



THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

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ADELAIDE, THURSDAY, 22 MAY 2014

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GOVERNMENT GAZETTE NOTICES

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

Department of the Premier and Cabinet
Adelaide, 22 May 2014

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Carrick Hill Trust, pursuant to the provisions of the Carrick Hill Trust Act 1985.

Member: (from 22 May 2014 until 21 May 2017)
Michael James Picton

By command,

JOHN JAMES SNELLING, for Premier

ASACAB005/02

Department of the Premier and Cabinet
Adelaide, 22 May 2014

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Council for the Care of Children, pursuant to the provisions of the Children's Protection Act 1993.

Member: (from 22 May 2014 until 21 May 2016)
Alison Camelia Baker

By command,

JOHN JAMES SNELLING, for Premier

MECD14/019

Department of the Premier and Cabinet
Adelaide, 22 May 2014

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Radiation Protection Committee, pursuant to the provisions of the Radiation Protection and Control Act 1982.

Member: (from 27 May 2014 until 26 November 2015)

Tony Circelli
Sarah Constantine
Cara Kirsten
Melissa Holzberger
Nigel Antony Spooner
Eva Bezak
Ian David Kirkwood
Gregory George Marshall
Pamela Joy Sykes
Jessica Vilma Burckhardt

Deputy Member: (From 27 May 2014 until 26 November 2015)

Keith Baldry (Deputy to Circelli)
Michelle Jayne Nottage (Deputy to Constantine)
Costas Kapsis (Deputy to Kirsten)
Sharon Maree Paulka (Deputy to Holzberger)
Judith Mary Pollard (Deputy to Spooner)
Jill Fitch (Deputy to Bezak)
Michael Innes Kitchener (Deputy to Kirkwood)
Alexander Eadie (Deputy to Marshall)
Michael Trent Lardelli (Deputy to Sykes)
Iris Dobrzinski (Deputy to Burckhardt)

Presiding Member: (From 27 May 2014 until 26 November 2015)

Tony Circelli

By command,

JOHN JAMES SNELLING, for Premier

14MSECCS019

Department of the Premier and Cabinet
Adelaide, 22 May 2014

HIS Excellency the Governor in Executive Council has noted the resignation of Rodney George Hook as the Rail Commissioner effective from 22 May 2014, pursuant to Section 5 of the Rail Commissioner Act 2009.

By command,

JOHN JAMES SNELLING, for Premier

MTR/14/022

Department of the Premier and Cabinet
Adelaide, 22 May 2014

HIS Excellency the Governor in Executive Council has been pleased to appoint Lino Di Lernia as the temporary Rail Commissioner for a term of six months commencing on 22 May 2014, pursuant to Section 5 of the Rail Commissioner Act 2009 and Section 36 of the Acts Interpretation Act 1915.

By command,

JOHN JAMES SNELLING, for Premier

MTR/14/022

Department of the Premier and Cabinet
Adelaide, 22 May 2014

HIS Excellency the Governor in Executive Council has accepted the resignation and revoked the appointment of Rodney George Hook as Commissioner of Highways with effect from 22 May 2014, pursuant to Section 10 of the Highways Act 1926 and Section 36 of the Acts Interpretation Act 1915.

By command,

JOHN JAMES SNELLING, for Premier

MTR/14/021

Department of the Premier and Cabinet
Adelaide, 22 May 2014

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the SafeWork SA Advisory Council, pursuant to the provisions of the Work Health and Safety Act 2012.

Member: (from 22 May 2014 until 8 February 2015)
David Thompson

By command,

JOHN JAMES SNELLING, for Premier

MIR0017/14CS

Department of the Premier and Cabinet
Adelaide, 22 May 2014

HIS Excellency the Governor in Executive Council has been pleased to appoint Andrew John Milazzo as temporary Commissioner of Highways for a period of six months commencing on 22 May 2014, pursuant to Section 10 of the Highways Act 1926 and Section 36 of the Acts Interpretation Act 1915.

By command,

JOHN JAMES SNELLING, for Premier

MTR/14/021

Department of the Premier and Cabinet
Adelaide, 22 May 2014

HIS Excellency the Governor in Executive Council has revoked the appointment of Rodney Hook, Chief Executive, Department of Planning, Transport and Infrastructure, as State Coordinator-General for the purposes of the Affordable Housing Stimulus Package with effect from 22 May 2014, pursuant to Section 68 of the Constitution Act 1934 and Section 36 of the Acts Interpretation Act 1915.

By command,

JOHN JAMES SNELLING, for Premier

PLN0089/14CS

Department of the Premier and Cabinet
Adelaide, 22 May 2014

HIS Excellency the Governor in Executive Council has been pleased to appoint John Hanlon, Acting Chief Executive, Department of Planning, Transport and Infrastructure, as State Coordinator-General for the purposes of the Affordable Housing Stimulus Package for a term commencing on 22 May 2014 and expiring on 31 December 2014, pursuant to Section 68 of the Constitution Act 1934.

By command,

JOHN JAMES SNELLING, for Premier

PLN0089/14CS

Department of the Premier and Cabinet
Adelaide, 22 May 2014

HIS Excellency the Governor in Executive Council has been pleased to appoint Andrew McKeegan, Acting Deputy Chief Executive, Department of Planning, Transport and Infrastructure, as Assistant State Coordinator-General for the purposes of the Affordable Housing Stimulus Package for a term commencing on 22 May 2014 and expiring on 31 December 2014, pursuant to Section 68 of the Constitution Act 1934.

By command,

JOHN JAMES SNELLING, for Premier

PLN0089/14CS

Department of the Premier and Cabinet
Adelaide, 22 May 2014

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable John Dyson Heydon AC QC to be a Commissioner to enquire into and report upon the matters set out in the commission issued to the said the Honourable John Dyson Heydon AC QC on 22 May 2014, pursuant to the Royal Commissions Act 1917.

By command,

JOHN JAMES SNELLING, for Premier

AGO0072/14CS

HIS Excellency Rear Admiral Kevin John Scarce, Companion in the Order of Australia, Conspicuous Service Cross, Governor in and over the State of South Australia:

TO

THE HONOURABLE JOHN DYSON HEYDON AC QC

Greeting:

I, the Governor, with the advice and consent of Executive Council and under the Royal Commissions Act 1917, DO HEREBY APPOINT YOU to be Commissioner and require and authorise you to inquire into the following matters:

- (a) the governance arrangements of separate entities established by employee associations or their officers (relevant entities), with particular regard to:
- (i) the financial management of relevant entities; and
 - (ii) the adequacy of existing laws as they relate to relevant entities with respect to:

- (A) the integrity of financial management; and
- (B) the accountability of officers of employee associations to their members in respect of the use of funds or other assets in relation to relevant entities; and
- (iii) whether relevant entities are used, or have been used, for any form of unlawful purpose; and
- (iv) the use of funds solicited in the name of relevant entities, for the purpose of furthering the interests of:
 - (A) an employee association; or
 - (B) an officer of an employee association; or
 - (C) a member of an employee association; or
 - (D) any other person or organisation;
- (b) without limiting the matters in paragraph (a), activities relating to the establishment or operation of any relevant entity as it relates to the following employee associations or any of their branches:
 - (i) The Australian Workers Union;
 - (ii) the Construction Forestry Mining and Energy Union;
 - (iii) the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia;
 - (iv) the Health Services Union;
 - (v) the Transport Workers Union of Australia;
- (c) without also limiting the matters in paragraph (a), activities of any other person or organisation in respect of which you consider that there are credible allegations of involvement in activities mentioned in paragraph (b);
- (d) the circumstances in which funds are, or have been, sought from any third parties and paid to relevant entities;
- (e) the extent to which persons represented by employee associations:
 - (i) are protected from any adverse effects or negative consequences arising from matters associated with, or related to, the existence of relevant entities or activities relating to their establishment or operation; or
 - (ii) are informed of those matters; or
 - (iii) are able to influence or exercise control over those matters; or
 - (iv) have the opportunity to hold officers of the association accountable for wrongdoing in relation to those matters;
- (f) any conduct in relation to a relevant entity which may amount to a breach of any law, regulation or professional standard by any officer of an employee association who holds, or held, a position of responsibility in relation to the entity;
- (g) any conduct which may amount to a breach of any law, regulation or professional standard by any officer of an employee association in order to:
 - (i) procure an advantage for the officer or another person or organisation; or
 - (ii) cause a detriment to a person or organisation;
- (h) any bribe, secret commission or other unlawful payment or benefit arising from contracts, arrangements or understandings between an employee association, or an officer of an employee association, and any other party;
- (i) the participation of any person or organisation (other than an employee association or an officer of an employee association) in a matter mentioned in paragraphs (a) to (h);
- (j) the adequacy and effectiveness of existing systems of regulation and law enforcement in dealing with matters mentioned in paragraphs (a) to (i) and, in particular, the means of redress available to employee associations and

their members who suffer a detriment as a result of such a matter;

- (k) any matter reasonably incidental to a matter mentioned in paragraphs (a) to (j).

AND I further declare that you may inquire into any of these matters to the extent that the matter relates to or is connected with the peace, order, and good government of the State and any public purpose or any power of the State.

AND I direct you to make any recommendations arising out of your inquiry that you consider appropriate.

AND I declare that you are authorised to conduct your inquiry into any matter under this Commission in combination with any inquiry into the same matter, or a matter related to that matter, that you are directed or authorised to conduct by any Commission, or under any order or appointment, made by the Governor-General or any of the Governors of the States or by the Government of any of the Territories.

AND I declare that in this Commission:

employee association means:

- (a) an employee organisation as defined in Section 12 of the Fair Work Act 2009; or
- (b) any other association of employees that is, or was at any time, registered or recognised as such an association (however described) under the Fair Work (Registered Organisations) Act 2009 or any other Commonwealth law; or
- (c) a recognised State-registered association, or a transitionally recognised association, as defined in Section 6 of the Fair Work (Registered Organisations) Act 2009, if the association is, or was at any time, entitled to represent the industrial interests of employees under an industrial law as defined in Section 12 of the Fair Work Act 2009; or
- (d) any other association of employees that is, or was at any time, registered or recognised as such an association (however described) under a State or Territory law or instrument that is a State or Territory industrial law as defined in subsection 26 (2) of the Fair Work Act 2009.

law means a law of the Commonwealth or of a State or Territory.

office, in relation to an employee association, means:

- (a) an office as defined in section 12 of the Fair Work Act 2009; or
- (b) an office within the ordinary meaning of that term.

officer, of an employee association, means a person who is, or was at any time:

- (a) the holder of an office in the association; or
- (b) an employee of the association; or
- (c) a delegate or other representative of the association.

organisation includes any of the following:

- (a) an employee association;
- (b) a corporate entity;
- (c) an association, whether incorporated or not.

separate entity means an entity that is, or was at any time:

- (a) a fund, organisation, account or other financial arrangement; and
- (b) established for, or purportedly for, an industrial purpose or the welfare of members of an employee association; and
- (c) a separate legal entity from any employee association;

whether or not the entity is, or has at any time been, covered by the financial reporting obligations to which an employee association is, or was at any time, subject under the Fair Work (Registered Organisations) Act 2009.

AND I:

- (l) require you to begin your inquiry as soon as practicable; and

(m) require you to make your inquiry as expeditiously as possible; and

(n) authorise you to submit to me any interim report that you consider appropriate; and

(o) require you to submit to me a report of the results of your inquiry, and your recommendations, not later than 31 December 2014.

GIVEN under my hand and the Public Seal of South Australia, at Adelaide, 22 May 2014.

By command,

JOHN JAMES SNELLING, for Premier

Recorded in Register of Commissions,
Letters Patent, Etc., Vol. XXVII

C. CHRISTENSEN, Clerk of Executive Council
GOD SAVE THE QUEEN!

Department of the Premier and Cabinet
Adelaide, 22 May 2014

HIS Excellency the Governor in Executive Council has been pleased to appoint Michael Leslie Braim Ardlie to the office of Acting Deputy President of the Workers Compensation Tribunal of South Australia for a period of one year commencing on 22 May 2014 and expiring on 21 May 2015, pursuant to the Workers Rehabilitation and Compensation Act 1986.

By command,

JOHN JAMES SNELLING, for Premier

MIR0014/14CS

Department of the Premier and Cabinet
Adelaide, 22 May 2014

HIS Excellency the Governor in Executive Council has been pleased to designate the office of Industrial Magistrate as the primary judicial office of Michael Leslie Braim Ardlie, pursuant to Section 6(2) of the Judicial Administration (Auxiliary Appointments and Powers) Act 1988.

By command,

JOHN JAMES SNELLING, for Premier

MIR0014/14CS

Department of the Premier and Cabinet
Adelaide, 22 May 2014

HIS Excellency the Governor in Executive Council has been pleased to appoint the SafeWork SA officers, David James Carey and Simon Bradshaw Ridings as Inspectors for the purposes of the Shop Trading Hours Act 1977, commencing on 22 May 2014, pursuant to Section 7 of the Shop Trading Hours Act 1977.

By command,

JOHN JAMES SNELLING, for Premier

MIR0016/14CS

Department of the Premier and Cabinet
Adelaide, 22 May 2014

HIS Excellency the Governor in Executive Council has been pleased to appoint the people listed as Justices of the Peace for South Australia for a period of ten years commencing from 22 May 2014 and expiring on 21 May 2024, it being a condition of appointment that the Justices of the Peace must take the oaths required of a Justice under the Oaths Act 1936 and return the oaths form to the Justice of the Peace Services within 3 months of the date of appointment, pursuant to Section 4 of the Justices of the Peace Act 2005.

Joyce Jean Allison
George Apostolou
Michael Charles Asker
Maurice James Barclay
Bruno Basso
Paul Bennison

Christine Anne Bibbo
 Peter John Bryans
 Victor Calleja
 Karen Lesley Carmody
 Maxine Maud Chenoweth
 Ralph Desmond Clarke
 Robert Malcolm Combridge
 Margaret Elaine Considine
 Ravinder Dhugga
 Stanley Draganoff
 Trevor Martin Drew
 Barry Ronald Duhne
 Kenneth Archer Durrant
 Gregory Deane Edgecombe
 Filomena Girolamo
 Leo Giuliani
 June Evelyn Gover
 Edward Guyan
 Douglas Ray Henderson
 Janice Pamela Hocking
 Bradley Grant Humphries
 Joseph William Le Brun
 Ross Milton Lecornu
 Caz Lewis
 Teresa Antonietta Luppino
 James Ian Macdonald
 Graham Dale Morphet
 Elias George Nemer
 Jonathan William Oliver
 Brett Pingel
 Peter John Rankine
 Anthony Herbert Richards
 Mark Andrew Riedel
 Peter Roesler
 Peter Roy Rutter
 Christopher John Salmon
 David George Seaman
 Peter Jeffrey Sellar
 Pothitos Sfyrios
 Paul Clarence Short
 Ronald Walter Smith
 Maxwell George Thompson
 Kym Clay Thyer
 Jammie Adrian Wright

By command,

JOHN JAMES SNELLING, for Premier

JP13/047CS

Department of the Premier and Cabinet
 Adelaide, 22 May 2014

HIS Excellency the Governor in Executive Council has removed from the office of Justice of the Peace Barry Charles Young, effective from 22 May 2014, pursuant to Section 11 (5) (a) of the Justices of the Peace Act 2005.

By command,

JOHN JAMES SNELLING, for Premier

JP14/008CS

DISABILITY SERVICES (ASSESSMENT OF RELEVANT HISTORY) REGULATIONS 2014

Authorised Screening Unit

PURSUANT to Regulation 5 (1) of the Disability Services (Assessment of Relevant History) Regulations 2014, I, Joslene Mazel, Chief Executive of the Department for Communities and Social Inclusion, declare that the Department for Communities and Social Inclusion Screening Unit is an authorised screening unit for the purposes of undertaking relevant history assessments under Section 5B and 5C of the Disability Services Act 1993.

Dated 22 May 2014.

J. MAZEL, Chief Executive, Department for Communities and Social Inclusion

FISHERIES MANAGEMENT ACT 2007: SECTION 79

TAKE note that the notice made under Section 79 of the Fisheries Management Act 2007, dated 7 January 2014, and published in the *South Australian Government Gazette* dated 9 January 2014, on page 5, being the second notice on that page, referring to the West Coast Prawn Fishery, is hereby varied such that it will not be unlawful for a person fishing pursuant to a West Coast Prawn Fishery Licence to use prawn trawl nets in the waters specified in Schedule 1, under the conditions specified in Schedule 2, during the period specified in Schedule 3.

SCHEDULE 1

The waters of the West Coast Prawn Fishery adjacent to Coffin Bay, Ceduna and Venus Bay.

SCHEDULE 2

1. Each licence holder must ensure that a representative sample of the catch (a 'bucket count') is taken at least three times per night during the fishing activity.

2. Each 'bucket count' sample must be accurately weighed to 7 kg where possible and the total number of prawns contained in the bucket must be recorded on the daily catch and effort return.

3. Fishing must cease if one of the following limits is reached:

- A total of six nights of fishing are completed;
- The average catch per vessel, per night (for all three vessels) drops below 300 kg for two consecutive nights;
- The average prawn 'bucket count' for all three vessels exceeds 240 prawns per bucket on any single fishing night in the Coffin Bay area;
- The average prawn 'bucket count' for all three vessels exceeds 250 prawns per bucket on any single fishing night in the Venus Bay area; or
- The average prawn 'bucket count' for all three vessels exceeds 270 prawns per bucket on any single fishing night in the Ceduna area.

4. The fleet must nominate a licence holder to provide a daily update by telephone or SMS message to the PIRSA Fisheries Manager, to report the average prawn catch per vessel and the average prawn 'bucket count' information.

5. No fishing activity may be undertaken between the prescribed times of sunrise and sunset for Adelaide (as published in the *South Australian Government Gazette* pursuant to the requirements of the Proof of Sunrise and Sunset Act 1923) during the period specified in Schedule 3.

SCHEDULE 3

Commence at sunset on 27 May 2014 and end at sunrise on 4 June 2014.

Dated 19 May 2014.

B. MILIC, Prawn Fisheries Manager

FISHERIES MANAGEMENT ACT 2007: SECTION 115

TAKE notice that pursuant to Section 115 of the Fisheries Management Act 2007, the holder of a Prawn Fishery Licence issued pursuant to the Fisheries Management (Prawn Fisheries) Regulations 2006 (the 'exemption holder') or their registered masters, are exempt from the closure notice made under section 79 of the Fisheries Management Act 2007, dated 11 December 2013, and published in the *South Australian Government Gazette* dated 19 December 2013, on page 4855, being the second notice on that page, in that the exemption holder shall not be guilty of an offence when using prawn trawl nets the waters specified in Schedule 1, in accordance with the conditions of their fishery licence for the purpose of gear trials (the 'exempted activity'), subject to the conditions contained in Schedule 2. Ministerial Exemption ME9902704

SCHEDULE 1

The waters of Gulf St Vincent of South Australia contained within the following co-ordinates:

Those waters of Gulf St Vincent commencing at position latitude 34°45.00'S, longitude 138°17.00'E then to position latitude 34°47.00'S, longitude 138°17.00'E then to position latitude 34°47.00'S, longitude 138°15.00'E then to position latitude 34°45.00'S, longitude 138°15.00'E then to the point of commencement.

SCHEDULE 2

1. The exempted activity may only be undertaken from 20 May 2014 until 19 May 2015, unless varied or revoked.

2. The exemption holder may only conduct the exempted activity between 0800 hours and 1700 hours on any day.

3. The exemption holder may only engage in the exempted activity in those waters described in Schedule 1 that are greater than 10 metres in depth.

4. Any fish taken during the exempted activity are to be returned to the water immediately.

5. The exemption holder must contact PIRSA Fishwatch on 1800 065 522 not less than one hour prior to departure from port and provide the following information:

- A description of the boat to be used including the registration number marked on that boat;
- The estimated time of departure from port;
- The area in which the gear trials are to be conducted;
- The estimated time of return to port;
- The registered master who will be in charge of the boat during the exempted activity; and
- Exemption number.

6. While engaged in the exempted activity, the exemption holder must have a copy of this notice on board the vessel or near his person. This notice must be produced to a PIRSA Fisheries compliance officer if requested. Exemption No. 9902704.

7. The exemption holder must contact the PIRSA Fishwatch on 1800 065 522, not less than one hour prior to the boat returning to port and provide the following information;

- A description of the boat used including the registration number marked on that boat;
- The estimated time of return to port;
- Exemption number.

8. The exemption holder must not contravene or fail to comply with Fisheries Management Act 2007, or any other regulations made under that Act except whereby specifically exempted by this notice.

This notice does not purport to override the provisions or operation of any other Act including, but not limited to, the Marine Parks Act 2007. The exemption holder and his agents must comply with any relevant regulations, permits, requirements and directions from the Department of Environment, Water and Natural Resources when undertaking activities within a marine park.

Dated 19 May 2014.

S. SLOAN, Acting Executive Director

FISHERIES MANAGEMENT ACT 2007: SECTION 115

TAKE notice that pursuant to Section 115 of the Fisheries Management Act 2007, Mark Whan of the Forestry SA, Jubilee Highway, Mount Gambier, S.A. 5290 (the 'exemption holder'), is exempt from Section 70 and 71 (1) (b) of the Fisheries Management Act 2007 and Regulations 7 and 10 and Clauses 41, 72, 80 and 96 of Schedule 6 of the Fisheries Management (General) Regulations 2007, but only insofar as he may engage in the collection of fish specified in Schedule 1, from the waters in Schedule 2, using the gear specified in Schedule 3 (the 'exempted activity'), subject to the conditions set out in Schedule 4, from 21 May 2014 until 20 May 2015, unless varied or revoked earlier.

SCHEDULE 1

- Southern Pygmy Perch
- Dwarf Galaxias
- Yarra Pygmy Perch
- Murray Darling Carp Gudgeon
- Eastern Gambusia

SCHEDULE 2

- Deadmans Swamp Native Forest Reserve
- Marshes Native Forest Reserve
- Mount McIntyre Native Forest Reserve
- Lake Edward
- Mount Burr Forest Reserve

SCHEDULE 3

- 3 fyke nets (minimum mesh of 4 mm, maximum leader of 7 m);
- 1 seine net (minimum mesh of 2 mm and maximum length of 10 m);
- 5 dip nets; and
- 10 bait traps.

SCHEDULE 4

1. The specimens collected by the exemption holder are for scientific and research purposes only and must not be sold.

2. All native fish taken pursuant to the exempted activity must be immediately returned to the water.

3. All non-native species of fish must be destroyed or disposed of appropriately.

4. The exempted activity may only be conducted on the exemption holder's behalf by Bryan Haywood, Troy Horn and Toby Read.

5. The exemption holder must notify PIRSA Fishwatch on 1800 065 522 at least two hours prior to conducting the exempted activity and answer a series of questions about the exempted activity. The exemption holder will need to have a copy of the exemption notice at the time of making the call, and be able to provide information about the area and time of the exempted activity, the vehicles and boats involved, the number of agents undertaking the exempted activity and other related questions. Exemption No. ME9902698

6. The exemption holder must provide a written report detailing the outcomes of the collection of organisms pursuant to this notice to the Executive Director, Fisheries and Aquaculture, (G.P.O. Box 1625, Adelaide, S.A. 5001) upon completion, giving the following details:

- the date, soak time and location of collection;
- the number of nets used;
- the description of all species collected;
- the number of each species collected; and
- any other relevant information.

7. While engaged in the exempted activity, the exemption holder must be in possession of a copy of this notice. Such notice must be produced to a Fisheries Officer if requested.

8. The exemption holder must not contravene or fail to comply with the Fisheries Management Act 2007, or any regulations made under that Act, except where specifically exempted by this notice.

Dated 20 May 2014.

S. SLOAN, Acting Executive Director

GAMING MACHINES REGULATIONS 2005

NOTICE UNDER REGULATION 5B

Trading Round for Gaming Machine Entitlements

TAKE notice that pursuant to Regulation 5B of the Gaming Machine Regulations 2005, I, Dini Soulio, Acting Liquor and Gambling Commissioner, have established a trading round for the purchase and sale of gaming machine entitlements. This trading round will be known as Trading Round 6/2014.

Offers to PURCHASE or SELL gaming machine entitlements in Trading Round 6/2014 are invited from persons eligible to do so in accordance with the Gaming Machines Regulations 2005.

The closing date and time for the submission of offers is:

Friday, 27 June 2014 at 5 p.m.

The determination of offers that are to be regarded as accepted will occur on Thursday, 31 July 2014 (known as the Trading Day).

An administration fee of \$110 (per entitlement) applies for Trading Round 6/2014 for the submission of offers to purchase entitlements. There is no fee for the submission of offers to sell entitlements.

Offers to PURCHASE or SELL gaming machine entitlements in Trading Round 6/2014 may only be made on the application forms available from the Consumer and Business Services website at www.cbs.sa.gov.au by following the 'Find a Gaming Machine Trading Round' link.

Application forms and supporting documentation should be submitted in a sealed envelope clearly marked 'Trading Round Offers' and may only be lodged:

In the Tender Box at:	or	By Mail at:
Consumer and Business Services Customer Service Centre (Concierge Desk) Chesser House, 91 Grenfell Street, Adelaide, S.A. 5000		Consumer and Business Services Trading Round 5/2014 P.O. Box 3241, Rundle Mall, S.A. 5000

Applications received after the closing date and time (including those submitted by mail) will not be considered for inclusion in this trading round.

Applications forwarded by email or facsimile will not be accepted under any circumstances.

Trading Round Enquiries:

Phone: (08) 8204 9442 or

Email: gmetrade@agd.sa.gov.au

Dated 22 May 2014.

D. SOULIO, Acting Liquor and Gambling Commissioner

HOUSING IMPROVEMENT ACT 1940

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

No. of House and Street	Locality	Allotment, Section, etc.	Certificate of Title	
			Volume	Folio
4 Barunga Avenue	Ingle Farm	Allotment 399 in Deposited Plan 7959, Hundred of Yatala	5740	285
32 Heytesbury Road	Davoren Park	Allotment 494 in Deposited Plan 7339, Hundred of Munno Para	5529	218
44 Midlow Road	Elizabeth Downs	Allotment 7 in Deposited Plan 51909, Hundred of Munno Para	5666	343
121 Montague Road	Pooraka	Allotment 5 in Filed Plan 1788, Hundred of Yatala	5517	202
27 Tutt Avenue	Kingswood	Allotment 225 in Filed Plan 12145, Hundred of Adelaide	5156	804
2 Whitwarta Road	Balaklava	Allotment 3 in Filed Plan 113796, Hundred of Balaklava	5205	844

Dated at Adelaide, 22 May 2014. R. HULM, Director, Corporate Services, Housing SA (Delegate SAHT)

HOUSING IMPROVEMENT ACT 1940

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

Address of House	Allotment, Section, etc.	Certificate of Title		Date and page of <i>Government Gazette</i> in which notice declaring house to be substandard published	Maximum rental per week payable in respect of each house \$
		Volume	Folio		
33 Athol Street, Athol Park	Allotment 27 in Deposited Plan 2164, Hundred of Yalata	5207	566	27.3.14, page 1329	133.00
34 Blanche Street, Edithburgh	Allotment 304 in Filed Plan 195726, Hundred of Melville	5825	654	25.10.07, page 4033	0.00 (unfit for human habitation)
10 Bondowie Road, Gladstone	Allotment 9 in Deposited Plan 325, Hundred of Yangya	5839	172	28.9.89, page 968	74.00
26 Edwina Drive, Morphett Vale	Allotment 114 in Deposited Plan 7235, Hundred of Noarlunga	5368	913	27.3.14, page 1329	139.00
5 Underdown Road, Elizabeth South	Allotment 362 in Deposited Plan 6003, Hundred of Munno Para	5384	783	10.9.09, page 4392	148.00

Dated at Adelaide, 22 May 2014. R. HULM, Director, Corporate Services, Housing SA (Delegate SAHT)

HOUSING IMPROVEMENT ACT 1940

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

Address of House	Allotment, Section, etc.	Certificate of Title		Date and page of <i>Government Gazette</i> in which notice declaring house to be substandard published
		Volume	Folio	
7 Butler Terrace, Naracoorte (rear outbuildings and rear yard area only—no access to ‘internals’)	Allotment 5 in Deposited Plan 3965, Hundred of Naracoorte	5722	57	21.1.2010, page 249
Flat 1, 22 Crocker Street, Bordertown	Allotment 502 in Filed Plan 204838, Hundred of Tatiara	5777	208	30.5.1996, page 2605
Flat 2, 22 Crocker Street, Bordertown	Allotment 502 in Filed Plan 204838, Hundred of Tatiara	5777	208	30.5.1996, page 2605
4 Keith Avenue, North Plympton	Allotment 1 in Deposited Plan 38030, Hundred of Adelaide	5159	108	23.6.2011, page 2639
41 Kingston Avenue, Naracoorte	Allotment 4 in Deposited Plan 3926, Hundred of Naracoorte	5594	984	25.11.1999, page 2443
6 Marie Court, Salisbury East	Allotment 35 in Deposited Plan 9491, Hundred of Yatala	5580	319	27.2.2014, page 1143
9 Middleton Street, Risdon Park	Allotment 56 in Filed Plan 37806, Hundred of Pirie	5395	494	27.3.2014, page 1329
30 Ninth Street, Bowden	Allotment 48 in Filed Plan 121895, Hundred of Yatala	5451	129	30.1.1992, page 282
11 Owen Street, Goodwood	Allotment 37 in Deposited Plan 1490, Hundred of Adelaide	5805	93	23.12.1993, page 3049

Dated at Adelaide, 22 May 2014.

R. HULM, Director, Corporate Services, Housing SA (Delegate SAHT)

MINING ACT 1971

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

Applicant: Investigator Resources Limited
 Location: Hope Downs Area—Approximately 50 km north-east of Streaky Bay.
 Pastoral Leases: Lockes Claypan, Narlaby and Gawler Ranges CR.
 Term: 2 years
 Area in km²: 571
 Ref.: 2013/00173

Plan and co-ordinates can be found on the DMITRE website: http://www.minerals.dmitre.sa.gov.au/public_notices or by phoning Mineral Tenements on (08) 8463 3103.

J. MARTIN, Mining Registrar

MINING ACT 1971

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

Applicant: Panda Mining Pty Ltd
 Location: Birthday Area—Approximately 45 km south-south-east of Woomera.
 Pastoral Leases: Oakden Hills, Pernatty and Arcoona.
 Term: 2 years
 Area in km²: 246
 Ref.: 2013/00200

Plan and co-ordinates can be found on the DMITRE website: http://www.minerals.dmitre.sa.gov.au/public_notices or by phoning Mineral Tenements on (08) 8463 3103.

J. MARTIN, Mining Registrar

MINING ACT 1971

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

Applicant: Minotaur Operations Pty Ltd
 Location: Cockburn Area—Approximately 59 km north-east of Olary
 Pastoral Leases: Wompinie, Pine Creek and Mutooroo.
 Term: 2 years
 Area in km²: 84
 Ref.: 2014/00035

Plan and co-ordinates can be found on the DMITRE website: http://www.minerals.dmitre.sa.gov.au/public_notices or by phoning Mineral Tenements on (08) 8463 3103.

J. MARTIN, Mining Registrar

MINING ACT 1971

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

Applicant: Marmota Energy Limited
 Location: Lake Cootabarlow Area—Approximately 160 km east-north-east of Leigh Creek.
 Pastoral Lease: Frome Downs

Term: 2 years
 Area in km²: 30
 Ref.: 2014/00038

Plan and co-ordinates can be found on the DMITRE website: http://www.minerals.dmitre.sa.gov.au/public_notices or by phoning Mineral Tenements on (08) 8463 3103.

J. MARTIN, Mining Registrar

MINING ACT 1971

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

Applicant: Havilah Resources NL
 Location: Prospect Hill Area—Approximately 145 km east-south-east of Marree.
 Pastoral Leases: Murnpeowie and Moolawatana.
 Term: 2 years
 Area in km²: 30
 Ref.: 2014/00042

Plan and co-ordinates can be found on the DMITRE website: http://www.minerals.dmitre.sa.gov.au/public_notices or by phoning Mineral Tenements on (08) 8463 3103.

J. MARTIN, Mining Registrar

MINING ACT 1971

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

Applicant: SA Exploration Pty Ltd
 Location: Ketchowla Area—Approximately 40 km north-east of Burra.
 Term: 2 years
 Area in km²: 445
 Ref.: 2014/00044

Plan and co-ordinates can be found on the DMITRE website: http://www.minerals.dmitre.sa.gov.au/public_notices or by phoning Mineral Tenements on (08) 8463 3103.

J. MARTIN, Mining Registrar

MINING ACT 1971

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

Applicant: Cauldron Energy Limited (60%), Daewoo International Australia Pty Ltd (10%), Kores Australia Marree Pty Ltd (20%), Resources Investments (Marree) Pty Ltd (10%)

Location: Old Hut Area—Approximately 120 km east-south-east of Marree.
 Pastoral Leases: Mount Freeling, Mount Lyndhurst and Murnpeowie.

Term: 2 years
 Area in km²: 223
 Ref.: 2014/00045

Plan and co-ordinates can be found on the DMITRE website: http://www.minerals.dmitre.sa.gov.au/public_notices or by phoning Mineral Tenements on (08) 8463 3103.

J. MARTIN, Mining Registrar

MINING ACT 1971

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

Applicant: SA Exploration Pty Ltd
 Location: Middlecamp Hills Area—Approximately 50 km west and 17 km west-north-west of Cowell.
 Term: 2 years
 Area in km²: 93
 Ref.: 2014/00047

Plan and co-ordinates can be found on the DMITRE website: http://www.minerals.dmitre.sa.gov.au/public_notices or by phoning Mineral Tenements on (08) 8463 3103.

J. MARTIN, Mining Registrar

MINING ACT 1971

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

Applicant: Menninnie Metals Pty Ltd
 Location: Kolendo Area—Approximately 70 km north-north-west of Kimba.
 Pastoral Leases: Kolendo, Nonning and Mount Ive.
 Term: 2 years
 Area in km²: 208
 Ref.: 2014/00048

Plan and co-ordinates can be found on the DMITRE website: http://www.minerals.dmitre.sa.gov.au/public_notices or by phoning Mineral Tenements on (08) 8463 3103.

J. MARTIN, Mining Registrar

MINING ACT 1971

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

Applicant: Investigator Resources Limited
 Location: The Hummocks Area—Approximately 80 km west-south-west of Burra.
 Term: 2 years
 Area in km²: 834
 Ref.: 2014/00049

Plan and co-ordinates can be found on the DMITRE website: http://www.minerals.dmitre.sa.gov.au/public_notices or by phoning Mineral Tenements on (08) 8463 3103.

J. MARTIN, Mining Registrar

MINING ACT 1971

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

Applicant: Tasman Resources Limited
 Location: Andamooka Area—Immediately east-north-east of Andamooka.

Pastoral Lease: Andamooka

Term: 2 years
 Area in km²: 12
 Ref.: 2014/00059

Plan and co-ordinates can be found on the DMITRE website: http://www.minerals.dmitre.sa.gov.au/public_notices or by phoning Mineral Tenements on (08) 8463 3103.

J. MARTIN, Mining Registrar

MINING ACT 1971

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

Applicant: Challenger Gold Operations Pty Ltd
 Location: Barton West Area—Approximately 210 km west-north-west of Tarcoola.
 Term: 2 years
 Area in km²: 244
 Ref.: 2013/00162

Plan and co-ordinates can be found on the DMITRE website: http://www.minerals.dmitre.sa.gov.au/public_notices or by phoning Mineral Tenements on (08) 8463 3103.

J. MARTIN, Mining Registrar

NATIONAL ELECTRICITY LAW

THE Australian Energy Market Commission (AEMC) gives notice under the National Electricity Law as follows:

Under ss 102 and 103, the making of the *National Electricity Amendment (Minor Changes) Rule 2014 No. 5* and related final determination. Schedule 1 commences on **1 July 2014** and Schedule 2 commences on **1 October 2014**.

Documents referred to above are available on the AEMC's website and are available for inspection at the AEMC's office.

Australian Energy Market Commission
 Level 6, 201 Elizabeth Street,
 Sydney, N.S.W. 2000
 Telephone: (02) 8296 7800
 Website: www.aemc.gov.au

22 May 2014.

NATIONAL GAS LAW

THE Australian Energy Market Commission (AEMC) gives notice under the National Gas Law as follows:

Under ss 311 and 313, the making of the *National Gas Amendment (Minor Changes) Rule 2014 No. 4* and related final determination. All provisions commence on **1 July 2014**.

Documents referred to above are available on the AEMC's website and are available for inspection at the AEMC's office.

Australian Energy Market Commission
 Level 6, 201 Elizabeth Street,
 Sydney, N.S.W. 2000
 Telephone: (02) 8296 7800
www.aemc.gov.au

22 May 2014.

NATIONAL PARKS AND WILDLIFE ACT 1972

Deep Creek and Talisker Conservation Parks Management Plan Draft Amendment

I, JOHN ERWIN SCHUTZ, Director of National Parks and Wildlife, hereby give notice under the provisions of Section 38 of the National Parks and Wildlife Act 1972, that a draft amendment to the Deep Creek and Talisker Conservation Parks Management Plan has been prepared.

Copies of the draft amendment may be obtained from the Department of Environment, Water and Natural Resources at any of the following locations:

- Customer Service Centre—Level 1, 100 Pirie Street, Adelaide, S.A. 5000. Phone: 8204 1910.
- Victor Harbor Office—41 Victoria Street, Victor Harbor, S.A. 5211. Phone: (08) 8598 0263.
- www.environment.sa.gov.au/parkmanagement

Any person may make representations in connection with the draft amendment during the period up to and including 29 August 2014.

Submissions should be forwarded in writing to the Co-ordinator, Protected Area Management, Department of Environment, Water and Natural Resources, G.P.O. Box 1047, Adelaide, S.A. 5001 or e-mailed to DEWNRProtectedAreaManagement@sa.gov.au.

Dated 22 May 2014.

J. E. SCHUTZ, Director of National Parks and Wildlife, Delegate of the Minister for Sustainability, Environment and Conservation

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

SECTION 25 (5) (b)

Variation of Petroleum Exploration Licence—PEL 512

NOTICE is hereby given that under the provisions of the Petroleum and Geothermal Energy Act 2000, pursuant to delegated powers dated 21 March 2012, the conditions of the abovementioned Exploration Licence have been varied as follows:

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

- ‘1. During the term of the licence, the Licensee shall carry out or cause to be carried out, exploratory operations on the area comprised in the licence in accordance with such work programs as are approved by the Minister from time to time. Years one to five exploratory operations are guaranteed. These exploratory operations shall include but not necessarily be limited to:

Year of Term of Licence	Minimum Work Requirements
One	• Geological and Geophysical studies.
Two	• 100 km ² 3D seismic
Three	• Drill two wells. • 200 km ² 3D seismic • 100 km 2D seismic
Four	• Drill two wells. • 200 km ² 3D seismic
Five	• Drill three wells.

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

Dated 14 May 2014.

B. A. GOLDSTEIN,
Executive Director,
Energy Resources Division,
Department for Manufacturing, Innovation,
Trade, Resources and Energy
Delegate of the Minister for Mineral
Resources and Energy

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

Suspension of Petroleum Exploration Licence—PEL 512

PURSUANT to Section 90 of the Petroleum and Geothermal Energy Act 2000, notice is hereby given that the abovementioned Petroleum Exploration Licence has been suspended for the period from and including 9 May 2014 until 8 November 2014, under the provisions of the Petroleum and Geothermal Energy Act 2000, pursuant to delegated powers dated 21 March 2012.

The expiry date of PEL 512 is now determined to be 27 April 2018.

Dated 14 May 2014.

B. A. GOLDSTEIN,
Executive Director,
Energy Resources Division,
Department for Manufacturing, Innovation,
Trade, Resources and Energy
Delegate of the Minister for Mineral
Resources and Energy

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

Suspension of Geothermal Exploration Licences—GELs 267, 269 and 273

PURSUANT to Section 90 of the Petroleum and Geothermal Energy Act 2000, notice is hereby given that the abovementioned Geothermal Exploration Licences have been suspended for the period from and including 3 June 2014 to 2 June 2015, under the provisions of the Petroleum and Geothermal Energy Act 2000, pursuant to delegated powers dated 21 March 2012.

The expiry date of GELs 267, 269 and 273 is now determined to be 22 May 2017.

Dated 14 May 2014.

B. A. GOLDSTEIN,
Executive Director,
Energy Resources Division
Department for Manufacturing, Innovation,
Trade, Resources and Energy
Delegate of the Minister for Mineral
Resources and Energy

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

Suspension of Geothermal Exploration Licences—GELs 316, 317 and 320

PURSUANT to Section 90 of the Petroleum and Geothermal Energy Act 2000, notice is hereby given that the abovementioned Geothermal Exploration Licences have been suspended for the period from and including 1 June 2014 to 31 May 2015, under the provisions of the Petroleum and Geothermal Energy Act 2000, pursuant to delegated powers dated 21 March 2012.

The expiry date of GELs 316, 317 and 320 is now determined to be 1 June 2017.

Dated 14 May 2014.

B. A. GOLDSTEIN,
Executive Director,
Energy Resources Division
Department for Manufacturing, Innovation,
Trade, Resources and Energy
Delegate of the Minister for Mineral
Resources and Energy

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

SECTION 25 (5) (b)

Variation of Petroleum Exploration Licence—PEL 516

NOTICE is hereby given that under the provisions of the Petroleum and Geothermal Energy Act 2000, pursuant to delegated powers dated 21 March 2012, the conditions of the abovementioned Exploration Licence have been varied as follows:

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

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

Year of Term of Licence	Minimum Work Requirements
One	Drill two wells.
Two	Drill three wells.
Three	Drill one well.
Four	Drill one well.
Five	Drill two wells.

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

Dated 13 May 2014.

B. A. GOLDSTEIN,
 Executive Director,
 Energy Resources Division
 Department for Manufacturing,
 Innovation, Trade, Resources and Energy
 Delegate of the Minister for Mineral
 Resources and Energy

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

*Grant of Associated Activities Licence—AAL 206**(Adjunct to Petroleum Retention Licence PRL 105)*

NOTICE is hereby given that the undermentioned Associated Activities Licence has been granted with effect from 15 May 2014, under the provisions of the Petroleum and Geothermal Energy Act 2000, pursuant to delegated powers dated 21 March 2012.

No. of Licence	Licensees	Locality	Reference
AAL 206	Victoria Oil Exploration (1977) Pty Ltd Stuart Petroleum Pty Ltd	Cooper Basin	F2014/000090

Description of Application Area

All that part of the State of South Australia, bounded as follows:

Commencing at a point being the intersection of latitude 28°16'20"S GDA 94 and longitude 140°51'10"E GDA 94, thence east to longitude 140°51'50"E AGD 66, south to latitude 28°16'50"S AGD66, west to longitude 140°51'40"E AGD66, south to latitude 28°17'10"S AGD66, west to longitude 140°51'30"E AGD66, south to latitude 28°17'20"S AGD66, west to longitude 140°51'10"E GDA 94 and north to the point of commencement.

Area: 1.70 km² approximately.

Dated 15 May 2012.

B. A. GOLDSTEIN,
Executive Director,
Energy Resources Division,
Department for Manufacturing, Innovation, Trade, Resources and Energy
Delegate of the Minister for Mineral Resources and Energy

PROFESSIONAL STANDARDS ACT 2004

The Victorian Bar Professional Standards Scheme

PURSUANT to Section 14 (1) of the Professional Standards Act 2004, I authorise the publication in the *Gazette* of The Victorian Bar Professional Standards Scheme.

Pursuant to Section 15 (1) (a) of the Professional Standards Act 2004, I specify 1 July 2014 as the date of commencement of The Victorian Bar Professional Standards Scheme.

Dated 15 May 2014.

JOHN RAU, Deputy Premier, Attorney-General

THE VICTORIAN BAR PROFESSIONAL STANDARDS SCHEME

A Scheme under the *Professional Standards Act 2003* (Vic)

PREAMBLE

Occupational Association

- A. The Victorian Bar Inc ('the Victorian Bar') is an incorporated association constituted under the *Associations Incorporation Act 1981*.
- B. The occupational group represented by the Victorian Bar consists of barristers practising in Victoria.
- C. With effect from 1 July 2008 the Victorian Bar has had in operation the Victorian Bar Professional Standards Scheme under the *Professional Standards Act 2003* (Vic) ('the Act'). That Scheme expires on 30 June 2013, subject to any extension. The Victorian Bar has applied for an extension of 12 months of the period for which that Scheme is in force, that is to say, until 30 June 2014.
- D. By way of renewal, the Victorian Bar has applied for approval and gazettal of the Victorian Bar Professional Standards Scheme ('the Scheme') as a scheme under the Act). The Scheme has a specified commencement date of 1 July 2014.
- E. The Scheme applies to those persons referred to below in clause 3. The Scheme does not apply to all members of the Victorian Bar.
- F. The Scheme limits the occupational liability of Scheme members who provide services to the public.
- G. The approximate number of members eligible to apply to have the Scheme apply to them is 1 922.
- H. The objectives of the Victorian Bar are expressed in clause 3 of its Constitution and include:
 - (a) to maintain in the public interest a strong and independent Bar in the State of Victoria;
 - (b) to promote, foster and develop within the executive and legislative arms of the Government of Victoria and within the general community, an understanding and appreciation that a strong and independent Bar is indispensable to the rule of law and to the continuation of a democratic society;
 - (c) to improve the relationship between the Victorian Bar and the executive and legislative arms of the Government of Victoria without in any way diminishing the independence of the Victorian Bar and its members;
 - (d) to promote, maintain and improve the quality of the Victorian Bar;
 - (e) to seek to ensure that access to the courts is open to all members of the community;

- (f) to arrange training for Bar Readers and regulate entry to membership of the Bar;
- (g) to arrange and promote Continuing Professional Development;
- (h) to promote the resolution of disputes by mediation, arbitration and other appropriate methods of alternative dispute resolution;
- (i) to perform such functions as may be assigned, permitted, referred or delegated to the Victorian Bar by or under legislation regulating the legal profession or the practice of law;
- (j) to seek to ensure that as far as practicable chambers are available for counsel;
- (k) to seek to promote the welfare of members of the Victorian Bar;
- (l) to promote the rule of law including the proper administration of justice; and
- (m) without limiting (l), to make recommendations with respect to legislation, law reform, rules of court and the business and procedure of courts.

Nature of the Scheme

- I. The Scheme operates for the purpose of improving the occupational standards of professionals, and others, and to protect the consumers of their services. It also limits the civil liability of persons to whom the Scheme applies.
- J. The liability limited by the Scheme includes, to the extent permitted by the Act, civil liability arising (in tort, contract or otherwise) directly or vicariously from anything done or omitted by a member of the Victorian Bar or to any person to whom this Scheme applies in acting in the performance of his or her occupation. However the Scheme does not apply to liability for damages arising from any matter to which the Act does not apply.
- K. The Scheme does not affect damages which are below the monetary ceiling specified in the Scheme for each member. The Scheme limits liability for damages to the monetary ceiling specified for that member provided that the person has insurance as required by section 23 of the Act.

Risk Management

- L. The Victorian Bar has adopted strategies which cover requirements for professional entry to practice at the Bar and continuing professional development in the areas of ethics and regulation of the profession, management, substantive law, practice and procedure, evidence, advocacy, mediation and other barristers' skills.
- M. The complaints and disciplinary system operates pursuant to the requirements of the *Legal Profession Act 2004*.
- N. The Bar Association will report annually on the implementation and monitoring of its risk management strategies, the effect of those strategies and any changes made or proposed to be made to them.

Standards of Insurance

- O. Scheme members are required to maintain current professional indemnity insurance policies required of barristers with a Victorian practising certificate and otherwise to comply with any regulations relating to professional indemnity insurance from time to time of the Victorian Bar Council.
- P. The Legal Services Board determines the statutory minimum level of professional indemnity insurance required to be taken out by barristers and also approves the professional indemnity insurance policy on offer from the Legal Practitioners Liability Committee.

Claims Monitoring

- Q. The Victorian Bar has established a relationship with the Legal Practitioners Liability Committee who provides cover for Scheme members which will ensure the Victorian Bar will be able to obtain and monitor claims data. The Victorian Bar will report annually on claims monitoring, tactics, performance measures and monitoring systems.

Complaints and Discipline

- R. Scheme members are subject to a complaints and discipline system operating under the *Legal Profession Act 2004*. All scheme members must comply with the provisions of that Act, the Constitution and rules and regulations of the Victorian Bar.

Scheme Administration

- S. Responsibility for administration of the Scheme and ensuring that it complies with the requirements of the Act and of the Professional Standards Council rests with the Victorian Bar.

THE VICTORIAN BAR PROFESSIONAL STANDARDS SCHEME

1. Occupational Association

- (1) The Victorian Bar Professional Standards Scheme is a scheme under the *Professional Standards Act 2003 (Vic)* ('the Act') of the Victorian Bar whose registered address is 205 William Street Melbourne, Victoria.

2. Definitions

- (1) Unless the context otherwise requires -
 - 'damages' has the meaning given it in section 4 of the Act;
 - 'Scheme register' means the register of members to whom the Scheme applies maintained by the Victorian Bar Council;
 - 'the Act' means the *Professional Standards Act 2003 (Vic)* as amended from time to time.

3. Persons to whom the Scheme applies (participating members and other persons)

- (1) The Scheme applies:
 - (a) to the class of persons within the Victorian Bar more particularly specified in sub-clause 3(2) of this Scheme document; and
 - (b) to persons to whom the Scheme applies by virtue of sections 20, 21 and 22 of the Act.
- (2) The class of Scheme members referred to in sub-clause 3(1)(a) comprises all members of the Victorian Bar -
 - (a) who hold a current practising certificate issued by the Victorian Legal Services Board or the Victorian Bar;
 - (b) who are admitted to membership of the Scheme by resolution of the Victorian Bar Council; and
 - (c) whose names remain on the Scheme register maintained by the Victorian Bar Council.
- (3) On application in writing by a member to whom the Scheme applies, the Victorian Bar may exempt the member from the Scheme.

4. Limitation of Liability

- (1) If a person to whom the Scheme applies and against whom a cause of action relating to occupational liability is brought, is able to satisfy the court that the person has the benefit of an insurance policy or more than one insurance policy -

- (a) that insures the person against that occupational liability; and
- (b) under which the amount payable in respect of the occupational liability relating to that cause of action is not less than the maximum amount of liability specified in the Scheme in relation to the class of person and the kind of work to which the cause of action relates at the time at which the act or omission giving rise to the cause of action occurred,

the person is not liable in damages in relation to that cause of action for anything done or omitted on or after the commencement of the Scheme for any amount above the monetary ceiling (a maximum amount of liability) subject to clause 4(2), of \$2 million.

- (2) If on application from time to time or at any time by a person to whom the Scheme applies, in all cases or any specified case or class of case, the Victorian Bar has specified pursuant to the conferral of discretionary authority in clause 5 of this Scheme document a higher maximum amount of liability than would otherwise apply under the Scheme in relation to the person, the monetary ceiling (maximum amount of liability) in relation to that person either in all cases or in any specified case or class of case (as the case may be) is that higher maximum amount of liability.

- (3) In this Scheme document -

- (a) 'occupational liability' has the same meaning as it has in the Act and excludes any liability which may not from time to time be limited pursuant to the Act; and
- (b) a reference in clause 4(1) to the amount payable under an insurance policy in respect of occupational liability includes a reference to -
 - (i) defence costs payable in respect of a claim, or notification that may lead to a claim (other than reimbursement of the defendant for time spent in relation to the claim), but only if those costs are payable out of the one sum insured under the policy in respect of the occupational liability; and
 - (ii) the amount payable or in relation to the policy by way of excess.

- (4) If the provisions of section 23 of the Act are amended by any subsequent Act or Acts, the provisions of clause 4(1) above shall be taken to have been amended correspondingly and shall operate as so amended.

5. Discretionary authority

- (1) The Victorian Bar has a discretionary authority, on application from time to time or at any time by a person to whom the Scheme applies, to specify in relation to the person a higher maximum amount of liability than would otherwise apply under the scheme in relation to the person either in all cases or in any specified case or class of case.

6. Commencement of the Scheme

- (1) The Scheme is intended to commence on 1 July 2014 in Victoria, New South Wales, Queensland, South Australia, Western Australia, the Australian Capital Territory and the Northern Territory.
- (2) If the Scheme or a notice relating to the Scheme is published in the gazette of any jurisdiction after 1 July 2014, the Scheme will commence in that jurisdiction on the date which is two months after the date of its publication in the Government Gazette of that jurisdiction.

7. Duration

- (1) It is intended for the Scheme to remain in force in Victoria for a period of five years from its commencement unless it is revoked, extended or otherwise ceases in accordance with section 34 of the Act.
- (2) It is intended for the Scheme to remain in force in New South Wales, Queensland, South Australia, Western Australia, the Australian Capital Territory and the Northern Territory respectively until:
 - (a) that period of five years from its commencement ends; or
 - (b) the Scheme's operation in relation to any of those respective jurisdictions is terminated; or
 - (c) the Scheme ceases to have effect in Victoria; or
 - (d) the Scheme is disallowed under legislation of any of those respective jurisdictions.

8. Territorial application of the Scheme

- (1) The Scheme is intended to operate as a scheme of Victoria, New South Wales, Queensland, South Australia, Western Australia, the Australian Capital Territory and the Northern Territory.
-

PROFESSIONAL STANDARDS ACT 2004

Law Society of Western Australia Scheme

PURSUANT to Section 14 (1) of the Professional Standards Act 2004, I authorise the publication in the *Gazette* of the Law Society of Western Australia Scheme.

Pursuant to Section 15 (1) (a) of the Professional Standards Act 2004, I specify 1 July 2014 as the date of commencement of the Law Society of Western Australia Scheme.

Dated 15 May 2014.

JOHN RAU, Deputy Premier, Attorney-General

THE LAW SOCIETY OF WESTERN AUSTRALIA SCHEME*Professional Standards Act 1997 (WA)***PREAMBLE**

- A. The Law Society of Western Australia ("Law Society WA") is a voluntary occupational association for legal practitioners in Western Australia.
- B. The Law Society WA has made an application to the Professional Standards Council ("PS Council") appointed under the *Professional Standards Act 1997 WA* ("Act"), for a scheme under the Act and this document comprises the scheme ("Scheme").
- C. The scheme has been prepared by the Law Society WA for the purpose of limiting Occupational Liability of Participating Members to the extent to which such liability may be limited under the Act.
- D. The Scheme is to apply to all Participating Members.
- E. The Law Society WA has furnished the PS Council with a detailed list of the risk management strategies intended to be implemented in respect of its Participating Members and the means by which those strategies are intended to be implemented.
- F. The Scheme is intended to remain in force for a period of five (5) years from its commencement, subject to section 44A of the Act.
- G. The Scheme commences on 1 July 2014.
- H. The scheme is intended to apply in Western Australia, New South Wales, Victoria, Queensland and South Australia, Northern Territory and Australian Capital Territory.

THE LAW SOCIETY OF WESTERN AUSTRALIA SCHEME**1 Preparation of the Scheme**

1.1 The Scheme is a scheme under the *Professional Standards Act 1997 WA* prepared by the Law Society WA whose business address is Level 4, 160 St Georges Terrace, Perth, Western Australia.

1.2 Relevant definitions for the purpose of this Scheme are as follows:

"Australian Practising Certificate" has the same meaning as it has in the *Legal Profession Act 2008 WA*.

"Court" has the same meaning as it has in the Act.

"Damages" has the same meaning as it has in the Act.

"Financial Year" means a financial accounting period ending 30 June.

"Occupational liability" has the same meaning as it has in the Act.

"Participating Members" means those persons specified in clause 2.1 of the Scheme.

“Principal” has the same meaning as in section 6(3) of the LP Act:

A principal of a law practice is an Australian legal practitioner who is —

- a sole practitioner (in the case of a law practice constituted by the practitioner); or
- a partner in the law practice (in the case of a law firm); or
- a legal practitioner director in the law practice (in the case of an incorporated legal practice); or
- a legal practitioner partner in the law practice (in the case of a multi-disciplinary partnership).

“Relevant Time” refers to the time at which the act or omission occurs, not the time when the claim is brought.

“Total Annual Fee Income” means the amount charged during a Financial Year for services provided by or on behalf of a law practice some of whose members are Participating Members.

2 Persons to Whom the Scheme Applies

2.1 The Scheme applies to:

2.1.1 Incorporated Legal Practice members, and ordinary and life members of the Law Society who hold an Australian Practising Certificate who are not exempted under clause 3.2 of the Scheme;

2.1.2 All persons to whom, by virtue of sections 31, 32, 33 and 34A of the Act, the Scheme applies;

2.1.3 All persons to whom clause 2.1.1 applied at the Relevant Time but no longer applies;

2.1.4 All persons to whom clause 2.1.2 applied at the Relevant Time but no longer applies.

2.2 A person referred to in clause 2.1 may, on application by that person, be exempted by the Law Society WA from participation in the Scheme.

3 Limitation of liability

3.1 The Scheme only limits the Occupational Liability of a Participating Member for damages¹:

3.1.1 arising from a single cause of action founded on an act or omission occurring during the period when the Scheme was in force, of any person to whom the Scheme applied at the time of the act or omission.

¹ “Damages” as defined in section 4 of the Act means —

- (a) damages awarded in respect of a claim or counter-claim or claim by way of set-off; and
- (b) costs in or in relation to the proceedings ordered to be paid in connection with such an award (other than costs incurred in enforcing a judgment or incurred on an appeal made by the defendant); and
- (c) any interest payable on the amount of those damages or costs.

3.1.2 to the extent that those Damages exceed \$1.5 million for Participating Members in class 1 of the table in clause 3.3, or, as the case may be, \$5 million for Participating Members in class 2 and \$10 million for Participating Members in class 3.

3.2 If a Participating Member against whom a proceeding relating to Occupational Liability is brought is able to satisfy the Court that:

3.2.1 the Participating Member has the benefit of an insurance policy or policies insuring him or her against the occupational liability to which the cause of action relates; and

3.2.2 the amount payable under the policy or policies in respect of that occupational liability is not less than the amount of the monetary ceiling (maximum amount of liability) specified in clause 3.3 as applying to such Participating Member to which the cause of action relates,

the Participating Member is not liable for damages in relation to that cause of action above the amount of that monetary ceiling.

3.3 The monetary ceiling (maximum amount of liability) applicable for the purpose of limitation of liability under the Scheme at the Relevant Time is to be determined according to the following table.

Tier	Description	Monetary ceiling (Maximum amount of liability)
1	Participating Members who were at the Relevant Time in a Law Practice that generated a total annual fee income for the financial year immediately preceding the Relevant Time up to and including \$5 million	\$1.5 million
2	Participating Members who were at the Relevant Time in a Law Practice that generated a total annual fee income for the financial year immediately preceding the Relevant Time of more than \$5 million and up to \$10 million	\$5 million
3	Participating Members who were at the Relevant Time in a Law Practice that Generated a total annual fee income for the financial year immediately preceding the Relevant Time of more than \$10 million	\$10 million

4 Conferral of discretionary authority

4.1 The Law Society WA has discretionary authority, on application by a Participating Member, to specify in relation to a Participating Member, a higher maximum amount of liability (monetary ceiling) than would otherwise apply under the Scheme in relation to him or her either in all cases or any specified case or class of case.

- 4.2 If, in exercise of its discretion under clause 4.1 the Law Society of WA has specified a higher maximum amount of liability (monetary ceiling) than would otherwise apply under the Scheme in relation to a Participating Member, the maximum amount of liability (monetary ceiling) in relation to that Participating Member is that higher maximum amount.

5 Duration

- 5.1 Subject to section 44A of the Act, the Scheme will remain in force for a period of 5 years from the date of commencement. The date of the Scheme's commencement is 1 July 2014.
-

PROFESSIONAL STANDARDS ACT 2004

The Western Australian Bar Association Scheme

PURSUANT to Section 14 (1) of the Professional Standards Act 2004, I authorise the publication in the *Gazette* of the Western Australian Bar Association Scheme.

Pursuant to Section 15 (1) (a) of the Professional Standards Act 2004, I specify 1 July 2014 as the date of commencement of the Western Australian Bar Association Scheme.

Dated 15 May 2014.

JOHN RAU, Deputy Premier, Attorney-General

*Professional Standards Act 1997 (WA)***THE WESTERN AUSTRALIAN BAR ASSOCIATION SCHEME****PREAMBLE****Occupational Association**

- A. The Western Australian Bar Association (**Association**) is an occupational association, constituted as an incorporated body under the *Associations Incorporation Act 1987 (WA)*.
- B. The Association represents independent barristers practising in Western Australia, who are members of the Association.
- C. The Western Australian Bar Association Scheme (**the Scheme**) is a scheme under the *Professional Standards Act 1997 (WA)* (**the Act**) prepared by the Association whose business address is: 16th Floor, Allendale Square, 77 St George's Terrace, Perth WA 6000.
- D. The Scheme limits the occupational liability of Scheme Participants who provide services to the public.
- E. The approximate number of members eligible to be Scheme Participants is presently 195.
- F. The objectives of the Association are expressed in clause 2 of its Constitution and include:
- (a) To promote the worthy traditions of the Western Australian Bar.
 - (b) To uphold the honour and promote the interests of the Bar.
 - (c) To promote fair and honourable practice by and amongst barristers.
 - (d) To confer and collaborate with and in matters relating to the practice of the law generally to act through the Law Society of Western Australia Incorporated (Law Society), and to that end, to enter into arrangements with that Law Society whereby Members of the Association can be provided with the benefits of membership of the Law Society.
 - (e) To join or affiliate with the Australian Bar Association (ABA) and the Law Council of Australia (LCA).
 - (f) To further legal education and study including by providing or arranging a Bar Readers' Course for barristers or persons aspiring to join the Bar and to provide continuing legal education to its Members or to other legal professionals.
 - (g) To encourage friendly relations and social and sporting activities among Members.
 - (h) To assist needy Members and ex-Members and dependents of Members, ex-Members and deceased Members.
 - (i) To provide funds and facilities for and to do all such things as are conducive or incidental to the attainment of the above objects or any of them.

Nature of the Scheme

- G. The Scheme operates for the purpose of improving the occupational standards of professionals and others, and to protect the consumers of their services. It also limits the civil liability of persons to whom the Scheme applies.
- H. The liability limited by the Scheme includes, to the extent permitted by the Act, civil liability arising (in tort, contract or otherwise) directly or vicariously from anything done or omitted by a Scheme Participant in acting in the performance of his or her occupation. However the Scheme does not apply to liability for damages arising from any matter to which the Act does not apply.
- I. The Scheme does not affect damages which are below the monetary ceiling specified in the Scheme for each Scheme Participant. The Scheme limits liability for damages to the monetary ceiling specified for that Scheme Participant provided that the person has insurance as required by s 34 of the Act.

Risk Management

- J. The Association has adopted strategies which cover requirements for admission as a member and continuing professional development in the areas of ethics and regulation of the profession; management; substantive law, practice and procedure, and evidence, advocacy, mediation and other barristers' skills.
- K. The complaints and disciplinary system operates pursuant to the requirements of the *Legal Profession Act 2008 (WA)*.
- L. The Association will report annually on the implementation and monitoring of its risk management strategies, the effect of those strategies and any changes made or proposed to be made to them.

Standards of Insurance

- M. Scheme Participants are required to maintain current professional indemnity insurance policies that comply with the standards determined by the Association and to comply with regulations relating to professional indemnity insurance.
- N. The *Legal Profession Act 2008 (WA)* and associated rules and regulations require (relevantly) that barristers have compulsory professional indemnity insurance. The Association reviews and determines such policies for the required standards for professional indemnity insurance cover.

Complaints and Discipline

- O. Scheme Participants are subject to a complaints and discipline system operating under the *Legal Profession Act 2008 (WA)*. All Scheme Participants must comply with the provisions of that Act, the Constitution and rules and regulations of the Association.

Scheme Administration

- P. The Scheme will be administered by the Association's Bar Council, the Professional Responsibility Committee, and the Association's staff.

Responsibility for administration of the Scheme and ensuring that it complies with the requirements of the Act and of the Professional Standards Council rests with the Association.

Duration of the Scheme

- Q. Subject to clause 44A of the Act, the Scheme commences on 1 July 2014 and will remain in force for five (5) years from its commencement.

THE WESTERN AUSTRALIAN BAR ASSOCIATION SCHEME

1. Occupational Association

- 1.1 The Association is an occupational association, constituted as an incorporated body under the *Associations Incorporation Act 1987 (WA)*.
- 1.2 The Association represents independent barristers practising in Western Australia, who are members of the Association.
- 1.3 The Western Australian Bar Association Scheme (**the Scheme**) is a scheme under the Professional Standards Act 1997 (WA) (**the Act**) prepared by the Western Australian Bar Association (**Association**) whose business address is: 16th Floor, Allendale Square, 77 St George's Terrace, Perth WA 6000.
- 1.4 Relevant definitions for the purposes of this Scheme (including the Preamble) are as follows:
 - (a) "court" has the same meaning as it has in the Act,
 - (b) "damages" has the same meaning as it has in the Act,
 - (c) "occupational liability" has the same meaning as it has in the Act,
 - (d) "Interstate Member" has the same meaning as in the Association's constitution, as amended from time to time,
 - (e) "relevant time" refers to the time of the act or omission that gave rise to the cause of action for occupational liability, and
 - (f) "Scheme Participant" means those persons specified in clause 2.1.

2. Persons to Whom the Scheme Applies

- 2.1 The Scheme applies to all persons who, at the relevant time:
 - 2.1.1 are members of the Association;
 - 2.1.2 are not exempted from participating in the Scheme under clause 2.2 or, if exempted, have had his/her exemption revoked in accordance with clause 2.3;
 - 2.1.3 have professional indemnity insurance in respect of a liability potentially limited by the Scheme of a kind which complies with the standards determined by the Association; and,
 - 2.1.4 by virtue of sections 31, 32, 33 and 33A of the Act, are covered by the Scheme, but does not apply to Interstate Members of the Association.
- 2.2 The Association may, upon application by a member, exempt a member from participation in the Scheme with effect from a date specified by the Association on or after the date on which the exemption is granted.
- 2.3 The Association may, upon application by a member, revoke an exemption of that person from participation in the Scheme with effect from a date specified by it.

3. Limitation of liability

- 3.1 This Scheme only affects the liability for damages arising from a single cause of action to the extent to which the liability results in damages exceeding \$500,000.
- 3.2 If a person, who was at the time of the act or omission giving rise to occupational liability, a person to whom the Scheme applied, against whom a proceeding relating to occupational liability is brought, is able to satisfy the court that such person has the benefit of an insurance policy:
- (a) of a kind which complies with the standards determined by the Association,
 - (b) insuring such person against that occupational liability, and
 - (c) under which the amount payable in respect of that occupational liability is not less than the monetary ceiling specified in clause 3.3 of this Scheme,
- that person is not liable in damages in relation to that cause of action above the monetary ceiling specified in clause 3.3 of this Scheme.
- 3.3 The monetary ceiling (maximum amount of liability) is \$2 million.
- 3.4 The monetary ceiling referred to in clause 3.3 above may be higher for a particular Scheme Participant if the Association has, on application by a Scheme Participant, approved a higher maximum amount of liability.
- 3.5 Clause 3.2 does not limit the amount of damages to which a person to whom the Scheme applies is liable if the amount is less than the amount specified in clause 3.3 in relation to a person to whom the Scheme applies.
- 3.6 The Scheme limits the occupational liability in respect of a cause of action founded on an act or omission occurring during the period when the Scheme was in force of any person to whom the Scheme applied at the time the act or omission occurred.

4. Discretionary authority

The Association will have a discretionary authority, on application by a Scheme Participant, to approve a higher maximum amount of liability than would otherwise apply under the Scheme in relation to that Scheme Participant.

5. Commencement and Duration of the Scheme

- 5.1 Subject to:
- 5.1.1 section 27 of the Act, the Scheme commences in Western Australia on 1 July 2014; and
 - 5.1.2 the corresponding law of a State or Territory, being a State or Territory referred to in clause 6, the Scheme commences in that State or Territory on 1 July 2014.

5.2 Subject to:

- 5.2.1 section 44A of the Act, the Scheme will remain in force in Western Australia for a period of 5 years from its commencement; and
- 5.2.2 the corresponding law of a State or Territory, being a State or Territory referred to in clause 6, the Scheme will remain in force in that State or Territory for a period of 5 years from its commencement.

6. Territorial application of the Scheme

The Scheme is intended to operate as a scheme of Western Australia, New South Wales, Queensland, South Australia, Victoria, the Australian Capital Territory and the Northern Territory.

South Australia

Road Traffic (Average Speed Camera Location – Port Wakefield Road) Notice 2013

Under section 175A of the *Road Traffic Act 1961*

1 - Short title

This notice may be cited as the *Road Traffic (Average Speed Camera Location – Port Wakefield Road) Notice 2013*

2 – Commencement

This notice comes into operation on the day on which it is published in the Gazette.

3 – Interpretation

In this notice –

Stub line has the same meaning as in the *Road Traffic (Miscellaneous) Regulations 1999*.

4 – Average speed camera locations on Port Wakefield Road for north bound vehicles

- (1) The following are 2 average speed camera locations on Port Wakefield Road at which north bound vehicles may be photographed by an average speed camera:
 - (a) Start location: the area of road in the vicinity of the stub line situated on the western side of Port Wakefield Road at right angles to the boundary of the road in line with a point in the centre of the road of approximate coordinates 138°29'40.102"E 34°34'54.866"S GDA 94 (a location approximately 2 kilometres north of Two Wells along Port Wakefield Road);
 - (b) End location: the area of road in the vicinity of the stub line situated on the western side of Port Wakefield Road at right angles to the boundary of the road in line with a point in the centre of the road of approximate coordinates 138°10'40.110"E 34°12'29.575"S GDA 94 (a location approximately 3.5 kilometres south of Port Wakefield along Port Wakefield Road).
- (2) The fastest practicable route between those 2 locations for north bound vehicles is along Port Wakefield Road.

- (3) The shortest distance that a north bound vehicle could travel along that route between the 2 locations (measured between the stub line at the start location and the stub line at the end location) is 51572 metres.

5 – Average speed camera locations on Port Wakefield Road for south bound vehicles

- (1) The following are 2 average speed camera locations on Port Wakefield Road at which south bound vehicles may be photographed by an average speed camera:
- (a) Start location: the area of road in the vicinity of the stub line situated on the eastern side of Port Wakefield Road at right angles to the boundary of that road in line with a point in the centre of the road of approximate coordinates 138°10'41.322"E 34°12'28.692"S GDA 94 (a location approximately 3.5 kilometres south of Port Wakefield along Port Wakefield Road);
- (b) End location: the area of road in the vicinity of the stub line situated on the eastern side of Port Wakefield Road at right angles to the boundary of that road in line with a point in the centre of the road of approximate coordinates 138°29'41.181"E 34°34'54.304"S GDA 94 (a location approximately 2 kilometres north of Two Wells along Port Wakefield Road).
- (2) The fastest practicable route between those 2 locations for south bound vehicles is along Port Wakefield Road.
- (3) The shortest distance that a south bound vehicle could travel along that route between the 2 locations (measured between the stub line at the start location and the stub line at the end location) is 51586 metres.

*I **Antony Bsted**, a licensed surveyor in South Australia do hereby certify the above measurements contained in part 4 and 5 above.*

Antony Bsted.

Dated: 10/12/13

Minister for Transport

South Australia

Administrative Arrangements (Committal of Acts) Proclamation 2014

under section 5 of the *Administrative Arrangements Act 1994*

1—Short title

This proclamation may be cited as the *Administrative Arrangements (Committal of Acts) Proclamation 2014*.

2—Commencement

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

3—Committal of Acts

The administration of an Act referred to in Schedule 1 is committed to the Minister whose title appears at the head of the list in which the Act appears.

Schedule 1—Acts committed to Ministers

Minister for Local Government

Outback Communities (Administration and Management) Act 2009

South Australian Local Government Grants Commission Act 1992

Minister for Planning

Adelaide Cemeteries Authority Act 2001

Private Parking Areas Act 1986

Made by the Governor

with the advice and consent of the Executive Council
on 22 May 2014

DPC14/032CS

South Australia

Administrative Arrangements (Conferral of Ministerial Functions and Powers) Proclamation 2014

under section 6 of the *Administrative Arrangements Act 1994*

1—Short title

This proclamation may be cited as the *Administrative Arrangements (Conferral of Ministerial Functions and Powers) Proclamation 2014*.

2—Commencement

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

3—Conferral of ministerial functions and powers

The ministerial functions and powers of the Minister for Local Government under Chapter 11 of the *Local Government Act 1999* are conferred on the Minister for Planning.

Made by the Governor

with the advice and consent of the Executive Council
on 22 May 2014

DPC14/032CS

South Australia

Legal Practitioners (Fees) Variation Regulations 2014

under the *Legal Practitioners Act 1981*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Legal Practitioners Regulations 2009*

- 4 Substitution of Schedule 2
- Schedule 2—Fees

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Legal Practitioners (Fees) Variation Regulations 2014*.

2—Commencement

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

3—Variation provisions

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

Part 2—Variation of *Legal Practitioners Regulations 2009*

4—Substitution of Schedule 2

Schedule 2—delete the Schedule and substitute:

Schedule 2—Fees

- | | | |
|---|-----------------------------------------------------------------------|-------------------------|
| 1 | For the issue or renewal of a practising certificate— | |
| | (a) for more than 6 months | \$394 fee
\$178 levy |
| | (b) for 6 months or less | \$231 fee
\$89 levy |
| 2 | Fee to accompany written notice provided under section 23D of the Act | \$30 |
| 3 | Fee to accompany an annual return lodged under section 24 of the Act | \$54 |

Note—

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

Made by the Governor

with the advice and consent of the Executive Council
on 22 May 2014

No 65 of 2014

AGO0065/14CS

GOVERNMENT GAZETTE ADVERTISEMENT RATES

To apply from 1 July 2013

	\$		\$
Agents, Ceasing to Act as.....	48.50	Firms:	
Associations:		Ceasing to Carry on Business (each insertion).....	32.25
Incorporation	24.50	Discontinuance Place of Business.....	32.25
Intention of Incorporation	61.00	Land—Real Property Act:	
Transfer of Properties	61.00	Intention to Sell, Notice of.....	61.00
Attorney, Appointment of.....	48.50	Lost Certificate of Title Notices	61.00
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Cemetery Curator Appointed.....	35.75	Mortgages:	
Companies:		Caveat Lodgement	24.50
Alteration to Constitution	48.50	Discharge of.....	25.75
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Declaration of Dividend.....	35.75	Sublet.....	12.40
Incorporation	48.50	Leases—Application for Transfer (2 insertions) each	12.40
Lost Share Certificates:		Lost Treasury Receipts (3 insertions) each	35.75
First Name.....	35.75	Licensing.....	71.50
Each Subsequent Name.....	12.40	Municipal or District Councils:	
Meeting Final.....	40.50	Annual Financial Statement—Forms 1 and 2	677.00
Meeting Final Regarding Liquidator's Report on		Electricity Supply—Forms 19 and 20.....	481.00
Conduct of Winding Up (equivalent to 'Final		Default in Payment of Rates:	
Meeting')		First Name	96.50
First Name.....	48.50	Each Subsequent Name.....	12.40
Each Subsequent Name	12.40	Noxious Trade	35.75
Notices:		Partnership, Dissolution of	35.75
Call.....	61.00	Petitions (small).....	24.50
Change of Name.....	24.50	Registered Building Societies (from Registrar-General)	24.50
Creditors.....	48.50	Register of Unclaimed Moneys—First Name	35.75
Creditors Compromise of Arrangement	48.50	Each Subsequent Name	12.40
Creditors (extraordinary resolution that 'the Com-		Registers of Members—Three pages and over:	
pany be wound up voluntarily and that a liquidator		Rate per page (in 8pt)	308.00
be appointed').....	61.00	Rate per page (in 6pt)	407.00
Release of Liquidator—Application—Large Ad	96.50	Sale of Land by Public Auction.....	61.50
—Release Granted	61.00	Advertisements.....	3.40
Receiver and Manager Appointed.....	55.50	¼ page advertisement	143.00
Receiver and Manager Ceasing to Act.....	48.50	½ page advertisement	287.00
Restored Name.....	45.25	Full page advertisement.....	562.00
Petition to Supreme Court for Winding Up.....	84.00	Advertisements, other than those listed are charged at \$3.40 per	
Summons in Action.....	71.50	column line, tabular one-third extra.	
Order of Supreme Court for Winding Up Action	48.50	Notices by Colleges, Universities, Corporations and District	
Register of Interests—Section 84 (1) Exempt	108.00	Councils to be charged at \$3.40 per line.	
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Proof of Debts.....	48.50	that which is usually published a charge of \$3.40 per column line	
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MISCELLANEOUS LEGISLATION AND GOVERNMENT PUBLICATIONS PRICES AS FROM 1 JULY 2013

Acts, Bills, Rules, Parliamentary Papers and Regulations

Pages	Main	Amends	Pages	Main	Amends
1-16	3.00	1.40	497-512	41.00	40.00
17-32	3.90	2.45	513-528	42.00	40.75
33-48	5.15	3.65	529-544	43.50	42.00
49-64	6.50	5.00	545-560	44.75	43.50
65-80	7.55	6.30	561-576	45.75	44.75
81-96	8.80	7.30	577-592	47.50	45.25
97-112	10.00	8.60	593-608	48.75	46.75
113-128	11.20	9.90	609-624	49.50	48.50
129-144	12.60	11.10	625-640	50.50	49.00
145-160	13.80	12.40	641-656	52.00	50.50
161-176	15.00	13.60	657-672	53.00	51.00
177-192	16.40	14.80	673-688	54.50	53.00
193-208	17.60	16.30	689-704	55.50	53.50
209-224	18.60	17.20	705-720	57.00	55.00
225-240	19.90	18.40	721-736	58.50	56.00
241-257	21.40	19.50	737-752	59.00	57.50
258-272	22.60	20.60	753-768	61.00	58.50
273-288	23.70	22.40	769-784	62.00	61.00
289-304	24.80	23.30	785-800	63.00	62.00
305-320	26.25	24.70	801-816	64.50	62.50
321-336	27.25	25.75	817-832	65.50	64.50
337-352	28.75	27.00	833-848	67.00	65.50
353-368	29.50	28.50	849-864	68.00	66.50
369-384	31.25	29.50	865-880	69.50	68.00
385-400	32.50	31.00	881-896	70.00	68.50
401-416	33.75	32.00	897-912	71.50	70.00
417-432	35.00	33.50	913-928	72.00	71.50
433-448	36.00	34.75	929-944	73.50	72.00
449-464	37.00	35.50	945-960	74.50	73.00
465-480	37.50	36.75	961-976	78.00	74.00
481-496	40.00	37.50	977-992	79.00	74.50

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BERRI BARMERA COUNCIL

Assignment of Road Names

NOTICE is hereby given that pursuant to the provisions of Section 219 of the Local Government Act 1999, the Berri Barmera Council, by delegate signature dated 7 September 2010, hereby assigns the road names shown on Rack Plans 958 and 1939 as part of the rural and urban addressing process.

The Rack Plans can be viewed at:

- the Office of the Surveyor-General, 101 Grenfell Street, Adelaide.
- the office of the Berri Barmera Council.
- the Berri Barmera Council website:
<http://www.berribarmera.sa.gov.au/page.aspx>
- the Land Services website at:
<http://www.sa.gov.au/topics/housing-property-and-land/local-governmenUrural-road-maps>

D. BEATON, Chief Executive Officer

THE FLINDERS RANGES COUNCIL

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

By-law No. 1 of 2014—Permits and Penalties

A by-law to create a permit system for Council by-laws, to fix maximum and continuing penalties for offences and for the construction of Council by-laws.

PART 1—PRELIMINARY

1. *Title*

This by-law may be cited as the Permits and Penalties By-law 2014 and is By-law No. 1 of The Flinders Ranges Council.

2. *Authorising Law*

This by-law is made under Section 246 of the Act and Sections 667 (1) 3.LIV and 9.XVI of the Local Government Act 1934.

3. *Purpose*

The objects of this by-law are to provide for the good rule and government of the Council area and for the convenience, comfort and safety of its inhabitants by:

- 3.1 creating a permit system for Council by-laws;
- 3.2 providing for the enforcement of breaches of Council by-laws and fixing penalties; and
- 3.3 clarifying the construction of Council by-laws.

4. *Commencement, Revocation and Expiry*

- 4.1 This by-law will expire on 1 January 2022.¹

Note:

¹ Pursuant to Section 251 of the Act, a by-law will expire on 1 January following the seventh anniversary of the *gazettal* of the by-law.

5. *Application*

- 5.1 This by-law applies throughout the Council area.

6. *Interpretation*

In this by-law, unless the contrary intention appears;

- 6.1 *Act* means the Local Government Act 1999;
- 6.2 *Council* means The Flinders Ranges Council;
- 6.3 *person* includes a body corporate.

Note:

Section 14 of the Interpretation Act 1915, provides that an expression used in this by-law has, unless the contrary intention appears, the same meaning as in the Act.

7. *Construction of By-laws Generally*

- 7.1 Every by-law of the Council is subject to any Act of Parliament and Regulations made thereunder.
- 7.2 In any by-law of the Council, unless the contrary intention appears permission means permission of the Council, granted in writing prior to the act, event or activity to which it relates.

PART 2—PERMITS AND PENALTIES

8. *Permits*

- 8.1 Where a by-law requires that permission be obtained, any person seeking the grant of permission must submit a written application to the Council in the form (if any) and accompanied by the fee (if any) prescribed by the Council.
- 8.2 The Council may attach such conditions as it thinks fit to a grant of permission, and may vary or revoke such conditions or impose new conditions by notice in writing to the person granted permission.
- 8.3 A person granted permission must comply with every such condition.
- 8.4 The Council may suspend or revoke a grant of permission at any time by notice in writing to the person granted permission.

9. *Offences and Penalties*

- 9.1 A person who commits a breach of any by-law of the Council is guilty of an offence and may be liable to pay:
 - 9.1.1 the maximum penalty, being the maximum penalty referred to in the Act that may be fixed for any breach of a by-law; or
 - 9.1.2 any expiation fee fixed by resolution of the Council for alleged offences against the Council's by-laws.
- 9.2 A person who commits a breach of a by-law of the Council of a continuing nature is guilty of an offence and, in addition to any other penalty that may be imposed, is liable to a further penalty for every day on which the offence continues, such penalty being the maximum amount referred to in the Act that may be fixed by a by-law for a breach of a by-law of a continuing nature.

Note:

The maximum penalty for a breach of a by-law is currently \$750, and the maximum penalty for every day in which a breach of a continuing nature continues is currently \$50—see Section 246 (3) (g) of the Act.

Pursuant to Section 246 (5) of the Act expiation fees may be fixed for alleged offences against by-laws either by a by-law or by resolution of the Council. However, an expiation fee fixed by the Council cannot exceed 25 per cent of the maximum penalty for the offence to which it relates.

This by-law was duly made and passed at a meeting of The Flinders Ranges Council held on 13 May 2014, 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. DAVIES, Chief Executive Officer

THE FLINDERS RANGES COUNCIL

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

By-law No. 2 of 2014—Local Government Land

A by-law to regulate the access to and use of Local Government land (other than roads), and certain public places.

PART 1—PRELIMINARY

1. *Title*

This by-law may be cited as the Local Government Land by-law 2014 and is By-law No. 2 of The Flinders Ranges Council.

2. *Authorising Law*

This by-law is made under Sections 238 and 246 of the Act and Sections 667 (1) 4.1 and 9.XVI of the Local Government Act 1934.

3. *Purpose*

The objectives of this by-law are to regulate the access to and use of Local Government land (other than roads), and certain public places:

- 3.1 to prevent and mitigate nuisances;
- 3.2 to prevent damage to Local Government land;
- 3.3 to protect the convenience, comfort and safety of members of the public;

- 3.4 to enhance the amenity of the Council area; and
- 3.5 for the good rule and government of the area.

4. Commencement, Revocation and Expiry

- 4.1 This by-law will expire on 1 January 2022.¹

Note:

¹ Pursuant to Section 251 of the Act, a by-law will expire on 1 January following the seventh anniversary of the gazettal of the by-law.

5. Application

- 5.1 This by-law operates subject to the Council's Permits and Penalties By-law 2014.
- 5.2 Subject to Clauses 5.3, this by-law applies throughout the Council area.
- 5.3 Clauses 9.3, 9.9.1, 9.13.2, 9.23.3, 9.33.1, 10.3 and 10.9.2 of this by-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with Section 246 (3) (e) of the Act.

6. Interpretation

In this by-law, unless the contrary intention appears:

- 6.1 *Act* means the Local Government Act 1999;
- 6.2 *animal or animals* includes birds and insects but does not include a dog;
- 6.3 *boat* includes a raft, pontoon or personal watercraft or other similar device;
- 6.4 *camp* includes setting up a camp, or causing a tent, caravan or motor home to remain on the land for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the land;
- 6.5 *Council* means The Flinders Ranges Council;
- 6.6 *electoral matter* has the same meaning as in the Electoral Act 1985, provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
- 6.7 *effective control* means a person exercising effective control of an animal either:
 - 6.7.1 by means of a physical restraint; or
 - 6.7.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 6.8 *emergency worker* has the same meaning as in the Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999;
- 6.9 *funeral ceremony* means a ceremony only (i.e. a memorial service) and does not include a burial;
- 6.10 *liquor* has the same meaning as in the Liquor Licensing Act 1997;
- 6.11 *Local Government land* means all land owned by the Council or under the Council's care, control and management (except roads);
- 6.12 *offensive* includes threatening, abusive, insulting or annoying behaviour and offend has a complementary meaning;
- 6.13 *open container* means a container which:
 - (a) after the contents of the container have been sealed at the time of manufacture:
 - (i) being a bottle, it has had its cap, cork or top removed (whether or not it has since been replaced);
 - (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 other form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to its contents; or
 - (v) is a flask, glass, mug or other container able to contain liquid.
- 6.14 *personal watercraft* means a device that:
 - 6.14.1 is propelled by a motor; and
 - 6.14.2 has a fully enclosed hull; and
 - 6.14.3 is designed not to retain water if capsized; and
 - 6.14.4 is designed to be operated by a person who sits astride, stands, or kneels on the device, and includes the device commonly referred to as a jet ski;
- 6.15 *tobacco product* has the same meaning as in the Tobacco Products Regulation Act 1997;
- 6.16 *vehicle* has the same meaning as in the Road Traffic Act 1961;
- 6.17 *waters* includes a body of water, including a pond, lake, river, creek or wetlands under the care, control and management of the Council.

Note:

Section 14 of the Interpretation Act 1915, provides that an expression used in a by-law has, unless the contrary intention appears, the same meaning as in the Acts under which the by-law was made.

PART 2—ACCESS TO LOCAL GOVERNMENT LAND

7. Access

Note:

Pursuant to Section 238 (7) of the Act, if a Council makes a by-law about access to or use of a particular piece of Local Government land (under Section 238), the Council must erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the by-law applies.

The Council may:

- 7.1 close, or regulate or restrict access to, any part of Local Government land to the public for specified times and days; and
- 7.2 fix charges or fees payable for entry onto any part of Local Government land.

8. Closed Lands

A person must not without permission, enter or remain on any Local Government land:

- 8.1 which has been closed, or in respect of which access by the public is regulated or restricted in accordance with clause 7.1;
- 8.2 where entry fees or charges are payable, without paying those fees or charges; or
- 8.3 where the land has been enclosed by fences and/or walls and gates that have been closed and locked.

PART 3—USE OF LOCAL GOVERNMENT LAND

9. Activities Requiring Permission

Note:

Pursuant to Section 238 (7) of the Act, if a Council makes a by-law about access to or use of a particular piece of Local Government land (under Section 238), the Council must erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the by-law applies.

A person must not without the permission of the Council, do any of the following on Local Government land.

9.1 Advertising

Display, paint or erect any sign or hoarding for the purpose of commercial advertising or any other purpose.

9.2 Aircraft

Subject to the Civil Aviation Act 1988, land any aircraft on, or take off any aircraft from the land.

9.3 Alcohol

Consume, carry or be in possession or in charge of any liquor on Local Government land comprising parks or reserves to which the Council has determined this paragraph applies.

9.4 *Amplification*

Use an amplifier or other mechanical or electrical device for the purpose of broadcasting sound, or magnifying sound, to an audience.

9.5 *Animals*

9.5.1 cause or allow an animal to stray onto, move over, graze or be left unattended on Local Government land; or

9.5.2 cause or allow an animal to enter, swim, bathe or remain in any waters located on Local Government land; or

9.5.3 lead, herd or exercise an animal, except where the Council has set aside a track or other area for use by or in connection with an animal of that kind, and provided that the animal or animals are under effective control.

9.6 *Annoyance*

Do anything likely to offend or unreasonably interfere with any other person:

(a) using that land; or

(b) occupying nearby premises,

by making a noise or creating a disturbance.

9.7 *Attachments*

Attach anything to a tree, plant, equipment, fence, post, structure or fixture on Local Government land.

9.8 *Bees*

Place a hive of bees on such land, or allow it to remain thereon.

9.9 *Boats*

Subject to the provisions of the Harbors and Navigation Act 1993:

9.9.1 launch or retrieve a boat to or from any waters where the Council has determined that this subclause applies;

9.9.2 launch or retrieve a boat other than from a boat ramp constructed for that purpose;

9.9.3 propel, float or otherwise use a boat on or in any waters;

9.9.4 hire out a boat or otherwise use a boat for commercial purposes; or

9.9.5 moor a boat on any waters or to a pontoon attached to Local Government land.

9.10 *Bridge Jumping*

Jump or dive from a bridge on Local Government land.

9.11 *Buildings*

Use a building, or structure on Local Government land for a purpose other than its intended purpose.

9.12 *Burials and Memorials*

9.12.1 Bury, inter or spread the ashes of any human or animal remains.

9.12.2 Erect any memorial.

9.13 *Camping and Tents*

9.13.1 Erect a tent or other structure of calico, canvas, plastic or similar material as a place of habitation.

9.13.2 Camp or sleep overnight on Local Government land:

(a) except where a person is in a caravan park on Local Government land, the proprietor of which has been given permission to operate the caravan park on that land; or

(b) other than in an area which has been designated and set aside by the Council for that purpose and, in accordance with any conditions that may be determined by resolution of the Council and contained in any signage erected in or around that area.

9.14 *Canvassing*

Convey any advertising, religious or other message to any bystander, passer-by or other.

9.15 *Defacing Property*

Deface, paint, spray, write, cut names, letters or make marks on any tree, rock, gate, fence, building, sign, bridge or property of the Council.

9.16 *Distribution*

Place on a vehicle (without the consent of the owner of the vehicle), or give out or distribute any hand bill, book, notice, leaflet, or other printed matter to any bystander, passer-by or other person.

9.17 *Donations*

Ask for or receive or indicate that he or she desires a donation of money or any other thing.

9.18. *Entertainment and Busking*

9.18.1 Sing, busk or play a recording or use a musical instrument for the apparent purpose of either entertaining others or receiving money.

9.18.2 Conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.

9.19 *Equipment*

Use an item of equipment, facilities or property belonging to the Council if that person is of or over the age indicated by a sign or notice as the age limit for using such equipment, facility or property.

9.20 *Fires*

Subject to the Fire and Emergency Services Act 2005 light a fire except:

9.20.1 in a place provided by the Council for that purpose; or

9.20.2 in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material for a distance of at least 4 metres.

9.21 *Fireworks*

Ignite or discharge any fireworks.

9.22 *Flora and Fauna*

Subject to the Native Vegetation Act 1991 and the National Parks and Wildlife Act 1972:

9.22.1 damage, pick, disturb, interfere with or remove any plant or flower thereon;

9.22.2 cause or allow an animal to stand or walk on any flower bed or garden plot;

9.22.3 deposit, dig, damage, disturb, interfere with or remove any soil, stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;

9.22.4 take, interfere with, tease, harm or disturb any animal, bird or marine creature or the eggs or young of any animal, bird or marine creature;

9.22.5 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;

9.22.6 disturb, interfere with or damage any burrow, nest or habitat of any animal or bird;

9.22.7 use, possess or have control of any device for the purpose of killing or capturing any animal, bird or marine creature; or

9.22.8 burn any timber or dead wood (unless purchased from authorised vendor).

9.23 *Games*

9.23.1 Participate in, promote or organise any organised competition or sport, as distinct from organised social play.

9.23.2 Play or practise any game which involves kicking, hitting or throwing a ball or other object on Local Government land which may cause or be likely to cause injury or discomfort

- to a 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.
- 9.23.3 Play or practise the game of golf on Local Government land to which the Council has resolved this subclause applies.
- 9.24 *Litter*
- 9.24.1 Throw, cast, place, deposit or leave any rubbish, dirt or refuse of any kind whatsoever except in a garbage container provided for that purpose.
- 9.24.2 Deposit any soil, clay, stone, gravel, green waste or other putrescible waste or any other matter.
- 9.25 *Marine Life*
Introduce any marine life to any waters located on Local Government land.
- 9.26 *Model Aircraft, Boats and Cars*
Fly or operate a model aircraft, boat or model or remote control vehicle in a manner which may cause or be likely to cause injury or discomfort to a person being on or in the vicinity of the land or detract from or be likely to detract from another person's lawful use of and enjoyment of the land.
- 9.27 *Overhanging Articles or Displaying Personal Items*
Suspend or hang an article or object from a building, verandah, pergola, post or other structure on Local Government land where it might present a nuisance or danger to a person using the land or be of an unsightly nature.
- 9.28 *Playing Area*
Use or occupy a playing area:
- 9.28.1 in such a manner as to damage or be likely to damage the surface of the playing area or infrastructure (above and under ground level);
- 9.28.2 in a manner contrary to the purpose for which the playing area was intended to be used or occupied; or
- 9.28.3 contrary to directions of the Council made by resolution and indicated on a sign displayed adjacent to the playing area.
- 9.29 *Pontoons*
Install or maintain a pontoon or jetty in any waters.
- 9.30 *Posting of Bills*
Post or allow or cause to be posted any bills, advertisements or other papers or items on a building or structure on Local Government land or in a public place.
- 9.31 *Preaching*
Preach, harangue or solicit for religious or charitable purposes.
- 9.32 *Ropes*
Place a buoy, cable, chain, hawser, rope or net in or across any waters.
- 9.33 *Swimming*
Subject to the provisions of the Harbors and Navigation Act 1993 swim in, bathe or enter any waters except:
- 9.33.1 in an area which the Council has determined may be used for such purposes; and
- 9.33.2 in accordance with any conditions that the Council may have determined by resolution apply to such use.
- 9.34 *Trading*
Sell, buy, offer or display anything for sale.
- 9.35 *Vehicles*
- 9.35.1 Drive or propel a vehicle except on an area or road constructed and set aside by the Council for that purpose.
- 9.35.2 Promote, organise or take part in a race, test or trial of any kind in which vehicles take part, except on an area properly constructed for that purpose.
- 9.35.3 Repair, wash, paint, panel beat or carry out other work to a vehicle, except for running repairs in the case of a breakdown.
- 9.36 *Weddings, Functions and Special Events*
- 9.36.1 Hold, conduct or participate in a marriage ceremony, funeral or special event.
- 9.36.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral or special event.
- 9.36.3 Hold or conduct any filming where the filming is for a commercial purpose.
10. *Prohibited Activities*
A person must not do any of the following on Local Government land:
- 10.1 *Animals*
- 10.1.1 Cause or allow any animal to enter, swim, bathe or remain in any waters to the inconvenience, annoyance or danger of any other person bathing or swimming.
- 10.1.2 Cause or allow an animal to damage a flowerbed, garden plot, tree, lawn or like thing or place.
- 10.1.3 Lead, herd or exercise a horse in such manner as to cause a nuisance or endanger the safety of a person.
- 10.2 *Equipment*
Use any item of equipment, facilities or property belonging to the Council other than in the manner and for the purpose for which it was designed, constructed or intended to be used or in such manner as is likely to damage or destroy it.
- 10.3 *Fishing*
Fish in any waters to which the Council has determined this subclause applies.
- 10.4 *Glass*
Wilfully break any glass, china or other brittle material.
- 10.5 *Interference with Land*
Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:
- 10.5.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;
- 10.5.2 erecting or installing a structure in, on, across, under or over the land;
- 10.5.3 changing or interfering with the construction, arrangement or materials of the land;
- 10.5.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or
- 10.5.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.
- 10.6 *Interference with Permitted Use*
Interrupt, disrupt or interfere with any other person's use of Local Government land which is permitted or for which permission has been granted.

10.7 *Nuisance*

Behave in such a manner as to cause discomfort, inconvenience, annoyance or offence to any other person.

10.8 *Playing Games*

Play or practise a game:

- 10.8.1 which is likely to cause damage to the land or anything on it;
- 10.8.2 in any area where a sign indicates that the game is prohibited.

10.9 *Smoking*

Subject to the Tobacco Products Regulation Act 1997, smoke, hold or otherwise have control over an ignited tobacco product:

- 10.9.1 in any building; or
- 10.9.2 on any land to which the Council has determined this subclause applies.

10.10 *Solicitation*

Tout or solicit customers for the parking of vehicles or for any other purpose whatsoever.

10.11 *Throwing Objects*

Throw, roll, project or discharge a stone, substance or other missile, excluding sport and recreational equipment designed to be used in that way.

10.12 *Toilets*

In any public convenience on Local Government land:

- 10.12.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;
- 10.12.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage;
- 10.12.3 use it for a purpose for which it was not designed or constructed;
- 10.12.4 enter a toilet that is set aside for use of the opposite sex except:
- (a) where a child under the age of eight years is accompanied by an adult parent or guardian of that sex; or
- (b) to provide assistance to a disabled person; or
- (c) in the case of a genuine emergency.

10.13 *Waste*

- 10.13.1 Deposit or leave thereon:
- (a) anything obnoxious or offensive;
- (b) any offal, dead animal, dung or filth; or
- (c) any mineral, mineral waste, industrial waste or bi-products.
- 10.13.2 Foul or pollute any waters situated thereon.
- 10.13.3 Deposit any rubbish other than in receptacles provided by the Council for that purpose.
- 10.13.4 Deposit in a receptacle any rubbish emanating from domestic or trade purposes, unless designated by a sign or signs.

PART 4—ENFORCEMENT

11. *Directions*

11.1 A person on Local Government land must comply with a reasonable direction from an authorised person relating to:

- 11.1.1 that person's use of the land;
- 11.1.2 that person's conduct and behaviour on the land;
- 11.1.3 that person's safety on the land; or
- 11.1.4 the safety and enjoyment of other persons on the land.

11.2 A person who, in the opinion of an authorised person, is likely to commit or has committed, a breach of this by-law must immediately comply with a direction of an authorised person to leave that part of Local Government land.

12. *Orders*

If a person fails to comply with an order of an authorised person made pursuant to Section 262 of the Act in respect of a breach of this by-law, the Council may recover its costs of any action taken under Section 262 (3) of the Act from the person to whom the order was directed.

Note:

Section 262 (1) of the Act states:

- (1) If a person (the offender) engages in conduct that is a contravention of this Act or a by-law under this Act, an authorised person may order the offender:
- (a) if the conduct is still continuing—to stop the conduct; and
- (b) whether or not the conduct is still continuing—to take specified action to remedy the contravention.

Subsections (2) and (3) of Section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out. For example, an authorised person may order a person to:

- Cease smoking on Local Government land.
- Remove an object or structure encroaching on Local Government land.
- Dismantle and remove a structure erected on Local Government land without permission.

13. *Removal of Animals and Objects*

An authorised person may remove an animal or object that is on Local Government land in breach of a by-law if no person is in charge of, or apparently in charge of, the animal or object.

PART 5—MISCELLANEOUS

14. *Exemptions*

- 14.1 The restrictions in this by-law do not apply to a police officer, emergency worker, 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.
- 14.2 The restrictions in Clauses 9.14, 9.16, 9.30 and 9.31 of this by-law do not apply to electoral matter authorised by a candidate and which is:
- 14.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day; or
- 14.2.2 related to an election under the Act or the Local Government (Elections) Act 1999 and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- 14.2.3 related to, and occurs during the course of and for the purpose of a referendum.
- 14.3 The restrictions in this by-law operate subject to the Native Title Act 1993 (Commonwealth).

This by-law was duly made and passed at a meeting of The Flinders Ranges Council held on 13 May 2014, 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. DAVIES, Chief Executive Officer

THE FLINDERS RANGES COUNCIL

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

By-law No. 3 of 2014—Roads

A by-law to regulate certain activities on roads in the Council area.

PART 1—PRELIMINARY

1. *Title*

This by-law may be cited as the Roads By-law 2014 and is By-law No. 3 of The Flinders Ranges Council.

2. *Authorising Law*

This by-law is made under Sections 239 and 246 of the Act, Regulation 28 of the Local Government (General) Regulations 2013, and Sections 667 (1), 4.1, 5.VII, 7.II and 9.XVI of the Local Government Act 1934.

3. *Purpose*

The objectives of this by-law are to manage and regulate the prescribed uses of roads in the Council area:

- 3.1 to protect the convenience, comfort and safety of road users and members of the public;
- 3.2 to prevent damage to buildings and structures on roads;
- 3.3 to prevent certain nuisances occurring on roads; and
- 3.4 for the good rule and government of the Council area.

4. *Commencement, Revocation and Expiry*

- 4.1 This by-law will expire on 1 January 2022.¹

Note:

¹ Pursuant to Section 251 of the Act, a by-law will expire on 1 January following the seventh anniversary of the *gazetted* of the by-law.

5. *Application*

- 5.1 This by-law operates subject to the Council's Permits and Penalties By-law 2014.
- 5.2 This by-law applies throughout the Council area.

6. *Interpretation*

In this by-law, unless the contrary intention appears:

- 6.1 *Act* means the Local Government Act 1999;
- 6.2 *animal* includes birds, insects and poultry but does not include a dog or a cat;
- 6.3 *camp* includes setting up a camp, or causing a tent, caravan or motor home to remain on the land for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the land;
- 6.4 *Council* means The Flinders Ranges Council;
- 6.5 *effective control* means a person exercising effective control of an animal either:
 - 6.5.1 by means of a physical restraint; or
 - 6.5.2 by command, the animal being in close proximity to the person, and the person being able to see the animal at all times;
- 6.6 *electoral matter* has the same meaning as in the Electoral Act 1995 provided that such electoral matter is not capable of causing physical damage or injury to a person within its immediate vicinity;
- 6.7 *emergency worker* has the same meaning as in the Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999;
- 6.8 *vehicle* has the same meaning as in the Road Traffic Act 1961.

Note:

Section 14 of the Interpretation Act 1915, provides that an expression used in this by-law has, unless the contrary intention appears, the same meaning as in the Acts under which the by-law was made.

PART 2—USE OF ROADS

7. *Activities Requiring Permission*

A person must not do any of the following activities on a road without the permission of the Council:

7.1 *Amplification*

Use an amplifier or other device whether mechanical or electrical for the purpose of broadcasting announcements or advertisements.

7.2 *Animals*

7.2.1 Cause or allow an animal to stray onto, move over, or graze on a road except where the Council has set aside a track or other area for use by or in connection with an animal of that kind, and provided the animal or animals are under effective control.

7.2.2 Lead, herd or exercise an animal in such a manner as to cause a nuisance or endanger the safety of a person.

7.3 *Camping and Tents*

7.3.1 Erect a tent or other structure of calico, canvas, plastic or other similar material as a place of habitation.

7.3.2 Camp or sleep overnight.

7.4 *Obstructions*

Erect, install or place or cause to be erected, installed or placed any structure, object or material of any kind so as to obstruct a road, footway, water-channel, or watercourse on a road.

7.5 *Posting of Bills*

Subject to Clause 11.2, post or allow or cause to be posted any bills, advertisements, or other papers or items on a building or structure on a road.

7.6 *Preaching*

Preach, harangue, solicit or canvass for religious or charitable purposes.

7.7 *Public Exhibitions and Displays*

7.7.1 Sing, busk, play a recording or use a music instrument, or perform similar activities.

7.7.2 Conduct or hold a concert, festival, show, circus, performance or a similar activity.

7.7.3 Erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity.

7.7.4 Cause any public exhibitions or displays.

7.8 *Soliciting*

Ask for or receive or indicate a desire for a donation of money or any other thing.

7.9 *Vehicles*

Repair, wash, paint, panel beat or perform other work of a similar nature to a vehicle, except for running repairs in the case of a vehicle breakdown.

Note:

Movable signs on roads are regulated by Sections 226 and 227 of the Act and the Council's Moveable Signs by-law (if any).

PART 3—ENFORCEMENT

8. *Directions*

A person who, in the opinion of an authorised person is committing or has committed a breach of this by-law, must immediately comply with a direction of an authorised person to leave that part of the road.

9. *Orders*

If a person does not comply with an order of an authorised person made pursuant to Section 262 of the Act in respect of a breach of this by-law, the Council may recover its costs of any action taken under Section 262 (3) of the Act from the person to whom the order was directed.

Note:

Section 262 (1) of the Act states:

- (1) If a person (the offender) engages in conduct that is a contravention of this Act or a by-law under this Act, an authorised person may order the offender:

- (a) if the conduct is still continuing—to stop the conduct; and
- (b) whether or not the conduct is still continuing—to take specified action to remedy the contravention.

Subsections (2) and (3) of Section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out. For example, an authorised person may order a person to:

- cease busking on a road;
- remove an object or structure blocking a footpath;
- remove bills posted on a structure on a road;
- dismantle and remove a tent from a road.

10. Removal of Animals and Objects

An authorised person may remove an animal or object that is on a road in breach of a by-law if no person is in charge, or apparently in charge, of the animal or object.

PART 4—MISCELLANEOUS

11. Exemptions

- 11.1 The restrictions in this by-law do not apply to a police officer, emergency worker, 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.
- 11.2 The restrictions in Clause 7.5 of this by-law do not apply to electoral matter authorised by a candidate that is:
- 11.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day; or
 - 11.2.2 related to an election under the Act or the Local Government (Elections) Act 1999 and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
 - 11.2.3 related to, and occurs during the course of and for the purpose of a referendum;
- provided that the owner of the building or structure has given permission for the bill, advertisement or other item to be posted thereon.
- 11.3 The restrictions in this by-law operate subject to the Native Title Act 1993 (Commonwealth).

This by-law was duly made and passed at a meeting of The Flinders Ranges Council held on 13 May 2014, 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. DAVIES, Chief Executive Officer

THE FLINDERS RANGES COUNCIL

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

By-law No. 4 of 2014—Moveable Signs

A by-law to set standards for moveable signs on roads and to provide conditions for the placement of such signs.

PART 1—PRELIMINARY

1. Title

This By-law may be cited as the Moveable Signs By-law 2014 and is By-law No. 4 of The Flinders Ranges Council

2. Authorising Law

This by-law is made under Sections 238, 239 and 246 of the Act, and Sections 667 (1), 4.1 and 9.XVI of the Local Government Act 1934.

3. Purpose

The object of this by-law is to set standards for moveable signs on roads:

- 3.1 to protect the comfort and safety of road users and members of the public;

- 3.2 to enhance the amenity of roads and surrounding parts of the Council area;
- 3.3 to prevent nuisances occurring on roads;
- 3.4 to prevent unreasonable interference with the use of a road; and
- 3.5 for the good rule and government of the Council area.

4. Commencement, Revocation and Expiry

- 4.1 This by-law will expire on 1 January 2022.¹

Note:

¹ Pursuant to Section 251 of the Act, a by-law will expire on 1 January following the seventh anniversary of the *gazetted* of the by-law.

5. Application

- 5.1 This by-law operates subject to the Council's Permits and Penalties By-law 2014.
- 5.2 The by-law applies throughout the Council area.

6. Interpretation

In this by-law, unless the contrary intention appears:

- 6.1 *Act* means the Local Government Act 1999;
- 6.2 *business premises* means premises from which a business is being conducted;
- 6.3 *Council* means The Flinders Ranges Council;
- 6.4 *footpath area* means:
 - 6.4.1 that part of a road between the property boundary and the edge of the carriageway on the same side as that boundary;
 - 6.4.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;
- 6.5 *vehicle* has the same meaning as in the Road Traffic Act 1961.

Note:

Section 14 of the Interpretation Act 1915, provides that an expression used in this by-law has, unless the contrary intention appears, the same meaning as in the Acts under which the by-law was made.

PART 2—MOVEABLE SIGNS

7. Construction and Design

A moveable sign placed on a footpath area must:

- 7.1 be of kind known as an 'A' frame or sandwich board sign, an 'inverted 'T' sign, or a flat sign or, with the permission of the Council, a sign of some other kind;
- 7.2 be designed, constructed and maintained in good quality and condition;
- 7.3 be of strong construction and sufficiently stable or securely fixed so as to keep its position in adverse weather conditions;
- 7.4 have no sharp or jagged edges or corners;
- 7.5 not be unsightly or offensive in appearance or content;
- 7.6 be constructed of timber, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 7.7 not exceed 900 mm in height, 600 mm in width and 600 mm in depth;
- 7.8 in the case of an 'A' frame or sandwich board sign:
 - 7.8.1 be hinged or joined at the top;
 - 7.8.2 be of such construction that its sides are securely fixed or locked in position when erected;
 - 7.8.3 not have a base area in excess of 0.6 square metres;
- 7.9 in the case of an inverted 'T' sign, not contain struts or members that run between the display area and the base of the sign; and
- 7.10 not rotate or contain flashing parts nor have balloons, flags, streamers or other things attached to it.

8. Placement

A moveable sign must not be:

- 8.1 placed on any part of a road apart from the footpath area;
- 8.2 placed on a footpath that is less than 2.5 metres wide;
- 8.3 placed within 1 metre of an entrance to any business premises;
- 8.4 placed on the sealed part of a footpath, if there is an unsealed part on which the sign can be placed in accordance with this by-law;
- 8.5 placed so as to interfere with the reasonable movement of persons or vehicles using the footpath or road in the vicinity of where the moveable sign is placed;
- 8.6 placed on a landscaped area, other than landscaping that comprises only lawn;
- 8.7 placed within three metres of an intersection of two or more roads;
- 8.8 placed on a designated parking area or within one metre of an entrance to premises;
- 8.9 displayed during the hours of darkness unless it is clearly lit; or
- 8.10 placed in such a position or in such circumstances that the safety of a user of the footpath area or road is at risk.

9. Banners

A person must not erect or display a banner on a building or structure on a road without the Council's permission.

Note:

A person must not erect or display a banner on a public road for a business purpose without a permit from the Council issued under Section 222 of the Local Government Act 1999.

10. Restrictions

- 10.1 The owner or operator of a business must not cause or allow more than one moveable sign for each business premises to be displayed on the footpath area of a road at any time.
- 10.2 A person must not, without the Council's permission, display a moveable sign on or attached to or adjacent to a vehicle that is parked on Local Government land (including roads) primarily for the purpose of advertising or offering for sale a product (including the vehicle) or business to which the sign relates.
- 10.3 For the purposes of Clause 10.2, the definition of a 'moveable sign on or attached to or adjacent to a vehicle' does not apply to:
 - 10.3.1 a sign that is required by law to be on or attached to or adjacent to a vehicle; or
 - 10.3.2 any sign which is permanently attached to the chassis or roof of the vehicle; or
 - 10.3.3 any moveable sign in respect of which an authorisation or permit has been issued by the Council.
- 10.4 A person must not cause or allow a moveable sign to be placed on a footpath area unless:
 - 10.4.1 it only displays material which advertises a business being conducted on premises adjacent to the moveable sign or the goods and services available from that business; and
 - 10.4.2 the business premises to which it relates is open to the public.
- 10.5 If in the opinion of the Council a footpath area is unsafe for a moveable sign to be displayed, the Council may prohibit or restrict the display of a moveable sign on such conditions as the Council thinks fit.

11. Exemptions

- 11.1 Subclauses 10.1 and 10.4 of this by-law do not apply to a moveable sign which:
 - 11.1.1 advertises a garage sale taking place from residential premises;
 - 11.1.2 is a directional sign to an event run by a community organisation or charitable body;

- 11.2 Subclauses 10.1 and 10.4 of this by-law do not apply to a flat sign which only contains a newspaper headline and the name of a newspaper or magazine.
- 11.3 A requirement of this by-law will not apply where the Council has granted permission for the moveable sign to be displayed contrary to that requirement.

Note:

This by-law does not apply to moveable signs placed and maintained on a road in accordance with Section 226 (3) of the Act, which includes any sign:

- placed there pursuant to an authorisation under another Act;
- designed to direct people to the open inspection of any land or building that is available for purchase or lease;
- related to a State or Commonwealth election and is displayed during the period commencing on the issue of the writ of writs for the election and ending at the close of polls on polling day;
- related to an election held under this Act or the Local Government (Elections) Act 1999 and is displayed during the period commencing 4 weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- the sign is of a prescribed class.

PART 3—ENFORCEMENT

12. Removal of Moveable Signs

- 12.1 A person must immediately comply with the order of an authorised person to remove a moveable sign made pursuant to Section 227 (1) of the Act.
- 12.2 The owner of or other person entitled to recover a moveable sign removed by an authorised person pursuant to Section 227 (2) of the Act, may be required to pay to the Council any reasonable costs incurred by the Council in removing, storing, and/or disposing of the moveable sign before being entitled to recover the moveable sign.
- 12.3 The owner, or other person responsible for a moveable sign must remove or relocate the moveable sign at the request of an authorised person:
 - 12.3.1 if, in the opinion of an authorised person, and notwithstanding compliance with this by-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the moveable sign; or
 - 12.3.2 for the purpose of special events, parades, roadworks or in any other circumstances which, in the opinion of the authorised person, require relocation or removal of the moveable sign to protect public safety or to protect or enhance the amenity of a particular locality.

This by-law was duly made and passed at a meeting of The Flinders Ranges Council held on 13 May 2014, 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. DAVIES, Chief Executive Officer

THE FLINDERS RANGES COUNCIL

BY-LAW MADE UNDER THE DOG AND CAT MANAGEMENT ACT 1995 AND THE LOCAL GOVERNMENT ACT 1999

By-law No. 5 of 2014—Dogs

A by-law to limit the number of dogs kept on premises and for the management and control of dogs in the Council area.

PART 1—PRELIMINARY

1. Title

This by-law may be cited as the Dog By-law 2014 and is By-law No. 5 of The Flinders Ranges Council.

2. Authorising Law

This by-law is made under Section 90 (5) of the Dog and Cat Management Act 1995, Sections 238 and 246 of the Act, and Sections 667 (1), 9.XVI of the Local Government Act 1934.

3. Purpose

The objects of this by-law are to control and manage dogs in the Council area:

- 3.1 to reduce the incidence of environmental nuisance caused by dogs; and
- 3.2 to promote responsible dog ownership; and
- 3.3 to protect the convenience, comfort and safety of members of the public; and
- 3.4 for the good rule and government of the Council area.

4. Commencement, Revocation and Expiry

- 4.1 This by-law will expire on 1 January 2022.¹

Note:

¹ Pursuant to Section 251 of the Act, a by-law will expire on 1 January following the seventh anniversary of the *gazettal* of the by-law.

5. Application

- 5.1 This by-law operates subject to the Council's Permits and Penalties by-law 2014.
- 5.2 Subject to Clauses 5.3, this by-law applies throughout the Council area.
- 5.3 Clauses 9.1.1 and 10.1.2, of this by-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with Section 246 (3) (e) of the Act.

6. Interpretation

In this by-law, unless the contrary intention appears:

- 6.1 *Act* means the Local Government Act 1999;
- 6.2 *approved kennel establishment* means a building, structure or area approved by a relevant authority, pursuant to the Development Act 1993 for the keeping of dogs on a temporary or permanent basis;
- 6.3 *children's playground* means an enclosed area in which there is equipment or other installed devices for the purpose of children's play (or within 3 metres of such devices if there is no enclosed area);
- 6.4 *Council* means The Flinders Ranges Council;
- 6.5 *detached dwelling, row dwelling and semi-detached dwelling* have the same meanings as in the Development Act 1993;
- 6.6 *dog* (except for in Clause 7.1) has the same meaning as in the Dog and Cat Management Act 1995;
- 6.7 *effective control* means a person exercising effective control of a dog either:
 - 6.7.1 by means of a physical restraint; or
 - 6.7.2 by command, the dog being in close proximity to the person and the person being able to see the dog at all times;
- 6.8 *keep* includes the provision of food or shelter;
- 6.9 *premises* includes land, whether used or occupied for domestic or non-domestic purposes, except an approved kennel establishment;
- 6.10 *small dwelling* means a self-contained residence that is:
 - 6.10.1 a residential flat building;
 - 6.10.2 contained in a separate strata unit;
 - 6.10.3 on an allotment less than 400-600 square metres in area; or
 - 6.10.4 without a secure yard of at least 100 square metres in area;
- 6.11 *working dog* means a dog used principally for droving or tending livestock.

Note:

Section 14 of the Interpretation Act 1915, provides that an expression used in this by-law has, unless the contrary intention appears, the same meaning as in the Acts under which the by-laws was made.

PART 2—LIMITS ON DOG NUMBERS

7. Limits on Dog Numbers in Private Premises

- 7.1 Subject to Clauses 7.2 and 7.4, a person must not, without the Council's permission keep:
 - 7.1.1 in a township, more than one dog in a small dwelling;
 - 7.1.2 in a township, more than two dogs in premises other than a small dwelling; or
 - 7.1.3 outside of a township, more than three dogs (other than working dogs).
- 7.2 For the purposes of Clause 7.1, 'dog' means a dog that is three months of age or older or, a dog that has lost its juvenile canine teeth.
- 7.3 For the purposes of Clause 7.1, the number of dogs shall include any 'visiting' dogs of any family members or friends that are on the relevant premises for seven or more days (whether consecutive or otherwise) in any six month period.
- 7.4 Clause 7.1 does not apply to:
 - 7.4.1 approved kennel establishments operating in accordance with all required approvals and consents; or
 - 7.4.2 any business involving dogs provided that the business is registered in accordance with the Dog and Cat Management Act 1995.
- 7.5 The Council may require that premises which are the subject of an application for permission to keep additional dogs, must be inspected by an authorised person for the purpose of assessing the suitability of the premises for housing dogs.
- 7.6 No dog is to be kept on any premises where, in the opinion of an authorised person, there is no secure or appropriate area where a dog may be effectively confined.

PART 3—DOG CONTROLS

8. Dog Exercise Areas

- 8.1 Subject to Clauses 9 and 10 of this by-law, a person may enter a park in the Council area for the purpose of exercising a dog under his or her effective control.
- 8.2 A person entering a dog exercise area designated by the Council must ensure that any dog under that person's control, charge or authority is under effective control at all times.

9. Dog on Leash Areas

- 9.1 A person must not, without the Council's permission, allow a dog under that person's control, charge or authority (except an accredited guide dog, hearing dog or disability dog that is required to remain off-lead in order to fulfil its functions) to be or remain:
 - 9.1.1 on Local Government land or public place to which the Council has resolved that this subclause applies; and
 - 9.1.2 on any park or reserve during times when organised sport is being played;

unless the dog is secured by a strong leash not exceeding two metres in length which is either tethered securely to a fixed object capable of securing the dog or held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.

10. Dog Prohibited Areas

- 10.1 A person must not allow a dog under that person's control, charge or authority (except an accredited guide dog, hearing dog or disability dog) to enter or remain:
 - 10.1.1 on any children's playground on Local Government land;
 - 10.1.2 in any Council building;
 - 10.1.3 in any Council swimming pool facility;

- 10.1.4 on any other Local Government land or public place to which the Council has determined that this subclause applies.

11. *Dogs to be Microchipped*

- 11.1 A person must not, without the Council's permission, keep in any premises a dog over the age of five months as determined by the presence of fully emerged adult teeth unless the dog is microchipped.

12. *Dog Faeces*

No person is to allow a dog under that person's control, charge or authority to be in a public place or on Local Government land unless that person has in their possession a bag or other suitable container for the collection and lawful disposal of any faeces that the dog may deposit (for the purpose of complying with their obligation under Section 45A (6) of the Dog and Cat Management Act 1995).

PART 4—ENFORCEMENT

13. *Orders*

- 13.1 If a person engages in conduct that is in contravention of this by-law, an authorised person may order that person:
- 13.1.1 if the conduct is still continuing – to stop the conduct; and
- 13.1.2 whether or not the conduct is still continuing—to take specified action to remedy the contravention.
- 13.2 A person must comply with an order under this clause.
- 13.3 If a person does not comply with an order, the authorised person may take action reasonably required to have the order carried out, and the Council may recover its costs of any action so taken from the person to whom the order was directed.
- 13.4 However, an authorised person may not use force against a person under this section.

Note:

For example, an authorised person may order a person to:

- cease keeping more than the permitted number of dogs on that person's premises; or
- remove a dog from a dog prohibited area.

This by-law was duly made and passed at a meeting of The Flinders Ranges Council held on 13 May 2014, 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. DAVIES, Chief Executive Officer

THE FLINDERS RANGES COUNCIL

BY-LAW MADE UNDER THE DOG AND CAT MANAGEMENT ACT 1995 AND THE LOCAL GOVERNMENT ACT 1999

By-law No. 6 of 2014—Cats

A by-law to limit the number of cats kept on premises and for the management and control of cats in the Council area.

PART 1—PRELIMINARY

1. *Title*

This by-law may be cited as the Cats By-law 2014 and is By-law No. 6 of The Flinders Ranges Council.

2. *Authorising Law*

This by-law is made under Section 90 (5) of the Dog and Cat Management Act 1995, Section 246 of the Act and Sections 667 (1), 4.1 and 9.XVI of the Local Government Act 1934.

3. *Purpose*

The objects of this by-law are to control and manage cats in the Council area:

- 3.1 to promote responsible cat ownership;
- 3.2 to reduce the incidence of the public and environmental nuisance caused by cats;
- 3.3 to protect the comfort and safety of members of the public; and

- 3.4 for the good rule and government of the Council area.

4. *Commencement, Revocation and Expiry*

- 4.1 This by-law will expire on 1 January 2022.¹

Note:

- 1 Pursuant to Section 251 of the Act, a by-law will expire on 1 January following the seventh anniversary of the *gazetted* of the by-law.

5. *Application*

- 5.1 This by-law operates subject to the Council's Permits and Penalties By-law 2014.
- 5.2 This by-law applies throughout the Council area.

6. *Interpretation*

In this by-law, unless the contrary intention appears:

- 6.1 *Act* means the Local Government Act 1999;
- 6.2 *approved cattery* means a building, structure or area approved by a relevant authority, pursuant to the Development Act 1993 for the keeping of cats on a temporary or permanent basis;
- 6.3 *cat* means an animal of the species *felis catus* which is three months of age or has lost its juvenile canine teeth;
- 6.4 *Council* means The Flinders Ranges Council;
- 6.5 *identified cat* means a cat that has:
 - 6.5.1 a microchip implanted in its body containing information that may be used to obtain the current address or telephone number of the owner or other person entitled to possession of the cat; and
 - 6.5.2 has the letter M tattooed on the inside of either of its ears.
- 6.6 *keep* includes the provision of food or shelter;
- 6.7 *nuisance* means:
 - 6.7.1 unreasonably interfering with the peace, comfort or convenience of a person;
 - 6.7.2 injurious to a person's real or personal property; or
 - 6.7.3 obnoxious, offensive or hazardous to health;
- 6.8 *premises* includes land whether used or occupied for domestic or non-domestic purposes except an approved cattery.

Note:

Section 14 of the Interpretation Act 1915, provides that an expression used in this by-law has, unless the contrary intention appears, the same meaning as in the Acts under which the by-law is made.

PART 2—LIMITS ON CAT NUMBERS AND CAT CONTROLS

7. *Limits on Cat Numbers*

- 7.1 Subject to Clause 7.2, a person must not, without the Council's permission, keep in any premises more than two cats.
- 7.2 Clause 7.1 does not apply to approved catteries operating in accordance with all required approvals and consents.

8. *Cats to be Identified by Way of Microchip*

- 8.1 Subject to Clause 8.2, a person must not, without the Council's permission, keep in any premises a cat unless the cat is an identified cat.
- 8.2 Clause 8.1 does not apply to approved catteries operating in accordance with all required approvals and consents.

9. *Cats to be Desexed*

- 9.1 Subject to Clause 9.2 and 9.3, a person must not, without the Council's permission, keep in any premises a cat over the age of five months as determined by the presence of fully emerged adult teeth unless the cat is desexed.
- 9.2 Clause 9.1 does not apply in respect of cats owned by a person who carries on a business as a cat breeder provided that the person is lawfully operating such business in accordance with all relevant approvals and any conditions reasonably imposed by the Council.

- 9.3 The Council may grant permission for a cat that is not desexed and is over the age of five months to be kept at a premises where it is satisfied, having regard to advice in writing from a veterinary practitioner, that the cat cannot be desexed due to medical reasons.

10. *Cats Not to be a Nuisance*

- 10.1 An owner or occupier of premises is guilty of an offence if a cat (or cats) kept or allowed to remain on the premises causes a nuisance by reason of:
- 10.1.1 noise or odour created by the cat or cats; or
- 10.1.2 wandering from the premises; or
- 10.1.3 the aggressive nature of the cat or cats.
- 10.2 For the safety of the cat and for the preservation of the environment, a person that owns or is responsible for the control of a cat must ensure that the cat is effectively confined to the premises occupied by that person between the hours of 9 p.m. and 7 a.m.
- 10.3. For the purposes of Clause 10.1 and 10.2 'cat' means an animal of the species *felis catus*.

11. *Registration of Cats*

- 11.1 A person must not keep a cat in the Council's area for more than 14 days unless the Cat is registered in accordance with this by-law.
- 11.2 An application for registration of a cat must:
- 11.2.1 be made to the Council in the manner and form prescribed by Council (if any); and
- 11.2.2 be accompanied by the fee (if any) prescribed by the Council; and
- 11.2.3 nominate a person of or over 16 years of age who consents to the cat being registered in his or her name; and
- 11.2.4 identify with reference to an address the Premises at which the cat is kept.
- 11.3 Registration under this by-law remains in force until the next 30 June following the grant of registration and may be renewed from time to time for further periods of up to 12 months.

PART 3—ENFORCEMENT

12. *Orders*

- 12.1 If a person engages in conduct that is a contravention of this by-law, an authorised person may order that person:
- 12.1.1 if the conduct is still continuing—to stop the conduct; and
- 12.1.2 whether or not the conduct is still continuing—to take specified action to remedy the contravention.
- 12.2 A person must comply with an order under this clause.
- 12.3 If a person does not comply with an order, the authorised person may take action reasonably required to have the order carried out, and the Council may recover its costs of any action so taken from the person to whom the order was directed.
- 12.4 However, an authorised person may not use force against a person under this section.

Note:

For example, an authorised person may order a person to:

- cease keeping more than the permitted number of cats on that person's premises; or
- take the necessary steps to mitigate a nuisance caused by howling cats.

This by-law was duly made and passed at a meeting of The Flinders Ranges Council held on 13 May 2014, 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. DAVIES, Chief Executive Officer

THE FLINDERS RANGES COUNCIL

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

By-Law No. 7 of 2014—Waste Management

TO ensure the efficient collection of waste from private premises by the Council and to suppress certain nuisances caused by improper disposal and/or storage of waste on private land.

PART 1—PRELIMINARY

1. *Title*

This by-law may be cited as the Waste Management By-law 2014 and is by-Law No. 7 of The Flinders Ranges Council

2. *Authorising Law*

This by-law is made under Sections 238 and 246 of the Act and Sections 667 (1) 4.1 and 9.XVI of the Local Government Act 1934.

3. *Purpose*

The objects of this by-law are to:

- 3.1 prevent and suppress nuisances associated with the improper disposal and/or storage of waste on private premises;
- 3.2 to ensure the safe and efficient collection of waste by the Council from private premises;
- 3.3 to protect the convenience, comfort and safety of members of the public; and
- 3.4 for the good rule and governance of the Council's area.

4. *Expiry*

- 4.1 This by-law will expire on 1 January 2022.¹

5. *Application*

- 5.1 This by-law operates subject to the Council's (Permit and Penalties By-law 2014).
- 5.2 This by-law applies throughout the Council area.

6. *Definitions*

In this by-law:

- 6.1 *Act* means the Local Government Act 1999;
- 6.2 *Council* means The Flinders Ranges Council;
- 6.3 *Green Organics* means any clean organic matter consisting of lawn clippings, plants, vegetables, leaves, prunings, horse manure or other materials for which permission has been given by the Council, provided the organic matter is not larger than 15 cm in diameter;
- 6.4 *Green Organics Container* means a container for the disposal of Green Organics;
- 6.5 *Hard Waste* means any internal and/or external household items such as (but not limited to) fridges, television sets and mattresses but excludes any Household Waste;
- 6.6 *Household Waste* means any kind of domestic and kitchen waste generated from residences, but excludes liquids, metals (other than food containers), building materials, stones, bricks, soil, lead acid batteries and any dangerous or toxic waste;
- 6.7 *Household Waste Container* means a container for the disposal of Household Waste;
- 6.8 *Recyclables* means newspapers, magazines, clean paper and cardboard, clean plastic containers of a type specified by the Council, clean tins and cans, clean glass and clean milk and juice containers and other materials for which permission has been given by the Council;
- 6.9 *Recyclables Container* means a container for the disposal of Recyclables; and
- 6.10 *Road* has the same meaning as in the Local Government Act 1999.

Note:

Section 14 of the Interpretation Act 1915, provides that an expression used in a by-law has, unless the contrary intention appears, the same meaning as in the Act.

7. Provide Containers

- 7.1 Every occupier of domestic premises must keep on his or her premises a Household Waste Container and a Recyclables Container in accordance with this by-law.
- 7.2 An occupier of domestic premises may, where a Green Organics collection service is offered by the Council, keep on his or her premises a container for Green Organics in accordance with this by-law.

8. Management of Waste Collection Services

An occupier of premises must:

8.1 Household Waste

- 8.1.1 ensure that the Household Waste Container kept on his or her premises is approved by the Council; and
- 8.1.2 ensure that the Household Waste Container only contains Household Waste; and

8.2 Recyclables

- 8.2.1 ensure that the Recyclables Container kept on his or her premises is approved by the Council; and
- 8.2.2 ensure that the Recyclables Container only contains Recyclables; and

8.3 Green Organics

- 8.3.1 ensure that any Green Organics Container kept on his or her premises is approved by the Council;
- 8.3.2 ensure that the Green Organics Container only contains Green Organics; and

8.4 Keep Container Clean

cause each container kept on the premises pursuant to Clause 7 of this by-law to be kept in a clean and sanitary condition, maintained in good order and repair and kept watertight at all times; and

8.5 Sealing of Container

cause each container to be continuously and securely covered or sealed except when waste is being deposited in or removed from the container; and

8.6 Damage

ensure that each container is maintained so that it is not damaged or worn to the extent that:

- 8.6.1 it is not robust or watertight;
- 8.6.2 it is unable to be moved on its wheels (if any) efficiently;
- 8.6.3 the lid does not seal on the container when closed;
- 8.6.4 its efficiency or use is otherwise impaired; and

8.7 Collection Services

- 8.7.1 facilitate the collection and removal of Household Waste, Recyclables and Green Organics from his or her premises on the day of or the night before (and not before these times) the scheduled collection day;
- 8.7.2 ensure that prior to the day and time determined by the Council for the collection of a Household Waste, Recyclables or Green Organics from the premises, the container containing that kind of waste is placed out for collection:
- 8.7.2.1 on the street in front of and on the same side as the premises, abutting the edge of (but not on) the carriageway and positioned so that the side of the container on which the hinges of the lid are situated faces the premises; or
- 8.7.2.2 in another position as approved or directed by the Council; and
- 8.7.2.3 not under the overhanging branches of street trees; and
- 8.7.3 remove the container from that position on the same day after the collection has taken place.

9. Interference with Garbage/Hard Rubbish

A person must not remove, disburse or interfere with any Household Waste, Recyclables, Green Organics or Hard Waste (including bottles, newspapers, cans, containers or packaging) that has been placed on a Road or any other place for collection by the Council, its agents or contractors.

PART 2—ENFORCEMENT

10. Orders

- 10.1 If a person engages in conduct that is in contravention of this by-law, an authorised person may order that person:
- 10.1.1 if the conduct is still continuing—to stop the conduct; and
- 10.1.2 whether or not the conduct is still continuing—to take specified action to remedy the contravention.
- 10.2 A person must comply with an order under this clause.
- 10.3 If a person does not comply with an order, the authorised person may take action reasonably required to have the order carried out, and the Council may recover its costs of any action so taken from the person to whom the order was directed.
- 10.4 However, an authorised person may not use force against a person under this section.

This by-law was duly made and passed at a meeting of The Flinders Ranges Council held on 13 May 2014, 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. DAVIES, Chief Executive Officer

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

- Astor, Teresa Mary*, late of 11 Mawson Road, Salisbury, of no occupation, who died 3 February 2014.
- Anderson, Douglas Jack*, late of 40 Lutana Crescent, Mitchell Park, retired warehouse manager, who died 2 January 2014.
- Balkwill, Josephine Patricia Mary*, late of 2 Wynette Street, Pennington, home duties, who died 8 March 2014.
- Fisher, Frank Andrew*, late of Pridham Boulevard, Aldinga Beach, retired public servant, who died 24 February 2014.
- Hammond, Albert Lancelot*, late of 150 Reynell Road, Woodcroft, retired manufacturing agent, who died 11 April 2014.
- McLaren, Dudley James*, late of 10 Marion Road, Brooklyn Park, of no occupation, who died 11 March 2014.
- McSkimming, Margaret Morris*, late of corner of Fort Street and Sylvan Way, Grange, of no occupation, who died 23 February 2014.
- Mimmo, Michael Andrew*, late of 160 Carrington Street, Adelaide, retired transport driver, who died 4 February 2014.
- Shillabeer, Daphne Jean*, late of 11 Matheson Avenue, Findon, home duties, who died 23 October 2013.
- Van Gestel, Antonia Maria Anna*, late of 401 Portrush Road, Toorak Gardens, of no occupation, who died 15 March 2014.
- Wilson, Kevin Adrian*, late of 10 Second Avenue, Klemzig, retired police officer, who died 27 January 2014.
- Wright, Eric*, late of 4 Christopher Road, Christie Downs, retired technical officer, who died 13 March 2014.

Notice is hereby given pursuant to the Trustee Act 1936, the Inheritance (Family Provision) Act 1972 and the Family Relationships Act 1975, that all creditors, beneficiaries, and other persons having claims against the said estates are required to send, in writing, to the Office of Public Trustee, G.P.O. Box 1338, Adelaide, S.A. 5001, full particulars and proof of such claims, on or before 20 June 2014, otherwise they will be excluded from the distribution of the said estates; and notice is also hereby given that all persons indebted to the said estates are required to pay the amount of their debts to the Public Trustee or proceedings will be taken for the recovery thereof; and all persons having any property belonging to the said estates are forthwith to deliver same to the Public Trustee.

Dated 22 May 2014.

D. A. CONTALA, Public Trustee

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