

SUPPLEMENTARY GAZETTE



THE SOUTH AUSTRALIAN
GOVERNMENT GAZETTE

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

GOVERNOR'S INSTRUMENTS

ACTS

Department of the Premier and Cabinet
Adelaide, 26 May 2023

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

No. 14 of 2023—Rail Safety National Law (South Australia) (Fees) Amendment Bill 2023
An Act to amend the Rail Safety National Law (South Australia) Act 2012

No. 15 of 2023—Tobacco and E-Cigarette Products (Tobacco Product Prohibitions) Amendment Bill 2023
An Act to amend the Tobacco and E-Cigarette Products Act 1997

By command,

ANASTASIOS KOUTSANTONIS MP
For Premier

APPOINTMENTS

Department of the Premier and Cabinet
Adelaide, 26 May 2023

Her 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 26 May 2023 until 25 May 2026
Joanna Margaret Wells
Shaun James de Bruyn

Presiding Member: from 26 May 2023 until 8 February 2026
Scott Duncan Bryant

By command,

ANASTASIOS KOUTSANTONIS MP
For Premier

23ART0010CS

Department of the Premier and Cabinet
Adelaide, 26 May 2023

Her Excellency the Governor in Executive Council has been pleased to appoint the Honourable Justice Jean Hazel Dalton to the Office of Judge of the Court of Appeal Division of the Supreme Court of South Australia on an auxiliary basis for a term commencing on 29 May 2023 until 9 June 2023 - pursuant to section 3(1) of the Judicial Administration (Auxiliary Appointments and Powers) Act 1988.

By command,

ANASTASIOS KOUTSANTONIS MP
For Premier

AGO0080-23CS

Department of the Premier and Cabinet
Adelaide, 26 May 2023

Her Excellency the Governor in Executive Council has been pleased to appoint Philip Mark Strickland SC as Inspector, for a term commencing on 5 June 2023 and expiring on 4 December 2024 - pursuant to the Independent Commission Against Corruption Act 2012.

By command,

ANASTASIOS KOUTSANTONIS MP
For Premier

AGO0073-23CS

Department of the Premier and Cabinet
Adelaide, 26 May 2023

Her Excellency the Governor in Executive Council has been pleased to appoint Stephen John Plummer as Deputy Inspector, for a term commencing on 5 June 2023 and expiring on 4 December 2024 - pursuant to the Independent Commission Against Corruption Act 2012.

By command,

ANASTASIOS KOUTSANTONIS MP
For Premier

AGO0073-23CS

REGULATIONS

South Australia

Road Traffic (Miscellaneous) (Photographic Detection Devices) Amendment Regulations 2023

under the *Road Traffic Act 1961*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Road Traffic (Miscellaneous) (Photographic Detection Devices) Amendment Regulations 2023*.

2—Commencement

These regulations come into operation on 1 July 2023.

Part 2—Amendment of *Road Traffic (Miscellaneous) Regulations 2014*

3—Amendment of regulation 3—Interpretation

Regulation 3(1), definition of *recording media*, (a)—delete paragraph (a)

4—Amendment of regulation 28—Interpretation

Regulation 28—before its current contents (now to be designated as subregulation (2)) insert:

- (1) In this Division—

check, in relation to a photographic detection device, means the examination (whether on site, from a remote location or both on site and from a remote location) of the device (or an electronic record made by the device, or photograph produced from such a record) to determine settings for the operation of the device—

- (a) displayed by, or able to be determined from, the device at the time of the check; or
- (b) displayed by the device at, or able to be determined from the device in relation to, an earlier point in time;

test, in relation to a photographic detection device, may include—

- (a) an examination of the device (or of an electronic record made by the device, or photograph produced from such a record); or
- (b) the operation or partial operation of the device (including wholly or partially in a test or virtual mode); or
- (c) the performance of observations or other actions external to the device; or
- (d) any combination of the above undertaken simultaneously or separately,

(whether on site, from a remote location or both on site and from a remote location).

5—Amendment of regulation 32—Operation and testing of photographic detection devices referred to in regulation 29(1)(a) for offences committed at intersections, marked foot crossings or level crossings

- (1) Regulation 32(2)(c)—delete "at least 2 exposures are taken, or at least 2 electronic records are made," and substitute:

at least 2 electronic records are made

- (2) Regulation 32(2)(c)(i)—delete "taken or" wherever occurring
- (3) Regulation 32(2)(c)(iii)—delete "the exposure or record is taken or made" and substitute:
- the record is made

- (4) Regulation 32(2)(d)—delete "at least 2 exposures are taken, or at least 2 electronic records are made," and substitute:
at least 2 electronic records are made
- (5) Regulation 32(2)(d)(i)—delete "taken or"
- (6) Regulation 32(2)(d)(ii)—delete subparagraph (ii) and substitute:
(ii) at least 1 of which is made following a programmed delay after the first is made; and
- (7) Regulation 32(2)(d)(iii)—delete "exposure or record is taken or made" and substitute:
record is made
- (8) Regulation 32(2)(e)—delete "at least 2 exposures are taken, or at least 2 electronic records are made," and substitute:
at least 2 electronic records are made
- (9) Regulation 32(2)(e)(i)—delete "taken or"
- (10) Regulation 32(2)(e)(ii)—delete subparagraph (ii) and substitute:
(ii) at least 1 of which is made following a programmed delay after the first is made; and
- (11) Regulation 32(2)(e)(iv)—delete "exposure or record is taken or made" and substitute:
record is made
- (12) Regulation 32(2)(f)(i), (ii), (iii) and (iv)—delete subparagraphs (i), (ii), (iii) and (iv) and substitute:
(i) a test must be carried out (by reference to a speed not exceeding the speed limit applying to drivers driving vehicles through the intersection or crossing) to ensure that the device—
(A) detects a vehicle passing over the induction loop and indicates the speed of the vehicle as detected by the device; and
(B) correctly indicates the lane in which the vehicle is travelling; and
(C) makes at least the number of electronic records of the detected vehicle, from the direction and with the recorded information, referred to in paragraph (c) or (e); and
(ii) a check must be carried out to ensure that the device—
(A) indicates the correct date, time and code for the location at which electronic records are made by the device; and
(B) is set to make at least the number of electronic records, from the direction and with any speed set on the device or programmed delay, referred to in paragraph (c) or (e); and
(iii) if a fault is indicated by a test referred to in subparagraph (i), corrective action must be taken and the test must be repeated until no fault is indicated; and
(iv) if a fault is indicated by a check referred to in subparagraph (ii), corrective action must be taken until no fault is indicated;

- (13) Regulation 32(2)(g)(i), (ii), (iii) and (iv)—delete subparagraphs (i), (ii), (iii) and (iv) and substitute:
- (i) a test must be carried out to ensure that the device—
 - (A) detects a vehicle passing over the induction loop; and
 - (B) correctly indicates the lane in which the vehicle is travelling; and
 - (C) makes at least the number of electronic records of the detected vehicle, from the direction and with the recorded information, referred to in paragraph (d) or (e); and
 - (ii) a check must be carried out to ensure that the device—
 - (A) indicates the correct date, time and code for the location at which electronic records are made by the device; and
 - (B) is set to make at least the number of electronic records, from the direction and with any programmed delay, referred to in paragraph (d) or (e); and
 - (iii) if a fault is indicated by a test referred to in subparagraph (i), corrective action must be taken and the test must be repeated until no fault is indicated; and
 - (iv) if a fault is indicated by a check referred to in subparagraph (ii), corrective action must be taken until no fault is indicated;
- (14) Regulation 32(2)(i)—delete paragraph (i) and substitute:
- (i) if—
 - (i) a test or check; or
 - (ii) an electronic record referred to in paragraph (c), (d) or (e) made by the device,

indicates a fault that has affected the proper operation of the device as required by these regulations, any electronic record affected by the fault must be rejected for evidentiary purposes;

6—Amendment of regulation 33—Operation and testing of photographic detection devices referred to in regulation 29(1)(a) or (b)(iii) for offences committed other than at intersections, marked foot crossings or level crossings

- (1) Regulation 33(1)(c)—delete "at least 2 exposures are taken, or at least 2 electronic records are made," and substitute:
- at least 2 electronic records are made
- (2) Regulation 33(1)(c)(i)—delete "taken or" wherever occurring
- (3) Regulation 33(1)(c)(iii)—delete "the exposure or record is taken or made" and substitute:
- the record is made

- (4) Regulation 33(1)(d)(i), (ii), (iii) and (iv)—delete subparagraphs (i), (ii), (iii) and (iv) and substitute:
- (i) a test must be carried out (by reference to a speed not exceeding the speed limit applying to drivers driving vehicles on the length of road under which the induction loop is installed) to ensure that the device—
 - (A) detects a vehicle passing over the induction loop and indicates the speed of the vehicle as detected by the device; and
 - (B) correctly indicates the lane in which the vehicle is travelling; and
 - (C) makes at least the number of electronic records of the detected vehicle, from a direction and with the recorded information, referred to in paragraph (c); and
 - (ii) a check must be carried out to ensure that the device—
 - (A) indicates the correct date, time and code for the location at which electronic records are made by the device; and
 - (B) is set to make at least the number of electronic records, from a direction and with any speed set on the device or programmed delay, referred to in paragraph (c); and
 - (iii) if a fault is indicated by a test referred to in subparagraph (i), corrective action must be taken and the test must be repeated until no fault is indicated; and
 - (iv) if a fault is indicated by a check referred to in subparagraph (ii), corrective action must be taken until no fault is indicated;
- (5) Regulation 33(1)(f)—delete paragraph (f) and substitute:
- (f) if—
- (i) a test or check; or
 - (ii) an electronic record referred to in paragraph (c) made by the device,

indicates a fault that has affected the proper operation of the device as required by these regulations, any electronic record affected by the fault must be rejected for evidentiary purposes;

7—Amendment of regulation 34—Operation and testing of photographic detection devices referred to in regulation 29(1)(b)(i) or (ii) for offences committed other than at intersections, marked foot crossings or level crossings

- (1) Regulation 34(1)(g)—delete paragraph (g) and substitute:
- (g) subject to paragraph (h), once in every 28 days—
- (i) a test must be carried out (by reference to a speed not exceeding the speed limit applying to drivers driving vehicles on the length of road under the surface of which the induction loop and the piezo strip (if any) is (or are) installed, and by reference to a vehicle of any number of axles) to ensure that the device—

- (A) detects a vehicle passing over the induction loop and indicates the speed of the vehicle as detected by the device; and
 - (B) if a piezo strip forms part of the device—detects the vehicle passing over the piezo strip and correctly indicates the number of axles of the vehicle so detected; and
 - (C) correctly indicates the lane in which the vehicle is travelling; and
 - (D) correctly notes the speed limit (if any) indicated by the VSLs referred to in paragraph (d); and
 - (E) makes at least the number of electronic records of the detected vehicle, with the recorded information, referred to in paragraph (f)(i); and
 - (F) makes a video recording of a kind referred to in paragraph (f)(ii)(A); and
 - (G) makes an electronic record containing a still image in accordance with paragraph (f)(ii)(B); and
- (ii) a check must be carried out to ensure that the device—
- (A) indicates the correct date, time and code for the location at which electronic records are made by the device; and
 - (B) is set to make at least the number of electronic records, with any speed set on the device or programmed delay, referred to in paragraph (f) (other than paragraph (f)(ii)); and
- (iii) if a fault is indicated by a test referred to in subparagraph (i), corrective action must be taken and the test must be repeated until no fault is indicated; and
- (iv) if a fault is indicated by a check referred to in subparagraph (ii), corrective action must be taken until no fault is indicated;
- (2) Regulation 34(1)(i)—delete "the part of those electronic records" and substitute:
- any electronic record

8—Amendment of regulation 35—Operation and testing of photographic detection devices referred to in regulation 29(1)(c)

- (1) Regulation 35(1)(a)(i)—delete "takes an exposure, or makes an electronic record," and substitute:
- makes an electronic record
- (2) Regulation 35(1)(a)(ii)—delete "the exposure is taken, or"
- (3) Regulation 35(1)(a)(ii)—delete "exposure or"

- (4) Regulation 35(1)(b), (c), (d) and (e)—delete paragraphs (b), (c), (d) and (e) and substitute:
- (b) after the device is set up at a given location, or recording media is inserted into the device at that location or the device is relocated with recording media in place—
 - (i) a test must be carried out to ensure that when the device detects a vehicle on the length of road in relation to which the device is intended to operate it displays an electronic record of the detected vehicle from the front or from the rear on which is recorded—
 - (A) the date, time and code for the location at which the record is made (as set on the device); and
 - (B) the speed and direction of travel of the vehicle as registered by the device,whether or not that record is thereafter retained by the device; and
 - (ii) a check must be carried out to ensure that the device—
 - (A) indicates the correct date, time and code for the location at which electronic records are made by the device; and
 - (B) has a speed set on the device in accordance with paragraph (a);
 - (c) the test referred to in paragraph (b)(i) and the check referred to in paragraph (b)(ii)(A) must be repeated before the device is removed from a given location;
 - (d) if—
 - (i) a test or check; or
 - (ii) an electronic record made by the device,indicates a fault that has affected the proper operation of the device as required by this regulation, any electronic record affected by the fault must be rejected for evidentiary purposes;
 - (e) if a photograph produced from an electronic record obtained in accordance with the provisions of paragraph (a) depicts the whole or part of more than 1 vehicle—
 - (i) in the portion of the photograph in which the vehicle whose speed is being registered by the device should be depicted, being the portion that is both—
 - (A) between 2 yellow lines; and
 - (B) within a green ellipse,indicated on the photograph; and
 - (ii) travelling in the direction recorded on the electronic record as the direction of travel of the vehicle whose speed is being registered, that photograph must be rejected for evidentiary purposes;

9—Amendment of regulation 36—Operation and testing of average speed cameras

(1) Regulation 36(1)(c), (d) and (e)—delete paragraphs (c), (d) and (e) and substitute:

- (c) the device must be programmed and set to operate so that—
 - (i) if a vehicle is detected by the device passing over the induction loop at or near a start location, at least 1 electronic record of the vehicle (on which is recorded the date, time and code for the location) is made from the front or from the rear before the whole of the vehicle passes the stub line at that location; and
 - (ii) if a vehicle is detected by the device passing over the induction loop at or near an end location, at least 1 electronic record of the vehicle (on which is recorded the date, time and code for the location) is made from the front or from the rear when or after any part of the vehicle reaches the stub line at that location;
- (d) once in every 28 days—
 - (i) a test must be carried out (whether or not by reference to the same vehicle) to ensure that the device—
 - (A) detects a vehicle passing over the induction loop at the start location, and detects a vehicle passing over the induction loop at the end location; and
 - (B) makes at least the number of electronic records of a detected vehicle, with the recorded information, from a direction and at the locations, referred to in paragraph (c); and
 - (ii) a check must be carried out to ensure that—
 - (A) the correct codes for the start and end locations are set on the device; and
 - (B) the device is set to make at least the number of electronic records from a direction, and at the locations, referred to in paragraph (c);
- (e) at least once in relation to each day (either on the day or else subsequently by reference to records created on the day by the device), a check must be carried out to ensure that—
 - (i) the correct date; and
 - (ii) the correct time (being Australian Central Standard Time or Australian Central Daylight Time determined with the accuracy specified in regulation 38(1)(c)),
are set on the device;
- (f) if a fault is indicated by a test referred to in paragraph (d)(i), corrective action must be taken and the test must be repeated until no fault is indicated;
- (g) if a fault is indicated by a check referred to in paragraph (d)(ii) or (e), corrective action must be taken until no fault is indicated;

(h) if—

- (i) a test or check; or
- (ii) an electronic record made by the device,

indicates a fault that has affected the proper operation of the device as required by these regulations, any electronic record affected by the fault must be rejected for evidentiary purposes.

10—Amendment of regulation 37—Operation and testing of Safe-T-Cam photographic detection devices

- (1) Regulation 37(c)—delete "a person must make a check" and substitute:
a check must be carried out
- (2) Regulation 37(d)—delete "those electronic records" and substitute:
any electronic record

Schedule 1—Transitional provision

1—Transitional provision

- (1) Where, for the purposes of a provision of Division 4 of the principal regulations as amended by these regulations, specified tests or checks are required to be carried out in relation to the use of a photographic detection device once in every 28 days, then for the purposes of determining that period of 28 days the last such tests or checks will be taken to have occurred—
 - (a) if no such tests or checks have been carried out since the commencement of these regulations—when the most recent tests or checks before that commencement for the purposes of the corresponding provision of the principal regulations as in force at that time were carried out; or
 - (b) in any other case—when the most recent tests or checks for the purposes of the provision of the principal regulations as in force after that commencement were carried out.
- (2) In this regulation—
principal regulations means the *Road Traffic (Miscellaneous) Regulations 2014*.

Editorial note—

As required by section 10AA(2) of the *Legislative Instruments 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 26 May 2023

No 47 of 2023

South Australia

Planning, Development and Infrastructure (General) (Miscellaneous) Amendment Regulations 2023

under the *Planning, Development and Infrastructure Act 2016*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Planning, Development and Infrastructure (General) (Miscellaneous) Amendment Regulations 2023*.

2—Commencement

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

Part 2—Amendment of *Planning, Development and Infrastructure (General) Regulations 2017*

3—Amendment of regulation 21—Minor or operational amendments (section 76)

Regulation 21—after paragraph (b) insert:

- (ba) a management plan (or part of a management plan) for a marine park under the *Marine Parks Act 2007*;

4—Amendment of regulation 34—Period for additional information and other matters

Regulation 34(1)—after "longer period" insert:

(which must not exceed 1 year from the date of the request)

5—Amendment of regulation 35—Amended applications

Regulation 35(1)—after "day" insert:

(and, if an action under Division 2 or 3 is required to be repeated in respect of the application as varied, a time period applying under regulation 53 in relation to the action is to be included in the time within which the relevant authority is required to decide the application under these regulations)

6—Amendment of regulation 36—Certification of building indemnity insurance

Regulation 36(2)—delete "owner of land on which domestic building work is to be performed" and substitute:

applicant for building consent in respect of domestic building work to be performed

7—Insertion of regulation 41A

After regulation 41 insert:

41A—Delegation by prescribed bodies

- (1) A prescribed body (being a body prescribed for the purposes of section 122 of the Act) may delegate to a person (including a person for the time being holding or acting in a specified office or position) a function of the prescribed body under the Act or these regulations.
- (2) A delegation under this regulation—
 - (a) must be by instrument in writing; and
 - (b) may be absolute or conditional; and

- (c) does not derogate from the ability of the prescribed body to act in any matter; and
 - (d) is revocable at will.
- (3) A function delegated under this regulation may, if the instrument of delegation so provides, be further delegated.

8—Amendment of regulation 53—Time within which decision must be made (section 125(1))

- (1) Regulation 53(1)(i)—delete "paragraph (c)" and substitute:
paragraph (d)
- (2) Regulation 53(1)(ja)—delete "subregulation (8)" and substitute:
subregulation (9)
- (3) Regulation 53(8) to (10)—delete subregulations (8) to (10) (inclusive) and substitute:
- (8) The Chief Executive may, if satisfied that the SA planning portal is (or was) not operating or accessible to users for a period of time considered substantial by the Chief Executive, determine that an outage has occurred for the purposes of this regulation (a *prescribed outage*).
 - (9) The Chief Executive must, as soon as is reasonably practicable after the conclusion of a prescribed outage, publish a notice on the SA planning portal that specifies—
 - (a) the date of commencement of the prescribed outage; and
 - (b) the duration of the prescribed outage (expressed in a number of whole business days, excluding any fraction).

9—Amendment of regulation 65—Variation of authorisation (section 128)

Regulation 65—after subregulation (3) insert:

- (4) Except as otherwise provided, for the purposes of section 128(2)(b) of the Act, if a person requests the variation of a condition of a development authorisation previously given under the Act (a *fresh application*), the relevant authority that granted the development authorisation previously given will be the relevant authority for the purposes of assessing the fresh application.
- (5) If a fresh application relates to a development authorisation granted by the Commission in accordance with section 94(1) of the Act relating to a building on which building work was carried out and following which a certificate of occupancy was issued for the building, the relevant authority for the fresh application will not be the Commission but instead will be—
 - (a) if the fresh application requests the variation of a condition of the development authorisation relating to planning consent only—the assessment manager appointed for the assessment panel of the council for the area in which the development is located; or
 - (b) in any other case—the council for the area in which the development is located.

- (6) If an accredited professional who is the relevant authority for the purposes of assessing a fresh application by virtue of the operation of subregulation (4) is unable to act as the relevant authority in respect of the fresh application, the relevant authority for the fresh application will be—
- (a) if the fresh application requests the variation of a condition of the development authorisation relating to planning consent only—the assessment manager appointed for the assessment panel of the council for the area in which the development is located; or
 - (b) in any other case—the council for the area in which the development is located.

10—Amendment of regulation 67—Lapse of consents or approvals (section 126(2))

Regulation 67(3), definition of *operative date*, (b)—after "appeal" wherever occurring insert:

or review

11—Amendment of regulation 73—Notification of decision

(1) Regulation 73(1) and (2)—delete subregulations (1) and (2) and substitute:

- (1) Notification of the outcome of a decision on a proposed development under Part 7 Division 2 Subdivision 4 of the Act must be given to—
 - (a) the council for the relevant area; and
 - (b) the applicant for the proposed development.
- (2) A notification under subregulation (1) must be given by—
 - (a) in the case of a decision under section 110 of the Act—the Commission; and
 - (b) in any other case—the Minister.
- (2a) If a decision under Part 7 Division 2 Subdivision 4 of the Act relates to a development or project that involves or is for the purposes of a prescribed activity of environmental significance as defined by the *Environment Protection Act 1993*, the Environment Protection Authority must be given notification of the decision by—
 - (a) in the case of a decision under section 110 of the Act—the Commission; and
 - (b) in any other case—the Minister.

(2) Regulation 73(3)(b)—after "the Minister" insert:

or Commission (as the case requires)

12—Amendment of regulation 79—Assessment requirements—water and sewerage

(1) Regulation 79(1) and (2)—delete subregulations (1) and (2) and substitute:

- (1) For the purposes of section 102(1)(c)(iii) and (1)(d)(vii) of the Act—
 - (a) the South Australian Water Corporation (being a water industry entity under the *Water Industry Act 2012*) is identified in relation to all proposed divisions of land; and

- (b) if the water supply or sewerage services (or both) are to be provided by another water industry entity under the *Water Industry Act 2012*—that water industry entity is identified.
- (2) For the purposes of section 102(1)(c)(iii) and (1)(d)(vii) of the Act, an entity or entities identified under subregulation (1) may make and provide an assessment of their requirements in relation to the provision of water supply and sewerage services (as relevant) to land that is proposed to be divided.
- (2) Regulation 79(6)—delete "the Corporation" and substitute:
an entity or entities

13—Amendment of regulation 85—Supplementary provisions

Regulation 85(4)—after "Corporation" insert:

and any other water industry entity identified under regulation 79(1) in relation to any such allotment

14—Amendment of regulation 94—Essential safety provisions

- (1) Regulation 94(4)—delete "(being a form published by the Chief Executive on the SA planning portal)" and substitute:
and published on the SA planning portal
- (2) Regulation 94(11)—after "subregulation" second occurring insert:
and published on the SA planning portal

15—Amendment of regulation 104—Statement of Compliance

- (1) Regulation 104(3)—delete "(being a form published by the Chief Executive on the SA planning portal)" and substitute:
and published on the SA planning portal
- (2) Regulation 104(5)—delete "at the time that the relevant building consent was given" and substitute:
under regulation 57(8)(c)

16—Insertion of Part 11A

After Part 11 insert:

Part 11A—Essential infrastructure

104A—Essential infrastructure—alternative assessment process

- (1) For the purposes of section 130(1) of the Act, infrastructure, equipment, structures, works and other facilities used in or in connection with—
 - (a) the generation of electricity; or
 - (b) the distribution or supply of electricity,

(*electricity infrastructure*), other than excluded infrastructure, is prescribed, provided that the proponent in relation to the electricity infrastructure is a prescribed person (within the meaning of regulation 3CA).

- (2) An application under section 130(2) of the Act must be in a form determined by the Minister.
- (3) For the purposes of section 130(3) and (5) of the Act, the prescribed particulars are—
 - (a) a description of the nature of the proposed work that the development involves; and
 - (b) details of the location, siting, layout and appearance of the proposed work; and
 - (c) if the proposed development is for the purposes of the provision of electricity generating plant with a generating capacity of more than 5 MW that is to be connected to the State's power system—a certificate from the Technical Regulator certifying that the proposed development complies with the requirements of the Technical Regulator in relation to the security and stability of the State's power system.
- (4) A notice under section 130(5) of the Act must be given to the council within 3 business days after the relevant application is lodged with the Commission.
- (5) For the purposes of section 130(9) of the Act, if an application relates to development of a class prescribed under Schedule 9, the Commission must refer the application, together with a copy of any relevant information provided by the proponent, to the relevant body under that Schedule for comment and report within the period of 30 business days (and this period will also be the period that applies under section 130(11) of the Act).
- (6) For the purposes of section 130(16) of the Act, the period of 60 business days is prescribed.
- (7) For the purposes of section 130(21)(b) of the Act, the following are prescribed criteria when considering a variance with the Building Rules:
 - (a) that the provisions of the Building Rules are inappropriate to the particular building or building work, or that the proposed building work fails to conform with the Building Rules only in minor respects;
 - (b) that the variance is justifiable having regard to the performance requirements of the Building Code and would achieve the objects of the Act as effectively, or more effectively, than if the variance were not to be allowed.
- (8) Despite subregulation (7), if in considering a matter under section 130(21) of the Act an inconsistency exists between the Building Rules and the Planning and Design Code in relation to a State heritage place or a local heritage place—
 - (a) the Planning and Design Code prevails and the Building Rules must not be applied to the extent of the inconsistency; but
 - (b) the person acting under that subsection must ensure, so far as is reasonably practicable, that standards of building soundness, occupant safety and amenity are achieved that are as good as can reasonably be achieved in the circumstances.

- (9) For the purposes of this regulation, a reference to *electricity generating plant* is a reference to electricity generating plant within the ambit of paragraph (a) of the definition of electricity infrastructure in section 4(1) of the *Electricity Act 1996*.
- (10) In this regulation—
- excluded infrastructure* means—
- (a) electricity generating plant with a generating capacity of more than 30 MW; or
 - (b) a section of powerlines (within the meaning of the *Electricity Act 1996*) of more than 5 km in length designed to convey electricity at more than 66 kV;
- power system* has the same meaning as in the *Electricity Act 1996*.

104B—Lapse of approval

- (1) Subject to this regulation, an approval under section 130 of the Act (whether subject to conditions or not) will lapse at the expiration of—
- (a) subject to the operation of paragraph (b)—12 months from the date of the approval; or
 - (b) if the relevant development has been lawfully commenced by substantial work on the site of the development within 12 months from the date of the approval—3 years from the date of the approval, unless the development has been substantially or fully completed within those 3 years (in which case the approval will not lapse).
- (2) Subject to this regulation, an approval under section 130 of the Act for the proposed division of land will lapse at the expiration of 3 years from the date of the approval.
- (3) A period prescribed under subregulation (1) or (2) may be extended by the Minister—
- (a) when the relevant approval is given; or
 - (b) at such later time as may be appropriate.

17—Amendment of regulation 111—Register of land management agreements (section 193)

Regulation 111(8), definition of *operative date*, (b)—after "appeal" wherever occurring insert:

or review

18—Amendment of regulation 116—Rights of review and appeal

Regulation 116—after its present contents (now to be designated as subregulation (1)) insert:

- (2) An applicant to an assessment panel for a review of a prescribed matter must be given an opportunity to provide the assessment panel with the applicant's submissions in relation to the review (and, if the assessment panel determines to hold a hearing, must be given written notice of the date of the hearing and an opportunity to appear and make submissions at the hearing in person).

19—Amendment of regulation 120—Record of applications

- (1) Regulation 120(1)(l)—after "appeal" wherever occurring insert:
or review
- (2) Regulation 120(2) and (3)—delete subregulations (2) and (3)

20—Amendment of Schedule 4—Exclusions from definition of development—general

- (1) Schedule 4, clause 2(4)(c)—after "services" insert:
or support public health services
- (2) Schedule 4, clause 4(1)(k)(i)—delete subparagraph (i) and substitute:
 - (i) the screen comprises a permeable material (such as lattice or shadecloth) or is a plastic blind that is capable of being opened and closed; and

21—Amendment of Schedule 4A—Exclusions from definition of development—essential infrastructure

- (1) Schedule 4A, clause 1(1)—after paragraph (f) insert:
 - (fa) the repair or maintenance of electricity infrastructure (within the meaning of the *Electricity Act 1996*) for the purposes of maintaining the reliability and security of the supply of electricity;
- (2) Schedule 4A, clause 1(1)(g)(ii)—delete subparagraph (ii) and substitute:
 - (ii) —
 - (A) in the case of a fence that has a frontage to a public road—the fence must be a palisade or open metal fence or a chain or weld mesh fence; or
 - (B) in any other case—the fence must be a palisade or open metal fence, a chain or weld mesh fence or a fence clad in pre-colour treated sheet metal.

22—Amendment of Schedule 6—Relevant authority—Commission

- (1) Schedule 6, clause 1—after subclause (2) insert:
 - (3) Development situated in the areas of 2 or more councils, other than in a case where a regional assessment panel has been constituted in relation to the area in which the development is situated.
- (2) Schedule 6, clause 3(2) and (3)—delete subclauses (2) and (3)
- (3) Schedule 6, clause 4(2) and (3)—delete subclauses (2) and (3)
- (4) Schedule 6, clause 4A(2) and (3)—delete subclauses (2) and (3)
- (5) Schedule 6—after clause 4A insert:

4B—Corporation of Town of Walkerville—buildings exceeding 4 storeys

Development in the area of The Corporation of the Town of Walkerville that involves the erection or construction of a building that exceeds 4 storeys in height and is in the Design Overlay under the Planning and Design Code.

- (6) Schedule 6, clause 5(2) and (3)—delete subclauses (2) and (3)
- (7) Schedule 6, clause 14—delete the clause and substitute:

14—National Naval Shipbuilding Subzone

Development in the National Naval Shipbuilding Subzone under the Planning and Design Code.

- (8) Schedule 6—after clause 16 insert:

17—Variations of authorisations

Development, other than development involving a building in relation to which a certificate of occupancy has been issued—

- (a) under an application to vary a development authorisation given by the Commission under this Schedule; or
- (b) which, in the opinion of the Commission, is ancillary to or in association with a development the subject of an authorisation given by the Commission under this Schedule.

23—Amendment of Schedule 8—Plans

- (1) Schedule 8, clause 2(1)(e)—delete "designated"
- (2) Schedule 8—after clause 8 insert:

8A—Information with respect to unit or lot under *Strata Titles Act 1988* or *Community Titles Act 1996*

An application for development relating to a unit within a strata scheme under the *Strata Titles Act 1988* or a strata lot within a strata scheme under the *Community Titles Act 1996* must be accompanied by—

- (a) in all cases—evidence that the applicant has given written notice of the application to the strata corporation or community corporation (as the case requires); and
- (b) in the case of an application that involves prescribed work required to be authorised under section 29 of the *Strata Titles Act 1988* (other than where all of the units comprised in the strata scheme consist of non-residential premises)—evidence that the strata corporation has authorised the carrying out of the prescribed work; and
- (c) in the case of an application that involves prescribed work required to be authorised under section 102 of the *Community Titles Act 1996* (other than where each of the lots comprised in the strata scheme is used, or is intended to be used, solely or predominantly for non-residential purposes)—evidence that the community corporation has authorised the carrying out of the prescribed work.

24—Amendment of Schedule 9—Referrals

- (1) Schedule 9, clause 3, table, Part A, item 1, column relating to "Period"—delete "20" and substitute:

30

- (2) Schedule 9, clause 3, table, Part A, item 9AB(b)(ii)—delete "or class 3"

25—Amendment of Schedule 13—State agency development exempt from approval

(1) Schedule 13, clause 2(1)(b)—after subparagraph (ix) insert:

- (ixa) development involving the construction, installation or provision of facilities or services for the purposes of recreational activities on land owned by, or under the care, control and management of, the South Australian Water Corporation, other than if the development will involve the creation of a new access point or modification of an existing access point to a public road; or

(2) Schedule 13, clause 2(1)(b)(xii)—after subparagraph (C) insert:

- (D) where the building work will result in the total floor area of the outbuilding exceeding 50 m²; or

(3) Schedule 13, clause 2(1)(b)(xiii)—delete subparagraph (xiii) and substitute:

- (xiii) the construction, reconstruction or alteration of, or addition to, a classroom within the area of an existing school, other than—

(A) where—

- in the case of a classroom that exceeds 1 storey in height—the work will result in an increase in the height of the classroom; or

Note—

An increase in the height of a classroom would include where a structure or fitting is altered or added to a classroom such that the highest point of the structure or fitting is higher than the highest point of the classroom (including any structures or fittings) before the alteration or addition.

- in any other case—the work will result in the classroom exceeding 1 storey in height; or

(B) where the classroom is not being constructed, added to or altered so that any part of the classroom is situated within the setback distance of the area (of the school) prescribed under the Planning and Design Code (or, if no setback distance is so prescribed, within 900 mm of a boundary of the area); or

(C) where the work would affect a local heritage place; or

(D) where the total area of the classroom would exceed 150 m²; or

(xiiia) the construction, reconstruction or alteration of, or addition to, a covered outdoor educational area within the area of an existing school, other than—

(A) where the work will result in the covered outdoor educational area exceeding 7.5 m in height; or

(B) where the covered outdoor educational area is not being constructed, added to or altered so that any part of the covered outdoor educational area is situated within the setback distance of the area (of the school) prescribed under the Planning and Design Code (or, if no setback distance is so prescribed, within 5 m of a boundary of the area); or

(C) where the work would affect a local heritage place; or

- (D) where the total area of the covered outdoor educational area would exceed 500 m²; or
- (4) Schedule 13, clause 2(1)(b)(xiv)—after "school" insert:
(other than a classroom or covered outdoor educational area)
- (5) Schedule 13, clause 2(1)(b)(xiv)(A), first dot point—delete the first dot point and substitute:
- in the case of a building that exceeds 1 storey in height, an increase in the height of the building, or, in any other case, the building exceeding 1 storey in height; or
- Note—**
- An increase in the height of a building would include where a structure or fitting is altered or added to a building such that the highest point of the structure or fitting is higher than the highest point of the building (including any structures or fittings) before the alteration or addition.
- (6) Schedule 13, clause 2(1)(b)(xiv)—after subparagraph (C) insert:
(D) where the building work would exceed 150 m² in additional floor area; or
- (7) Schedule 13, clause 2(1)(b)(xv)(A)—delete subparagraph (A) and substitute:
(A) where—
- in the case of a building that exceeds 1 storey in height—the work will result in an increase in the height of the building; or
- Note—**
- An increase in the height of a building would include where a structure or fitting is altered or added to a building such that the highest point of the structure or fitting is higher than the highest point of the building (including any structures or fittings) before the alteration or addition.
- in any other case—the work will result in the building exceeding 1 storey in height; or
- (8) Schedule 13, clause 2(1)(b)(xvi)—after subparagraph (B) insert:
(C) structures ancillary to a wall or a spillway of an existing dam; or
- (9) Schedule 13, clause 2(1)(d)(iii)—after "services" insert:
or support public health services
- (10) Schedule 13, clause 2(1)(r)—after subparagraph (iv) insert:
(v) public art installations;
- (11) Schedule 13, clause 2(1)(u)(ii)(A) and (B)—after "chain" wherever occurring insert:
or weld
- (12) Schedule 13, clause 2(1)(v)—delete paragraph (v) and substitute:
(v) the construction, reconstruction or alteration of—
- (i) a building or structure situated within the perimeter security fence of an existing correctional institution (within the meaning of the *Correctional Services Act 1982*) or training centre (within the meaning of the *Young Offenders Act 1993*); or

- (ii) any works or infrastructure that is ancillary to a building or structure of a kind referred to in subparagraph (i);

(13) Schedule 13, clause 2(2)—after "(vi)," insert:

(b)(ixa),

Editorial note—

As required by section 10AA(2) of the *Legislative Instruments 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 26 May 2023

No 48 of 2023

South Australia

Planning, Development and Infrastructure (Accredited Professionals) (Miscellaneous) Amendment Regulations 2023

under the *Planning, Development and Infrastructure Act 2016*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Planning, Development and Infrastructure (Accredited Professionals) (Miscellaneous) Amendment Regulations 2023*.

2—Commencement

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

Part 2—Amendment of *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019*

3—Amendment of regulation 3—Interpretation

- (1) Regulation 3—after the definition of *classes of accreditation* insert:

corresponding Act means an Act of another State or a Territory relating to building or planning;

- (2) Regulation 3, definition of *disqualifying event*—after paragraph (b) insert:

(ba) acting unlawfully, or improperly, negligently or unfairly, in the performance, exercise or discharge, or purported performance, exercise or discharge, of a function, power or duty under the Act, a corresponding Act, the repealed Act or any regulations under the Act (including these regulations), a corresponding Act or the repealed Act; or

4—Amendment of regulation 6—Assessment manager

Regulation 6—after paragraph (a) insert:

(aa) any functions, powers or duties that an Accredited professional—planning level 2, Accredited professional—planning level 3 or Accredited professional—planning level 4 is authorised to perform, exercise or discharge;

5—Amendment of regulation 8—Accredited professional—planning level 3

Regulation 8—after paragraph (a) insert:

(aa) any functions, powers or duties that an Accredited professional—planning level 2 is authorised to perform, exercise or discharge;

6—Amendment of regulation 17—Conditions

Regulation 17(4)—delete "the approved form" and substitute:

writing

7—Amendment of regulation 18—Duration of accreditation

Regulation 18—delete "regulation 19" and substitute:

regulations 19 and 19A

8—Amendment of regulation 19—Continuation of accreditation

- (1) Regulation 19(1)—delete "A" and substitute:

Subject to regulation 19A, a

- (2) Regulation 19(2)(f)—delete "28 days before each anniversary of the granting of the accreditation" and substitute:

14 days before the relevant anniversary date

- (3) Regulation 19(4)—delete "(and, if the accreditation is to continue, the anniversary date continues to apply for future applications)"

- (4) Regulation 19—after subregulation (4) insert:
- (4a) Subject to subregulation (4b), if an accreditation is to continue, the anniversary date, being the anniversary of the granting of the accreditation, continues to apply for future applications regardless of whether the application for the continuation of an accreditation (being an application under subregulation (2)(f) or (3)) is decided before or after the relevant anniversary date.
 - (4b) An accredited professional's anniversary date may be a date other than the anniversary of the granting of the accreditation if—
 - (a) the accredited professional nominates, in writing, a different date; and
 - (b) the nominated date is earlier than the next occurring anniversary of the granting of the accreditation; and
 - (c) the accreditation authority approves, by notice in writing to the accredited professional, the nominated date being the accredited professional's anniversary date for future applications.
- (5) Regulation 19—after subregulation (5) insert:
- (5a) After considering an application for continuation of accreditation, the accreditation authority may—
 - (a) approve the application; or
 - (b) refuse the application.
 - (5b) As soon as practicable after making a decision on an application, the accreditation authority must give notice of the decision to the applicant.
 - (5c) If the accreditation authority refuses an application, it must include in the notice of the decision—
 - (a) the reasons for the refusal; and
 - (b) the rights of review that the applicant has under these regulations.

9—Insertion of regulation 19A

After regulation 19 insert:

19A—Extension of accreditation

- (1) Despite regulation 19, an accredited professional may, before the next occurring anniversary date, apply to the accreditation authority for an extension of their accreditation under this regulation.
- (2) An application for the extension of an accreditation must—
 - (a) be in writing; and
 - (b) be made at least 14 days before the anniversary date.
- (3) The accreditation authority may, if the accreditation authority thinks fit, determine a late application for the extension of an accreditation (being an application made during the 14 day period before the anniversary date).

- (4) If an application under this regulation is not decided before the anniversary date, the accredited professional's accreditation continues in operation after the anniversary date until the relevant time specified in subregulation (8) or (9).
- (5) The accreditation authority may extend the accredited professional's accreditation for a period of 3 months, if satisfied that it is appropriate to do so—
 - (a) due to the accredited professional—
 - (i) being pregnant or taking leave from work due to the birth of a child; or
 - (ii) being seriously ill or severely disabled; or
 - (iii) being required to care for a member of the accredited professional's immediate family for an extended period of time; or
 - (iv) being under severe financial stress; or
 - (b) on the basis of other exceptional circumstances of which the accredited professional has provided sufficient evidence.
- (6) As soon as practicable after making a decision on an application under this regulation, the accreditation authority must give notice of the decision to the applicant.
- (7) The 3 month extension period begins on—
 - (a) if the application under this regulation is decided on or before the anniversary date—the anniversary date; or
 - (b) if the application under this regulation is decided after the anniversary date—the day on which the application is decided.
- (8) If the accreditation authority extends an accredited professional's accreditation in accordance with this regulation, the accreditation continues in operation until—
 - (a) the 3 month extension period ends (in which case the accreditation ceases by force of this regulation); or
 - (b) if an application for continuation of the accreditation is lodged by the accredited professional before the end of the 3 month extension period—that application is decided (and, if the accreditation is to continue, the anniversary date continues to apply for future applications).
- (9) If the accreditation authority refuses to extend an accredited professional's accreditation in accordance with this regulation, the accreditation continues in operation until—
 - (a) the anniversary date or 14 days after the accreditation authority gives notice of the refusal under this regulation (whichever is the later) (in which case the accreditation ceases by force of this regulation); or

- (b) if an application for continuation of the accreditation is lodged by the accredited professional before the anniversary date or before the end of the 14 day period after the accreditation authority gives notice of the refusal under this regulation (as the case requires)—the application for continuation is decided (and, if the accreditation is to continue, the anniversary date continues to apply for future applications).

10—Amendment of regulation 21—Cancellation or suspension

Regulation 21(2)(h)—after subparagraph (ii) insert:

or

- (iii) has otherwise acted unlawfully, or improperly, negligently or unfairly, in the performance, exercise or discharge, or purported performance, exercise or discharge, of a function, power or duty under the Act, a corresponding Act, the repealed Act or any regulations under the Act (including these regulations), a corresponding Act or the repealed Act.

11—Amendment of regulation 24—Register

(1) Regulation 24(2)(b)—delete paragraph (b)

(2) Regulation 24—after subregulation (3) insert:

- (3a) The accreditation authority may remove from the register details relating to a person whose accreditation is no longer in force.

12—Amendment of regulation 25—CPD scheme

(1) Regulation 25(2)—delete "in the period of 12 months immediately preceding the date of the application being lodged with the accreditation authority (the *relevant CPD period*)." and substitute:

—

- (a) in the period of 12 months immediately preceding the relevant anniversary date; or
- (b) if the accredited professional's accreditation has been extended in accordance regulation 19A—in the period beginning 12 months prior to the relevant anniversary date and ending at the end of the 3 month extension period,

(the *relevant CPD period*).

(2) Regulation 25—after subregulation (2) insert:

- (2a) Any CPD units that are counted towards the amount of continuing professional development completed by an accredited professional in respect of a particular CPD period for an accreditation cannot also be counted towards the amount of continuing professional development completed by the accredited professional in respect of another CPD period for that accreditation.
- (2b) If an accredited professional holds more than 1 accreditation under these regulations, a CPD unit completed by the accredited professional may be counted towards the amount of continuing professional development completed by them in respect of each accreditation.

13—Amendment of regulation 30—Circumstances in which an accredited professional may not act

Regulation 30(2)—after "Crown" insert:

or an officer or employee of a council

14—Amendment of Schedule 1—Continuing professional development

(1) Schedule 1, clause 2—delete clause 2 and substitute:

2—Planning (level 1)

- (1) This clause applies in relation to an Accredited professional—planning level 1.
- (2) The amount of continuing professional development required to be obtained by an accredited professional to which this clause applies in the relevant CPD period is 20 CPD units.
- (3) The 20 CPD units required under subclause (2) must include at least the following number of units in the following professional competencies:
 - (a) 2 units in performance based planning or design;
 - (b) 2 units in decision making in development assessment;
 - (c) 2 units in legislative compliance;
 - (d) 1 unit in ethics in planning.

(2) Schedule 1, clause 3(2)—delete "10 CPD units" and substitute:

4 CPD units

(3) Schedule 1, clause 3(3)—delete "10 CPD units" and substitute:

4 CPD units

(4) Schedule 1—after clause 3 insert:

3A—Planning (levels 3 and 4) and surveyors

- (1) This clause applies in relation to—
 - (a) an Accredited professional—planning level 3; and
 - (b) an Accredited professional—planning level 4; and
 - (c) an Accredited professional—surveyor.
- (2) The amount of continuing professional development required to be obtained by an accredited professional to which this clause applies in the relevant CPD period is 20 CPD units.
- (3) The 20 CPD units required under subclause (2) must include at least the following number of units in the following professional competencies:
 - (a) 2 units in decision making in development assessment;
 - (b) 2 units in legislative compliance;
 - (c) 1 unit in ethics in planning.

(5) Schedule 1, clause 4(3)(e)—delete "2 units" and substitute:

1 unit

(6) Schedule 1, clause 5(3)(c)—delete paragraph (c)

Schedule 1—Transitional provisions

1—CPD requirements

- (1) Schedule 1 of the principal regulations, as amended by regulation 14 of these regulations, applies to the prescribed CPD period of each accredited professional (as well as to subsequent CPD periods).
- (2) Regulation 25(2) of the principal regulations, as in force immediately before the relevant day, applies to the prescribed CPD period of each accredited professional such that any CPD units completed by the accredited professional in the 12 months immediately preceding the prescribed day count towards the amount of CPD completed by the accredited professional during the prescribed CPD period.
- (3) In this clause—

prescribed CPD period means a CPD period that has commenced but not ended by the relevant day;

prescribed day means the day on which an application under regulation 19 in respect of the accredited professional is next lodged with the accreditation authority after the relevant day;

principal regulations means the *Planning, Development and Infrastructure (Accredited Professionals) Regulations 2019*;

relevant day means the day on which this clause comes into operation.

Editorial note—

As required by section 10AA(2) of the *Legislative Instruments 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 26 May 2023

No 49 of 2023

South Australia

Major Events (FIFA Women's World Cup 2023) Regulations 2023

under the *Major Events Act 2013*

Contents

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Schedule 1—Maps of controlled areas and Festival Plaza major event venue

- 1 FIFA Women's World Cup 2023 Hindmarsh Stadium controlled area
 - 2 FIFA Women's World Cup 2023 Festival Plaza major event venue and controlled area
-

1—Short title

These regulations may be cited as the *Major Events (FIFA Women's World Cup 2023) Regulations 2023*.

2—Commencement

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

3—Interpretation

In these regulations—

Act means the *Major Events Act 2013*;

controlled area—see regulation 8;

event organiser—see regulation 5;

major event—see regulation 4;

major event period—see regulation 6;

major event venue—see regulation 7.

4—Major event

The Federation International Football Association (FIFA) Women's World Cup Australia and New Zealand 2023 is declared to be a major event.

5—Event organiser

FWWC2023 Pty Ltd is designated as the event organiser for the major event.

6—Major event period

The major event period for which the major event is in force is the period commencing on 10 July 2023 and ending on 23 August 2023.

7—Major event venue

The major event venue for the purposes of the major event is declared to be—

- (a) from 24 July 2023 until 8 August 2023—the Hindmarsh Stadium area—comprising the whole of the land described in Certificates of Title Register Book Volume 6005 Folios 628, 629, 630 and 631; and
- (b) from 20 July 2023 until 20 August 2023—the area comprising Festival Plaza (as shown on the map in Schedule 1 clause 2 titled "FIFA Women's World Cup 2023 Festival Plaza major event venue and controlled area").

8—Controlled areas

The controlled areas for the major event are declared to be—

- (a) from 24 July 2023 until 8 August 2023—
 - (i) the Hindmarsh Stadium area; and
 - (ii) any public place or part of a public place that is within the area bounded by the southern boundary of Adam Street, crossing Port Road into the northern boundary of Park Terrace, the western boundary of third street, the southern boundary of Drayton Street, the western boundary of the Outer Harbour Train Line and the eastern boundary of South Road,
as shown on the map in Schedule 1 clause 1 titled "FIFA Women's World Cup 2023 Hindmarsh Stadium controlled area"; and
- (b) from 20 July 2023 until 20 August 2023—
 - (i) the area comprising Festival Plaza; and
 - (ii) any public place or part of a public place that is within the area bounded by the southern boundary of North Terrace, the western boundary of Kintore Avenue, the southern boundary of Victoria Drive, the eastern boundary of King William Road, the southern boundary of War Memorial Drive and the eastern boundary of Monteflore Road,
as shown on the map in Schedule 1 clause 2 titled "FIFA Women's World Cup 2023 Festival Plaza major event venue and controlled area".

9—Application of Part 3 of Act

Part 3 of the Act is declared to apply to the major event, the major event venue and the controlled areas for the major event.

10—Advertising controlled airspace

For the purposes of section 7(3)(e) of the Act, the airspace that is within unaided sight of the major event venue is declared to be advertising controlled airspace during the major event period.

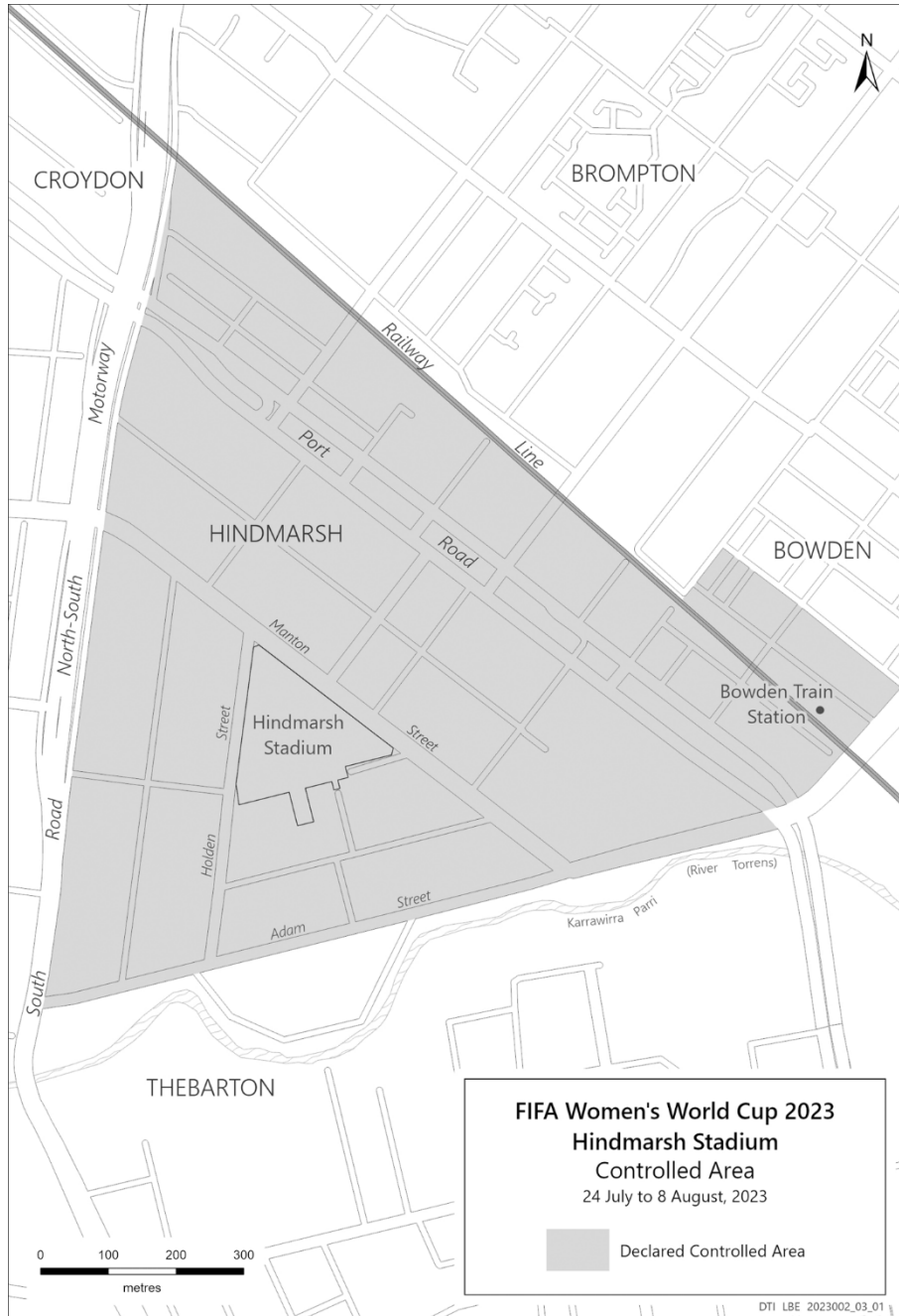
11—Expiry of regulations

These regulations will expire on 23 August 2023.

Schedule 1—Maps of controlled areas and Festival Plaza major event venue

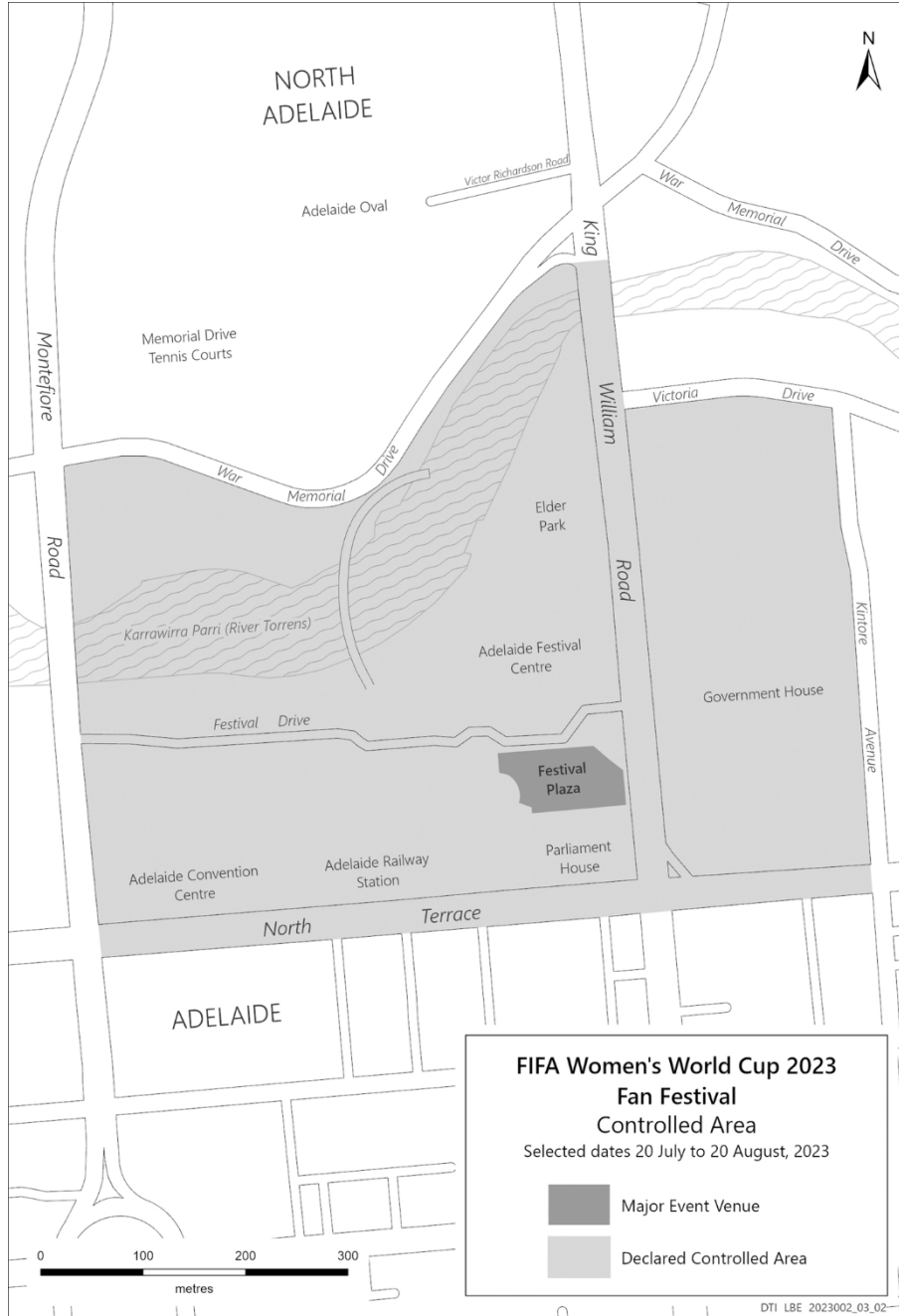
1—FIFA Women's World Cup 2023 Hindmarsh Stadium controlled area

The map in this clause shows the Hindmarsh Stadium controlled area.



2—FIFA Women's World Cup 2023 Festival Plaza major event venue and controlled area

The map in this clause shows the Festival Plaza major event venue and the Festival Plaza controlled area.



Editorial note—

As required by section 10AA(2) of the *Legislative Instruments 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 26 May 2023

No 50 of 2023

South Australia

National Parks and Wildlife (National Parks) (Palaeontological and Geological Sites) Amendment Regulations 2023

under the *National Parks and Wildlife Act 1972*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement

Part 2—Amendment of *National Parks and Wildlife (National Parks) Regulations 2016*

- 3 Insertion of regulation 30A
30A Palaeontological and geological sites
 - 4 Substitution of regulation 41
41 Prescription of offences—section 73A
 - 5 Amendment of regulation 42—General offence
 - 6 Repeal of Schedule 1
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *National Parks and Wildlife (National Parks)
(Palaeontological and Geological Sites) Amendment Regulations 2023*.

2—Commencement

These regulations come into operation 4 months after the day on which they are made (see *Legislative Instruments Act 1978* section 10AA).

Part 2—Amendment of *National Parks and Wildlife (National Parks) Regulations 2016*

3—Insertion of regulation 30A

After regulation 30 insert:

30A—Palaeontological and geological sites

- (1) If, in the opinion of the relevant authority, it is necessary or desirable in order to protect a site of palaeontological or geological significance in a reserve, the relevant authority may, by notice in the Gazette, declare the site to be a site of palaeontological or geological significance.
- (2) A notice under subregulation (1) may—
 - (a) prohibit or restrict access to the whole or part of the site; or
 - (b) specify other conditions relating to the use, preservation or protection of the site.
- (3) A person must not, without the permission of the relevant authority or other lawful authority, contravene or fail to comply with a prohibition, restriction or other condition in a notice under subregulation (1).
- (4) A person must not, without the permission of the relevant authority or other lawful authority—
 - (a) destroy, damage or interfere with a palaeontological or geological site (whether directly or indirectly); or
 - (b) remove a fossil, fossiliferous material, soil, rock, mineral or similar material from a palaeontological or geological site.
- (5) In this regulation—

palaeontological or geological site means a site that is the subject of a declaration under subregulation (1).

4—Substitution of regulation 41

Regulation 41—delete the regulation and substitute:

41—Prescription of offences—section 73A

For the purposes of the definition of *prescribed offence* in section 73A(1) of the Act, an offence against regulation 42 that arises from a contravention of, or failure to comply with, 1 or more of the following provisions is prescribed:

- (a) regulation 6(1);
- (b) regulation 7(4);
- (c) regulation 10(1), (2), (3), (4), (6) or (7);
- (d) regulation 11(1) or (2);
- (e) regulation 14;
- (f) regulation 30A(3) or (4).

5—Amendment of regulation 42—General offence

(1) Regulation 42(1), penalty provision—delete the penalty provision and substitute:

Maximum penalty:

- (a) in the case of regulation 30A(3) or (4)—\$75 000;
- (b) in any other case—\$1 000.

(2) Regulation 42(1), expiation fee—before paragraph (a) insert:

- (a1) in the case of an alleged contravention of, or failure to comply with, regulation 30A(3) or (4)—\$1 500;

6—Repeal of Schedule 1

Schedule 1—delete the Schedule

Made by the Governor

with the advice and consent of the Executive Council
on 26 May 2023

No 51 of 2023

South Australia

Work Health and Safety (Prescription of Fee) Amendment Regulations 2023

under the *Work Health and Safety Act 2012*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement

Part 2—Amendment of *Work Health and Safety Regulations 2012*

- 3 Amendment of regulation 707—Prescription of fee
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Work Health and Safety (Prescription of Fee) Amendment Regulations 2023*.

2—Commencement

These regulations come into operation on 1 July 2023.

Part 2—Amendment of *Work Health and Safety Regulations 2012*

3—Amendment of regulation 707—Prescription of fee

- (1) Regulation 707—delete "2022/2023" wherever occurring and substitute in each case:
2023/2024
- (2) Regulation 707(1)—delete "\$23 883 000" and substitute:
\$29 500 000

Editorial note—

As required by section 10AA(2) of the *Legislative Instruments 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 26 May 2023

No 52 of 2023

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