

South Australia

## Environment Protection (General) Regulations 1994

under the *Environment Protection Act 1993*

---

### Contents

- 1 Short title
- 3 Interpretation
- 3A Prescribed national scheme laws
- 3B Prescribed bodies (section 14B)
- 4 Environment Protection Fund (section 24)
- 4AA Prescribed bodies (section 28)
- 4AB Prescribed bodies (section 29)
- 4A Amendments to environment protection policies (section 32)
- 4B Special provisions relating to transport of controlled waste
- 6 Time limit for determination of applications for environmental authorisations (section 42)
- 7 Renewal of environmental authorisations (section 43)
- 8 Annual returns (section 48)
- 9 Financial assurances (section 51)
- 10 Reference of applications to Water Resources Minister (section 64)
- 11 Authorised officers appointed by councils (section 85)
- 12 Powers of authorised officers (section 87)
- 13 Warrants
- 14 Interest on amounts recoverable by the Authority (sections 95 and 103)
- 14A Civil penalties—prescribed form of notice (section 104A)
- 15 Public Register (section 109)
- 16 Authority may require copy of decision on development applications
- 17 Time limit for applications under transitional provisions (clause 5, Schedule 2)
- 18 Transitional provisions relating to bodies corporate under repealed Acts

Schedule 1—Notice of execution of warrant

Schedule 2—Civil penalties—prescribed form of notice

Legislative history

---

#### 1—Short title

These regulations may be cited as the *Environment Protection (General) Regulations 1994*.

#### 3—Interpretation

In these regulations—

*the Act* means the *Environment Protection Act 1993*.

### 3A—Prescribed national scheme laws

- (1) For the purpose of paragraph (a) of the definition of *the prescribed national scheme laws* in section 3(1) of the Act, the *National Environment Protection Council Act 1994* of the Commonwealth, as in force from time to time, is the prescribed law of the Commonwealth.
- (2) For the purpose of paragraph (b) of the definition of *the prescribed national scheme laws* in section 3(1) of the Act, the *National Environment Protection Council (South Australia) Act 1995* is the prescribed law of this State.

### 3B—Prescribed bodies (section 14B)

- (1) For the purposes of section 14B(4) of the Act, the Minister must, in relation to the selection of persons for appointment to the Board, consult with the following bodies:
  - (a) in relation to the selection for appointment of a person with practical knowledge of, and experience in, industry, commerce or economic development—
    - South Australian Employers' Chamber of Commerce and Industry Incorporated (trading as Business SA)
    - Engineering Employers Association, South Australia
    - South Australian Chamber of Mines and Energy Inc
    - South Australian Farmers Federation Incorporated;
  - (b) in relation to the selection for appointment of a person with practical knowledge of, and experience in, environmental conservation and advocacy on environmental matters on behalf of the community—
    - Conservation Council of South Australia Incorporated
    - Environmental Defenders Office (SA) Inc;
  - (c) in relation to the selection for appointment of a person with practical knowledge of, and experience in, the reduction, re-use, recycling and management of waste or the environmental management industry—
    - Association of Consulting Engineers Australia
    - Waste Management Association of Australia Incorporated
    - Environment Management Industry Association of Australia;
  - (d) in relation to the selection for appointment of a person with legal qualifications and experience in environmental law—
    - National Environmental Law Association Limited (SA Division)
    - Environmental Defenders Office (SA) Inc;
  - (e) in relation to the selection for appointment of a person with practical knowledge of, and experience in, local government—Local Government Association of South Australia.

- (2) A body consulted by the Minister under subregulation (1) must, within a reasonable period of time specified by the Minister, nominate a panel of up to 3 persons, including at least 1 woman and 1 man, from which selection for appointment may be made.

#### **4—Environment Protection Fund (section 24)**

- (1) For the purposes of section 24(3)(a) of the Act, the prescribed percentage of fees (other than expiation fees) to be paid into the Environment Protection Fund is five per cent.
- (2) For the purposes of section 24(3)(b) of the Act, the prescribed percentage of penalties recovered in respect of offences (other than expiation fees or penalties to which a council is entitled) to be paid into the Environment Protection Fund is 100 per cent.
- (2a) For the purposes of section 24(3)(ba) of the Act, the prescribed percentage of amounts recovered by the Authority, by negotiation or as a result of civil proceedings, in respect of a contravention of this Act to be paid into the Environment Protection Fund is 100 per cent.
- (3) For the purposes of section 24(3)(e) of the Act, the prescribed percentage of levy payments under Part 15 of the Act to be paid into the Environment Protection Fund is five per cent.

#### **4AA—Prescribed bodies (section 28)**

For the purposes of section 28 of the Act, the following bodies are prescribed bodies:

Australian Conservation Foundation Inc  
Australian Institute of Environmental Health  
Beverage Industry Environment Council (BIEC)  
Conservation Council of South Australia Incorporated  
Engineering Employers Association, South Australia  
Environmental Defenders Office (SA) Inc  
Environment Management Industry Association of Australia (trading as Environment Business Australia)  
Local Government Association of South Australia  
National Environmental Law Association Limited  
Nature Conservation Society of South Australia Inc  
Royal Australian Chemical Institute Inc  
SA Unions  
Security and Emergency Management SA  
South Australian Chamber of Mines and Energy Inc  
South Australian Employers' Chamber of Commerce and Industry Incorporated (trading as Business SA)  
South Australian Farmers Federation Incorporated  
Waste Management Association of Australia Incorporated.

#### **4AB—Prescribed bodies (section 29)**

For the purposes of section 29 of the Act—

- (a) the following bodies are prescribed bodies:
  - Australian Capital Territory Office of the Environment
  - Environment Australia (Commonwealth)
  - International Standardisation Organisation
  - National Health and Medical Research Council
  - New South Wales Environment Protection Authority
  - Northern Territory Department of Lands, Planning and Environment
  - Queensland Department of Environment
  - Standards Australia
  - Tasmanian Department of Environment and Land Management
  - United Nations Environment Program
  - Victorian Environment Protection Authority
  - Western Australian Department of Environmental Protection
  - Western Australian Environment Protection Authority
  - World Health Organisation; and
- (b) the following bodies, formed under an agreement between the governments of the Commonwealth and the States and Territories of the Commonwealth and New Zealand and comprised of Ministerial representatives from time to time of those governments, are prescribed bodies:
  - Agricultural and Resources Management Council of Australia and New Zealand
  - Australia and New Zealand Environment and Conservation Council
  - Australia and New Zealand Minerals and Energy Council
  - Health and Community Services Ministerial Council
  - Ministerial Council on Forestry, Fisheries and Aquaculture
  - Planning, Housing and Local Government Ministerial Council.

#### **4A—Amendments to environment protection policies (section 32)**

- (1) For the purposes of section 32(1)(c) of the Act, the Minister may make changes of the following kinds to the *Environment Protection (Burning) Policy 1994* by notice in the Gazette under that section:
  - (a) clause 4(2)(c) of the *Environment Protection (Burning) Policy 1994* may be amended so that—
    - (i) an additional council area or portion of a council area is referred to in the provision if the council for the area has applied to the Minister for that change to be made;

- (ii) a reference to a council, council area or portion of a council area is changed to reflect a change in an official name;
  - (iii) a reference to a council, council area or portion of a council area is removed if the council or council area has ceased to exist or the portion has ceased to exist or ceased to be within a specified council area;
- (b) Schedule 1 of the *Environment Protection (Burning) Policy 1994* may be amended so that—
- (i) an additional council area or portion of a council area is referred to in the Schedule if the council for the area has applied to the Minister for that change to be made;
  - (ii) a reference to a council, council area or portion of a council area is changed to reflect a change in an official name;
  - (iii) a reference to a council, council area or portion of a council area is removed if the council or council area has ceased to exist or the portion has ceased to exist or ceased to be within a specified council area.
- (2) For the purposes of section 32(1)(c) of the Act the Minister may make changes of the following kinds to the *National Environment Protection (Used Packaging Materials) Measure*<sup>1</sup>:
- (a) clause 1 may be substituted so that the name of the policy reflects the fact that it is a policy under the Act;
  - (b) clause 2 may be varied to implement the requirement contained in clause 13 of the policy as in force immediately before the commencement of this regulation;
  - (c) clause 3 may be varied—
    - (i) to insert a definition of ***council***;
    - (ii) to specify the meaning of the term ***mandatory provision***;
  - (d) Parts 3 and 4 may be revoked and new Parts substituted which contain the statutory obligations and reporting and record keeping requirements that participating jurisdictions are required to impose under those Parts as in force immediately before the commencement of this regulation;
  - (e) if, after the commencement of this regulation, the policy is varied by a further national environment protection measure made under the prescribed national scheme laws, any amendments to the policy that are necessary to give effect to the variations may be made.

**Note—**

- 1 This measure has come into operation as an environment protection policy under section 28A of the Act.

**4B—Special provisions relating to transport of controlled waste**

(1) In this regulation—

*Commonwealth Act* means the *National Environment Protection Council Act 1994* of the Commonwealth, as in force from time to time;

*consignment authorisation* has the same meaning as in the Controlled Waste Transport Measure;

*controlled waste* has the same meaning as in the Controlled Waste Transport Measure;

*Controlled Waste Transport Measure* means the National Environment Protection (Movement of Controlled Waste Between States and Territories) Measure made on 26 June 1998 and as in force from time to time under the Commonwealth Act;

*participating State* means a participating State, or a participating Territory, within the meaning of the Controlled Waste Transport Measure.

(2) If—

(a) a person holds a licence or other similar authority that—

(i) has been granted by a participating State other than South Australia; and

(ii) is the same as or has a similar effect to an environmental authorisation that authorises the activities specified in clause 3(5) or clause 3(6) (or both) of Part A of Schedule 1 of the Act, and

(b) the person ensures that a copy of the consignment authorisation obtained in relation to the controlled waste being transported is carried in the vehicle transporting the waste; and

(c) the person ensures that the conditions to which the consignment authorisation is subject (if any) are complied with to the extent that those conditions apply to the transportation of the controlled waste; and

(d) the person complies with the conditions of the person's licence or other authority granted by the participating State, to the extent that those conditions apply to the transportation of the controlled waste,

then to the extent that the person transports controlled waste into or through South Australia from another participating State, or from South Australia to another participating State, the person is exempt from the requirements of section 36 of the Act.

**6—Time limit for determination of applications for environmental authorisations (section 42)**

For the purposes of section 42 of the Act, the prescribed period is—

(a) in the case of an application for an environmental authorisation required to be granted (with effect from the commencement of the Act) under clause 5 of Schedule 2 of the Act—four months; or

(b) in the case of an application that is required to be referred to the Water Resources Minister under Division 1 of Part 8 of the Act—three months; or

- (c) in the case of an application in respect of which public notice is not required under section 39 of the Act—one month; or
- (d) in any other case—two months unless the Authority determines that the application involves matters of special complexity or requires an extended period for consideration of submissions from interested persons, in which case, the period may be extended by the Authority to a period, not exceeding four months, determined by the Authority.

#### **7—Renewal of environmental authorisations (section 43)**

- (1) For the purposes of section 43(3) of the Act, an application for renewal of an environmental authorisation must be made not less than—
  - (a) the number of days specified by condition of the authorisation before the date of expiry of the authorisation; or
  - (b) if the number of days is not so specified—60 days before the date of expiry of the authorisation.

#### **8—Annual returns (section 48)**

- (1) For the purposes of section 48(2)(a) of the Act, the date before which the holder of an environmental authorisation must lodge an annual return with the Authority is the date fixed by the Authority by condition of the authorisation.
- (3) For the purposes of section 48(4) of the Act, the penalty for failure to lodge an annual return is \$20.00 plus one per cent of the annual authorisation fee for the first month (or part of a month) for which the default continues and two per cent of the annual authorisation fee for each further month (or part of a month) for which the default continues.

#### **9—Financial assurances (section 51)**

For the purposes of section 51(4) of the Act, the interest payable in respect of an amount representing a pecuniary sum or part of a pecuniary sum that is to be repaid to the holder of an environmental authorisation is to be calculated at a rate one per cent less than the rate earned from investment of the Environment Protection Fund (or the relevant part of the Fund) during the period that the amount has been credited to the Fund.

#### **10—Reference of applications to Water Resources Minister (section 64)**

- (2) For the purposes of section 64(2) of the Act, the period allowed for a response from the Water Resources Minister in respect of an application for an environmental authorisation referred to that Minister is two months.
- (3) Pursuant to section 64(6) of the Act, the Authority must not make a decision on an application referred to the Water Resources Minister without having regard to the response of that Minister.

### **11—Authorised officers appointed by councils (section 85)**

- (1) Pursuant to section 140(5) of the Act, it is declared that a person holding office as an authorised officer by appointment of a council under the *Clean Air Act 1984* immediately before the commencement of the *Environment Protection Act 1993* is to continue in office as an authorised officer under Part 10 of the *Environment Protection Act 1993* subject to the provisions of that Part.
- (2) The appointment of an authorised officer referred to in subregulation (1) is subject to the condition that the officer may exercise powers as an authorised officer only in connection with enforcement of the provisions of the *Environment Protection (Burning) Policy 1994* within the area of the council.
- (3) The appointment of any authorised officer by a council is subject to—
  - (a) the condition that the authorised officer may exercise powers as an authorised officer only within the area of the council; and
  - (b) any other condition that the Authority determines to be appropriate.

### **12—Powers of authorised officers (section 87)**

For the purposes of section 87(3)(a) of the Act, the following are prescribed as vehicles in relation to which an authorised officer may exercise powers of entry and inspection:

- (a) any vehicle used to carry waste; or
- (b) any vehicle used in the course of or in connection with an activity authorised or required to be authorised by an environmental authorisation; or
- (c) any vehicle reasonably suspected of being a vehicle referred to in paragraph (a) or (b).

### **13—Warrants**

For the purposes of section 88(7)(a) of the Act, the form of a notice to be prepared by an authorised officer who executes a warrant is as set out in Schedule 1.

### **14—Interest on amounts recoverable by the Authority (sections 95 and 103)**

For the purposes of section 95(5)(a) or 103(3)(a) of the Act, the prescribed rate of interest per annum on an amount recoverable by the Authority but not paid within the period fixed by the Authority is 24 per cent calculated in respect of each month (or part of a month) for which the amount remains unpaid.

### **14A—Civil penalties—prescribed form of notice (section 104A)**

For the purposes of section 104A(3)(a) of the Act, the form of a notice to be served by the Authority under that provision is as set out in Schedule 2.

### **15—Public Register (section 109)**

- (1) For the purposes of section 109(1) of the Act, the following further information is required to be recorded in the register:
  - (a) such information as the Authority considers appropriate as to the results of tests or monitoring or evaluation undertaken in compliance with conditions of an environmental authorisation under section 52 of the Act;

- (b) such information as the Authority considers appropriate relating to any determination of the Authority under section 58 of the Act;
- (c) copies of any written warnings issued by the Authority in relation to alleged contraventions of the Act;
- (d) details of licences to operate a waste depot issued under the repealed *South Australian Waste Management Commission Act 1979* or the repealed *Waste Management Act 1987*;
- (e) details of licences issued under the repealed *South Australian Waste Management Act 1979* to produce waste of a prescribed kind (within the meaning of that Act);
- (f) details of licences issued under the repealed *Waste Management Act 1987* to produce prescribed waste (within the meaning of that Act);
- (g) details of any records that the former South Australian Waste Management Commission held under the repealed *Waste Management Act 1987* of waste (within the meaning of that Act) being deposited on land between 1 January 1983 and 30 April 1995;
- (h) details of environment performance agreements entered into under the Act (whether before or after the commencement of this paragraph).

#### **16—Authority may require copy of decision on development applications**

Where an application for development authorisation is referred to the Authority under the *Development Act 1993*, the relevant authority that determines the application under that Act must, if so required by the Authority by notice in writing, furnish the Authority with a full copy of the relevant authority's decision on the application as soon as practicable (but not later than one month) after the decision is made.

#### **17—Time limit for applications under transitional provisions (clause 5, Schedule 2)**

Pursuant to section 140(5) of the Act, an application for the granting of a works approval, licence or exemption as referred to in clause 5(1) or (2) of Schedule 2 of the Act must be lodged with the Authority no later than six months after the commencement of the Act.

#### **18—Transitional provisions relating to bodies corporate under repealed Acts**

- (1) In this regulation—  
*former body corporate* means—
  - (a) the Environmental Protection Council established under the *Environmental Protection Council Act 1972*;
  - (b) the South Australian Waste Management Commission continued in existence under the *Waste Management Act 1987*.
- (2) Pursuant to section 140(5) of the Act, the following provisions apply in relation to a former body corporate:
  - (a) the whole of the real and personal property of the former body corporate and all its rights and liabilities are vested in the Authority;

- (b) a reference to a former body corporate in an instrument or in a judgement, order or process of a court will be taken to be a reference to the Authority;
- (c) legal proceedings commenced by or against a former body corporate may be continued by or against the Authority;
- (d) the Registrar-General will, on application by the Authority and on being furnished with such duplicate certificates of title or other documents as the Registrar-General may require, register the Authority as the proprietor of an interest in land vested in the Authority by this regulation.

## Schedule 1—Notice of execution of warrant

*Environment Protection Act 1993*  
(section 88(7))

### NOTICE OF EXECUTION OF WARRANT

\*TO: The occupier of the place .....  
Address or description of place

or

\*TO: The person apparently in charge of the vehicle .....  
Description of vehicle

TAKE NOTICE that ..... , a Justice of the Peace,  
Name of Justice

did at..... \*am/pm on the ..... day of ..... 20....., issue a warrant to  
break into or open any part of, or anything in or on—

\* (a) the place at the address or of the description specified above; or

\* (b) the vehicle of the description specified above

and that I .....  
Name

an authorised officer under the *Environment Protection Act 1993* did execute the warrant  
on the ..... day of ..... 20 .....

\* No property was seized.

\* The following items of property were seized:

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

Dated this..... day of ..... 20 .....

.....  
Signature of abovenamed authorised officer

\*Strike out whichever is inapplicable

## Schedule 2—Civil penalties—prescribed form of notice

File No

*Environment Protection Act 1993*

NOTICE for the purposes of section 104A(3) of the Act

### PART A—Notice

To:

Title: Mr/Mrs/Ms

Last

Given

Name:

Names:

Company Name  
(if applicable):

Postal Address:

Street Address (if different  
from above) or other  
information relevant to service

- 1 The Environment Protection Authority (the Authority) is satisfied that you have committed a contravention against the *Environment Protection Act 1993* (“the Act”). The particulars of the alleged contravention are set out in **Part B** of this notice.
- 2 The purpose of this notice is to give you the opportunity to elect to be prosecuted for the alleged contravention under section 104A(3) of the Act. **If you do not elect to be prosecuted, the Authority may commence civil penalty proceedings under section 104A of the Act for the purpose of obtaining an order from the Court that you pay an amount as a civil penalty in respect of the contravention.** In these civil proceedings, any contravention of the Act would only need to be proved “on the balance of probabilities”.
- 3 **If you elect to be prosecuted, rather than negotiating a civil penalty with the Authority or facing civil penalty proceedings, you must serve a written notice on the Authority within 21 days after service of this notice.**
- 4 The following matters are relevant to the provision of a notice of election to the Authority:
  - (1) The notice must be addressed to the Authority as follows:

*[Insert relevant information]*
  - (2) You may choose to use the pro forma notice to the Authority attached to this document, or you may inform the Authority by letter addressed to *[Insert relevant information]* if you so wish.
  - (3) Please quote your name and the File Number shown at the top of this document.

- (4) Additional information about the Act can be obtained from [www.epa.sa.gov.au](http://www.epa.sa.gov.au). Information concerning this Notice can be obtained by telephone from the Manager, Investigations Branch—Telephone [insert relevant number]. There is also some additional general information set out below.
- (5) If you do not respond within 21 days after service of this notice, proceedings may be commenced to recover the “civil penalty” in the Environment, Resources and Development Court.

**PART B—Particulars of alleged contravention**

Address or  
Location of contravention:

The details of the contravention are as follows:

Issued by:

Date:

**PART C—General information**

**1 Environment Protection Act 1993**

The *Environment Protection Act 1993* is an Act to provide for the protection, restoration and enhancement of the quality of the environment.

**2 Section 104A of the Environment Protection Act 1993**

**104A—Authority may recover civil penalty in respect of contravention**

- (1) Subject to this section, if the Authority is satisfied that a person has committed an offence by contravening a provision of this Act, the Authority may, as an alternative to criminal proceedings, recover, by negotiation or by application to the Environment, Resources and Development Court, an amount as a civil penalty in respect of the contravention.
- (2) The Authority may not recover an amount under this section in respect of a contravention if the relevant offence requires proof of intention or some other state of mind, and must, in respect of any other contravention, determine whether to initiate proceedings for an offence or take action under this section, having regard to the seriousness of the contravention, the previous record of the offender and any other relevant factors.
- (3) The Authority may not make an application to the Court under this section to recover an amount from a person as a civil penalty in respect of a contravention—
  - (a) unless the Authority has served on the person a notice in the prescribed form advising the person that the person may, by written notice to the Authority, elect to be prosecuted for the contravention and the person has been allowed not less than 21 days after service of the Authority's notice to make such an election; or
  - (b) if the person serves written notice on the Authority, before the making of such an application, that the person elects to be prosecuted for the contravention.

- (4) The maximum amount that the Authority may recover by negotiation as a civil penalty in respect of a contravention is—
- (a) the amount specified by this Act as the criminal penalty in relation to that contravention; or
  - (b) \$120 000,
- whichever is the lesser.
- (5) If, on an application by the Authority, the Environment, Resources and Development Court is satisfied on the balance of probabilities that a person has contravened a provision of this Act, the Court may order the person to pay to the Authority an amount as a civil penalty (but not exceeding the amount specified by this Act as the criminal penalty in relation to that contravention).
- (6) In determining the amount to be paid by a person as a civil penalty, the Court must have regard to—
- (a) the nature and extent of the contravention; and
  - (b) any environmental harm or detriment to the public interest resulting from the contravention; and
  - (c) any financial saving or other benefit that the person stood to gain by committing the contravention; and
  - (d) whether the person has previously been found, in proceedings under this Act, to have engaged in any similar conduct; and
  - (e) any other matter it considers relevant.
- (7) The jurisdiction conferred by this section is to be part of the civil jurisdiction of the Court.
- (8) If conduct of a person constitutes a contravention of two or more provisions of this Act, an amount may be recovered from the person under this section in relation to the contravention of any one or more of those provisions (provided that the person is not liable to pay more than one amount as a civil penalty in respect of the same conduct).
- (9) Proceedings for an order under this section that a person pay an amount as a civil penalty in relation to a contravention of this Act, or for enforcement of such an order, are stayed if criminal proceedings are started or have already been started against the person for an offence constituted by conduct that is substantially the same as the conduct alleged to constitute the contravention.
- (10) Proceedings referred to in subsection (9) may only be resumed if the criminal proceedings do not result in a formal finding of guilt being made against the person.
- (11) Evidence of information given or evidence of the production of documents by a person is not admissible in criminal proceedings against the person if—
- (a) the person gave the evidence or produced the documents in the course of negotiations or proceedings under this section for the recovery of an amount as a civil penalty in relation to a contravention of this Act; and
  - (b) the conduct alleged to constitute the offence is substantially the same as the conduct that was alleged to constitute the contravention.
- (12) However, subsection (11) does not apply to criminal proceedings in respect of the making of a false or misleading statement.
- (13) Proceedings for an order under this section may be commenced at any time within three years after the date of the alleged contravention or, with the authorisation of the Attorney-General, at any later time within 10 years after the date of the alleged contravention.
- (14) An apparently genuine document purporting to be under the hand of the Attorney-General and to authorise the commencement of proceedings for an order under this section will be accepted in any legal proceedings, in the absence of proof to the contrary, as proof of the authorisation.
- (15) The Court may, in any proceedings under this section, make such orders in relation to the costs of the proceedings as it thinks just and reasonable.

-----  
**Attachment**

**Notice to the Authority**

- 1 I (*insert name or company name*) have received a notice from the Authority under section 104A(3) of the *Environment Protection Act 1993* (“the Act”) in connection with the proposed commencement of civil penalty proceedings in respect of a contravention of the Act.

The File No is:

- 2 In accordance with section 104A of the Act I HEREBY GIVE NOTICE that I elect to be prosecuted for the alleged contravention.

Name in full:

Signed:

Please also print name here:

- 3 Contact details:

4 Date:

5. COMPANIES

I, (*insert name*) having authority to act for and on behalf of (*Insert Company name*) in this matter in accordance with section 104A of the Act I HEREBY GIVE NOTICE that (*Insert Company name*) elect to be prosecuted for the alleged contravention.

Name in full:

Signed:

Please also print name here:

6. Contact details:

## Legislative history

### Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Principal regulations and variations

New entries appear in bold.

| Year        | No         | Reference                             | Commencement         |
|-------------|------------|---------------------------------------|----------------------|
| 1994        | 183        | <i>Gazette 27.10.1994 p1346</i>       | 1.5.1995: r 2        |
| 1994        | 214        | <i>Gazette 15.12.1994 p2265</i>       | 1.5.1995: r 2        |
| 1996        | 49         | <i>Gazette 4.4.1996 p1921</i>         | 4.4.1996: r 2        |
| 1996        | 50         | <i>Gazette 4.4.1996 p1922</i>         | 4.4.1996: r 2        |
| 1997        | 54         | <i>Gazette 1.5.1997 p1707</i>         | 1.5.1997: r 2        |
| 1998        | 156        | <i>Gazette 2.7.1998 p37</i>           | 2.11.1998: r 2       |
| 1999        | 4          | <i>Gazette 14.1.1999 p409</i>         | 14.1.1999: r 2       |
| 2000        | 262        | <i>Gazette 16.11.2000 p3216</i>       | 16.11.2000: r 2      |
| 2001        | 3          | <i>Gazette 18.1.2001 p150</i>         | 18.1.2001: r 2       |
| 2001        | 175        | <i>Gazette 19.7.2001 p2716</i>        | 19.7.2001: r 2       |
| 2004        | 186        | <i>Gazette 26.8.2004 p3454</i>        | 26.8.2004: r 2       |
| 2006        | 175        | <i>Gazette 22.6.2006 p2022</i>        | 1.7.2006: r 2        |
| 2007        | 31         | <i>Gazette 5.4.2007 p1137</i>         | 5.4.2007: r 2        |
| 2007        | 233        | <i>Gazette 20.9.2007 p3754</i>        | 20.9.2007: r 2       |
| <b>2008</b> | <b>176</b> | <b><i>Gazette 26.6.2008 p2638</i></b> | <b>1.7.2008: r 2</b> |

### Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

| Provision  | How varied   | Commencement     |
|------------|--|------------------|
| <i>r 2</i> | <i>omitted under the Legislation Revision and Publication Act 2002</i> | <i>26.8.2004</i> |
| r 3A       | inserted by 4/1999 r 3   | 14.1.1999        |
| r 3B       | inserted by 186/2004 r 4   | 26.8.2004        |
| r 4        |  |                  |
| r 4(2a)    | inserted by 31/2007 r 4  | 5.4.2007         |
| r 4AA      | 4A inserted by 50/1996 r 3   | 4.4.1996         |

---

|         |   |                 |
|---------|---|-----------------|
|         | 4A redesignated as r 4AA in pursuance of the<br><i>Subordinate Legislation Act 1978</i> | 4.4.1996        |
|         | substituted by 233/2007 r 4   | 20.9.2007       |
| r 4AB   | inserted by 54/1997 r 3   | 1.5.1997        |
| r 4A    | inserted by 49/1996 r 3   | 4.4.1996        |
|         | substituted by 262/2000 r 3   | 16.11.2001      |
| r 4A(1) | varied by 175/2001 r 3(a)   | 19.7.2001       |
| r 4A(2) | inserted by 175/2001 r 3(b)   | 19.7.2001       |
| r 4B    | inserted by 3/2001 r 3  | 18.1.2001       |
| r 5     | <i>deleted by 233/2007 r 5</i>  | 20.9.2007       |
| r 7     |   |                 |
| r 7(2)  | <i>deleted by 176/2008 r 4</i>  | <b>1.7.2008</b> |
| r 8     |   |                 |
| r 8(2)  | <i>deleted by 176/2008 r 5(1)</i>   | <b>1.7.2008</b> |
| r 8(3)  | <b>varied by 176/2008 r 5(2)</b>  | <b>1.7.2008</b> |
| r 10    |   |                 |
| r 10(1) | <i>deleted by 233/2007 r 6</i>  | 20.9.2007       |
| r 13    | varied by 175/2006 r 4  | 1.7.2006        |
| r 14A   | inserted by 175/2006 r 5  | 1.7.2006        |
| r 15    |   |                 |
| r 15(1) | varied by 156/1998 r 3  | 2.11.1998       |
| r 18    | inserted by 214/1994 r 3  | 1.5.1995        |
| Sch 1   | Sch redesignated as Sch 1 by 175/2006 r 6   | 1.7.2006        |
| Sch 2   | inserted by 175/2006 r 7  | 1.7.2006        |

## Historical versions

26.8.2004

1.7.2006

5.4.2007

20.9.2007