

South Australia

South Australian Public Health (General) Variation Regulations 2015

under the *South Australian Public Health Act 2011*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *South Australian Public Health (General) Variation Regulations 2015*.

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 provisions varies the regulations so specified.

Part 2—Variation of *South Australian Public Health (General) Regulations 2013*

4—Insertion of regulation 5A

After regulation 5 insert:

5A—Prescribed rate of interest (section 93(5) of Act)

- (1) For the purposes of subsection (5) of section 93 of the Act, the prescribed rate of interest is the cash advance debenture rate for the financial year in which the relevant period under that subsection expires.
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- (2) In subsection (1)—
cash advance debenture rate has the same meaning as in the *Local Government Act 1999*.

5B—Non-compliance with notices (section 93(6) of Act)

- (1) This regulation prescribes the scheme that applies for the purposes of section 93(6) of the Act.
- (2) For the purposes of the creation of a charge on land under section 93 of the Act, the relevant authority may deliver to the Registrar-General a notice, in a form determined by the Minister on the recommendation or with the approval of the Registrar-General—
- (a) setting out the amount recoverable under section 93; and
 - (b) setting out the land in relation to which the relevant action was taken; and
 - (c) requesting the Registrar-General to make a notation under this regulation in relation to the relevant land.
- (3) On receipt of a notice under subregulation (2), the Registrar-General must, in relation to the land referred to in the notice, enter an appropriate notation in the Register Book or, in the case of land not under the provisions of the *Real Property Act 1886*, against the land in the General Registry Office.
- (4) When an entry is made under subregulation (3), a charge over real property is created.
- (5) The charge—
- (a) in the case of a charge in favour of the Chief Public Health Officer—will correspond to a mortgage in favour of the Crown over the relevant land that ranks ahead of any mortgage, encumbrance or charge registered after the charge is noted under this regulation; and
 - (b) in the case of a charge in favour of the council—will be the same as a charge created under section 177 of the *Local Government Act 1999*.
- (6) In a case where subregulation (5)(a) applies, the Chief Public Health Officer will have the same powers of sale of the relevant land as are given by the *Real Property Act 1886* to a mortgagee under a mortgage in respect of which default has been made in the payment of principal (and a sale by the Chief Public Health Officer is, for the purposes of that Act, to be treated as if it were such a sale by a mortgagee).
- (7) In a case where subregulation (5)(b) applies, the council will be able to recover the amount as if it were a rate constituting a charge on land under section 144(2) of the *Local Government Act 1999*.

- (8) If or when the amount to which the charge relates is paid, the relevant authority must, by further notice to the Registrar-General (being a notice in a form determined by the Minister on the recommendation or with the approval of the Registrar-General), cancel the charge.

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 18 June 2015

No 165 of 2015