

South Australia

# Health and Community Services Complaints Regulations 2005

under the *Health and Community Services Complaints Act 2004*

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Schedule 1—Warrant

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### 1—Short title

These regulations may be cited as the *Health and Community Services Complaints Regulations 2005*.

### 2—Commencement

These regulations will come into operation on the day on which Part 4 of the *Health and Community Services Complaints Act 2004* comes into operation.

### 3—Interpretation

In these regulations—

*Act* means the *Health and Community Services Complaints Act 2004*.

### 4—Exclusion from the definition of community service

- (1) For the purposes of the definition of *community service* in section 4 of the Act, services provided by a prescribed housing entity are excluded from the ambit of that definition if a person who uses or seeks to use the relevant service is able to obtain a review of a decision by the prescribed housing authority with respect to the provision of the service by bringing an action before—
  - (a) the Residential Tenancies Tribunal; or
  - (b) the Public Housing Appeal Unit within the Department for Families and Communities; or
  - (c) a relevant appeal authority under Part 11 of the *South Australian Co-operative and Community Housing Act 1991*.

- (2) For the purposes of subregulation (1) *prescribed housing entity* means—
- (a) South Australian Housing Trust;
  - (b) South Australian Aboriginal Housing Authority;
  - (c) South Australian Community Housing Authority, or a housing association or housing co-operative registered under the *South Australian Co-operative and Community Housing Act 1991*.

## 5—Warrant

The prescribed form for a warrant under section 49 of the Act is set out in Form 1 of Schedule 1.

## 6—Service

- (1) A notice or document required or authorised by or under the Act to be given to or served on a person may—
- (a) be given to the person personally; or
  - (b) be posted in an envelope addressed to the person at the person's last known nominated contact, residential, business or (in the case of a corporation) registered address; or
  - (c) be left for the person at the person's last known nominated contact, residential, business or (in the case of a corporation) registered address with someone apparently over the age of 16 years; or
  - (d) be transmitted by facsimile transmission or electronic mail to a facsimile number or electronic mail address provided by the person.
- (2) Without limiting the effect of subregulation (1), a notice or other document required or authorised to be given or sent to, or served on, a person for the purposes of this Act may, if the person is a company or registered body within the meaning of the *Corporations Act 2001* of the Commonwealth, be served on the person in accordance with that Act.

## Schedule 1—Warrant

### Form 1

*Health and Community Services Complaints Act 2004*

#### Warrant

Magistrates Court of South Australia

An application for a warrant under section 49 of the *Health and Community Services Complaints Act 2004* has been made to me by the Health and Community Services Complaints Commissioner.

I, ..... a Magistrate of the Magistrates Court of South Australia, am satisfied that there are reasonable grounds for issuing the warrant.

The persons authorised to exercise the powers conferred by the warrant are as follows<sup>1</sup>:

.....

The address of the premises subject to the warrant is as follows: .....

.....

The warrant authorises the named person and any person assisting that person, with such force as is necessary—

- (a) to enter and remain in the premises; and
- (b) to search the premises and any person or thing in the premises; and
- (c) to break open and search anything in the premises in which any document or other thing relevant to the investigation may be contained; and
- (d) to take photographs; and
- (e) to seize and remove anything in the premises which the authorised person has reasonable grounds for believing is relevant to the investigation; and
- (f) to examine, seize and remove, make copies of, or take extracts from, any document in the premises which the authorised person has reasonable grounds for believing is relevant to the investigation; and
- (g) to require a health and community service provider or any other person employed in the premises to provide information by answering questions which the authorised person considers relevant to the investigation.

The period for which the warrant will be in force is 30 days from the date of issue (being the date shown below).

Dated: .....

Signed: .....

*Magistrate of the Magistrates Court of South Australia*

Notes—

- 1 Provide details (eg position title) of the person seeking authority to exercise the powers conferred by the warrant.

## Legislative history

### Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2005	203	<i>Gazette</i> 22.9.2005 p3388	3.10.2005: r 2
2007	188	<i>Gazette</i> 28.6.2007 p2899	1.7.2007: r 2