premier in the Arts to be also Acting Minister for the Arts for the period from 26 September 2008 to 29 September 2008 inclusive, during the absence of the Honourable Michael David Rann, MP.

By command,

PAUL CAICA, for Premier

DPC030/96PT4CS

Department of the Premier and Cabinet  
Adelaide, 25 September 2008

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable Gail Elizabeth Gago, MP, Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises and Minister Assisting the Minister for Transport, Infrastructure and Energy to be also Acting Minister for Environment and Conservation, Acting Minister for Aboriginal Affairs and Reconciliation and Acting Minister Assisting the Premier in Cabinet Business and Public Sector Management for the period from 30 September 2008 until 12 October 2008 inclusive, during the absence of the Honourable Jay Wilson Weatherill, MP.

By command,

PAUL CAICA, for Premier

EHCS08/0023

Department of the Premier and Cabinet  
Adelaide, 25 September 2008

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable Jane Diane Lomax-Smith, MP, Minister for Education, Minister for Mental Health and Substance Abuse, Minister for Tourism and Minister for the City of Adelaide to be also Acting Minister for Early Childhood Development for the period from 30 September 2008 until 12 October 2008 inclusive, during the absence of the Honourable Jay Wilson Weatherill, MP.

By command,

PAUL CAICA, for Premier

EHCS08/0023

Department of the Premier and Cabinet  
Adelaide, 25 September 2008

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable Paul Holloway, MLC, Minister for Mineral Resources Development, Minister for Urban Development and Planning and Minister for Small Business to be also Acting Minister for the River Murray and Acting Minister for Water Security for the period from 27 September 2008 until 12 October 2008 inclusive, during the absence of the Honourable Karlene Ann Maywald, MP.

By command,

PAUL CAICA, for Premier

MRMCS08/088

Department of the Premier and Cabinet  
Adelaide, 25 September 2008

HIS Excellency the Governor in Executive Council has been pleased to appoint Robyn McLeod to the position of Commissioner for Water Security for a term of three years commencing on 10 November 2008 and expiring on 9 November 2011, pursuant to section 68 of the Constitution Act 1934.

By command,

PAUL CAICA, for Premier

MWSCS08/091

Department of the Premier and Cabinet  
Adelaide, 25 September 2008

HIS Excellency the Governor in Executive Council has accepted the resignation of Robert Alan Freeman as a Commissioner representing South Australia on the Murray-Darling Basin Commission with effect from 8 September 2008, pursuant to the provisions of the Murray-Darling Basin Act 1993.

By command,

PAUL CAICA, for Premier

MRMCS08/089

Department of the Premier and Cabinet  
Adelaide, 25 September 2008

HIS Excellency the Governor in Executive Council has been pleased to appoint Scott William Ashby, Chief Executive of the Department of Water, Land and Biodiversity Conservation as a Commissioner representing South Australia on the Murray-

Darling Basin Commission for a period commencing on 25 September 2008 and expiring on 19 June 2009, pursuant to section 6 (1) of the Murray-Darling Basin Act 1993.

By command,

PAUL CAICA, for Premier

MRMCS08/089

## BUILDING WORK CONTRACTORS ACT 1995

### *Exemption*

TAKE notice that, pursuant to section 45 of the Building Work Contractors Act 1995, I, Mal Hemmerling, Commissioner 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

Gerasimos Karidis, BLD 56.

#### SCHEDULE 2

Construction of the proposed Albion Mews Retirement Village situated at 8-16 Vinall Street, Dover Gardens, S.A. 5048 (Allotment 2 in Deposited Plan 75307 in the area named Dover Gardens, Hundred of Noarlunga (certificate of title volume 5995, folio 780).

#### SCHEDULE 3

1. This exemption is limited to domestic building work personally performed by the licensee for the construction of the proposed Albion Mews Retirement Village on land situated at 8-16 Vinall Street, Dover Gardens, S.A. 5048 (Allotment 2 in Deposited Plan 75307 in the area named Dover Gardens, Hundred of Noarlunga (certificate of title volume 5995, folio 780).

2. This exemption does not apply to any domestic building work the licensee sub-contracts to another building work contractor, for which that contractor is required by law to hold building indemnity insurance.

3. That the licensee does not transfer his interest in the land prior to five years from the date of completion of the building work the subject of this exemption, without the prior authorisation of the Commissioner for Consumer Affairs. Before giving such authorisation, the Commissioner for Consumer Affairs may require the licensee to take any reasonable steps to protect the future purchaser(s) of the property, including but not limited to:

- providing evidence that an adequate policy of building indemnity insurance is in force to cover the balance of the five-year period from the date of completion of the building work the subject of this exemption;
- providing evidence of an independent expert inspection of the building work the subject of this exemption;
- making an independent expert report available to prospective purchasers of the property; and
- giving prospective purchasers of the property notice of the absence of a policy of building indemnity insurance.

Dated 15 September 2008.

MAL HEMMERLING, Commissioner for Consumer Affairs, Office of Consumer and Business Affairs, Delegate of the Minister for Consumer Affairs

Ref.: 610/08-00115

## AGRICULTURAL AND VETERINARY PRODUCTS (CONTROL OF USE) REGULATIONS 2004

*Approval of Quality Assurance Schemes*

NOTICE is hereby given that pursuant to Regulation 7 (2) of the Agricultural and Veterinary Products (Control of Use) Regulations 2004, the quality assurance scheme listed in Column A is approved by the Minister for Agriculture, Food and Fisheries for the specified crop listed opposite in Column B. A person is an accredited participant of a particular scheme only if he or she satisfies the requirements specified in Column C.

Column A	Column B	Column C
A scheme established by the Woolworths Vendor Quality Management Standard (WVQMS) Version 10; or Woolworths Quality Assurance (WQA) Standard Version 1; published by Woolworths Supermarkets.	Lettuce	A current certification of WVQMS Version 10 or WQA Version 1 for the supply of a crop of a kind for which the scheme is approved, issued in accordance with the relevant Standard.

Dated 17 September 2008.

DON PLOWMAN, Executive Director, Agriculture, Food and Wine

For and on behalf of:

RORY MCEWEN, Minister for Agriculture, Food and Fisheries

DEVELOPMENT ACT 1993, SECTION 28 (1): DECLARATION OF INTERIM OPERATION OF WATTLE RANGE COUNCIL—PENOLA HERITAGE DEVELOPMENT PLAN AMENDMENT

*Notice*

PURSUANT to section 28 (1) of the Development Act 1993, I, Paul Holloway, Minister for Urban Development and Planning, am of the opinion that it is necessary in the interest of the orderly and proper development of the area affected by the 'Wattle Range Council—Penola Heritage Development Plan Amendment' that the Plan Amendment should come into operation without delay on an interim basis on 25 September 2008.

Dated 25 September 2008.

PAUL HOLLOWAY, Minister for Urban Development and Planning

DEVELOPMENT ACT 1993, SECTION 48: DECISION BY THE DEVELOPMENT ASSESSMENT COMMISSION AS DELEGATE OF THE GOVERNOR

*Preamble*

1. A proposal from the Cape Jaffa Development Company (hereafter 'the applicant') to develop a multi-component residential marina at Cape Jaffa, on the Limestone Coast has been under consideration under Division 2 of Part 4 of the Development Act 1993.

2. The proposal has been the subject of an Environmental Impact Statement and an Assessment Report under sections 46 and 46B of the Development Act 1993 and is hereafter referred to as the 'proposed Major Development'.

3. The proposed Major Development was the subject of a development application lodged on 20 February 2003, by the applicant. The said application has been amended and expanded upon by the applicant's Environmental Impact Statement, dated April 2005, the applicant's Response to Submissions, dated September 2005 and additional correspondence dated 4 November 2005, 10 November 2005 and 18 April 2006.

4. Reserved matters of (a) the proposed use of the future development site on Figure 3.6 in the EIS and (b) proposed use and extent of the wetland vegetation on the eastern side of the development was granted approval by the Development Assessment Commission as delegate of the Governor on 11 May 2006.

5. Application was made to the Development Assessment Commission as delegate of the Governor, for a decision regarding the division of land for the proposed development. Approval was granted on 17 August 2006.

6. An application for approval for the Building Rules approval for Stage 1 Breakwaters and Waterway Edge construction was

made on 14 August 2006. Approval was granted on 7 September 2007.

7. An application for approval for an Industrial Shed was made by the Kingston Council on 26 September 2007. Approval was granted on 18 October 2007.

8. An application for approval for Building Rules Certification for an Industrial Building was made on 12 October 2007.

9. An application for approval for a land division for the Industrial Area and a concrete batching plant was made on 17 May 2007.

10. An application for approval of two land divisions for three allotments and 20 community title allotments for the commercial marina berths was made on 7 December 2007 and 10 December 2007.

11. An application for acknowledgement of 'Substantial Commencement' was made on 30 July 2008.

12. An application for approval of a Signal Mast was made on 20 August 2008.

13. An application for approval of the Lease of Recreational Marina Berths on 28 August 2008.

14. An application for approval of Building Rules Certification of Stage 2 on 29 August 2008.

15. The Development Assessment Commission has, in considering the application, had regard to all relevant matters under section 48 (5) of the Development Act 1993.

16. The Development Assessment Commission is satisfied that there is no requirement to prepare a further or amended Environmental Impact Statement.

*Decision*

PURSUANT to section 48 of the Development Act 1993, the Development Assessment Commission as delegate of the Governor:

- (a) grant a provisional development authorisation in relation to the proposed major development, subject to the Conditions and Notes to the Applicant below;
- (b) pursuant to section 48 (6) and Regulation 64 (1) reserve a decision on the following matters:
  - (i) compliance with the Building Rules in relation to all aspects of the proposed major development (refer to Conditions and Notes to the Applicant below);
  - (ii) specify all matters relating to the provisional development authorisation as matters in respect of which conditions of this authorisation may be varied or revoked, or new conditions attached;
  - (iii) specify for the purposes of section 48 (11) (b) the period of two years from the date hereof as the time within which substantial work must be commenced

on site, failing which I may cancel this authorisation.

*Conditions of Approval*

1. Except where minor amendments may be required by other legislation, or by conditions imposed herein, the proposed major development shall be undertaken in strict accordance with:

(a) the following drawings contained in the letter from Simon Tonkin on behalf of the Cape Jaffa Development Company to Planning SA dated 11 November 2005, outlining the final amended application:

- Drawing Titled: 'Figure 3.3—Locality'; February 2005;
- Drawing Titled: 'Figure 3.7—Breakwater Typical Cross section'; February 2005;
- Drawing Titled: 'Figure 3.9—Central Facilities'; August 2004, 9399;
- Drawing Titled: 'Figure 3.10—Boat Ramp'; February 2005;
- Drawing Titled: 'Figure 3.11—Waterway and Wharf Edge Treatment'; August 2004, 9399;
- Drawing Titled: 'Figure 3.12—Reserves and Open Space'; August 2004, 9399-10-a;
- Drawing Titled: 'Figure 3.13—Landscape Concept'; February 2005;
- Drawing Titled: 'Figure 3.14—Landscape Buffers'; February 2005;
- Drawing Titled: 'Figure 3.15—Storm Water Management Concept'; August 2004, 9399-10-a;
- Drawing Titled: 'Figure 3.16—Land Division Plan'; December 2004, 9399-a;
- Drawing Titled: 'Figure 3.17—Main Basin looking South'; February 2005;
- Drawing Titled: 'Figure 3.18—Waterway View looking West'; February 2005;
- Drawing Titled: 'Figure 3.19—Beach Reserve View into the Main Basin'; February 2005;
- Drawing Titled: 'Figure 3.20—Aerial View looking South-East'; February 2005;
- Drawing Titled: 'Figure 3.21—Aerial View looking East'; February 2005;
- Drawing Titled: 'Figure 3.22—Typical Cross Section and Allotment Plan'; August 2004, 9399-02-a;
- Drawing Titled: 'Figure 3.23—Coastal Reserve Walkway'; August 2004, 9399;
- Drawing Titled: 'Figure 3.24—Staging Plan'; August 2004, 9399-10-a;
- Drawing Titled: 'Figure 3.25—Management Structure'; August 2005;
- Drawing Titled: 'Figure 5.12—Irrigation and Storage Site'; August 2004, 9399-01-b;
- Drawing Titled: 'Figure 5.35—Coastal Reserves and Buffers'; August 2004, 9399-01-b; and
- Drawing Titled: 'Figure 5.59—Cape Jaffa Proposed Zones'; February 2005,

or as amended by the following drawings from the Response Document:

- Drawing Titled: 'Figure R1—Concept Plan'; August 2004, 9399-01-b;
- Drawing Titled: 'Figure R2—Infrastructure Area Concept'; July 2005, 9399; and
- Drawing Titled: 'Figure R3—Site Camp Concept'; August 2005, 9399.

In addition, the following drawings in the additional information letter from Masterplan (Simon Tonkin) on 4 November 2005 and appended to the Assessment Report:

- Drawing Titled: 'Figure 1—Water Supply'; October 2005;

- Drawing Titled: 'Figure 2—Vegetation Area B, Buffer; and
- Fencing Plan'; October 2005.

Also

- Drawing Titled: 'Proposed Industrial' Templeton Constructions B07 101 01 Revision A—August 2007;
- Drawing Titled 'Proposed Industrial' Templeton Constructions B07 101 01 Revision A—October 2007 stamped by Professional Building Services, South Plympton, S.A. 5038;
- Drawing Titled: (Land Division) Steed & Pohl Ref. 9163 cd1 B2 11/04/07 attached to letter of 17 May 2007 from Masterplan;
- Development application 640/DO16/07 Steed & Pohl Ref. 9163 mm B2 17/12/07 submitted on 7 December 2007; and
- Development application 640/CO17/07 Steed & Pohl Ref. 9163 cp1 B2 13/08/07 submitted on 10 December 2007,

and

(b) the following documents:

- Development application, 'Cape Jaffa Anchorage Marina Development' prepared by Simon Tonkin (Masterplan) on behalf of the Cape Jaffa Development Company dated 20 February 2003, (except to the extent that it may be varied by a subsequent document in this paragraph).
- Environmental Impact Statement, Cape Jaffa Anchorage Marina prepared by the Cape Jaffa Development Company dated February 2005 (except to the extent that it may be varied by a subsequent document in this paragraph).
- Response to Submissions document, Cape Jaffa Anchorage Marina Development prepared by the Cape Jaffa Development Company dated 19 September 2005 (except to the extent that it may be varied by a subsequent document in this paragraph).
- Assessment Report prepared by the Minister for Urban Development and Planning dated December 2005 including an appended report from Simon Tonkin of Masterplan dated 4 November 2005 (except to the extent that it may be varied by a subsequent document in this paragraph).
- Letter from Simon Tonkin of Masterplan dated 11 November 2005, outlining the final amended application and listing appropriate plans.
- Letter from Simon Tonkin of Masterplan dated 18 April 2006, concerning reserved matters (b) (ii) and (b) (iii) from Governor's decision on 12 January 2006.
- Final Land division application 640/D004/06 lodged electronically on EDALA with the Development Assessment Commission on 1 August 2006.
- Building Rules Certification package for Stage 1 Breakwater and Waterway edge construction dated 14 August 2006 by Tecon Australia Pty Ltd.
- Letter from Kingston District Council on 28 September 2007 for an Industrial Building to be constructed by Templeton Constructions.
- An email from Templeton Constructions (Graham Dowie) on 10 October 2007 outlining proposed colour scheme for shed (Colorbond Shale Grey).
- Letter from Kingston District Council on 12 October 2007 for Building Rules Certification for an Industrial Building to be constructed by Templeton Constructions.
- Letter from Masterplan on 17 May 2007 for Concrete Batching Plant, including relevant attached information related to the Concrete Batching Plant.
- Letter from Masterplan on 30 July 2008 for 'Substantial Commencement' of Cape Jaffa Anchorage Marina.

- Letter from Masterplan on 20 August 2008 for a Signal Mast (15 m in height).
  - Letter from Kingston District Council on 28 August 2008 for Lease Plan for Recreational Marina Berths.
  - Letter from Tecon on 29 August 2008 for Building Rules Certification for Stage 2.
2. The applicant shall submit further information and application(s) in relation to the matter that has been reserved.
3. Subject to Condition 4, no building works on any part of the development may commence until a favourable decision has been notified to the applicant by the Governor or the Governor's delegate in respect of the reserved matter referred to in subparagraph (i), in paragraph (b) of the Decision section above.
4. The applicant may commence a stage of building works before receiving the Governor's decision concerning building rules compliance for other stages (refer matter (i) in paragraph (b) of the Decision section above). No building works shall commence on a stage of the development until a favourable decision in relation to building rules compliance in respect of that stage has been notified in writing to the applicant by the Governor or the Governor's delegate.
5. A decision on building rules compliance (refer reserved matter (i) in paragraph (b) of the Decision section above) will only be made after a Building Rules assessment and certification has been undertaken and issued by the Kingston District Council or a private certifier, in accordance with the provisions of the Development Act 1993 and after the Minister for Urban Development and Planning receives a copy of all relevant certification documentation, as outlined in Regulation 64 of the Development Regulations 1993 (refer to 'Notes to the Applicant' below for further information).
6. A Management, Maintenance and Monitoring (MMM) Agreement between the Kingston District Council and the Cape Jaffa Anchorage Marina Development Company shall be drafted and finalised, prior to being submitted to the Governor or her delegate (refer to Conditions and Notes below).
7. Before any works commence, a Construction Environmental Management and Monitoring Plan (CEMP) to cover the pre-construction and construction phases shall be prepared in consultation with and approved by the Environment Protection Authority and Planning SA, to address management issues during construction.
8. An Operational Environmental Management and Monitoring Plan (OEMMP) for the operational phase of the development shall be prepared to the reasonable satisfaction of the Environment Protection Authority, other government agencies and the Kingston District Council, prior to it being submitted to the Governor or her delegate (refer to Conditions and Notes to the Applicant below).
9. All works and site activities shall be undertaken in accordance with the approved Construction Environmental Management and Monitoring Plan.
10. Stockpiled soils shall be suitably managed to control dust emissions, erosion and weed infestation.
11. Armour rock used for breakwaters and revetments shall not be contaminated by fine sediment.
12. The wastewater collection and treatment system shall be designed to ensure that the general obligations of the Environment Protection (Water Quality) Policy 2003 are met, and to ensure that effluent does not overflow or escape from drains, pipes, sumps, tanks, storage/treatment basins into any watercourse, or into stormwater drains which do not drain into the effluent collection, treatment and disposal system, except where the effluent complies with criteria in the above policy, or escapes to or is infiltrated from saline groundwater.
13. The proponent shall provide underground power supply, public lighting, a sustainable water supply and telephone supply to each allotment in accordance with and to engineering design standard plans approved by the electricity, mains water and telephone public utility authorities.
14. The applicant shall ensure that there is no discharge of stormwater into the marina basins, waterways or marine environment for rainfall less than and including, 1:20 year ARI events.
15. The land to be used for land-based allotments shall be formed to prevent stormwater flows entering into the waterways.
16. Water-sensitive urban design measures and practices shall be adopted for the management of run-off, including stormwater capture and re-use.
17. Undeveloped allotments shall be left in a neat and tidy condition, with soil surfaces stabilised to minimise erosion.
18. Roads, drainage, footpath and intersection designs (i.e. engineering construction plans) shall be finalised in accordance with the requirements of the Department for Transport, Energy and Infrastructure and the Kingston District Council, prior to construction commencing. Road and drainage designs shall include water table levels, drainage inverts and pavement details. The roads and drainage works shall be built according to these designs.
19. Road designs shall not affect existing natural drainage lines in such a way as to cause flooding.
20. The applicant shall bear all costs with providing a Type BAR Treatment (sealed shoulder widening to provide a right turn treatment on the Southern Ports Highway) at the intersection of the Southern Ports Highway/Cape Jaffa Road as shown in the Austroads 'Guide to Traffic Engineering Practice, Part 5—Intersections at Grade' to a standard suitable to the Department of Transport, Energy and Infrastructure before the issue of title occurs for Allotment No. 170 on the attached plan of division.
21. Appropriate navigational aids shall be erected in prominent locations, in consultation with the Department for Transport, Energy and Infrastructure, prior to use of the facility for boating purposes.
22. Access systems for all floating boat moorings shall be capable of adjustment or be readily adaptable to projected long-term sea level rise and all marina mooring structures shall be designed in accordance with the Australian Standard AS 3962-2001 Guidelines for Design of Marinas.
23. The public boat ramp facility shall be designed in accordance with the South Australian Boating Advisory Committee's Guidelines for Planning, Design and Construction of Boat Launching Facilities.
24. Vehicular access to the beach shall not be provided, apart from Emergency vehicles, once the boat ramp is constructed and operational in the marina (as this relates to the Major Developments declared area).
25. The boat refuelling area and marine toilet pump-out facility shall be designed to meet the requirements of the Environment Protection Authority, the Department for Transport, Energy and Infrastructure and the Country Fire Service (CFS) respectively and shall be in place prior to commencement of operation of the marina.
26. The water contained in the marina basin shall be kept to a quality appropriate for secondary contact recreation, public amenity and the maintenance of marine aquatic ecosystems, as stipulated from time to time by the ANZECC Australian Water Quality Guidelines for Fresh and Marine Waters.
27. Normal operating hours for construction activities and truck movements to and from the site shall be from 7 a.m. to 7 p.m., Monday to Saturday inclusive. If it is considered necessary for construction to be undertaken on Sundays, construction hours shall be from 9 a.m. to 6 p.m. on Sundays (refer to Notes to the Applicant relating to Environment Protection Authority noise emission policies).
28. Landscaping and streetscaping of the site with locally endemic plant species shall commence prior to the issuing of Certificates of Title for each stage of the land division and when established must be maintained in good health and condition at all times. A plant must be replaced if or when it dies or becomes seriously diseased within the first growing season after the plant dies or becomes seriously diseased. A weed control program shall also be implemented.
29. The Kingston District Council shall be given seven days notice, prior to the commencement of works, and be provided with the name and contact facilities for the person responsible for coordinating site works by this approval.

## 30. Road Construction/Design:

(a) *Seal*

Streets shall be surfaced with a two coat bitumen seal of 14 mm seal overlay with a 7 mm seal, with a total seal width in accordance with Clause (e) below.

(b) *Pavement Construction—Base*

The following minimum standards shall apply:

- To comply with standard APRG 21 for residential areas.
- Commercial roads will be developed and designed to the reasonable satisfaction of the Kingston District Council.
- To be compacted to 98% dry density ratio (AS1289.5.2.1).
- Minimum soak CBR at above compaction to be 80.
- Minimum thickness of 200 mm.
- Level tolerance on completed course -10 mm, +10 mm.

(c) *Seal for Intersections*

At the discretion of Council all intersections associated with the development including the circular end of *cul-de-sacs* in residential areas shall be sealed with 25 mm thickness asphaltic concrete (hotmix) laid in compliance with Department for Transport, Energy and Infrastructure standard specifications, and with maximum aggregate size of 10 mm for a distance of 10 m from the intersection or at the entrance to the *cul-de-sac*.

At the discretion of Council, all intersections associated with the development including the circular end of *cul-de-sacs* in commercial areas shall be sealed with 40 mm thickness asphaltic concrete (hotmix) laid in compliance with Department for Transport, Energy and Infrastructure standard specifications and with maximum aggregate size of 10 mm for a distance of 10 m from the intersection or at the entrance to the *cul-de-sac*.

In the case of 'T' intersections or cross road intersections within a development, the specified seal shall be provided at the intersection and for a distance of 10 m from the intersection in each direction on each road.

(d) *Cul-de-sac Ends*

*Cul-de-sac* ends shall have a seal of 9 m radius to accommodate the operation of refuse collection vehicles and other larger vehicles.

(e) *Road Reserve and Road Width*

Council requirements for road reserves shall be as follows:

Road Reserves (Entrance to *cul-de-sacs*) 12.5 m.

Road Reserves (Other) 15 m.

*Cul-de-sac* Ends Road Reserves (circular) 25 m.

*Cul-de-sac* Ends Road Reserves (other) to be agreed with Kingston District Council.

All Other Streets (e.g. commercial) to be to the reasonable satisfaction of the Kingston District Council.

The following minimum road seal widths shall apply:

All Residential Streets 7 m.

*Cul-de-sac* (entrance) 6 m.

*Cul-de-sac* Ends (circular) 9 m radius.

*Cul-de-sac* Ends (other) to the reasonable satisfaction of the Kingston District Council.

All Other Streets (e.g. commercial) to be agreed with the Kingston District Council.

(f) *Footpaths*

- Provide interlinking footpaths, walkways and/or bicycle tracks within the development area that shall allow safe passage of pedestrian or bicycle traffic to the reasonable satisfaction of the Kingston District Council.

- Footpaths, walkways and/or bicycle tracks shall have a minimum 3 m width where the track will be used as a dual bicycle and walking thoroughfare and be designed and constructed with appropriate materials to the reasonable satisfaction and approval of the Kingston District Council.

(g) *Water Tables and Kerbing*

- Both edges of all streets shall be protected by the provision of an extruded kerb and gutter or concrete edge beam of a cross section approved by the Kingston District Council.
- The concrete edge beam shall have top surface set flush with the finished bitumen surface as approved by the Kingston District Council.
- Generally, if raised kerbing is installed, the kerb and gutter shall have a mountable type profile approved by the Kingston District Council.
- Pram ramps complying with the requirements of AS1428-1993, Clause 5.8 shall be constructed wherever a footpath intersects a kerb line and at an opposite street corners.
- Pram ramps shall be of reinforced concrete construction at least 100 mm thick.
- Spoon drains shall be constructed with top profile approved by the Kingston District Council. Spoon drains shall have a minimum thickness at 200 mm and shall be reinforced with F82 mesh centrally placed.
- All concrete used for pram ramps, vehicle access, crossing and spoon drains will be grade 25 mpa/20 mm. Concrete in extruded kerb and gutter and medium kerbing shall have a minimum 28 day strength of 20 mpa.

(h) *Drainage*

- A detailed drainage design shall be provided for all of the proposed development, and if necessary, due to existing land form, include areas outside the proposed development but within the drainage catchment affecting the development.
- Design shall be in accordance with procedures in the current edition of 'Australian Rainfall and Run-off (IEA)' or to the reasonable satisfaction of the Kingston District Council.
- As a general rule return period is to be five years, but engineering discretion should be used in areas where storm damage may be more significant (i.e. shopping areas, end of *cul-de-sacs*, etc.).
- Drainage computations are required to be prepared by a qualified and experienced Engineer and submitted with the detailed engineering drawings for the proposal.
- All stormwater run-off attributable to the proposal shall be adequately disposed of within the development area in accordance with the development authorisation or variations thereof.
- As a general rule, side entry pits shall be spaced at no greater than 100 m and at closer spacing if required, depending on conditions and detailed design.
- Drainage bores and associated settlement tanks shall be constructed to meet the requirements of Council and the Department of Primary Industries and Resources. Drainage capacity of any bore shall exceed the calculated drainage discharge for the designated stormwater system and the bore is to be proved to the reasonable satisfaction of the Kingston District Council.
- Storage basins capable of holding the run-off of the designated rainfall storm shall be provided at suitable locations if drainage bores prove to be unacceptable.
- Spoon drains, when required at junctions, shall be constructed to maintain the pavement width of the through street and to ensure continuity of flow of all stormwater. A spoon drain shall not be constructed across a through street.

- All stormwater storage basins shall be provided with appropriate warning signs to the reasonable satisfaction of the Kingston District Council.
  - Council requires a separate drainage reserve in land divisions of adequate area to provide stormwater treatment and retention for a one in five year storm event in residential areas and a one in 10 year storm event in other zones. Any requirements above these limits may be incorporated into the public open space calculation.
  - Swale drains shall be constructed with side slopes of three horizontal: one vertical to facilitate maintenance slashing. The longer general gradients shall be no steeper than that consistent with avoidance of scouring, have regard to soil type, vegetation cover and the design flow average velocity. Where site conditions are not consistent with this requirement, the drain shall be rock lined, or shall incorporate steps or drop structures, with appropriate protection against local scouring. Details of these provisions shall be subject to the specific approval of the Kingston District Council.
- (i) *Street Lighting*
- Street lighting shall be provided throughout the subdivision. The following minimum categories (AS 1158.0-1997) will apply.
  - Roads B2.
  - The street lights and poles shall be of a type approved by the Kingston District Council.
- (j) *Street Names, Numbers and Signage*
- All naming of roads shall be in accordance with section 219 of the Local Government Act 1999.
  - All numbers assigned to allotments shall be in accordance with section 220 of the Local Government Act 1999.
  - Kingston District Council reserves the right to name all roads.
  - Street signs shall be supplied (from an approved supplier) and erected so as to indicate the appropriate streets to the reasonable satisfaction of the Kingston District Council.
- (k) *Landscaping and Tree Planting*
- All proposed landscaping and tree planting proposed as part of the development shall be provided to the reasonable satisfaction of the Kingston District Council.
- (l) *Electricity Supply*
- Electricity supply shall be under-grounded throughout the subdivision. The proponent shall make arrangements with ETSA for the provision of an adequate electricity supply to each allotment.
- (m) *Water Supply*
- Water supply services shall be installed in accordance with Australian Standard AS/NZS 3500.1.2 and any other relevant approvals and standards for the installation of a full reticulated water system, for the provision of an adequate water supply to each created allotment and in accordance with the development authorisation granted by the Governor.
- (n) *Sewer and Waste Water Disposal*
- The proponent shall be responsible for the design and construction of a suitable sewer and waste water system to service the allotments within the subdivision and in accordance with the development authorisation granted by the Governor.
  - The proponent shall provide Council with a full design and specifications for the sewer and waste water disposal system. All design specifications to meet the requirements of the Kingston District Council.
- (o) *Reserves and Easement for Stormwater Drainage and Electricity Supply*
- The requirements of the Electricity's Trust of South Australia with respect to the provision of easements shall be met.
  - Drainage reserves under the control of the Kingston District Council shall be provided over any stormwater retention basin, settling pond, gross pollution trap or like structure, not located on a road reserve.
- (p) *Open Space*
- The proponent, at the discretion of Council, may be required to provide open space associated with the development to satisfy the requirements of the Development Act provisions.
  - The proponent shall provide all open space reserves as shown in the approved layout plan.
  - In the event that the requirements as to the provision of open space are not satisfied, the proponent shall forward the appropriate monetary contribution for the open space requirement to Council as applicable under the Development Act or the State Government Planning and Development Fund. (All contributions received by Council will be appropriated to an open space development reserve fund).
- NOTE:
- The Council, when dealing with land division applications, seeks where appropriate to have open space reserve contributions in parcels of at least 2 000 m<sup>2</sup>. Such areas should link with other reserves where possible and practicable.
  - Open space reserves in the land division area shall be developed in conjunction with and to the reasonable satisfaction of the Kingston District Council.
  - In instances where screening reserves are required, the development approval and/or land management agreement, shall include a requirement for the proponent to fence the screening reserve and develop the reserve in accordance with a plan approved by Council.
- (q) *Construction Record*
- The proponent shall supply the Kingston District Council with complete records including:
- Compaction test reports for all bulk earthworks, service trench backfilling and base.
  - Material quality test reports (base and backfill).
  - As constructed design and levels for stormwater drains, base, top of kerb, etc.
- (r) *Defects Liability Period*
- The proponent shall lodge with Council (unless Council is the construction contractor) a standard agreement to indemnify Council against any defects that occur in the engineering works within 12 months of the date of practical completion. The date of practical completion will be the date that Council accepts the engineering works.
  - The agreement shall provide for the faults to be rectified by the applicant or to reimburse Council the full costs of all necessary works.
  - Council will notify the proponent in writing of practical completion.
  - The proponent is required to notify Council when the following stages of the engineering works have been achieved and will not proceed until such works have been inspected and approved (including appropriate testing if required) by Council.
    - o Base preparation prior to placement of pavement in all roads and footpaths.
    - o Kerb preparation alignment including base compaction and alignment.
    - o Prior to backfilling trenches for underground stormwater and effluent drainage.
    - o Prior to placing seal coat.
- and
- (s) *Nuisance*
- The proponent shall control dust and noise nuisance as the project proceeds. In the most adverse climatic conditions, operations shall be suspended if necessary to reduce nuisance and to avoid undesirable environmental



impacts. All operations shall be conducted in the most efficient and reasonable manner. The Environment Protection Authority requirements shall be observed.

### 31. *Building*

- All fixings shall be suitably corrosion proofed to meet the requirements for a near marine location.
- The Owner/Builder shall give Council a minimum of one business day's notice of the following:
  - (i) commencement of building work on the site;
  - (ii) the intention to place concrete for construction;
  - (iii) completion of the building work and any items required by Development legislation.
- Where the distance between the catwalk and the finished surface below as at low tide exceeds 1 m that part of the catwalk shall have balusters barriers or horizontal wires with openings limited so as not to permit at any time a 125 mm sphere to pass through.

32. Adequate provision shall be made to minimise the effects of extreme storm events on the structural stability of the retaining wall to be located along the frontage of all water front allotments.

33. The proponent shall install the grassed swales and retention basins as outlined in the 'Cape Jaffa Anchorage Environmental Impact Statement, February 2005'.

34. The proponent shall develop and implement a maintenance schedule to ensure that the stormwater treatment device is maintained in a fully operational manner.

35. Stormwater from the site shall be managed to ensure that it does not pollute the underground aquifer.

36. The proponent shall implement the Soil Erosion and Drainage Management Plan prior to the commencement of construction of the site in accordance with the principles outlined in the Stormwater Pollution Prevention Code of Practice for Local, State and Federal Governments. The plan shall be submitted to the planning authority prior to construction commencing.

37. All building allotments shall be capable of connection to sewer.

### *Concrete Batching Plant*

38. The development shall be carried out in accordance with the plans (reference job number 05-10602) and details in the variation to the development authorisation except for as otherwise varied by any conditions that follow.

39. The boundary of the Concrete Batching Plant, shown as the shaded area in Figure 2, Appendix C of the application shall be a minimum of 100 m from the nearest sensitive receptor.

40. All roadways, entrances, loading/unloading areas, and other vehicle traffic areas on the site shall be maintained at all times so that potential for dust generation is minimised and does not create a nuisance off-site.

41. All stockpiles of raw materials shall be located within storage bunkers/bays, and stored below the height of the bunker walls. The storage bunkers/bays shall be oriented to minimise the effects of the prevailing wind (i.e. prevailing wind direction must be taken into account). Sprinklers shall be installed and utilised as required to minimise dust generation.

42. The aggregate bins and hoppers shall be fitted with a three-sided and roofed cover suitable for minimising the potential for generation of windborne material where a front-end loader is used.

NOTE: Covering is considered best practice for the loading of sand and aggregate via a front-end loader. Dust can be further minimised by ensuring gradual feed into the hopper, and by minimising the drop distance of material (i.e. by appropriate management). The use of wetted raw materials in dry weather can further minimise potential for emissions.

43. The cement storage silo shall be fitted with an appropriately sized fabric filter incorporating an effective fabric-cleaning device to eliminate emissions due to the displacement of air whilst filling.

44. The silo shall be fitted with a high level visible and audible alarm, complete with a test circuit, to guard against overfilling. It shall also be fitted with automatic delivery shutdown.

45. Any material likely to degrade water (concrete admixtures, etc.) shall be stored within a roofed and bunded compound/area, which has a capacity of at least 120% of the volume of the largest container to be stored within the bund, and which is designed and constructed to prevent the escape of material into surface or underground water resources.

NOTE: Environment Protection Authority Guideline titled Bunding and Spill Management will assist with appropriate design and management of bunded areas:

<http://www.epa.sa.gov.au/pdfs/guidebunding.pdf>

46. The operation of the plant shall incorporate an effective wastewater management system to collect, treat as necessary, and re-use wastewater generated at the site. The applicant shall ensure that waste is not discharged to any waters or on land from which it is likely to enter waters either by seepage (or rising water table) or from carriage by wind, rain, or stormwater.

47. Any wastewater (e.g. in the wash out pit) generated by the plant that is not suitable for re-use shall be collected for off-site disposal by a licensed waste depot.

48. The plant may operate from 5 a.m. to 5 p.m., seven days per week during the construction program of the marina provided that no sensitive receptors are located within 200 m of the Concrete Batching Plant, shown as the shaded area in Figure 2, Appendix C of the application. Following the completion of the marina and/or once a sensitive receptor is located within 200 m of the plant; the plant may operate from 6 a.m. to 5 p.m., Monday to Saturday. Operation outside of these hours may only be granted for special projects following application to the Environment Protection Authority.

### NOTES TO THE APPLICANT

1. Tenure arrangements for the private moorings should be negotiated with the Department for Transport, Energy and Infrastructure.

2. All construction works shall be undertaken in accordance with the approved Construction Management Plan and Soil Erosion and Drainage Management that form part of the Governor's development authorisation dated 12 January 2006.

3. Binding arrangements (to the reasonable satisfaction of the Development Assessment Commission) need to be made for the permanent management and maintenance of the approved marina proposal as part of the Governor's development authorisation dated 12 January 2006.

4. Two copies of certified survey plans, as required under the Real Property Act 1886, should be lodged with the Development Commission for the issue of Certificate of Title, prior to titles for allotments being granted. The plans should show all easements and reserves.

5. The applicant is reminded that the new sewerage system has not been assessed as part of this development application and will require a separate development application to be submitted to the DAC as the Governor's delegate in accordance with Schedule 22, Part A, Item 3 (2) (b) of the Development Act 1993. Sewage Treatment Works or STEDS in a Water Protection Area with a peak loading capacity designed for more than 100 persons per day. The applicant is reminded that the sewage treatment facility and any subsequent irrigation will require an environmental authorisation under the Environment Protection Act 1993.

6. The applicant is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act 1993, to take all reasonable and practical measures to ensure that the activities on the whole of the site, including construction, do not pollute the environment in a way which causes or may cause environmental harm.

In terms of demonstrating the duty, preparation of the following is considered appropriate for construction work on this site:

A Soil Erosion and Drainage Management Plan to address control of run-off of stormwater during earthworks and construction work (to ensure water quality is not detrimentally affected) being prepared by the proponent and being independently certified as meeting the requirements of:

- (a) the general environmental duty as defined in Part 4, section 25 (1) of the Environment Protection Act 1993;

- (b) any relevant Environment Protection Policies made under Part 5 of the Environment Protection Act 1993;
- (c) any relevant Australian Standards or environmental Codes of Practice (such as the Stormwater Pollution Prevention Codes of Practice for the Building and Construction Industry).

Prior to earthworks and construction work commencing, and the works being undertaken in accordance with that plan.

7. The proponent's attention is drawn to the EPA Information Sheet No. 7 'Construction Noise' that provides guidance on minimising the potential for off-site impacts from noise associated with construction and building activities:

[http://www.epa.sa.gov.au/pdfs/info\\_construction.pdf](http://www.epa.sa.gov.au/pdfs/info_construction.pdf)

8. Control measures such as water sprinkling, minimising soil disturbance and discontinuing work during high winds should adequately address potential for dust problems from the construction of the land division.

9. Any information sheets, guideline documents, codes of practice, technical bulletins can be accessed on the following web-site:

<http://www.epa.sa.gov.au/pub.html>

10. Approvals will be required for all components of the development not hereby approved, including:

- The land division.
- The marina moorings and other marina facilities.
- The public boat ramp, hard stand, boat maintenance facilities and car park areas.
- The boat refuelling and boat effluent disposal facility.
- Installation of navigational aids.
- All residential, commercial, retail, tourist related and other buildings.

11. Pursuant to Development Regulation 64, the applicant is advised that the Kingston District Council or private certifier conducting a Building Rules assessment must:

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

Regulation 64 of the Development Regulations 1993, provides further information about the type and quantity of all Building Rules certification documentation for Major Developments required for referral to the Minister for Urban Development and Planning.

12. The Kingston District Council or private certifier undertaking Building Rules assessments must ensure that the assessment and certification are consistent with this provisional development authorisation (including Conditions or Notes that apply in relation to this provisional development authorisation).

13. Should the applicant wish to vary the Major Development or any of the components of the Major Development, an application may be submitted, provided that the development application variation remains within the ambit of the Environmental Impact Statement and Assessment Report referred to in this provisional development authorisation. If an application for variation involves substantial changes to the proposal, it will be processed pursuant to section 47 of the Development Act 1993.

14. The applicant should liaise with the Department of Water, Land and Biodiversity Conservation in relation to any further testing of the proposed water supply and negotiate with DWLBC for provision of the already agreed water supply.

15. Pursuant to the Harbors and Navigation Act 1993, the Council will be required to negotiate tenure arrangements with the Minister for Transport over the seabed on terms acceptable to the Minister prior to the commencement of construction.

16. The applicant's CEMMP and OEMMP should be prepared taking into consideration, and with explicit reference to, relevant Environment Protection Authority policies and guideline documents, including but not limited to the Environment Protection (Air Quality) Policy 1994, the Environment Protection (Water Quality) Policy 2003, the Occupational Health and Safety Regulations, EPA Guidelines on Odour Assessment, using odour source modelling 2003, EPA Handbook for Pollution Avoidance on Commercial and Residential Building Sites 2004, EPA Bunding and Spill Management Guidelines 2004 and the EPA Stormwater Pollution Prevention Codes of Practice, in addition to other legislative requirements and Guidelines/Australian Standards requiring compliance.

17. The following management and monitoring plans may be incorporated into the CEMMP or OEMMP as appropriate:

- Groundwater Management and Monitoring Plan.
- Irrigation (Reclaimed Water) Monitoring and Management Plan.
- Dredging Monitoring and Management Plan.
- Marine Construction Monitoring and Management Plan.
- Vegetation Monitoring and Management Plan.
- Site Construction Monitoring and Management Plan.
- Acid Sulphate Soils Monitoring and Management Plan.
- Stormwater Monitoring and Management Plan.

The following activities in relation to the components of the development hereby approved and/or requiring future approval will require licences under the Environment Protection Act 1993:

- Earthworks Drainage: the conduct of earthworks operations in the course of which more than 100 kilolitres of waste water containing suspended solids in a concentration exceeding 25 milligrams per litre is discharged directly or indirectly to marine waters or inland waters.
- Marinas and Boating Facilities: the conduct of:
  - (1) facilities comprising pontoons, jetties, piers or other structures (whether on water or land) designed or used to provide moorings or dry storage for 50 or more powered vessels at any one time; or
  - (2) works for the repair or maintenance of vessels with the capacity to handle five or more vessels at any one time or vessels 12 m or more in length.
- Dredging: removing solid matter from the bed or any marine waters by any digging or suction apparatus, but excluding works carried out for the establishment of a visual aid to navigation and any lawful fishing or recreational activity.

18. It is likely that as a condition of such licences the Environment Protection Authority will require the licensee to carry out specified environmental monitoring of water quality and to make reports of the results of such monitoring to it.

19. It is also likely that the Environment Protection Authority will require the identification to it of any vessels that visit the marina from international ports or from ports beyond Adelaide and the surrounding area, together with details of the routes travelled by such vessels (for the purpose of identifying the potential introduction of harmful marine species).

20. All works associated with the rehabilitation and remediation of the site must be undertaken in accordance with the General Environmental Duty as defined in Part 4, section 25 (1) of the Environment Protection Act 1993, the Environment Protection (Water Quality) Policy 2003 and other relevant Environment Protection Policies made under Part 5 of the Environment Protection Act 1993, the ANZECC Best Practice Guidelines for Waste Reception Facilities at Ports, Marinas and Boat Harbours in Australia and New Zealand, draft guideline Environmental Management of On-Site Remediation and other relevant Environment Protection and Authorisation publications and guidelines.

21. The proponent is advised of the General Environmental Duty under section 25 of the Environment Protection Act 1993, which requires that a person must not undertake any activity, which pollutes, or may pollute without taking all reasonable and practical measures to prevent or minimise harm to the environment.

22. The Management Plan for Acid Sulphate Soils should comply with Guidelines issued by the Coast Protection Board.

23. (a) The applicant is reminded of its obligations under the Aboriginal Heritage Act 1988, whereby during any works conducted, if an Aboriginal site, object or remains are found, authorisation from the Minister for Aboriginal Affairs and Reconciliation, is required to damage, disturb, interfere or remove the object, site or remains (pursuant to section 23 of the Aboriginal Heritage Act 1988).

(b) The applicant should also have regard for the section 23 authorisation (December 2004) and attendant conditions signed by the Minister for Aboriginal Affairs and Reconciliation in relation to the Cape Jaffa Anchorage proposal.

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

25. The applicant and the Council after hand-over, must comply with the Public and Environmental Health Act 1987, in regard to the maintenance of suitable water quality within the marina basin (and any stormwater holding ponds) to protect public health and amenity.

26. The expression 'secondary contact recreation' includes activities such as wading, boating and fishing in which some human contact with the water may occur, but in which the probability of bodily immersion or the intake of significant amounts of water is minimal.

27. If foreign vessels are allowed to berth in the marina the proponent would need to consult with the Department for Transport, Energy and Infrastructure (Marine Safety section) to address any requirements of the Australian Quarantine Service (AQIS) and the Australian Customs Service.

28. It is recommended that the applicant approach the Kingston District Council with a view to the Council enacting of by-laws to manage activities associated with:

- The entrance channel and waterways to ensure safe navigation and to protect water quality.
- The boat ramp, washdown, slipways and hardstand.
- Refuelling facility and marine toilet pump-out facility.
- The residential development and reserves (including storm-water management devices).

29. The Kingston District Council will need to review and amend the zoning policies in the relevant Development Plan to reflect any development approved by the Governor and for future assessment and decision-making for buildings and structures not part of this provisional development authorisation.

30. Noise generated from the non-residential components of the development should not exceed:

- (1) 52dB(A) between the hours of 7 a.m. and 10 p.m. measured and adjusted at the nearest existing residential property in accordance with the Environmental Protection (Industrial Noise) Policy 1994.
- (2) 45dB(A) between the hours of 10 p.m. and 7 a.m. measured and adjusted at the nearest residential property in accordance with the Environmental Protection (Industrial Noise) Policy 1994.
- (3) A short term typical maximum noise level of 60dB(A) when measured at the nearest existing residential property.

31. In a land division, provision shall be made for a set back distance of 2 m from the top of the edge treatments (for the construction of coastal protection works if required in the future).

32. A common building scheme encumbrance or equivalent device for the purpose of ensuring compliance with design standards for residential and other buildings will be required prior to the lodgement of development applications.

33. Binding legal arrangements (e.g. easements, encumbrances, charge-back arrangements, etc., as appropriate) between the proponent and allotment owners must be put in place, prior to

application to the Registrar-General for the issue of new Certificates of Title, to ensure financial and management responsibilities related to the maintenance of edge treatments, the design and appearance of structures and the installation of future coast protection works are clearly allocated. These arrangements should be to the reasonable satisfaction of the Development Assessment Commission.

34. Any further upgrading of the intersection of the Southern Ports Highway/Cape Jaffa Road shall be borne by the Department of Transport, Energy and Infrastructure and/or Council. The applicant will not be required to contribute to any further upgrading as this relates to the currently approved development.

35. An environmental authorisation in the form of a licence is required for the operation of the Concrete Batching Plant. The New Licence Application that was submitted in May 2007 is considered to remain valid unless the information contained within the application changes. Please submit the necessary copy of development approval (i.e. this notice) for the Concrete Batching Plant.

36. A licence may be refused when the applicant has failed to comply with any conditions of development approval imposed at the direction of the Environment Protection Authority.

37. Any information sheets, guideline documents, codes of practice, technical bulletins, etc. that are referenced in these notes can be accessed at <http://www.epa.sa.gov.au>.

38. Based upon current knowledge and information the proposed development and development site is at some risk of coastal erosion and inundation due to extreme tides notwithstanding any recommendations or advice herein, or may be at future risk. Neither erosion nor the effect of sea level change on this can be predicted with certainty. Also mean sea level rise may rise by more than the 0.3 m assumed in assessing the land division applications. Accordingly neither the South Australian Coast Protection Board nor any of its servants, agents or officers accepts any responsibility for any loss of life and property that may occur as a result of such circumstances.

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

Given under my hand at Adelaide, 25 September 2008.

R. BARUA, Secretary, Development  
Assessment Commission

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## 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 Jeffrey Phillip Marten and Janet Leslie McGinley have applied to the Licensing Authority for the transfer of a Hotel and Gaming Machine Licence in respect of premises situated at 19 Main Street, Spalding, S.A. 5454 and known as Spalding Hotel.

The applications have been set down for hearing on 28 October 2008 at 9.30 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicants at the applicants' address, at least seven days before the hearing date (viz: 21 October 2008).

The applicants' address for service is c/o Duncan Basheer Hannon, G.P.O. Box 2, Adelaide, S.A. 5001 (Attention: David Tillett).

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

Dated 19 September 2008.

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 XYSM Pty Ltd has applied to the Licensing Authority for the transfer of a Restaurant Licence in respect of premises situated at Shops 33 and 34, Regent Arcade, Adelaide, S.A. 5000 and known as Billy Baxters Coffee House.

The application has been set down for hearing on 22 October 2008 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the hearing date (viz: 15 October 2008).

The applicant's address for service is c/o Winter Solicitors, P.O. Box 7070, Hutt Street, Adelaide, S.A. 5000 (Attention: Lillian Lin).

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

Dated 16 September 2008.

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 Hockey South Australia Incorporated has applied to the Licensing Authority for the transfer of a Special Circumstances Licence in respect of premises situated at Grand Junction Road, Gepps Cross, S.A. 5094 and known as The Distinctive Homes Hockey Arena.

The application has been set down for hearing on 23 October 2008 at 9.30 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the hearing date (viz: 16 October 2008).

The applicant's address for service is c/o The Distinctive Homes Hockey Arena, P.O. Box 56, Enfield Plaza, S.A. 5085 (Attention: Christopher White).

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

Dated 16 September 2008.

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 Huyen Thi Tran has applied to the Licensing Authority for a Restaurant Licence in respect of premises situated at Shop 2, 107 Military Road, Semaphore, S.A. 5019 and to be known as Buddhas Kitchen.

The application has been set down for callover on 24 October 2008 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the callover date (viz: 17 October 2008).

The applicant's address for service is c/o Huyen Tran, Shop 2, 107 Military Road, Semaphore, S.A. 5019.

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

Dated 18 September 2008.

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 Andrew Brown and Dalia Sweeny have applied to the Licensing Authority for a Wholesale Liquor Merchant's Licence in respect of premises situated at 6 Pegler Street, Beverly, S.A. 5009 and to be known as Brown and Sweeny Vintners.

The application has been set down for callover on 24 October 2008 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicants at the applicants' address, at least seven days before the callover date (viz: 17 October 2008).

The applicants' address for service is c/o Andrew Brown, P.O. Box 345, Hindmarsh, S.A. 5007.

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

Dated 18 September 2008.

Applicants

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Flics Pty Ltd has applied to the Licensing Authority for an Extension of Trading Area and variation to an Extended Trading Authorisation in respect of premises situated at 58 Finnis Street, North Adelaide, S.A. 5006 and known as British Hotel North Adelaide.

The application has been set down for callover on 24 October 2008 at 9 a.m.

*Conditions*

The following licence conditions are sought:

- Extension of Trading Area to include the footpath at the front of the premises as per plans lodged with this office.
- Existing Extended Trading Authorisation to apply to the abovementioned area for the following time:

Sunday: 8 p.m. to 10 p.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the callover date (viz: 17 October 2008).

The applicant's address for service is c/o Richard Spalvins, 58 Finnis Street, North Adelaide, S.A. 5006.

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

Dated 18 September 2008.

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 Shanahans Wines Pty Ltd has applied to the Licensing Authority for a Producer's Licence in respect of premises situated at Section 777, Hamley Bridge Road, Templers, S.A. 5371 and to be known as Shanahans Wines.

The application has been set down for callover on 24 October 2008 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the callover date (viz: 17 October 2008).

The applicant's address for service is c/o Shanahans Wines Pty Ltd, 7 Sullivan Street, Somerton Park, S.A. 5044 (Attention: John Harris).

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

Dated 18 September 2008.

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 Naked Crush Wines Pty Ltd, 15 Sandery Avenue, Seacombe Gardens, S.A. 5047, has applied to the Licensing Authority for a Direct Sales Licence in respect of the Business to be known as Naked Crush Wines.

The application has been set down for callover on 24 October 2008 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the callover date (viz: 17 October 2008).

The applicant's address for service is c/o Steve Bachmann, 15 Sandery Avenue, Seacombe Gardens, S.A. 5047.

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

Dated 19 September 2008.

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 Wine Link Pty Ltd as trustee for the De Poi Wine Trust has applied to the Licensing Authority for a Producer's Licence in respect of premises situated at 28 Diagonal Road, Pooraka, S.A. 5095 and to be known as Wine Link.

The application has been set down for callover on 24 October 2008 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the callover date (viz: 17 October 2008).

The applicant's address for service is c/o Wine Link Pty Ltd, 28 Diagonal Road, Pooraka, S.A. 5095.

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

Dated 19 September 2008.

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 YHH Pty Ltd as trustee for the Ye Family Trust, the Huang Family Trust and the Luong Family Trust has applied to the Licensing Authority for the transfer of a Restaurant Licence and Redefinition in respect of premises situated at 351 Greenhill Road, Toorak Gardens, S.A. 5065, known as Royal Garden Chinese Restaurant and to be known as Eastern Garden Chinese Restaurant.

The application has been set down for callover on 24 October 2008 at 9 a.m.

*Conditions*

The following licence conditions are sought:

- Redefinition to include an Outdoor Area as per plans lodged with this office.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the callover date (viz: 17 October 2008).

The applicant's address for service is c/o YHH Pty Ltd, P.O. Box 105, Glenside, S.A. 5065.

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

Dated 19 September 2008.

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 Chantelle Dickinson and Henry Hugh MacKenzie Dickinson have applied to the Licensing Authority for a Producer's Licence in respect of premises situated at Glen Alma (Section 456), corner of Kelly Road and Dennison Road, Auburn, S.A. 5457 and to be known as Seraph's Crossing.

The application has been set down for callover on 24 October 2008 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicants at the applicants' address, at least seven days before the callover date (viz: 17 October 2008).

The applicants' address for service is c/o Henry Dickinson, P.O. Box 5753, Clare, S.A. 5453.

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

Dated 17 September 2008.

Applicants

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Chaltom Nominees Pty Ltd as trustee for Kareem Trust and Benjamin Anthony McLeod and Jtheo Pty Ltd as trustee for Jordon Theodoros Family Trust have applied to the Licensing Authority for the transfer of a Restaurant Licence with Redefinition and Alterations in respect of premises situated at 94 Barrage Road, Goolwa, S.A. 5214 and known as Aquacaf Gourmet Cafe.

The application has been set down for callover on 24 October 2008 at 9 a.m.

*Conditions*

The following licence conditions are sought:

- Redefinition to remove area from licence and minor alterations to toilets as per plans lodged with this office.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicants at the applicants' address, at least seven days before the callover date (viz: 17 October 2008).

The applicants' address for service is c/o Duncan Basheer Hannon, G.P.O. Box 2, Adelaide, S.A. 5001 (Attention: David Tillet).

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

Dated 22 September 2008.

Applicants

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Argyle Corporate Services Pty Ltd as trustee for Argyle Trust has applied to the Licensing Authority for the transfer of a Hotel Licence in respect of premises situated at 92 Franklin Street, Adelaide, S.A. 5000 and known as Raglans Backpackers.

The application has been set down for hearing on 27 October 2008 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the hearing date (viz: 20 October 2008).

The applicant's address for service is c/o Linda Osborn, G.P.O. Box 1961, Adelaide, S.A. 5001.

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

Dated 18 September 2008.

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 Steven Marshall has applied to the Licensing Authority for the transfer of a Hotel Licence in respect of premises situated at Main Street, Sutherlands, S.A. 5374 and known as Sutherlands Hotel.

The application has been set down for hearing on 29 October 2008 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the hearing date (viz: 22 October 2008).

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

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

Dated 22 September 2008.

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 Conti International Pty Ltd has applied to the Licensing Authority for the transfer of a Wholesale Liquor Merchant's Licence in respect of premises situated at 37 Pederick Road, Lewiston, S.A. 5501 and known as Euca Estate.

The application has been set down for hearing on 29 October 2008 at 9.30 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the hearing date (viz: 22 October 2008).

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

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

Dated 22 September 2008.

Applicant

## MINING ACT 1971

NOTICE is hereby given in accordance with section 35A (1) of the Mining Act 1971, that an application for a mining lease over the undermentioned mineral claim has been received. Details of the proposal may be inspected at the Department of Primary Industries and Resources, Mineral Resources Group, Level 7, 101 Grenfell Street, Adelaide, S.A. 5000:

Applicant: Brenton Craig Morgan

Claim Number: 3832

Location: Section 1187, Hundred of Brinkley—Approximately 20 km south-west of Murray Bridge.

Area: 7.5 hectares

Purpose: For the recovery of limestone

Reference: T02671

A copy of the proposal has been provided to the Rural City of Murray Bridge.

Written submissions in relation to the granting of the mining lease are invited to be received at the Department of Primary Industries and Resources, Mineral Resources Group, Level 7, 101 Grenfell Street, Adelaide, S.A. 5000 or G.P.O. Box 1671, Adelaide, S.A. 5001 no later than 9 October 2008.

Copies of all submissions will be forwarded to the applicant and may be made available for public inspection unless confidentiality is requested.

H. THOMAS, Mining Registrar

## MINING ACT 1971

## NATIVE TITLE (SOUTH AUSTRALIA) ACT 1994

NOTICE is hereby given in accordance with section 35A (1) of the Mining Act 1971 and Part 5 of the Native Title (South Australia) Act 1994 and the Regulations thereunder that applications for mining leases have been received. Details of the proposal may be inspected at the Department of Primary Industries and Resources, Mineral Resources Group, Level 5, 101 Grenfell Street, Adelaide, S.A. 5000:

Applicant: Iluka (Eucla Basin) Pty Ltd

Claim Numbers: 3624, 3625, 4027, 4028, 4029, 4030 and 4031

Location: Allotment 100 in Deposited Plan 67929, Yellabinna Regional Reserve and Allotment 1 in Deposited Plan 26593, Nullarbor Regional Reserve—Approximately 200 km north-west of Ceduna.

Area: Totalling 95.4 hectares

Purpose: For the recovery of limestone, calcrete and gravel

References: T02568, T02577 and T02730

The Minister for Mineral Resources Development is required to have regard to any representations received from owners of the land (including native title holders) to which the applications relates and/or any interested members of the public in determining the applications or in fixing the conditions to be attached to the leases if granted.

Written submissions in relation to the granting of the mining leases are invited to be received at the Department of Primary Industries and Resources, Mineral Resources Group, Level 5, 101 Grenfell Street, Adelaide, S.A. 5000 or G.P.O. Box 1671, Adelaide, S.A. 5001 no later than 9 October 2008.

Copies of all submissions will be forwarded to the applicant and may be made available for public inspection unless confidentiality is requested.

H. THOMAS, Mining Registrar

## MINING ACT 1971

NOTICE is hereby given in accordance with section 28 (5) of the Mining Act 1971, that the Minister for Mineral Resources Development proposes to grant an Exploration Licence over the undermentioned area:

Applicant: Sunthe Uranium Pty Ltd

Location: Corvisart Bay Area—Approximately 10 km south-west of Streaky Bay.

Term: 1 year

Area in km<sup>2</sup>: 10

Ref.: 2005/00707

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

H. THOMAS, Mining Registrar

## MINING ACT 1971

NOTICE is hereby given in accordance with section 28 (5) of the Mining Act 1971, that the Minister for Mineral Resources Development proposes to grant an Exploration Licence over the undermentioned area:

Applicant: Makris Corporation Pty Ltd

Location: Lyndhurst Area—Approximately 30 km north-north-west of Leigh Creek.

Pastoral Lease: Leigh Creek, Mount Lyndhurst, Myrtle Springs and Farina Stations.

Term: 1 year

Area in km<sup>2</sup>: 267

Ref.: 2008/00099

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

H. THOMAS, Mining Registrar

## MINING ACT 1971

NOTICE is hereby given in accordance with section 28 (5) of the Mining Act 1971, that the Minister for Mineral Resources Development proposes to grant an Exploration Licence over the undermentioned area:

Applicants: James Ian Stewart (50%);  
Geotech International Pty Ltd (50%)

Location: Belton Area—Approximately 90 km north-east of Port Augusta.

Term: 1 year

Area in km<sup>2</sup>: 163

Ref.: 2008/00160

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

H. THOMAS, Mining Registrar

## MOUNT GAMBIER CIRCUIT COURT

## DISTRICT COURT OF SOUTH AUSTRALIA

Sheriff's Office, Adelaide, 17 September 2008

IN pursuance of a precept from the District Court to me directed, I do hereby give notice that the said Court will sit as a Court of Oyer and Terminer and General Gaol Delivery at the Courthouse at Mount Gambier on the day and time undermentioned and all parties bound to prosecute and give evidence and all jurors summoned and all others having business at the said Court are required to attend the sittings thereof and the order of such business will be unless a Judge otherwise orders as follows:

Tuesday, 7 October 2008, at 10 a.m. on the first day of the sittings the only business taken will be the arraignment of prisoners in gaol and the passing of sentences on prisoners in gaol committed for sentence; the surrender of prisoners on bail committed for sentence; the surrender of persons in response to *ex officio* informations or of persons on bail and committed for trial who have signified their intentions to plead guilty and the passing of sentences for all matters listed for disposition by the District Court.

Juries will be summoned for Wednesday, 8 October 2008 and persons will be tried on this and subsequent days of the sittings.

*Prisoners in HM Gaol and on bail for sentence and for trial at the sittings of the Mount Gambier Courthouse, commencing Tuesday, 7 October 2008.*

Bain, Jamie Bruce	Intentionally cause harm—aggravated offence	On bail
Barr, Aaron Troy	Application for enforcement of a breached bond; non-aggravated serious criminal trespass (place of residence); commit assault	On bail
Bland, Richard Shane	Intentionally cause harm—aggravated offence	On bail
Burke, Patrick Thomas	Aggravated serious criminal trespass in a place of residence; commit assault	On bail
Carrigan, David John	Manufacture commercial quantity of controlled drug	On bail
Carroll, Damian Anton	Cultivate cannabis for sale; possess a commercial quantity of controlled drug for sale	On bail
Dobie, Brett Graham	Cultivate a commercial quantity of a controlled plant; possess a commercial quantity of controlled drug for sale	On bail
Edwards, Marting Wayne	Aggravated threatening harm; aggravated causing harm	On bail
Rigney, Jamie Von Doussa	Aggravated threatening harm; aggravated causing harm	On bail
Haggett, Peter John	Threaten to harm person; serious criminal trespass—residence occupied; commit assault	On bail

Hill, Robert Edward	Producing cannabis	On bail
Jackway, Shirley Patricia	Taking part in the sale of methylamphetamine (7)	On bail
Plunkett, Percy Gordon	Taking part in the sale of methylamphetamine (7); trafficking	On bail
Kain, Bradley James	methylamphetamine (2) Prevent person from attending as witness	On bail
Mepstead, Deborah Joy	Traffic in controlled substance	On bail
Nash, Nathan Adam John	Unlawful sexual intercourse	On bail
Rigney, Alicia Lee	Commit assault causing harm—weapon used (2); damage property (4)	On bail
Rigney, Samuel Edward	Commit assault causing harm—weapon used (2); damage property (4)	On bail
Jackson, Edward Wayne	Commit assault causing harm—weapon used (2); damage property (4)	On bail
Rigney, Anthony	Cause serious harm to another	In gaol
Rigney, Anthony John	Cause serious harm to another	In gaol
Rigney, Johathan Howard	Aggravated cause serious harm with intent to cause such harm	In gaol
Tippins, Christopher Nathan	Traffic in commercial quantity of controlled drug	On bail
Betterman, Richard Shane	Selling methylamphetamine (5); possessing methylamphetamine for sale; taking part in the sale of methylamphetamine	On bail

Prisoners on bail must surrender at 10 a.m. of the day appointed for their respective trials. If they do not appear when called upon their recognizances and those of their bail will be estreated and a bench warrant will be issued forthwith.

By order of the Court,

M. A. STOKES, Sheriff

#### NATIONAL ELECTRICITY LAW

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

Under section 99:

- the making of a draft determination and *Draft National Electricity Amendment (Confidentiality Arrangements in Respect of Information Required for Power System Studies) Rule 2008*;
- the making of a draft determination and *Draft National Electricity Amendment (Victorian Jurisdictional Derogation (Advanced Metering Infrastructure Roll Out)) Rule 2008*; and
- the making of a draft determination and *Draft National Electricity Amendment (Compensation Arrangements Under Administered Pricing) Rule 2008*.

In relation to these draft determinations:

- requests for a pre-determination hearing must be received by **3 October 2008**; and
- submissions must be received by **7 November 2008**.

Submissions and requests for a hearing should be forwarded to [submissions@aemc.gov.au](mailto:submissions@aemc.gov.au).

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

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

John Tamblyn  
Chairman  
Australian Energy Market Commission  
Level 5, 201 Elizabeth Street  
Sydney, N.S.W. 2000  
Telephone: (02) 8296 7800  
Facsimile: (02) 8296 7899

25 September 2008.

#### NATIONAL PARKS AND WILDLIFE ACT 1972

##### *Ewens Ponds Conservation Park Management Plan Amendment—Draft*

I, GREG LEAMAN, Director of National Parks and Wildlife, hereby give notice under the provisions of section 38 of the National Parks and Wildlife Act 1972, that a draft Management Plan Amendment has been proposed for Ewens Ponds Conservation Park.

Copies of the draft plan amendment may be inspected at or obtained from the offices of the Department for Environment and Heritage at:

- DEH Information Line (Level 1, 100 Pirie Street, Adelaide, S.A. 5000, email [dehinformation@saugov.sa.gov.au](mailto:dehinformation@saugov.sa.gov.au)), telephone 8204 1910;
- <http://www.environment.sa.gov.au/parks/management/plans.html>;
- DEH South East District Office (11 Helen Street, Mount Gambier, S.A. 5290), telephone 8735 1177.

Any person may make representations in connection with the draft management plan during the period up to and including 25 December 2008.

Written comments should be forwarded to the Manager, Policy and Planning, Department for Environment and Heritage, G.P.O. Box 1047, Adelaide, S.A. 5001 or emailed to:

[irving.jason@saugov.sa.gov.au](mailto:irving.jason@saugov.sa.gov.au).

G. LEAMAN, Director of National Parks and Wildlife, Delegate of the Minister for Environment and Conservation

#### NATIONAL PARKS AND WILDLIFE (NATIONAL PARKS) REGULATIONS 2001

##### *Closure of The Dutchman's Stern Conservation Park*

PURSUANT to Regulations 8 (3) (a) and 8 (3) (d) of the National Parks and Wildlife (National Parks) Regulations 2001, I, Edward Gregory Leaman, Director of National Parks and Wildlife, close to the public, the whole of The Dutchman's Stern Conservation Park from 6 a.m. on Monday, 10 November 2008 until 6 p.m. on Friday, 14 November 2008.

The purpose of the closure is to ensure safety of the public during a pest control program being conducted within the reserve during the abovementioned period.

##### *Use of Firearms within the Reserve*

Pursuant to Regulations 8 (4), 20 (1) (a) and 41 of the National Parks and Wildlife (National Parks) Regulations 2001, I, Edward Gregory Leaman, Director of National Parks and Wildlife, grant permission to members of the Sporting Shooters Association of Australia Hunting and Conservation Branch (SA) Inc. in possession of both a current Hunting Permit and a firearm to enter and remain in The Dutchman's Stern Conservation Park from 6 a.m. on Monday, 10 November 2008 until 6 p.m. on Friday, 14 November 2008, for the purpose of taking feral animals.



This permission is conditional upon the observance by each of those persons of the requirements of the National Parks and Wildlife Act 1972, National Parks and Wildlife (National Parks) Regulations 2001 and National Parks and Wildlife (Hunting) Regulations 1996.

Dated 16 September 2008.

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

#### NATURAL RESOURCES MANAGEMENT ACT 2004

##### *Revocation of Notice of Prohibition*

PURSUANT to section 132 (9) of the Natural Resources Management Act 2004 (the Act), I, Jay Weatherill, Minister for Environment and Conservation in the State of South Australia and Minister to whom the administration of the Act is committed, revoke the Notice of Prohibition on Taking Surface Water, Water from Watercourses and Wells in the Western Mount Lofty Ranges Area published in the *Government Gazette* (pages 3801-3802) on 26 October 2006 and varied by notice published in the *Government Gazette* (page 3684) on 17 September 2007.

This notice will have effect at the expiration of seven days from publication of this notice in a newspaper circulating in that part of the State in which the water resources of the Western Mount Lofty Ranges Area are situated.

Dated 17 September 2008.

JAY WEATHERILL, Minister for Environment  
and Conservation

#### NATURAL RESOURCES MANAGEMENT ACT 2004

##### *Notice of Prohibition on Taking Surface Water, Water from Watercourses and Wells in the Western Mount Lofty Ranges Area*

PURSUANT to section 132 (1) of the Natural Resources Management Act 2004 ('the Act'), I, Jay Weatherill, Minister for Environment and Conservation in the State of South Australia, and Minister to whom the administration of the Act, is committed, being of the opinion that:

- the rate at which surface water is taken in the area described in Schedule 1 (Area 1) is such that the surface water available can no longer meet the demand, or is having a serious effect on a watercourse or lake, or the level of water in an underground aquifer, that depends on the surface water for replenishment;
- the rate at which water is taken from watercourses described in Area 1 and in Schedule 3 (Area 3) is such that there is a risk that the available water will not be sufficient to meet future demand; and
- the rate at which water is being taken from wells in the area described in Schedule 2 (Area 2) is such that there is a risk that the available water will not be sufficient to meet future demand, or is likely to affect the quality of water in the underground aquifer,

hereby prohibit the taking of:

- surface water and water from watercourses in Area 1;
- water from wells in Area 2; and
- water from watercourses in Area 3,

except in the circumstances specified in Schedule 4.

This Notice does not apply to the taking of:

- (a) water from a watercourse or well, or surface water, for domestic purposes or for watering stock (other than stock subject to intensive farming), provided that:
  - in respect of the taking of water by a person from any of the watercourses described as the Swamps of the Fleurieu Peninsula that are listed as a Critically Endangered Ecological Community under the Environment Protection and Biodiversity Act 1999 (Commonwealth) the taking of that water for those purposes commenced before 20 October 2005; or

- where the water is collected in a dam for those purposes, the dam does not have a capacity of 5ML or greater; or
- (b) water for fire-fighting purposes or public road making purposes; or
  - (c) water for the purpose of the application of chemicals to non-irrigated crops or non-irrigated pasture and for the application of chemicals to control a pest plant or animal; or
  - (d) water from a watercourse, lake or well or surface water by a person who is a native title holder in relation to the land or waters on or in which that watercourse, lake or well, or surface water is situated, and the taking is for the purpose of satisfying that person's personal, domestic, cultural, spiritual or non-commercial communal needs where they are doing so in the exercise or enjoyment of their native title rights and interests, provided that the taking does not involve stopping, impeding or diverting the flow of water for the purpose of collecting the water or diverting the flow of water from a watercourse; or
  - (e) water from a well, pursuant to a water licence, from the McLaren Vale Prescribed Wells Area or the Northern Adelaide Plains Prescribed Wells Area; or
  - (f) surface water or water from a well or watercourse, pursuant to a water licence, from the Barossa Prescribed Water Resources Area, the Marne Saunders Prescribed Water Resources Area, the Little Para Prescribed Watercourse or pursuant to an authorisation in the Eastern Mount Lofty Ranges Area.

##### *Schedule 1: Area 1*

The area bounded by the bold red line as shown in the GRO Plan No. 241/04.

##### *Schedule 2: Area 2*

The areas bounded by the bold red lines as shown in the GRO Plan No. 242/04.

##### *Schedule 3: Area 3*

The River Torrens/Karrawirra Parri downstream of Gorge Weir, the Onkaparinga River downstream of Clarendon Weir and the Gawler River downstream of the confluence of the North Para River and the South Para River as indicated by the bold red lines in GRO Plan No. 243/04.

##### *Schedule 4*

1. A person may take surface water and water from a watercourse in Area 1, or water from a well in Area 2, or water from a watercourse in Area 3, in accordance with the terms of a written authorisation granted by me or my authorised agent pursuant to this notice or any of the following notices:

- (a) a notice published in the *Government Gazette* on 14 October 2004 at page 3869 (the Notice of Prohibition on Taking Surface Water, Water from Watercourses and Wells in the Western Mount Lofty Ranges Area) pursuant to section 16 (1) of the Water Resources Act 1997;
- (b) a notice published in the *Government Gazette* on 20 October 2005 at page 3736 (the Notice of Variation to the Notice of Prohibition on Taking Surface Water, Water from Watercourses and Wells in the Western Mount Lofty Ranges Area) pursuant to section 132 (9) of the Act;
- (c) a notice published in the *Government Gazette* on 26 October 2006 at page 3801 (the Notice of Prohibition on Taking Surface Water, Water from Watercourses and Wells in the Western Mount Lofty Ranges Area) pursuant to section 132 (1) of the Act;
- (d) a notice published in the *Government Gazette* on 13 September 2007 at page 3684 (the Notice of Variation to the Notice of Prohibition on Taking Surface Water, Water from Watercourses and Wells in the Western Mount Lofty Ranges Area) pursuant to section 132 (9) of the Act.

2. An authorisation under this Notice may be granted to:

- (a) A Current User entitling that person to take, from the source specified in the authorisation:
- where the water taken during the Relevant Period was to water a crop or crops, the amount of water reasonably necessary, in my opinion or the opinion of my authorised agent, to water that crop or those crops, the amount being determined taking into account the maximum area of each crop or crops grown, the water requirements of the respective crop or crops and the irrigation capacity of the irrigation equipment used to water the crop or crops; or
  - where the water was taken during the Relevant Period for any other purpose, the amount of water which, in my opinion or the opinion of my authorised agent, is reasonably necessary to continue that purpose in the manner in which it had been undertaken during the Relevant Period.

The source specified will be the resource or resources from which water was taken during the Relevant Period:

- (b) The transferee of an interest in land (including under a contract of sale or grant of a lease) ('the new interest-holder') where:
- (i) the transferor or prior holder of an interest in the land (including as registered proprietor or lessee) ('the prior interest-holder') is the holder of an authorisation under this notice; and
  - (ii) the prior interest-holder and the new interest-holder apply to the Minister (or his authorised agent) for the cancellation (in whole or in part) of the prior interest-holder's authorisation under this notice and grant of an authorisation for the same purpose and on the same land as the cancelled authorisation (or cancelled part of the authorisation) to the new interest-holder,

entitling the new interest-holder to take the same (or a lesser) quantity of water from the same resource or resources as the prior interest-holder was authorised to take under the cancelled authorisation (or cancelled part of the authorisation).

- (c) Subject to Clause 3, a Prospective User entitling that person to take the amount of surface water or water from a watercourse in Area 1, or water from a well in Area 2, or water from a watercourse in Area 3, which in my opinion or the opinion of my authorised agent, is reasonably necessary to undertake the development, project or undertaking to which that person was committed.

3. A Prospective User may not be granted an authorisation or may only be granted an authorisation subject to conditions relating to the manner of taking water where, in my opinion or the opinion of my authorised agent:

- (a) the taking of surface water, or water from watercourses or wells, will detrimentally affect the ability of other persons to take water from any watercourse, well or dam for domestic purposes or for watering of stock (other than stock being intensively farmed); or
- (b) the taking of surface water, or water from watercourses or wells, will detrimentally affect the capacity of surface water or any watercourse or well to meet the current or future demand, including the demands of ecosystems dependent on that water resource.

4. Until authorised under this Notice, a Current User may continue to take an amount of water equivalent to the maximum amount taken in any one financial year during the Relevant Period, from the same sources and for the same purpose or purposes as that person took during the Relevant Period without a written authorisation.

In this Notice:

'Current User' is a person who has been taking surface water or water from a watercourse in Area 1, or water from a well in Area 2, or water from a watercourse in Area 3, during the Relevant Period.

'Relevant Period' is the period 1 July 2001 to 13 October 2004, inclusive.

'Prospective User' is a person who did not take any surface water or water from a watercourse in Area 1, or water from a well in Area 2, or water from a watercourse in Area 3, but who needs water for a development, project or undertaking:

- to which that person was legally committed during the Relevant Period; or
- in respect of which that person had, in my opinion or the opinion of my authorised agent, committed significant financial or other resources during the Relevant Period.

'Maximum area' for a particular crop means the maximum areas of land planted to a particular crop in any one financial year during the Relevant Period.

'Water requirement' of a crop means the reasonable rate of irrigation (expressed as a volume of water per hectare) to properly produce that crop.

'Irrigation capacity' of irrigation equipment means the amount of water that can be applied by the usual operation of that equipment in its condition at 13 October 2004 under usual pumping rates, hours of operation and seasonal fluctuations.

This Notice will have effect at the expiration of seven days from publication of this Notice in a newspaper circulating in that part of the State in which the water resources of the Western Mount Lofty Ranges Area are situated and will remain in effect for two years unless earlier varied or revoked.

Dated 17 September 2008.

JAY WEATHERILL, Minister for Environment and Conservation

#### PETROLEUM ACT 2000

#### SECTION 25 (5) (b) AND SECTION 90

#### *Variation of Petroleum Exploration Licences—PELs 186 and 187*

NOTICE is hereby given that under the provisions of the Petroleum Act 2000, pursuant to delegated powers dated 28 March 2002, *Gazetted* 11 April 2002, page 1573, the conditions of the abovementioned Exploration Licences have been varied as follows:

Condition 1 of each licence is omitted and the following substituted:

'1. During the term of the licence, the licensee shall carry out or cause to be carried out exploratory operations on the area comprised in the licence in accordance with such work programs as are approved by the Minister from time to time. Years one to two exploratory operations are guaranteed and any subsequent licence year becomes guaranteed upon entry into that licence year. These exploratory operations shall include but not necessarily be limited to:

Year of Term of Licence	Minimum Work Requirements
One	Gravity survey; and Geological and Geophysical studies
Two	Gravity survey; and Geological and Geophysical studies
Three	Data review
Four	30 km 2D seismic; and Geological and Geophysical studies
Five	One well

The revised work requirements as a result of this variation would not have altered the outcome of the original competitive tender process.

*Suspension of Petroleum Exploration Licences—  
PELs 186 and 187*

Pursuant to section 90 of the Petroleum Act 2000, notice is hereby given that the abovementioned Petroleum Exploration Licences have been suspended under the provisions of the Petroleum Act 2000, for the period from and including 1 September 2008 to 28 February 2009, pursuant to delegated powers dated 28 March 2002, *Gazetted* 11 April 2002, page 1573.

The expiry date of Exploration Licences PEL 186 and PEL 187 is now determined to be 27 July 2010.

Dated 18 September 2008.

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

PETROLEUM ACT 2000

*Suspension of Petroleum Exploration Licence—PEL 182*

PURSUANT to section 90 of the Petroleum Act 2000, notice is hereby given that the abovementioned Petroleum Exploration Licence has been suspended under the provisions of the Petroleum Act 2000, for the period from and including 2 September 2008 to 1 March 2009, pursuant to delegated powers dated 28 March 2002, *Gazetted* 11 April 2002, page 1573.

The expiry date of Petroleum Exploration Licence PEL 182 is now determined to be 22 May 2012.

Dated 23 September 2008.

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

POLICE ACT 1998

EXTERNAL AUDITOR OF SOUTH AUSTRALIA POLICE SECURITY  
INTELLIGENCE SECTION

*Appointment*

IN accordance with Clause 7 (b) of Directions made pursuant to section 6 of the Police Act 1998 and published in the *Government Gazette* of 29 May 2008, Hon. Edward P. Mullighan, QC, has been appointed as Auditor of the SA Police Security Intelligence Section for a term of three years commencing as of 1 October 2008.

Dated 18 September 2008.

MICHAEL WRIGHT, Minister for Police

POLICE ACT 1998

*Instrument of Appointment*

PURSUANT to Clause 7 (b) of Directions made pursuant to section 6 of the Police Act 1998 and published in the *Government Gazette* of 29 May 2008, I appoint the Hon. Edward P. Mullighan, QC, as Auditor of the South Australia Police Security Intelligence Section for a term of three years commencing as of 1 October 2008.

Dated 18 September 2008.

MICHAEL WRIGHT, Minister for Police

RAIL SAFETY ACT 2007

*Fees Payable by Accredited Rail Infrastructure Managers and  
Rolling Stock Operators*

I, PATRICK CONLON, the Minister for Transport, pursuant to section 41 of the Rail Safety Act 2007, fix the following fees for 2008-2009.

Dated 15 September 2008.

PATRICK CONLON, Minister for Transport

SCHEDULE OF FEES 2008-2009

*Fees Payable by Accredited Rail Infrastructure Managers and  
Rolling Stock Operators and Rail Infrastructure Managers of  
Registered Private Sidings*

Annual Fee—Commercial Rail Infrastructure Managers and  
Rolling Stock Operators

An accredited person shall pay annual accreditation fees according to their accreditation category or categories.

A person accredited at the beginning of the financial year as both a rail infrastructure manager and a rolling stock operator shall pay an annual fee equal to the total of both the rail infrastructure manager and rolling stock operator annual fee. A person accredited at the beginning of the financial year as both a category 4 rail infrastructure manager and a category 4 rolling stock operator shall pay a maximum combined annual fee of \$12 420.

For an accreditation granted during the financial year, the amount shall be payable at the time of accreditation and the fee shall be based on the estimated annual fee adjusted on a *pro rata* basis to reflect the actual number of weeks, or part thereof, that the accreditation will remain in force for the balance of the financial year.

For an accreditation that is granted for a portion of the financial year, the amount payable shall be based on the estimated annual fee adjusted on a *pro rata* basis to reflect the actual number of weeks, or part thereof, that the accreditation will remain in force. A minimum fee of \$6 210 applies for an accreditation granted for a fixed period less than six months.

*Commercial Rail Transport Operator Annual Fee*

Accreditation Category	Rail Infrastructure Manager Annual Fee (\$)	Rolling Stock Operator Annual Fee (\$)
1	111 780	111 780
2	74 520	74 520
3	37 260	37 260
4 (minimum fee)	12 420	12 420

Annual Fee—Not-for-Profit Heritage/Tourist Rail Infrastructure Managers and Rolling Stock Operators

No fee payable.

Annual Fee—Rail Infrastructure Manager of a Registered Private Siding

No fee payable.

Due Date for Annual Fees

The annual fee must be paid on or before 4 November 2008.

Fee for Late Payment of Annual Fees

Where payment of fees is made after the due date, then payment must be accompanied by a late payment fee of 5% of the amount outstanding on the due date.

**RAILWAY INFRASTRUCTURE MANAGER AND  
ROLLING STOCK OPERATOR ACCREDITATION  
CATEGORY SCHEDULE**

Historical information for the preceding financial year, where available, will be used for the purpose of determining the accreditation category. Where historical information is not available, a projected assessment will be used.

**Rail Infrastructure Manager Criteria**

Track Managed (Main Line Kilometres)	Accreditation Category
Greater than 1 000	1
Greater than 500 up to 1 000	2
Greater than 50 up to 500	3
From 0 to 50	4
A Rail Infrastructure Manager of a passenger or freight terminal, marshalling yard or undertaking rail infrastructure construction or maintenance only.	4

**Rolling Stock Operator Criteria**

Train Kilometres Operated (Main Line Kilometres)	Accreditation Category
Greater than 3 million per annum	1
Greater than 1 million up to 3 million per annum	2
Greater than 50 000 up to 1 million per annum	3
Up to 50 000 per annum	4
Operates rolling stock only for the purpose of: <ul style="list-style-type: none"> <li>• construction, maintenance or commissioning of rolling stock;</li> <li>• construction, maintenance or commissioning of track infrastructure using track maintenance machinery or road/ rail vehicles; or</li> <li>• providing a hook-and-pull service to an accredited rolling stock operator.</li> </ul>	4

NOTE: Train kilometres operated by a Rolling Stock Operator providing a hook-and-pull service are attributable to the principal Rolling Stock Operator who is accredited for the operation of the train.

#### RAIL SAFETY ACT 2007

##### *Instrument of Authorisation*

I, PATRICK CONLON, Minister for Transport in the State of South Australia pursuant to the power under section 126 (2) of the Rail Safety Act 2007, hereby:

AUTHORISE any member of S.A. Police as defined in section 3 of the Police Act 1998, to take legal proceedings for offences specified under section 71 (4) (Duties of rail safety workers); Part 8 Division 3 (General liability and evidentiary provisions—False or misleading information); Part 8 Division 4 (General liability and evidentiary provisions—Other offences) and Schedule 2 (Provisions relating to alcohol and other drug testing) of the Rail Safety Act 2007; Part 6 (Offences) of the Rail Safety (General) Regulations and the Rail Safety (Alcohol and Drug Testing) Regulations 2008, effective from 29 September 2008.

Dated 15 September 2008.

PATRICK CONLON, Minister for Transport

#### RAIL SAFETY ACT 2007

##### *Section 16: Appointment of Rail Safety Regulator*

I, PATRICK CONLON, Minister for Transport, pursuant to section 16 (3) (b) of the Rail Safety Act 2007, appoint the person for the time being holding, or acting in, the position of Executive Director, Safety and Regulation Division, Department for Transport, Energy and Infrastructure, as the Regulator.

Dated 15 September 2008.

PATRICK CONLON, Minister for Transport

#### ROADS (OPENING AND CLOSING) ACT 1991: SECTION 24

##### **NOTICE OF CONFIRMATION OF ROAD PROCESS ORDER**

##### *Road Closure—Penrice*

BY Road Process Order made on 28 April 2008, The Barossa Council ordered that:

1. Portion of the unnamed public road intruding into allotment 505 in Filed Plan 173596, more particularly delineated and lettered 'A' on Preliminary Plan No. 07/0041 be closed.

2. Transfer the whole of the land subject to closure to Malcolm Bruce Fechner and Leanne Margaret Fechner in accordance with the agreement for transfer dated 28 April 2008 entered into between The Barossa Council and M. B. and L. M. Fechner.

On 22 July 2008 that order was confirmed by the Minister for Infrastructure conditionally upon the deposit by the Registrar-General of Deposited Plan 78116 being the authority for the new boundaries.

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

Dated 25 September 2008.

P. S. SMITH, Acting Surveyor-General

#### SOUTH EASTERN WATER CONSERVATION AND DRAINAGE ACT 1992

##### *Instrument of Appointment of Authorised Officers*

IN accordance with sections 29 and 32 of the South Eastern Water Conservation and Drainage Act 1992, I, Jay Weatherill, Minister for Environment and Conservation in the State of South Australia, do hereby appoint the following persons as members of the Advisory Committee:

Chairperson Member:

Jodie Anne Carey

Landholder Member:

Thomas Richard Paltridge

Landholder Member:

John Karl Cleaver

Landholder Member:

Mostyn Allan Telford

Government Member:

Claire Louise Harding

These appointments will commence on the date of gazettal and will remain in effect until 30 September 2012.

Dated 16 September 2008.

JAY WEATHERILL, Minister for Environment  
and Conservation

## REAL PROPERTY ACT NOTICE

WHEREAS the persons named at the foot hereof have each respectively for himself made application to have the land set forth and described before his name at the foot hereof brought under the operation of the Real Property Act: Notice is hereby given that unless caveat be lodged with the Registrar-General by some person having estate or interest in the said lands on or before the expiration of the period herein below for each case specified, the said several pieces of land will be brought under the operation of the said Act as by law directed. Diagrams delineating these parcels of land may be inspected at the Lands Titles Registration Office, Adelaide, and in the offices of the several corporations or district councils in which the lands are situated.

## THE SCHEDULE

No. of Application	Description of Property	Name	Residence	Date up to and inclusive of which caveat may be lodged
31147	Portion of Allotment 18 of Section 379, Hundred of Yatala, L.T.R.O. Deposited Plan No. 14590 (subject to deposit)	Australian Rail Track Corporation Limited	Sir Donald Bradman Drive, Mile End, S.A. 5031	26 November 2008

Dated 23 September 2008, at the Lands Titles Registration Office, Adelaide.

J. ZACCARIA, Deputy Registrar-General

## REAL PROPERTY ACT NOTICE

WHEREAS the persons named at the foot hereof have each respectively for himself made application to have the land set forth and described before his name at the foot hereof brought under the operation of the Real Property Act: Notice is hereby given that unless caveat be lodged with the Registrar-General by some person having estate or interest in the said lands on or before the expiration of the period herein below for each case specified, the said several pieces of land will be brought under the operation of the said Act as by law directed. Diagrams delineating these parcels of land may be inspected at the Lands Titles Registration Office, Adelaide, and in the offices of the several corporations or district councils in which the lands are situated.

## THE SCHEDULE

No. of Application	Description of Property	Name	Residence	Date up to and inclusive of which caveat may be lodged
30670	Portion of Allotment 19 of Section 379, Hundred of Yatala, L.T.R.O. Deposited Plan No. 14590 (subject to deposit)	TransAdelaide	Adelaide, S.A. 5000	26 November 2008

Dated 23 September 2008, at the Lands Titles Registration Office, Adelaide.

J. ZACCARIA, Deputy Registrar-General

## GOVERNMENT GAZETTE ADVERTISEMENT RATES

To apply from 1 July 2008

	\$		\$
Agents, Ceasing to Act as.....	41.00	Firms:	
Associations:		Ceasing to Carry on Business (each insertion).....	27.25
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First Name.....	30.50	Licensing.....	61.00
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Meeting Final.....	34.25	Annual Financial Statement—Forms 1 and 2 .....	574.00
Meeting Final Regarding Liquidator's Report on		Electricity Supply—Forms 19 and 20.....	408.00
Conduct of Winding Up (equivalent to 'Final		Default in Payment of Rates:	
Meeting')		First Name .....	81.50
First Name.....	41.00	Each Subsequent Name.....	10.50
Each Subsequent Name.....	10.50	Noxious Trade.....	30.50
Notices:		Partnership, Dissolution of.....	30.50
Call.....	51.50	Petitions (small).....	20.80
Change of Name .....	20.80	Registered Building Societies (from Registrar-	
Creditors.....	41.00	General).....	20.80
Creditors Compromise of Arrangement .....	41.00	Register of Unclaimed Moneys—First Name.....	30.50
Creditors (extraordinary resolution that 'the Com-		Each Subsequent Name .....	10.50
pany be wound up voluntarily and that a liquidator		Registers of Members—Three pages and over:	
be appointed').....	51.50	Rate per page (in 8pt) .....	261.00
Release of Liquidator—Application—Large Ad.....	81.50	Rate per page (in 6pt) .....	345.00
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Petition to Supreme Court for Winding Up.....	71.50	Full page advertisement.....	478.00
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Order of Supreme Court for Winding Up Action.....	41.00	column line, tabular one-third extra.	
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## Acts, Bills, Rules, Parliamentary Papers and Regulations

Pages	Main	Amends	Pages	Main	Amends
1-16	2.50	1.15	497-512	34.75	33.75
17-32	3.35	2.10	513-528	35.75	34.50
33-48	4.35	3.10	529-544	37.00	35.75
49-64	5.50	4.20	545-560	38.00	37.00
65-80	6.45	5.35	561-576	38.75	38.00
81-96	7.50	6.20	577-592	40.00	38.50
97-112	8.55	7.30	593-608	41.25	39.75
113-128	9.55	8.40	609-624	42.00	41.00
129-144	10.70	9.45	625-640	43.25	41.50
145-160	11.70	10.50	641-656	44.25	43.25
161-176	12.80	11.50	657-672	44.75	43.75
177-192	13.90	12.60	673-688	46.75	44.75
193-208	15.00	13.80	689-704	47.50	45.70
209-224	15.80	14.60	705-720	48.25	47.00
225-240	16.90	15.60	721-736	50.00	48.00
241-257	18.10	16.50	737-752	50.50	49.00
258-272	19.10	17.60	753-768	51.50	50.00
273-288	20.20	18.90	769-784	52.50	51.50
289-304	21.00	19.80	785-800	53.50	52.50
305-320	22.30	20.90	801-816	54.50	53.00
321-336	23.20	21.90	817-832	55.50	54.50
337-352	24.40	23.10	833-848	56.50	55.50
353-368	25.25	24.20	849-864	57.50	56.00
369-384	26.50	25.25	865-880	59.00	57.50
385-400	27.50	26.25	881-896	59.50	58.00
401-416	28.50	27.00	897-912	61.00	59.50
417-432	29.75	28.25	913-928	61.50	61.00
433-448	30.75	29.50	929-944	62.50	61.50
449-464	31.50	30.25	945-960	63.50	62.00
465-480	32.00	31.25	961-976	65.50	63.00
481-496	33.75	32.00	977-992	66.50	63.50

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**RULES OF COURT**  
**The Magistrates Court of South Australia**  
**Amendment 31 of *Magistrates Court (Civil)***  
***Rules 1992***

PURSUANT to section 49 of the *Magistrates Court Act 1991* and all other enabling powers, we the undersigned do make the following amendments to the **MAGISTRATES COURT (CIVIL) RULES 1992**:

After 37 (3) insert:

- (4) A freezing order under section 17 of the *Criminal Assets Confiscation Act 2005* must be in form 37A.

Before Rule 69A (the contents of which are to be renumbered 69A (2), (2) (a) and (2) (b)), insert:

- 69A** (1) The Court may appoint such experts as it sees fit to advise it in the conduct of its work and pay them in accordance with rates determined by the Principal Registrar from time to time.

Form 37A is prescribed as follows:



**MAGISTRATES COURT OF SOUTH AUSTRALIA (CIVIL DIVISION)**

**Form 37A**

**FREEZING ORDER UNDER *CRIMINAL ASSETS CONFISCATION ACT 2005***

Authorised police officer applying for warrant:

Name:	
Rank & number:	

**Type of application:** *[tick one box and, if by telephone, fill in details]*

**Personal**

**Telephone**

<p>In my opinion a warrant is urgently required and there is not enough time to make an application personally.                  In my opinion the following facts justify the issue of the warrant:</p> <p><i>[attach additional pages if insufficient space]</i></p>
--

**Terms of warrant:**

I, the undersigned Magistrate, order that ..... (the specified financial institution) must not allow any person to make transfers or withdrawals from the following account:

Account Name: .....

Account Number: .....

except in the following manner and circumstances:.....

.....

.....

.....

This warrant ceases to be in force on the making of a restraining order in respect of the money in the account or 72 hours after the time at which the order took effect, whichever occurs first.

I am satisfied that there are, in the circumstances of the case, reasonable grounds for issuing a warrant

Date of issue:	
Time of issue:	
Signature of Magistrate:	

Signed on the 2nd day of September 2008 by:

ELIZABETH BOLTON  
Chief Magistrate

ANDREW JAMES CANNON  
Deputy Chief Magistrate

KYM ANDREW MILLARD  
Stipendiary Magistrate

SIMON HUGH MILAZZO  
Stipendiary Magistrate

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## RULES OF COURT

### The Magistrates Court of South Australia Amendment 32 to the *Magistrates Court Rules 1992*

PURSUANT to section 49 of the *Magistrates Court Act 1991* and all other enabling powers, we the undersigned do hereby make the following amendments to the **MAGISTRATES COURT RULES 1992**:

Rule 54 will come into effect on the date of commencement of the *Prevention of Cruelty to Animals (Animal Welfare) Act 2008*.

Rule 49.01 is deleted and replaced with the following:

- 49.01 The applicant for a warrant under section 29 of the *Criminal Law (Forensic Procedures) Act 2007* must file a copy of the application for the procedure, the order authorising the procedure, and if it was an order of special urgency made under section 18, a note of the time when it was made, the direction under section 29 (1) and an affidavit giving details of the identity of the suspect or offender, the notification of the direction given to the suspect or offender and the failure(s) to comply with the direction.
- 49.02 A Warrant issued under section 29 (3) shall comply with Form 74 and must have the order authorising the forensic procedure attached to it.

The inclusion of new rules 52 to 54 as follows:

#### **52.00 PAYMENT OF ADVISORS, ELDERS AND EXPERTS**

- 52.01 The Court may appoint such cultural advisors, Aboriginal elders and experts within any field as it sees fit to advise it in the conduct of its work and pay them in accordance with rates determined by the Principal Registrar from time to time.

#### **53.00 NATIONAL ELECTRICITY LAW AND NATIONAL GAS LAW**

- 53.01 An application for a search warrant issued pursuant to section 21 of the *National Electricity Law* or section 35 of the *National Gas Law* shall comply with Form 93.
- 53.02 A search warrant shall comply with Form 94.
- 53.02 An application for extension of period of retention made pursuant to section 26 of the *National Electricity Law* or section 40 of the *National Gas Law* shall comply with Form 95.

#### **54.00 ANIMAL WELFARE ACT 1985**

- 54.01 An application for a warrant issued pursuant to part 2 shall comply with Form 52.
- 54.02 A warrant issued pursuant to part 2 shall comply with Form 53.
- 54.03 A duplicate warrant shall comply with Form 54.

Form 74 is deleted. Forms 52, 53, 54, 74, 93, 94 and 95 are prescribed as follows:



**APPLICATION FOR WARRANT**  
**Magistrates Court of South Australia**

www.courts.sa.gov.au

*Animal Welfare Act 1985 – section 30(2), section 31A(5)(b) or section 31C(2)*

Registry: .....	Court File No: .....
..... <i>Telephone</i>	..... <i>Facsimile</i>
..... <i>E-mail Address</i>	

<b>Applicant Inspector</b>		
Name: .....	.....	ID No: .....
..... <i>Surname</i>	..... <i>Given Name</i>	
Address: .....	.....	.....
..... <i>Street</i>	..... <i>City/Town/Suburb</i>	
..... <i>State</i>	..... <i>Postcode</i>	..... <i>Phone Number</i>

<b>Details of Animal</b>		
Type of animal: .....		
Name of owner: .....		
..... <i>Surname</i>	..... <i>Given Name</i>	
Address: .....	.....	.....
..... <i>Street</i>	..... <i>City/Town/Suburb</i>	
..... <i>State</i>	..... <i>Postcode</i>	..... <i>Phone Number</i>

<b>Application made:</b>	<input type="checkbox"/> personally	<input type="checkbox"/> by facsimile ( <i>state reason for urgency of application</i> )
<b>Purpose for which warrant is required:</b>		
<b>Grounds on which the application is made:</b>		
<i>The grounds of the application must be verified by affidavit</i>		

<b>Hearing Date</b>	Registry: .....	Date: .....
	Address .....	Time: .....am/pm
..... <i>Date</i>	..... <i>Registrar</i>	





**DUPLICATE WARRANT**  
**Magistrates Court of South Australia**  
 www.courts.sa.gov.au  
*Animal Welfare Act 1985 – section 31D*

Registry: .....	Court File No: .....
..... <i>Telephone</i>	..... <i>Facsimile</i>
..... <i>E-mail Address</i>	

**Name of Magistrate issuing warrant:**

<b>Applicant Inspector</b>		
Name: .....	.....	ID No: .....
..... <i>Surname</i>	..... <i>Given Name</i>	
Address: .....	.....	.....
..... <i>Street</i>	..... <i>City/Town/Suburb</i>	.....
..... <i>State</i>	..... <i>Postcode</i>	..... <i>Phone Number</i>

<b>Details of Animal</b>		
Type of animal: .....		
Name of owner: .....		
..... <i>Surname</i>	..... <i>Given Name</i>	
Address: .....	.....	.....
..... <i>Street</i>	..... <i>City/Town/Suburb</i>	.....
..... <i>State</i>	..... <i>Postcode</i>	..... <i>Phone Number</i>

**TERMS OF THE WARRANT**

The above inspector has been authorised by the above Magistrate to:

\* use force in order to exercise the powers conferred on him/her by section 30(1) of the Act.

OR

\* exercise the power conferred on him/her by section 31A(4) to destroy the animal in the absence of the owner's consent.

OR

\* sell, destroy or otherwise dispose of the above animal as the relevant Minister sees fit.

This warrant expires one month from the date of issue.

DATE OF ISSUE: ...../...../.....

REGISTRY OF ISSUE:

.....

Inspector



**WARRANT OF APPREHENSION FOR  
FORENSIC PROCEDURE**

**Magistrates Court of South Australia**

www.courts.sa.gov.au

*Criminal Law (Forensic Procedures) Act 2007*

*Section 29(3) and 29(4)*

Registry .....	File No .....	
Address .....		
.....		
..... telephone	..... facsimile	..... e-mail address

<b>Suspect or Offender</b>		
Name: .....		DOB: .....
surname	given name	dd/mm/yy
Address .....		licence number .....
street .....		.....
.....	.....	.....
city/town/suburb	state	postcode

<b>Police reference number:</b>
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**Details of Warrant**

I, a Stipendiary Magistrate in the State of South Australia, AM SATISFIED that the respondent has failed to comply with directions issued under section 29(1) of the *Criminal Law (Forensic Procedures) Act 2007*.

*To the Commissioner of Police for the State of South Australia and each member of the Police Force for the State.*

*You are authorised to apprehend the respondent and bring the respondent to a police station for the purpose of carrying out the forensic procedure specified in the order attached to this warrant.*

.....  
MAGISTRATES COURT  
Magistrate



**APPLICATION FOR SEARCH WARRANT**

**Magistrates Court of South Australia**

www.courts.sa.gov.au

*National Electricity Law – section 21 or National Gas Law – section 35*

Registry: ..... Court File No:.....

**Authorised person under section 20 (Electricity) or 32 (Gas):**  
Name: ..... ID No: .....  
Surname Given Name  
Address: .....  
Street City/Town/Suburb Postcode  
State E-mail address Phone Number

**Specified premises:**  
Address: .....  
Street City/Town/Suburb Postcode  
State

**Grounds for warrant:**  
 I believe on reasonable grounds that there is or has been or will be a breach of the following provision of the National Electricity Law/National Gas Law: ....., and that there is or may be a thing or things of a particular kind connected with that breach on or in that place; or  
 I reasonably suspect that there may have been a breach of the following provision of the National Electricity Law/ National Gas Law: ....., and that there is or may be a thing or things of a particular kind connected with that breach on or in that place.  
**Thing/s sought:**  
**Reasons for belief:**  
  
*The grounds for the warrant must be supported by evidence on oath or by affidavit*

**Hearing Date** Registry: ..... Date: .....  
Address: ..... Time: ..... am/pm  
Date Registrar





**SEARCH WARRANT**

**Magistrates Court of South Australia**

www.courts.sa.gov.au

*National Electricity Law – section 21 or National Gas Law – section 35*

Registry: ..... Court File No:.....

**Authorised person under section 20 (Electricity) or 32 (Gas):**

Name: ..... ID No: .....  
Surname Given Name  
Address: ..... City/Town/Suburb Postcode  
State E-mail address Phone Number

**Specified premises:**

Address: ..... City/Town/Suburb Postcode  
State

**SEARCH WARRANT**

I, the undersigned Magistrate, authorise the person named above to enter the above premises with such assistance and by the use of such force as is necessary and reasonable in order to search the place or any part of it and to search for and seize the following thing(s) connected with a breach or possible breach of a provision of the National Electricity Law or the National Gas Law: .....

The authorised person may inspect, examine or record an image of anything in the place; take extracts from, and make copies of, any documents in the place; and take into the place such equipment and materials as the person requires for exercising the powers.

This search is required for the following purpose.....

The nature of the suspected breach of the relevant provision is:.....

This warrant is subject to the following conditions: .....

Entry into the premises is authorised to be made at any time of the day or night / between the following hours:..... (delete that which does not apply)

This warrant will cease to have effect on:..... (not later than 7 days after the issue of the warrant)

DATE OF ISSUE: ...../...../.....  
REGISTRY OF ISSUE:

.....  
Magistrate



Signed on the 2nd day of September 2008 by:

ELIZABETH BOLTON  
Chief Magistrate

ANDREW JAMES CANNON  
Deputy Chief Magistrate

KYM ANDREW MILLARD  
Stipendiary Magistrate

SIMON HUGH MILAZZO  
Stipendiary Magistrate

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## South Australia

### Supreme Court Civil Rules 2006 (Amendment No 5)

BY virtue and in pursuance of section 72 of the Supreme Court Act 1935 and all other enabling powers, We, Judges of the Supreme Court of South Australia, make the following Supreme Court Civil Rules 2006 (Amendment No 5).

1. These rules may be cited as the *Supreme Court Civil Rules 2006 (Amendment No 5)*.

2. The *Supreme Court Civil Rules 2006* are amended as set out below.

3. These amendments are to come into effect on 1 October 2008, or on their gazettal, whichever is the later.

4. Rule 4 is amended by deleting the whole of the entry for the word “file” and inserting in its place:

**“File—see Rule 50”.**

5. Rule 123 is amended by deleting from subrule (1) (c) the words “an address for service or”.

6. Rule 205 is amended by adding after subrule (3) new subrules (4) to (12) as follows:

- “(4) At the time of commencement of a probate action, a plaintiff must:
- (a) if a caveat has not already been entered in the Probate Registry in respect of the deceased person, enter such a caveat; or
  - (b) apply for permission to proceed with the probate action.
- (5) An application under subrule 4 (b) may be determined without notice to other parties.
- (6) A plaintiff must, within seven days of commencing a probate action, file an affidavit:
- (a) identifying to the best of the plaintiff’s knowledge, information and belief all wills made by the deceased and the whereabouts of such wills;
  - (b) detailing the enquiries which have been made to identify wills of the deceased so as to satisfy the Court that all reasonable enquiries to identify all such wills have been made;
  - (c) giving the names and addresses of:
    - (i) all beneficiaries under any will on which Probate may be granted;
    - (ii) all persons who would take on any intestacy of the deceased;
- and
- (d) exhibiting any caveat entered in the Probate Registry.
- (7) Any defendant who disputes the accuracy or completeness of the affidavit filed under subrule (6) must, within seven days after service of the affidavit, file an affidavit about the disputed matters.
- (8) If there is uncertainty as to whether a person’s interests may be adversely affected by a probate action:
- (a) the Court may direct that such person be served with notice of the proceedings in such manner as the Court directs; and
  - (b) the Court may direct that a person served with notice of the proceedings under subparagraph (a) be bound by any judgment in the action.

- (9) Any party to a probate action who is in possession of a will or other testamentary paper which is, or which may be, the subject of a probate action must:
- (a) keep it in safe custody and produce it to the Court when requested to do so; or
  - (b) deposit it with the Registrar of Probates for safekeeping under ss 13, 14 and 29 of the *Administration and Probate Act 1919*.
- (10) Any party may apply to the Court for a direction that a citation under s 27 of the *Administration and Probate Act 1919* not be issued.
- (11) No citations under s 28 of the *Administration and Probate Act 1919* may be sought in respect of a probate action unless the Court in the probate action gives permission to do so.
- (12) When appropriate, a judgment may be entered in a probate action by a Master under any of Rules 227, 228 or 232.”
7. Rule 261 is amended by inserting a colon after the word “accrues”, deleting the words “at the rate of 6.5% per annum” and inserting new subrules as follows:
- “(1) in respect of the period from and including 4 September 2006 to and including 30 September 2008, at the rate of 6.5% per annum;
  - (2) in respect of the period from and including 1 October 2008, at the rate of 10% per annum”.
8. Rule 264 is amended by:
- (1) Deleting subrule (3A) and inserting in its place a new subrule (3A):  
“(3A) For the work done on and after 1 August 2007 until and including 30 September 2008 the costs specified in Schedule 1 (including Items 4 (a) and 16 (a) (i)) are to be increased by 1.8%.”
  - (2) Adding after subrule (3A) a new subrule (3B) as follows:  
“(3B) For the work done on and after 1 October 2008 the costs specified in Schedule 1 (excluding Items 4 (a) and 16 (a) (i)) are to be increased by 6.1% (which increase is inclusive of the increase granted by subrule (3A)).”
9. The heading to Rule 272 is amended by deleting the word “where” and inserting in its place the word “when”.
10. Rule 273 is amended by adding after subrule (3) a new subrule (4) as follows:  
“(4) If the respondent fails to file any response in accordance with subrule (2) the Court may, on an administrative request, make an order for payment of the costs claimed in the itemised schedule.”
11. Rule 297 (1) is amended by deleting the word “file” in subrule (1) and inserting in its place the words “deliver to the Court”.
12. Rule 297 (2) is amended by deleting the word “filed” in subrule (2) and inserting in its place the words “delivered to the Court”.
13. Schedule 1 to the Rules is amended by deleting the content of Item 4 and inserting in its place:
- “Before 1 October 2008:
- (a) photocopying or printing a document including printing an email (sent or received), per page. \$1.00
- From 1 October 2008:
- (b) subject to sub-item (c), photocopying or printing a document, including printing an email (sent or received), per page; \$1.00
  - (c) for photocopying or printing documents which are, or which should be, photocopied or printed at the same time (including the printing of emails), for each page after the first 20 pages. \$0.40
- (See Note L)”

14. Schedule 1 to the Rules is amended by deleting sub-(a) of Item 16 and inserting in its place:

“(a) for incoming facsimile transmissions:

- |                                     |         |
|-------------------------------------|---------|
| (i) Before 1 October 2008, per page | \$1.00  |
| (ii) From 1 October 2008:           |         |
| the first 20 pages, per page        | \$1.00  |
| for each subsequent page            | \$0.40” |

GIVEN under our hands and the Seal of the Supreme Court of South Australia this 25th day of August 2008.

K. P. DUGGAN, J

D. J. BLEBY, J

T. A. GRAY, J

J. R. SULAN, J

A. M. VANSTONE, J

T. R. ANDERSON, J

R. C. WHITE, J

R. A. LAYTON, J

M. DAVID, J

P. KELLY, J

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## South Australia

### Supreme Court Rules 1987 (Amendment No 102)

BY virtue and in pursuance of section 72 of the Supreme Court Act 1935 and all other enabling powers, We, Judges of the Supreme Court of South Australia, make the following Supreme Court Rules 1987 (Amendment No 102).

1. These rules may be cited as the *Supreme Court Rules 1987* (Amendment No 102).
2. The *Supreme Court Rules 1987* are amended as set out below.
3. These amendments are to come into effect on 1 October 2008, or on their gazettal, whichever is the later.
4. Rule 84.19 is amended by deleting the whole of the second sentence and inserting in its place “If no rate is prescribed, the rate in respect of any period before 1 October 2008 shall be that set out in the Third Schedule and in respect of any period commencing on or after 1 October 2008 shall be the rate applicable from time to time specified in Rule 261 of the Supreme Court Civil Rules 2006”.

GIVEN under our hands and the Seal of the Supreme Court of South Australia this 11th day of September 2008.

D. J. BLEBY, J  
T. A. GRAY, J  
J. R. SULAN, J  
R. C. WHITE, J  
R. A. LAYTON, J  
P. KELLY, J  
C. KOURAKIS, J

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## TRAINING AND SKILLS DEVELOPMENT ACT 2008

### Part 4 – Apprenticeships/Traineeships

Pursuant to the provision of the Training and Skills Development Act 2008, the Training and Skills Commission (TaSC) gives notice that determines the following:

#### Trades, Declared Vocations, required Qualifications and Contract of Training Conditions for the Maritime Training Package (TDM07)

*Trade/ #Declared Vocation	Code	Title	Nominal Duration	Probationary Period
#Marine Engine Driver II	TDM30207	Certificate III in Transport and Distribution (Marine Engine Driving - Grade 2)  <i>360 days sea time required to be recorded in ROPES logbook for licensing where a recognised trade has not been completed, e.g. diesel mechanic, motor mechanic. 180 days sea time required for licensing if a recognised trade has been completed.</i>	24 months	2 months



South Australia

## **Controlled Substances (Possession of Prescribed Equipment) Amendment Act (Commencement) Proclamation 2008**

### **1—Short title**

This proclamation may be cited as the *Controlled Substances (Possession of Prescribed Equipment) Amendment Act (Commencement) Proclamation 2008*.

### **2—Commencement of Act**

- (1) The *Controlled Substances (Possession of Prescribed Equipment) Amendment Act 2007* (No 50 of 2007) will come into operation on 26 September 2008.
- (2) The operation of section 4 of the Act is suspended until a day or time or days or times to be fixed by subsequent proclamation or proclamations.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 25 September 2008

AGO0042/07CS

South Australia

## **Rail Safety Act (Commencement) Proclamation 2008**

### **1—Short title**

This proclamation may be cited as the *Rail Safety Act (Commencement) Proclamation 2008*.

### **2—Commencement of Act**

The *Rail Safety Act 2007* (No 46 of 2007) will come into operation of 29 September 2008.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 25 September 2008

MTR08/048

South Australia

## **Workers Rehabilitation and Compensation (Scheme Review) Amendment Act (Commencement) Proclamation 2008**

### **1—Short title**

This proclamation may be cited as the *Workers Rehabilitation and Compensation (Scheme Review) Amendment Act (Commencement) Proclamation 2008*.

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

Part 6C Division 1 and Division 3 (other than section 98I) of the *Workers Rehabilitation and Compensation Act 1986* (inserted by section 70 of the *Workers Rehabilitation and Compensation (Scheme Review) Amendment Act 2008* (No 17 of 2008)) will come into operation on 2 October 2008.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 25 September 2008

MIR20/08CS

South Australia

## **Adelaide Cemeteries Authority (Designation of Employing Authority) Variation Proclamation 2008**

under section 3 of the *Adelaide Cemeteries Authority Act 2001*

### **Part 1—Preliminary**

#### **1—Short title**

This proclamation may be cited as the *Adelaide Cemeteries Authority (Designation of Employing Authority) Variation Proclamation 2008*.

#### **2—Commencement**

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

#### **3—Variation provisions**

In this proclamation, a provision under a heading referring to the variation of a specified proclamation varies the proclamation so specified.

### **Part 2—Variation of *Adelaide Cemeteries Authority (Designation of Employing Authority) Proclamation 2007***

#### **4—Variation of clause 3—Designation of employing authority**

Clause 3—delete "Chief Executive of the Department of Primary Industries and Resources" and substitute:

Chief Executive of Planning SA

#### **Made by the Governor**

with the advice and consent of the Executive Council  
on 25 September 2008

MUDP08/028CS

South Australia

## **Administrative Arrangements (Administration of Rail Safety Act) Proclamation 2008**

under section 5 of the *Administrative Arrangements Act 1994*

### **1—Short title**

This proclamation may be cited as the *Administrative Arrangements (Administration of Rail Safety Act) Proclamation 2008*.

### **2—Commencement**

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

### **3—Administration of Act committed to Minister for Transport**

The administration of the *Rail Safety Act 2007* is committed to the Minister for Transport.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 25 September 2008

MTR08/048

South Australia

## Mining (Reservation from Act) Proclamation 2008

under section 8 of the *Mining Act 1971*

### 1—Short title

This proclamation may be cited as the *Mining (Reservation from Act) Proclamation 2008*.

### 2—Commencement

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

### 3—Reservation of land from provisions of Act

The areas of land defined in Schedule 1 are reserved from the operation of Parts 4, 5, 6, 6A and 8 of the *Mining Act 1971*.

## Schedule 1—Areas of land reserved from provisions of Act

### 1—14 Mile (Mad Peters) area

The land bounded by a line joining the points of coordinates set out in the following table:

#### MGA Zone 53

463526mE	6808216mN
463557mE	6808250mN
463491mE	6808327mN
463439mE	6808288mN
463526mE	6808216mN

### 2—Old 4 Mile (Tibor Nagy) area

The land bounded by a line joining the points of coordinates set out in the following table:

#### MGA Zone 53

470788mE	6793914mN
470857mE	6793912mN
470856mE	6794013mN
470788mE	6794017mN
470788mE	6793914mN

### 3—Old 4 Mile (Katherine Hope) area

The land bounded by a line joining the points of coordinates set out in the following table:

**MGA Zone 53**

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470857mE	6793912mN
470934mE	6793911mN
470856mE	6794013mN
470929mE	6793995mN
470857mE	6793912mN

### 4—Hopeful Hills (Peter Keain) area

The land bounded by a line joining the points of coordinates set out in the following table:

**MGA Zone 53**

---

471302mE	6792796mN
471245mE	6792877mN
471161mE	6792809mN
471203mE	6792717mN
471302mE	6792796mN

### 5—Hopeful Hills (Adams Brothers) area

The land bounded by a line joining the points of coordinates set out in the following table:

**MGA Zone 53**

---

471148mE	6792313mN
471161mE	6792368mN
471237mE	6792364mN
471240mE	6792301mN
471148mE	6792313mN

### 6—Company (Rowntree) area

The land bounded by a line joining the points of coordinates set out in the following table:

**MGA Zone 53**

---

482089mE	6788224mN
482065mE	6788271mN
482153mE	6788317mN
482178mE	6788273mN
482089mE	6788224mN

**7—Geraghty Hill (Wilsons Garage) area**

The land bounded by a line joining the points of coordinates set out in the following table:

**MGA Zone 53**

466048mE	6788797mN
466011mE	6788810mN
465971mE	6788743mN
466007mE	6788724mN
466048mE	6788797mN

**8—Geraghty Hill (Palmers Dugout) area**

The land bounded by a line joining the points of coordinates set out in the following table:

**MGA Zone 53**

465760mE	6788877mN
465736mE	6788792mN
465719mE	6788889mN
465691mE	6788818mN
465760mE	6788877mN

**9—Geraghty Hill (Unknown Spiral Dugout) area**

The land bounded by a line joining the points of coordinates set out in the following table:

**MGA Zone 53**

465793mE	6788685mN
465758mE	6788705mN
465788mE	6788717mN
465812mE	6788692mN
465793mE	6788685mN

**10—Black Bob's Dugout (Tanya Griffiths) area**

The land bounded by a line joining the points of coordinates set out in the following table:

**MGA Zone 53**

465612mE	6788719mN
465560mE	6788727mN
465628mE	6788643mN
465563mE	6788645mN
465612mE	6788719mN

**11—8 Mile Sheds area**

The land bounded by a line joining the points of coordinates set out in the following table:

**MGA Zone 53**

465341mE	6788764mN
465415mE	6788862mN
465455mE	6788909mN
465403mE	6788939mN
465272mE	6788907mN
465148mE	6788874mN
465173mE	6788780mN
465273mE	6788780mN
465341mE	6788764mN

**12—Reddall's Sheds (Joyce Reddall) area**

The land bounded by a line joining the points of coordinates set out in the following table:

**MGA Zone 53**

465521mE	6789024mN
465532mE	6789052mN
465458mE	6789049mN
465476mE	6789082mN
465521mE	6789024mN

**13—Black Flag (SES Training) area**

The land bounded by a line joining the points of coordinates set out in the following table:

**MGA Zone 53**

476756mE	6788336mN
476817mE	6788347mN
476806mE	6788413mN
476745mE	6788402mN
476756mE	6788336mN

**Made by the Governor**

with the advice and consent of the Executive Council  
on 25 September 2008

MMRD08/010CS



South Australia

## Opal Mining (Reservation from Act) Proclamation 2008

under section 4 of the *Opal Mining Act 1995*

### 1—Short title

This proclamation may be cited as the *Opal Mining (Reservation from Act) Proclamation 2008*.

### 2—Commencement

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

### 3—Reservation of land from provisions of Act

The areas of land defined in Schedule 1 are reserved from the operation of Parts 2, 3 and 4 of the *Opal Mining Act 1995*.

## Schedule 1—Areas of land reserved from provisions of Act

### 1—14 Mile (Mad Peters) area

The land bounded by a line joining the points of coordinates set out in the following table:

#### MGA Zone 53

463526mE	6808216mN
463557mE	6808250mN
463491mE	6808327mN
463439mE	6808288mN
463526mE	6808216mN

### 2—Old 4 Mile (Tibor Nagy) area

The land bounded by a line joining the points of coordinates set out in the following table:

#### MGA Zone 53

470788mE	6793914mN
470857mE	6793912mN
470856mE	6794013mN
470788mE	6794017mN
470788mE	6793914mN

### 3—Old 4 Mile (Katherine Hope) area

The land bounded by a line joining the points of coordinates set out in the following table:

**MGA Zone 53**

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470857mE	6793912mN
470934mE	6793911mN
470856mE	6794013mN
470929mE	6793995mN
470857mE	6793912mN

### 4—Hopeful Hills (Peter Keain) area

The land bounded by a line joining the points of coordinates set out in the following table:

**MGA Zone 53**

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471302mE	6792796mN
471245mE	6792877mN
471161mE	6792809mN
471203mE	6792717mN
471302mE	6792796mN

### 5—Hopeful Hills (Adams Brothers) area

The land bounded by a line joining the points of coordinates set out in the following table:

**MGA Zone 53**

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471148mE	6792313mN
471161mE	6792368mN
471237mE	6792364mN
471240mE	6792301mN
471148mE	6792313mN

### 6—Company (Rowntree) area

The land bounded by a line joining the points of coordinates set out in the following table:

**MGA Zone 53**

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482089mE	6788224mN
482065mE	6788271mN
482153mE	6788317mN
482178mE	6788273mN
482089mE	6788224mN

**7—Geraghty Hill (Wilsons Garage) area**

The land bounded by a line joining the points of coordinates set out in the following table:

**MGA Zone 53**

466048mE	6788797mN
466011mE	6788810mN
465971mE	6788743mN
466007mE	6788724mN
466048mE	6788797mN

**8—Geraghty Hill (Palmers Dugout) area**

The land bounded by a line joining the points of coordinates set out in the following table:

**MGA Zone 53**

465760mE	6788877mN
465736mE	6788792mN
465719mE	6788889mN
465691mE	6788818mN
465760mE	6788877mN

**9—Geraghty Hill (Unknown Spiral Dugout) area**

The land bounded by a line joining the points of coordinates set out in the following table:

**MGA Zone 53**

465793mE	6788685mN
465758mE	6788705mN
465788mE	6788717mN
465812mE	6788692mN
465793mE	6788685mN

**10—Black Bob's Dugout (Tanya Griffiths) area**

The land bounded by a line joining the points of coordinates set out in the following table:

**MGA Zone 53**

465612mE	6788719mN
465560mE	6788727mN
465628mE	6788643mN
465563mE	6788645mN
465612mE	6788719mN

**11—8 Mile Sheds area**

The land bounded by a line joining the points of coordinates set out in the following table:

**MGA Zone 53**

465341mE	6788764mN
465415mE	6788862mN
465455mE	6788909mN
465403mE	6788939mN
465272mE	6788907mN
465148mE	6788874mN
465173mE	6788780mN
465273mE	6788780mN
465341mE	6788764mN

**12—Reddall's Sheds (Joyce Reddall) area**

The land bounded by a line joining the points of coordinates set out in the following table:

**MGA Zone 53**

465521mE	6789024mN
465532mE	6789052mN
465458mE	6789049mN
465476mE	6789082mN
465521mE	6789024mN

**13—Black Flag (SES Training) area**

The land bounded by a line joining the points of coordinates set out in the following table:

**MGA Zone 53**

476756mE	6788336mN
476817mE	6788347mN
476806mE	6788413mN
476745mE	6788402mN
476756mE	6788336mN

**Made by the Governor**

with the advice and consent of the Executive Council  
on 25 September 2008

MMRD08/010CS

South Australia

## **Public Sector Management (Exclusion from Public Service) Proclamation 2008**

under clause 1(2) of Schedule 1 of the *Public Sector Management Act 1995*

### **1—Short title**

This proclamation may be cited as the *Public Sector Management (Exclusion from Public Service) Proclamation 2008*.

### **2—Commencement**

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

### **3—Exclusion from Public Service**

Robyn McLeod (Commissioner for Water Security) is excluded from the Public Service.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 25 September 2008

MWSCS08/091

South Australia

# Land and Business (Sale and Conveyancing) Variation Regulations 2008

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

---

## Contents

### Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

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

- 4 Variation of regulation 16A—Authority to act as agent
  - 5 Variation of regulation 16E—Agent to supply valuation in prescribed circumstances
  - 6 Variation of regulation 16G—Restriction on obtaining beneficial interest where agent authorised to sell or appraises property
  - 7 Variation of Schedule 2C—Prescribed standard conditions for auctions of residential land
- 

## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Land and Business (Sale and Conveyancing) Variation Regulations 2008*.

### 2—Commencement

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

### 3—Variation provisions

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

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

### 4—Variation of regulation 16A—Authority to act as agent

Regulation 16A—after subregulation (3) insert:

- (4) An agent is exempt from the requirements of section 20(1) and (3) of the Act insofar as the agent acts, in the sale of land or a business, on behalf of—

- (a) the South Australian Housing Trust; or
  - (b) the Public Trustee.
- (5) An agent is exempt from the requirement of section 20(1)(c)(ii) of the Act to specify the duration of a sales agency agreement insofar as—
- (a) the agent acts, in the sale of the land that is the subject of the agreement, on behalf of a vendor who carries on the business of a developer of land; and
  - (b) the land or part of the land has been subdivided by the vendor.

**5—Variation of regulation 16E—Agent to supply valuation in prescribed circumstances**

- (1) Regulation 16E(1)—delete "or a business"
- (2) Regulation 16E(1)(a)—delete "or business"
- (3) Regulation 16E(1)(b)—delete "or business"
- (4) Regulation 16E(1)(c)—delete "or business" wherever occurring

**6—Variation of regulation 16G—Restriction on obtaining beneficial interest where agent authorised to sell or appraises property**

- (1) Regulation 16G(1)(c)(iii)—after "if" insert:

, in the case of an application relating to the obtaining by an agent or sales representative of a beneficial interest in land,
- (2) Regulation 16G(1)(c)(iii)(A)—delete "land or business," and substitute:

land,
- (3) Regulation 16G—after subregulation (2) insert:
  - (3) An agent is exempt from the requirements of section 24G(1) and (9) of the Act in relation to the obtaining of a beneficial interest in land or a business that the agent is authorised to sell if—
    - (a) the beneficial interest is obtained as a result of the sale of the land or business; and
    - (b) the sale is by public auction that satisfies the requirements of subregulation (7).
  - (4) A sales representative employed by an agent is exempt from the requirements of section 24G(2) of the Act in relation to the obtaining of a beneficial interest in land or a business that the agent is authorised to sell if—
    - (a) the beneficial interest is obtained as a result of the sale of the land or business; and
    - (b) the sale is by public auction that satisfies the requirements of subregulation (7).

- (5) An agent is exempt from the requirements of section 24G(3) of the Act in relation to the obtaining of a beneficial interest in land or a business that the agent appraises if—
- (a) the beneficial interest is obtained as a result of the sale of the land or business following the appraisal; and
  - (b) the sale is by public auction that satisfies the requirements of subregulation (7).
- (6) A sales representative is exempt from the requirements of section 24G(3) of the Act in relation to the obtaining of a beneficial interest in land or a business that the sales representative appraises if—
- (a) the beneficial interest is obtained as a result of the sale of the land or business following the appraisal; and
  - (b) the sale is by public auction that satisfies the requirements of subregulation (7).
- (7) A public auction of land or a business satisfies the requirements of this subregulation if details of the auction have been advertised, at least once per week over a period of at least 2 consecutive weeks immediately before the auction, in a newspaper circulating generally throughout the State or the area in which the land or business is situated.

### **7—Variation of Schedule 2C—Prescribed standard conditions for auctions of residential land**

Schedule 2C, clause 1(1)(i)—delete "above" and substitute:

at or above

#### **Note—**

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

#### **Made by the Governor**

with the advice and consent of the Executive Council  
on 25 September 2008

No 260 of 2008

602/08-00005



**[Australian Roads Rules Variation Rules 2008—(No. 261 of 2008)—please see  
*Extraordinary Gazette* No. 57 dated 25 September 2008, page 4649]**

South Australia

## Road Traffic (Miscellaneous) Variation Regulations 2008

under the *Road Traffic Act 1961*

### Contents

#### Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

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

- 4 Variation of Schedule 9—Expiation fees

### Part 1—Preliminary

#### 1—Short title

These regulations may be cited as the *Road Traffic (Miscellaneous) Variation Regulations 2008*.

#### 2—Commencement

These regulations will come into operation 4 months after the day on which they are made.

#### 3—Variation provisions

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

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

#### 4—Variation of Schedule 9—Expiation fees

- (1) Schedule 9, clause 2(2)(c)—delete "244(2), 254(2), 256(1) or 256(2)" and substitute:

244(2), 244B, 244C, 254(2), 256(1), 256(2) or 256(3)

- (2) Schedule 9, Part 3, item relating to rule 29—delete the item and substitute:

28(1A)	<i>Failing to use slip lane when starting left turn on multi-lane road</i>	\$201
28(2A)	<i>Bicycle rider starting left turn on multi-lane road from incorrect position in bicycle storage area</i>	\$25
29(1)	<i>Failing to make left turn as indicated by turn line</i>	\$201

- (3) Schedule 9, Part 3—after item relating to rule 32(1) insert:

32(2A)	<i>Bicycle rider starting right turn on multi-lane road from incorrect position in bicycle storage area</i>	\$25
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- (4) Schedule 9, Part 3, item relating to rule 33(1)—delete "*(other than at T-intersection)*"
- (5) Schedule 9, Part 3, items relating to rule 43(1) and 43(2)—delete the items
- (6) Schedule 9, Part 3—after item relating to rule 60 insert:
- |        |   |       |
|--------|---|-------|
| 60A(1) | <i>Proceeding through bicycle storage area before red traffic light</i> | \$231 |
| 60A(2) | <i>Proceeding through bicycle storage area before red traffic arrow</i> | \$231 |
- (7) Schedule 9, Part 3, item relating to rule 87(1)—delete "*or shoulder*"
- (8) Schedule 9, Part 3, item relating to rule 91(1)—after "*intersection*" insert:  
*or other place*
- (9) Schedule 9, Part 3, item relating to rule 91(2)—after "*intersection*" insert:  
*or other place*
- (10) Schedule 9, Part 3—after item relating to rule 101(2) insert:
- |         |   |       |
|---------|---|-------|
| 101A(1) | <i>Driving on safety ramp or arrester bed</i> | \$231 |
|---------|---|-------|
- (11) Schedule 9, Part 3—after item relating to rule 132(2) insert:
- |         |  |       |
|---------|--|-------|
| 132(2A) | <i>Making U-turn across certain dividing lines</i> | \$248 |
|---------|--|-------|
- (12) Schedule 9, Part 3—after item relating to rule 148(2) insert:
- |      |  |       |
|------|--|-------|
| 148A | <i>Failing to give way when diverging left or right within marked lane</i> | \$208 |
|------|--|-------|
- (13) Schedule 9, Part 3—after item relating to rule 155(1) insert:
- |         |                           |       |
|---------|---------------------------|-------|
| 155A(1) | <i>Driving in tramway</i> | \$158 |
|---------|---------------------------|-------|
- (14) Schedule 9, Part 3, item relating to rule 187(3)—after "*tram lane*" insert:  
*or tramway*
- (15) Schedule 9, Part 3—after item relating to rule 197(1) insert:
- |         |                                   |      |
|---------|-----------------------------------|------|
| 197(1A) | <i>Stopping on painted island</i> | \$54 |
|---------|-----------------------------------|------|
- (16) Schedule 9, Part 3—after item relating to rule 208(1) insert:
- |         |  |      |
|---------|--|------|
| 208A(1) | <i>Failing to park in road-related area (except in median strip parking area) in accordance with rule—parallel parking</i> | \$33 |
|---------|--|------|
- (17) Schedule 9, Part 3, item relating to rule 211(1)—delete the item
- (18) Schedule 9, Part 3, item relating to rule 211(2)—delete "*in parking bays*" and substitute:  
*where there are parking bays*
- (19) Schedule 9, Part 3, item relating to rule 211(3)—delete "*in parking bays*" and substitute:  
*where there are parking bays*
- (20) Schedule 9, Part 3, item relating to rule 217(1)—delete "*rear fog light*" and substitute:  
*fog lights*

- (21) Schedule 9, Part 3, item relating to rule 225(1)—delete "*Using radar detector or similar device*" and substitute:

*Driving vehicle with radar detector or similar device in or on vehicle or trailer*

- (22) Schedule 9, Part 3—after item relating to rule 225(1) insert:

225(2)	<i>Having possession of radar detector or similar device while travelling in or on vehicle or trailer</i>	\$280
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- (23) Schedule 9, Part 3, item relating to rule 238(2)—delete "*keep left*" and substitute:

*keep to side or face approaching traffic*

- (24) Schedule 9, Part 3—after item relating to rule 239(3) insert:

239A	<i>Travelling in or on wheeled recreational device or wheeled toy past "no wheeled recreational devices or toys" sign</i>	\$25
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- (25) Schedule 9, Part 3, item relating to rule 240(2)—after "*on declared roads or*" insert:

*at night or*

- (26) Schedule 9, Part 3—after item relating to rule 244(3) insert:

244B	<i>Travelling on motorised scooter—failing to wear bicycle helmet</i>	\$60
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244C	<i>Travelling on motorised scooter on road or road-related area</i>	\$60
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- (27) Schedule 9, Part 3, item relating to rule 246—delete the item and substitute:

246(1)	<i>Carrying on bicycle more persons than bicycle designed to carry</i>	\$25
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246(2)	<i>Passenger on bicycle—passenger failing to sit in passenger seat</i>	\$25
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246(3)	<i>Riding bicycle with passenger not sitting in passenger seat</i>	\$25
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- (28) Schedule 9, Part 3—after item relating to rule 247(1) insert:

247A(1)	<i>Bicycle rider failing to enter bicycle storage area correctly at intersection with red traffic light or arrow</i>	\$25
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247B(1)	<i>Bicycle rider failing to give way when entering bicycle storage area</i>	\$25
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247B(2)	<i>Bicycle rider in bicycle storage area on multi-lane road failing to give way to motor vehicles in certain lanes when traffic lights are green or yellow</i>	\$25
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- (29) Schedule 9, Part 3, item relating to rule 256(2)—delete the item and substitute:

256(2)	<i>Passenger on bicycle—passenger failing to wear bicycle helmet</i>	\$60
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256(3)	<i>Riding bicycle with passenger not wearing bicycle helmet</i>	\$60
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- (30) Schedule 9, Part 3, items relating to rule 262(1) and 262(2)—delete the items and substitute:

262(1)	<i>Bicycle rider proceeding when bicycle crossing lights change—failing to cross in accordance with rule</i>	\$25
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(31) Schedule 9, Part 3—after item relating to rule 271(5) insert:

271(5A)	<i>Riding on motor bike—riding with passenger under 8 years old not in sidecar</i>	\$83
271(5B)	<i>Riding on motor bike—passenger in sidecar failing to be seated safely</i>	\$83
271(5C)	<i>Riding on motor bike—riding with passenger in sidecar not seated safely</i>	\$83

(32) Schedule 9, Part 3, item relating to rule 297(1)—delete "motor"

(33) Schedule 9, Part 3—after item relating to rule 297(1) insert:

297(1A)	<i>Driving vehicle with person or animal in lap</i>	\$95
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(34) Schedule 9, Part 3—after item relating to rule 297(2) insert:

297(3)	<i>Riding motor bike with animal on petrol tank</i>	\$95
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(35) Schedule 9, Part 3, items relating to rule 301 (2 items)—delete the items and substitute:

301(1)	<i>Driver of motor vehicle leading animal</i>	\$60
301(2)	<i>Passenger in or on motor vehicle leading animal</i>	\$60
301(3)	<i>Rider of bicycle leading animal</i>	\$25

(36) Schedule 9, Part 6, item relating to regulation 10A(1)—delete the item and substitute:

10A	<i>Driving or stopping in lane marked "bus only"</i>	\$153
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### **Made by the Governor**

with the advice and consent of the Executive Council  
on 25 September 2008

No 262 of 2008

MRS07/005CS

South Australia

## **Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Variation Regulations 2008**

under the *Road Traffic Act 1961*

---

### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999***

- 4 Variation of regulation 3—Interpretation
  - 5 Substitution of regulations 10 and 10A
    - 10 Vehicles permitted in bus lanes
    - 10A Vehicles not permitted in lanes marked "bus only"
  - 6 Revocation of regulations 23A and 23B
  - 7 Variation of regulation 24—Areas on which wheeled recreational devices and toys prohibited
  - 8 Insertion of regulations 24A and 24B
    - 24A Prohibition of use of motorised scooters
    - 24B Exemption for riders with disabilities
  - 9 Variation of regulation 28—Exemptions from wearing seatbelts
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Variation Regulations 2008*.

#### **2—Commencement**

- (1) Subject to subregulation (2), these regulations will come into operation on 29 September 2008.
- (2) Regulations 4, 5, 6, 7 and 8 will come into operation 4 months after the day on which these regulations are made.

#### **3—Variation provisions**

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

## **Part 2—Variation of Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999**

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

Regulation 3—after the definition of *the Act* insert:

*medical practitioner* means a person who is a medical practitioner within the meaning of the *Medical Practice Act 2004*;

### **5—Substitution of regulations 10 and 10A**

Regulations 10 and 10A—delete the regulations and substitute:

#### **10—Vehicles permitted in bus lanes**

For the purposes of rule 158(2) (Exceptions to driving in special purpose lanes etc)—

- (a) the driver of a taxi is permitted to drive in a bus lane; and
  - (b) the rider of a bicycle is permitted to ride in a bus lane,
- other than a bus lane or portion of a bus lane referred to in regulation 10A.

#### **10A—Vehicles not permitted in lanes marked "bus only"**

Despite anything in Part 11 (Keeping left, overtaking and other driving rules) or Part 12 (Restrictions on stopping and parking) of the Rules, a driver (except the driver of a public bus or emergency vehicle) must not drive or stop in a bus lane or other marked lane (or portion of such a lane) the road surface of which is painted red and marked with the words "bus only" in white letters.

Maximum penalty: \$2 500.

### **6—Revocation of regulations 23A and 23B**

Regulations 23A and 23B—delete the regulations

### **7—Variation of regulation 24—Areas on which wheeled recreational devices and toys prohibited**

Regulation 24(5)—delete subregulation (5) and substitute:

- (5) For the purposes of rule 240(2), wheeled recreational devices are prohibited on all roads in hazardous weather conditions causing reduced visibility.
- (6) For the purposes of rule 240(3), wheeled toys are prohibited on all roads at night or in hazardous weather conditions causing reduced visibility.

### **8—Insertion of regulations 24A and 24B**

After regulation 24 insert:

#### **24A—Prohibition of use of motorised scooters**

For the purposes of rule 244C (Motorised scooters not to be used), the use of motorised scooters on a road or road-related area is prohibited.

**24B—Exemption for riders with disabilities**

- (1) A rider of a bicycle who—
  - (a) is carrying a certificate; and
  - (b) is complying with any conditions stated in the certificate,is exempt from complying with rule 248 (No riding across a road on a crossing), rule 250 (Riding on a footpath or shared path), or both, as indicated by the certificate.
- (2) In this regulation—

**certificate** means a certificate that—

  - (a) is signed by a medical practitioner; and
  - (b) identifies the rider; and
  - (c) states that, in the opinion of the medical practitioner, the rider should be permitted —
    - (i) to ride a bicycle on a footpath; or
    - (ii) to ride a bicycle across a pedestrian, children's or marked foot crossing; or
    - (iii) to do both of the above,on the ground of a physical disability or on any medical ground; and
  - (d) displays no expiry date or, if it does display an expiry date, has not expired,and includes such a certificate issued before the commencement of this regulation.

**9—Variation of regulation 28—Exemptions from wearing seatbelts**

- (1) Regulation 28(1)—after paragraph (b) insert:

or

  - (c) the vehicle is a truck or bus that has a sleeper compartment and the person is a two-up driver of the truck or bus who is occupying the sleeper compartment for rest purposes.
- (2) Regulation 28—after subregulation (2) insert:
  - (3) In this regulation—

**two-up driver** means a person accompanying a driver of a truck or bus on a journey, or part of a journey, who has been, is or will be sharing the task of driving the truck or bus during the journey.

**Note—**

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



**Made by the Governor**

with the advice and consent of the Executive Council  
on 25 September 2008

No 263 of 2008

MRS07/005CS

South Australia

# Motor Vehicles Variation Regulations 2008

under the *Motor Vehicles Act 1959*

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## Contents

### Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

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

- 4 Variation of Schedule 7—Demerit points
- 

## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Motor Vehicles Variation Regulations 2008*.

### 2—Commencement

These regulations will come into operation 4 months after the day on which they are made.

### 3—Variation provisions

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

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

### 4—Variation of Schedule 7—Demerit points

- (1) Schedule 7, Part 1, Division 2, item relating to rule 29—delete the item and substitute:
  - 29(1) *Failing to make left turn as indicated by turn line* 2
- (2) Schedule 7, Part 1, Division 2, item relating to rule 33(1)—delete "*other than at T-intersection*"
- (3) Schedule 7, Part 1, Division 2, items relating to rule 43(1) and 43(2)—delete the items
- (4) Schedule 7, Part 1, Division 2, item relating to rule 87(1)—delete "*or shoulder*"
- (5) Schedule 7, Part 1, Division 2, item relating to rule 91(1)—after "*intersection*" insert:
  - or other place*
- (6) Schedule 7, Part 1, Division 2, item relating to rule 91(2)—after "*intersection*" insert:
  - or other place*

- (7) Schedule 7, Part 2, Division 2—before item relating to rule 46(4) insert:
- |        |   |   |
|--------|---|---|
| 28(1A) | <i>Failing to use slip lane when starting left turn on multi-lane road</i>                                  | 2 |
| 28(2A) | <i>Bicycle rider starting left turn on multi-lane road from incorrect position in bicycle storage area</i>  | 2 |
| 32(2A) | <i>Bicycle rider starting right turn on multi-lane road from incorrect position in bicycle storage area</i> | 2 |
- (8) Schedule 7, Part 2, Division 2—after item relating to rule 57(3) insert:
- |        |   |   |
|--------|---|---|
| 60A(1) | <i>Proceeding through bicycle storage area before red traffic light</i> | 3 |
| 60A(2) | <i>Proceeding through bicycle storage area before red traffic arrow</i> | 3 |
- (9) Schedule 7, Part 2, Division 2—after item relating to rule 100 insert:
- |         |   |   |
|---------|---|---|
| 101A(1) | <i>Driving on safety ramp or arrester bed</i> | 3 |
|---------|---|---|
- (10) Schedule 7, Part 2, Division 2—after item relating to rule 128A insert:
- |         |  |   |
|---------|--|---|
| 132(2A) | <i>Making U-turn across certain dividing lines</i> | 3 |
|---------|--|---|
- (11) Schedule 7, Part 2, Division 2—after item relating to rule 146(2) insert:
- |      |  |   |
|------|--|---|
| 148A | <i>Failing to give way when diverging left or right within marked lane</i> | 3 |
|------|--|---|
- (12) Schedule 7, Part 2, Division 2—after item relating to rule 151(4) insert:
- |         |  |   |
|---------|--|---|
| 155A(1) | <i>Driving in tramway</i>  | 3 |
| 247A(1) | <i>Bicycle rider failing to enter bicycle storage area correctly at intersection with red traffic light or arrow</i>   | 2 |
| 247B(1) | <i>Bicycle rider failing to give way when entering bicycle storage area</i>  | 3 |
| 247B(2) | <i>Bicycle rider in bicycle storage area on multi-lane road failing to give way to motor vehicles in certain lanes when traffic lights are green or yellow</i> | 3 |
- (13) Schedule 7, Part 2, Division 2—items relating to rule 262(1) and 262(2)—delete the items and substitute:
- |        |  |   |
|--------|--|---|
| 262(1) | <i>Bicycle rider proceeding when bicycle crossing lights change—failing to cross in accordance with rule</i> | 3 |
|--------|--|---|

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 25 September 2008

No 264 of 2008

MRS07/005CS

South Australia

# Upper South East Dryland Salinity and Flood Management (Amendment of Act) Regulations 2008

under the *Upper South East Dryland Salinity and Flood Management Act 2002*

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### 1—Short title

These regulations may be cited as the *Upper South East Dryland Salinity and Flood Management (Amendment of Act) Regulations 2008*.

### 2—Commencement

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

### 3—Interpretation

In these regulations—

*Act* means the *Upper South East Dryland Salinity and Flood Management Act 2002*.

### 4—Variation of Schedule 1 of Act

Part B of Schedule 1 of the Act is varied by deleting "14 June 2007" wherever occurring and substituting in each case:

13 June 2008

## **Schedule 1—Related variation and revocation**

### **Part 1—Preliminary**

#### **1—Variation provisions**

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

### **Part 2—Variation of *Upper South East Dryland Salinity and Flood Management Regulations 2002***

#### **2—Revocation of regulation 10**

Regulation 10—delete the regulation

### **Part 3—Revocation of *Upper South East Dryland Salinity and Flood Management (Project Works Corridors) Regulations 2007***

#### **3—Revocation of regulations**

The *Upper South East Dryland Salinity and Flood Management (Project Works Corridors) Regulations 2007* are revoked.

#### **Note—**

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

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 25 September 2008

No 265 of 2008

WBCS08/0014

South Australia

## **Rail Safety (General) Regulations 2008**

under the *Rail Safety Act 2007*

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### 1 Transitional provisions

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## Part 1—Preliminary matters

### 1—Short title

These regulations may be cited as the *Rail Safety (General) Regulations 2008*.

### 2—Commencement

These regulations will come into operation on the day on which the *Rail Safety Act 2007* comes into operation.

### 3—Interpretation

In these regulations—

*Act* means the *Rail Safety Act 2007*;

*emergency services* means each of the following:

- (a) South Australian Police;
- (b) South Australian Country Fire Service;
- (c) South Australian Metropolitan Fire Service;
- (d) SA Ambulance Service Inc.

### 4—Definition of occupational health and safety legislation

The *Occupational Health and Safety Act 1991* is a law of the Commonwealth for the purposes of the definition of *occupational health and safety legislation* in section 4 of the Act.

### 5—Definition of private siding

For the purposes of paragraph (e) of the definition of *private siding* in section 4 of the Act, the following are not private sidings:

- (a) a siding under the control and management of an accredited rail infrastructure manager;
- (b) a balloon loop used for the purpose of loading or unloading trains.

### 6—Act not to apply in certain cases

For the purposes of section 6(f) of the Act, the Act does not apply to the following:

- (a) a railway used solely for the purposes of horse-drawn trams;
- (b) a railway used solely for the purposes of static displays.



## Part 2—Accreditation

### 7—Application for accreditation

For the purposes of section 34(2)(d) of the Act, an application for accreditation must contain—

- (a) the following identification details of the applicant:
  - (i) the applicant's name;
  - (ii) the applicant's registered business name, and trading name if that is different to the registered business name;
  - (iii) the applicant's ACN or ABN, if applicable;
  - (iv) the applicant's residential address or, in the case of a body corporate, registered business address; and
- (b) the name and contact details of the person or persons appointed by the applicant—
  - (i) to deal with any queries that the Regulator may have in relation to the application; and
  - (ii) to be responsible for accreditation and to deal with any queries that the Regulator may have in relation to accreditation; and
  - (iii) to be responsible for the implementation and ongoing operation and management of the safety management system and to deal with any queries that the Regulator may have in relation to the safety management system; and
- (c) if the applicant is accredited under a corresponding law, a copy of the notice of accreditation; and
- (d) in addition to the requirements of section 34(2)(c) of the Act, if the applicant is also seeking accreditation under a corresponding law, details of where, and in respect of what, the application for that accreditation was made; and
- (e) in the case of a rail infrastructure manager who does not own the rail infrastructure, documentary evidence that the manager has, or will have, management and control of the rail infrastructure; and
- (f) a description of the operational assets, or classes of operational assets, that the applicant intends to use or manage in the operations for which the application is made, including any stations, signal and train control centres, signalling systems and rolling stock for service and maintenance activities; and
- (g) a description of the safe working systems that the applicant intends to use in the operations for which the application is made; and
- (h) in the case of a rolling stock operator, documentary evidence that the applicant has, or will have, effective management and control of the operation or movement of the rolling stock on rail infrastructure for a particular railway; and
- (i) if electrified railway tracks will be used, details of the electrification; and
- (j) details of the consultation procedures and processes of the applicant in relation to the applicant's safety management system; and

- (k) if the applicant is not an individual, evidence that the application has been submitted to and endorsed—
  - (i) if the applicant is a body corporate—
    - (A) that is a company within the meaning of the *Corporations Act 2001*, by its Board of Directors in accordance with section 127 of that Act; or
    - (B) in any other case, by its governing body;
  - (ii) if the applicant is a partnership, by each partner;
  - (iii) if the applicant is an unincorporated association or body, by its governing body; and
- (l) if any of the activities that the applicant intends to carry out under the accreditation are to be carried out by any other person on behalf of the applicant—
  - (i) the name and contact details of each such person; and
  - (ii) details of the activities that it is intended that the person will carry out on behalf of the applicant.

### **8—Prescribed details of accredited person**

For the purposes of section 38(2)(a) of the Act, a notice of accreditation must specify the accredited person's—

- (a) name; and
- (b) registered business name, and trading name if that is different to the registered business name; and
- (c) ACN or ABN, if applicable; and
- (d) residential address or, in the case of a body corporate, registered business address.

### **9—Prescribed conditions of, or restrictions on, accreditation**

- (1) For the purposes of section 39 of the Act, any accreditation granted to a rail transport operator is subject to the following conditions and restrictions:
  - (a) if the operator is accredited under a corresponding law—
    - (i) the operator must advise the Regulator in writing immediately if the operator's accreditation in the other State or Territory expires, or is suspended, surrendered or revoked;
    - (ii) if the operator receives a prohibition notice or an improvement notice from a corresponding Regulator in relation to the accreditation under the corresponding law, the operator must immediately give the Regulator a copy of the notice;
  - (b) the operator must notify the Regulator in writing of any of the proposed decisions, proposed events or changes listed in column 2 of the table in accordance with the requirement specified in column 3 of the table with respect to that item;

**Table**

<b>Item</b>	<b>Decision, event or change</b>	<b>When notification must be given</b>
1	A decision to design or construct, or to commission the design or construction of, rolling stock or new railway tracks.	As soon as is reasonably practicable after the decision is made.
2	The introduction into service of rolling stock of a type not previously operated by the operator, or the re-introduction into service of rolling stock not currently operated by the operator.	At least 28 days before the date the operator intends to introduce or re-introduce the rolling stock into service.
3	A change to a safety critical element of existing rolling stock.	At least 28 days before the date the operator intends to bring the change into operation.
4	A change to 1 or more of the classes of rail infrastructure used in the operator's railway operations.	At least 28 days before the date the operator intends to introduce the new class of rail infrastructure into service.
5	A change to a safety standard for the design of rail infrastructure or rolling stock.	At least 28 days before the date the operator intends to adopt the change.
6	The decision to adopt a new safety standard for the design of rail infrastructure or rolling stock.	At least 28 days before the date the operator intends to adopt the new standard.
7	A change to the frequency or procedures for the inspection or maintenance of railway infrastructure or rolling stock.	At least 28 days before the date the operator intends to bring the change into effect.
8	A change to any safeworking system rule or procedure relating to the conduct of the operator's railway operations.	At least 28 days before the date the operator intends to bring the change into effect.
9	A decision to introduce a new safeworking system rule or procedure relating to the conduct of the operator's railway operations.	As soon as is reasonably practicable after the decision is made.
10	The replacement, or a change in the contact details of any person appointed under regulation 7(b).	As soon as is reasonably practicable after it is known that the replacement or change will occur.
11	A change in the operator's name or residential address, or the operator's business or trading name, or in the case of a body corporate, a change in the name or registered business address of the body corporate.	As soon as is reasonably practicable after the change is made.
12	A change affecting the accuracy of information provided to the Regulator for the purposes of obtaining accreditation or affecting the accuracy of particulars specified in the accreditation.	As soon as reasonably practicable after the change is made.

- (c) the operator must ensure that there is at all times available 1 of the operator's directors or managers as a contact person should the Regulator wish to communicate with the operator, and that the Regulator is provided with sufficient details so that for any particular time the Regulator knows who the contact person is, and how to contact that person;
  - (d) the operator must regularly review the adequacy of any public risk insurance arrangements maintained for the purposes of the Act including by taking into account increases in the cost of living and potential increases in liability;
  - (e) unless otherwise required by the Regulator under section 75 of the Act, the operator must—
    - (i) investigate any accident or incident associated with the railway operations carried out by the operator that has caused death or serious injury to a person or significant property damage; and
    - (ii) provide a report to the Regulator on the investigation within 8 weeks of the date of the accident or incident (or such longer period as agreed by the Regulator, on application by the operator);
  - (f) if it is not possible to comply with any other requirement specified in this subregulation because of an emergency, the operator must provide the required information as soon as is reasonably practicable after the decision is made or the event or the change occurs, as the case may be.
- (2) Nothing in subregulation (1) is intended to require an accredited person to notify the Regulator of any matter that is the subject of an application for the variation of the accreditation.

## **10—Surrender of accreditation**

An accredited person may surrender the person's accreditation under section 44 of the Act by notifying the Regulator in writing not less than 28 days before the proposed date of surrender of the person's intention to surrender the accreditation, and of the arrangements that are proposed in relation to the cessation of the person's railway operations.

## **11—Application for a variation of an accreditation**

For the purposes of sections 48(2)(b) and 53 of the Act, an application for a variation of an accreditation, or an application for a variation of a condition or restriction imposed by the Regulator, must contain—

- (a) the details required by regulations 7(a) and 7(b); and
- (b) details of the scope and nature of the proposed variation; and
- (c) details of the changes that will be made to the applicant's safety management system if the proposed variation occurs; and
- (d) details of the consultation procedures and processes with the parties who might be affected by the proposed variation; and
- (e) evidence to demonstrate that the applicant has the competence and capacity to manage the risks to safety associated with the proposed variation.

## **Part 3—Safety management**

### **Division 1—Safety management systems**

#### **12—Prescribed requirements for a safety management system**

A safety management system must provide for all of the matters listed in Schedule 1 that are relevant to the railway operations for which the rail transport operator is accredited, or seeking to be accredited, and must provide a level of detail with respect to each of those matters that is appropriate having regard to the scope, nature and risks to safety of those operations, and to the operator's duties under section 28 of the Act.

### **Division 2—Private sidings**

#### **13—Maintenance and operational conditions**

The following conditions are imposed for the purposes of section 57(2)(b) of the Act:

- (a) the rail infrastructure manager must have systems and procedures to ensure that the manager complies with the safety duties imposed on it by section 28 of the Act in relation to the private siding;
- (b) the rail infrastructure manager must have a document that provides details about how rail infrastructure within the private siding is to be maintained by the manager.

### **Division 3—Interface co-ordination**

#### **14—Meaning of interface agreement**

In this Division *interface agreement* means an agreement in relation to risks in relation to railway operations that makes provision for—

- (a) implementing and maintaining control measures that are to be used to manage those risks, and providing for the evaluation, testing and, if necessary, revision, of those control measures;
- (b) the respective roles and responsibilities of each party to the agreement in relation to each control measure;
- (c) the procedures by which each party will monitor and determine whether the other party complies with its obligations under the agreement;
- (d) the exchange of information between the parties in relation to their obligations under the agreement;
- (e) the triggers for, and the frequency of, reviews of the agreement, and if necessary, the revision of the agreement.

#### **15—Obligations on rail transport operators**

- (1) A rail transport operator must take the following steps to develop and implement an interface agreement for the purposes of section 62(1) of the Act:
  - (a) the railway operations to which the agreement is to apply must be identified;
  - (b) a process must be established to seek an interface agreement with the other operator;
  - (c) the process must be undertaken and pursued until there is a written interface agreement between the rail transport operator and the other operator.

- (2) The process described in subregulation (1) must be repeated by the rail transport operator with respect to every other rail transport operator referred to in section 62(1)(a) of the Act.
- (3) A rail transport operator who has entered into an interface agreement under subregulation (1) must do everything that the operator has agreed to do under the agreement in relation to implementing, maintaining or monitoring any control measure.
- (4) For the purposes of section 62(2) of the Act, where a rolling stock operator transfers any aspect of the effective management and control of the operation or movement of rolling stock to another rolling stock operator, both rolling stock operators must seek to enter into an interface agreement under section 62(1)(c) of the Act.

## **Division 4—Security management plans**

### **16—Security management plan**

For the purposes of section 63 of the Act, a security management plan must include—

- (a) a list of the risks arising from the matters specified in section 63(a)(i) of the Act; and
- (b) a description of the preventative and response measures to be used to manage those risks, including a description of the policies, procedures and equipment and other physical resources that it is proposed to use for those measures, and of the training that it is proposed to provide; and
- (c) if the rail transport operator shares a location such as a modal interchange or a port with 1 or more other transport operators, a description of the arrangements made with those other transport operators in relation to that location to prevent or respond to security incidents; and
- (d) procedures for the recording, reporting and analysis of security incidents; and
- (e) the allocation of security roles and responsibilities to appropriate people; and
- (f) provision for liaison, the sharing of information and for joint operations, with emergency services, and with other transport operators who may be affected by the implementation of the plan; and
- (g) provision for the evaluation, testing and, if necessary, the revision, of security measures and procedures.

## **Division 5—Emergency management plans**

### **17—Preparation of an emergency management plan**

- (1) For the purposes of section 64(2)(b)(ii) of the Act, when preparing an emergency management plan, a rail transport operator must consult with, in addition to the people specified in section 58(2) of the Act, the following:
  - (a) any government agencies with emergency management functions with respect to the area to which the plan relates; and
  - (b) any other rail transport operators who may be affected by the implementation of the plan; and
  - (c) any of the following that may be required to assist in the implementation of the plan:

- (i) an entity (whether publicly or privately owned) that provides, or intends to provide, water, sewerage, drainage, gas, electricity, telephone, telecommunication or other like services under the authority of an Act of this jurisdiction or the Commonwealth;
  - (ii) any person who, under the authority of an Act of this jurisdiction, is permitted to own or use a pipeline, or is licensed to construct or operate a pipeline;
  - (iii) any provider of public transport.
- (2) The Regulator may exempt a rail transport operator from the requirement to consult with any particular person or body under subregulation (1).

### **18—Matters to be included in an emergency management plan**

An emergency management plan prepared under section 64 of the Act must address—

- (a) the types or classes of foreseeable emergencies; and
- (b) the consequences of each type or class of those emergencies, including estimates of the likely magnitude and severity of the effects of each type or class; and
- (c) the risks to safety arising from those emergencies; and
- (d) methods to mitigate the effects of those emergencies; and
- (e) initial response procedures for dealing with those emergencies and the provision of rescue services; and
- (f) recovery procedures for the restoration of railway operations and for the assistance of people affected by the occurrence of those emergencies; and
- (g) the allocation of emergency management roles and responsibilities within the rail transport operator's organisation, and between the operator and other organisations; and
- (h) call out procedures; and
- (i) the allocation of personnel for the on site management of those emergencies; and
- (j) procedures for liaison with relevant emergency services, including information about the circumstances in which the emergency services are to be immediately contacted; and
- (k) procedures to ensure that emergency services are provided with all the information that is reasonably required to enable them to respond effectively to an emergency; and
- (l) procedures for effective communications and co-operation throughout the emergency response; and
- (m) procedures for ensuring site security and the preservation of evidence.

### **19—Keeping, maintaining and testing an emergency management plan**

- (1) A rail transport operator must ensure, so far as is reasonably practicable, that all employees of the operator, and all contractors engaged by the operator, who may be required to implement any emergency response procedures in the emergency management plan—
- (a) are provided with information about the relevant elements of the plan; and
  - (b) are able to do anything that may be required of them under the plan.

- (2) The operator must test the emergency management plan, or elements of the plan, to ensure that the plan remains effective—
  - (a) at the intervals set out in the plan; and
  - (b) after any significant changes are made to the plan.
- (3) In preparing an emergency management plan, the operator must, if it is reasonably practicable to do so, determine intervals for the purposes of subregulation (2)(a) in conjunction with the emergency services.
- (4) When testing the emergency management plan, or elements of the plan, the operator must, so far as is reasonably practicable, arrange for participation in the testing by the relevant emergency services.
- (5) The operator must ensure that in-house exercises to test the emergency management plan are undertaken as often as is necessary, in the opinion of the operator, to ensure that the plan will be properly implemented should an emergency arise.
- (6) A rail transport operator must ensure that the emergency management plan is comprehensible, and is readily accessible at all times, to—
  - (a) all employees of the operator, and all contractors engaged by the operator, who may be required to implement any emergency response procedures in the plan; and
  - (b) all other rail transport operators who may be affected by the plan; and
  - (c) any person or body referred to in regulation 17(1)(c); and
  - (d) emergency services.

## **Division 6—Review**

### **20—Review of safety management system**

- (1) A rail transport operator must comply with this regulation in conducting a review of the operator's safety management system.
- (2) In conducting the consultation required by section 58(2) of the Act before carrying out the review, the operator must ensure that those consulted are asked for their opinion on whether, and if so, how, the safety management system can be improved.
- (3) In conducting the review the operator must ensure—
  - (a) that the effectiveness of the safety management system is assessed (including an examination of the operator's records in relation to notifiable occurrences and breaches of the system); and
  - (b) that the effectiveness of any revisions that were made as a result of the last review are assessed; and
  - (c) that any recommendations or issues arising out of any audits or safety investigations that have occurred since the last review are taken into account; and
  - (d) that any issues arising from any prohibition or improvement notices that have been issued since the last review are taken into account; and
  - (e) that any deficiencies in the system are identified; and
  - (f) that methods of remedying any deficiencies are designed and assessed; and
  - (g) that any opinions provided under subregulation (2) are assessed; and



- (h) that any other suggestions for improving the system that arise during the course of the review are assessed; and
  - (i) if any deficiencies or practicable improvements are identified, that a plan is created to remedy those deficiencies, or to effect those improvements (as the case may be).
- (4) The outcomes of the review must be summarised and reported in the safety performance report required by section 61 of the Act.

## **Part 4—Rail safety workers**

### **21—Health and fitness management programs**

For the purposes of section 65 of the Act, a rail transport operator must have, and must implement, a health and fitness program for rail safety workers that complies, so far as is reasonably practicable, with Volumes 1 and 2 of the National Standard for Health Assessment of Rail Safety Workers, published by the National Transport Commission, as amended from time to time.

### **22—Alcohol and drug management program**

For the purposes of section 66 of the Act, an alcohol and drug management program prepared and implemented by a rail transport operator must establish and maintain procedures to ensure, in so far as is reasonably practicable, that a rail safety worker about to carry out, carrying out, or attempting to carry out, rail safety work is not impaired by alcohol or drugs.

### **23—Fatigue management program**

For the purposes of section 68 of the Act, a fatigue management program prepared and implemented by a rail transport operator must—

- (a) establish and maintain documented procedures to manage, insofar as is reasonably practicable, the risks to safety identified under section 58 of the Act that are attributable to the adverse effects of fatigue arising from various factors including (but not limited to):
  - (i) scheduled operations;
  - (ii) extended hours of work, including overtime, call-in and on-call arrangements;
  - (iii) extended wakefulness;
  - (iv) significant physical exertion or *high cognitive task demand*;
  - (v) monotony, boredom or *low task demand*;
  - (vi) circadian effects and the effects of shift work; and
- (b) provide rail safety workers with appropriate training in relation to the identification and management of fatigue that is relevant to the rail safety work being undertaken by those rail safety workers.

### **24—Records of competence**

For the purposes of section 69(5) of the Act, a rail transport operator must maintain records of competence that include details of—

- (a) the rail safety training undertaken by each rail safety worker, including when, and for how long, the training was undertaken; and

- (b) the qualifications of each rail safety worker, including, if applicable—
  - (i) the units of competence undertaken to achieve the qualification; and
  - (ii) the level of qualification attained; and
  - (iii) if and when a re-assessment of competence is to be conducted; and
  - (iv) if and when re-training is due; and
  - (v) the date any re-training was undertaken; and
- (c) the name of the organisation conducting the training or re-training; and
- (d) the name and qualifications of the person who assessed the competence of the rail safety worker.

## **Part 5—Miscellaneous**

### **25—Periodic information to be supplied**

- (1) The following returns of information are required under section 73(3) of the Act:
  - (a) a monthly return that sets out in respect of the month—
    - (i) in the case of a rail infrastructure manager that is an accredited person, the length, in kilometres, of track in this jurisdiction over which the manager has effective management and control; and
    - (ii) in the case of a rolling stock operator—
      - (A) the number of kilometres travelled in this jurisdiction by passenger trains over which the operator has effective management and control;
      - (B) the number of kilometres travelled in this jurisdiction by freight trains over which the operator has effective management and control;
      - (C) the number of journeys (either estimated or actual) made by passengers in urban areas of this jurisdiction on passenger trains over which the operator has effective management and control;
      - (D) the number of journeys (either estimated or actual) made by passengers in non-urban areas of this jurisdiction on passenger trains over which the operator has effective management and control; and

- (b) in the case of a rail infrastructure manager that is an accredited person—an annual return that sets out, in respect of the immediately preceding financial year—
  - (i) the location of any private sidings that are connected with, or have access to, the railway to which the accreditation relates; and
  - (ii) the name of the rail infrastructure manager of any such private siding.
- (2) The rail transport operator must provide the monthly return required by subregulation (1)(a) to the Regulator as soon as is practicable after the end of each month, and not later than the 21st day of the following month.
- (3) The rail transport operator must provide the annual return required by subregulation (1)(b) to the Regulator by 29 July in the year immediately following the year to which it relates, or before any other date or period that is specified by the Regulator.

## **26—Reporting of notifiable occurrences**

- (1) For the purposes of this regulation—
  - (a) a Category A notifiable occurrence is any of the following notifiable occurrences:
    - (i) an accident or incident that has caused death, serious injury or significant property damage;
    - (ii) a running line derailment;
    - (iii) a running line collision between rolling stock;
    - (iv) a collision at a road or pedestrian level crossing between rolling stock and either a road vehicle or a person;
    - (v) a fire or explosion on or in rail infrastructure or rolling stock that affects the safety of railway operations or that endangered 1 or more people;
    - (vi) an incident (including a threat) that required the implementation of response measures contained in the security management plan of a rail transport operator;
    - (vii) any accident or incident involving a significant failure of a safety management system that could have caused death, serious injury or significant property damage;
    - (viii) any other accident or incident that is likely to generate intense public interest or concern;
  - (b) a Category B notifiable occurrence is any of the following notifiable occurrences, unless that occurrence is also a Category A notifiable occurrence:
    - (i) a derailment other than a running line derailment;
    - (ii) any collision involving rolling stock, other than a collision described in paragraph (a)(iii) or (iv);
    - (iii) any incident at a road or pedestrian level crossing, other than a collision described in paragraph (a)(iv);
    - (iv) the passing of a stop signal, or a signal with no indication, by rolling stock without authority;
    - (v) any accident or incident where rolling stock exceeds the limits of authorised movement given in a proceed authority;

- (vi) any rolling stock run-away;
  - (vii) any failure of a signalling or communications system that endangers, or that has the potential to endanger, the safe operation of trains or the safety of people, or to cause damage to adjoining property;
  - (viii) any slip, trip or fall by a person on or from rolling stock, rail infrastructure or other railway premises directly associated with railway operations, or any person being caught in the door of any rolling stock;
  - (ix) any situation where a load affects, or could affect, the safe passage of trains or the safety of people, or cause damage to adjoining property;
  - (x) any accident or incident involving dangerous goods that affects, or could affect, the safety of railway operations or the safety of people, or cause damage to property;
  - (xi) any breach of a safe working system or procedure, or the detection of any irregularity or deficiency in such a system or procedure;
  - (xii) other than during normal maintenance activities, the detection of any irregularity in any rail infrastructure (including electrical infrastructure) that could affect the safety of railway operations or the safety of people;
  - (xiii) other than during normal maintenance activities, the detection of any irregularity in any rolling stock that could affect train integrity or the safety of people, or cause damage to the rolling stock;
  - (xiv) any fire or explosion that causes damage to rail infrastructure or rolling stock, or both, or that causes the disruption or closure of a railway (even if the closure is only a precautionary measure);
  - (xv) any incident on railway property where a person inflicts, or is alleged to have inflicted, an injury on another person;
  - (xvi) a suspected attempt to suicide;
  - (xvii) the notification that a rail safety worker employed by a rail transport operator has returned a result to a test designed to determine the concentration of alcohol or drugs in a sample of blood, urine or oral fluid that suggests that the worker was in breach of a relevant safety requirement concerning the use of alcohol or drugs at a relevant time;
  - (xviii) the infliction of any wilful or unlawful damage to, or the defacement of, any rail infrastructure or rolling stock that could affect the safety of railway operations or the safety of people;
  - (xix) a corridor security incident that affects the safety of railway operations.
- (2) If a Category A notifiable occurrence happens on, or in relation to, a rail transport operator's railway premises or railway operations, the operator—
- (a) must report that fact to the Regulator immediately after becoming aware of the occurrence; and
  - (b) must give the Regulator a written report of the occurrence within 72 hours after becoming aware of the occurrence.
- (3) If a Category B notifiable occurrence happens on, or in relation to, a rail transport operator's railway premises or railway operations, the operator must give the Regulator a written report of the occurrence within 72 hours after becoming aware of the occurrence.

- (4) The operator must ensure that any report the operator makes under this regulation is in the form, contains all the information, and is made in the manner, required by the Regulator.
- (5) The Regulator may extend any time limit specified in this regulation by giving the operator a written notice to that effect.
- (6) An extension granted under subregulation (5) has effect as specified in the notice.

## 27—Documents to be made available for public inspection

For the purposes of section 47(c) of the Act, each annual safety performance report prepared under section 61 of the Act is prescribed.

## 28—Search warrant

- (1) For the purposes of section 86(3)(b) of the Act, the grounds of an application for a warrant must be verified by affidavit.
- (2) If an application for a warrant is made by telephone the following provisions apply—
  - (a) the applicant must—
    - (i) inform the magistrate of the applicant's name and identify himself or herself as an authorised officer and the magistrate, on receiving that information, is entitled to assume its accuracy without further inquiry;
    - (ii) inform the magistrate of the purpose for which the warrant is required and the grounds on which it is sought;
  - (b) if it appears to the magistrate from the information given by the applicant that there are proper grounds to issue a warrant, the magistrate must inform the applicant of the facts that justify, in the magistrate's opinion, the issue of the warrant and must not issue the warrant unless the applicant undertakes to make an affidavit verifying those facts;
  - (c) if the applicant gives such an undertaking, the magistrate may then make out and sign a warrant, noting on the warrant the facts that justify, in the magistrate's opinion, the issue of the warrant;
  - (d) the warrant is taken to have been issued, and comes into force, when signed by the magistrate;
  - (e) the magistrate must inform the applicant of the terms of the warrant;
  - (f) the applicant must fill out and sign a warrant form (the *duplicate warrant*) that sets out the name of the magistrate who issued the original and the terms of the warrant;
  - (g) the applicant must, as soon as practicable after the issue of the warrant, forward to the magistrate an affidavit verifying the facts referred to in paragraph (b) and a copy of the duplicate warrant.

## 29—Embargo notices

For the purposes of section 91 of the Act, an embargo notice must contain the following details in addition to the matters required by section 91(4) of the Act:

- (a) a description of the thing to which the notice applies;
- (b) either the name of the person on whom the notice is to be served or a statement that the notice is to be affixed to the thing;
- (c) the name, signature and business telephone number of the authorised officer who issued the notice;

- (d) the date on which the notice was served or affixed.

### **30—Confidentiality**

For the purposes of section 145(2)(f) of the Act—

- (a) information obtained in the administration of the Act may be disclosed or communicated to the following:
  - (i) SafeWork SA for the purposes of an investigation under, or enforcement of the *Occupational Health, Safety and Welfare Act 1986*;
  - (ii) Comcare for the purposes of an investigation under, or enforcement of, the *Occupational Health and Safety Act 1991*;
- (b) the Regulator may provide a copy of the certificate of the analyst referred to in clauses 10(g) or 11(g) of Schedule 2 of the Act to a rail transport operator who employs a rail safety worker where that certificate indicates that the prescribed concentration of alcohol or a prescribed drug or other drug was present in the rail safety worker's sample of blood or oral fluid.

### **31—Service of documents**

- (1) A notice or document required or authorised by or under the Act to be given or served on a person may—
  - (a) be served on the person personally; or
  - (b) be posted in an envelope addressed to the person—
    - (i) at the person's last known address; or
    - (ii) if the person holds an accreditation under the Act—at that person's address for service; or
  - (c) if the person holds an accreditation under the Act—be left for the person at the person's address for service with someone apparently over the age of 16 years; or
  - (d) be transmitted by fax or email to a fax number or email address provided by the person for that purpose (in which case the notice or document will be taken to have been given or served at the time of transmission).
- (2) The address for service of an accredited person is the address last provided by the person in writing to the Regulator as the address for service.

## **Part 6—Offences**

### **32—Occupying prohibited areas of rolling stock**

- (1) A person must not occupy a stairway, step, entrance platform, exit platform, or any other part of rolling stock designated by the rolling stock operator as a prohibited area—
  - (a) while the rolling stock is in motion; or
  - (b) contrary to stipulations contained in a notice affixed on or near the relevant part of the rolling stock.

Maximum penalty: \$2 000.

Expiation fee: \$750.

- (2) Subregulation (1) does not apply to a rail safety worker who occupies a prohibited area with the authority of the rolling stock operator.

### 33—Motor vehicles

- (1) A person must not, without the permission of the rail transport operator who has effective management and control of the railway premises, drive, ride, park or leave standing a motor vehicle on railway premises directly associated with railway operations except in an area that is set aside for that purpose.

Maximum penalty: \$1 000.

Expiation fee: \$150.

- (2) A person who drives or rides a motor vehicle on railway premises must—
- (a) comply with the reasonable directions of an employee of the rail transport operator; and
  - (b) obey any speed restriction, traffic control sign or parking control sign displayed on the premises.

Maximum penalty: \$1 000.

Expiation fee: \$150.

### 34—Pedal cycles, skateboards etc

- (1) A person must not, without the permission of the rail transport operator who has effective management and control of the railway premises—

- (a) ride a bicycle, scooter, skateboard, roller-skates, roller-blades or similar device; or
- (b) ride, lead or tether an animal,

on railway premises directly associated with railway operations.

Maximum penalty: \$1 000.

Expiation fee: \$150.

- (2) Subregulation (1) does not apply to a device or animal used to assist a person with a physical impairment.

### 35—Pedestrians

A pedestrian must not, without the permission of the rail transport operator who has effective management and control of the railway premises, enter or remain on any part of the railway premises directly associated with railway operations that is not set aside for use by pedestrians.

Maximum penalty: \$1 000.

Expiation fee: \$150.

### 36—Duty of pedestrians at pedestrian crossings

- (1) In this regulation—

***pedestrian crossing*** means a footpath or other structure designed for the use of pedestrians to cross over a railway;

***traffic lights*** means signals for controlling traffic by means of illuminated signs.

- (2) A pedestrian must not enter or remain on a pedestrian crossing—

- (a) if rolling stock with which he or she may collide is approaching along the railway, or is on the crossing; or

- (b) if warned not to do so by an employee of the rail transport operator operating the railway; or
- (c) while a warning device at or near the crossing is activated or while the crossing is closed against traffic by gates or barriers, unless he or she is directed by an employee of the rail transport operator operating the railway to proceed across the crossing.

Maximum penalty: \$1 250.

Expiation fee: \$160.

- (3) A pedestrian must not remain within the limits of a pedestrian crossing any longer than is reasonably necessary for the purpose of passing over the crossing.

Maximum penalty: \$1 250.

Expiation fee: \$160.

- (4) If a pedestrian crossing is controlled by traffic lights, a pedestrian must comply with any instructions applicable to the pedestrian that are indicated by the traffic lights or any sign exhibited with the traffic lights.

Maximum penalty: \$1 250.

Expiation fee: \$160.

## **Schedule 1—Content of the safety management system**

### **1—Safety policy**

- (1) A safety policy or policies that aligns or align with other organisational policies and that is, or that are, endorsed by the CEO and Board (or any other person or body controlling the rail transport operator).
- (2) A safety policy or policies that includes or include an express commitment to safety, the development and maintenance of a positive safety culture and the continuous improvement of all aspects of the safety management system.

### **2—Governance and internal control arrangements**

- (1) Systems and procedures to ensure that the CEO and Board (or any other person or body controlling the rail transport operator), or the people managing the railway operations, have sufficient knowledge—
  - (a) of the risk profile of the railway operations carried out by the rail transport operator to enable the rail transport operator to probatively manage the risks arising from those operations; and
  - (b) of the level of compliance by the organisation with its duties and obligations under the Act and these Regulations; and
  - (c) to determine whether—
    - (i) the safety management system is working effectively; and
    - (ii) risks to safety are being identified, assessed and managed so far as is reasonably practicable; and
    - (iii) controls used to monitor safety and to manage risks to safety are being regularly reviewed and revised.



- (2) Systems and procedures to ensure that decisions and directions made by the CEO and Board (or any other person or body controlling the rail transport operator), or of the people managing the railway operations, that affect safety are being implemented effectively.

### **3—Management, responsibilities, accountabilities and authorities**

- (1) Policies that indicate how safety responsibilities, accountabilities, authorities and interrelationships have been determined.
- (2) Documents that describe the responsibilities, accountabilities, authorities and interrelation of the personnel who manage or carry out rail safety work, or who verify such work.
- (3) Procedures for the reporting of risks to safety by personnel with safety responsibilities.
- (4) Documents that describe the authorities given to personnel with safety responsibilities to enable them to meet those responsibilities.

### **4—Regulatory compliance**

- (1) Systems and procedures for the identification of safety requirements under the Act and other safety legislation.
- (2) Systems and procedures to ensure compliance with those requirements.

### **5—Document control arrangements and information management**

Systems and procedures to control and manage all documents and information relevant to the management of risks to safety associated with railway operations, including systems and procedures for—

- (a) the identification, creation, maintenance, management, storage and retention of records and documents; and
- (b) ensuring the currency of documents required for operations; and
- (c) the communication of any changes to the document control systems and procedures to rail safety workers and employees of the rail transport operator who rely on those systems and procedures to carry out their work.

### **6—Review of the safety management system**

- (1) Systems and procedures for the review of the safety management system in accordance with section 60 of the Act and regulation 20.
- (2) Documentation of the matters set out in regulation 20(3).

### **7—Safety performance measures**

- (1) Systems and procedures to ensure that the safety management system is effective by using key performance indicators to measure safety performance and to determine the effectiveness of the safety management system.
- (2) Systems and procedures to ensure the collection, analysis, assessment and dissemination of safety information held by the rail transport operator.

### **8—Safety audit arrangements**

- (1) An audit program that provides for—
  - (a) the scheduling and frequency of audits; and
  - (b) safety management system audits as part of the audit program; and

- (c) the giving of priority to those matters that represent the greatest safety risk.
- (2) Documented audit procedures to ensure there is a process for the collection of information to determine whether the railway operations comply with the safety management system and to determine the effectiveness of the safety management system.
- (3) Procedures to ensure that auditors—
  - (a) have the skills and knowledge to undertake audits; and
  - (b) are independent from the area being audited to the maximum extent that is practicable.
- (4) Procedures for—
  - (a) communicating the results of audits to those people who are responsible for the oversight of the railway operations in the area audited for review and, where appropriate, for corrective action; and
  - (b) where appropriate, the registration and effective implementation of recommendations for action identified by the audit; and
  - (c) the review of the effectiveness of the audit program.

### **9—Corrective action**

- (1) Procedures to ensure, so far as is reasonably practicable, that corrective action is taken in response to any safety deficiencies identified following inspections, testing, audits, investigations or notifiable occurrences.
- (2) Procedures for—
  - (a) registering any corrective actions taken; and
  - (b) the review of those corrective actions; and
  - (c) the implementation of corrective action if it is determined that corrective action is required; and
  - (d) the assigning of responsibilities for corrective action.
- (3) Procedures for giving priority, when undertaking corrective action, to those matters representing the greatest safety risk.

### **10—Management of change**

Procedures for ensuring that changes that may affect the safety of railway operations are identified and managed, including, but not limited to, procedures for ensuring, so far as is reasonably practicable—

- (a) that changes are fully identified and described in the context of the railway operations; and
- (b) that affected parties are identified and, if practicable, consulted; and
- (c) that the roles and responsibilities of rail safety workers and employees of the rail transport operator are clearly specified with respect to the change; and
- (d) that the rail safety workers and employees of the rail transport operator are fully informed and trained to understand and deal with the proposed change; and
- (e) that the requirements of sections 58(1)(c) and 58(1)(d) of the Act are observed in relation to any risks associated with the proposed change; and

- (f) that the change, once implemented, is reviewed and assessed by the rail transport operator to determine whether or not the change has been appropriately managed.

### **11—Consultation**

Systems and procedures to ensure that the consultation required by section 58(2) of the Act occurs when the safety management system is reviewed or varied.

### **12—Internal communication**

Systems and procedures—

- (a) for the dissemination of information about the content of the safety management system to people who are to participate in the implementation of the system or who may be otherwise affected by the implementation; and
- (b) for the communication of the rail transport operator's safety policy and safety objectives to all people who are to participate in the implementation of the safety management system; and
- (c) for the internal reporting of accidents and incidents involving the operator's railway operations, including accidents and incidents involving contractors and subcontractors; and
- (d) to support communication and the dissemination of information throughout, and between all levels of, the operator's railway operations.

### **13—Risk management**

- (1) Systems and procedures for compliance with the risk management obligations set out in sections 8, 58(1)(c), 58(1)(d) and 58(1)(e) of the Act.
- (2) A risk register that includes—
  - (a) a listing of the risks to safety identified under section 58(1)(c) of the Act; and
  - (b) details of the assessment of those risks (including their likelihood, likely consequences and ranking); and
  - (c) a description of any elimination or risk control measures that are to be used to manage, so far as is reasonably practicable, those risks, including, where appropriate—
    - (i) the identification of who is responsible for implementing the measures; and
    - (ii) a reference to the general location or locations in the safety management system where more details on the measures can be found.
- (3) Systems and procedures to ensure that the details in the register are current, so far as is reasonably practicable.

### **14—Human factors**

Procedures to ensure that human factor matters are taken into account during the development, operation and maintenance of the safety management system and for the integration of human factors principles and knowledge into all relevant aspects of operational and business systems.

## 15—Procurement and contract management

Systems and procedures—

- (a) for the review of tender documents and contracts to ensure that safety requirements under the safety management system are adequately defined and documented in those tender documents and contracts; and
- (b) to ensure that the terms of any tender documents or contracts do not lead to unsafe work or an activity that may affect the safety of railway operations; and
- (c) for the selection and control of contractors and to ensure the monitoring of the performance of contractors, including conducting or commissioning audits of the contractor's performance in relation to the safety aspects of the contract; and
- (d) to ensure that safety duties under the Act are being met under contracts, and procedures for the taking of remedial action where necessary; and
- (e) to ensure that goods and services provided to the railway operation meet the standards and specifications required for the safety of the railway operation.

## 16—General engineering and operational systems safety requirements

- (1) A documented set of engineering standards and procedures, and operational systems, safety standards and procedures, to cover the following, and, if relevant, the interface between any 2 or more of them:
  - (a) rail infrastructure;
  - (b) rolling stock;
  - (c) operational systems.
- (2) Details of the implementation and updating of the documents specified in subclause (1).
- (3) Procedures for the control and verification of the design of structures, rolling stock, equipment, and systems, in accordance with the engineering standards and procedures, and operational systems safety standards specified in subclause (1).
- (4) Systems, procedures and standards for the following in relation to rail infrastructure and rolling stock:
  - (a) engineering design;
  - (b) construction and installation;
  - (c) implementation and commissioning;
  - (d) monitoring and maintenance;
  - (e) system operation;
  - (f) modification;
  - (g) decommissioning or disposal.

## 17—Process control

- (1) Procedures for the rail transport operator to monitor the operator's compliance with the standards and procedures specified in clause 16, including procedures for the inspection and testing of safety related engineering and operational systems.
- (2) Procedures for the control, calibration and maintenance of all equipment used to inspect or test rail infrastructure or rolling stock.

- (3) Arrangements for the establishment and maintenance of inspection and test records to provide evidence of the condition of rail infrastructure or rolling stock.

### **18—Asset management**

An asset management policy and processes that address all phases of the asset life cycle of the rail infrastructure or rolling stock operations.

### **19—Safety interface coordination**

- (1) Procedures for the identification of interface risks to the safety of railway operations and for the development and implementation of interface agreements in accordance with section 62 of the Act and regulations 14 and 15.
- (2) Procedures for monitoring the implementation and effectiveness of and compliance with interface agreements.

### **20—Management of notifiable occurrences**

- (1) Systems and procedures for the reporting of notifiable occurrences in accordance with regulation 26.
- (2) Procedures for the management of the scene of a notifiable occurrence and for the preservation of evidence where reasonably practicable.
- (3) Procedures for the management of all notifiable occurrences, including procedures to enable the determination of which notifiable occurrences are to be investigated, and how investigations are to be conducted.

### **21—Rail safety worker competence**

Procedures and, where necessary, standards to ensure compliance with section 69 of the Act and with regulation 24.

### **22—Security management**

- (1) The security management plan required by section 63 of the Act.
- (2) Systems and procedures to ensure compliance with section 63 of the Act and regulation 16.

### **23—Emergency management**

- (1) The emergency management plan required by section 64 of the Act.
- (2) Systems and procedures to ensure compliance with section 64 of the Act and Division 5 of Part 3 of these regulations.

### **24—Fatigue**

Systems and procedures to ensure compliance with section 68 of the Act and regulation 23.

### **25—Drugs and alcohol**

Systems and procedures to ensure compliance with sections 66 and 67 of the Act and with regulation 22.

### **26—Health and fitness**

Systems and procedures to ensure compliance with section 65 of the Act and with regulation 21.

## **27—Resource availability**

Systems and procedures for estimating the resources, including people and equipment, that the rail transport operator will need to operate and maintain the operator's railway operations and to implement, manage and maintain its safety management system, and for the preparation of plans to ensure that it has adequate access to those resources.

## **Schedule 2—Transitional provisions**

### **1—Transitional provisions**

- (1) Section 57(2)(c) of the Act does not apply until the first anniversary of the day on which the Act comes into operation.
- (2) Regulation 13 does not apply until the first anniversary of the day on which the Act comes into operation.

#### **Note—**

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

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 25 September 2008

No 266 of 2008

South Australia

## **Rail Safety (Alcohol and Drug Testing) Regulations 2008**

under the *Rail Safety Act 2007*

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### **Schedule 1—Prescribed oral advice in relation to alcotest or breath analysis**

- 1 Oral advice by an authorised person appointed under clause 2(1)(d) of Schedule 2 of the Act, on refusal or failure to comply with alcotest or breath analysis direction: clause 4(8)(b) of Schedule 2 of the Act
- 2 Oral advice by any other authorised person, on refusal or failure to comply with alcotest or breath analysis direction: clause 4(8)(b) of Schedule 2 of the Act

### **Schedule 2—Prescribed oral advice in relation to drug screening test, oral fluid analysis, blood test or urine test**

- 1 Oral advice on refusal or failure to comply with drug screening test or oral fluid analysis direction: clause 5(8)(b)(ii)(A) of Schedule 2 of the Act
- 2 Oral advice on refusal or failure to comply with blood test direction in connection with drug testing: clause 5(8)(b)(ii)(B) of Schedule 2 of the Act
- 3 Oral advice on refusal or failure to comply with blood test direction in connection with alcohol testing: clause 5(8)(b)(ii)(C) of Schedule 2 of the Act

### **Schedule 3—Prescribed oral advice and written notice**

Part 1—Prescribed oral advice for purposes of clause 15(5)(a) of Schedule 2 of *Rail Safety Act 2007*

Part 2—Prescribed written notice for the purposes of clause 15(5)(a) of Schedule 2 of the *Rail Safety Act 2007*

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### 1—Short title

These regulations may be cited as the *Rail Safety (Alcohol and Drug Testing) Regulations 2008*.

### 2—Commencement

These regulations will come into operation on the day on which the *Rail Safety Act 2007* comes into operation.

### 3—Interpretation

In these regulations, unless the contrary intention appears—  
*Act* means the *Rail Safety Act 2007*.

### 4—Prescribed concentration of alcohol

For the purposes of the definition of *prescribed concentration of alcohol* in section 4 of the Act (Interpretation), the prescribed concentration is a concentration of .02 grams or more of alcohol in 100 millilitres of blood.

### 5—Prescribed drugs

For the purposes of the definition of *prescribed drug* in section 4 of the Act (Interpretation), each of the following substances are declared to be a prescribed drug:

- (a) delta-9-tetrahydrocannabinol;
- (b) methylamphetamine;
- (c) 3, 4-methylenedioxymethamphetamine (MDMA).

### 6—Procedures relating to urine tests

For the purposes of clause 3(2) of Schedule 2 of the Act, the following procedures and requirements in accordance with which a urine test must be conducted under the Act are prescribed:

- (a) a medical practitioner by whom a sample of urine is taken under the Act must—
  - (i) place the sample of urine in approximately equal proportions, in 2 separate containers marked with an identification number distinguishing the sample from other samples of urine and seal the containers; and
  - (ii) give to the person from whom the sample was taken a notice in writing—
    - (A) advising that the sample has been taken under the relevant provision of the Act; and
    - (B) advising that a container containing part of the sample and marked with the identification number specified in the notice will be available for collection by or on behalf of the person at a specified place; and



- (iii) complete and sign a certificate containing the information required under paragraph (d); and
  - (iv) make the containers and the certificate available to an authorised person;
- (b) each container must contain a sufficient quantity of urine to enable an analysis to be made of the presence of a drug in the urine;
- (c) it is the duty of the medical practitioner by whom the sample is taken to take such measures as are reasonably practicable in the circumstances to ensure that the urine is not adulterated and does not deteriorate so as to prevent a proper analysis of the presence of a drug in the urine;
- (d) the certificate referred to in paragraph (a) must state—
  - (i) the identification number of the sample marked on the containers referred to in that paragraph; and
  - (ii) the name and address of the person from whom the sample was taken; and
  - (iii) the name of the medical practitioner by whom the sample was taken; and
  - (iv) the date, time and place at which the sample was taken; and
  - (v) that the medical practitioner gave the notice referred to in that paragraph to the person from whom the sample was taken;
- (e) 1 of the containers containing the sample must—
  - (i) as soon as reasonably practicable be taken by an authorised person to the place specified in the notice given to the person under paragraph (a); and
  - (ii) be kept available at that place for collection by or on behalf of the person for the period of 12 months from the day on which the sample was taken;
- (f) after analysis of the sample in a container made available to an authorised person in accordance with paragraph (a), the analyst who performed or supervised the analysis must sign a certificate containing the following information:
  - (i) the identification number of the sample marked on the container;
  - (ii) the name and professional qualifications of the analyst;
  - (iii) the date the sample was received in the laboratory in which the analysis was performed;
  - (iv) the prescribed drug or other drug found to be present in the sample;
  - (v) any factors relating to the sample or the analysis that might, in the opinion of the analyst, adversely affect the accuracy or validity of the analysis;
  - (vi) any other information relating to the sample or analysis that the analyst thinks fit to include;
- (g) on completion of an analysis of a sample, the certificate of the medical practitioner by whom the sample was taken and the certificate of the analyst who performed or supervised the analysis must be sent to the rail transport operator and copies of the certificates must be sent—
  - (i) to the medical practitioner by whom the sample was taken; and
  - (ii) to the person from whom the sample was taken or, if the person is dead, a relative or personal representative of the deceased;

- (h) if the whereabouts of the person from whom the sample is taken, or the identity or whereabouts of a relative or personal representative of the deceased (as the case may be), is unknown, there is no obligation to comply with paragraph (g)(ii) but copies of the certificates must, on application made within 3 years after the completion of the analysis, be furnished to any person to whom they should, but for this paragraph, have been sent.

## 7—Conduct of breath analysis

- (1) Pursuant to clause 4(6) of Schedule 2 of the Act, where a person submits to a breath analysis, the breath analysis must be conducted in the following manner:
  - (a) the person must provide 2 separate samples of breath for analysis; and
  - (b) each sample must be provided in accordance with the directions of the operator of the breath analysing instrument and must consist of not less than 1 litre of breath; and
  - (c) there must be an interval of not less than 2 minutes and not more than 10 minutes between the provision of the samples.
- (2) Despite subregulation (1)—
  - (a) if, on analysing a sample of breath, the breath analysing instrument indicates an error in the analysis of the sample—
    - (i) that sample, or, if that sample was the second sample provided, both samples, must be disregarded; and
    - (ii) the person may be required to provide 2 further samples of breath for analysis using a different instrument (and such samples must be provided in accordance with subregulation (1)(b) and (c)); or
  - (b) if, on analysing a sample of breath, the breath analysing instrument indicates the presence of alcohol in the mouth of the person—
    - (i) that sample, or, if that sample was the second sample provided, both samples, must be disregarded; and
    - (ii) the person may be required to provide 2 further samples of breath for analysis (and such samples must be provided in accordance with subregulation (1)(b) and (c)); or
  - (c) if, on analysing 2 samples of breath, the breath analysing instrument indicates that the reading obtained on analysis of the second sample was more than 15% higher or lower than the reading obtained on analysis of the first sample—
    - (i) those samples must be disregarded; and
    - (ii) the person may be required to provide 2 further samples of breath for analysis (and such samples must be provided in accordance with subregulation (1)(b) and (c)); or
  - (d) if, for any reason, a second sample of breath is not provided within 10 minutes of the provision of the first sample—
    - (i) the first sample is to be disregarded; and
    - (ii) the person may be required to provide 2 further samples of breath for analysis (and such samples must be provided in accordance with subregulation (1)(b) and (c)).

- (3) Where a person submits to a breath analysis, the result of the breath analysis will, for the purposes of the Act, be taken to be the reading produced by the breath analysing instrument, on analysis of the samples of breath provided by the person in accordance with this regulation, that indicates the lower concentration of alcohol in the person's breath (not taking into account any samples that, in accordance with this regulation, are to be disregarded).

## 8—In-house testing by rail transport operator

- (1) For the purposes of a blood test conducted as a result of a requirement of an authorised person appointed under clause 2(1)(d) of Schedule 2 of the Act, the certificate of the medical practitioner who took the blood sample and the certificate of the analyst who performed or supervised the analysis of the sample, referred to in clause 10(g) of Schedule 2 of the Act must be sent—
  - (a) to the relevant rail transport operator; and
  - (b) to the medical practitioner by whom the sample was taken; and
  - (c) to the person from whom the sample was taken or, if the person is dead, a relative or personal representative of the deceased,but need not be sent to the Regulator or Commissioner of Police.
- (2) For the purposes of an oral fluid analysis conducted as a result of a requirement of an authorised person appointed under clause 2(1)(d) of Schedule 2 of the Act, the certificate of the analyst who performed or supervised the analysis of the sample referred to in clause 11(g) of Schedule 2 of the Act must be sent—
  - (a) to the relevant rail transport operator; and
  - (b) to the person from whom the sample was taken or, if the person is dead, a relative or personal representative of the deceased,but need not be sent to the Regulator or Commissioner of Police.
- (3) Clause 15 of Schedule 2 of the Act does not apply to testing conducted as a result of a requirement of an authorised person appointed under clause 2(1)(d) of Schedule 2 of the Act.
- (4) An alcotest, breath analysis, drug screening test, oral fluid analysis, blood test or urine test conducted under clause 4 or clause 5 of Schedule 2 of the Act where that testing is required by an authorised person appointed under clause (1)(d) of that Schedule is at the expense of the relevant rail transport operator.
- (5) In this clause, the *relevant rail transport operator* is the operator of the railway operations in respect of which the rail safety worker undergoing testing—
  - (a) was about to carry out rail safety work; or
  - (b) was carrying out rail safety work; or
  - (c) was attempting to carry out rail safety work; or
  - (d) had carried out rail safety work; or
  - (e) was involved in a prescribed occurrence.

**9—Oral advice on refusal or failure to comply with alcotest or breath analysis direction**

- (1) In the case of an authorised person appointed under clause 2(1)(d) of Schedule 2 of the Act, the prescribed oral advice for the purposes of clause 4(8)(b) of Schedule 2 of the Act is set out in Schedule 1 clause 1 of these regulations.
- (2) In the case of any other authorised person, the prescribed oral advice for the purposes of clause 4(8)(b) of Schedule 2 of the Act is set out in Schedule 1 clause 2 of these regulations.

**10—Oral advice on refusal or failure to comply with drug screening test or oral fluid analysis direction**

The prescribed oral advice for the purposes of clause 5(8)(b)(ii)(A) of Schedule 2 of the Act is set out in Schedule 2 clause 1 of these regulations.

**11—Oral advice on refusal or failure to comply with blood test direction in connection with drug testing**

The prescribed oral advice for the purposes of clause 5(8)(b)(ii)(B) of Schedule 2 of the Act is set out in Schedule 2 clause 2 of these regulations.

**12—Oral advice on refusal or failure to comply with blood test direction in connection with alcohol testing**

The prescribed oral advice for the purposes of clause 5(8)(b)(ii)(C) of Schedule 2 of the Act is set out in Schedule 2 clause 3 of these regulations.

**13—Prescribed period for keeping blood samples and oral fluid samples**

For the purposes of clauses 10(e)(ii) and 11(e)(ii) of Schedule 2 of the Act, the period prescribed for which a container containing a sample of a person's blood or oral fluid (as the case may be) must be kept available for collection by or on behalf of that person is 12 months from the day on which the sample was taken from the person.

**14—Information to be included on analyst's certificate**

For the purposes of clause 11(f)(iv) of Schedule 2 of the Act, the required information in relation to any prescribed drug or other drug found to be present in the sample is information identifying the drug or drugs.

**15—Procedures for voluntary blood test**

- (1) The following are the prescribed procedures in accordance with which a sample of a person's blood must be taken and dealt with for the purposes of clause 15(2) of Schedule 2 of the Act (Evidence):
  - (a) the person must cause the sample to be taken by a medical practitioner of the person's choice and must deliver the blood test kit supplied to the person under clause 15(5)(b) of Schedule 2 of the Act to the medical practitioner for use for that purpose;
  - (b) the medical practitioner by whom the sample of the person's blood is taken must place the sample, in approximately equal proportions, in 2 containers (being the containers provided as part of the blood test kit);

- (c) each container must contain a sufficient quantity of blood to enable an accurate evaluation to be made of any concentration of alcohol present in the blood and the sample of blood taken by the medical practitioner must be such as to furnish 2 such quantities of blood;
- (d) the medical practitioner must seal each container by application of the adhesive seal (bearing an identifying number) provided as part of the blood test kit;
- (e) it is the duty of the medical practitioner to take such measures as are reasonably practicable in the circumstances to ensure that the blood is not adulterated and does not deteriorate so as to prevent a proper assessment of the concentration of alcohol present in the blood of the person from whom the sample was taken;
- (f) the medical practitioner must then complete a certificate in the form set out in Schedule 3 of the *Road Traffic (Miscellaneous) Regulations 1999* (being a form provided as part of the blood test kit) by inserting the particulars required by the form;
- (g) the certificate must be signed by the medical practitioner certifying as to the matters set out in the form;
- (h) the certificate must also bear the signature of the person from whom the blood sample was taken, attested to by the signature of the medical practitioner;
- (i) the original of the signed certificate must then be delivered to the person from whom the blood sample was taken together with 1 of the sealed containers containing part of the blood sample;
- (j) a copy of the signed certificate must be delivered by the medical practitioner together with the other sealed container containing part of the blood sample to a police officer who must, in turn, deliver that copy of the certificate and the blood sample container to State Forensic Science;
- (k) the blood sample container and copy of the certificate referred to in paragraph (j) must not be delivered into the possession of the person from whom the sample was taken;
- (l) on receipt of the blood sample container and certificate at State Forensic Science, the blood in the container must be analysed as soon as reasonably practicable by or under the supervision of an analyst to determine the concentration of alcohol present in the blood expressed in grams in 100 millilitres of blood;
- (m) the analyst must then complete and sign a certificate certifying as to the following matters:
  - (i) the date of receipt at State Forensic Science of the blood sample container and the certificate accompanying the blood sample container;
  - (ii) the identifying number appearing on the adhesive seal used to seal the blood sample container;
  - (iii) the name and professional qualifications of the analyst;
  - (iv) the concentration of alcohol found to be present in the blood expressed in grams in 100 millilitres of blood;
  - (v) any factors relating to the blood sample or the analysis that might, in the opinion of the analyst, adversely affect the accuracy or validity of the analysis;

- (vi) any other information relating to the blood sample or analysis or both that the analyst thinks fit to include;
  - (n) the analyst's certificate must be sent by post to the person from whom the blood sample was taken at the address shown as the person's address on the certificate accompanying the blood sample container;
  - (o) a copy of the analyst's certificate must be sent to or retained on behalf of the Minister;
  - (p) a copy of the analyst's certificate must also be sent to the Commissioner of Police;
  - (q) the person from whom the blood sample was taken may cause the sample of blood as contained in the blood sample container delivered to that person to be analysed to determine the concentration of alcohol present in the blood.
- (2) References in a certificate completed for the purposes of subregulation (1)(f) to the *Road Traffic Act 1961* or a provision of that Act are to be taken to be references to the *Rail Safety Act 2007* or the corresponding provision of that Act.

#### **16—Oral advice and written notice on recording of positive breath analysis reading**

- (1) The oral advice required to be given for the purposes of clause 15(5)(a) of Schedule 2 of the Act (Evidence) must be as set out in Schedule 3 Part 1 of these regulations.
- (2) The written notice required to be delivered for the purposes of clause 15(5)(a) of Schedule 2 of the Act (Evidence) must be as set out in Schedule 3 Part 2 of these regulations.

#### **17—Request for approved blood test kit**

- (1) For the purposes of clause 15(5)(b) of Schedule 2 of the Act (Evidence), a request for an approved blood test kit must be made in accordance with the following:
  - (a) the request may, in the first instance, be made orally to the person operating the breath analysing instrument (the *operator*);
  - (b) on such a request having been made by the person, the operator or any other authorised person present at the scene must complete a written request in the form approved by the Regulator;
  - (c) the person making the request must then sign the request form in the presence of the operator or other authorised person and the person's signature must be attested to by the signature of the operator or other authorised person;
  - (d) the original of the signed request form may be retained by the person making the request;
  - (e) a copy of the signed request form must be delivered to the operator or other authorised person.
- (2) The copy of the request form delivered to the operator or other authorised person must be delivered to the Regulator or retained on the Regulator's behalf for 12 months from the day on which the request form was signed by the person making the request.

## **18—Destruction of oral fluid, blood or urine samples**

A rail transport operator who employs a rail safety worker from whom a sample of oral fluid, blood or urine is taken under the Act (or in the case of a sample required by a police officer, the Commissioner of Police), must ensure that the sample of oral fluid, blood or urine (and any other forensic material taken incidentally during a drug screening test, oral fluid analysis, blood test or urine test) is destroyed—

- (i) if disciplinary proceedings or proceedings for an offence against the Act based on evidence of the results of analysis of the sample are not commenced within the period allowed (and if both disciplinary proceedings and proceedings for an offence may be instituted, the period allowed refers to the later of the 2); or
- (ii) if such proceedings are commenced within the period allowed—when the proceedings (including any proceedings on review or appeal) are finally determined or discontinued.

## **Schedule 1—Prescribed oral advice in relation to alcotest or breath analysis**

### **1—Oral advice by an authorised person appointed under clause 2(1)(d) of Schedule 2 of the Act, on refusal or failure to comply with alcotest or breath analysis direction: clause 4(8)(b) of Schedule 2 of the Act**

It is a criminal offence to refuse or fail to provide a breath sample without good cause and you could be fined as a consequence.

It is a defence if you have some physical or medical condition that prevents you from providing a breath sample, but only if you ask for a sample of your blood to be taken instead or can show that your condition also prevents the taking of blood.

If you want a blood sample taken because of your condition, you should ask for that and the authorised person will help you to have the sample taken at the rail transport operator's expense.

### **2—Oral advice by any other authorised person, on refusal or failure to comply with alcotest or breath analysis direction: clause 4(8)(b) of Schedule 2 of the Act**

It is a criminal offence to refuse or fail to provide a breath sample without good cause and you could be fined as a consequence.

It is a defence if you have some physical or medical condition that prevents you from providing a breath sample, but only if you ask for a sample of your blood to be taken instead or can show that your condition also prevents the taking of blood.

If you want a blood sample taken because of your condition, you should ask for that and the authorised person will help you to have the sample taken at Government expense.

## **Schedule 2—Prescribed oral advice in relation to drug screening test, oral fluid analysis, blood test or urine test**

### **1—Oral advice on refusal or failure to comply with drug screening test or oral fluid analysis direction: clause 5(8)(b)(ii)(A) of Schedule 2 of the Act**

It is a criminal offence to refuse or fail to provide a sample of oral fluid without good cause and you could be fined as a consequence.

It is a defence if you have some physical or medical condition that prevents you from providing a sample of oral fluid, but only if you ask for a sample of your blood to be taken instead or can show that your condition also prevents the taking of blood.

If you want a sample of blood taken because of your condition, you should ask for that and the authorised person will help you to have the sample taken.

## **2—Oral advice on refusal or failure to comply with blood test direction in connection with drug testing: clause 5(8)(b)(ii)(B) of Schedule 2 of the Act**

It is a criminal offence to refuse or fail to provide a sample of blood in connection with drug testing without good cause and you could be fined as a consequence.

It is a defence if you have some physical or medical condition that prevents you from providing a sample of blood, but only if you ask for a sample of your oral fluid to be taken instead.

If you want a sample of oral fluid taken because of your condition, you should ask for that and the authorised person will help you to have the sample taken.

## **3—Oral advice on refusal or failure to comply with blood test direction in connection with alcohol testing: clause 5(8)(b)(ii)(C) of Schedule 2 of the Act**

It is a criminal offence to refuse or fail to provide a sample of blood in connection with alcohol testing without good cause and you could be fined as a consequence.

It is a defence if you have some physical or medical condition that prevents you from providing a sample of blood, but only if you ask for a sample of your breath to be taken instead.

If you want a sample of your breath to be taken because of your condition, you should ask for that and the authorised person will help you to have the sample taken.

## **Schedule 3—Prescribed oral advice and written notice**

### **Part 1—Prescribed oral advice for purposes of clause 15(5)(a) of Schedule 2 of *Rail Safety Act 2007***

The breathalyser reading just taken shows that you had a prohibited level of alcohol in your blood.

Therefore it appears that you have committed an offence against section 71(4) of the Act.

In any court proceedings for that offence, it will be presumed that the breathalyser accurately indicated your blood alcohol level at the time of the reading and for the preceding 2 hours. However, the *Rail Safety Act 2007* allows for contrary evidence based on the results of a blood test.

If you want to have such a blood test you will have to make your own arrangements and follow certain procedures, using a special blood test kit. This blood test kit will be supplied to you on your signing a written request.

If you obtain a blood test kit and want to have your blood tested, you should take the kit promptly to a hospital or medical practitioner in order to have a sample of your blood taken.

[\*Alternatively, you may have the sample taken by a registered nurse.]

You must not consume any more alcohol before having the sample of your blood taken and must not open the blood test kit before delivering it to a medical practitioner [\*or registered nurse].



Under the blood test procedure, the sample of blood is divided and sealed in 2 containers. You will have to sign a form that will be given to you by the medical practitioner [\*or registered nurse].

1 of the sealed containers will be given to you and you may make your own arrangements to have the blood in that container analysed.

In any event, the blood in the other container will be analysed by Forensic Science SA and you will be given written notice of the results of the analysis.

Further information as to these matters is contained in the written notice which will be delivered to you shortly.

\*Advice as to the alternative of a registered nurse is to be given only if the breath analysis was conducted outside Metropolitan Adelaide.

## **Part 2—Prescribed written notice for the purposes of clause 15(5)(a) of Schedule 2 of the *Rail Safety Act 2007***

### **Operation of *Rail Safety Act 2007* in relation to results of breath analysis**

#### **1 Offence**

A rail safety worker commits an offence against section 71(4) of the *Rail Safety Act 2007* if the worker carries out, or attempts to carry out, rail safety work while—

- (a) there is present in his or her blood the prescribed concentration of alcohol (as defined in regulation 4 of the *Rail Safety (Alcohol and Drug Testing) Regulations 2008*); or
- (b) so much under the influence of alcohol as to be incapable of effectively discharging a function or duty of a rail safety worker.

#### **2 Breath analysis**

Your breath has just been analysed by the means of a breath analysing instrument which indicated that the prescribed concentration of alcohol was present in your blood.

Accordingly, it appears that you have committed the offence described above.

#### **3 Legal effect of breath analysis result**

In proceedings for the offence described above, the result of the breath analysis will be presumed to accurately record the concentration of alcohol in your blood at the time of the analysis and throughout the preceding 2 hours (Clause 15(1) of Schedule 2 of the *Rail Safety Act 2007*).

In any proceedings against you for such an offence, you will be able to challenge the accuracy of the breath analysis reading—

- (a) if you have a sample of your blood taken and analysed as described below; and
- (b) if the result of analysis of the blood sample shows that the breath analysing instrument gave an exaggerated reading of the concentration of alcohol present in your blood (clause 15(2) of Schedule 2 of the *Rail Safety Act 2007*).

#### **4 Procedures for optional blood test**

- (1) You may have a sample of your blood taken and analysed if you wish.
- (2) For that purpose, you must request the breath analysis operator to supply you with an approved blood test kit (you must sign a written request form for the kit and should retain a copy of the signed request form).
- (3) You should then proceed promptly to a hospital or a medical practitioner [\*or a registered nurse] of your choice and request that a sample of your blood be taken (using the blood test kit).
- (4) Do not consume any further alcohol before the sample is taken.
- (5) Do not open the blood test kit.
- (6) The medical practitioner [\*or registered nurse] taking the sample of your blood will divide it and place it into 2 containers and seal the containers. 1 container will be delivered to you—do not break the seal on this container.
- (7) Sign the form presented to you by the medical practitioner [\*or registered nurse]—the original of the form will be given to you which you should retain.
- (8) You may, if you wish, have the blood sample (in the container delivered to you) analysed at a laboratory to determine the concentration of alcohol present in the blood.
- (9) The other blood sample container will, in any event, be sent to Forensic Science SA where the blood will be analysed. The results of this analysis will be sent to you at your address (as indicated on the form presented to you by the medical practitioner [\*or registered nurse] who took the blood sample).

\*The alternative of a registered nurse applies only if the breath analysis was conducted outside Metropolitan Adelaide.

#### **Note—**

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

#### **Made by the Governor**

with the advice and consent of the Executive Council  
on 25 September 2008

No 267 of 2008

South Australia

# **Workers Rehabilitation and Compensation (General) Variation Regulations 2008**

under the *Workers Rehabilitation and Compensation Act 1986*

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## **Contents**

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- 3 Variation provisions

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20A Constitution of Medical Panels
- 

## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Workers Rehabilitation and Compensation (General) Variation Regulations 2008*.

### **2—Commencement**

These regulations will come into operation on the day on which section 98 of the *Workers Rehabilitation and Compensation Act 1986* (being inserted by section 70 of the *Workers Rehabilitation and Compensation (Scheme Review) Amendment Act 2008*) comes into operation.

### **3—Variation provisions**

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

## **Part 2—Variation of *Workers Rehabilitation and Compensation (General) Regulations 1999***

### **4—Insertion of regulation 20A**

After regulation 20 insert:

#### **20A—Constitution of Medical Panels**

- (1) Pursuant to section 98(3) of the Act, the selection committee established by the Minister for the purpose of making recommendations under subsection (2) of that section is to consist of the following members:
  - (a) 1 person, to be appointed by the Minister after consultation with the Minister for Health, who is to preside at meetings of the committee;
  - (b) 1 person who is, in the opinion of the Minister, an appropriate person to represent the interests of employers;
  - (c) 1 person who is, in the opinion of the Minister, an appropriate person to represent the interests of workers;
  - (d) 1 person who is a member of the Australian Medical Association (South Australia) Incorporated;
  - (e) 1 person who is a member of the Medical Board of South Australia;
  - (f) at least 1, but not more than 5, persons—
    - (i) representing the colleges of medical practitioners from which the Minister expects appointments to be made to Medical Panels; or
    - (ii) who have an interest in the function of Medical Panels and are appointed following consultation by the Minister with the person appointed to preside at meetings of the committee.
- (2) The members of the selection committee will hold office on such terms and conditions as the Minister may determine.
- (3) The committee will, subject to direction by the Minister as to the procedures it is to adopt, determine its own procedures.
- (4) Pursuant to section 98(4) of the Act, the selection committee must, for the purpose of making nominations under subsection (3) of that section, by notice in publications considered by the committee to be suitable for the purpose, invite expressions of interest for appointment to the list of medical practitioners appointed by the Governor under section 98(2) of the Act within a period specified in the notice (being not less than 2 weeks, and not more than 4 weeks, from the date of publication of the notice).

#### **Note—**

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

**Made by the Governor**

with the advice and consent of the Executive Council  
on 25 September 2008

No 268 of 2008

MIR20/08CS

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## CITY OF PORT ADELAIDE ENFIELD

*Assignment of Names for Public Roads*

NOTICE is hereby given that the Council of the City of Port Adelaide Enfield at its meeting held on 9 September 2008, resolved that pursuant to section 219 (1) of the Local Government Act 1999, that certain new roads all located in the suburb of Northgate be assigned the street names, as detailed below:

Gandy Grove, City View Boulevard, East Parkway, Eton Road, Finmiss Lane, Francis Street, Gulnare Grove, Jacob Lane, Kingston Parade, Light Terrace, Neale Lane, Penang Lane, Proclamation Road, Pullen Lane, Rapid Avenue, Rozells Avenue, The Strand, William Terrace, Woodforde Lane and Wyatt Street.

Maps which delineate the new roads that have been assigned the street names, together with a copy of the Council's resolution are all available for inspection at the Council's Principal Office, 163 St Vincent Street, Port Adelaide; Parks Library Council Office, 2-46 Cowan Street, Angle Park; Enfield Library Council Office, 1-9 Kensington Crescent, Enfield and Greenacres Library Council Office, 2 Fosters Road, Greenacres, during their normal business hours.

H. J. WIERDA, City Manager

## UNLEY CITY COUNCIL

*Appointment of Public Officer*

NOTICE is hereby given that at its meeting held on 25 August 2008, the Unley City Council resolved to appoint Christine Umaphysivam, General Manager, Corporate Services, to the position of Public Officer of the Unley City Council Development Assessment Panel, pursuant to section 56A (22) of the Development Act 1993. The Public Officer can be contacted on 8372 5111 or in writing to the Unley City Council, P.O. Box 1, Unley, S.A. 5061.

R. PINCOMBE, Chief Executive Officer

## DISTRICT COUNCIL OF GRANT

## ROADS (OPENING AND CLOSING) ACT 1991

*(Re-Advertised) Pelican Point Road, Pelican Point*

NOTICE is hereby given, pursuant to section 10 of the said Act, that Council proposes to make a Road Process Order to close, and transfer to the adjoining owners, portions of Pelican Point Road, adjoining allotments 23 to 45 in Deposited Plan 52958 and sections 727 to 741 in the Hundred of Kongorong, shown as 'A' to 'Y' and 'AA' to 'AT' on Preliminary Plan No. 07/0011 with the exception of the pieces marked A, G, W, Y, AB, AF, AP, AS and AT which will be closed and retained by the Council.

Copies of the plans and statements of persons affected are available for public inspection at the Council's Office, 324 Commercial Street West, Mount Gambier and the office of the Surveyor-General, 101 Grenfell Street, Adelaide, during normal office hours.

Any applications for easements or objections must be made in writing within 28 days from this notice, to the Council, P.O. Box 724, Mount Gambier, S.A. 5290 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 matters. Any enquiries may be directed to the Project Manager, Gayle Watson on 8721 0444.

Dated 25 September 2008.

R. PEATE, Chief Executive Officer

## DISTRICT COUNCIL OF LOXTON WAIKERIE

*Declaration of Public Roads*

NOTICE is hereby given pursuant to section 210 of the Local Government Act 1999, that the District Council of Loxton Waikerie, at its meeting held on 19 September 2008, declared that private roads Rotary Drive and Elders Way to be public roads.

P. D. ACKLAND, Chief Executive Officer

## WATTLE RANGE COUNCIL

## DEVELOPMENT ACT 1993

*Penola Heritage Development Plan Amendment—Draft for Public Consultation and Interim Operation*

NOTICE is hereby given that the Wattle Range Council has prepared a draft Development Plan Amendment (DPA) to amend its current Development Plan as it affects current policies relating to heritage within the township of Penola. The Development Plan Amendment will amend the Development Plan to introduce a schedule of Local Heritage places and Contributory places for Penola and introduce a Historic (Conservation) Policy Area for a selected area within Riddoch Street.

In order to prevent inappropriate development and promote orderly planning, the draft DPA has been granted 'interim authorisation' by the Minister, giving the amendment immediate effect.

The draft DPA will be available for public inspection and purchase during normal office hours at the Council Offices, Civic Centre, George Street, Millicent and 27 Arthur Street, Penola and will be available on Council's website at:

[www.wattlerange.sa.gov.au](http://www.wattlerange.sa.gov.au)

from Thursday, 25 September 2008 to Thursday, 27 November 2008. A CD-ROM copy of the DPA can be purchased from Council's offices for \$5.

Written submissions regarding the draft amendment will be accepted by the Wattle Range Council until Thursday, 27 November 2008. All written submissions should also clearly indicate whether you wish to speak at the public meeting regarding your submission. All submissions should be addressed to the Chief Executive Officer of the Wattle Range Council, P.O. Box 27, Millicent, S.A. 5280.

Copies of all written submissions received will be available for inspection by interested persons at the Council offices from Friday, 28 November 2008, until the date of the public meeting.

A public meeting will be held on Wednesday, 10 December 2008, in Rymill Hall, McCorquindale Street, Penola, starting at 7 p.m. This public meeting may not be held if no submission indicates an interest in speaking at the public meeting.

Dated 25 September 2008.

F. N. BRENNAN, Chief Executive Officer

## WATTLE RANGE COUNCIL

## ROADS (OPENING AND CLOSING) ACT 1991

*Road Closure—Portion of Smelts Road, Wattle Range*

NOTICE is hereby given pursuant to section 10 of the said Act, that the Council proposes to make a Road Process Order to close and sell to Great Southern Property Managers Ltd. the road dividing allotments 3 and 4 in Deposited Plan 66702 shown as 'A' on Preliminary Plan No. 08/0093.

A copy of the plan and statement of persons affected are available for public inspection at the Civic Centre, George Street, Millicent 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 25 September 2008, to the Council, P.O. Box 27, Millicent, S.A. 5280 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.

F. BRENNAN, Chief Executive Officer

## DISTRICT COUNCIL OF YANKALILLA

*Review of Elector Representation*

PURSUANT to section 12 of the Local Government Act 1999, Council is required to periodically review its structure and composition to determine whether electors are being adequately and fairly represented.

Notice is hereby given that Council has prepared a Representation Options Paper that examines various options in regards to the composition and structure of Council and the division of the Council area into wards.

Copies of the Representation Options Paper are available at the Council Office, 1 Charles Street, Yankalilla and on Council's website: [www.yankalilla.sa.gov.au](http://www.yankalilla.sa.gov.au).

Interested persons are invited to make a written submission to:

Chief Executive  
P.O. Box 9  
Yankalilla, S.A. 5203,

no later than the close of business, Friday, 7 November 2008.

R. SWEETMAN, Chief Executive

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

*Ashton, William Rupert*, late of 53-59 Austral Terrace, Morphettville, retired Commonwealth public servant, who died on 5 July 2008.

*Baxter, Christina Logan*, late of Blamey Road, Elizabeth East, retired teacher, who died on 22 May 2008.

*Clarke, Fred*, late of 53-59 Austral Terrace, Morphettville, retired butcher, who died on 19 July 2008.

*Craggs, Winston Alston*, late of 20 Druminor Street, Modbury North, train driver, who died on 6 October 2007.

*Cusack, Phyllis Mary*, late of 14 Robinson Street, Mount Gambier, home duties, who died on 18 May 2008.

*Frencken, Ricky Mathew*, late of 33 Edith Street, Morphett Vale, welder, who died on 10 June 2006.

*Hunter, Kym Raymond*, late of 16 First Avenue, Woodville Gardens, social worker, who died on 11 October 2007.

*Ivchenko, Laurel Dorothea*, late of 43 Marlborough Street, Malvern, retired electoral assistant, who died on 17 June 2008.

*Jennings, Elva Louise*, late of 36 David Street, McCracken, home duties, who died on 9 August 2008.

*McKenzie, Ellen Amelia*, late of Grainger Road, Somerton Park, retired clerk, who died on 12 May 2008.

*Nayda, Vera Lena*, late of Hawdon Street, Barmera, of no occupation, who died on 5 June 2008.

*Nerlich, Warren Hugh*, late of 3 Smart Street, Somerton Park, retired clerk, who died on 1 July 2008.

*Nicholson, David*, late of Jamieson Street, Forreston, retired traffic officer, who died on 25 January 2008.

*Ward, Mary*, late of 2 Calista Crescent, Bracken Ridge, Queensland, widow, who died on 13 July 2008.

Notice is hereby given pursuant to the Trustee Act 1936, as amended, the Inheritance (Family Provision) Act 1972, and the Family Relationships Act 1975, that all creditors, beneficiaries, and other persons having claims against the said estates are required to send, in writing, to the Public Trustee, 25 Franklin Street, Adelaide, S.A. 5000, full particulars and proof of such claims, on or before 24 October 2008, 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 25 September 2008.

M. I. BODYCOAT, Public Trustee

#### PARTNERSHIP ACT 1891-1975

##### *Notice of Discontinuance of Partnership*

NOTICE is hereby given that as from 26 September 2008, the partnership of Ronald McLellan Williamson, 23 Cowrie Crescent, Mount Pleasant, W.A. 6153, Andrew Seymour Robert White, 13 Newhaven Terrace, Burton, S.A. 5110, Stephen George Weychan, 5/8 Ray Street, South Perth, W.A. 6151, Richard Mark Viney, 5 Patricia Street, East Victoria Park, W.A. 6101 and Robert Louis Catchpole, 6A Britain Drive, Port Noarlunga, S.A. 5167, who trade as Cash Converters Kilkenny will dissolve.

Ronald McLellan Williamson has retired from the partnership. Andrew Seymour Robert White, Stephen George Weychan, Richard Mark Viney and Robert Louis Catchpole will continue to operate the business under the name of Kilkenny Cash Converters and shall be responsible for all the debts and liabilities thereof. The business address will remain 442 Torrens Road, Kilkenny, S.A. 5009.

Dated 18 September 2008.

RONALD MCLELLAN WILLIAMSON



# 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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