

SUPPLEMENTARY GAZETTE



THE SOUTH AUSTRALIAN
GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

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 All instruments appearing in this gazette are to be considered official, and obeyed as such

GOVERNOR'S INSTRUMENTS

APPOINTMENTS

Department of the Premier and Cabinet
Adelaide, 27 January 2021

His Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the HomeStart Finance Board of Management, pursuant to the provisions of the Urban Renewal Act 1995:

Member: from 1 February 2021 until 31 January 2024
Paulette Jacqueline Kolarz

By command,

VICKIE ANN CHAPMAN
For Premier

T&F21/005CS

Department of the Premier and Cabinet
Adelaide, 27 January 2021

His Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Health Performance Council, pursuant to the provisions of the Health Care Act 2008:

Member: from 2 February 2021 until 1 February 2025
Stephen John Duckett

Chairperson: from 2 February 2021 until 1 February 2025
Stephen John Duckett

By command,

VICKIE ANN CHAPMAN
For Premier

HEAC-2021-00001

Department of the Premier and Cabinet
Adelaide, 27 January 2021

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

Member: from 1 February 2021 until 30 June 2021
Charles Hollis
Kelly Renee Tattersall

By command,

VICKIE ANN CHAPMAN
For Premier

T&F21/006CS

Department of the Premier and Cabinet
Adelaide, 27 January 2021

His Excellency the Governor in Executive Council has been pleased to appoint Her Honour Judge Sophie David to the office of Puisne Judge of the Supreme Court of South Australia from 28 January 2021 - pursuant to section 9 of the Supreme Court Act 1935.

By command,

VICKIE ANN CHAPMAN
For Premier

AGO0001-21CS

Department of the Premier and Cabinet
Adelaide, 27 January 2021

His Excellency the Governor in Executive Council has been pleased to appoint the people listed to the position of Community Visitor for the terms specified - pursuant to the provisions of the Mental Health Act 2009.

Anne Gordon Burgess for a term of three years commencing on 4 June 2021 and expiring on 3 June 2025
Andrew John Bain Crowther for a term of three years commencing on 18 April 2021 and expiring on 17 April 2025
Marianne Dahl for a term of three years commencing on 9 February 2021 and expiring on 8 February 2025
Ingrid Lily Davies for a term of three years commencing on 21 June 2021 and expiring on 20 June 2025
Margaret Edith Elfenbein for a term of three years commencing on 4 June 2021 and expiring on 3 June 2025
Judith Mary Harvey for a term of three years commencing on 21 June 2021 and expiring on 20 June 2025
Mary Stewart Hollard for a term of three years commencing on 7 February 2021 and expiring on 6 February 2025
John James Leahy for a term of three years commencing on 28 April 2021 and expiring on 27 April 2025
Susan Margaret Whittington for a term of three years commencing on 21 June 2021 and expiring on 20 June 2025
Joanna Ying Zhuang for a term of three years commencing on 18 April 2021 and expiring on 17 April 2025

By command,

VICKIE ANN CHAPMAN
For Premier

HEAC-2020-00076

PROCLAMATIONS

South Australia

Statutes Amendment (Abolition of Defence of Provocation and Related Matters) Act (Commencement) Proclamation 2021

1—Short title

This proclamation may be cited as the *Statutes Amendment (Abolition of Defence of Provocation and Related Matters) Act (Commencement) Proclamation 2021*.

2—Commencement of Act

- (1) Subject to subclause (2), the *Statutes Amendment (Abolition of Defence of Provocation and Related Matters) Act 2020* (No 43 of 2020) (the **Act**) comes into operation on 1 February 2021.
- (2) Sections 7, 10, 11, 12 and Schedule 1 of the Act come into operation on 29 March 2021.

Made by the Governor

with the advice and consent of the Executive Council
on 27 January 2021

South Australia

Statutes Amendment (National Energy Laws) (Penalties and Enforcement) Act (Commencement) Proclamation 2021

1—Short title

This proclamation may be cited as the *Statutes Amendment (National Energy Laws) (Penalties and Enforcement) Act (Commencement) Proclamation 2021*.

2—Commencement of Act

The *Statutes Amendment (National Energy Laws) (Penalties and Enforcement) Act 2020* (No 37 of 2020) comes into operation on 29 January 2021.

Made by the Governor

with the advice and consent of the Executive Council
on 27 January 2021

REGULATIONS

South Australia

Controlled Substances (Poisons) (Serious Shortage Medicine Substitution) Variation Regulations 2021

under the *Controlled Substances Act 1984*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Controlled Substances (Poisons) Regulations 2011*

- 4 Insertion of regulation 35B
35B Dispensing prescriptions—S4 drugs in serious shortage
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Controlled Substances (Poisons) (Serious Shortage Medicine Substitution) Variation Regulations 2021*.

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 *Controlled Substances (Poisons) Regulations 2011*

4—Insertion of regulation 35B

After regulation 35A insert:

35B—Dispensing prescriptions—S4 drugs in serious shortage

- (1) If—
- (a) a prescription for an S4 drug is presented to a pharmacist for dispensing; and
 - (b) the drug to which the prescription relates is a medicine in respect of which a Serious Shortage Medicine Substitution Notice issued by the TGA under the Commonwealth Act is in force; and
 - (c) the pharmacist is unable to dispense the prescription because the pharmacist does not have, and cannot obtain, the drug to which the prescription relates in the strength, release form or dose form specified in the prescription; and
 - (d) the person for whom the prescription has been given consents to receiving the drug in a strength, release form or dose form specified in the Notice instead; and
 - (e) the pharmacist is of the opinion that it is appropriate to supply the person with the drug in a strength, release form or dose form specified in the Notice,

the pharmacist may supply the person with the drug in a strength, release form or dose form specified in the Notice in accordance with the conditions stated in the Notice.

- (2) If a pharmacist supplies a drug as authorised by subregulation (1), the pharmacist must, as soon as practicable, give the prescriber of the drug notice in writing of the strength, release form and dose form in which the drug was supplied.

Maximum penalty: \$3 000.

- (3) For the purposes of these regulations, if a pharmacist supplies a drug as authorised by subregulation (1), the pharmacist will be taken to have dispensed the prescription for the drug presented to the pharmacist.

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

after consultation by the Minister with the Controlled Substances Advisory Council and with the advice and consent of the Executive Council
on 27 January 2021

No 3 of 2021

South Australia

National Electricity (South Australia) (Penalties) Variation Regulations 2021

under the *National Electricity (South Australia) Act 1996*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *National Electricity (South Australia) Regulations* that takes effect on commencement of these regulations

- 4 Variation of regulation 3—Interpretation
- 5 Substitution of regulation 6—Civil penalty provisions
 - 6 Civil penalty provisions
- 6 Insertion of regulation 16
 - 16 Indexation of civil and criminal penalty amounts
- 7 Substitution of Schedule 1
 - Schedule 1—Civil penalty provisions
 - Part 1—Tier 1 civil penalty provisions
 - Part 2—Tier 2 civil penalty provisions
 - Part 3—Tier 3 civil penalty provisions
- 8 Variation of Schedule 1AA—Conduct provisions

Part 3—Variation of *National Electricity (South Australia) Regulations* that takes effect on 31 March 2021

- 9 Variation of Schedule 1—Civil penalty provision

Part 4—Variation of *National Electricity (South Australia) Regulations* that takes effect on 24 October 2021

- 10 Variation of Schedule 1—Civil penalty provision
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *National Electricity (South Australia) (Penalties) Variation Regulations 2021*.

2—Commencement

- (1) Subject to this regulation, these regulations come into operation on the day on which section 6 of the *Statutes Amendment (National Energy Laws) (Penalties and Enforcement) Act 2020* comes into operation.
- (2) Part 3 comes into operation on 31 March 2021.
- (3) Part 4 comes into operation on 24 October 2021.

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 *National Electricity (South Australia) Regulations* that takes effect on commencement of these regulations

4—Variation of regulation 3—Interpretation

Regulation 3—after the definition of *old National Electricity Law* insert:

tier 1 civil penalty provision—see regulation 6(2);

tier 2 civil penalty provision—see regulation 6(3);

tier 3 civil penalty provision—see regulation 6(4).

5—Substitution of regulation 6—Civil penalty provisions

Regulation 6—delete the regulation and substitute:

6—Civil penalty provisions

- (1) For the purposes of section 2AA(1)(c) of the new National Electricity Law, a provision of the Rules listed in Schedule 1 is prescribed to be a civil penalty provision.
- (2) A civil penalty provision listed in Schedule 1 Part 1 is prescribed for the purposes of section 2AB(1)(c) of the new National Electricity Law and is a *tier 1 civil penalty provision*.
- (3) A civil penalty provision listed in Schedule 1 Part 2 is prescribed for the purposes of section 2AB(1)(b) of the new National Electricity Law and is a *tier 2 civil penalty provision*.
- (4) A civil penalty provision to which section 2AB(1)(a) of the new National Electricity Law applies is a *tier 3 civil penalty provision*.

6—Insertion of regulation 16

After regulation 15 insert:

16—Indexation of civil and criminal penalty amounts

- (1) For the purposes of clauses 37A and 37B of Schedule 2 to the new National Electricity Law, each civil penalty amount and criminal penalty amount is to be adjusted in accordance with the following formula:

$$P = Pc \times A / B$$

Where—

P is the amount that applies on and from the date of the adjustment

Pc is the amount that applied immediately before the first adjustment

A is—

- (a) for the first adjustment—the sum of the index numbers for the 4 quarters in the 2022 calendar year; and
- (b) for each subsequent adjustment—the sum of the index numbers for the 4 quarters in the calendar year that ended most recently before the date of the adjustment

B is the sum of the index numbers for the 4 quarters in the 2019 calendar year

A/B is calculated to the nearest 3 decimal places (and a fourth decimal place of 5 is to be rounded up).

- (2) An amount adjusted under this regulation is to be rounded up or down as follows:
- (a) in the case of an amount that is \$10 000 or greater—to the nearest multiple of \$100 (with an amount of \$50 rounded up);
 - (b) in the case of an amount that is less than \$10 000—to the nearest multiple of \$10 (with an amount of \$5 rounded up).
- (3) If an amount adjusted under this regulation is less than the amount that applied immediately before the adjustment, the amount that applied immediately before the adjustment applies instead.

- (4) In this regulation—

index number for a quarter means—

- (a) the All Groups Consumer Price Index number that is the weighted average of the 8 capital cities and is published by the Australian Statistician for that quarter; or
- (b) if the Australian Statistician fails or ceases to publish that Index, another index number determined by the MCE for that quarter.

7—Substitution of Schedule 1

Schedule 1—delete the Schedule and substitute:

Schedule 1—Civil penalty provisions**Part 1—Tier 1 civil penalty provisions****Provisions of the new National Electricity Law**

Section 11(1)

Section 11(2)

Section 11(3)

Section 11(4)

Section 14A

Section 14B

Section 18ZF(1)

Section 18ZF(3)

Section 28N

Section 28O

Section 50D(1)

Section 50F(1)

Section 50F(4)

Section 50F(5)

Section 53C(3)

Section 53C(4)

Section 136

Section 157(1)

Provisions of the Rules

clause 2.2.2(c)

clause 2.2.3(d)

clause 2.2.4(c)

clause 2.2.4(d)

clause 2.2.6(g)(1)

clause 2.2.6(g)(2)

clause 2.2.6(g)(4)

clause 2.2.6(h)

clause 2.2.7(f)

clause 2.3.4(c)
clause 2.3.5(g)(1)
clause 2.3.5(g)(2)
clause 2.3.5(g)(4)
clause 2.3.5(h)
clause 2.3A.1(g)
clause 2.3A.1(h)
clause 2.5.1(d4)
clause 2.5.3(e)(1)
clause 2.5.3(e)(2)
clause 2.5.3(e)(3)
clause 2.5.3(e)(4)
clause 2.10.1(c1)
clause 2.10.1(c2)
clause 2.10.1(c3)
clause 2.10.2(a)
clause 3.7.2(d)
clause 3.7.2(e)
clause 3.7.3(e)
clause 3.7.3(f)
clause 3.7.3(g)
clause 3.7B(b)
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clause 3.8.3A(d)
clause 3.8.3A(j)
clause 3.8.4(a)
clause 3.8.4(b)
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clause 3.8.7A(m)
clause 3.8.19(a)
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clause 3.8.19(b)(1)

clause 3.8.20(g)
clause 3.8.22A
clause 3.9.7(a)
clause 3.9.7(c)
clause 3.13.2(h)
clause 3.13.3A(g)
clause 3.13.12(g)
clause 3.15.8A(c)
clause 3.15.9(f)
clause 3.15.16
clause 3.15.21(h)
clause 3.19(c)
clause 3.20.3(h)
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clause 4.3.4(g)
clause 4.3.4(j)
clause 4.3.4(k)
clause 4.3.4(l)
clause 4.3.4(m)
clause 4.3.4(n)
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clause 4.3.5(b)
clause 4.4.2(b)
clause 4.4.2(c1)
clause 4.4.3
clause 4.4.4(g)
clause 4.4.4(h)
clause 4.4.5(f)

clause 4.4.5(g)
clause 4.5.2(b)
clause 4.6.5(c)
clause 4.7.1(a)
clause 4.8.1
clause 4.8.2(a)
clause 4.8.2(b)
clause 4.8.5A(d)
clause 4.8.9(c)
clause 4.8.9A
clause 4.8.12(d)
clause 4.8.14(b)
clause 4.8.14(d)
clause 4.8.14(e)
clause 4.9.2(d)
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clause 4.9.3(b)
clause 4.9.3A(c)
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clause 5.3.10(a)
clause 5.6.2(b)
clause 5.7.3(c)

clause 5.7.3A(a)

clause 5.7.3A(b)

clause 5.7.3A(c)

clause 5.7.4(a1)

clause 5.7.4(a3)

clause 5.7.5(a)

clause 5.7.5(b)

clause 5.7.5(c)

clause 5.7.5(d)

clause 5.7.6(e)

clause 5.7.7(j)

clause 5.7.7(m)

clause 5.7.7(u)

clause 5.7.7(v)

clause 5.7.7(z)

clause 5.7.7(ae)

clause 5.8.1(a)

clause 5.8.1(b)

clause 5.8.3(a)

clause 5.8.3(b)

clause 5.8.5(c)

clause 5.9.1(a)

clause 5.9.1(b)

clause 5.9.2(a)

clause 5.9.3(c)

clause 5.9.4(d)

clause 5.9.5(b)

clause 5.9.6(c)

clause 5.11.2(a)

clause 5.11.2(b)

clause 5.11.2(c)

clause 5.12.1(a)

clause 5.12.1(b)

clause 5.13.1(a)(2)

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clause 8.6.1(d)
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clause 11.86.7(h)
clause 11.86.7(i)
clause 11.100.4(c)
clause 11.101.4(c)

Part 2—Tier 2 civil penalty provisions

Provisions of the new National Electricity Law

section 14P(1)

section 14P(3)

section 18ZC(1)

section 18ZC(2)

section 18ZD

Provisions of the Rules

clause 1.9

clause 2.3.2(c)

clause 2.3.3(c)

clause 2.3.4(h)

clause 2.11.2(c)

clause 3.7A(n)

clause 3.7A(o)

clause 3.7A(p)

clause 3.8.2(a)

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clause 3.8.2(b1)

clause 3.8.2(e)

clause 3.8.8(b)

clause 3.8.17(e)

clause 3.8.18(b)

clause 3.8.18(c)

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clause 3.8.22(c)(2)

clause 3.8.22(c)(3)

clause 3.8.22(ca)

clause 3.11.2(f)

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clause 7.10.2(a)(3)

clause 7.10.2(a)(4)

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clause 7.10.5(a)

clause 7.10.5(b)

clause 7.10.5(c)

clause 7.10.6(a)

clause 7.10.7(a)

clause 7.10.7(b)

clause 7.10.7(c)

clause 7.10.7(d)

clause 7.11.3

clause 7.15.2(a)

clause 7.15.3(a)

clause 7.15.3(b)

clause 7.15.3(c)

clause 7.15.3(d)

clause 7.15.3(e)

clause 7.15.3(i)

clause 7.15.3(j)

clause 7.15.4

clause 7.15.5(a)

clause 7.16.2(c)

clause 8.7.2(e)

clause 8.7.2(f)

clause 9.4.3(b)

clause 9.4.3(d)(1)

clause 9.4.3(d)(2)

clause 9.4.3(f)

clause 9.4.3(g)

clause 9.12.3(c)(1)

clause 9.12.3(c)(2)

clause 9.12.3(e)(1)

clause 9.12.3(e)(2)

clause 9.12.3(h)

Part 3—Tier 3 civil penalty provisions

Provisions of the Rules

clause 3.3.1(a)

clause 3.3.2(a)

clause 3.3.2(b)

clause 3.3.2(c)

clause 3.3.2(d)

clause 3.3.2(e)

clause 3.3.5

clause 3.3.6(a)

clause 3.3.6(b)

clause 3.3.7(b)

clause 3.3.13(a)

clause 3.3.16(a)

clause 3.3.18(a)

clause 3.6.3(b)(2)

clause 3.6.3(b)(3)

clause 3.6.3(b1)

clause 3.6.3(f)(1)

clause 3.6.3(g)

clause 3.15.8(b)

clause 3.15.25(a)

clause 3.18.4(e)

clause 4.11.1(a)

clause 4.11.1(b)

clause 4.11.1(c)

clause 4.11.1(e)

clause 4.11.1(g)

clause 4.11.2(a)

clause 4.11.3(a)

clause 4.11.3(b)(1)

clause 4.11.3(b)(2)
clause 4.11.3(b)(3)
clause 4.11.3(b)(4)
clause 4.11.3(b)(5)
clause 4.11.3(c)
clause 4.11.3(d)
clause 4.11.3(e)
clause 4.11.4(a)
clause 4.11.4(b)
clause 4.11.5(a)
clause 4.11.5(b)
clause 4.12(a)
clause 4.12(c)
clause 4.12(e)
clause 4.12(f)
clause 5.2.2(a)
clause 5.2A.6(c)
clause 5.3.2(b)
clause 5.3.2(c)
clause 5.3.2(d)
clause 5.3.2(f)
clause 5.3.3(b)
clause 5.3.3(b1)
clause 5.3.3(b5)
clause 5.3.3(c)
clause 5.3.5(g)
clause 5.3.6(a)
clause 5.3.6(b)
clause 5.3.6(b1)
clause 5.3.6(c)
clause 5.3.6(g)
clause 5.3.6(h)
clause 5.3.6(j)
clause 5.3.8(e)
clause 5.3A.8(g)(1)

clause 5.3A.10(e)
clause 5.3AA(h)
clause 5.7.1(l)
clause 5.7.2(h)
clause 5.7.2(i)
clause 5.7.3(a)
clause 5.16.3(a)
clause 5.16.4(a)
clause 5.17.3(a)
clause 5.17.4(a)
clause 7.6.3(c)
clause 7.6.4(c)
clause 7.8.4(f)
clause 7.8.4(h)
clause 7.8.4(h1)
clause 7.12.2(b)
clause 8.2.3
clause 8.2.9(c)
clause 11.86.7(a)
clause 11.86.7(b)
clause 11.86.7(d)
clause 11.116.13(b)

8—Variation of Schedule 1AA—Conduct provisions

- (1) Schedule 1AA—before "Clause 6B.A2.1" insert:
clause 3.8.2A(d)
- (2) Schedule 1AA, reference to "Clause 6B.A2.1"—delete "Clause" and substitute:
clause

Part 3—Variation of *National Electricity (South Australia) Regulations* that takes effect on 31 March 2021

9—Variation of Schedule 1—Civil penalty provision

- Schedule 1, Part 2—after "clause 3.7A(p)" insert:
clause 3.7D(b)

**Part 4—Variation of *National Electricity (South Australia)*
Regulations that takes effect on 24 October 2021**

10—Variation of Schedule 1—Civil penalty provision

- (1) Schedule 1, Part 1—after "clause 2.3.5(h)" insert:
 - clause 2.3.6(h)
 - clause 2.3.6(i)
 - clause 2.3.6(k)
- (2) Schedule 1, Part 1—after "clause 3.7B(b)" insert:
 - clause 3.8.2A(b)
 - clause 3.8.2A(c)
 - clause 3.8.2A(d)
 - clause 3.8.2A(e)
 - clause 3.8.2A(f)
- (3) Schedule 1, Part 1—after "clause 3.8.4(e)" insert:
 - clause 3.8.4(f)
- (4) Schedule 1, Part 1—after "clause 4.9.2A(b)" insert:
 - clause 4.9.2B(d)
- (5) Schedule 1, Part 1—after "clause 4.9.8(e)" insert:
 - clause 4.9.8(f)
- (6) Schedule 1, Part 1—after "clause 4.9.9D" insert:
 - clause 4.9.9E
- (7) Schedule 1, Part 2—after "clause 3.8.2(e)" insert:
 - clause 3.8.2A(a)
 - clause 3.8.2A(i)
- (8) Schedule 1, Part 3—after "clause 4.11.1(c)" insert:
 - clause 4.11.1(c1)

Made by the Governor

on the unanimous recommendation of the Ministers of the participating jurisdictions and with the advice and consent of the Executive Council
on 27 January 2021

No 4 of 2021

South Australia

National Energy Retail (South Australia) (Penalties) Variation Regulations 2021

under the *National Energy Retail Law (South Australia) Act 2011*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *National Energy Retail Regulations*

- 4 Variation of regulation 3—Interpretation
 - 5 Substitution of regulation 6—Civil penalty provisions
 - 6 Civil penalty provisions
 - 6 Insertion of regulation 12A
 - 12A Indexation of civil and criminal penalty amounts
 - 7 Substitution of Schedule 1
 - Schedule 1—Civil penalty provisions
 - Part 1—Tier 1 civil penalty provisions
 - Part 2—Tier 2 civil penalty provisions
 - Part 3—Tier 3 civil penalty provisions
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *National Energy Retail (South Australia) (Penalties) Variation Regulations 2021*.

2—Commencement

These regulations come into operation on the day on which section 6 of the *Statutes Amendment (National Energy Laws) (Penalties and Enforcement) Act 2020* comes into operation.

3—Variation provisions

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

Part 2—Variation of *National Energy Retail Regulations*

4—Variation of regulation 3—Interpretation

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

tier 1 civil penalty provision—see regulation 6(2);

tier 2 civil penalty provision—see regulation 6(3);

tier 3 civil penalty provision—see regulation 6(4).

5—Substitution of regulation 6—Civil penalty provisions

Regulation 6—delete the regulation and substitute:

6—Civil penalty provisions

- (1) For the purposes of section 4(1)(b) of the Law, a provision of the Law, other than a civil penalty provision under section 4(1)(a) of the Law, or Rules listed in Schedule 1 is prescribed to be a civil penalty provision.
- (2) A civil penalty provision listed in Schedule 1 Part 1 is prescribed for the purposes of section 4A(1)(c) of the Law and is a *tier 1 civil penalty provision*.
- (3) A civil penalty provision listed in Schedule 1 Part 2 is prescribed for the purposes of section 4A(1)(b) of the Law and is a *tier 2 civil penalty provision*.
- (4) A civil penalty provision to which section 4A(1)(a) of the Law applies is a *tier 3 civil penalty provision*.

6—Insertion of regulation 12A

After regulation 12 insert:

12A—Indexation of civil and criminal penalty amounts

- (1) For the purposes of sections 300A and 300B of the Law, each civil penalty amount and criminal penalty amount is to be adjusted in accordance with the following formula:

$$P = Pc \times A / B$$

Where—

P is the amount that applies on and from the date of the adjustment

Pc is the amount that applied immediately before the first adjustment

A is—

- (a) for the first adjustment—the sum of the index numbers for the 4 quarters in the 2022 calendar year; and
- (b) for each subsequent adjustment—the sum of the index numbers for the 4 quarters in the calendar year that ended most recently before the date of the adjustment

B is the sum of the index numbers for the 4 quarters in the 2019 calendar year

A/B is calculated to the nearest 3 decimal places (and a fourth decimal place of 5 is to be rounded up).

- (2) An amount adjusted under this regulation is to be rounded up or down as follows:
 - (a) in the case of an amount that is \$10 000 or greater—to the nearest multiple of \$100 (with an amount of \$50 rounded up);
 - (b) in the case of an amount that is less than \$10 000—to the nearest multiple of \$10 (with an amount of \$5 rounded up).
- (3) If an amount adjusted under this regulation is less than the amount that applied immediately before the adjustment, the amount that applied immediately before the adjustment applies instead.
- (4) In this regulation—

index number for a quarter means—

 - (a) the All Groups Consumer Price Index number that is the weighted average of the 8 capital cities and is published by the Australian Statistician for that quarter; or
 - (b) if the Australian Statistician fails or ceases to publish that Index, another index number determined by the MCE for that quarter.

7—Substitution of Schedule 1

Schedule 1—delete the Schedule and substitute:

Schedule 1—Civil penalty provisions

Part 1—Tier 1 civil penalty provisions

Provisions of the Law

Section 20(2)

Section 22(1)

Section 22(3)

Section 23(1)

Section 24

Section 25(1)

Section 27

Section 37

Section 38

Section 43(2)

Section 43(3)(b)

Section 50(1)

Section 53(2)

Section 57

Section 59(1)

Section 66

Section 69(1)

Section 71(1)

Section 88

Section 103(8)

Section 105(9)

Section 106

Section 108

Section 112(2)

Section 120(11)

Section 143(2)(a)

Section 274(1)

Section 276(1)

Section 276(2)

Section 276(4)

Section 282(1)

Provisions of the Rules

Rule 5(5)

Rule 19(2)(a)

Rule 19(2)(b)

Rule 51

Rule 52

Rule 59C(2)

Rule 59C(3)

Rule 59C(4)

Rule 59C(5)

Rule 71

Rule 72

Rule 73

Rule 74

Rule 75B(1)

Rule 75B(2)

Rule 83

Rule 85

Rule 90

Rule 91(c)

Rule 106

Rule 106A(1)

Rule 106A(2)

Rule 106A(3)

Rule 106A(4)

Rule 106A(5)

Rule 106A(6)

Rule 107(2)

Rule 107(3)

Rule 121(1)

Rule 122

Rule 124

Rule 124A

Rule 124B(1)

Rule 124B(2)

Rule 125

Rule 126

Rule 128(1)

Rule 129(1)

Rule 130(3)

Rule 130(4)

Rule 131(1)

Rule 133(1)

Rule 139(2)

Rule 140

Rule 141

Rule 142

Rule 144(1)

Rule 145(1)

Rule 146(1)

Rule 147(5)

Rule 147(6)

Part 2—Tier 2 civil penalty provisions

Provisions of the Law

Section 63

Section 156

Provisions of the Rules

Rule 16(2)(b)

Rule 17(2)

Rule 21(1)

Rule 21(2)

Rule 21(3B)

Rule 21(3D)

Rule 21(3G)

Rule 21(4)

Rule 24(1)

Rule 29(1)

Rule 29(7)

Rule 30(2)

Rule 31(1)

Rule 31(2)

Rule 31(3)

Rule 32(1)

Rule 32(4)

Rule 33(3)

Rule 34(2)

Rule 34(3)

Rule 40(1)

Rule 40(2)

Rule 40(3)

Rule 40(6)

Rule 40(7)

Rule 42(1)

Rule 43(1)

Rule 44(1)

Rule 44(2)

Rule 44(3)

Rule 45(1)

Rule 45(2)

Rule 46(4)

Rule 46B(1)

Rule 46B(2)

Rule 46C(1)

Rule 47(5)

Rule 47(6)

Rule 48(2)

Rule 48A(1)

Rule 50

Rule 52B(1)

Rule 55

Rule 56

Rule 59A(1)

Rule 59A(2)

Rule 59A(3)

Rule 59A(7)

Rule 70(4)

Rule 80

Rule 82

Rule 135(1)

Rule 135(3)

Rule 136(2)

Rule 136(3)

Rule 137(2)

Rule 137(3)

Rule 147(7)

Part 3—Tier 3 civil penalty provisions

Provisions of the Rules

Rule 25(1)

Rule 25(2)

Rule 28(1)

Rule 28(2)

Rule 46(4A)

Rule 56A

Rule 86A

Rule 86B

Rule 99(4)

Rule 99A(3)

Rule 100(3)

Rule 132(1)

Made by the Governor

on the unanimous recommendation of the Ministers of the participating jurisdictions and with the advice and consent of the Executive Council
on 27 January 2021

No 5 of 2021

South Australia

National Gas (South Australia) (Penalties) Variation Regulations 2021

under the *National Gas (South Australia) Act 2008*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *National Gas (South Australia) Regulations*

- 4 Variation of regulation 3—Interpretation
 - 5 Substitution of regulation 6—Civil penalty provisions
 - 6 Civil penalty provisions
 - 6 Insertion of regulation 14B
 - 14B Indexation of civil and criminal penalty amounts
 - 7 Substitution of Schedule 3
 - Schedule 3—Civil penalty provisions
 - Part 1—Tier 1 civil penalty provisions
 - Part 2—Tier 2 civil penalty provisions
 - Part 3—Tier 3 civil penalty provisions
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *National Gas (South Australia) (Penalties) Variation Regulations 2021*.

2—Commencement

These regulations come into operation on the day on which section 6 of the *Statutes Amendment (National Energy Laws) (Penalties and Enforcement) Act 2020* comes into operation.

3—Variation provisions

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

Part 2—Variation of *National Gas (South Australia) Regulations*

4—Variation of regulation 3—Interpretation

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

tier 1 civil penalty provision—see regulation 6(2);

tier 2 civil penalty provision—see regulation 6(3);

tier 3 civil penalty provision—see regulation 6(4).

5—Substitution of regulation 6—Civil penalty provisions

Regulation 6—delete the regulation and substitute:

6—Civil penalty provisions

- (1) For the purposes of section 3(b) of the NGL, a provision of the NGL, other than a civil penalty provision under section 3(a) of the NGL, or Rules listed in Schedule 3 is prescribed to be a civil penalty provision.
- (2) A civil penalty provision listed in Schedule 3 Part 1 is prescribed for the purposes of section 3A(1)(c) of the NGL and is a *tier 1 civil penalty provision*.
- (3) A civil penalty provision listed in Schedule 3 Part 2 is prescribed for the purposes of section 3A(1)(b) of the NGL and is a *tier 2 civil penalty provision*.
- (4) A civil penalty provision to which section 3A(1)(a) of the NGL applies is a *tier 3 civil penalty provision*.

6—Insertion of regulation 14B

After regulation 14A insert:

14B—Indexation of civil and criminal penalty amounts

- (1) For the purposes of clauses 47A and 47B of Schedule 2 to the NGL, each civil penalty amount and criminal penalty amount is to be adjusted in accordance with the following formula:

$$P = Pc \times A / B$$

Where—

P is the amount that applies on and from the date of the adjustment

Pc is the amount that applied immediately before the first adjustment

A is—

- (a) for the first adjustment—the sum of the index numbers for the 4 quarters in the 2022 calendar year; and
- (b) for each subsequent adjustment—the sum of the index numbers for the 4 quarters in the calendar year that ended most recently before the date of the adjustment

B is the sum of the index numbers for the 4 quarters in the 2019 calendar year

A/B is calculated to the nearest 3 decimal places (and a fourth decimal place of 5 is to be rounded up).

- (2) An amount adjusted under this regulation is to be rounded up or down as follows:
 - (a) in the case of an amount that is \$10 000 or greater—to the nearest multiple of \$100 (with an amount of \$50 rounded up);
 - (b) in the case of an amount that is less than \$10 000—to the nearest multiple of \$10 (with an amount of \$5 rounded up).
- (3) If an amount adjusted under this regulation is less than the amount that applied immediately before the adjustment, the amount that applied immediately before the adjustment applies instead.
- (4) In this regulation—

index number for a quarter means—

 - (a) the All Groups Consumer Price Index number that is the weighted average of the 8 capital cities and is published by the Australian Statistician for that quarter; or
 - (b) if the Australian Statistician fails or ceases to publish that Index, another index number determined by the MCE for that quarter.

7—Substitution of Schedule 3

Schedule 3—delete the Schedule and substitute:

Schedule 3—Civil penalty provisions

Part 1—Tier 1 civil penalty provisions

Provisions of the NGL

Section 56

Section 57

Section 83C

Section 91BE(1)

Section 91BF(1)

Section 91BJ(1)

Section 91BN(5)

Section 91BRD(1)

Section 91BRJ(5)

Section 91BRQ(5)

Section 91BRR(1)

Section 91LB(1)

Section 91MB(6)

Section 133

Section 134

Section 135

Section 136

Section 139

Section 140

Section 141

Section 143(6)

Section 147

Section 148

Section 169(3)

Section 170

Section 195

Section 225

Section 228K

Section 228L

Provisions of the Rules

Rule 109

Rule 137

Rule 138A(2)

Rule 138A(4)

Rule 150(1)

Rule 150(2)

Rule 151(1)

Rule 151(2)

Rule 152(6)(e)

Rule 156(1)

Rule 156(3)

Rule 156(4)

Rule 156(5)

Rule 157

Rule 158B(1)

Rule 158B(2)

Rule 158B(5)

Rule 165(1)

Rule 165(4)

Rule 387

Rule 390(2)

Rule 399(1)

Rule 399(2)

Rule 399(5)

Rule 399(6)

Rule 410(1)

Rule 414(1)

Rule 418(3)

Rule 435(4)

Rule 436(4)

Rule 440(2)

Rule 440(3)

Rule 442(3)

Rule 442(4)

Rule 442(5)

Rule 445(3)

Rule 446(4)

Rule 470

Rule 474(4)

Rule 478(1)

Rule 485(2)

Rule 487(3)

Rule 488(3)

Rule 488(10)

Rule 542

Rule 543

Rule 543A(1)

Rule 543A(2)

Rule 544

Rule 560(1)

Rule 562(3)

Rule 586(2)

Rule 612(2)

Rule 621(3)

Rule 621(4)

Rule 634(3)

Rule 638(1)

Rule 638(3)

Rule 639(2)

Rule 639(5)

Rule 640(1)

Rule 644(2)

Rule 644(3)

Rule 650(2)

Rule 650(3)

Rule 655(3)

Rule 660(2)

Rule 661(1)

Rule 661(2)

Rule 661(3)

Rule 662(1)

Rule 662(2)

Rule 662(3)

Rule 663(1)

Rule 663(2)

Rule 663(3)

Rule 672(4)

Part 2—Tier 2 civil penalty provisions

Provisions of the NGL

Section 91FC(3)

Section 91FC(4)

Section 91FEA

Section 91FEE

Section 131
Section 168
Section 223
Section 223A
Section 228C

Provisions of the Rules

Rule 33(1)
Rule 36
Rule 37
Rule 43(1)
Rule 46
Rule 52(1)
Rule 53(6)
Rule 107
Rule 108
Rule 110
Rule 112
Rule 135CE(2)
Rule 138
Rule 158A(1)
Rule 158A(2)
Rule 369
Rule 380(1)
Rule 419(7)(b)
Rule 420(6)(b)
Rule 551(1)
Rule 551(3)
Rule 552(1)
Rule 558(1)
Rule 558(2)
Rule 585(8)
Rule 593(4)
Rule 611(10)
Rule 634(4)

Rule 634(5)

Rule 636(1)

Rule 636(4)

Rule 649(1)

Rule 649(2)

Rule 665(1)

Rule 665(6)

Rule 666(1)

Rule 666(2)

Rule 666(4)

Part 3—Tier 3 civil penalty provisions

Provisions of the NGL

Section 228B

Provisions of the Rules

Rule 27(4)

Rule 476(1)

Rule 674(1)

Schedule 5, Part 3, rule 4(4)

Schedule 5, Part 3, rule 5(2)

Schedule 5, Part 3, rule 9(1)

Schedule 5, Part 4, rule 4(5)

Schedule 5, Part 4, rule 5(2)

Schedule 5, Part 4, rule 5(4)

Schedule 5, Part 4, rule 6(1)

Schedule 5, Part 4, rule 6(2)

Schedule 5, Part 5, rule 3(1)

Schedule 5, Part 5, rule 3(2)

Schedule 5, Part 5, rule 3(3)

Made by the Governor

on the unanimous recommendation of the Ministers of the participating jurisdictions and with the advice and consent of the Executive Council
on 27 January 2021

No 6 of 2021

South Australia

Dangerous Substances (Dangerous Goods Transport) (Miscellaneous) Variation Regulations 2021

under the *Dangerous Substances Act 1979*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Dangerous Substances (Dangerous Goods Transport) Regulations 2008*

- 4 Variation of regulation 3—Scope of Act and regulations
 - 5 Variation of regulation 4—Interpretation
 - 6 Insertion of regulation 49A
 - 49A Packing of dangerous goods in limited or excepted quantities
 - 7 Variation of regulation 50—Suitability of packaging for transport
 - 8 Variation of regulation 54—Seller's and supplier's duties
 - 9 Substitution of heading to Part 6
- Part 6—Signage**
- 10 Insertion of heading to Part 8 Division 1
 - Division 1—Self reactive substances, organic peroxides and certain other substances
 - 11 Variation of regulation 91—Interpretation
 - 12 Variation of regulation 93—Consignor's duties
 - 13 Variation of regulation 94—Loader's duties
 - 14 Variation of regulation 95—Prime contractor's and rail operator's duties
 - 15 Variation of regulation 96—Driver's duties
 - 16 Insertion of Part 8 Division 2
 - Division 2—Nominally empty storage vessels
 - 96A Application of Division
 - 96B Consignor's duties
 - 96C Loader's duties
 - 96D Prime contractor's and rail operator's duties
 - 96E Driver's duties
 - 17 Insertion of Part 12 Division 3
 - Division 3—Dangerous goods packed in limited quantities
 - 129A Consignor's duties
 - 129B Prime contractor's duties
 - 129C False or misleading information
 - 18 Substitution of heading to Part 13 Division 1
 - Division 1—General precautions—driver's duties

19	Insertion of Part 13 Division 1A
	Division 1A—General precautions—prime contractor's duties
135A	Parking
135B	Unloading
135C	Detaching trailer
135D	Road tank equipped with burner

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Dangerous Substances (Dangerous Goods Transport) (Miscellaneous) Variation Regulations 2021*.

2—Commencement

These regulations come into operation on 1 October 2021.

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 *Dangerous Substances (Dangerous Goods Transport) Regulations 2008*

4—Variation of regulation 3—Scope of Act and regulations

Regulation 3(5)(g)—after "Chapter 3.4" insert:

or 3.5

5—Variation of regulation 4—Interpretation

- (1) Regulation 4(1), definition of *ADR approved*—delete "*European*"
- (2) Regulation 4(1), definition of *placard load*, (c)—after "aggregate quantity of dangerous goods" insert:

(other than specified goods)
- (3) Regulation 4(1), definition of *placard load*, (f)—after "aggregate quantity of dangerous goods" insert:

(other than specified goods)
- (4) Regulation 4(1), definition of *placard load*—delete "but does not include a load containing an aggregate quantity of dangerous goods of less than 2 000 that consists only of the following dangerous goods:"
- (5) Regulation 4(1), definition of *placard load*, (g), (h) and (i)—delete paragraphs (g), (h) and (i) and substitute:

or

 - (g) contains specified goods if—
 - (i) the specified goods include an aggregate of 2 000 or more of any 1 UN Number from a single place or consignment; or
 - (ii) the total gross mass of the specified goods is 8 tonnes or more; or

- (h) contains a mixture of specified goods and dangerous goods that do not otherwise constitute a placard load under paragraphs (a) to (g) (inclusive) with a combined quantity as follows:
 - (i) if the load contains dangerous goods referred to in subparagraphs (c)(i), (ii) or (iii)—the aggregate quantity of those goods plus 10% of the total gross mass of the specified goods is 250 or more;
 - (ii) in any other case—the aggregate quantity of dangerous goods that are not specified goods plus 25% of the total gross mass of the specified goods is 1 000 or more;
- (6) Regulation 4(1)—after the definition of *Special Provision* insert:

specified goods means—

- (a) dangerous goods that are packed in limited quantities; and
- (b) the following dangerous goods:
 - (i) fireworks that are bon bons, party poppers or sparklers;
 - (ii) domestic smoke detectors containing radioactive material;
 - (iii) lighters or lighter refills containing flammable gas;
 - (iv) fire extinguishers with compressed or liquefied gas, up to a net mass of 23 kilograms; and
- (c) a combination of the dangerous goods referred to in paragraphs (a) and (b);

Note—

See Note 5 to Table 5.3 of the ADG Code.

6—Insertion of regulation 49A

Before regulation 50 insert:

49A—Packing of dangerous goods in limited or excepted quantities

- (1) This Part does not apply to dangerous goods that are—
 - (a) goods packed in limited quantities; or
 - (b) goods packed in excepted quantities within the meaning of regulation 74(5).
- (2) To avoid doubt, this Part (including regulation 50 and the offence provisions) applies to dangerous goods that—
 - (a) are purported to be packed in limited quantities but do not comply with the requirements of subregulation (3); or
 - (b) are purported to be packed in excepted quantities but do not comply with the requirements of regulation 74(5).
- (3) For the purposes of this Part, dangerous goods are *packed in limited quantities* if—
 - (a) the goods are packed in accordance with Chapter 3.4 of the ADG Code; and
 - (b) the quantity of dangerous goods in each inner packaging or each article does not exceed the quantity specified, or referred to, in column 7a of the Dangerous Goods List for those goods.

7—Variation of regulation 50—Suitability of packaging for transport

Regulation 50(1)—after paragraph (i) insert:

or

- (j) for goods purported to be packed in limited quantities—it fails to comply with Chapter 3.4 of the ADG Code; or
- (k) for goods purported to be packed in excepted quantities—it fails to comply with Chapter 3.5 of the ADG Code.

8—Variation of regulation 54—Seller's and supplier's duties

Regulation 54—after "Chapter 3.4" wherever occurring insert:

or 3.5

9—Substitution of heading to Part 6

Part 6, heading—delete the heading and substitute:

Part 6—Signage

Note—

Section 5.1.3.3 of the ADG Code provides for unused pre-labelled dangerous goods packagings to be identified in order to avoid inappropriate emergency response.

10—Insertion of heading to Part 8 Division 1

Part 8—after the heading to Part 8 insert:

Division 1—Self reactive substances, organic peroxides and certain other substances**11—Variation of regulation 91—Interpretation**

Regulation 91(2) and (3)—delete subregulations (2) and (3)

12—Variation of regulation 93—Consignor's duties

Regulation 93—delete "or 7.2"

13—Variation of regulation 94—Loader's duties

Regulation 94—delete "or 7.2"

14—Variation of regulation 95—Prime contractor's and rail operator's duties

Regulation 95(1)—delete "or 7.2"

15—Variation of regulation 96—Driver's duties

Regulation 96—delete "or 7.2"

16—Insertion of Part 8 Division 2

After regulation 96 insert:

Division 2—Nominally empty storage vessels**96A—Application of Division**

This Division applies to tanks or hoppers specified in section 7.2.7.1 of the ADG Code (*nominally empty storage vessels*).

96B—Consignor's duties

A person must not consign nominally empty storage vessels for transport in a cargo transport unit if the person knows, or reasonably ought to know, that the storage vessels are not loaded or stowed, or cannot be transported or unloaded, in accordance with Chapter 7.2 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of a natural person—\$2 000.

Expiation fee:

- (a) in the case of a body corporate—\$2 000;
- (b) in the case of a natural person—\$400.

96C—Loader's duties

A person must not load nominally empty storage vessels for transport by road or rail in a cargo transport unit other than in accordance with Chapter 7.2 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of a natural person—\$2 000.

Expiation fee:

- (a) in the case of a body corporate—\$2 000;
- (b) in the case of a natural person—\$400.

96D—Prime contractor's and rail operator's duties

A prime contractor or rail operator must not transport nominally empty storage vessels if the contractor or rail operator knows, or reasonably ought to know, that the transport does not comply with Chapter 7.2 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of a natural person—\$2 000.

Expiation fee:

- (a) in the case of a body corporate—\$2 000;
- (b) in the case of a natural person—\$400.

96E—Driver's duties

A person must not drive a road vehicle transporting nominally empty storage vessels if the person knows, or reasonably ought to know, that the storage vessels are not being transported in accordance with Chapter 7.2 of the ADG Code.

Maximum penalty: \$1 300.

Expiation fee: \$260.

17—Insertion of Part 12 Division 3

Part 12—after Division 2 insert:

Division 3—Dangerous goods packed in limited quantities

129A—Consignor's duties

A person must not consign dangerous goods that are packed in limited quantities for transport unless the person has provided the prime contractor with the information required by section 3.4.12.1 of the ADG Code in the form required by that section.

Maximum penalty:

- (a) in the case of a body corporate—\$6 500;
- (b) in the case of a natural person—\$1 300.

Expiation fee:

- (a) in the case of a body corporate—\$1 300;
- (b) in the case of a natural person—\$260.

129B—Prime contractor's duties

A prime contractor who receives information under section 3.4.12.1 of the ADG Code must ensure that the information is readily ascertainable during transport of the dangerous goods.

Maximum penalty:

- (a) in the case of a body corporate—\$6 500;
- (b) in the case of a natural person—\$1 300.

Expiation fee:

- (a) in the case of a body corporate—\$1 300;
- (b) in the case of a natural person—\$260.

129C—False or misleading information

In providing information under section 3.4.12.1 of the ADG Code, a person must not include information that the person knows, or reasonably ought to know, is false or misleading in a material particular.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of a natural person—\$4 000.

Expiation fee:

- (a) in the case of a body corporate—\$4 000;
- (b) in the case of a natural person—\$800.

18—Substitution of heading to Part 13 Division 1

Heading to Part 13 Division 1—delete the heading and substitute:

Division 1—General precautions—driver's duties**19—Insertion of Part 13 Division 1A**

Part 13—after Division 1 insert:

Division 1A—General precautions—prime contractor's duties**135A—Parking**

A prime contractor must not direct or induce the driver of a road vehicle transporting a placard load to park the road vehicle, or leave the road vehicle standing, in a public or private place except in accordance with Part 13 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$6 500;
- (b) in the case of a natural person—\$1 300.

Expiation fee:

- (a) in the case of a body corporate—\$1 300;
- (b) in the case of a natural person—\$260.

135B—Unloading

A prime contractor must not direct or induce the driver of a road vehicle transporting a placard load to permit the dangerous goods to be unloaded from the vehicle except in accordance with Part 13 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of a natural person—\$4 000.

Expiation fee:

- (a) in the case of a body corporate—\$4 000;
- (b) in the case of a natural person—\$800.

135C—Detaching trailer

A prime contractor must not direct or induce the driver of a road vehicle that has attached to it a trailer transporting a placard load to detach the trailer or permit it to be detached from the vehicle except in accordance with Part 13 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of a natural person—\$4 000.

Expiation fee:

- (a) in the case of a body corporate—\$4 000;
- (b) in the case of a natural person—\$800.

135D—Road tank equipped with burner

A prime contractor must not direct or induce the driver of a road vehicle that is transporting a placard load, and that is equipped with a burner to heat the load, to operate the burner or permit it to be operated except in accordance with Part 13 of the ADG Code.

Maximum penalty:

- (a) in the case of a body corporate—\$20 000;
- (b) in the case of a natural person—\$4 000.

Expiation fee:

- (a) in the case of a body corporate—\$4 000;
- (b) in the case of a natural person—\$800.

Made by the Governor

with the advice and consent of the Executive Council
on 27 January 2021

No 7 of 2021

South Australia

Return to Work (Royal District Nursing Service) Variation Regulations 2021

under the *Return to Work Act 2014*

Contents

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Part 2—Variation of *Return to Work Regulations 2015*

- 4 Variation of regulation 52—Agencies of the Crown (section 130 of Act)
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Return to Work (Royal District Nursing Service) Variation Regulations 2021*.

2—Commencement

These regulations will be taken to have come into operation on 15 December 2020.

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 *Return to Work Regulations 2015*

4—Variation of regulation 52—Agencies of the Crown (section 130 of Act)

Regulation 52(c)—delete paragraph (c)

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 27 January 2021

No 8 of 2021

All instruments appearing in this gazette are to be considered official, and obeyed as such
