



THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

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

ADELAIDE, THURSDAY, 9 AUGUST 2001

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GOVERNMENT GAZETTE NOTICES

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

Department of the Premier and Cabinet
Adelaide, 9 August 2001

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

No. 44 of 2001—Food Act 2001. An Act to provide for the safety and suitability of food; to repeal the Food Act 1985; and for other purposes.

By command,
MALCOLM BUCKBY, for Acting Premier

DPC 97/0415

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

Proclamation By The Governor

(L.S.) E. J. NEAL

Preamble

1. The following land is dedicated as a reserve for recreation purposes for the inhabitants of the Corporation of the Town of Port Augusta (see *Gazette* 19 December 1878 p. 1758):

Section 1212, Hundred of Davenport, being the whole of the land contained in Certificate of Title Register Book Volume 5846 Folio 883.

2. The registered proprietor of the land has consented to the resumption of the land.

Proclamation

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

Given under my hand and the Public Seal of South Australia, at Adelaide, 9 August 2001.

By command,
MALCOLM BUCKBY, for Acting Premier

EH 01/0037 CS

NATIVE TITLE (SOUTH AUSTRALIA) (MISCELLANEOUS) AMENDMENT ACT 2000 (Act No. 46 of 2000): DAY OF COMMENCEMENT

Proclamation By The Governor

(L.S.) E. J. NEAL

WITH the advice and consent of the Executive Council, I fix 27 August 2001 as the day on which the *Native Title (South Australia) (Miscellaneous) Amendment Act 2000* will come into operation.

Given under my hand and the Public Seal of South Australia, at Adelaide, 9 August 2001.

By command,
MALCOLM BUCKBY, for Acting Premier

AGCS51-99

SHOP TRADING HOURS ACT 1977 SECTION 11: ABOLITION OF WAIKERIE SHOPPING DISTRICT

Proclamation By The Governor

(L.S.) E. J. NEAL

PURSUANT to section 11 of the *Shop Trading Hours Act 1977*, on the application of the District Council of Loxton Waikerie made in accordance with section 12 of that Act and with the advice and consent of the Executive Council, I abolish the *Waikerie Shopping District*.

Given under my hand and the Public Seal of South Australia, at Adelaide, 9 August 2001.

By command,
MALCOLM BUCKBY, for Acting Premier

MWR01/017/CS

Department of the Premier and Cabinet
Adelaide, 9 August 2001

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the South Australian Gas Review Board, pursuant to the provisions of the Gas Pipelines Access (South Australia) Act 1997:

Section 43 (1) (a) Legal Practitioners Panel Member: (from 9 August 2001 until 8 August 2004)
Paul Vincent Slattery

Section 43 (1) (b) Experts Panel Member: (from 9 August 2001 until 8 August 2004)
Jeffrey John Lucy
John Frederick Worthley
Alice McCleary
Brian Thomas Morris
Penny Burns

By command,
MALCOLM BUCKBY, for Acting Premier

MME 0043/01CS

Department of the Premier and Cabinet
Adelaide, 9 August 2001

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Legal Practitioners Disciplinary Tribunal, pursuant to the provisions of the Legal Practitioners Act 1981:

Member: (from 9 August 2001 until 8 August 2004)
Cecily Jane Andrew
Gabrielle Ann Brown
Malcolm Swanson Fricker
Malcolm George Montgomery
Neville Wayne Morcombe

Member: (from 9 August 2001 until 10 March 2002)
Robyn Ann Layton

By command,
MALCOLM BUCKBY, for Acting Premier

ATTG 27/93CS

Department of the Premier and Cabinet
Adelaide, 9 August 2001

HIS Excellency the Governor in Executive Council has revoked the appointment of Donald John MacKintosh as Deputy Registrar-General and Deputy Registrar-General of Deeds, pursuant to section 13 (3) of the Real Property Act 1886, section 6 (1) of the Registration of Deeds Act 1935 and the Acts Interpretation Act 1915.

By command,
MALCOLM BUCKBY, for Acting Premier

CSA 37/01CS

ASSOCIATIONS INCORPORATION ACT 1985

Application to Deregister an Incorporated Association

NOTICE is hereby given, pursuant to section 43A of the Associations Incorporation Act 1985 that applications have been made to the Corporate Affairs Commission to deregister the following incorporated Associations:

Apex Club of Moonta Incorporated by application received 2 July 2001. No assets to distribute.

Civil Construction Group Training Scheme Incorporated by application received 25 June 2001. No assets to distribute.

Munno Para Youth and Netball Club Incorporated by application received 31 May 2001. No assets to distribute.

Peaceworks Incorporated by application received 31 June 2001. No assets to distribute.

Rail 2000 Incorporated by application received 4 June 2001. Will distribute \$1 160 to Rail Technical Society of Australasia.

Southern Community Financial Counselling Centre Incorporated received 27 June 2001. No assets to distribute.

The Gullies Junior Football Club Incorporated by application received 18 June 2001. No assets to distribute.

The Royal Antediluvian Order of Buffaloes, Grand Council of Australia, South Australia by application received 6 June 2001. No assets to distribute.

Submissions in relation to the above are invited from members of the public. A submission should be made in writing within one month from the date of publication of this notice and be addressed to Corporate Affairs Commission, G.P.O. Box 1407, Adelaide, S.A. 5001.

S. C. WALL, A Delegate of the Corporate Affairs Commission

ASSOCIATIONS INCORPORATION ACT 1985

Deregistration of Associations

NOTICE is hereby given that the Corporate Affairs Commission approves the applications for deregistration received from the associations named below pursuant to section 43A of the Associations Incorporation Act 1985. Deregistration takes effect on the date of publication of this notice:

- Apex Club of Moonta Incorporated
- Civil Construction Group Training Scheme Incorporated
- Munno Para Youth and Netball Club Incorporated
- Peaceworks Incorporated
- Rail 2000 Incorporated
- Southern Community Financial Counselling Centre Incorporated
- The Gullies Junior Football Club Incorporated
- The Royal Antediluvian Order of Buffaloes, Grand Council of Australia, South Australia

Dated at Adelaide, 6 August 2001.

S. C. WALL, A Delegate of the Corporate Affairs Commission

CROWN LANDS ACT 1929: SECTION 5

TAKE NOTICE that pursuant to the Crown Lands Act 1929, I PETER MACLAREN KENTISH, Surveyor-General and Delegate appointed by IAIN EVANS, Minister for Environment and Heritage, Minister of the Crown to whom the administration of the Crown Lands Act 1929 is committed DO HEREBY:

1. Resume the land defined in The First Schedule.
2. Dedicate the Crown Land defined in The Second Schedule as an Open Space Reserve and declare that such land shall be under the care, control and management of the City of Mount Gambier.
3. Dedicate the Crown Land defined in The Third Schedule as a Waterworks Reserve and declare that such land shall be under the care, control and management of the South Australian Water Corporation.

The First Schedule

Portion of Waterworks Reserve, section 892, hundred of Blanche, county of Grey, the proclamation of which was published, together with other land, in the *Government Gazette* of 2 October 1975 at page 1818, The Fifth Schedule, being the whole of the land contained in Crown Record Volume 5598 Folio 394.

The Second Schedule

Allotment 50 of DP 56136, Hundred of Blanche, County of Grey, exclusive of all necessary roads:

1. Subject nevertheless to an easement to the Minister for Infrastructure for water supply purposes over that portion of allotment 50 of DP 56136 marked C on DP 56136.
2. Together with a free and unrestricted right of way over that portion of allotment 52 marked D on DP 56136 and appurtenant to allotment 50 (DP 56136).
3. Portion of allotment 50 of DP 56136 marked X is together with an easement over the land marked K on DP 56136 *vide* VM 8774500.
4. Portion of allotment 50 of DP 56136 marked X is together with a right of way over the land marked K on DP 56136 *vide* VM 8774500.

The Third Schedule

Allotment 51 of DP 56136, Hundred of Blanche, County of Grey, exclusive of all necessary roads, together with a free and unrestricted right of way over portion of allotment 52 marked D on DP 56136 and appurtenant to allotment 51 (DP 56136).

Dated 7 August 2001.

P. M. KENTISH, Surveyor-General

DENR 09/0990

ELECTORAL ACT 1985

Registration of Political Parties

NOTICE is hereby given that the following application for registration as a registered political under the provisions of Part 6 of the Electoral Act 1985, has been received:

Name of Party: Stormy Summers Reform Party

Name of Applicant: Luke Cole

Any elector who believes that the party should not be registered:

- because the party does not have as a purpose, the promotion of the election to the State Parliament of its endorsed candidate(s); or
- because the application does not fulfil the technical requirements specified in the Act; or
- because the party's name is likely to be confused with that of another registered party, Parliamentary party or prominent public body,

can be formally object in writing to the Electoral Commissioner by close of business on 10 September 2001. Objections must contain the postal address and signature of the objector.

Dated 9 August 2001.

S. H. TULLY, Electoral Commissioner

SEO 48/2001

EQUAL OPPORTUNITY TRIBUNAL

No. 209 of 2001

NOTICE OF EXEMPTION

*Before Deputy Presiding Officer Smith
Members Bachmann and Steuart*

I HEREBY certify that on 25 July 2001, the Equal Opportunity Tribunal of South Australia on the application of Salvation Army—Towards Independence Network Services made the following orders for exemption:

1. This exemption shall expire on 21 June 2004.
2. The exemption shall apply only to the activities undertaken by the Towards Independence Network Services of the applicant at the following premises or as part of the following programs, namely:
 - (a) Bramwell House (Women's Shelter);
 - (b) the Sobering Up Unit (detoxification); and
 - (c) the Bridge Program (non-residential Drug and Alcohol counselling).
3. This exemption shall apply to enable the employment of or the transfer of:
 - (a) one female Drug and Alcohol Domestic Violence counsellor to work with women across the three programmes that are offered to women by the Salvation Army Towards Independence Network Services;
 - (b) one female Support Worker at Bramwell House;
 - (c) female relief workers to replace staff filling the above two positions while they are on leave; and
 - (d) to roster only female employees of other Salvation Army Programs for the on-call roster at Bramwell House.

Dated 31 July 2001.

D. HOBAN, for Registrar, Equal Opportunity Tribunal

LAND AND BUSINESS (SALE AND CONVEYANCING)
ACT 1994

Exemption

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

SCHEDULE 1

Christopher John Burns, an officer/employee of Peter F. Burns Real Estate Pty Ltd.

SCHEDULE 2

The whole of the land described in certificate of title register book volume 5349, folio 557, situated at 5 Francis Street, Brighton North, S.A. 5048.

Dated 9 August 2001.

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

M. D. BODYCOAT, Commissioner

LAND AND BUSINESS (SALE AND CONVEYANCING)
ACT 1994

Exemption

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

SCHEDULE 1

Melanie Kate Sinclair, an officer/employee of Neil Ottoson First national Real Estate Pty Ltd.

SCHEDULE 2

The whole of the land described in certificate of title register book volume 5713, folio 189, situated at 252 Smith Street, Naracoorte, S.A. 5271.

Dated 9 August 2001.

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

M. D. BODYCOAT, Commissioner

LAND AND BUSINESS (SALE AND CONVEYANCING)
ACT 1994

Exemption

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

SCHEDULE 1

Alicia Marie Morrison, an officer/employee of Venmac Pty Ltd.

SCHEDULE 2

The whole of the land described in certificate of title register book volume 5039, folio 803, situated at Unit 2, 1292 North East Road, Tea Tree Gully, S.A. 5091.

Dated 9 August 2001.

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

M. D. BODYCOAT, Commissioner

LIQUOR LICENSING ACT 1997 AND GAMING MACHINES
ACT 1992

Notice of Application

NOTICE is hereby given, pursuant to section 52 of the Liquor Licensing Act 1997 and section 29 of the Gaming Machines Act 1992, that Rebecca Meakins and John Douglas Meakins, c/o Fisher Jeffries, Level 15, 211 Victoria Square, Adelaide, S.A. 5000 have applied to the Liquor and Gaming Commissioner for the transfer of a Hotel Licence and a Gaming Machine Licence in respect of premises situated at 22 Railway Terrace, Pinnaroo, S.A. 5304 and known as Pinnaroo Hotel.

The applications have been set down for hearing on 7 September 2001 at 9 a.m.

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

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

Dated 2 August 2001.

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 Helen Gillian Griffiths and Jeffrey Evan Griffiths have applied to the Licensing Authority for a Special Circumstances Licence in respect of premises to be situated at Mannum Mooring, Mannum, S.A. 5238 and operating from Mary-Ann Wharf facility and known as M.V. *Jester*.

The application has been set down for hearing on 7 September 2001.

Conditions

The following licence conditions are sought:

To sell liquor for consumption on or adjacent to the licensed premises (provided that the passengers have purchased a ticket for a cruise and are always under the supervision and control of the captain/responsible person of the subject vessel) on any day at anytime (except Good Friday).

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

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

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 Woolies Liquor Stores Pty Ltd (ACN 007 939 531), 599 Main North Road, Gepps Cross, S.A. has applied to the Licensing Authority for the removal and transfer of a Special Circumstances Licence from premises situated at 9 Percy Street, Mount Gambier to premises situated at Shop 3, 145 Commercial Street, Mount Gambier, S.A. 5290, known as Old Oat Mill and to be known as The Store, Mount Gambier.

The application has been set down for hearing on 7 September 2001.

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

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

Dated 2 August 2001.

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 Hartford (Holdings) Pty Ltd, c/o Cowell Clarke, Solicitors, Level 5, 63 Pirie Street, Adelaide, S.A. 5000 has applied to the Licensing Authority for a redefinition of Licensed Premises in respect of premises situated at Shop LGF9 Central Plaza, 100 Rundle Mall, Adelaide, S.A. 5000 and known as Jooce Beverage Bar.

The application has been set down for hearing on 7 September 2001 at 9 a.m.

Conditions

The following licence conditions are sought:

To redefine the licensed premises to the first floor.

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

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

Dated 31 July 2001.

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 Port Augusta Hockey Association Inc. has applied to the Licensing Authority for a Limited Club Licence with Entertainment Consent in respect of premises situated at McSparran Crescent, Port Augusta, S.A. 5700 and to be known as Port Augusta Hockey Association.

The application has been set down for hearing on 7 September 2001.

Condition

The following licence condition is sought:

Entertainment consent is sought for the areas outlined in blue on the deposited plan.

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

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

Dated 31 July 2001.

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 South Adelaide Footballers Club Inc., 1 Lovelock Drive, Noarlunga Downs, S.A. 5168 has applied to the Licensing Authority for a variation to the Extended Trading Authorisation to authorise the sale of liquor for consumption on the licensed premises in respect of premises situated at 1 Lovelock Drive, Noarlunga Downs and known as South Adelaide Footballers Club Inc.

The application has been set down for hearing on 7 September 2001 at 9 a.m.

Condition

The following licence condition is sought:

Variation to the Extended Trading Authorisation:

Wednesday and Thursday—midnight to 2 a.m. the following day.

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

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

Dated 1 August 2001.

Applicant

LIQUOR LICENSING ACT 1997

Notice of Application

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that St Vincent Hotel Nominees Pty Ltd (ACN 090 039 848) has applied to the Licensing Authority for a variation to the Extended Trading Authorisation and Entertainment Consent which is in force in respect of premises situated at 28 Jetty Road, Glenelg and known as Glenelg Jetty Hotel.

The application has been set down for hearing on Friday, 7 September 2001 at 9 a.m.

Conditions

The following licence conditions are sought:

That the licensee be permitted to sell liquor for consumption on and off the licensed premises from 8 a.m. to 11 a.m. each Sunday in addition to the days and times previously authorised for extended trading.

That the extended Sunday trading shall apply to the whole of the licensed premises.

That the entertainment consent be varied to permit entertainment in area 1 (the new dining room, function room and garden court). Entertainment will comprise a pianist or other solo or duo musicians providing cocktail bar style background music.

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

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

Dated 1 August 2001.

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 David Peter Francis Hay and Paul LeLacheur, c/o Wallmans Lawyers, 173 Wakefield Street, Adelaide, S.A. 5000 have applied to the Licensing Authority for a Direct Sales Licence in respect of premises situated at 74 Sydenham Road, Norwood, S.A. 5067 and to be known as Vinbiz.

The application has been set down for hearing on 7 September 2001 at 9 a.m.

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

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

Dated 1 August 2001.

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 Grant Anthony White and Julie White have applied to the Licensing Authority for a Producer's Licence in respect of premises situated at 72 William Street, Norwood, S.A. 5067 and known as Jag Wines.

The application has been set down for hearing on 7 September 2001 at 9 a.m.

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

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

Dated 1 August 2001.

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 Martin Cellars Pty Ltd has applied to the Licensing Authority for the removal of a Producer's Licence in respect of premises situated at 290 Port Road, Hindmarsh and to be situated at Seppeltsfield Street and Barossa Valley Way, Tanunda, S.A. 5352 known as Martin Cellars and to be known as Martin Meadery.

The application has been set down for hearing on 7 September 2001.

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

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

Dated 2 August 2001.

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 Warena Hotel Pty Ltd (ACN 097 546 453), c/o Wallmans Lawyers, 173 Wakefield Street, Adelaide, S.A. 5000 has applied to the Licensing Authority for the transfer of a Hotel Licence in respect of premises situated at Wendourie Road, Clare, S.A. 5453 and known as Brice Hill Hotel.

The application has been set down for hearing on 10 September 2001 at 10.30 a.m.

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

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

Dated 2 August 2001.

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 Sally Nicholas and Kenneth William Durward have applied to the Licensing Authority for the transfer of a Retail Liquor Merchant's Licence and Restaurant Licence in respect of premises situated at Lot 89, Island View Drive, Clayton, S.A. 5256 and both known as Yabby City and both to be known as Sails at Clayton.

The application has been set down for hearing on 10 September 2001 at 10 a.m.

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

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

Dated 2 August 2001.

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 Martin Cellars Pty Ltd has applied to the Licensing Authority for the removal of Special Circumstances Licence in respect of premises situated at Seppeltsfield Road and Barossa Valley Way, Tanunda and to be situated at 290 Port Road, Hindmarsh, S.A. 5007 known as Martin Meadery and to be known as Martin Cellars.

The application has been set down for hearing on 7 September 2001.

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

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

Dated 2 August 2001.

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 Vanali Pty Ltd has applied to the Licensing Authority for an Entertainment Consent in respect of premises situated at the corner Jetty Street and Esplanade, Grange, S.A. 5022 and known as Grange Jetty Kiosk.

The application has been set down for hearing on 14 September 2001.

Conditions

The following licence conditions are sought:

Entertainment consent for the whole of the licensed premises between the following hours:

Friday and Saturday—midday to midnight

Sunday—4.30 p.m. to 11 p.m.

Public holidays—midday to midnight,

and at any other time during a pre-booked function.

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

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

Dated 6 August 2001.

Applicant

MINING ACT 1971

NOTICE is hereby given in accordance with section 28 (5) of the Mining Act 1971, that the Minister for Minerals and Energy proposes to grant an Exploration Licence over the under-mentioned area.

Applicant: Minex (Aust) Pty Ltd

Location: Talia Hill area—Approximately 130 km north of Ceduna, bounded as follows:

Area A—Commencing at a point being the intersection of latitude 30°50'S and longitude 134°15'E, thence east to longitude 134°30'E, north to latitude 30°48'S, east to longitude 134°52'E, south to latitude 30°49'S, west to longitude 134°48'E, south to latitude 30°51'S, west to longitude 134°39'E, south to latitude 30°52'S, west to longitude 134°36'E, south to latitude 30°54'S, west to longitude 134°24'E, south to latitude 30°57'S, east to longitude 134°30'E, south to latitude 31°00'S, west to longitude 134°15'E, and north to the point of commencement.

Area B—Commencing at a point being the intersection of latitude 30°55'S and longitude 133°42'E, thence east to longitude 133°44'E, north to latitude 30°54'S, east to longitude 133°47'E, north to latitude 30°52'S, east to longitude 133°52'E, north to latitude 30°51'S, east to longitude 133°54'E, north to latitude 30°50'S, east to longitude 134°00'E, south to latitude 31°00'S, west to longitude 133°42'E, and north to the point of commencement.

All the within latitudes and longitudes being geodetic and expressed in terms of the Australian Geodetic Datum as defined on p. 4984 of *Commonwealth Gazette* number 84 dated 6 October 1966 (AGD66).

Term: 1 year

Area in km²: 1 050

Ref: 035/2001

H. TYRTEOS, Acting Mining Registrar, Department of Primary Industries and Resources

MINING ACT 1971

NOTICE is hereby given in accordance with section 28 (5) of the Mining Act 1971, that the Minister for Minerals and Energy proposes to grant an Exploration Licence over the under-mentioned area.

Applicant: Anglogold Australia Metals Pty Ltd

Location: Botenella Ranges area—Approximately 125 km west-south-west of Port Augusta, bounded as follows: Commencing at a point being the intersection of latitude 32°49'S and longitude 136°26'E, thence east to longitude 136°35'E, south to latitude 32°55'S, east to longitude 136°38'E, south to latitude 32°59'S, west to longitude 136°28'E, north to latitude 32°53'S, west to longitude 136°26'E, and north to the point of commencement, all the within latitudes and longitudes being geodetic and expressed in terms of the Australian Geodetic Datum as defined on p. 4984 of *Commonwealth Gazette* number 84 dated 6 October 1966 (AGD66).

Term: 1 year

Area in km²: 259

Ref: 042/01

H. TYRTEOS, Acting Mining Registrar, Department of Primary Industries and Resources

NATIONAL PARKS REGULATIONS 1990

Closure of the Coorong National Park

PURSUANT to Regulation 7(3)(c) of the National Parks Regulations 1990, I, Edward Gregory Leaman, the Director of National Parks and Wildlife, close to the public and to all vehicles part of the Coorong National Park known as the Ocean Beach which is located between Tea Tree crossing and the Murray Mouth from 00.01 hours on Friday, 3 August 2001 to 2400 hours on Friday, 3 August 2001.

The following persons and vehicles will be permitted access to the beach during the period of closure:

Emergency Services personnel and vehicles; and

Licensed Professional Fishers.

The purpose of the closure is to ensure the safety of the public during the period in which a whale carcass is being removed.

Dated 2 August 2001.

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

NOTICE TO MARINERS

NO. 39 OF 2001

South Australia—Gulf St Vincent—Port Adelaide River—Dredging Operations

MARINERS are advised that a Cutter Suction Dredge *Teal* will be carrying out maintenance dredging in the Inner and Outer Harbour of Port Adelaide during the months of August and September 2001.

The dredge will operate using moorings to wharves and anchors and booster pumps on pontoons.

A floating pipeline will be used to place the dredged material ashore.

Whilst in position the dredge will exhibit the appropriate lights and shapes required by the International Regulations for Prevention of Collisions at Sea.

Mariners are advised to use caution when in the vicinity of the dredge, floating pipelines and pontoons.

Navy charts affected: Aus 137.

Local charts affected: Port Adelaide and approaches.

Publication affected: Australia Pilot Vol. 1 (seventh edition), pages 125-130.

Dated 1 August 2001.

DIANA LAIDLAW, Minister for Transport and Urban Planning

TSA 2001/00309

GOVERNMENT GAZETTE ADVERTISEMENT RATES

To apply from 1 July 2001

	\$		\$
Agents, Ceasing to Act as.....	32.75	Firms:	
Associations:		Ceasing to Carry on Business (each insertion)	21.80
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Meeting Final.....	27.50	Annual Financial Statement—Forms 1 and 2	462.00
Meeting Final Regarding Liquidator's Report on		Electricity Supply—Forms 19 and 20.....	327.00
Conduct of Winding Up (equivalent to 'Final		Default in Payment of Rates:	
Meeting')		First Name	65.50
First Name.....	32.75	Each Subsequent Name.....	8.40
Each Subsequent Name.....	8.40	Noxious Trade	24.50
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pany be wound up voluntarily and that a liquidator		Registers of Members—Three pages and over:	
be appointed').....	41.25	Rate per page (in 8pt)	209.00
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97-112	6.60	5.60	593-608	31.75	30.75
113-128	7.40	6.45	609-624	32.50	31.75
129-144	8.30	7.30	625-640	33.25	32.25
145-160	9.10	8.05	641-656	34.00	33.00
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177-192	10.70	9.75	673-688	36.00	34.50
193-208	11.50	10.60	689-704	36.75	35.50
209-224	12.30	11.30	705-720	37.25	36.50
225-240	13.00	12.10	721-736	38.50	37.00
241-257	13.90	12.80	737-752	39.00	38.00
258-272	14.80	13.60	753-768	40.00	38.50
273-288	15.60	14.60	769-784	40.50	39.75
289-304	16.30	15.30	785-800	41.25	40.50
305-320	17.10	16.10	801-816	42.00	41.00
321-336	17.90	16.90	817-832	43.00	42.00
337-352	18.80	17.80	833-848	43.75	42.75
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NATIONAL ELECTRICITY (SOUTH AUSTRALIA)
ACT 1996

*Notice Under Section 6 (2) of The National Electricity Law and
National Electricity Code—Market Based Arrangements for the
Provision of Ancillary Services*

NOTICE is hereby given pursuant to section 6 (2) of the National Electricity Law, which forms the Schedule to the National Electricity (South Australia) Act 1996 and clause 8.3.9 (d) of the National Electricity Code approved under section 6 of the National Electricity Law, that Chapters 1, 2, 3, 4, 5 and 10 of the National Electricity Code are amended.

These amendments commence on 9 August 2001.

As required by clause 8.3.9 (d) of the National Electricity Code, a copy of the ACCC's letter granting authorisation dated 11 July 2001 is set out below.

The amendments referred to above and copies of the ACCC's letter dated 11 July 2001 providing authorisation can be viewed in full in the document entitled 'Ancillary services' which can be viewed on the Internet website of National Electricity Code Administrator Limited (ACN 073 942 775) ('NECA') at www.neca.com.au under 'The Code' section of that website.

The National Electricity Code can be viewed on the NECA Internet website at www.neca.com.au and at the offices of NECA and National Electricity Market Management Company Limited (ACN 072 010 327). A list of addresses where the Code can be viewed is available on the NECA website.

Date 9 August 2001.

11 July 2001

*Applications for authorisation of National Electricity Code
Changes—Ancillary services amendments (A90742-A90744)*

On 23 August 2000, the Australian Competition and Consumer Commission (Commission) received applications for authorisation (Nos. A90742, A90743 and A90744) of amendments to the National Electricity Code (Code). The applications were amended on 2 November 2000.

Enclosed is a copy of the Commission's determination in respect of these applications for authorisation. The Commission's determination outlines its analysis and views on the proposed Code changes. The Commission proposes to grant authorisation, conditional upon a number of amendments to the Code being made. A list of the conditions is outlined in section 7 of the determination.

In accordance with s. 101 of the Trade Practices Act 1974 a person dissatisfied with the Commission's determination may apply to the Australian Competition Tribunal for a review of the determination. Each application must be lodged on the appropriate form within 21 days of the date of the determination, with the Registrar of the Tribunal. The Tribunal is located in the Office of the Registrar of the Federal Court in each State.

A copy of this letter together with the determination will be placed on the Public Register kept by the Commission.

M. RAWSTRON, General Manager, Regulatory
Affairs—Electricity

PASSENGER TRANSPORT ACT 1994

Appointment

PURSUANT to section 57 of the Passenger Transport Act 1994, the following persons have been authorised by the Passenger Transport Board to act as Prescribed Officers:

Manuel Axisa
Antonio Ditria
Martin Holden
Robert Martin
Charmaine Perry
Pasquale Petruzella
Tanya Sigley
Darian White

H. WEBSTER, Executive Director, Passenger
Transport Board

PETROLEUM ACT 2000

*Statement of Environmental Objectives for New
Regulated Activities*

PURSUANT to section 104 (1) of the Petroleum Act 2000 (the Act) I, Robert Anthony Laws, Director Petroleum, Office of Minerals and Energy Resources, Department of Primary Industries and Resources SA, Delegate of the Minister for Minerals and Energy, pursuant to Delegation dated 25 September 2000, *Gazetted* 28 September 2000, do hereby publish the following document as having been approved as a statement of environmental objectives under the Act.

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

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

Document:

1. AMCOR Lateral Pipeline, Pipeline Licence Extension Statement of Environmental Objectives, July 2001, approved 7 August 2001.

R. A. LAWS, Delegate of the Minister for
Minerals and Energy Resources.

PETROLEUM ACT 2000

Application for grant of variation to Pipeline Licence

PURSUANT to section 65 (6) of the Petroleum Act 2000 (the Act) I, Robert Anthony Laws, Director Petroleum, Office of Minerals and Energy Resources, Department of Primary Industries and Resources SA, Delegate of the Minister for Minerals and Energy, pursuant to Delegation dated 25 September 2000, *Gazetted* 28 September 2000, do hereby publish notice of the receipt of an application for a variation to Pipeline Licence 1.

General Description of Application

Epic Energy South Australia Pty Ltd have submitted an application for a variation to provide for an extension to Pipeline Licence 1. The proposed pipeline extension will commence at the Freeing Meter Station on the Angaston Lateral Pipeline and terminate at a proposed meter station adjacent to the proposed AMCOR Glass Factory site approximately 2 km south-west of Roseworthy. The pipeline extension will cover a distance of approximately 12 km.

Dated 2 August 2001.

R. A. LAWS, Delegate of the Minister for
Minerals and Energy Resources

RADIATION PROTECTION AND CONTROL ACT 1982:
SECTION 44

EXEMPTION OF HEATHGATE RESOURCES PTY LTD FROM
REQUIREMENT TO PAY ANNUAL FEE FOR LICENCE UNDER
SECTION 24

Notice by Delegate of the Minister for Human Services

PURSUANT to section 44 of the Radiation Protection and Control Act 1982, I, Brendon J. Kearney, Executive Director of the Statewide Division of the Department of Human Services, being a person to whom the powers of the Minister under that section have been delegated under the Act, exempt Heathgate Resources Pty Ltd from compliance with section 24 (4a), (4b) and (4c) of the Act in respect of the renewal of licence No. LM 4 for a term of 12 months commencing on 4 August 2001.

Dated 1 August 2001.

B. J. KEARNEY, Delegate of the Minister for
Human Services

REMUNERATION TRIBUNAL

*Report Relating to Determination No. 5 of 2001—
Conveyance Allowances*

CONVEYANCE Allowances for Judges, Statutory Officers and Court Officers are presently prescribed in the Tribunal's Determination No. 8 of 1999.

During the year 2000 review of the remuneration of the members of the judiciary and other statutory office holders, the Judicial Remuneration Co-ordinating Committee (JRCC) submitted that the Schedule to this Determination was unnecessarily restrictive and that any currently available vehicle should be able to be selected. In response, the Minister submitted that whilst the Government policy with respect to judicial officers' motor vehicles was to limit them to those manufactured in South Australia, the Government would not object to extending the range of cars included in the Determination provided that the vehicles are manufactured in this State. The following clause was proposed in the Minister's supplementary submission dated 28 November 2000:

'A Judge, or Court Officer may make an application to the State Courts Administrator, and a Statutory Officer may make an application to the Commissioner for Public Employment, for the approval of the use of a vehicle outside the Schedule if there are sound reasons. The State Courts Administrator is to apply the same guidelines as used from time to time by the Commissioner for Public Employment, in relation to executives. If a vehicle outside the Schedule is approved a costing of that vehicle will be carried out by the Director of Fleet SA. If the cost of the vehicle is greater than the conveyance allowance the additional cost must be borne by the Judge, Court Officer or Statutory Officer.'

The Tribunal notes that the proposed clause was not limited to Judges and Court Officers but to Statutory Officers as well.

At paragraph 5.8.4 of its Report relating to Determination No. 2 of 2000 the Tribunal indicated its support for extending the range of motor vehicles available and advised that it would review Determination No. 8 of 1999 in 2001.

On 27 July 2001, the Tribunal was informed that despite discussions between the JRCC and the Minister's representatives, whilst the requirement for the available vehicles to be manufactured in South Australia was not in contention, the parties had been unable to reach agreement on an extended list of available motor vehicles.

In response to a request by the Tribunal, the Minister's representatives provided the Tribunal with a list of the currently available vehicles (including an updated associated annual charge payable for each vehicle listed) and a list of those currently not available (but manufactured in South Australia) and their associated annual charge.

The Tribunal has considered the submissions of the parties and has decided that the list of vehicles currently available should be extended to include all vehicles manufactured in South Australia. Further, the Tribunal is not persuaded that there is a need to limit access to the wider range of vehicles to only those situations where 'there are sound reasons' for selecting such vehicle and determines accordingly. However, where a Judge, Statutory Officer or Court Officer selects a particular vehicle and the annual charge payable in respect of that vehicle is greater than the applicable conveyance allowance, the additional cost must be borne by the Judge, Statutory Officer or Court Officer.

In view of the fact that:

- the existing Determination in respect of Conveyance Allowances applies to Judges, Statutory Officers and Court Officers; and
- the clause proposed by the Minister in the supplementary submission of 28 November 2000, included the above groups,

the Tribunal has also decided that the wider list of vehicles (including updated annual charges payable), will apply to Judges, Statutory Officers and Court Officers.

The attached Determination will take effect from 6 August 2001.

Dated 6 August 2001.

H. R. BACHMANN, President

DETERMINATION OF THE REMUNERATION TRIBUNAL

No. 5 OF 2001

*Conveyance Allowances*1. *Scope of Determination*

This Determination applies to Judges, Statutory Officers and Court Officers.

2. *Interpretation*

2.1 In this Determination, unless the contrary appears:

'Commissioner' means the person for the time being appointed to, or carrying out, the duties of, the Commissioner of Public Employment under the Public Sector Management Act 1995;

'Court Officer' means any of the following:

the State Coroner;

Commissioners of the Environment, Resources and Development Court.

'Executives' means persons appointed to an executive position under the Public Sector Management Act 1995;

'Judges' means any of the following members of the judiciary:

the Chief Justice of the Supreme Court;

Puisne Judges of the Supreme Court;

Masters of the Supreme Court;

the Chief Judge of the District Court;

Judges of the Environment, Resources and Development Court;

Masters of the District Court;

other District Court Judges;

the Chief Magistrate;

the Deputy Chief Magistrate;

Supervising Magistrates;

the Assisting Supervising Magistrate of the Adelaide Magistrates Court;

Stipendiary Magistrates;

the Supervising Industrial Magistrate;

other Industrial Magistrates;

His Honour Judge W. D. Jennings, Senior Judge of the Industrial Relations Court and President of the Industrial Relations Commission;

and other Judges of the Industrial Relations Court who hold joint commissions in the Australian Industrial Relations Commission and the Industrial Relations Commission of South Australia.

'Retirement' bears the same meaning as in the Judges Pension Act and in the Superannuation Act.

'Statutory Officers' means any of the following statutory office holders:

Deputy Presidents of the Industrial Relations Commission;

Commissioners of the Industrial Relations Commission;

the Auditor General;

the Electoral Commissioner;

the Ombudsman;

the Deputy Electoral Commissioner; and

the Employee Ombudsman.

2.2 For the purposes of this Determination, 'salary' bears the same meaning as in the Judges Pension Act and in the Superannuation Act to the intent and effect that any amount paid by way of allowance is not 'salary', and that any abatement or reduction of salary in accordance with this Determination will not affect the determination of entitlements or obligations pursuant to those Acts.

3. *Conveyance Allowances*

3.1 *Amount of Allowances*

Subject to the conditions set out in this Determination, Judges, Court Officers, and Statutory Officers are entitled to receive a conveyance allowance payable fortnightly at an annual rate as follows:

3.1.1 For:

Judges of the Supreme Court;
the Chief Judge of the District Court;
the Senior Judge of the Industrial Relations Court;
the President of the Industrial Relations Commission;

the Auditor General;

an amount which is the higher of:

(a) \$12 848; and

(b) the amount determined from time to time by the Commissioner as the annual charge payable by Executives for a Calais sedan, less the sum of \$758.

3.1.2 For:

Judges of the District Court;
Judges of the Industrial Relations Court;
Judges of the Environment, Resources and Development Court; and

Masters of the Supreme Court;

the Electoral Commissioner;

the Ombudsman;

an amount which is the higher of:

(a) \$10 807; and

(b) the amount determined from time to time by the Commissioner as the annual charge payable by Executives for a Berlina sedan, less the sum of \$758.

3.1.3 For:

The Chief Magistrate;
the Deputy Chief Magistrate;
Supervising Magistrates;
Stipendiary Magistrates;
Industrial Magistrates;

Masters of the District Court;

the State Coroner;

Deputy Presidents (other than Judges) and Commissioners of the Industrial Relations Commission; and

Commissioners of the Environment, Resources and Development Court;

the Employee Ombudsman;

the Deputy Electoral Commissioner;

an amount which is the higher of:

(a) \$9549; and

(b) the amount determined from time to time by the Commissioner as the annual charge payable by Executives for a Magna 6 cylinder sedan, less the sum of \$758.

3.2 *Temporary Appointees*

Persons appointed to act as a Judge, Court Officer or Statutory Officer, on a temporary basis who are not provided with a vehicle in their substantive position and who serve in that capacity for a period in excess of one calendar month, are entitled to receive after the expiration of the first calendar month of service, a conveyance allowance in accordance with clause 3.1.

3.3 *Use of Taxis and Private Vehicles*

3.3.1 *Judges and Court Officer*

A Judge or Court Officer is not entitled to the use of a vehicle provided by the State Courts Administrator or to engage taxis or hire car at the expense of the State Courts Administrator, or to seek the payment of any additional allowance for the use of a private vehicle, whether for official or unofficial purposes unless:

(a) it has been certified by the State Courts Administrator that it was inefficient for the Judge or Court Officer to use the vehicle available for their private use; or

(b) such use or engagement is consistent with a general direction given by the Chief Judicial Officer of the relevant Court, or in the case of Court Officers, the presiding officer of the relevant Tribunal, as to the circumstances where the vehicle available for private use, need not be used by reason of efficiency.

An example of circumstances where such certification or general directions may be given is for journeys to and from the airport where it may be more efficient for a Judge or Statutory Officer to use a taxi.

3.3.2 *Other Statutory Officers*

A Statutory Officer, other than a Court Officer, must not engage a taxi or hire car, and is not entitled to the payment of any additional allowance for the use of a private vehicle, whether for official or unofficial purposes, unless it is inefficient to use the vehicle available for the Officer's private use.

3.3.3 *Amount of Reimbursement*

When any person subject to this Determination is seeking payment of an additional allowance to cover the use of a private motor vehicle for official purposes, reimbursement of the cost will be made, calculated at the rate per kilometre at a rate equating to that pursuant to the SA Public Sector Salaried Employees Interim Award.

4. *Vehicles for Private Use*

4.1 *Selection of Vehicle*

Judges and Court Officers, by notice in writing directed to the State Courts Administrator and Statutory Officers, by notice in writing directed to the Director, Fleet SA, are entitled to elect to have a motor vehicle of any model and type in the attached Schedule of vehicles (as varied from time to time) allocated to him or her upon the conditions specified in this Determination. The annual charge payable for each vehicle, determined by the Commissioner on the same basis as the calculation made in respect of the use of motor vehicles by Executives, and current at the date of this Determination, is set out in the Schedule.

4.2 *Alternative Vehicle*

An alternative vehicle may be supplied where required because of a Judge's, Court Officer's or Statutory Officer's, disability. The annual charge for the use of the vehicle will be calculated on the same basis as the calculation made by the Commissioner for annual charges for use of motor vehicles by Executives.

4.3 *Temporary Appointees*

Persons appointed to act as a Judge, Court Officer, or Statutory Officer, on a temporary basis are not entitled to make an election under clause 4.1.

4.4 *Charges for Use of Vehicles*

The amount payable by a Judge, Court Officer, or Statutory Officer, for the use of a selected vehicle is the amount set out in the Schedule adjacent to the description of the type of vehicle under the heading 'Annual Charge Payable'.

4.5 *Payment of Vehicle Charges*

If a Judge, Court Officer, or Statutory Officer makes an election under clause 4.1 and a vehicle is supplied in accordance with that election, then the salary and allowances otherwise payable to the Judge, Court Officer, or Statutory Officer must be abated and reduced so as to offset the charges for the use of the vehicle for the period during which the Judge, Court Officer, or Statutory Officer, has the use of the vehicle.

4.6 *New Models or Types*

4.6.1 If:

- (a) a new model of a type specified in the Schedule; or
- (b) a new type of vehicle,

becomes available for selection by a Judge, Court Officer, or Statutory Officer, after the date of election and before the placement of a binding order by or on behalf of:

- (a) the State Courts Administrator in relation to a Judge, or a Court Officer; or
- (b) the Director, Fleet SA, in relation to a Statutory Officer,

the Judge, Court Officer, or Statutory Officer is entitled to withdraw the original election and elect to take the new model or type of vehicle.

4.6.2 The annual charge payable for a new model or new type of vehicle is that amount determined by the Commissioner as the annual charge for private use of the vehicle by Executives. The annual charge takes into account the following:

- purchase price and depreciation;
- fuel, maintenance, insurance and registration costs and interest rates; (operating costs are calculated on the basis of an average of 70% private usage);
- Goods and Services Tax (GST);
- Fringe Benefits Tax (FBT) based on an attributed business rate of 20 000 km per year;
- the vehicle will be retained for 3 years or 60 000 km travelled, whichever first occurs.

4.6.3 If a model or type of vehicle selected by a Judge, Court Officer, or Statutory Officer, becomes unavailable before the placement of a binding order, the Judge, Court Officer, or Statutory Officer, must be advised accordingly and allowed to make a further election under clause 4.1.

4.6.4 If a model becomes unavailable after the date of placement of a binding order and a later or better model vehicle is supplied, any Judge, Court Officer, or Statutory Officer, who has selected the unavailable vehicle is liable only to pay the annual charge for the vehicle as selected, and not the charge payable for the vehicle as supplied.

4.7 *Accessories*

The Judge, Court Officer, or Statutory Officer, may choose to have approved accessories fitted to the vehicle. All such accessories fitted must be manufacturer approved options. The full cost of the accessories and the expense of having them fitted (and including any tax incurred) is payable by the Judge, Court Officer, or Statutory Officer. When the vehicle is due for return the Judge, Court Officer, or Statutory Officer, may have personally-installed accessories removed from the vehicle, providing the Judge, Court Officer, or Statutory Officer, meets the full cost of restoring the vehicle to the same condition as if the accessories had not been fitted. No compensation will be paid if options are left on the vehicle unless agreed by:

- (a) in the case of Judges and Court Officers, the State Courts Administrator; and
- (b) in the case of Statutory Officers, the Director, Fleet SA.

Options such as airbags, ABS brake systems and cruise control may not be removed, and tow bars must not be reinstalled on another vehicle.

4.8 *Retention of Vehicle*

Once having made an election and receiving the vehicle, the Judge, Court Officer, or Statutory Officer, must keep the vehicle for a period equivalent to the period determined from time to time by the Commissioner for Public Employment as the period for the replacement of vehicles provided to Executives.

At the conclusion of that period the Judge, Court Officer, or Statutory Officer, will be entitled to make a new election, or, if he or she does not make an election, to be paid the allowance.

4.9 *Conditions of Use*

The vehicle will be fully maintained, serviced and insured by:

- (a) the State Courts Administrator on behalf of Judges and Court Officers; and
- (b) the Director, Fleet SA, on behalf of Statutory Officers.

Parking for the vehicle will be made available at or near the place of duty of the Judge, Court Officer, or Statutory Officer, and the vehicle will be available for private and official use subject to the following:

4.9.1 The Judge, Court Officer, or Statutory Officer, must make the vehicle available for official use (including for official use by the Judge, Court Officer, or Statutory Officer) at all times whilst the vehicle is parked at or near the usual place of work of the Judge, Court Officer, or Statutory Officer, and the Judge, or Statutory Officer, does not require the vehicle for private use; and

4.9.2 The State Courts Administrator, in relation to Judges and Court Officers, and the Director of Fleet SA, in relation to Statutory Officers will enable the Judge, Court Officer, or Statutory Officer to refuel the vehicle providing that the vehicle is fuelled in accordance with any requirements specified by the Commissioner, which may include requirements that the vehicle be fuelled using a particular brand of motor fuel and that it be only fuelled in South Australia. (If fuelled otherwise than in accordance with those requirements, it will be at the cost of the Judge, Court Officer, or Statutory Officer).

- 4.9.3 The Judge or Court Officer must make the vehicle available as required by the State Courts Administrator and the Statutory Officer must make the vehicle available as required by the Director, Fleet SA, for the purposes of the maintenance and repair of the vehicle and must deliver the vehicle to such place as may be specified by the State Courts Administrator or Director, Fleet SA, from time to time for that purpose.
- 4.9.4 The State Courts Administrator, in relation to Judges and Court Officers and the Director, Fleet SA, in relation to Statutory Officers will ensure that Judges, Court Officers and Statutory Officers are insured (which may be pursuant to Government 'self insurance') in respect of compulsory third party liability, third party property damage and any property damage to the vehicle and will hold the Judge, Court Officer, or Statutory Officer harmless in respect of any such property damage. Personal items within the vehicle need not be covered. The Judge, Court Officer, or Statutory Officer must comply with any requirements of the insurance policy of which the member is aware or should have been aware.
- 4.9.5 The Judge, Court Officer, or Statutory Officer, will be responsible for any driving or parking fines for offences incurred.
- 4.9.6 The vehicle is available to the Judge, Court Officer, or Statutory Officer, while on leave. Where the Judge, Court Officer, or Statutory Officer, is absent from duty for a period greater than 7 days then the Judge, Court Officer, or Statutory Officer, will be responsible for fuelling the vehicle until the Judge, Court Officer, or Statutory Officer, returns to duty.
- 4.9.7 Vehicles may be driven interstate during periods of leave and there is no limit to privately travelled kilometres. Fuel charges for private interstate trips are entirely the personal responsibility of the Judge, Court Officer, or Statutory Officer.
- 4.10 *Special Conditions of Use*
- Notwithstanding anything else in this Determination:
- 4.10.1 where any damage is the result of wilful or deliberate act of any person, the State Courts Administrator, in relation to Judges or Court Officers, and the Director, Fleet SA, in relation to Statutory Officers, may take such action as he or she thinks fit to recover the cost of such damage;
- 4.10.2 the insurance and discharges are not applicable if the driver is under the influence of drugs and/or alcohol;
- 4.10.3 the insurance and discharges are not applicable if the insurance has been brought to the attention of the Judge, Court Officer, or Statutory Officer and is avoided by an action of the driver of the vehicle;
- 4.10.4 where the insurance policy contains an excess clause, then the Judge, or Court Officer will be liable to repay the State Courts Administrator, and in relation to Statutory Officers liable to pay the Director, Fleet SA the amount of that excess (or any part thereof) in the event that it becomes payable by reason of the driver of the vehicle being blameworthy for any of the damage giving rise to a claim on the policy when the vehicle is being used other than for official use.
- 4.11 *Care of Vehicle*
- The Judge, Court Officer, or Statutory Officer is responsible for ensuring that reasonable care is taken of the vehicle. Off street parking at the home of the person concerned is to be used if available and reasonable steps are to be taken to ensure its security. Where any damage to a vehicle supplied to a Judge or Court Officer is, in the opinion of the Courts Administration Council, the consequence of a serious breach of the obligations imposed by this clause, the Judge, or Court Officer must, on demand, pay the Courts Administration Authority the proper cost of rectification of such damage. Where any damage to a vehicle supplied to a Statutory Officer is, in the opinion of the Director, Fleet SA, the consequence of a serious breach of the obligations imposed by this clause, the Statutory Officer concerned must, on demand, pay to Fleet SA the proper cost of rectification of such damage.
- 4.12 *Additional Drivers*
- The vehicle may be driven by any other Government employee who requires the vehicle for official use. Judges and Court Officers must nominate to the State Courts Administrator and Statutory Officers must nominate to the Director, Fleet SA respectively, the names of any persons to use the vehicle at times when it is not required to be available for official use and, subject to the control and direction of the Judge, Court Officer, or Statutory Officer, such persons will be authorised to use the vehicle upon such nomination. The vehicle must not be driven by an 'L' or 'P' plate driver who is not the person to whom the vehicle is allocated under this Determination other than in an emergency situation.
- 4.13 *Right to Purchase*
- At any time during the 12 months immediately preceding the date of his or her retirement, a Judge or Court Officer, by notice in writing to the State Courts Administrator, and a Statutory Officer, by notice in writing to the Director, Fleet SA may elect to purchase the vehicle then allocated to him or her as at the date of his or her retirement. After such notification has been given the State Courts Administrator or the Director, Fleet SA, must take such steps as are necessary to ensure that it can sell the vehicle to the member.
- 4.13 *No Changeover*
- A Judge, Court Officer, or Statutory Officer who makes an election under clause 4.13 shall not be permitted or required to hand a vehicle in for normally scheduled changeover where that changeover would occur between the date of election and the date of retirement.
- 4.14 *Conditions of Purchase*
- The conditions of in relation to a purchase made following an election under clause 4.13 shall be:
- 4.14.1 The price will be the fair market value for such a vehicle sold without any statutory warranty.
- 4.14.2 The price shall be agreed between the Director, Fleet SA, and the prospective retiree, due regard being had to prices generally recovered for such vehicles at Fleet SA public auctions.
- 4.13.3 Failing such agreement, the price shall be determined by an independent valuer agreed by the parties. Where the prospective retiree is a Judge or Court Officer any fee payable to such a valuer shall be borne in equal shares by the prospective retiree and the State Courts Administrator. Where the prospective retiree is a Statutory Officer any fee payable to such a valuer shall be borne in equal shares with half payable by the respective retiree and the other half being payable from funds appropriated to pay expenses associated with the statutory office held by the retiree.

4.14.4 The price shall be payable in full on or prior to the date of retirement of the Judge, Court Officer or Statutory Officer.

5. *Transitional Provisions*

During the transitional period following the first introduction of these conditions, a Judge, Court Officer or Statutory Officer will be deemed to have made the relevant election at the time that he/she last received a Government vehicle, but otherwise will hold the vehicle subject to these conditions as from the date of the introduction of these conditions.

6. *Date of Operation*

6.1 Subject to 6.3, the allowances prescribed in Clause 3 are operative from the date of this Determination and supersede those of all previous Determinations covering Judges, Statutory Officers and Court Officers.

6.2 Subject to 6.3, the Annual Charges Payable set out in the attached Schedule apply from the date of this Determination.

6.3 If a Judge, Statutory Officer or Court Officer currently has the use of a vehicle pursuant to a previous Determination, the Conveyance Allowance and Annual Charge Payable under the previous Determination will continue to apply. Clause 3 and the Schedule to this Determination will have no effect until that Judge, Statutory Officer or Court Officer takes delivery of a vehicle included in the Schedule to this Determination, or elects not to receive a vehicle.

Dated 6 August 2001.

H. R. BACHMANN, President

D. FLUX, Member

J. MEEKING, Member

SCHEDULE

Type of Vehicle	Annual Charge Payable \$
Calais Sedan VX	13 606
Commodore VU Utility 3.8L.....	9 682
Commodore S VU Utility 3.8L.....	11 739
Commodore VX Executive Sedan 3.8L.....	10 172
Commodore VX Executive Wagon 3.8L.....	10 666
Commodore VX Acclaim Sedan 3.8L.....	11 047
Commodore VX Acclaim Wagon 3.8L.....	11 773
Commodore VX Berlina Sedan 3.8L.....	11 565
Commodore VX Berlina Wagon 3.8L.....	12 412
Commodore S VX Sedan 3.8L.....	11 089
Commodore S Supercharged VX Sedan 3.8L.....	11 772
Commodore SS VX Sedan 5.7L.....	13 634
WH Statesman V6 Sedan 3.8L.....	14 563
WH Statesman V6 Supercharged Sedan 3.8L.....	14 644
WH Statesman V8 Sedan 5.7L.....	15 318
WH Caprice V6 Sedan 3.8L.....	16 581
WH Caprice V6 Supercharged Sedan 3.8L.....	17 046
WH Caprice V8 Sedan 5.7L.....	17 474
TJ Magna 6 cyl Executive Sedan (3.5L).....	10 307
TJ Magna 6 cyl Executive Wagon (3.5L).....	11 129
TJ Magna Sports 6 cyl Sedan (3.5L).....	10 809
TJ Magna Advance 6 cyl Sedan (3.5L).....	11 228
TJ Magna Advance 6 cyl Wagon (3.5L).....	11 702
TJ Magna VR-X 6 cyl Sedan (3.5L).....	11 723
KJ Verada Ei Sedan (3.5L).....	11 729
KJ Verada Ei Wagon (3.5L).....	12 347
KJ Verada Xi Sedan (3.5L).....	13 544

ROADS (OPENING AND CLOSING) ACT 1991: SECTION 24

NOTICE OF CONFIRMATION OF ROAD PROCESS ORDER

*Point Sturt Road, Hundred of Alexandrina
Deposited Plan 55467*

BY Road Process Order made on 7 August 2000, the Alexandrina Council ordered that:

1. The whole of the unnamed public road adjoining Point Sturt Road, dividing sections 42 and 45, more particularly delineated and lettered 'A' in Preliminary Plan No. PP32/0124 be closed.

2. The whole of the land subject to closure be transferred to GRAHAM WILLIAM YELLAND in accordance with agreement for transfer dated 12 March 1998, entered into between the Alexandrina Council and G. W. Yelland.

On 27 July 2001, that order was confirmed by the Minister for Administrative and Information Services, conditionally on approval and deposit of the survey plan by the Registrar-General. The condition has now been fulfilled.

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

Dated 9 August 2001.

P. M. KENTISH, Surveyor-General

WATER MAINS AND SEWERS

Office of the South Australian Water Corporation
Adelaide, 9 August 2001

WATER MAINS LAID

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

ADELAIDE WATER DISTRICT

CITY OF CHARLES STURT
Burwood Avenue, Woodville North. p6

CITY OF MARION

Morphett Road, Morphettville. p18 and 19
Cobham Avenue, Morphettville. p20 and 21
Kendall Terrace, Morphettville. p22 and 23
McKellar Terrace, Morphettville. p24 and 25
Regan Avenue, Morphettville. p26
Quinn Street, Morphettville. p26
Gilmore Crescent, Morphettville. p27
Paterson Crescent, Morphettville. p28
Wallage Avenue, Morphettville. p29
Dennis Street, Morphettville. p29
Lawson Avenue, Morphettville. p23 and 25
Gordon Terrace, Morphettville. p29

CITY OF NORWOOD, PAYNEHAM AND ST. PETERS

Harrow Road, St. Peters. p13
Fourth Avenue, St. Peters. p13
St. Peters Street, St. Peters. p13

CITY OF PORT ADELAIDE ENFIELD

Close Street, Birkenhead. p8
 Easement in lot 53, Close Street, Birkenhead. p8
 Moore Street, Birkenhead. p9
 Hender Avenue, Klemzig. p10 and 11
 Florence Avenue, Blair Athol. p12
 Ashburton Avenue, Blair Athol. p12
 Rosedale Avenue, Blair Athol. p12
 Sutherland Road, Ferryden Park. p31
 Leith Street, Ferryden Park. p32 and 33
 Orkney Street, Ferryden Park. p34 and 36
 Ridley Grove, Ferryden Park. p35

CITY OF PROSPECT

Meredith Street, Sefton Park. p17
 Second Avenue, Sefton Park. p17

CITY OF SALISBURY

Beovich Road, Ingle Farm. p15
 Coondoo Avenue, Ingle Farm. p15
 Ulaka Road, Ingle Farm. p16
 Nurrowin Drive, Ingle Farm. p16
 Gymea Way, Ingle Farm. p16
 Peaton Avenue, Ingle Farm. p15

CITY OF TEA TREE GULLY

Coconut Grove, Golden Grove. p7
 Kernel Lane, Golden Grove. p7
 Burrageh Court, Modbury North. p14
 Michael Avenue, Modbury North. p14

ANGASTON WATER DISTRICT

THE BAROSSA COUNCIL
 Richard Street, Angaston. p3

BAROSSA COUNTRY LANDS WATER DISTRICT

DISTRICT OF THE BAROSSA COUNCIL
 Williamstown Road, hundred of Barossa. p4

KAPUNDA WATER DISTRICT

LIGHT REGIONAL COUNCIL
 Light Street, Kapunda. p30

MOUNT PLEASANT WATER DISTRICT

THE BAROSSA COUNCIL
 William Street, Mount Pleasant. p1

WATER MAINS ABANDONED

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

ADELAIDE WATER DISTRICT**CITY OF NORWOOD, PAYNEHAM AND ST. PETERS**

Harrow Road, St. Peters. p13
 Fourth Avenue, St. Peters. p13
 St. Peters Street, St. Peters. p13

CITY OF MARION

Morphett Road, Morphettville. p18 and 19
 Cobham Avenue, Morphettville. p20 and 21
 Kendall Terrace, Morphettville. p22 and 23
 McKellar Terrace, Morphettville. p24 and 25
 Regan Avenue, Morphettville. p26
 Quinn Street, Morphettville. p26
 Gilmore Crescent, Morphettville. p27
 Paterson Crescent, Morphettville. p28
 Wallage Avenue, Morphettville. p29
 Dennis Street, Morphettville. p29
 Lawson Avenue, Morphettville. p23 and 25
 Gordon Terrace, Morphettville. p29

CITY OF PORT ADELAIDE ENFIELD

Grand Junction Road, Kilburn. p5
 Close Street, Birkenhead. p8
 Easement in lot 53, Close Street, Birkenhead. p8
 Hender Avenue, Klemzig. p10 and 11
 Florence Avenue, Blair Athol. p12
 Ashburton Avenue, Blair Athol. p12
 Rosedale Avenue, Blair Athol. p12
 Sutherland Road, Ferryden Park. p31
 Leith Street, Ferryden Park. p32 and 33
 Orkney Street, Ferryden Park. p34 and 36
 Ridley Grove, Ferryden Park. p35

CITY OF PROSPECT

Meredith Street, Sefton Park. p17
 Second Avenue, Sefton Park. p17

CITY OF SALISBURY

Beovich Road, Ingle Farm. p15
 Coondoo Avenue, Ingle Farm. p15
 Ulaka Road, Ingle Farm. p16
 Nurrowin Drive, Ingle Farm. p16
 Gymea Way, Ingle Farm. p16
 Peaton Avenue, Ingle Farm. p15

CITY OF TEA TREE GULLY

Burrageh Court, Modbury North. p14
 Michael Avenue, Modbury North. p14

SEWERS LAID

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

ADELAIDE DRAINAGE AREA**CITY OF BURNSIDE**

Ashmore Street, Glenunga. FB 1097 p27

CITY OF CAMPBELLTOWN

Gorge Road, Athelstone. FB 1097 p25

CORPORATE TOWN OF GAWLER

Railway Crescent, Evanston. FB 1097 p26

CITY OF PORT ADELAIDE ENFIELD

Moore Street, Birkenhead. FB 1096 p33 and 34
 Fletcher Road, Birkenhead. FB 1096 p35 and 36

CITY OF TEA TREE GULLY

Coconut Grove, Golden Grove. FB 1096 p32
Easement in reserve (lot 218), Coconut Grove, Golden Grove.
FB 1096 p32
Pistachio Way, Golden Grove. FB 1096 p32
Easement in lots 92-95, Kernel Lane, Golden Grove. FB 1096 p32

MANNUM COUNTRY DRAINAGE AREA**DISTRICT OF MID MURRAY COUNCIL**

Adelaide Road, Mannum. FB 1096 p1

PORT AUGUSTA COUNTRY DRAINAGE AREA**CITY OF PORT AUGUSTA**

Easements in lots 50 and 213, Stirling Road, Port Augusta.
FB 1097 p24

PORT LINCOLN COUNTRY DRAINAGE AREA**CITY OF PORT LINCOLN**

Easements in lot 29, Valley View Road and lots 22 and 21-19,
Adriatic Avenue, Port Lincoln. FB 1096 p37 and 38
Adriatic Avenue, Port Lincoln. FB 1096 p37 and 38
Easements in lot 13, Adriatic Avenue and lots 6-2, Sea View
Avenue, Port Lincoln. FB 1096 p37 and 38

WHYALLA COUNTRY DRAINAGE AREA**CITY OF WHYALLA**

Paltridge Street, Whyalla. FB 1097 p23

SEWERS ABANDONED

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

ADELAIDE DRAINAGE AREA**CITY OF PORT ADELAIDE**

Easement in lot 5, Close Street and lots 12 and 21, Moore Street,
Birkenhead. FB 1096 p33

PORT AUGUSTA COUNTRY DRAINAGE AREA**CITY OF PORT AUGUSTA**

Easements in lots 50 and 213, Stirling Road, Port Augusta.
FB 1097 p24

A. HOWE, Chief Executive Officer, South
Australian Water Corporation.

REGULATIONS UNDER THE NATIVE TITLE (SOUTH AUSTRALIA) ACT 1994

No. 188 of 2001

At the Executive Council Office at Adelaide, 9 August 2001

PURSUANT to the *Native Title (South Australia) Act 1994* and with the advice and consent of the Executive Council, I make the following regulations.

E. J. NEAL, Governor

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

K. T. GRIFFIN, Attorney-General

SUMMARY OF PROVISIONS

1. Citation
2. Commencement
3. Revocation
4. Interpretation
5. Commonwealth and State Ministers
6. Information to be included in State Native Title Register
7. Fee for inspection of State Native Title Register
8. Forms
9. Amendment of applications
10. Notice of certain applications involving native title questions
11. Notice of hearing of certain native title questions
12. Notification of Commonwealth Registrar
13. Principles of eligibility for nomination as registered representative of native title holders
14. Functions of registered representative of native title holders
15. Requirement for consultation and consent
16. Evidence of consultation and consent
17. Service where existence of native title, or identity of native title holders, uncertain

SCHEDULE

Forms

Citation

1. These regulations may be cited as the *Native Title (South Australia) Regulations 2001*.

Commencement

2. These regulations will come into operation on the day on which the *Native Title (Miscellaneous) Amendment Act 2000* comes into operation.

Revocation

3. The *Native Title (South Australia) Regulations 1995* (see *Gazette* 12 October 1995 p. 1082), as varied, are revoked.

Interpretation

4. In these regulations, unless the contrary intention appears—

"Act" means the *Native Title (South Australia) Act 1994*;

"**common law holder**" of native title means the person or persons who are recognised at common law as holding the native title;

"**interested person**" means—

- (a) the registered representative of claimants to, or holders of, native title in the land; and
- (b) a person whose interests would be affected by the existence of native title in the land (including a person who proposes to carry out mining operations on the land); and
- (c) a representative Aboriginal body; and
- (d) the State Minister; and
- (e) the Commonwealth Minister; and
- (f) the council (within the meaning of the *Local Government Act 1999*) of the area in which the land is situated;

"**offshore place**" has the same meaning as in the Commonwealth Act;

"**prescribed print size**", in relation to a notice in a publication, means a print size at least as large as that used for most of the editorial content of the publication;

"**relevant special-interest publication**", in relation to a notice, means a newspaper or magazine that—

- (a) caters mainly or exclusively for the interests of Aboriginal peoples; and
- (b) circulates in the geographical area to which the notice relates or, if the area is an offshore place, the geographical area closest to it; and
- (c) is published at least once a month.

Commonwealth and State Ministers

5. For the purposes of the Act—

- (a) the Commonwealth Minister applicable, in relation to section 207A of the Commonwealth Act, under section 19A of the *Acts Interpretation Act 1901* (Cwth.) is designated as the Commonwealth Minister; and
- (b) the Attorney-General of the State is designated as the State Minister.

Information to be included in State Native Title Register

6. (1) The State Native Title Register must contain the following information in relation to each decision recorded in the register:

- (a) the name of the body that made the decision;
- (b) the date on which the decision was made;
- (c) a description of the land covered by the decision;

- (d) a description of the matters decided, including if the decision is that native title exists in land—
 - (i) a description of the common law holders; and
 - (ii) a description of the nature and extent of the rights and interests conferred by the native title;
- (e) if the decision is that native title exists in land—the name and address of the body corporate representing the common law holders (and a notation of whether the body corporate holds the native title in trust).

(2) The State Native Title Register must contain the following information in relation to each claim to native title in land registered under the Act:

- (a) the date on which the claimant application was made;
- (b) the date on which the claim is entered on the register;
- (c) a description of the land covered by the claim;
- (d) a description of the persons who it is claimed hold the native title;
- (e) a description of the rights conferred by the native title claimed that the Registrar considers can, *prima facie*, be established.

(3) The State Native Title Register must contain a note of each claimant application (but the applicant is not to be taken to be a registered claimant until the claim is registered), unless the application is so defective that, in the opinion of the Registrar, it cannot be properly noted.

(4) A note of an application may be altered or removed by the Registrar in accordance with the rules.

(5) The Registrar may include in the State Native Title Register such other details about claims, decisions or native title declarations as the Registrar thinks appropriate.

Fee for inspection of State Native Title Register

7. (1) For the purposes of section 17(3) of the Act, the fee for inspection of the State Native Title Register is \$20.

(2) The Registrar may waive, remit or reduce the fee on account of the poverty of the person by whom the fee is payable or for any other proper reason.

Forms

8. If the form of an application or other document under the Act is set out in the Schedule, the application or document must be made in that form and must include the information and be accompanied by the documents required by that form.

Amendment of applications

9. (1) An application may be made at any time to amend an earlier application for a native title declaration, for variation of a native title declaration or for compensation for an act extinguishing or otherwise affecting native title in land.

(2) For example, the amendment may include contraction of the area of land in which native title is claimed, reduction of the scope of native title claimed, substitution of the registered representative of claimants or substitution or joinder of persons as applicants to the application.

(3) However, an application may not be amended to include an area of land that was not covered by the original application unless—

- (a) the application is a claimant application; and
- (b) the amendment includes an area of land covered by a claimant application or applications with which the application is combined.

(4) If an amendment includes the substitution of the registered representative of the claimants or the representative in a claim for compensation (*see* section 27A of the Act), the Registrar must be provided with an affidavit sworn by the new representative stating the factual basis on which it is asserted that the new representative is authorised to deal with matters arising in relation to the application on behalf of the Aboriginal group concerned.

(5) In the case of a claimant application, the fact that the Registrar is considering the claim does not prevent amendment of the application.

(6) In the case of an application recorded or noted on the State Native Title Register, the amendment must be noted on the register.

Notice of certain applications involving native title questions

10. (1) This regulation applies to—

- (a) an application for a native title declaration; and
- (b) an application for variation or revocation of a native title declaration; and
- (c) an application for compensation for an act extinguishing or otherwise affecting native title; and
- (d) an application to amend an earlier application for a native title declaration, or for compensation for an act extinguishing or otherwise affecting native title, in a way that affects the nature or extent of a claim to native title or the area of land covered by the application.

(2) The Registrar must as soon as practicable after receiving an application to which this regulation applies, give notice of the application and send a copy of the application (together with a copy of any statutory declaration or other document that accompanied the application) to—

- (a) the State Minister; and
- (b) the relevant representative Aboriginal body.

(3) In the case of a claimant application, the Registrar must also give the State Minister and the relevant representative Aboriginal body notice of the result of the proceedings for registering the claim as soon as practicable after those proceedings are concluded.

(4) The Registrar must, as soon as practicable after receiving an application to which this regulation applies other than a claimant application—

- (a) give notice of the application to—
 - (i) all who hold or may hold native title in the land to which the application relates; and
 - (ii) any person who has a registered interest in the land; and
 - (iii) any person who holds a mining tenement over the land; and
 - (iv) the council (within the meaning of the *Local Government Act 1999*) of the area in which the land to which the application relates is situated; and
 - (v) the Commonwealth Minister; and

(b) give public notice of the application.

(5) In the case of a claimant application, the Registrar must, as soon as practicable after proceedings for registering the claim are concluded—

- (a) give the persons and bodies referred to in subregulation (4)(a) notice of the application and the result of the proceedings; and
- (b) give public notice of the application and the result of the proceedings.

(6) Notice (including public notice) of an application given under this regulation—

- (a) must include—
 - (i) details of the application; and
 - (ii) a clear description of the area to which the application relates; and
 - (iii) a statement of how further information about the application can be obtained; and
- (b) must state that an interested person may apply to the Court—
 - (i) in the case of an application other than a claimant application—within three months after all requirements for service and publication of the notice of application have been completed;
 - (ii) in the case of a claimant application—within three months after all requirements for service of the notice of the result of the proceedings for registering the claim have been completed,

to be joined as a party to the proceedings; and

(c) in the case of an application for a native title declaration—

- (i) must state that a declaration that the land is subject to, or not subject to, native title may be made even though no person claiming native title in the land is joined as a party to the proceedings; and

- (ii) must include a statement to the effect that as there can be only one native title declaration for an area, if a person who claims to hold native title in relation to the area does not become a party to the application, there may be no other opportunity for the Court to take into account the person's claim; and
- (d) in the case of a non-claimant application—must include a statement to the effect that the area covered by the application may be subject to section 24FA protection (as defined in section 24FB of the Commonwealth Act) unless, at the end of the period of three months after all requirements for service of the notice have been completed, the area is covered by a relevant native title claim (as defined in section 24FE of the Commonwealth Act); and
- (e) in the case of an application for compensation for an act extinguishing or otherwise affecting native title in relation to land for which a native title declaration has not been made—
 - (i) must state that at the conclusion of the proceedings the Court must make a native title declaration; and
 - (ii) must state that a declaration that the land is subject to, or not subject to, native title may be made even though no person claiming native title in the land is joined as a party to the proceedings; and
 - (iii) must include a statement to the effect that as there can be only one native title declaration for an area, if a person who claims to hold native title in relation to the area does not become a party to the application, there may be no other opportunity for the Court to take into account the person's claim.

(7) Public notice given under this regulation must be published (in the prescribed print size)—

- (a) by advertisement in one or more newspapers that circulate generally throughout the area to which the notice relates or, if the area is an offshore place, the geographical area closest to it; and
- (b) in a relevant special-interest publication.

(8) The Registrar must keep available for public inspection—

- (a) in respect of each claimant application—a record of the date on which all requirements for service of notice of the results of the proceedings for registering the claim were completed;
- (b) in respect of each other application to which this regulation applies—a record of the date on which all requirements for service and publication of notice of the application were completed.

(9) In this regulation—

"**claimant application**" includes an application for the amendment of a claimant application requiring the Registrar to reconsider the registration of a claim (*see* section 19A(4) of the Act).

Notice of hearing of certain native title questions

11. (1) When the Court is to hear a native title question, the Registrar must give reasonable notice of the hearing to—

- (a) all who hold or may hold native title in the land to which the proceedings relate; and

- (b) any person who has a registered interest in the land; and
- (c) any person who holds a mining tenement over the land; and
- (d) the council (within the meaning of the *Local Government Act 1999*) of the area in which the land to which the proceedings relate is situated.

(2) A notice of hearing to a person who is not a party to the relevant proceedings must state that an interested person may apply to the Court, within three months after all requirements for service of the notice have been completed, to be joined as a party to the proceedings.

(3) The Registrar must keep available for public inspection, in respect of each hearing for which notice must be given under this regulation, a record of the date on which all requirements for service of notice of the hearing were completed.

- (4) This regulation does not apply in relation to a native title question that arises—
 - (a) on an application of which notice has been given under regulation 10;
 - (b) in proceedings under Division 1 of Part 4 of the *Land Acquisition Act 1969*;
 - (c) in proceedings under Part 9B of the *Mining Act 1971*;
 - (d) in proceedings under Part 7 of the *Opal Mining Act 1995*.

Notification of Commonwealth Registrar

12. (1) The Registrar must, as soon as practicable after receiving any of the following applications, send a copy of the application (together with a copy of any statutory declaration or other document that accompanied the application) to the Commonwealth Registrar:

- (a) an application for a native title declaration; and
 - (b) an application for variation or revocation of a native title declaration; and
 - (c) an application for compensation for an act extinguishing or otherwise affecting native title; and
 - (d) an application to amend an earlier application for a native title declaration, or for compensation for an act extinguishing or otherwise affecting native title, in a way that affects the nature or extent of a claim to native title or the area of land covered by the application.
- (2) The Registrar must notify the Commonwealth Registrar as soon as practicable of—
- (a) the details of any claims registered in the State Native Title Register; and
 - (b) the amendment or removal of any claims from the State Native Title Register; and
 - (c) the withdrawal or dismissal of an application for a native title declaration, variation or revocation of a native title declaration or compensation for an act extinguishing or otherwise affecting native title; and
 - (d) the proposed date of any hearing of proceedings in the Court involving a native title question (together with a brief description of the native title question involved); and

- (e) the decision of the Court on a native title question (including, in the case of a decision recorded in the register, all of the information recorded in relation to the decision).

Principles of eligibility for nomination as registered representative of native title holders

13. A body corporate is eligible for nomination as the registered representative of native title holders if—

- (a) it is an Aboriginal association within the meaning of the *Aboriginal Councils and Associations Act 1976* (Cwth); and
- (b) it is incorporated under that Act for the purpose of performing the functions of a registered representative of native title holders (and that purpose is set out in its objects); and
- (c) all of its members are persons proposed to be recognised in a native title declaration as the holders of native title in land (although they need not be members of the same Aboriginal group if the native title declaration applies to more than one Aboriginal group).

Functions of registered representative of native title holders

14. The functions of a registered representative of native title holders are—

- (a) if the representative holds the native title in trust—
 - (i) to act as trustee of the native title for the common law holders; and
 - (ii) to deal with the native title as trustee to the extent authorised by the law of the Commonwealth or the State (for example, the representative could enter into an indigenous land use agreement under the Commonwealth Act to surrender the native title or to authorise an act that will affect the native title); and
 - (iii) to take action to protect the native title and to protect and enforce the rights of the common law holders including rights to compensation; and
 - (iv) to hold money (including money received by way of compensation or other consideration payable in relation to the native title) on trust and to invest or otherwise apply the money as directed by the common law holders of the native title; and
 - (v) to consult with the common law holders in accordance with regulation 15; and
 - (vi) to perform any other function in relation to the native title as directed by the common law holders;
- (b) if the representative does not hold the native title in trust—
 - (i) to act as agent or representative of the common law holders of the native title in respect of matters relating to the native title; and
 - (ii) to hold money (including money received by way of compensation or other consideration payable in relation to the native title) on trust and to invest or otherwise apply the money as directed by the common law holders of the native title; and
 - (iii) to consult with the common law holders in accordance with regulation 15; and

- (iv) to perform any other functions in relation to the native title as directed by the common law holders.

Requirement for consultation and consent

15. Before a registered representative of native title holders deals with the native title or acts in a way that will affect the native title¹, the representative must—

- (a) ensure that the common law holders of the native title understand the purposes and nature of the proposed dealing or act by—
 - (i) consulting, and considering the views of, the representative Aboriginal body for the area in which the land concerned is situated; and
 - (ii) if the representative considers it appropriate and practicable—giving notice of those views to the common law holders;
- (b) ensure that the common law holders of the native title consent to the proposed dealing or act by following either—
 - (i) a process of decision making recognised by the traditional laws or customs of the common law holders; or
 - (ii) a process of decision making agreed to and adopted by the common law holders in relation to the decision or in relation to decisions of that kind.

Explanatory note—

¹ For example, by the representative entering into an indigenous land use agreement (either as trustee, agent or representative) under the Commonwealth Act to surrender the native title or to authorise an act that will affect the native title.

Evidence of consultation and consent

16. (1) Subject to this regulation, in any proceedings, a certificate signed by at least 5 members of a registered representative of native title holders certifying—

- (a) that the common law holders have been consulted about a proposed dealing with the native title and have consented to the dealing (as required by these regulations); or
- (b) that the relevant representative Aboriginal body has been consulted about a proposed dealing with native title and its views considered by the representative (as required by these regulations),

will, in the absence of proof to the contrary, be taken to be proof of the matters so certified.

(2) In the case of a certificate certifying that the common law holders have been consulted about a proposed dealing with native title and have consented to the dealing, the members signing the certificate must—

- (a) if fewer than five members are common law holders of the native title concerned—include those common law holders;
- (b) in any other case—each be a common law holder of the native title concerned.

(3) In the case of a certificate certifying that the relevant representative Aboriginal body has been consulted about a proposed dealing with native title and its views considered by the representative, the certificate must be accompanied by a certificate signed by an authorised member of the relevant representative Aboriginal body certifying that the body has been consulted about the proposed dealing with native title.

(4) If native title is dealt with by the registered representative of the native title holders, the representative must, at the written request of a person who has a substantial interest in the matter, ensure that the person is provided with copies (certified by the representative to be true and correct copies) of certificates of the kind referred to in this regulation.

(5) In any proceedings a copy of a certificate of a kind referred to in this regulation certified by the registered representative of the native title holders to be a true and correct copy is to be given the same status as the original certificate.

Service where existence of native title, or identity of native title holders, uncertain

17. (1) For the purposes of section 30(1)(a)(i) of the Act, notice of the nature and effect of a right to negotiate notice (within the meaning of that section) must be given by publishing the prescribed information (in the prescribed print size)—

- (a) by advertisement in one or more newspapers that circulate generally throughout the area to which the notice relates or, if the area is an offshore place, the geographical area closest to it; and
- (b) in a relevant special-interest publication.

(2) In this regulation—

"prescribed information" means—

- (a) the name and address for service of the person giving notice; and
- (b) the information required to be included in the right to negotiate notice by or under the Act under which the notice is given; and
- (c) a clear description of the nature and effect of the right to negotiate notice; and
- (d) a statement of how further information can be obtained.

SCHEDULE
Forms

Form 1 Native title declaration application—claimant application

Native Title (South Australia) Act 1994

Name of applicant(s)

Address(es) of applicant(s)

.....

Address for service.....

.....

Note—This application must be accompanied by a statutory declaration.

Section 18A(2)(k) of the Act requires the application to be accompanied by a statutory declaration verifying—

- the information contained in the application; and
- that the applicant is authorised by the Aboriginal group to make the application and to deal with matters arising in relation to the application on behalf of the group; and
- that the applicant believes that the native title claimed has not been extinguished and that none of the area covered by the application is the subject of a native title declaration.

A. Details of the claim

1. The applicant applies, under section 18 of the *Native Title (South Australia) Act 1994*, for a native title declaration.
2. The applicant is entitled to make this application as a member of an Aboriginal group claiming native title in the land who is authorised by the Aboriginal group to make the application and to deal with matters arising in relation to the application on behalf of the group.

The factual basis on which this is asserted is as follows:

.....
.....
.....
.....

3. The schedules to this application contain the following information:

Schedule A—A description of the persons comprising the Aboriginal group claiming native title.

The description must set out the names of the persons comprising the group or otherwise define the group sufficiently clearly so that it can be ascertained whether any particular person is a member of the group.

Schedule B—A definition of the land to which the application relates.

The land must be defined with sufficient particularity to enable the boundaries of the area covered by the application and any areas within those boundaries that are not covered by the application to be readily identified.

Schedule C—A map showing the boundaries of the area covered by the application.

Schedule D—Details and results of all searches carried out to determine the existence of any non-native title rights and interests in relation to the land.

Schedule E—A statement of the nature of the rights conferred by the native title claimed and the nature of activities that may be carried out pursuant to those rights.

Schedule F—A statement of the factual basis on which native title is asserted and, in particular, the factual basis on which it is asserted that—

- the Aboriginal group has, and its predecessors had, an association with the area; and
- there exist traditional laws acknowledged by, and traditional customs observed by, the Aboriginal group that give rise to the native title; and
- the Aboriginal group has continued to hold the native title in accordance with those traditional laws and customs.

Schedule G—Details of any activities currently carried on in relation to the land by the Aboriginal group.

Schedule H—Details of any other application, of which the applicant is aware, for a judicial determination of native title in the land or a determination of compensation in relation to native title in the land.

Schedule I—Details of notices, of which the applicant is aware, about matters that may be the subject of negotiation with the applicant if the claim is registered.

Examples—

- A notice under section 29 of the Commonwealth Act.
- A notice of the initiation of negotiations under Part 9B of the *Mining Act 1971* or Part 7 of the *Opal Mining Act 1995*.
- A notice of the intention to acquire land under the *Land Acquisition Act 1969* in a case to which Part 4 Division 1 of that Act applies.

Schedule J—A draft of the order sought if the application is unopposed.

Schedule K—The name of each representative Aboriginal body for the area covered by the application.

Schedule L—For the area covered by the application, details of—

- any area for which a pastoral lease is held by or on behalf of the members of the Aboriginal group;
- any area leased, held or reserved for the benefit of Aboriginal peoples that is occupied by or on behalf of the members of the Aboriginal group;
- any vacant Crown land occupied by the members of the Aboriginal group;
- any area mentioned in this Schedule over which the extinguishment of native title is required to be disregarded by section 47, 47A or 47B of the *Native Title Act 1993* (Cwth).

[The following Schedules are not required, but will be relevant when the Registrar considers the claim for registration.]

Schedule M—Details of any traditional physical connection with any of the land covered by the application by any member of the Aboriginal group.

Schedule N—Details of circumstances in which access to the area by a member or a parent of a member of the Aboriginal group has been prevented.

Schedule O—Details of the membership of the applicant or any other member of the Aboriginal group in another Aboriginal group—

- registered as claimants to native title in the whole or part of the area covered by this application; or
- on whose behalf an application for a native title declaration has been made in relation to native title in the whole or part of the area covered by this application.

Schedule P—Details of any claim by the Aboriginal group of exclusive possession of all or part of an offshore place (within the meaning of the *Native Title Act 1993* (Cwth)).

Schedule Q—Details of any claim by the Aboriginal group of ownership of minerals, petroleum or gas wholly owned by the Crown.

Schedule R—If the application is accompanied by a certificate of the representative Aboriginal body for the area covered by the application (or, if the body is not the representative body for the whole of the area, certificates of representative Aboriginal bodies that together are representative bodies for the whole of the area) certifying that the applicant is a member of the Aboriginal group and is authorised by the group to make the application and to deal with matters arising in relation to the application on behalf of the group, the certificate or certificates should be included in this Schedule.

Schedule S—If the application is an amended application, details of the difference between this application and the original application.

Schedule T—Any other relevant information that the applicant wants to provide.

4. If the Aboriginal group for which the native title declaration is sought does NOT seek registration of the claim made in the application, cross the following box

5. If the applicant seeks an order that the proceedings be referred to the Supreme Court, cross the following box

Date:

Signature:.....
[Applicant or applicant's solicitor]

B. Filing and service

This application is filed by

whose address for service is.....

.....

Form 2 Native title declaration application—non-claimant application

Native Title (South Australia) Act 1994

Name of applicant(s)

Address(es) of applicant(s)

[If the applicant is an individual, give the place of residence or business. If the applicant is a corporation, give the principal place of business.]

Address for service.....

Note—This application must be accompanied by a statutory declaration verifying the information contained in the application (see section 18A(4)(e) of the Act).

A. Details of the declaration sought

- 1. The applicant applies, under section 18 of the *Native Title (South Australia) Act 1994*, for a native title declaration.
- 2. The schedules to this application contain the following information:

Schedule A—A definition of the land to which the application relates.

The land must be defined with sufficient particularity to enable the boundaries of the area covered by the application and any areas within those boundaries that are not covered by the application to be readily identified.

Schedule B—A map showing the boundaries of the area covered by the application.

Schedule C—A statement of the grounds on which the declaration is sought.

Schedule D—All information known to the applicant about the title to, and tenure of, the land and the history of the title to, and tenure of the land, including information about present and former association by Aboriginal peoples with the land.

Schedule E—Details of any interest held by the applicant in the area covered by the application and any document (including a document of title) or other material that is evidence of that interest.

Schedule F—A draft of the order sought if the application is unopposed.

Schedule G—Any other relevant information that the applicant wants to provide.

- 3. If the applicant seeks an order that the proceedings be referred to the Supreme Court, cross the following box



Date:

Signature:.....

[Applicant or applicant's solicitor]

B. Filing and service

This application is filed by

whose address for service is.....

.....

Form 3 Application for variation or revocation of native title declaration

Native Title (South Australia) Act 1994

Name of applicant(s)

Address(es) of applicant(s)

Address for service.....

A. Details of the order sought

1. The applicant applies, under section 25 of the *Native Title (South Australia) Act 1994*, for variation*/revocation of a native title declaration.
2. The applicant is entitled to make this application as the registered representative of the holders of native title in the land to which the declaration relates*/the Commonwealth Minister*/the State Minister*/the Registrar*.
3. The schedules to this application contain the following information:

Schedule A—A definition of the land to which the application relates.

The land must be defined with sufficient particularity to enable the boundaries of the area covered by the application and any areas within those boundaries that are not covered by the application to be readily identified.

Schedule B—A map showing the boundaries of the area covered by the application.

Schedule C—Details and results of all searches carried out to determine the existence of any non-native title rights and interests in relation to the land covered by the application.

Schedule D—The name of each representative Aboriginal body for the area covered by the application.

Schedule E—A copy of the native title declaration.

Schedule F—Details of events (if any) that have taken place since the native title declaration was made which make that declaration no longer correct.

Schedule G—Details of the grounds (if any) for varying or revoking the declaration in the interests of justice.

Schedule H—For an application for variation of a native title declaration, a draft of the order sought.

Schedule I—Any other relevant information that the applicant wants to provide.

Date:

Signature:

[Applicant or applicant's solicitor]

* Delete the inapplicable.

B. Filing and service

This application is filed by

whose address for service is.....

.....

Form 4 Statement of claim by a person other than the registered representative of native title holders for compensation for an act extinguishing or otherwise affecting native title

Native Title (South Australia) Act 1994

Name of representative(s) making claim

Address(es) of representative(s)

.....

Address for service.....

.....

Note—Section 27A(2) of the Act requires the statement of claim to be accompanied by an affidavit sworn by the person bringing the claim (the representative)—

- *stating that the representative believes that native title exists or existed in relation to the area to which the claim relates; and*
- *stating that the representative believes that all of the statements made in the statement of claim are true; and*
- *stating that the representative is authorised by the Aboriginal group to make the application and to deal with matters arising in relation to it and stating the basis of the authorisation.*

A. Details of the claim

1. As representative of the Aboriginal group described in Schedule A, the representative claims compensation for an act extinguishing or otherwise affecting native title.
2. The representative is entitled to make the application for compensation as a person authorised by the Aboriginal group to make the application and to deal with matters arising in relation to it on behalf of the group.

The factual basis on which this is asserted is as follows:

.....
.....
.....
.....

3. The schedules to this statement of claim contain the following information:

[Schedules A to N must be included.]

Schedule A—A description of the persons comprising the Aboriginal group claiming compensation.

The description must set out the names of the persons comprising the group or otherwise define the group sufficiently clearly so that it can be ascertained whether any particular person is a member of the group.

Schedule B—A definition of the land to which the native title in respect of which the application for compensation is made relates or related.

The land must be defined with sufficient particularity to enable the boundaries of the area covered by the application and any areas within those boundaries that are not covered by the application to be readily identified.

Schedule C—A map showing the boundaries of the area covered by the application.

Schedule D—Details and results of all searches carried out to determine the existence of any current or former non-native title rights and interests in relation to the land, including copies of—

- all searches of official title registers (such as the Register Book and Register of Crown Leases); and
 - all searches conducted with public bodies and authorities,
- that identify current or former non-native title rights and interests in relation to the land.

Schedule E—A statement of the nature of the rights conferred by the native title in respect of which the application for compensation is made and the nature of activities that may be, or may have been, carried out pursuant to those rights.

Schedule F—The name of each representative Aboriginal body for the area covered by the application.

Schedule G—A statement of the factual basis on which native title is asserted and, in particular, the factual basis on which it is asserted that—

- the Aboriginal group has or had, and its predecessors had, an association with the area; and
- there exists or existed traditional laws acknowledged by, and traditional customs observed by, the Aboriginal group that give or gave rise to the native title; and
- the Aboriginal group has or had continued to hold the native title in accordance with those traditional laws and customs.

Schedule H—Details of any activities that are or were carried on in relation to the land by the Aboriginal group.

Schedule I—Details of the act which it is claimed extinguished or affected the native title, including—

- the name of the person or body who carried out or was responsible for the act;
- whether the act has been validated and, if so, the details of how it has been validated.

Schedule J—Details of the basis for the compensation claim, including reference to any Act which it is claimed provides an entitlement to compensation.

Schedule K—Details of any other application, of which the applicant is aware, for a judicial determination of native title in the land or a determination of compensation in relation to native title in the land.

Schedule L—Details of notices, of which the applicant is aware, about matters that may be the subject of negotiation with registered claimants of native title in the land.

Examples—

- A notice under section 29 of the Commonwealth Act.
- A notice of the initiation of negotiations under Part 9B of the *Mining Act 1971* or Part 7 of the *Opal Mining Act 1995*.
- A notice of the intention to acquire land under the *Land Acquisition Act 1969* in a case to which Part 4 Division 1 of that Act applies.

Schedule M—Details of any compensation received by the Aboriginal group or to which the Aboriginal group may be entitled under any agreement or award because of the act or a related act.

Schedule N—Whether non-monetary compensation is claimed, and, if so, the nature of the non-monetary compensation claimed.

[The following Schedules are not required.]

Schedule O—Details of any traditional physical connection with any of the land covered by the application by any member of the Aboriginal group.

Schedule P—Details of circumstances in which access to the area by a member or a parent of a member of the Aboriginal group has been prevented.

Schedule Q—Any other relevant information that the representative wants to provide.

Date:

Signature:.....

[Representative or representative's solicitor]

B. Filing and service

This statement of claim is filed by

whose address for service is.....

.....

AGCS 51-99

R. DENNIS, Clerk of the Council

**REGULATIONS UNDER THE SOUTHERN STATE SUPERANNUATION
ACT 1994**

No. 189 of 2001

At the Executive Council Office at Adelaide, 9 August 2001

PURSUANT to the *Southern State Superannuation Act 1994* and with the advice and consent of the Executive Council, I make the following regulations.

E. J. NEAL, Governor

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

ROB LUCAS, Treasurer

SUMMARY OF PROVISIONS

1. Citation
 2. Commencement
 3. Variation of reg. 3A—Prescription of enterprise agreements
-

Citation

1. The *Southern State Superannuation Regulations 1995* (see *Gazette* 29 June 1995, p. 3070), as varied, are referred to in these regulations as "the principal regulations".

Commencement

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

Variation of reg. 3A—Prescription of enterprise agreements

3. Regulation 3A of the principal regulations is varied by inserting the following paragraph after paragraph (f):

(fa) the Nurses' (South Australian Public Sector) Enterprise Agreement 2001;.

T&F 39/01CS

R. DENNIS, Clerk of the Council

REGULATIONS UNDER THE SUPERANNUATION ACT 1988

No. 190 of 2001

At the Executive Council Office at Adelaide, 9 August 2001

PURSUANT to the *Superannuation Act 1988* and with the advice and consent of the Executive Council, I make the following regulations.

E. J. NEAL, Governor

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

ROB LUCAS, Treasurer

SUMMARY OF PROVISIONS

1. Citation
2. Commencement
3. Variation of reg. 27—Prescription of enterprise agreements
4. Variation of reg. 29—Salary in relation to fixed term appointments

Citation

1. The *Superannuation Regulations 2001* (see *Gazette* 28 June 2001, p. 2455), as varied, are referred to in these regulations as "the principal regulations".

Commencement

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

Variation of reg. 27—Prescription of enterprise agreements

3. Regulation 27 of the principal regulations is varied by inserting the following paragraph after paragraph (g):

(ga) Nurses' (South Australian Public Sector) Enterprise Agreement 2001;

Variation of reg. 29—Salary in relation to fixed term appointments

4. Regulation 29 of the principal regulations is varied by striking out "but" from the definition of "fixed term appointment" in subregulation (12) and substituting ";".

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CITY OF MARION

Roads (Opening and Closing) Act 1991

NOTICE is hereby given, pursuant to section 10 of the Roads (Opening and Closing) Act 1991, that the City of Marion proposes to make a Road Process Order to exchange that portion marked 'A' with those portions marked '1' and '2' on the Preliminary Plan No. PP 32/0675. The closed road marked 'A' is to be merged with allotment 52 in Deposited Plan 56091, Hundred of Noarlunga. The closed road is to be transferred to P. A. R. Carolan and S. K. Hawken.

The preliminary plan and associated statements prepared, pursuant to section 9 of the Roads (Opening and Closing) Act 1991, are available for examination to the public at the office of the City of Marion, 245 Sturt Road, Sturt and at the Adelaide office of the Surveyor-General, 101 Grenfell Street, Adelaide, during normal office hours.

Any person who wishes to object to this proposal may lodge a written objection to the City of Marion, P.O. Box 21, Oaklands Park, S.A. 5046 and a copy forwarded to the Surveyor-General, 101 Grenfell Street, Adelaide, S.A. 5000 within 28 days of the date of this notice. Any objectors must include their full name and address, stating their reasons for objecting and stating whether or not they wish to make submissions to the City of Marion at a meeting convened to consider such objections.

Any land owner adjoining or other person substantially affected by the closure may apply for an easement over all or part of the proposed road closure. Such application shall be in writing to the City of Marion, P.O. Box 21, Oaklands Park, S.A. 5046 and a copy must be forwarded to the office of the Surveyor-General, 101 Grenfell Street, Adelaide, S.A. 5000 within 28 days of the date of this notice. The applicants must include their full name and address giving particulars of the nature and location of the easement being applied for, specifying the land to which the easement is to be annexed and stating the reasons for the application for easement.

M. SEARLE, Chief Executive Officer

LOCAL GOVERNMENT ACT 1999: SECTION 249

Certificate of Validity

I, ELIZABETH DOWD, 45 Pirie Street, Adelaide, S.A. 5000, being a legal practitioner within the meaning of the Legal Practitioners Act 1981, declare that I have examined the following by-law which the Corporation of the Town of Gawler intends to make, and do certify that in my opinion:

- (a) the said council has power to make by the by-law, by virtue of the following statutory provisions:
- Local Government Act 1934, section 667 (1), paragraphs 3.LIV and 9.XVIII;
- Local Government Act 1999, section 246 (3) (g);
- Acts Interpretation Act 1915, section 39;
- (b) the by-law is not in conflict with the Local Government Act 1999, or any other Act.

Dated 30 July 2001.

E. DOWD, Legal Practitioner

TOWN OF GAWLER

By-Law made under the Local Government Act 1999

BY-LAW NO. 1—PERMITS AND PENALTIES

TO provide for a permit system and continuing penalties in Council by-laws, to clarify the construction of such by-laws, and to repeal by-laws.

A. All previous by-laws made or adopted by the Council, prior to the date this by-law is made, are hereby repealed.

Permits

1. (1) In any by-law of the Council, unless the contrary intention is clearly indicated, the word 'permission' means the permission of the Council given in writing.

(2) The Council may attach such conditions to a grant of permission as it thinks fit, and may vary or revoke such conditions or impose new conditions by notice in writing to the permit holder.

(3) Any permit holder shall comply with every such condition.

(4) The Council may revoke such grant of permission at any time by notice in writing to the permit holder.

Penalties

2. Any person who commits a breach of any by-law of the Council of a continuing nature shall be guilty of an offence and, in addition to any other penalty that may be imposed, shall be liable to a further penalty for every day on which the offence is continued, such penalty being the maximum amount referred to in the Local Government Act 1934, and/or Local Government Act 1999 which may be prescribed by by-law for offences of a continuing nature.

Construction

3. Every by-law of the Council shall be subject to any Act of Parliament and Regulations made thereunder.

The foregoing by-law was duly made and passed at a meeting of the Council of the Corporation of the Town of Gawler held on 31 July 2001 by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present. This by-law will come into effect pursuant to sections 249 (6) (b) and (d) of the Local Government Act 1999 on the date of gazettal.

J. R. MC EACHEN, Town Manager

LOCAL GOVERNMENT ACT 1999: SECTION 249

Certificate of Validity

I, ELIZABETH DOWD, 45 Pirie Street, Adelaide, S.A. 5000, being a legal practitioner within the meaning of the Legal Practitioners Act 1981, declare that I have examined the following by-law which the Corporation of the Town of Gawler intends to make, and do certify that in my opinion:

- (a) the said council has power to make by the by-law, by virtue of the following statutory provisions:
- Local Government Act 1999, section 239 (1) (a);
- Acts Interpretation Act 1915, section 39;
- (b) the by-law is not in conflict with the Local Government Act 1999, or any other Act.

Dated 30 July 2001.

E. DOWD, Legal Practitioner

TOWN OF GAWLER

By-Law made under the Local Government Act 1999

BY-LAW NO. 2—MOVEABLE SIGNS

TO set standards for moveable signs on streets and roads and to provide conditions for and the placement of such signs.

Definitions

1. In this by-law:

- (1) 'footpath area' means that part of a street or road between the property boundary of the street or road and the edge of the carriageway on the same side as that boundary; and
- (2) 'moveable sign' has the same meaning as in the Local Government Act 1999;
- (3) 'permission' means the permission of the Council given in writing.

Construction

2. A moveable sign displayed on a public street or road shall:

- (1) be of a kind known as an 'A' Frame or Sandwich Board sign, an 'inverted "T"' sign, or a flat sign;
- (2) be well constructed and maintained in good condition;

- (3) be of strong construction with no sharp or jagged edges or corners;
- (4) not be unsightly or offensive in appearance;
- (5) be constructed of timber, metal, plastic or plastic coated cardboard;
- (6) not exceed 900 mm in perpendicular height, or have a base with any side exceeding 600 mm in length;
- (7) be stable when in position;
- (8) in the case of an 'A' Frame or Sandwich Board sign:
 - (a) be hinged or joined at the top;
 - (b) be of such construction that its sides shall be securely fixed or locked in position when erected;
- (9) in the case of an 'inverted "T"' sign, contain no struts or supports that run between the display area and the base of the sign.

Position

3. A moveable sign shall only be positioned on a public street or road on the footpath area subject to the following conditions. (Where there is no kerb to define the footpath, a set back of 400 mm from the edge of the carriageway is required):

- (1) in the case of a flat sign, in line with and against the property boundary of the street or road;
- (2) so that there is no less than 1.9 m between the sign and any structure, fixed object, tree, bush or plant;
- (3) not within one metre of the corner of a street or road;
- (4) not on the sealed part of any footpath area, if there is any unsealed part of that area on which the sign can be placed in accordance with this by-law;
- (5) it is adjacent to the premises of the business to which it relates.

Restrictions

4. A moveable sign shall:

- (1) display material which advertises a business being conducted on commercial premises adjacent to the sign, or the products available from that business;
- (2) be limited to one per business premises;
- (3) only be displayed when the business is open;
- (4) be securely fixed in position such that it cannot be blown over or swept away;
- (5) not be in such a position or in such circumstances that the safety of any user of the street or road is at risk;
- (6) not be displayed during the hours of darkness unless it is clearly visible;
- (7) not to be displayed on a median strip, traffic island or on a carriage way of a street or road.

Exemptions

5. (1) Paragraphs 3 (5) and sub-paragraphs 4 (1) do not apply to a moveable sign which is used:
 - (a) to advertise a garage sale taking place from residential premises;
 - (b) as a directional sign to an event run by an incorporated association or a charitable body;
 - (c) with permission;
- (2) Sub-paragraphs 4 (1) and 4 (2) do not apply to a flat sign, the message of which only contains newspaper headlines and the name of a newspaper.

Application

6. This by-law does not apply if:

- (1) the moveable sign is placed there pursuant to an authorisation under another Act; or
- (2) the moveable sign is designed to direct people to the open inspection of any land or building that is available for purchase or lease; or

- (3) the moveable sign is related to a State or Commonwealth election and is displayed during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling days.

Construction

7. This by-law is subject to any Act of Parliament and Regulations made thereunder.

The foregoing by-law was duly made and passed at a meeting of the Council of the Corporation of the Town of Gawler held on 31 July 2001 by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present. This by-law will come into effect pursuant to sections 249 (6) (b) and (d) of the Local Government Act 1999 on the date of gazettal.

J. R. MC EACHEN, Town Manager

LOCAL GOVERNMENT ACT 1999: SECTION 249

Certificate of Validity

I, ELIZABETH DOWD, 45 Pirie Street, Adelaide, S.A. 5000, being a legal practitioner within the meaning of the Legal Practitioners Act 1981, declare that I have examined the following by-law which the Corporation of the Town of Gawler intends to make, and do certify that in my opinion:

- (a) the said council has power to make by the by-law, by virtue of the following statutory provisions:
 - Local Government Act 1999, sections 239 (1) (b), 239 (1) (c), 239 (1) (d), 239 (1) (e), 239 (1) (f), 240, 246 (1) (b), 246 (3) (c), 246 (3) (e);
 - Local Government Act 1934, section 667 (1) paragraphs 7.v.7.vi;
 - Local Government (Implementation) Regulations 1999, Regulation 13 (1) (d);
 - Acts Interpretation Act 1915, section 39;
- (b) the by-law is not in conflict with the Local Government Act 1999, or any other Act.

Dated 30 July 2001.

E. DOWD, Legal Practitioner

TOWN OF GAWLER

By-Law made under the Local Government Act 1999

BY-LAW NO. 3—ROADS

FOR the management of roads vested in or under the control of the Council.

Definitions

1. In this by-law:

- (1) 'road' has the same meaning as in the Local Government Act 1999;
- (2) 'exempt vehicle' has the same meaning as in the Road Traffic Act 1961;
- (3) 'authorised person' means a person appointed as an authorised person pursuant to section 260 of the Local Government Act 1999;
- (4) 'permission' means the permission of the Council given in writing.

Activities Requiring Permission

2. No person shall without permission on any road:

Vehicles Generally

- (1) (a) being the driver of a vehicle, fail to obey the indications given by any sign erected by or with the authority of the Council, for regulating traffic or indicating the direction or route to be followed by traffic on that land;
- (b) drive or propel a vehicle on any part thereof where the Council has excluded vehicles generally pursuant to section 359 of the Local Government Act 1934 or section 32 or section 33 of the Road Traffic Act 1961;

- (c) drive or propel a vehicle of a class on any part thereof where the Council has excluded vehicles of that class pursuant to section 359 of the Local Government Act 1934 or section 32 or section 33 of the Road Traffic Act 1961.

Repairs to Vehicles

- (2) perform the work of repairing, washing, painting, panel-beating or other work of any nature on or to any vehicle, provided that this paragraph shall not extend to running repairs in the case of breakdown;

Donations

- (3) ask for or receive or indicate that he or she desires a donation of money or any other thing;

Preaching

- (4) preach or harangue;

Amplification

- (5) use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound or broadcasting announcements or advertisements;

Horses, Cattle, etc.

- (6) ride, lead or drive any horse, cattle or sheep, on the footpath in those areas that the Council has designated by resolution.

Posting of Bills

3. No person shall, without the Council's permission, post any bills, advertisements or other papers or items on a building or structure on a road.

Removal of Animals and Persons

4. (1) If any animal is found on part of a road in breach of a by-law any person in charge of the animal shall forthwith remove it from that part, on the request of any authorised person; and
- (2) An authorised person may direct any person who is considered to be committing or has committed a breach of this by-law to leave that part of the road. Failure to comply with that direction forthwith is a breach of this by-law.

Exemptions

5. The restrictions in this by-law do not apply to any Council officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council officer, or to the driver of an exempt vehicle (within the meaning of section 40 of the Road Traffic Act 1961) while driving that vehicle in relation to an emergency.

Construction

6. This by-law is subject to any Act of Parliament and Regulations made thereunder.

The foregoing by-law was duly made and passed at a meeting of the Council of the Corporation of the Town of Gawler held on 31 July 2001 by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present. This by-law will come into effect pursuant to sections 249 (6) (b) and (d) of the Local Government Act 1999 on the date of gazettal.

J. R. MC EACHEN, Town Manager

LOCAL GOVERNMENT ACT 1999: SECTION 249

Certificate of Validity

I, ELIZABETH DOWD, 45 Pirie Street, Adelaide, S.A. 5000, being a legal practitioner within the meaning of the Legal Practitioners Act 1981, declare that I have examined the following by-law which the Corporation of the Town of Gawler intends to make, and do certify that in my opinion:

- (a) the said council has power to make by the by-law, by virtue of the following statutory provisions:

Local Government Act 1999, sections 238 (1), 238 (2), 240, 246 (1) (b), 246 (3) (c) and 246 (3) (e);

Local Government (Implementation) Regulations 1999, Regulation 13 (1) (d);

Local Government Act 1934, section 667 (1) paragraph 8.XXXII;

Acts Interpretation Act 1915, section 39;

- (b) the by-law is not in conflict with the Local Government Act 1999, or any other Act.

Dated 30 July 2001.

E. DOWD, Legal Practitioner

TOWN OF GAWLER

By-Law made under the Local Government Act 1999

BY-LAW NO. 4—LOCAL GOVERNMENT LAND

FOR the management of parklands, reserves, public places, and other land vested in or under the control of the Council.

Definitions

1. In this by-law:

- (1) 'local government land' means all parklands, reserves, ornamental grounds, public places, and other land, vested in or under the control of the Council (except streets and roads);
- (2) 'liquor' has the same meaning as defined in the Liquor Licensing Act 1995;
- (3) 'open container' means a container which:
- (a) after the contents thereof have been sealed at the time of manufacture and:
- (i) being a bottle it has had its cap or cork or top removed (whether it has since been replaced or not);
- (ii) being a can it has been opened or punctured;
- (iii) being a cask it has had its tap placed in a position to allow it to be used;
- (iv) being any form of container it has been opened, broken, punctured or manipulated in such a way as to allow access to the contents thereof; or
- (b) is a flask, glass or mug or other container used for drinking purposes;
- (4) 'authorised person' means a person appointed as an authorised person pursuant to section 260 of the Local Government Act 1999;
- (5) 'permission' means the permission of the Council given in writing.

Activities requiring permission

2. No person shall without permission on any local government land:

Vehicles Generally

- (1) (a) being the driver of a vehicle, fail to obey the indications given by any traffic control device (within the meaning of the Road Traffic Act 1961) or any sign erected by or with the authority of the Council, for regulating traffic or indicating the direction or route to be followed by traffic on that land;
- (b) drive or propel a vehicle on any part thereof where the Council has excluded vehicles generally pursuant to section 359 of the Local Government Act 1934, or section 32 or section 33 of the Road Traffic Act 1961;
- (c) drive or propel a vehicle of a class on any part thereof where the Council has excluded vehicles of that class pursuant to section 359 of the Local Government Act 1934, or section 32 or section 33 of the Road Traffic Act 1961;

Trading

- (2) (a) carry on the business of selling or offering or exposing for sale any goods, merchandise, commodity, article or thing; or
- (b) set up a van or other vehicle or stall or other structure, tray, carpet or device for the purpose of buying or selling any goods, merchandise, commodity, article or thing;

Overhanging Articles

- (3) suspend or hang any article or thing from any building, verandah, pergola, post or other structure where it might present a nuisance or danger to any person using local government land;

Entertainers

- (4) sing, busk or play any recording or upon any musical instrument so as to appear to be for the purpose of entertaining other persons;

Donations

- (5) ask for or receive or indicate that he or she desires a donation of money or any other thing;

Preaching

- (6) preach or harangue;

Distribute

- (7) give out or distribute to any bystander or passer-by any handbill, book, notice, or other printed matter, provided that this restriction shall not apply to any handbill or leaflet given out or distributed by or with the authority of a candidate during the course of a Federal, State or Local Government election or to a handbill or leaflet given out or distributed during the course and for the purpose of a Referendum;

Handbills on Cars

- (8) place or put on any vehicle any handbill, advertisement, notice or printed matter;

Amplification

- (9) use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound or broadcasting announcements;

Removing Soil, etc.

- (10) carry away or remove any soil, sand, timber, stones, pebbles or any part of the land;

Picking Fruit, etc.

- (11) pick fruit, nuts or berries from any trees or bushes thereon;

Digging Soil

- (12) to which this sub-paragraph applies, in accordance with paragraph 7 of this by-law, dig the soil for or to collect worms, grubs or insects;

Games

- (13) (a) participate in any game, recreation or amusement which involves the use of a ball, missile or other object which by the use thereof may cause, or be likely to cause injury or discomfort to any person being on or in the vicinity of that land or detract from or be likely to detract from another person's lawful use and enjoyment of that land;
- (b) play any organised competition sport, as distinct from organised social play, in accordance with paragraph 7 of this by-law;

Athletic and Ball Sports

- (14) (a) to which this sub-paragraph applies, in accordance with paragraph 7 of this by-law, promote, organise or take part in any organised athletic sport;
- (b) to which this sub-paragraph applies, in accordance with paragraph 7 of this by-law, play or practice the game of golf;

Smoking

- (15) smoke tobacco or any other substance in any building or part thereof;

Closed Lands

- (16) enter or remain on any part of local government land:
- (a) at any time during which the Council has declared that the part shall be closed to the public, and which is indicated by a sign adjacent to the entrance to that part;
- (b) where the land is enclosed with fences and/or walls, and gates have been closed and locked; or
- (c) where admission charges are payable, for that person to enter that part without paying those charges;

Tents

- (17) (except the Council or other Government authority) erect any tent or other structure of calico, canvas, plastic or similar material as a place of habitation;

Camping

- (18) camp or remain overnight on any parklands, reserves or other local government land;

Fauna

- (19) (a) take, interfere with or disturb any animal or bird or the eggs or young of any animal or bird;
- (b) disturb, interfere with or damage any burrow, nest or habitat of any animal or bird; or
- (c) use, possess or have control of any device for the purpose of killing or capturing any animal or bird;

Flora

- (20) (a) take, uproot or damage any plant;
- (b) remove, take or disturb any soil, stone, wood, tender or bark;
- (c) collect or take any dead wood or timber for the purpose of using the same to make or maintain a fire; or
- (d) ride or drive any vehicle or animal or run, stand or walk on any flowerbed or garden plot;

Animals

- (21) (a) allow any stock to stray into or depasture therein;
- (b) allow any animal to damage any flower bed, garden plot, tree, lawn or other item or place;

Fires

- (22) light any fire except:
- (a) in a place provided by the Council for that purpose; or
- (b) in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material;

Fireworks

- (23) use, discharge or explode any fireworks;

Posting of Bills

No person shall without the Council's permission post any bills, advertisements or other papers or items on a building or structure on local government land or other public place.

Prohibited Activities

4. No person shall on any local government land:

Use of Equipment

- (1) use any form of equipment or property belonging to the Council other than in the manner and for the purpose for which it was designed or set aside;

Repairs to Vehicles

- (2) perform the work of repairing, washing, painting, panel-beating or other work of any nature on or to any vehicle, provided that this paragraph shall not extend to running repairs in the case of breakdown;

Annoyances

- (3) annoy or unreasonably interfere with any other person's use of the land by making a noise or creating a disturbance that has not been authorised by the Council;

Directions

- (4) fail to comply with any reasonable direction or request from an authorised person of the Council relating to:
- that person's use of the land;
 - that person's conduct and behaviour on the land;
 - that person's safety on the land; or
 - the safety and enjoyment of the land by other persons;

Missiles

- (5) throw, roll or discharge any stone, substance or missile to the danger of any person or animal therein;

Glass

- (1) wilfully break any glass, china or other brittle material;

Defacing Property

- (7) deface, paint, write, cut names or make marks on or fix bills or advertisements to any tree, rock, gate, fence, building, sign or other property of the Council therein;

Horses, Cattle, etc.

- (8) ride, lead or drive any horse, cattle or sheep on any land which the Council has, by resolution, declared to be prohibited for such purpose;

Removal of Animals and Persons

5. (1) If any animal is found on any part of local government land in breach of a by-law:
- any person in charge of the animal shall forthwith remove it from that part on the request of an authorised person; and
 - any authorised person may remove it therefrom if the person fails to comply with the request, or if no person is in charge of the animal.
- (2) An authorised person may direct any person who is considered to be committing or has committed a breach of this by-law to leave that part of the local government land. Failure to comply with that direction forthwith is a breach of this by-law.

Exemptions

6. The restrictions in this by-law do not apply to any Council officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council officer, or to the driver of an exempt vehicle (within the meaning of section 40 of the Road Traffic Act 1961) while driving that vehicle in relation to an emergency.

Application of Paragraphs

7. Any of sub-paragraphs 2 (13) (b), 2 (14), of this by-law shall apply only in such portion or portions of the area as the Council may by resolution direct (in accordance with section 246 (3) (c) of the Local Government Act 1999).

Construction

8. This by-law is subject to any Act of Parliament and Regulations made thereunder.

The foregoing by-law was duly made and passed at a meeting of the Council of the Corporation of the Town of Gawler held on 31 July 2001 by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present. This by-law will come into effect pursuant to sections 249 (6) (b) and (d) of the Local Government Act 1999 on the date of gazettal.

J. R. MC EACHEN, Town Manager

LOCAL GOVERNMENT ACT 1999: SECTION 249

Certificate of Validity

I, ELIZABETH DOWD, 45 Pirie Street, Adelaide, S.A. 5000, being a legal practitioner within the meaning of the Legal Practitioners Act 1981, declare that I have examined the following by-law which the Corporation of the Town of Gawler intends to make, and do certify that in my opinion:

- the said council has power to make by the by-law, by virtue of the following statutory provisions:
Dog and Cat Management Act 1995, sections 90 (1), 90 (2) (d) and 90 (3) (c);
Local Government Act 1999, sections 246 (1) (a) and 246 (3) (e);
Acts Interpretation Act 1915, section 39;
- the by-law is not in conflict with the Local Government Act 1999, or any other Act.

Dated 30 July 2001.

E. DOWD, Legal Practitioner

TOWN OF GAWLER

By-Law made under the Dog and Cat Management Act 1995

BY-LAW NO. 5—DOGS

FOR the management and control of dogs within the Council's area.

Definitions

1. In this by-law unless the context otherwise requires:
- 'Act' means the Dog and Cat Management Act 1995;
 - 'council land' means all parklands, reserves, ornamental grounds, streets, roads, jetties, bridges, foreshore, public places and other land vested in or under the control of the Council;
 - 'dog' means an animal of the species *canis familiaris* but does not include a dingo or cross of a dingo;
 - 'premises' means any domestic and non-domestic premises, except a kennel establishment in respect of which a development authorisation is in force under the Development Act 1993.

Dog Free Areas

2. No person shall on any Council land to which this paragraph applies, in accordance with paragraph 5 of this by-law, cause, suffer or permit any dog under that person's control, charge or authority to be, or remain in that place.

Dogs on Leash Areas

3. No person shall on any Council land to which this paragraph applies, in accordance with paragraph 5 of this by-law, cause, suffer or permit any dog under that person's control, charge or authority to be or remain in that public place unless such dog is restrained by a strong leash not exceeding 2 m in length and either tethered securely to a fixed object or held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.

Dog Exercise Areas

- (1) Any person may enter upon any part of Council land to which this paragraph applies in accordance with paragraph 5 of this by-law, for the purpose of exercising a dog under his or her control;
- (2) Where a person enters upon such part of Council land for that purpose, he or she shall ensure that the dog or dogs under his or her control remain under effective control (within the meaning of the Dog and Cat Management Act 1995) while on the land;
- (3) Signs shall be erected to denote the land to which this paragraph applies, and information shall be provided to the public in a manner determined by the Council's Chief Executive Officer to inform the public about such land.

Application of Paragraphs

5. Any of paragraphs 2, 3 and subparagraphs 4 (1) of this by-law shall apply only in such portion or portions of Council land as the Council may by resolution direct in accordance with Section 246 (3) (c) of the Local Government Act 1999.

Construction

6. This by-law is subject to any Act of Parliament and Regulations made thereunder.

The foregoing by-law was duly made and passed at a meeting of the Council of the Corporation of the Town of Gawler held on 31 July 2001 by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present. This by-law will come into effect pursuant to sections 249 (6) (b) and (d) of the Local Government Act 1999 on the date of gazettal.

J. R. MC EACHEN, Town Manager

DISTRICT COUNCIL OF THE COPPER COAST

Notice of Vacancy

NOTICE is hereby given that in accordance with section 54(6) of the Local Government Act 1999, I hereby give notice of a vacancy for the office of Councillor for Kadina Ward due to the resignation of Councillor Dene James Price effective from Wednesday, 15 August 2001.

A Supplementary Election will be held to fill the office that has become vacant.

J. W. SHANE, Chief Executive Officer

DISTRICT COUNCIL OF KIMBA

Adoption of Valuation

NOTICE is hereby given that the District Council of Kimba at a meeting held on 1 August 2001, by virtue of the powers contained in section 167 (2) (a) of the Local Government Act 1999, the council resolved to adopt, for rating purposes for the financial year ending 30 June 2002, the Valuer-General's valuation of site values applicable to land within the area of the council, totalling \$56 382 920 and that 1 August 2001, is specified as the date on which such values are adopted.

Declaration of Rates

Notice is hereby given that in the exercise of the powers contained in sections 153 (1) (b) of the Local Government Act 1999, the District Council of Kimba at a meeting held on 1 August 2001, after considering and adopting the budget, Financial Estimates and Statements for the financial year ending 30 June 2002 and adopting valuations that are to apply to land within the council's area, resolved to declare the following rates for the financial year ending 30 June 2002:

- A differential general rate of 10.4722 cents in the dollar on the site value of all rateable land situated within the Kimba township area.
- A differential general rate of 0.8989 cents in the dollar on the site value of all rateable land situated outside the Kimba township area.

Declaration of Service Charge

Pursuant to the provisions of section 155 of the Local Government Act 1999, the District Council of Kimba declares the following annual service charge for the year ending 30 June 2002:

In the areas covered by the Kimba township Septic Tank Effluent Disposal Scheme, an annual service charge of \$50 on each vacant allotment, an annual service charge of \$75 on each occupied allotment, an annual service charge of \$1 000 on Section 101, Township of Kimba, Hundred of Solomon, and an annual service charge of \$250 on section 102, Township of Kimba, Hundred of Solomon.

Declaration of Minimum Rate

Pursuant to the provisions of section 158 of the Local Government Act 1999, the District Council of Kimba fixes the minimum amount payable by way of rates at \$100 in respect of all rateable land in the council's area in respect of the year ending 30 June 2002.

Declaration of Separate Rate—Water Catchment Levy

Notice is hereby given that in exercise of the powers contained in section 138 of the Water Resources Act 1997 and section 154 of the Local Government Act 1999, the District Council of Kimba at a meeting held on 1 August 2001, declared a separate rate being a fixed water levy of \$19.65 upon all rateable property in the council area. The fixed water levy was declared in order to reimburse the council the amount of \$14 870 which council is required to contribute towards the cost of operating the Eyre Peninsula Catchment Water Management Board for the 2001-2002 financial year.

Payment of Rates

Notice is hereby given that pursuant to section 181 of the Local Government Act 1999, the District Council of Kimba declares that the rates and charges payable in respect of the financial year ending 30 June 2002, are payable in four equal (or approximately equal) instalments, falling due on the following dates:

13 September 2001
13 December 2001
14 March 2002
13 June 2002

Early Payment Discount

Notice is hereby given that pursuant to section 181 (11) of the Local Government Act 1999, all rates and service charges in respect of the financial year ending 30 June 2002 paid in full on or before 6 September 2001 will attract a 2.5 per cent discount as an incentive for early payment.

S. R. CHERITON, Chief Executive Officer

DISTRICT COUNCIL OF MALLALA

Adoption of Valuation

NOTICE is hereby given that the council at its meeting held on 18 July 2001, resolved in accordance with section 167 of the Local Government Act 1999, to adopt the capital valuation of the Valuer-General for the purposes of rating for the 2001-2002 financial year, pursuant to section 167 (2) (a) of the said Act, being capital valuation totalling \$443 227 200.

Declaration of Rates

Notice is hereby given that at the council meeting held on 18 July 2001, council resolved as follows:

1. Pursuant to sections 153 and 156 (1) (b) of the Act and in respect of the financial year ending 30 June 2002, in order to raise the amount of \$2 888 807 from rate income:

Differential general rates of the following cents in the dollar of the capital value of rateable land be declared on such land in the following zones as indicated:

- (1) 0.712956 in the Centre, the Recreation and the Residential Zones in Mallala and Two Wells, in the Industrial and the Future Urban Zones in Two Wells and the Country Township Zone in Dublin;
- (2) 0.595093 in the Coastal Township and settlements Zones;
- (3) 0.639551 in the Rural Living (1), the Rural Living (2) and the Rural Living (3) Zones; and
- (4) 0.585099 in the Coastal, General Farming and Horticulture Zones.

2. A minimum amount payable by way of the general rate of \$375 be fixed in accordance with section 158 (1) (a) of the Act.

3. That pursuant to section 154 (1) of the Act in order to recover the amount paid to the Northern Adelaide and Barossa Catchment Water Management Board the council declares a separate rate of 0.0164508 cents in the dollar on rateable properties within the Northern Adelaide and Barossa Catchment Area within the area of the District Council of Mallala.

C. H. DUNLOP, Chief Executive Officer

DISTRICT COUNCIL OF MALLALA

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

*By-law No. 1—Moveable Signs**Definitions and Construction*

1. (1) In these by-laws:

'footpath area' means that part of a road between a road boundary and the edge of the carriageway on the same side as that boundary;

'permission' means permission of the council given in writing. The council's by-laws are subject to any Act of Parliament and the general law of the State.

(2) These by-laws are subject to any Act of Parliament and the general law of the State.

Construction of Moveable Signs

2. A moveable sign displayed on a road:

(1) shall be of a kind known as an 'A' Frame or Sandwich Board sign, an 'inverted "T"' sign, or a flat sign;

(2) (a) shall be constructed and maintained in good quality and condition;

(b) shall be of strong construction with no sharp or jagged edges or corners;

(c) shall not be unsightly or offensive in appearance;

(3) shall:

(a) be constructed of timber, metal, plastic or plastic coated cardboard, or a mixture of such materials;

(b) not exceed 900 mm in height, 600 mm in width or 600 mm in depth;

(4) shall not be likely to fall over or collapse;

(5) in the case of an 'A' Frame or Sandwich Board sign:

(a) shall be hinged or joined at the top;

(b) shall be of such construction that its sides shall be securely fixed or locked in position when erected; and

(6) in the case of an 'inverted "T"' sign, shall contain no struts or members that run between the display area and the base of the sign.

Appearance of Moveable Signs

3. A moveable sign displayed on a road shall:

(1) be painted or otherwise detailed in a competent and professional manner;

(2) be attractive, legible and simply worded to convey a precise message;

(3) be of such design and contain such colours which are compatible with the architectural design of the premises adjacent to the sign, and which relate well to the townscape and overall amenity of the locality in which it is situated;

(4) contain combinations of colour and typographical styles which blend in with and reinforce the heritage qualities of the locality and the buildings where it is situated;

(5) not rotate, contain a flashing light, or have balloons, flags, streamers or other things attached to it.

Position of Moveable Signs

4. A moveable sign shall not be positioned on a road:

(1) so that it obstructs or impedes a vehicle door being opened that is parked lawfully on the carriageway;

(2) so that it prevents a clear passage of 1.9 m in width for users of the footpath area;

(3) on a footpath area that is of less width than 2 m;

(4) unless it rests on the surface of the footpath area;

(5) on a footpath area attached to or within 1.4 m of any other structure fixed object tree bush or plant (excepting a building adjacent to the footpath area);

(6) within one metre of an entrance to premises adjacent thereto or the corner of a road;

(7) on the sealed part of any footpath area, if there is any unsealed part of that area on which the sign can be placed in accordance with this by-law;

(8) on or attached to a vehicle or another object, tree, bush or plant; or

(9) on a carriageway or traffic island.

Restrictions on Placement of Moveable Signs

5. A moveable sign shall not be placed on a road:

(1) (a) unless it only displays material which advertises a business being conducted on premises which are adjacent to the sign, or the products available from that business, but no brand names of products shall be displayed;

(b) if another moveable sign which relates to the same business is already displayed on the street or road;

(c) unless the business to which it relates is open;

(2) in a wind if it is likely to be blown over or swept away;

(3) in such a position or in such circumstances that the safety of any user of the street or road is at risk;

(4) during the hours of darkness unless it is clearly lit.

Exemptions

6. (1) By-laws No. 1. 5. (1) do not apply to a flat sign the message of which only contains newspaper headlines and the name of a newspaper.

(2) A requirement of these by-laws will not apply where permission has been granted for the sign to be displayed contrary to that requirement.

(3) A person granted permission under these by-laws shall comply with any conditions imposed thereon.

(4) In addition to the foregoing exemptions, the council may exempt persons generally, or classes of persons from compliance with any by-law or by-laws from time to time or on or during times days or occasions, and subject to conditions.

Offence

7. No person shall display, position or place a moveable sign contrary to these by-laws.

Penalties

8. (1) A person who breaches any of these by-laws is guilty of an offence and is liable to a penalty being the maximum amount that generally can be prescribed by by-law for any breach of a by-law; currently this amount is \$750.

(2) Unless otherwise decided by resolution of the council, the expiation fee for an alleged offence against these by-laws is 25% of the maximum penalty.

SCHEDULE: REPEAL OF BY-LAWS

All by-laws of the council made prior to the date this by-law is made are hereby repealed.

This schedule is hereby repealed to take effect four weeks after this by-law comes into effect.

The foregoing by-laws were duly made and passed at a meeting of the District Council of Mallala held on Monday, 6 August 2001, by an absolute majority of the members for the time being constituting the council, there being at least two-thirds of the members present.

C. H. DUNLOP, Chief Executive Officer

DISTRICT COUNCIL OF MALLALA

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

*By-law No. 2—Council Land**Definitions and Construction*

1. (1) In these by-laws unless the context otherwise requires:

'camp' includes setting up a camp, or allowing a caravan or tent to remain on land whether or not any person is in attendance or sleeps on the land;

'camping reserve' means land vested in or under the control of the council which the council has set aside as a camping reserve and which is identified by one or more signs bearing the words 'camping reserve' with or without other words;

'council land' means any land vested in or under the care, control or management of the council, but does not include a road unless specifically mentioned;

'foreshore' means the beach next to the ocean and sandhills adjacent thereto that are under the care, control and management of the council;

'permission' means permission of the council given in writing. The council's by-laws are subject to any Act of Parliament and the general law of the State.

(2) These by-laws are subject to any Act of Parliament and the general law of the State.

General Provisions

2. No person shall on any council land:

Advertising

(1) display any sign for the purpose of commercial advertising;

Improper use of things

(2) improperly remove or improperly interfere with or use or wilfully damage any chattel or thing that is the property of the council;

Removal and use of sand plants wood etc.

(3) (a) remove therefrom any mineral or vegetable matter that is part of the land;

(b) collect or use any wood or timber thereon;

(c) pick any plant thereon,

unless the land is a reserve and the taking of that item is permitted by the purpose for which that land has been reserved;

Tents and structures

(4) erect or construct any tent, building or other structure thereon, unless in the case of a tent, the land is a camping reserve and the tent is for the purpose of camping overnight;

Camping

(5) camp or stay overnight thereon, unless on a camping reserve;

Lighting wood fires

(6) light or maintain a wood fire;

Use of rubbish bins

(7) (a) place any rubbish of a certain kind in a rubbish bin where a sign or signs indicate that rubbish of another kind only is permitted to be placed in that bin; or

(b) place any rubbish in a rubbish bin otherwise than in accordance with a sign or signs which give directions in relation to the placement of rubbish in that bin; or

(c) place any rubbish from residential premises in a rubbish bin unless a sign or signs indicate that such kind of rubbish may be so placed;

Alcoholic beverages

(8) to which this by-law No. 2. 2. (8) applies, consume or possess or be in charge of any alcoholic beverage;

Levying charges

(9) levy or collect a charge for admission to any part thereof;

Directions

(10) fail to comply with any reasonable direction or request from an authorised officer of the council relating to:

(a) that person's use of the land;

(b) that person's conduct and behaviour on the land;

(c) that person's safety on the land; or

(d) the safety and enjoyment of the land by other persons.

Vehicles on Council Land

3. No person shall on any council land:

Exclusion of vehicles

(1) to which this by-law No. 2. 3. (1) applies, drive or propel a vehicle on such land; or

Motor cycles

(2) to which this by-law No. 2. 3. (2) applies, drive or propel a motor cycle on such land.

Vehicle Access to Foreshore

4. No person shall drive or propel a vehicle onto or from the foreshore other than by a ramp or thoroughfare constructed or provided by the council or the Government for that purpose.

Camping Reserves

5. No person shall:

(1) camp on a camping reserve for a period in excess of two consecutive weeks;

(2) having camped on a camping reserve for two consecutive weeks, camp on any camping reserve until a further period of two consecutive weeks has expired.

Removal of Unauthorised Things

6. If a person has placed or erected a substance, object or structure on council land without lawful authority or without permission, or has apparently abandoned the same thereon, the council may remove and dispose of it, and recover the cost of so doing from the person who placed or erected it thereon.

Exemptions

7. (1) A person can perform the acts prohibited in these by-laws:

(a) with permission; or

(b) if they are performed during the course of and as part of their official duties as a public official or an officer employee agent or contractor of the council; and

(c) it is otherwise lawful to do so.

(2) A person granted permission under these by-laws shall comply with any conditions imposed thereon.

(3) In addition to the foregoing exemptions, the council may exempt persons generally, or classes of persons from compliance with any by-law or by-laws from time to time or on or during times days or occasions, and subject to conditions.

Application

8. Any of by-law No. 2. 2. (8), 2. 3. (1) or 2. 3. (2) shall apply only within such part or parts of the area as the council may determine from time to time.

Penalties

9. (1) A person who breaches any of these by-laws is guilty of an offence and is liable to a penalty being the maximum amount that generally can be prescribed by by-law for any breach of a by-law; currently this amount is \$750.

(2) Unless otherwise decided by resolution of the council, the expiation fee for an alleged offence against these by-laws is 25% of the maximum penalty.

The foregoing by-laws were duly made and passed at a meeting of the District Council of Mallala held on Monday, 6 August 2001, by an absolute majority of the members for the time being constituting the council, there being at least two-thirds of the members present.

C. H. DUNLOP, Chief Executive Officer

DISTRICT COUNCIL OF MALLALA

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

*By-law No. 3—Animals**Definitions and Construction*

1. (1) In these by-laws unless the context otherwise requires:

'council land' means any land vested in or under the care, control or management of the council, but does not include a road unless specifically mentioned;

'permission' means permission of the council given in writing.

(2) These by-laws are subject to any Act of Parliament and the general law of the State.

Animals on Council Land

2. No person shall on any council land:

Depasturing

(1) cause, suffer or allow any animal under his or her control to depasture thereon;

Dog free areas

(2) to which this by-law No. 3. 2. (2) applies, cause, suffer or permit any dog under that person's control, charge or authority to be or remain in that place;

Dog on leash areas

(3) to which this by-law No. 3. 2. (3) applies, cause, suffer or permit any dog under that person's control, charge or authority to be or remain in that place unless such dog is restrained by a strong leash not exceeding 2 m in length and either tethered securely to a fixed object or held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons; or

Horse free areas

(4) to which this by-law No. 3. 2. (4) applies, cause, suffer or permit any horse under that person's control, charge or authority to be or remain in that place.

Animals on Roads

3. Any person being responsible for any geese, ducks, fowls, emus or other birds, or for any animal referred to in any of the Schedules to the Impounding Act 1920, shall ensure that any such animal or bird does not move unattended or uncontrolled on any piece of council land or on any road.

Dog Numbers

4. (1) The limit on the number of dogs that can be kept on any property in those parts of the area described in Schedule 1 hereto shall be two dogs.

(2) The limit on the number of dogs that can be kept on any property in those parts of the area described in Schedule 2 hereto shall be three dogs.

(3) The limit on the number of dogs that can be kept on any property in those parts of the area described in Schedule 3 hereto shall be five dogs.

(4) Dogs used for the purpose of herding sheep or cattle and kept outside of a township shall not be taken into account in determining the numbers of dogs permitted under these by-laws.

(5) Dogs kept in a kennel establishment or for breeding purposes, on land in respect of which:

(a) a development authorisation is in force under the Development Act 1993; or

(b) a development authorisation is not required under that Act because there are existing use rights in relation to that land,

to allow that land to be lawfully used for those purposes under that Act, shall not be taken into account in determining the numbers of dogs permitted under these by-laws.

(6) No person shall keep any dog on any property where the number of dogs being kept on that property exceeds the limit.

Exemptions

5. (1) A person can perform the acts prohibited in these by-laws:

(a) with permission; or

(b) if they are performed during the course of and as part of their official duties as a public official or an officer employee agent or contractor of the council; and

(c) it is otherwise lawful to do so.

(2) A person granted permission under these by-laws shall comply with any conditions imposed thereon.

(3) In addition to the foregoing exemptions, the council may exempt persons generally, or classes of persons from compliance with any by-law or by-laws from time to time or on or during times days or occasions, and subject to conditions.

Application

6. Any of by-law No. 3. 2. (2), 3. 2. (3) or 3. 2. (4) shall apply only within such part or parts of the area as the council may determine from time to time.

Penalties

7. (1) A person who breaches any of these by-laws is guilty of an offence and is liable to a penalty being the maximum amount that generally can be prescribed by by-law for any breach of a by-law; currently this amount is \$750.

(2) Unless otherwise decided by resolution of the council, the expiation fee for an alleged offence against these by-laws is 25% of the maximum penalty.

SCHEDULE 1

As depicted in that part of the Development Plan under the Development Act 1993, land in the townships of Mallala, Dublin and Two Wells, the coastal townships of Port Parham, Thomson Beach and Webb Beach, and the coastal settlement of Middle Beach.

SCHEDULE 2

As depicted in that part of the Development Plan under the Development Act 1993, land in a Rural Living 1 Zone, a Rural Living 2 Zone, and the localities of Barabba and Fisher.

SCHEDULE 3

Those parts of the council's area not contained in Schedules 1 and 2 hereof, and not being land in a Rural Living 3 Zone.

NOTE: That in respect of premises where dogs are currently being kept without an authorisation under the Development Act 1993, such premises can be exempted by council resolution under these by-laws, either generally, or in specific cases.

The foregoing by-laws were duly made and passed at a meeting of the District Council of Mallala held on Monday, 6 August 2001, by an absolute majority of the members for the time being constituting the council, there being at least two-thirds of the members present.

C. H. DUNLOP, Chief Executive Officer

DISTRICT COUNCIL OF MALLALA

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

*By-law No. 4—Bird Scarers**Construction*

1. These by-laws are subject to any Act of Parliament and the general law of the State.

Bird Scarers Not to Cause a Nuisance

2. No person shall use or cause any device to be used for the purpose of scaring birds away from vegetation, and which involves the generation of a loud noise such that it is or is likely to be a nuisance to any other person.

Penalties

3. (1) A person who breaches any of these by-laws is guilty of an offence and is liable to a penalty being the maximum amount that generally can be prescribed by by-law for any breach of a by-law; currently this amount is \$750.

(2) Unless otherwise decided by resolution of the council, the expiation fee for an alleged offence against these by-laws is 25% of the maximum penalty.

The foregoing by-laws were duly made and passed at a meeting of the District Council of Mallala held on Monday, 6 August 2001, by an absolute majority of the members for the time being constituting the council, there being at least two-thirds of the members present.

C. H. DUNLOP, Chief Executive Officer

DISTRICT COUNCIL OF MALLALA

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

By-law No. 5—Spraying and Dusting of Land

Construction

1. These by-laws are subject to any Act of Parliament and the general law of the State.

Spraying and Dusting of Land

2. (1) No person shall spray or dust land or cause or suffer the spraying or dusting of land with any substance:

- (a) which is or is likely to be a nuisance to any other person; or
- (b) such that there is a risk that the spray or dust will be deposited on land occupied or owned by another person (or on any article or vegetation thereon), and the spray or dust is or is likely to be a nuisance,

without the consent of that other person; and

in the case of aerial spraying or dusting, without giving prior notice to the council of all substances intended to be deposited in the spraying or dusting, the time and date of the intended spraying or dusting, the land to be affected, and the name and address of the pilot of any aircraft involved.

(2) If the council believes on reasonable grounds that there is likely to be a breach of by-law No. 5. 2. (1), then it may make an order for the purpose of preventing such a breach.

(3) A person to whom such an order is directed shall comply with it.

(4) The provisions of Division 2 of Part 2 of Chapter 12 of the Local Government Act 1999 shall (insofar as these by-laws are empowered so to do) apply to the making, review and enforcement of such an order.

Penalties

3. (1) A person who breaches any of these by-laws is guilty of an offence and is liable to a penalty being the maximum amount that generally can be prescribed by by-law for any breach of a by-law; currently this amount is \$750.

(2) Unless otherwise decided by resolution of the council, the expiation fee for an alleged offence against these by-laws is 25% of the maximum penalty.

The foregoing by-laws were duly made and passed at a meeting of the District Council of Mallala held on Monday, 6 August 2001, by an absolute majority of the members for the time being constituting the council, there being at least two-thirds of the members present.

C. H. DUNLOP, Chief Executive Officer

DISTRICT COUNCIL OF RENMARK PARINGA

Road Closure

NOTICE is hereby given that the Renmark Paringa District Council at its meeting held on 31 July 2001, passed a resolution that the council exercises the power pursuant to section 33 of the Road Traffic Act 1961 and Clause F of the Instrument of General Approval of the Minister, dated 12 March 2001.

Pursuant to section 33 (1) of the Road Traffic Act 1961, declare that the event described below ('the event'), that is to take place on the road described below ('the road'), is an event to which section 33 of the Road Traffic Act 1961 applies and pursuant to section 33 (1) (a) of the Road Traffic Act 1961, make an order directing that the road on which the event is to be held and any

adjacent or adjoining roads specified below, be closed to traffic from 9 a.m. to 1 p.m. on Sunday, 2 September 2001:

- (a) James Avenue either side of Ral Ral Avenue; and
- (b) Ral Ral Avenue on the Murray Pioneer side at Thurl Street for the holding of the Murray Pioneer Fun Run.

Pursuant to section 33 (1) (b) of the Road Traffic Act 1961, make an order directing that persons taking part in the event be exempted, in relation to the roads, from the duty to observe the Australian Road Rules specified and attaching to the exemption, Rule 230—Crossing a road—general.

R. WOOD, Deputy Chief Executive Officer

DISTRICT COUNCIL OF RENMARK PARINGA

Development Assessment Panel

NOTICE is hereby given that at a meeting of the council held on 31 July 2001 and pursuant to the Development Act 1993, the Renmark Paringa Development Assessment Panel was established. A comprehensive copy of the Terms of Reference relating to the establishment of the panel is available from the Council Office, Ral Ral Avenue, Renmark, S.A. 5341.

In establishing the Renmark Paringa Development Assessment Panel Council appointed the following members:

Mayor:

C. R. (Rod) Thomas

Councillors:

Neville Natrass
Milton Curtis
Margaret Howie
Terry Petersen

The term of office shall be for a period of 12 months. Members may be removed in accordance with the Terms of Reference determined by the council.

The council's Chief Executive Officer, Planning and Development Officer and Consultant Planner shall also attend a meeting of the panel.

Pursuant to section 56A (2) (a) the council has delegated to the panel the development assessment functions and powers under Part 4 of the Development Act 1993. The panel shall provide a monthly report on its activities to the council.

Enquiries relating to the Assessment Development Panel may be directed to the Chief Executive officer.

B. WAPLES, Acting Chief Executive Officer

DISTRICT COUNCIL OF YORKE PENINSULA

ROADS (OPENING AND CLOSING) ACT 1991

Public Road, Silo Access Road, Ardrossan

NOTICE is hereby given that the District Council of Yorke Peninsula, pursuant to section 10 of the Roads (Opening and Closing) Act 1991, proposes to make a Road Process Order to close the whole of Silo Access Road, Ardrossan, adjoining the north-eastern boundary of Allotment 96 in Filed Plan 215377, more particularly delineated as 'C' in Preliminary Plan No. PP32/0669.

The whole of the closed road is to be transferred to Ausbulk Ltd, 124-130 South Terrace, Adelaide, S.A. 5000.

Subject to any easements that may be required.

The statement of persons affected by the road process together with a copy of the above plan are available for public inspection at the Council's Office, 8 Elizabeth Street, Maitland, S.A. 5573, during normal office hours. Copies may also be inspected at the Adelaide Office of the Surveyor-General, 101 Grenfell Street, Adelaide, during normal office hours.

Any person who may wish to object to the proposed road process or any person affected by the proposed closure may wish to apply for an easement to be granted on that person's favour over the land subject to the proposed closure, must lodge with the said council a notice of objection or an application for an easement within 28 days of the date of this notice.

All objections lodged shall be in writing giving the objector's full name and address, reasons for the objection and whether the objector wishes to appear in person or be represented at the subsequent meeting when the objection will be determined by council.

An application for an easement shall be in writing giving the full name and address of the person applying for the grant, full details of the nature and location of the requested easement, whether it will be in favour of the owner of adjoining or nearby land, and if so specify the land to which the easement will be annexed and reasons for the application for the grant of easement.

S. GRIFFITHS, Chief Executive Officer

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

- Beanland, Joseph*, late of 9 Rice Avenue, Gawler South, retired labourer, who died on 26 June 2001.
- Birchall, Lilian Mercia*, late of 1A Mount Barker Road, Hahndorf, widow, who died on 27 April 2001.
- Bobridge, Gwyneth Muriel*, late of 147 St Bernard's Road, Rostrevor, of no occupation, who died on 6 June 2001.
- Cabery, Charles James*, late of 8 Mine Street, Kadina, retired painter, who died on 8 June 2001.
- Clark, Aileen Beatrice*, late of 14 Ravensthorpe Avenue, Millswood, retired nurse, who died on 25 June 2001.
- Deere, Dorothy Hannah*, late of 60 George Street, Marion, home duties, who died on 21 May 2001.
- D'Inverno Maria Guiseppa*, late of 276 Portrush Road, Beulah Park, of no occupation, who died on 5 March 2001.
- Doyle, James Lamont*, late of 362 Hampstead Road, Clearview, retired postman, who died on 25 May 2001.
- Fabretto, Alberto*, late of 21 Farncomb Road, Fulham, retired sheet metal worker, who died on 29 June 2001.
- Klosowski, Emmi*, late of 5 Park Street, Glandore, of no occupation, who died on 14 April 2001.
- Knispel, Margaret Caroline*, late of 25 Hunt Crescent, Christies Beach, home duties, who died on 22 May 2001.
- Palmer, Hazel Minnie*, late of 342 Marion Road, North Plympton, widow, who died on 13 June 2001.
- Rowe, Jean*, late of 66 Nelson Road, Valley View, retired trained nurse, who died on 26 June 2001.
- Serventy, James Michael*, late of 536 Defontenay Road, Barmera, retired fruit grower, who died on 4 April 2001.
- Southall, Cecil Howard*, late of 4 Ware Street, Burra, retired truck driver, who died on 24 June 2001.
- Stevens, John Ockley*, late of 21 Tregenza Avenue, Elizabeth South, retired company secretary, who died on 7 April 2001.
- Talbot, Francis William*, late 3 Hawthorn Terrace, Parafield Gardens, retired merchant seaman, who died on 10 June 2001.
- Turner, Reginald Norman*, late of 278 Old South Road, Reynella, retired purchasing officer, who died on 14 March 2001.
- Venables, Lorna May*, late of 17 Robsart Street, Parkside, retired domestic worker, who died on 22 June 2001.
- Vogt, Rosealie*, late of 206 Sir Donald Bradman Drive, Cowandilla, of no occupation, who died on 3 June 2001.
- Warner, Percival James*, late of 8 Mine Street, Kadina, retired gardener, who died on 14 June 2001.

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 7 September 2001, 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 9 August 2001.

J. H. WORRALL, Public Trustee

ACCLAIM RESOURCES PTY LTD

(ACN 066 631 981)

Notice of Winding Up Order and Appointment of Liquidator

NOTICE is hereby given that on 31 July 2001, the Supreme Court of South Australia in Proceeding No. 954 of 2001, ordered the winding up of Acclaim Resources Pty Ltd and I was appointed as liquidator of the company.

Dated 6 August 2001.

B. J. CARTER, Liquidator

N. MARTIN ENTERPRISES PTY LTD

(ACN 079 097 288)

Notice of Winding Up Order and Appointment of Liquidator

NOTICE is hereby given that on 31 July 2001, the Supreme Court of South Australia in Proceeding No. 955 of 2001, ordered the winding up of N. Martin Enterprises Pty Ltd and I was appointed as liquidator of the company.

Dated 6 August 2001.

B. J. CARTER, Liquidator

OCEANIA FREIGHT MANAGEMENT PTY LTD (Receiver and Manager Appointed) (formerly known as AFS Freight Management Pty Ltd)

(ACN 010 476 669)

Notice of Winding Up Order and Appointment of Liquidator

NOTICE is hereby given that on 31 July 2001, the Supreme Court of South Australia in Proceeding No. 1004 of 2001, ordered the winding up of Oceania Freight Management Pty Ltd (Receiver and Manager Appointed) (formerly known as AFS Freight Management Pty Ltd) and I was appointed as liquidator of the company.

Dated 6 August 2001.

B. J. CARTER, Liquidator

TANJIL VALLEY BEEF PROCESSORS PTY LTD (ACN 084 487 632)

Notice of Winding Up Order and Appointment of Liquidator

NOTICE is hereby given that on 10 July 2001, the Supreme Court of South Australia in Proceeding No. 898 of 2001, ordered the winding up of Tanjil Valley Beef Processors Pty Ltd and I, Austin Robert Meerten Taylor was appointed liquidator of the company.

Dated 2 August 2001.

A. R. M. TAYLOR, Level 1, 99 Frome Street, Adelaide, S.A. 5000.

SALE OF PROPERTY

Auction Date: Friday, 24 August 2001 at 10 a.m.

Location: Mason Gray Strange
370 Torrens Road, Kilkeny.

NOTICE is hereby given that on the above date at the time and place stated, by virtue of Order for Sale issued by the Fines Payment Unit of South Australia, Penalty No. EXREG-99-72746/1 and others, are directed to the Sheriff of South Australia in an action wherein Dion George Lymberopoulos is the Defendant, I, Tim Goodes, Sheriff of the State of South Australia, will by my auctioneers, Mason Gray Strange make sale of the following:

Toshiba model 50D8UXA Dramatic Theatre 127 cm flat screen remote TV.
Serial Number: 23564759.

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.

Email: governmentgazette@saugov.sa.gov.au