

South Australia

Land Acquisition (Miscellaneous) Amendment Regulations 2022

under the *Land Acquisition Act 1969*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Land Acquisition (Miscellaneous) Amendment Regulations 2022*.

2—Commencement

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

Part 2—Amendment of *Land Acquisition Regulations 2019*

3—Amendment of regulation 5—Execution of documents by Authority

Regulation 5—after "seal" insert:

, or by signature (including an electronic signature) of the Authority or, if applicable, the Authority's delegate,

4—Amendment of regulation 8—Terms of tenancy

Regulation 8(1)(i)—delete paragraph (i)

5—Amendment of regulation 12—Prescribed amount (section 26A of Act)

Regulation 12—delete "\$10 000" and substitute:

\$50 000

6—Amendment of regulation 15—Prescribed period (section 26D of Act)

Regulation 15(1)—delete subregulation (1) and substitute:

- (1) For the purposes of section 26D(1)(b) of the Act—
 - (a) if the acquired land was occupied by the owner of the land as the person's principal place of residence at the time the notice of intention to acquire land was given—the period of 24 months from the date of acquisition, or from the date of settlement in the case of an acquisition by agreement, is prescribed; or
 - (b) in any other case—the period of 12 months from the date of acquisition, or from the date of settlement in the case of an acquisition by agreement, is prescribed.

7—Insertion of regulation 15A

After regulation 15 insert—

15A—Report requirements (section 26EA of Act)

- (1) For the purposes of section 26EA(1)(b) of the Act, a report submitted to the Public Works Committee of the Parliament by the Authority must include—
 - (a) details of the general location of the proposed tunnel construction and, if available, the tunnel's layout; and
 - (b) a plan setting out the location of the underground land to be acquired; and
 - (c) details of any premises in relation to which a dilapidation report will be prepared under section 26EA(1)(c) of the Act.
- (2) For the purposes of section 26EA(1)(b)(i) of the Act, an engineer's report must—
 - (a) be prepared by a prescribed engineer; and
 - (b) set out the monitoring or other measures that are necessary in relation to any prescribed buildings to reasonably mitigate any anticipated impacts resulting from the construction of the relevant tunnel; and
 - (c) comply with any requirements relating to manner and form determined by the Authority.
- (3) For the purposes of section 26EA(1)(c) of the Act, a dilapidation report must—
 - (a) be prepared by a person who holds a qualification or has experience of a kind determined by the Authority; and

- (b) set out the physical condition of any premises specified in a report submitted under section 26EA(1)(a) of the Act, including internal and external photographs or video footage of the premises; and
 - (c) be prepared no earlier than three months, or such other time as may be specified by the Authority, before the commencement of construction of the section of the tunnel relevant to the particular premises; and
 - (d) comply with any requirements relating to manner and form determined by the Authority.
- (4) A dilapidation report under section 26EA(1)(c) of the Act may, if the Authority considers it necessary or appropriate, be updated at any time.
- (5) In this regulation—

prescribed building means a building that, in the opinion of the Authority, is particularly sensitive to vibration or settlement arising from construction activities, including (but not limited to) schools, hospitals and underground fuel infrastructure, but does not include structures or other infrastructure relating to the provision of utility services;

prescribed engineer means a person who—

- (a) holds a qualification of a kind determined by the Authority; and
- (b) who, since obtaining the relevant qualification, has had no less than 10 years' experience as an engineer in that field of qualification.

8—Amendment of Schedule 1—Forms

- (1) Schedule 1, Form 1, clause 6—delete "Land and Valuation" and substitute:
Supreme
- (2) Schedule 1, Form 1, clause 6, note, dot point 9—delete dot point 9 and substitute:
 - In the event that an amount of compensation does not exceed \$50 000, the payment of compensation may be made directly to you in a manner determined by the Authority, rather than being paid into the Supreme Court (see section 26A of the *Land Acquisition Act 1969*).
- (3) Schedule 1, Form 1, clause 7A—before "\$10 000" insert:
up to
- (4) Schedule 1, Form 2, clause 6—delete "Land and Valuation" and substitute:
Supreme

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Part 2—Amendment of *Land Acquisition Regulations 2019*

- (5) Schedule 1, Form 2, clause 6, note, dot point 9—delete dot point 9 and substitute:
- In the event that an amount of compensation does not exceed \$50 000, the payment of compensation may be made directly to you in a manner determined by the Authority, rather than being paid into the Supreme Court (see section 26A of the *Land Acquisition Act 1969*).
- (6) Schedule 1, Form 2, clause 6A—before "\$10 000" insert:
up to
- (7) Schedule 1, Form 3, clause 2A—before "\$10 000" insert:
up to
- (8) Schedule 1, Form 4, clause 3—delete "Land and Valuation" and substitute:
Supreme
- (9) Schedule 1, Form 4, clause 3A—before "\$10 000" insert:
up to
- (10) Schedule 1, Form 5, clause 2A—before "\$10 000" insert:
up to
- (11) Schedule 1, Form 6, clause 2, delete "Land and Valuation" wherever occurring and substitute in each case:
Supreme
- (12) Schedule 1, Form 6, clause 4, delete "Land and Valuation" wherever occurring and substitute in each case:
Supreme
- (13) Schedule 1, Form 6, clause 5—delete "Land and Valuation" and substitute:
Supreme
- (14) Schedule 1, Form 6, clause 6—delete "Land and Valuation" wherever occurring and substitute in each case:
Supreme
- (15) Schedule 1, Form 6, clause 7—before "\$10 000" insert:
up to
- (16) Schedule 1, Form 6A, clause 1—delete "Land and Valuation" and substitute:
Supreme
- (17) Schedule 1, Form 6A, clause 2—delete "Land and Valuation" and substitute:
Supreme
- (18) Schedule 1, Form 6A, clause 4—before "\$10 000" insert:
up to
- (19) Schedule 1, Form 6B, clause 4—before "\$10 000" insert:
up to

(20) Schedule 1, Form 6C, clause 2—before "\$10 000" insert:

up to

(21) Schedule 1, Form 7, clause 3—delete "Land and Valuation" and substitute:

Supreme

(22) Schedule 1, Form 8, clause 3—delete "Land and Valuation" and substitute:

Supreme

(23) Schedule 1, Form 8, clause 4—delete "Land and Valuation" and substitute:

Supreme

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 17 February 2022

No 19 of 2022