South Australia

Hydrogen and Renewable Energy Regulations 2024

under the *Hydrogen and Renewable Energy Act 2023*

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Legislative history

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Hydrogen and Renewable Energy Regulations 2024*.

3—Interpretation

(1) In these regulations—

ABN has the same meaning as in the *A New Tax System (Australian Business Number) Act 1999* of the Commonwealth;

Aboriginal object and ***Aboriginal site*** have the same respective meanings as in the *Aboriginal Heritage Act 1988*;

ACN has the same meaning as in the *Corporations Act 2001* of the Commonwealth;

Act means the *Hydrogen and Renewable Energy Act 2023*;

Australian entity means an entity that has an ABN or an ACN;

designated Act means 1 or any of the following:

(a) the *Aboriginal Heritage Act 1988*;

(b) the *Aboriginal Lands Trust Act 2013*;

(c) the *Adelaide Dolphin Sanctuary Act 2005*;

(d) the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981*;

(e) the *Coast Protection Act 1972*;

(f) the *Crown Land Management Act 2009*;

(g) the *Energy Resources Act 2000*;

(h) the *Environment Protection Act 1993*;

(i) the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth;

(j) the *Heritage Places Act 1993*;

(k) the *Historic Shipwrecks Act 1981*;

(l) the *Hydrogen and Renewable Energy Act 2023*;

(m) the *Landscape South Australia Act 2019*;

(n) the *Maralinga Tjarutja Land Rights Act 1984*;

(o) the *Marine Parks Act 2007*;

(p) the *Mining Act 1971*;

(q) the *National Parks and Wildlife Act 1972*;

(r) the *Native Title Act 1993* of the Commonwealth;

(s) the *Native Vegetation Act 1991*;

(t) the *Offshore Minerals Act 2000*;

(u) the *Opal Mining Act 1995*;

(v) the *Pastoral Land Management and Conservation Act 1989*;

(w) the *Petroleum (Submerged Lands) Act 1982*;

(x) the *Planning, Development and Infrastructure Act 2016*;

(y) the *Radiation Protection and Control Act 2021*;

(z) the *River Murray Act 2003*;

(za) the *Wilderness Protection Act 1992*;

(zb) the *Work Health and Safety Act 2012*;

(zc) an Act of another State or a Territory or of the Commonwealth that contains provisions that substantially correspond with an Act set out in paragraphs (a) to (zb) (inclusive);

(zd) any other Act (including an Act of another State or a Territory or of the Commonwealth) determined by the Minister by notice in the Gazette to be a designated Act for the purposes of this definition;

Recognised Aboriginal Representative Body has the same meaning as in the *Aboriginal Heritage Act 1988*;

rental offer—see regulation 24;

traditional owner has the same meaning as in the *Aboriginal Heritage Act 1988*;

transmission or distribution network has the same meaning as in the *Electricity Act 1996*.

(2) For the purposes of paragraph (d) of the definition of ***associated infrastructure activity*** in section 4(1) of the Act, the following are prescribed:

(a) direct air capture infrastructure used for the purposes of capturing carbon dioxide associated with generating hydrogen;

(b) an energy storage system that—

(i) is capable of—

(A) being charged; and

(B) storing and discharging energy; and

(ii) has a storage capacity of or above a nameplate capacity of 5 MW; and

(iii) is connected to a transmission or distribution network through which energy (including energy generated or obtained from a renewable energy resource) is conveyed;

(c) ports, wharves or jetties associated with the import or export of any compound of hydrogen created in accordance with the provisions of the Act;

(d) infrastructure necessary for the storage of any compound of hydrogen created in accordance with the provisions of the Act.

(3) For the purposes of the definition of ***exploit*** in section 4(1) of the Act, a nameplate capacity of 5 MW is prescribed.

(4) For the purposes of paragraph (b) of the definition of ***generating hydrogen*** in section 4(1) of the Act, operations undertaken for the creation of any compound of hydrogen for the purposes of processing, storage or transport of generated hydrogen are prescribed.

(5) For the purposes of paragraph (h) of the definition of ***owner*** of land in section 4(1) of the Act, the holder of a tourism lease or tourism licence under the *Aquaculture Act 2001* is an owner of the land to which the lease or licence applies for the purposes of the Act.

4—Exploration of renewable energy resources by Minister—prescribed activities

For the purposes of section 7(1)(f) of the Act, surveys and other assessments related to the environment including (but not limited to)—

(a) fauna and flora surveys; and

(b) heritage assessments, which may include a consideration of Aboriginal heritage, natural heritage, built heritage, archaeological heritage and underwater cultural heritage; and

(c) assessments of underlying and adjacent land uses,

are prescribed.

Part 2—Renewable energy feasibility permit

5—Application for permit—prescribed information

For the purposes of section 8(3)(c) of the Act, an application for a renewable energy feasibility permit must be accompanied by the following additional information:

(a) the full name, business address and telephone number of the applicant;

(b) the name and telephone number of a person who can be contacted about the application;

(c) if the application is being made by more than 1 person—information regarding the interest that each person will have in the permit (which may be expressed as a percentage);

(d) a description of the activities proposed to be undertaken under the permit, including a map showing the location at which each activity is proposed to be undertaken;

(e) a statement outlining the technical, operational and financial capabilities available to the applicant for the purposes of undertaking activities under the permit;

(f) how data obtained from undertaking the proposed feasibility activity (including from the use of equipment used in undertaking a feasibility activity) will be captured, stored, analysed, progressed, actioned and reported;

(g) the manner in which the holder of the permit will undertake construction and placement of equipment intended to be used for undertaking the proposed feasibility activity;

(h) if the applicant has, or will acquire, a right or interest in respect of land comprising the proposed permit area sufficient to undertake the feasibility activity to be authorised under the permit—such evidence as required by the Minister that the applicant has, or will acquire, that right;

(i) if any part of the proposed permit area comprises native title land that is the subject of a native title declaration or is within the area of a claim that is registered in a native title register—a statement outlining any native title agreement that is in place, or the manner in which the applicant proposes to negotiate such an agreement;

(j) a statement outlining any contravention by the applicant of a provision of a designated Act in connection with activities undertaken by them within the preceding period of 5 years that resulted in—

(i) the revocation or suspension of an authority to undertake an activity; or

(ii) a prosecution for an offence; or

(iii) the imposition of a penalty by a court; or

(iv) the issuing of a notice, direction or order that required the suspension or discontinuance of any activity or the rectification of any harm to the environment or the rehabilitation of any land, place or other aspect of the environment;

(k) such other information as required by the Minister and notified to the applicant.

6—Issue of permit—prescribed criteria

For the purposes of section 8(5) of the Act, in addition to the matters specified in that subsection, the Minister must, before issuing a renewable energy feasibility permit, be satisfied that—

(a) the applicant has—

(i) the necessary technical qualifications and experience; and

(ii) the necessary operational capabilities and resources,

to undertake the feasibility activity to be authorised under the permit; and

(b) the expected financial position of the applicant over the proposed term of the permit will be sufficient to undertake the feasibility activity to be authorised under the permit.

7—Renewal of permit—prescribed criteria

(1) For the purposes of section 9(4) of the Act, the following criteria are prescribed:

(a) the applicant for renewal of a renewable energy feasability permit must have—

(i) the necessary technical qualifications and experience; and

(ii) the necessary operational capabilities and resources,

to undertake the feasibility activity to be authorised under the permit;

(b) the expected financial position of the applicant over the proposed term of the renewed permit must be sufficient to undertake the feasibility activity to be authorised under the permit; and

(c) the applicant for the renewal has, or will acquire, a right or interest in respect of land comprising the permit area sufficient to undertake the feasibility activity to be authorised under the permit.

(2) For the purposes of subregulation (1), an applicant for the renewal of a renewable energy feasibility permit must provide to the Minister a statement outlining the following information:

(a) the applicant's performance for the previous term of the permit, including such information as required by the Minister and notified to the applicant;

(b) the reasons for requiring a renewal of the permit, including an outline of the feasibility activity that the applicant intends to undertake under the permit during—

(i) the term of the renewed permit; or

(ii) such other period determined by the Minister;

(c) the amount of expenditure that is estimated to occur in undertaking the feasibility activity;

(d) the expected financial position of the applicant over the proposed term of the renewed permit;

(e) a statement outlining that the applicant for the renewal has, or will acquire, a right or interest in respect of land comprising the permit area sufficient to undertake the feasibility activity to be authorised under the renewed permit;

(f) any contravention by the applicant of a provision of a designated Act in connection with activities undertaken by them within the preceding period of 5 years that resulted in—

(i) the revocation or suspension of an authority to undertake an activity; or

(ii) a prosecution for an offence; or

(iii) the imposition of a penalty by a court; or

(iv) the issuing of a notice, direction or order that required the suspension or discontinuance of any activity or the rectification of any harm to the environment or the rehabilitation of any land, place or other aspect of the environment.

8—Application of provisions of Act to renewable energy feasibility permit

Pursuant to section 115(2)(c) of the Act—

(a) the provisions of the Act set out in Schedule 1 apply in relation to a renewable energy feasibility permit; and

(b) a reference to a licence in a provision set out in that Schedule will be taken to include a renewable energy feasibility permit; and

(c) a reference to a licensee in a provision set out in that Schedule will be taken to include a permit holder; and

(d) a reference to authorised operations or operations in a provision set out in that Schedule will be taken to include a feasibility activity; and

(e) a reference to a licence area in a provision set out in that Schedule will be taken to include a permit area.

Part 3—Release area

9—Notice of declaration of release area

Pursuant to section 10(6)(a) of the Act, the notice in writing given by the Minister of the proposed declaration of a release area (the ***proposed release area notice***) must—

(a) describe the area of land in the proposed release area; and

(b) invite submissions on the proposed release area to be made to the Minister in a manner and form set out in the notice; and

(c) specify a period of at least 30 business days from the day on which the notice is published within which submissions must be received; and

(d) be published in any manner the Minister thinks fit.

10—Consultation

(1) For the purposes of section 10(6)(b) of the Act, the Minister must, in such manner as the Minister thinks fit—

(a) give the proposed release area notice to each relevant person; and

(b) consult with each relevant person to whom notice is given under paragraph (a) by inviting them to make submissions on the proposed release area, allowing a period of at least 30 business days within which the person may make a submission.

(2) In this regulation—

relevant person, in relation to a proposed release area, means—

(a) each owner of land within the area; and

(b) any Recognised Aboriginal Representative Body—

(i) in respect of the area; or

(ii) in respect of a specific Aboriginal site, object or remains within the area;

(c) —

(i) each council within the area; or

(ii) if any part of the area falls outside of council areas—the Outback Communities Authority established under the *Outback Communities (Administration and Management) Act 2009*; and

(d) if any part of the area comprises pastoral land—the Pastoral Board under the *Pastoral Land Management and Conservation Act 1989*; and

(e) any other person determined by the Minister, in the Minister's absolute discretion, to be relevant in relation to the area in the circumstances.

11—Register—prescribed particulars

For the purposes of section 10(8) of the Act, the following particulars of a declaration of a release area must be entered on the register:

(a) a description of the boundaries of the release area;

(b) a description of the location of the release area;

(c) the size of the release area expressed in square kilometres;

(d) if specified in a notice given under section 10(1) of the Act—the renewable energy resource in respect of which the release area is declared.

12—Call for tenders for renewable energy feasibility licence

(1) For the purposes of section 11(2)(e) of the Act, the following are prescribed:

(a) a statement outlining any agreement that is in place with a native title holder and other owners of land in respect of the proposed licence area, or the manner in which the applicant proposes to negotiate such an agreement including (if possible) information about the applicant's proven ability to successfully undertake such negotiations;

(b) if the notice under section 11(1) of the Act sets out matters to be addressed by an applicant as raised with the Minister by a registered native title body corporate or a registered native title claimant during the period allowed for making submissions to the Minister pursuant to regulation 10(1)(b)—

(i) a statement submitted by the applicant addressing those matters; and

(ii) any statement received from the registered native title body corporate or the registered native title claimant in response to that statement;

(c) a proposed work program detailing operations that will be undertaken under the proposed licence;

(d) the net economic, social and environmental benefit to the State expected as a result of the proposed exploitation of the renewable energy resource (the ***project***), including—

(i) the initiatives proposed to support the short and long term security and stability of the State's energy system; and

(ii) the extent to which the project will create and maintain jobs and provide skills and training opportunities, including jobs for young people, apprentices, Aboriginal and Torres Strait Islander people and people with a disability; and

(iii) the manner in which the applicant intends to provide opportunities for Australian entities to bid for the supply of goods and services necessary in undertaking the project; and

(iv) the manner in which the applicant intends to provide beneficial economic, environmental and social outcomes for rural, regional and Aboriginal communities;

(e) the applicant's experience and ability to deliver renewable energy projects;

(f) how the applicant intends to deliver a commercial project within a specified time;

(g) the technical, operational and financial capabilities of the applicant that are necessary for the purposes of undertaking the project;

(h) the applicant's environmental management credentials, including their knowledge and experience in environmental impact assessment and management;

(i) any rental offer made by the applicant under regulation 24;

(j) any other matter the Minister considers relevant and specific to a particular release area.

(2) For the purposes of section 11(3)(a) of the Act, the following requirements are prescribed:

(a) if the Minister receives more than 1 application for a renewable energy feasibility licence in response to a call for tenders under section 11 of the Act, the Minister—

(i) must identify any applications in which an area of land in respect of which a licence is being sought in 1 application overlaps with the area of land in respect of which a licence is being sought in another application; and

(ii) may, in the Minister's absolute discretion, by written notice to the relevant applicants, invite them to amend their respective applications in a manner determined by the Minister and specified in the notice, so that the identified areas of land in respect of which a licence is sought in each application no longer overlap;

(b) if, in connection with subregulation (1)(b), an applicant provides a statement of a kind referred to in that paragraph, the Minister—

(i) must provide the statement to the relevant native title body corporate or registered native title claimant; and

(ii) must notify the relevant native title body corporate or registered native title claimant of a specified period of time within which they may provide a response to the matters outlined in the statement; and

(iii) may require that the relevant native title body corporate or registered native title claimant keep information in the statement confidential.

13—Minister may invite further applications after tender process

(1) Pursuant to section 11(5) of the Act, the Minister may, at any time, by notice in the Gazette, invite further applications for a renewable energy feasibility licence in respect of a release area—

(a) if a successful applicant notifies the Minister that they do not intend to apply, or proceed with an application, for a renewable energy feasibility licence; or

(b) if the Minister is unable to grant a renewable energy feasibility licence to a successful applicant because a precondition required for the grant of a renewable energy feasibility licence to the successful applicant is not satisfied; or

(c) if the Minister cancels a successful applicant's renewable energy feasibility licence; or

(d) if a successful applicant surrenders their renewable energy feasibility licence; or

(e) in any other circumstances as the Minister thinks fit.

(2) A notice under subregulation (1) must comply with the requirements of section 11(2) of the Act.

(3) The Minister must deal with an application received in circumstances outlined in subregulation (1) in accordance with the requirements of section 11 of the Act.

(4) Pursuant to section 11(5) of the Act and notwithstanding the provisions in subregulation (1), if the Minister determines a successful applicant in respect of an area of land that does not cover the whole of the specified release area, the Minister may, by written notice to an unsuccessful applicant whose application is identified under regulation 12(2)(a)(i), invite them to submit a further application in respect of the area of land within the release area in respect of which a successful application has not been determined.

(5) An application under subregulation (4) must be assessed against the same criteria as specified in the relevant notice issued under section 11(1) of the Act against which other applications in respect of that specified release area were assessed.

Part 4—Licensing

14—Regulated activities—exclusions

(1) For the purposes of section 12(2)(b) of the Act, the following activities, if undertaken by a relevant distribution network service provider or a relevant transmission network service provider pursuant to a transmission licence or a distribution licence granted under Part 3 of the *Electricity Act 1996*, unless otherwise determined by the Minister by notice in the Gazette for the purposes of this regulation, are excluded from the definition of ***regulated activities*** for the purposes of the Act:

(a) constructing, installing, operating, maintaining or decommissioning a transmission or distribution network;

(b) transmitting or otherwise conveying energy obtained from a renewable energy resource through a transmission or distribution network.

(2) In this regulation—

relevant distribution network service provider means SA Power Networks (ACN 332 330 749);

relevant transmission network service provider means ElectraNet Pty Ltd (ACN 094 428 416).

15—Hydrogen generation licence—regulated activities

For the purposes of section 14(1)(c) of the Act, the following regulated activities are prescribed:

(a) constructing, installing, operating, maintaining or decommissioning direct air capture infrastructure to be used for the purposes of capturing carbon dioxide associated with generating hydrogen;

(b) constructing, installing, operating, maintaining or decommissioning infrastructure necessary for the storage of any compound of hydrogen created in accordance with the provisions of the Act;

(c) if the licensee—

(i) holds a port operating agreement pursuant to section 28B of the *Harbors and Navigation Act 1993* in respect of the proposed licence area; or

(ii) has entered into a contract or other agreement with a person who holds a port operating agreement pursuant to section 28B of the *Harbors and Navigation Act 1993* in respect of the proposed licence area,

the construction, installation, operation, maintaining, management and decommissioning of a port, wharf or jetty associated with the import or export of hydrogen or a compound of hydrogen created in accordance with the provisions of the Act.

16—Associated infrastructure licence—prescribed requirements

(1) For the purposes of section 23(5) of the Act, it is a requirement that the Minister must be satisfied—

(a) if the licence will authorise the construction, installation, operation, maintaining, management and decommissioning of a port, wharf or jetty associated with the import or export of hydrogen or renewable energy—that the applicant for the licence—

(i) holds, or will hold at the time the licence is granted, a port operating agreement within the meaning of section 28B of the *Harbors and Navigation Act 1993* in respect of the proposed licence area; or

(ii) has entered into a contract or other agreement with a person who holds, or will hold, a port operating agreement within the meaning of section 28B of the *Harbors and Navigation Act 1993* in respect of the proposed licence area; or

(b) in any other case—that the applicant for the licence has, or will acquire, a right or interest in respect of the land comprising the proposed licence area.

(2) In this regulation, a reference to hydrogen includes a compound of hydrogen created in accordance with the provisions of the Act.

17—Special enterprise licence

For the purposes of section 27(2)(b) of the Act, the following information is prescribed:

(a) information demonstrating that the enterprise is of major significance to the economy of the State;

(b) a statement outlining the regulated activity or activities proposed to be undertaken as part of the enterprise;

(c) maps and plans relating to the place where the enterprise is proposed to be undertaken;

(d) an outline of the environmental impacts of the proposed enterprise and of steps proposed to be undertaken to address or manage those impacts;

(e) a statement of the steps taken by the proponent to obtain any permissions, authorisations, consents or other approvals from an owner of land or any registered native title claimant as would be required for a grant of another licence or permit under the Act in respect of the enterprise, including (if relevant) any attempts at mediation or other dispute resolution;

(f) if so determined by the Minister in a particular case—a description of the impacts on people and communities that may reasonably be expected to occur as a result of the enterprise and the measures that are to be used to manage, limit or remedy those impacts (in the case of negative impacts), or to facilitate or ensure those impacts (in the case of positive impacts);

(g) a statement of the technical, operational and financial capabilities and resources available to the proponent for the purpose of undertaking the enterprise;

(h) a statement by the proponent outlining any contravention by the proponent of a provision of a designated Act in connection with activities undertaken by them within the preceding period of 5 years that resulted in—

(i) the revocation or suspension of an authority to undertake an activity; or

(ii) a prosecution for an offence; or

(iii) the imposition of a penalty by a court; or

(iv) the issuing of a notice, direction or order that required the suspension or discontinuance of an activity or the rectification of any harm to the environment or the rehabilitation of any land, place or other aspect of the environment;

(i) a statement identifying any exemptions or modifications with respect to the provisions of the Act that the proponent has under consideration in connection with the operation of section 29 of the Act;

(j) such other information as may be determined by the Minister and notified to the proponent.

18—Application for licence—prescribed information

(1) For the purposes of section 31(1)(d) of the Act, in addition to the material required under section 31 of the Act, the following information is prescribed:

(a) the full name and address of the applicant;

(b) if the application is being made by more than 1 person—information regarding the interest each person will have in the licence (which may be expressed as a percentage);

(c) the name, address and telephone number of a person who can be contacted about the application;

(d) a description of the area to which the application relates, using coordinates in a form determined or approved by the Minister and, if available, cadastral boundaries;

(e) a map indicating the area of land to which the application relates that identifies any significant topographical, environmental and cultural features of the land;

(f) the size of the area to which the application relates expressed in kilometres or square kilometres (as appropriate);

(g) if the applicant is a body corporate—a copy of the body corporate's most recent audited financial statements;

(h) information that demonstrates the expected financial position of the applicant over the proposed term of the licence (or a shorter term determined by the Minister);

(i) the necessary technical qualifications and experience that will enable the applicant to undertake authorised operations;

(j) the necessary operational capabilities and resources that will enable the applicant to undertake authorised operations;

(k) if the proposed licence will authorise exploiting a renewable energy resource through an electricity generating plant that is to be connected to the State's power system—a certificate from the Technical Regulator certifying that the electricity generation complies with the requirements of the Technical Regulator in relation to the security and stability of the State's power system;

(l) if the applicant seeks to apply for an associated infrastructure licence that confers a right to enter and use land in the proposed licence area—that fact;

(m) if the applicant has, or will acquire, a right or interest in respect of land comprising the proposed licence area sufficient to undertake the proposed authorised operations—such evidence as required by the Minister that the applicant has, or will acquire, that right;

(n) in the case of an application for a hydrogen generation licence, renewable energy feasibility licence, renewable energy infrastructure licence or an associated infrastructure licence that will confer a right to enter and use designated land, if any part of the proposed licence area comprises native title land—

(i) if a native title agreement is in place—that fact; or

(ii) in any other case—a statement outlining the manner in which the applicant will negotiate a native title agreement in respect of the land;

(o) a statement outlining any contravention by the applicant of a provision of a designated Act in connection with activities undertaken by them within the preceding period of 5 years that resulted in—

(i) the revocation or suspension of an authority to undertake an activity; or

(ii) a prosecution for an offence; or

(iii) the imposition of a penalty by a court; or

(iv) the issuing of a notice, direction or order that required the suspension or discontinuance of an activity or the rectification of any harm to the environment or the rehabilitation of any land, place or other aspect of the environment.

(2) In this regulation—

electricity generating plant has the same meaning as in paragraph (a) of the definition of ***electricity infrastructure*** in section 4(1) of the *Electricity Act 1996*;

power system and ***Technical Regulator*** have the same respective meanings as in the *Electricity Act 1996*.

19—Notice of certain applications

For the purposes of section 32(4) of the Act, as soon as practicable after determining to grant or refuse an application to which section 32 of the Act applies, the Minister must publish, by notice in the Gazette, a statement of the determination of the Minister in relation to the application.

20—Negotiating access agreement—prescribed period

For the purposes of section 42(4)(b) of the Act, the prescribed period is 2 months from the day on which the Minister commences mediation between the negotiating parties.

21—Renewal of licence

(1) Subregulation (2) applies to—

(a) a hydrogen generation licence; and

(b) a renewable energy feasibility licence; and

(c) a renewable energy infrastructure licence; and

(d) a renewable energy research licence; and

(e) an associated infrastructure licence.

(2) For the purposes of sections 15(4), 18(4)(a), 20(4)(a), 22(4)(a) and 24(4)(a) of the Act, the Minister must, before renewing a licence to which this subregulation applies, be satisfied that an applicant for the renewal of a licence has—

(a) provided to the Minister a statement of performance for the previous term of the licence which includes such information in respect of authorised operations required by the Minister and notified to the applicant; and

(b) provided to the Minister—

(i) a written statement of reasons for the renewal of the relevant licence outlining the operations that the applicant intends to undertake under the licence during—

(A) the term of the renewed licence; or

(B) a period determined by the Minister; and

(ii) an estimate of the amount of expenditure expected as a result of undertaking those operations; and

(iii) a written statement of any changes to the approved work program required as a result of the renewal of the relevant licence; and

(c) the necessary technical qualifications and experience that will enable the applicant to undertake authorised operations; and

(d) the necessary operational capabilities and resources that will enable the applicant to undertake authorised operations; and

(e) provided information to the Minister of the expected financial position of the applicant over the proposed term of the licence to be renewed (or a shorter term determined by the Minister); and

(f) provided a statement outlining any contravention by the applicant of a provision of a designated Act in connection with activities undertaken by them within the preceding period of 5 years that resulted in—

(i) the revocation or suspension of an authority to undertake an activity; or

(ii) a prosecution for an offence; or

(iii) the imposition of a penalty by a court; or

(iv) the issuing of a notice, direction or order that required the suspension or discontinuance of any activity or the rectification of any harm to the environment or the rehabilitation of any land, place or other aspect of the environment.

(3) In addition to the matters outlined in subregulation (2), for the purposes of section 15(4) of the Act, the Minister must not renew a hydrogen generation licence unless the Minister is satisfied that the applicant for the renewal has or will acquire a right or interest in respect of land comprising the licence area sufficient to undertake the operations to be authorised under the renewed licence.

22—Work program

(1) For the purposes of paragraph (b) of the definition of ***work program*** in section 4(1) of the Act, the following criteria are prescribed in respect of the work program of a renewable energy feasibility licence:

(a) how data obtained during exploratory operations (including from the use of equipment used for exploring a renewable energy resource) will be captured, stored, analysed, progressed, actioned and reported;

(b) how the applicant for the licence or the licensee (as the case requires) will undertake construction and placement of equipment intended to be used for exploring a renewable energy resource;

(c) how the applicant for the licence or the licensee (as the case requires) will effectively understand the renewable energy resource potential of the relevant release area within a specified time;

(d) the manner in which the commercial and business models of the applicant or licensee (as the case requires) will support a subsequent application for a renewable energy infrastructure licence.

(1a) Pursuant to paragraph (c)(i) of the definition of ***work program*** in section 4(1) of the Act, an economic analysis of the operations proposed to be undertaken under the licence must contain the following:

(a) a detailed financial analysis of the proposed operations which includes—

(i) revenue projections, including expected income from operations and underlying assumptions; and

(ii) operating costs, detailing recurring expenditures; and

(iii) capital expenditures, including estimated investments in assets and infrastructure;

(b) documented evidence of financial resources necessary for the proposed operations which includes—

(i) equity contributions, detailing the source and amount of the applicant's own capital investment; and

(ii) evidence of committed funding, including financial guarantees or agreements with investors; and

(iii) details of grants, government subsidies, or alternative funding sources, where applicable; and

(iv) a contingency plan addressing financial risk management, including mitigation strategies for cost overruns or revenue shortfalls.

(2) Pursuant to paragraph (c)(ii) of the definition of ***work program*** in section 4(1) of the Act, an assessment of the benefits to the State derived, or expected to be derived, from operations proposed to be undertaken under the licence should address the net economic, social and environmental benefit to the State expected as a result of the proposed authorised operations, including (if relevant) the manner in which the proposed authorised operations will—

(a) support the short and long term security and stability of the State's energy system; and

(b) create and maintain jobs and provide skills and training opportunities, including jobs for young people, apprentices, Aboriginal and Torres Strait Islander people and people with a disability; and

(c) provide opportunities for Australian entities to bid for the supply of goods and services necessary in undertaking the project; and

(d) provide beneficial economic, environmental and social outcomes for rural, regional and Aboriginal communities.

23—Notice to Minister of commencement of authorised operations

(1) For the purposes of section 44 of the Act—

(a) a licensee must specify the day on which authorised operations will commence in the operational management plan approved in relation to the licence; and

(b) when a licensee knows the day on which authorised operations will be completed—a licensee must specify this day in each annual licence report provided to the Minister under regulation 26.

(2) If authorised operations commence or are completed on a day other than that notified to the Minister under subregulation (1), the licensee must, within 10 business days after the operations commenced or were completed (as the case requires), give written notice to the Minister of the day on which authorised operations commenced or were completed.

24—Rent

(1) For the purposes of section 45(2)(a) of the Act, the amount of annual rent for a licence to which section 45 of the Act applies in respect of a particular year is—

(a) in the case of a renewable energy research licence or a special enterprise licence—the amount specified in, or calculated in accordance with, a rental determination; or

(b) in the case of a renewable energy feasibility licence or a renewable energy infrastructure licence—

(i) the amount specified in, or calculated in accordance with, a rental determination; or

(ii) the amount of the successful rental offer (if any),

whichever is greater.

(2) The Minister must provide to each holder of a licence to which section 45 of the Act applies a written notice of the annual rent payable by the licensee in respect of each licence year.

(3) For the purposes of this regulation, the Minister must, in accordance with the requirements of this regulation, by notice in the Gazette, make a determination in relation to the amount of annual rent payable for a licence to which section 45 of the Act applies (a ***rental determination***).

(4) Without limiting the generality of subregulation (3), a rental determination may—

(a) —

(i) express the rent payable as a fixed amount in respect of a specified year or each year within a specified period; or

(ii) provide for the manner in which the amount of rent payable is to be determined or calculated in a specified year or each year within a specified period; and

(b) provide that the amount of rent payable in respect of a year is to be indexed annually in accordance with the provisions of the determination; and

(c) be of general, limited or varied application according to the licence, class of licence, circumstances or any other specified factor to which the determination is expressed to apply.

(5) If the Minister has issued a notice under section 11(1) of the Act inviting applications for renewable energy feasibility licences within a specified release area, the Minister must make a rental determination that will apply in relation to a renewable energy feasibility licence and a renewable energy infrastructure licence granted within that area.

(6) The Minister may make a rental determination at any other time as the Minister thinks fit.

(7) The Minister may, not less than 5 years after making a rental determination, undertake a review of the determination.

(7a) The Minister may, on the application of the holder of a licence to which section 45 of the Act applies or on the Minister's own initiative, waive, reduce or defer (in whole or in part) a payment of rent subject to such conditions as the Minister thinks fit.

(7b) Pursuant to section 45(3) of the Act—

(a) the prescribed amount is an amount determined by the Minister not exceeding $25 000; and

(b) the prescribed time is a day on or after 1 July, but before 31 October, in each year.

(8) In this regulation—

rental determination—see subregulation (3);

rental offer means an offer specified in an application for a renewable energy feasibility licence made in response to—

(a) an invitation for applications under section 11(1) of the Act; or

(b) an invitation to submit a further application under section 11(5) of the Act,

of an amount that the applicant intends to pay by way of rental in respect of 1 or both of the following:

(c) a specified year, or each year within a specified period, during the term of a renewable energy feasibility licence (if granted);

(d) a specified year or each year within a specified period during the term of the subsequent renewable energy infrastructure licence (if granted);

successful rental offer means the rental offer made by a successful applicant for a renewable energy feasibility licence determined by the Minister under section 11 of the Act in respect of 1 or both of the following:

(a) a specified year, or each year within a specified period, during the term of a renewable energy feasibility licence;

(b) a specified year or each year within a specified period during the term of a subsequent renewable energy infrastructure licence.

24A—Dealing with licence

Pursuant to section 50(2) of the Act, before the Minister consents to the transfer or assignment of a licence, the Minister must obtain the following written information from the person to whom the licence is to be transferred or assigned:

(a) a copy of the instrument effecting the transfer or assignment;

(b) —

(i) if the person to whom the licence is to be transferred or assigned is an incorporated association—a copy of the association's most recent audited financial statements; or

(ii) in any other case—a statement of the expected financial position of the transferee or assignee over the term of the licence (or such other period as may be requested by the Minister);

(c) information that demonstrates the expected financial position of the applicant over the proposed term of the licence (or a shorter term determined by the Minister);

(d) the necessary technical qualifications and experience that will enable the applicant to undertake authorised operations;

(e) the necessary operational capabilities and resources that will enable the applicant to undertake authorised operations.

25—Surrender of licence

(1) For the purposes of section 55(2)(b) of the Act, the following information is prescribed:

(a) a statement, accompanied by supporting evidence—

(i) that outcomes or objectives required under a statement of environmental objectives have been achieved (or if an outcome or objective has not been achieved, the reason for this situation and information about what the licensee has done, or proposes to do, in the circumstances); and

(ii) that all rehabilitation required to be undertaken has been completed or is in place;

(b) in the case of a surrender of a part of the area of the licence—a map and description of the relevant areas, showing the area to be surrendered and the area to remain, that comply with the requirements specified by the Minister;

(c) the final annual licence report required under regulation 26;

(d) the final half yearly report required under regulation 27;

(e) the following declarations, in the form of a statutory declaration:

(i) a declaration that authorised operations have ceased;

(ii) —

(A) if the licensee has no outstanding liabilities under the Act—a declaration of that fact; or

(B) in any other case—a declaration that the licensee has a management plan in place for the management or transfer of any outstanding liabilities under the Act;

(iii) a declaration that all fees, rents or penalties under the Act have been paid;

(iv) a declaration that outlines any legal proceedings in respect of authorised operations that involve the licensee as a party to those proceedings;

(f) an outline of the consultation undertaken by the licensee with each owner of the land within the licence area about surrendering the licence and any rehabilitation or other work or activities to be carried out in connection with the surrender, including any issues raised by the owner of land and how those issues have been, or will be, addressed.

(2) For the purposes of section 55(3) of the Act, the Minister must, before accepting the surrender of a licence or a part of the area of a licence, have regard to the following matters:

(a) the information provided to the Minister under subregulation (1);

(b) in considering whether to approve the surrender unconditionally under section 55(4)(a) of the Act or on conditions in accordance with section 55(4)(b) of the Act—whether, on the basis of the information provided to the Minister under subregulation (1), all outstanding obligations have been met by the licensee;

(c) any information provided by an administrative unit of the Public Service responsible for assisting a Minister in the administration of a prescribed Act relating to—

(i) the decommissioning of the infrastructure operated under the licence; or

(ii) rehabilitation of land within the licence area; or

(iii) rehabilitation of the environment.

(3) In this regulation—

prescribed Act has the same meaning as in regulation 31.

Part 5—Reporting requirements

26—Annual licence report

(1) Pursuant to section 46(1) of the Act, the licensee must, within 2 months after the end of each anniversary of the grant of a licence, provide to the Minister, in a manner and form determined by the Minister, a report for the relevant licence year on authorised operations (an ***annual licence report***).

(2) An annual licence report must include the following:

(a) a summary of the authorised operations undertaken during the relevant licence year;

(b) a report for the relevant licence year on compliance with the Act, the licence and any relevant statement of environmental objectives;

(c) a report for the relevant licence year on the licensee's performance under the work program applying in relation to the licence;

(d) a statement concerning any action to rectify non-compliance with obligations imposed by the Act or the licence, and to minimise the likelihood of the recurrence of any such non-compliance;

(e) a summary of any system audits undertaken during the relevant licence year, including information on any failure or deficiency identified by the audit and any corrective action that has been, or will be, taken;

(f) a summary of the work undertaken to monitor the effectiveness of systems during the relevant licence year, including details of auditing, monitoring and review of the effectiveness of controls necessary for compliance with a statement of environmental objectives;

(g) a report on any reasonably foreseeable threats (other than threats previously reported on) that reasonably present, or may present, a hazard to infrastructure or authorised operations, and a report on any corrective action that has been, or will be, taken;

(h) a report on any reasonable concerns reported to the licensee during the relevant licence year by—

(i) any owner of land in the licence area; or

(ii) members of the public,

relating to authorised operations, including details of any action that has been, or will be, taken to address these concerns;

(i) a list of all reports and data relevant to the operation of the Act generated by the licensee during the relevant licence year;

(j) in relation to any incidents reported to the Minister under the Act during the relevant licence year—

(i) an overall assessment and analysis of the incidents, including the identification and analysis of any trends that have emerged; and

(ii) an overall assessment of the effectiveness of any action taken to rectify non-compliance with obligations imposed by the Act or the licence, or to minimise the risk of recurrence of any such non-compliance;

(k) unless the relevant licence year is the last year in which the licence is to remain in force—a statement outlining authorised operations proposed for the ensuing year;

(l) the day on which authorised operations are due to be completed (when known);

(m) in the case of a hydrogen generation licence—an estimate of the volume of hydrogen and compounds of hydrogen to be generated as a result of authorised operations within the ensuing year (or such other period as determined by the Minister).

(3) Subject to subregulation (4), for the purposes of section 46(3) of the Act, an annual licence report may be made publicly available in a manner determined by the Minister.

(4) The Minister may, before making an annual licence report available under subregulation (3) and after consulting the licensee who provided the report, take steps to ensure that commercially or culturally sensitive information contained in the report is not publicly disclosed.

(5) An appropriate note relating to the availability of a report under subregulation (3) must be included in the register.

27—Half yearly reports

(1) Subregulation (2) applies to the holder of—

(a) a renewable energy feasibility permit; or

(b) a renewable energy licence; or

(c) a special enterprise licence.

(2) Pursuant to section 46(1) of the Act, the holder of a permit or licence to which this subregulation applies must, within 2 months after the end of each prescribed period, provide to the Minister, in respect of each prescribed period, a renewable energy resource data report.

(3) Pursuant to section 46(1) of the Act, the holder of a licence to which this subregulation applies must, within 2 months after the end of each prescribed period, provide a report to the Minister of the daily quantity of hydrogen and compounds of hydrogen generated as a result of authorised operations undertaken within that prescribed period (to be expressed in a manner determined by the Minister).

(3a) Subregulation (3) applies to the holder of—

(a) a hydrogen generation licence; or

(b) a special enterprise licence that authorises the holder of the licence to—

(i) construct, install, operate, maintain and decommission a hydrogen generation facility; and

(ii) generate hydrogen for a commercial purpose.

(4) A report required under this regulation must be provided and expressed in a manner and form determined by the Minister.

(5) For the purposes of section 46(3) of the Act—

(a) a report required under this regulation must not, during the designated period, be made publicly available; but

(b) the Minister may, during the designated period, after consultation with the licensee who provided the report, make the report or information or material in the report, publicly available in an aggregate form.

(6) The Minister may, before making a report or information or material in a report available under subregulation (5)(b), and after consulting the licensee who provided the report, take steps to ensure that commercially or culturally sensitive information contained in the report is not publicly disclosed.

(7) In this regulation—

designated period, in relation to a report, means—

(a) the term of the relevant licence or permit (inclusive of any extension or renewal of the relevant licence or permit) to which the report relates; or

(b) any continuous period during which the holder of the licence or permit who provided the report (or a person to whom the licence or permit is transferred or assigned) holds any licence or permit under the Act in respect of the same area (either in whole or in part) of land;

prescribed period means each period of 6 months after the day on which a permit or licence is granted;

renewable energy resource data report means a report of the attributes of a renewable energy resource measured, in a manner determined by the Minister, by the holder of the permit or licence for the relevant renewable energy resource.

28—Requirement to provide report, information or material requested by Minister

A report, information or material required to be provided on the written request of the Minister under section 46(1)(b) of the Act must be provided by the licensee within 2 months of the licensee receiving the request.

29—Requirements relating to keeping of reports, information or material

(1) For the purposes of section 46(2)(a) and (c) of the Act, a licensee must, during the designated period, keep in electronic form, any report, information or material provided to the Minister in accordance with section 46 of the Act.

(2) In this regulation—

designated period, in relation to a report, information or material, means—

(a) the term of the relevant licence or permit (inclusive of any extension or renewal of the relevant licence or permit) to which the report, information or material relates; or

(b) any continuous period during which the holder of the licence or permit who provided the report, information or material (or a person to whom the licence or permit is transferred or assigned) holds any licence or permit under the Act in respect of the same area (either in whole or in part) of land.

29A—Definition of immediately reportable incident and reportable incident

(1) Pursuant to paragraph (b) of the definition of ***immediately reportable incident*** in section 47(3) of the Act, the following incidents arising from activities conducted under a Schedule 1 licence will be immediately reportable incidents:

(a) an incident in which a person is seriously injured or killed;

(b) an incident during which an imminent risk to public health or safety arises;

(c) disturbance to a site of cultural or heritage significance without the appropriate permits and approvals being held by the licensee;

(d) an escape of a chemical, fuel or other potential contaminant to a water body, or to land in a place where it is reasonably likely to enter a water body by seepage or infiltration, or onto land where it is reasonably likely to affect the health of native flora and fauna species;

(e) detection of a declared weed, animal or plant pathogen or plant pest species that has been introduced or spread as a direct result of activities;

(f) any removal of flora or fauna without the appropriate permit or approval;

(g) any event resulting in the activation of emergency response and/or evacuation procedures of an area, the declaration of an emergency or the need for emergency service personnel to attend;

(h) an incident that results in significant environmental damage or in which an imminent risk of serious environmental damage arises;

(i) an incident that compromises the continuity of hydrogen or renewable energy supply or creates an imminent risk of compromising the continuity of hydrogen or renewable energy supply.

(2) Pursuant to paragraph (b) of the definition of ***reportable incident*** in section 47(3) of the Act, the following incidents arising from activities conducted under a Schedule 1 licence will be reportable incidents:

(a) an escape of a chemical, fuel or other potential contaminant that affects an area that has not been specifically designed to contain such an escape;

(b) malfunction or failure of critical plant or equipment that has the potential to cause an immediately reportable incident;

(c) an event where an excursion outside a culturally cleared area has occurred or the conditions of a cultural heritage clearance have not been complied with.

(3) In this regulation—

Schedule 1 licence means a licence granted in accordance with Schedule 1 Part 5 of the Act.

30—Incident reports

(1) Pursuant to section 47(1)(a) of the Act, the initial report of an immediately reportable incident must be provided to the Minister in writing and include the following information:

(a) the name and business address of the licensee;

(b) the name and telephone number of a person who can be contacted about the incident;

(c) the time and date of the occurrence of the incident;

(d) the place where the incident occurred (using appropriate coordinates or distances from significant topographical features);

(e) in a case involving a spillage—the approximate quantity of the spillage;

(f) the approximate size of any area affected by the incident (if relevant);

(g) the nature and extent of any injury to a person and, if death has occurred, the cause and place of death;

(h) the steps that have been taken to control, minimise or address any damage to any area affected by the incident.

(2) Pursuant to section 47(1)(b) of the Act, a comprehensive report of an immediately reportable incident must be made in a manner and form determined by the Minister and include the following information:

(a) the results of any assessment or investigation of the conditions or circumstances that caused or contributed to the occurrence of the incident, including an assessment of the effectiveness of the design, procedures and management systems that were in place to prevent the incident occurring;

(b) the nature and extent of any damage to the environment that occurred as a result of the incident;

(c) the steps that have been taken, or are proposed to be taken, to clean up and rehabilitate any area affected by the incident;

(d) the steps that have been taken, or are proposed to be taken, to prevent a recurrence of the incident.

(3) Pursuant to section 47(2) of the Act, a report on a reportable incident—

(a) must be provided on a quarterly basis within 1 month after the end of each quarter; and

(b) must be made in a manner and form determined by the Minister and include the following information in relation to each incident to which the report relates:

(i) the time and date of the occurrence of the incident and the time and date of its detection;

(ii) the place where the incident occurred (using appropriate coordinates or distances from significant topographical features);

(iii) in the case of a spillage—the approximate quantity of the spillage;

(iv) the approximate size of any area affected by the incident (if relevant);

(v) the cause of the incident, including an assessment of the effectiveness of the design, procedures and management systems that were in place to prevent the incident occurring;

(vi) the steps that have been taken, or are proposed to be taken, to clean up and rehabilitate any area affected by the incident;

(vii) the steps that have been taken, or are proposed to be taken, to prevent a recurrence of the incident.

(4) A report under subregulation (2) or (3) must be signed by a person (being either the licensee or a person authorised by the licensee) who has taken reasonable steps to review the report to ensure the accuracy of the information contained in the report.

(5) Subject to subregulation (6), information contained in a report made under subregulation (2) or (3) may be made publicly available in a manner determined by the Minister.

(6) The Minister may, before making information available under subregulation (5), and after consulting the licensee who provided the information, take steps to ensure that commercially or culturally sensitive information is not publicly disclosed.

(7) An appropriate note relating to the availability of a report under subregulation (5) must be included in the register.

Part 6—Environmental impact

31—Environmental impact assessment criteria

(1) Pursuant to section 60(2) of the Act, the Minister should aim to review the environmental impact assessment criteria at least once every 5 years.

(2) For the purposes of section 60(3) of the Act, the following are prescribed persons or agencies:

(a) an administrative unit of the Public Service that, under a Minister, is responsible for the administration of a prescribed Act;

(b) the Environment Protection Authority;

(c) any other person or agency determined by the Minister, in the Minister's absolute discretion, to be relevant in the circumstances.

(3) For the purposes of section 60(3) of the Act, the Minister must undertake consultation with a prescribed person or agency by—

(a) providing them with a copy of the proposed environmental impact assessment criteria or the environmental impact assessment criteria the subject of the review (as the case may be); and

(b) inviting them to make a written submission in relation to the proposed environmental impact assessment criteria or the environmental impact assessment criteria the subject of the review (as the case may be), which must be provided to the Minister in a manner and form, and within a period, specified to the prescribed person or agency.

(4) In this regulation—

prescribed Act means 1 or any of the following:

(a) the *Aboriginal Heritage Act 1988*;

(b) the *Aquaculture Act 2001*;

(c) the *Energy Resources Act 2000*;

(d) the *Environment Protection Act 1993*;

(e) the *Harbors and Navigation Act 1993*;

(f) the *Landscape South Australia Act 2019*;

(g) the *Mining Act 1971*;

(h) the *Pastoral Land Management and Conservation Act 1989*;

(i) the *Planning, Development and Infrastructure Act 2016*;

(j) any other Act determined by the Minister by notice in the Gazette for the purposes of this definition;

prescribed person or agency—see subregulation (2).

32—Environmental impact report

(1) For the purposes of section 61(2)(e) of the Act, an environmental impact report must be prepared in accordance with the requirements set out in this regulation.

(2) An environmental impact report must contain the following information:

(a) a description of the authorised operations to be undertaken and the location at which the operations are to be undertaken;

(b) a description of the specific elements of the environment that can reasonably be expected to be affected by authorised operations, with particular reference to the environment and existing land uses;

(c) data relating to biodiversity within the area of land to which the report relates that can reasonably be expected to be affected by authorised operations;

(d) an assessment of the cultural and heritage values of Aboriginal and Torres Strait Islander persons and other persons within the area of land to which the report relates that can reasonably be expected to be affected by authorised operations, and the public health and safety risks inherent in undertaking those operations (insofar as these matters are relevant in the particular circumstances);

(e) if relevant and required by the Minister—an assessment of the continuity of supply with respect to hydrogen;

(f) information on consultation that has occurred in accordance with the approved consultation plan, including specific details about relevant issues that have been raised and any response to those issues (but not including confidential information).

(3) The Minister may require that a person provide further information or materials (verified, if the Minister so requires, in a manner determined by the Minister) to assist in assessing potential events and impacts that may arise from particular authorised operations.

(4) Information or material provided under this regulation must—

(a) be balanced, objective and concise; and

(b) state any limitations that apply, or should apply, to the use of the information and material; and

(c) identify any matter in relation to which there is a significant lack of relevant information or a significant degree of uncertainty; and

(d) so far as is relevant, identify the sensitivity to change of any assumption that has been made and any significant risks that may arise if an assumption is later found to be incorrect; and

(e) so far as is reasonably practicable, be presented in a way that allows a person assessing the information or material to understand how conclusions have been reached and allows the information or material to be used to make an informed decision on the level of environmental impact of particular operations without the need to obtain additional technical advice; and

(f) be in a form determined by the Minister, be supported by such evidence as the Minister may determine and comply with any requirements of the Minister relating to the amount or detail of information that must be provided; and

(g) be accompanied by a declaration signed or executed by a person who has taken reasonable steps to review the information and material to ensure its accuracy; and

(h) be made publicly available in a manner determined by the Minister.

33—Consultation by licensee

(1) For the purposes of sections 61(4) and 63(3) of the Act, a licensee must comply with the requirements of this regulation in undertaking consultation on a proposed environmental impact report or a proposed statement of environmental objectives.

(1a) To avoid doubt, a licensee may undertake consultation concurrently on a proposed environmental impact report and a proposed statement of environmental objectives that relate to the same land.

(2) The licensee must prepare a ***consultation plan*** to be approved by the Minister that—

(a) states the day on which consultation is due to commence and conclude; and

(b) includes a list of the following persons to be consulted as identified by the licensee:

(i) the owners of the land to which the report relates;

(ii) any Recognised Aboriginal Representative Body—

(A) in respect of the area of land to which the report relates; or

(B) in respect of a specific Aboriginal site, object or remains on the land to which the report relates;

(iii) if the land to which the report relates is not the subject of a native title determination and there is no Recognised Aboriginal Representative Body identified under subparagraph (ii)—any traditional owners of Aboriginal sites or objects on the land to which the report relates;

(iv) any affected agency or instrumentality of the Crown;

(v) —

(A) each council in respect of the land to which the report relates; or

(B) if any part of the land to which the report relates falls outside of council areas—the Outback Communities Authority established under the *Outback Communities (Administration and Management) Act 2009*; and

(c) describes the method of engagement to be used in consulting with the persons listed in the consultation plan including how the licensee intends to respond to relevant issues raised as a result of consultation; and

(d) focuses the engagement on the environmental objectives and assessment criteria necessary to be achieved to demonstrate that any potential consequences of the proposed authorised operations will be adequately managed and controlled; and

(e) identifies all relevant parts in the environmental impact report or statement of environmental objectives that are to be consulted on; and

(f) complies with any other requirement specified by the Minister to the licensee.

(3) A consultation plan must be submitted to the Minister for approval at least 10 days before consultation is due to commence or within such shorter period as may be allowed by the Minister in a particular case.

(4) At the conclusion of consultation, the licensee must prepare a report on the results of consultation, setting out—

(a) the persons consulted; and

(b) any issues of concern raised by persons consulted; and

(c) the steps (if any) taken or proposed to be taken by the licensee to address those concerns.

(5) The licensee must provide the Minister with the report required under subregulation (4) at a time and in a manner and form determined by the Minister and notified to the licensee.

34—Statement of environmental objectives—prescribed information

(1) For the purposes of section 62(2)(d) of the Act, a statement of environmental objectives must include the following information:

(a) objectives that relate to dealing with the impacts on various elements of the environment associated with undertaking the relevant authorised operations;

(b) criteria to be applied to determine whether or not the stated environmental objective has been achieved in a particular case.

(2) The criteria required under subregulation (1)(b) must include the following:

(a) a description of what is to be measured and the form of the measurements that are to be used;

(b) the locations at which the relevant measurements are to be taken, or the manner in which such locations are to be determined;

(c) the frequency of any measurement or monitoring;

(d) any background or control data that is to be used, or the manner in which such data is to be acquired;

(e) what is proposed to be taken to constitute the achievement of a relevant environmental objective (with consideration being given to any inherent errors of measurement);

(f) if required by the Minister—provisions with respect to assessing the ongoing fitness for purpose of facilities, plant, equipment, machinery or other infrastructure and management systems;

(g) if relevant—

(i) the gathering of information and the conduct and timing of studies; and

(ii) the conduct and timing of management system audits.

(3) Any information or material provided for the purpose of a statement of environmental objectives must—

(a) be balanced, objective and concise; and

(b) state any limitations that apply, or should apply, to the use of the information or material; and

(e) be in a form determined by the Minister, be supported by such evidence as the Minister may determine and comply with any requirements of the Minister relating to the amount or detail of information that must be provided.

(4) Without limiting subregulation (3), any criteria referred to in subregulation (2) must, insofar as is reasonably practicable and appropriate, be expressed in quantitative terms (rather than qualitative terms).

35—Adoption of statement of environmental objectives

(1) In accordance with section 62(4) of the Act, a statement of environmental objectives published by the Minister, by notice in the Gazette, specified in the left hand column of the table below is adopted and may apply in relation to authorised operations of a class prescribed in the right hand column of that table:

Statement of environmental objectives	Prescribed class of authorised operations
Statement of Environmental Objectives – Renewable Energy Feasibility Permit – Met Masts	The construction, installation, operation, maintenance and decommissioning of met mast infrastructure necessary for assessing the feasibility of generating renewable energy from a renewable energy resource under a renewable energy feasibility permit
Statement of Environmental Objectives – Associated Infrastructure Licence / Renewable Energy Infrastructure Licence – Battery Energy Storage Systems	The construction, installation, operation, maintenance, management and decommissioning of a battery energy storage system under— (a) a renewable energy infrastructure licence; or (b) an associated infrastructure licence

(2) For the purposes of section 62(5) of the Act, it is a requirement that a licensee who intends to rely on a statement of environmental objectives adopted under subregulation (1) must, in the application for the licence to which the statement will relate—

(a) indicate that it is their intention to rely on the statement; and

(b) demonstrate that their proposed authorised operations will fall within the ambit of that statement.

36—Review of statement of environmental objectives

(1) Pursuant to section 64(1)(b) of the Act, an approved statement of environmental objectives must be reviewed by the licensee within 6 months of the end of each prescribed period.

(2) For the purposes of section 64(2)(a) of the Act, a review must address the following:

(a) changes in information or knowledge in relation to the environment to which the statement of environmental objectives relates since the statement was approved or last reviewed;

(b) community expectations in relation to relevant environmental issues since the statement of environmental objectives was approved or last reviewed;

(c) changes in the use of land since the statement of environmental objectives was approved or last reviewed;

(d) changes in operational practices since the statement of environmental objectives was approved or last reviewed;

(e) other matters determined to be relevant by the Minister.

(3) If, as a result of a review, the Minister considers that a statement of environmental objectives should be revised, the Minister must notify the licensee of the revisions before the statement is approved under the Act.

(4) For the purposes of section 64(3) of the Act, a licensee must, when submitting a revised statement of environmental objectives to the Minister, provide a written report to the Minister that outlines any changes made to the revised statement of environmental objectives as a result of the review.

(5) In this regulation—

prescribed period means—

(a) the period of 5 years from the day on which the relevant statement of environmental objectives is approved; or

(b) such other period as may be determined by the Minister in a particular case.

37—Operational management plan

(1) For the purposes of section 66(2)(d) of the Act, an operational management plan must set out the following:

(a) policies of the licensee that address the achievement of regulatory requirements and objectives;

(b) resources that will be applied to effectively implement the plan;

(c) recognised industry practices and procedures that will be applied in—

(i) undertaking authorised operations; and

(ii) achieving compliance with regulatory requirements;

(ca) the manner in which building work (within the meaning of the *Planning, Development and Infrastructure Act 2016*) carried out in connection with authorised operations will be assessed against the National Construction Code;

(d) processes for managing physical, operational, procedural or organisational changes in respect of authorised operations;

(e) systems that will manage risks allowing achievement of the regulatory objectives arising from undertaking authorised operations including—

(i) the controls that will be implemented to eliminate or reduce risks associated with authorised operations; and

(ii) the systems that will ensure the implemented controls will be clearly defined and achieved;

(f) practices and procedures to ensure employees, contractors and visitors to the licence area have the appropriate competency, training (including ongoing training), induction and supervision;

(g) mechanisms for consulting and communicating with external parties in relation to authorised operations;

(h) systems to identify, investigate and report incidents arising from authorised operations;

(i) practices and procedures to be followed in the event of an emergency relating to authorised operations;

(j) the manner in which the effectiveness of a matter referred to in a preceding paragraph will be monitored, evaluated, audited and reviewed;

(k) the manner in which the licensee intends to comply with the statement of environmental objectives in force in relation to authorised operations;

(l) the day on which authorised operations will, or are proposed to, commence;

(m) any other relevant matter as determined by the Minister.

(2) If a licensee has an approved safety, reliability, maintenance and technical management plan under the *Electricity Act 1996* in respect of authorised operations, that plan is deemed to form part of the licensee's operational management plan to the extent that the plan complies with the requirements of the Act and this regulation.

(3) In this regulation—

regulatory objectives means the objectives that must be achieved under the Act, these regulations, the relevant statement of environmental objectives and the conditions of the relevant licence;

regulatory requirements means the requirements imposed under the Act, these regulations and the conditions of the licence.

38—Scoping report

(1) For the purposes of the definition of ***prescribed licence*** in section 69 of the Act, the following classes of licence are prescribed:

(a) hydrogen generation licence;

(b) renewable energy infrastructure licence;

(c) associated infrastructure licence;

(d) special enterprise licence.

(2) For the purposes of section 71(7) of the Act, a prescribed person must prepare a ***consultation plan*** that—

(a) states the day on which consultation is due to commence; and

(b) includes a list of the following persons to be consulted as identified by the prescribed person:

(i) the owners of the land to which the report relates;

(ii) any Recognised Aboriginal Representative Body—

(A) in respect of the area of land to which the report relates; or

(B) in respect of a specific Aboriginal site, object or remains on the land to which the report relates;

(iii) if the land to which the report relates is not the subject of a native title determination and there is no Recognised Aboriginal Representative Body identified under subparagraph (ii)—any traditional owners of Aboriginal sites or objects on the land to which the report relates;

(iv) any affected agency or instrumentality of the Crown;

(v) —

(A) each council within the proposed release area; or

(B) if any part of the proposed release area falls outside of council areas—the Outback Communities Authority established under the *Outback Communities (Administration and Management) Act 2009*;

(c) describes the method of engagement to be used in consulting with the persons listed in the consultation plan, including how the prescribed person intends to respond to relevant issues raised as a result of consultation; and

(d) complies with any other requirement specified by the Minister to the prescribed person; and

(e) is provided to the Minister in a manner and form determined by the Minister and notified to the prescribed person.

(3) A consultation plan must be submitted to the Minister for approval at least 10 days before consultation is due to commence or within such shorter period as may be allowed by the Minister in a particular case.

(4) At the conclusion of consultation, the prescribed person must prepare a report on the results of consultation, setting out—

(a) the persons consulted; and

(b) any issues of concern raised by persons consulted; and

(c) the steps (if any) taken or proposed to be taken by the prescribed person to address those concerns.

(5) A prescribed person must provide the Minister with the report required under subregulation (4) at a time and in a manner and form determined by the Minister and notified to the prescribed person.

39—Consultation by Minister

(1) For the purposes of section 72 of the Act, the Minister must undertake public consultation required under that section in accordance with the requirements of this regulation.

(2) The Minister must publish a notice in such manner as the Minister thinks fit—

(a) specifying a place at which a copy of the relevant report or statement may be obtained; and

(b) inviting written submissions in relation to the report or statement to be given within a period specified in the notice.

(3) The Minister—

(a) must give the person who submitted the relevant report or statement a copy of any submission received by the Minister under subregulation (2)(b) within the relevant period specified by the Minister; and

(b) may require the person who submitted the relevant report or statement to respond to any matter raised in any such submission within a period specified by the Minister.

(4) A submission under subregulation (2)(b) or a response under subregulation (3)(b) cannot be made on the basis that the submission or response (or part of the submission or response) will be kept confidential.

(5) The Minister must cause copies of written submissions and responses made under this regulation to be available for inspection on the register.

(6) The Minister may refuse to publish submissions made under this regulation on grounds that the submissions are irrelevant, offensive, or on any other grounds that the Minister thinks fit.

(7) If the Minister decides to reject a proposed statement (or revised statement) of environmental objectives without inviting submissions on the application, the requirement to publish a notice under subregulation (2), and the requirements of subregulations (3) and (4), do not apply in relation to—

(a) the proposed statement (or revised statement) of environmental objectives; or

(b) the environmental impact report on which the proposed statement is based.

40—Referral of matter to prescribed body

(1) For the purposes of section 73(4) of the Act, the prescribed period is 30 business days from the day on which the referral is made or such other period as may be determined by the Minister and specified in the referral.

(2) This subregulation applies to the following bodies:

(a) an administrative unit of the Public Service that is, under a Minister, responsible for the administration of a prescribed Act;

(b) the Coast Protection Board under the *Coast Protection Act 1972*;

(c) the Technical Regulator under the *Electricity Act 1996*;

(d) the Environment Protection Authority under the *Environment Protection Act 1993*;

(e) the South Australian Country Fire Service under the *Fire and Emergency Services Act 2005*;

(f) the Commissioner of Highways under the *Highways Act 1926*;

(g) the regional landscape board under the *Landscape South Australia Act 2019* responsible for the area to which the relevant report or statement relates;

(h) the Native Vegetation Council under the *Native Vegetation Act 1991*;

(i) the Pastoral Board under the *Pastoral Land Management and Conservation Act 1989*.

(3) If a body to which subregulation (2) applies has, in accordance with guidelines determined by the Minister for the purposes of this regulation, a relevant interest in the matters addressed in the document to which section 73 of the Act applies, the body is a prescribed body for the purposes of paragraph (d) of the definition of ***prescribed body*** in section 73(10) of the Act.

(4) Guidelines determined by the Minister for the purposes of subregulation (3) must be made available on a website determined by the Minister.

(5) In this regulation—

prescribed Act means the following:

(a) the *Aboriginal Heritage Act 1988*;

(b) the *Adelaide Dolphin Sanctuary Act 2005*;

(c) the *Coast Protection Act 1972*;

(d) the *Crown Land Management Act 2009*;

(e) the *Energy Resources Act 2000*;

(f) the *Environment Protection Act 1993*;

(g) the *Harbors and Navigation Act 1993*;

(h) the *Heritage Places Act 1993*;

(i) the *Historic Shipwrecks Act 1981*;

(j) the *Landscape South Australia Act 2019*;

(k) the *Marine Parks Act 2007*;

(l) the *Mining Act 1971*;

(m) the *National Parks and Wildlife Act 1972*;

(n) the *Offshore Minerals Act 2000*;

(o) the *Opal Mining Act 1995*;

(p) the *Pastoral Land Management and Conservation Act 1989*;

(q) the *Petroleum (Submerged Lands) Act 1982*;

(r) the *Planning, Development and Infrastructure Act 2016*;

(s) the *South Australian Public Health Act 2011*;

(t) the *River Murray Act 2003*;

(u) the *Wilderness Protection Act 1992*;

(v) the *Work Health and Safety Act 2012*;

(w) any other Act determined by the Minister by notice in the Gazette to be a prescribed Act for the purposes of this definition.

Part 7—Miscellaneous

41—Notice of entry

For the purposes of section 76(2) of the Act, a notice of entry is in the required form if it—

(a) states the full name and business address of the licensee; and

(b) provides the name and telephone number of a person who can be contacted about the notice; and

(c) provides a reasonable description of the operations proposed to be undertaken on the land; and

(d) identifies the place or places where operations are to be undertaken and indicate the proposed duration of the operations; and

(e) insofar as is relevant to the particular land—provides reasonable information on the anticipated events and consequences associated with the operations, and on the action that is proposed to be taken to manage and address those events and consequences, in order to enable any occupier of land to make an informed decision about the impact or potential impact of the operations on the land; and

(f) if relevant—contains a statement of the owner of land's rights of objection and compensation under the Act; and

(g) informs the owner of land that the operations to which the notice relates are conducted under the Act and that any concerns or issues associated with the conduct of the operations may be raised with the Minister (or a person or body determined by the Minister and notified to the owner for the purposes of this regulation).

42—Notice of commencement of operations to holder of resources tenement

For the purposes of section 77(2) of the Act, a notice of commencement of operations is in the required form if it—

(a) states the full name and business address of the holder of the permit or the licensee (as the case requires); and

(b) provides the name and telephone number of a person who can be contacted about the notice; and

(c) provides a reasonable description of the operations proposed to be undertaken in the relevant permit or licence area; and

(d) identifies the place or places where the operations are to be undertaken and indicate the proposed duration of the operations; and

(e) insofar as is relevant to the particular permit or licence area—provides reasonable information on the anticipated events and consequences associated with the operations, and on the action that is proposed to be taken to manage and address those events and consequences, in order to enable any occupier of land within the permit or licence area to make an informed decision about the impact or potential impact of the operations on the land; and

(f) if relevant—contains a statement of the rights of objection and compensation under the Act; and

(g) informs the holder of the resources tenement that the operations to which the notice relates are conducted under the Act and that any concerns or issues associated with the conduct of the operations may be raised with the Minister (or a person or body determined by the Minister and notified to the holder of the resources tenement for the purposes of this regulation).

43—Objections

For the purposes of section 78(5)(b) of the Act, the period of 2 months is fixed.

44—Applications for warrants

For the purposes of section 87(6)(b) of the Act, the following procedures in relation to an application for the issue of a warrant are prescribed:

(a) if the application is made personally—the grounds of the application must be verified by affidavit;

(b) if the application is made by telephone—

(i) the applicant must inform the magistrate, warden or justice of the applicant's name and identify the position that they hold for the purposes of the Act, and the magistrate, warden or justice, on receiving that information, is entitled to assume, without further inquiry, that the applicant holds that position; and

(ii) the applicant must inform the magistrate, warden or justice of the purpose for which the warrant is required and the grounds on which it is sought; and

(iii) if it appears to the magistrate, warden or justice from the information given by the applicant that there are proper grounds to issue a warrant, the magistrate, warden or justice must inform the applicant of the facts that justify, in their opinion, the issue of the warrant, and must not proceed to issue the warrant unless the applicant undertakes to make an affidavit verifying those facts; and

(iv) if the applicant gives such an undertaking, the magistrate, warden or justice may then make out and sign a warrant, noting on the warrant the facts that justify, in their opinion, the issue of the warrant; and

(v) the warrant is taken to have been issued, and comes into force, when signed by the magistrate, warden or justice; and

(vi) the magistrate, warden or justice must inform the applicant of the terms of the warrant; and

(vii) the applicant must, as soon as practicable after the issue of the warrant, forward to the magistrate, warden or justice an affidavit verifying the facts referred to in subparagraph (iii).

45—Confirmation of emergency direction

For the purposes of section 91(4) of the Act, confirmation of a direction will be given by a notice of confirmation, in a form determined by the Minister, given to the person to whom the emergency direction has been issued.

46—Administrative penalties

The amount of an administrative penalty fixed by Schedule 2 applies in relation to an alleged contravention of a provision of the Act specified in that Schedule.

47—Hydrogen and renewable energy register

(1) Pursuant to section 108(2)(d) of the Act, the register must contain the following information in relation to each permit issued, or licence granted, under the Act:

(a) the term of the permit or licence;

(b) the conditions applying to the permit or licence;

(c) a description of the permit or licence area;

(d) if a permit or licence is transferred, assigned, held subject to a trust or otherwise dealt with—the details of the dealings with the permit or licence notified to the Minister under section 50 of the Act;

(da) if there has been a change in control of the holder of a licence within the meaning of Part 4 Division 3 Subdivision 14 of the Act—the details of the change of control approved by the Minister under that Subdivision;

(e) any other information in relation to the permit or licence that the Minister considers appropriate to include on the register.

(2) Pursuant to paragraph (b) of the definition of ***prescribed particulars*** in section 108(5) of the Act, the following particulars are prescribed:

(a) the name of the licensee;

(b) if the licensee is a body corporate—the name, address, telephone number and email address of a person who may be contacted in relation to the licence.

48—Exemptions—prescribed criteria

For the purposes of section 111(2) of the Act, the Minister must, before issuing an exemption under that section, have regard to the following insofar as they are relevant in a particular case:

(a) whether the exemption is consistent with the purpose and objects of the Act;

(b) whether the exemption will facilitate the avoidance of a duplication in compliance with the requirements under the Act or any other Act or law;

(c) the nature and scale of the licence, operations or matter in relation to which an exemption is being sought;

(d) any risks, impacts or consequences associated with granting the exemption;

(e) the impracticality of compliance with the relevant provision of the Act or a term or condition of a licence or permit in relation to which the exemption is being sought;

(f) whether the exemption would unfairly advantage or disadvantage a person or a class of persons;

(g) any other factor the Minister considers relevant in the circumstances of the case.

49—Fees

The Minister may, on application or on the Minister's own initiative, in respect of a fee prescribed for the purposes of the Act—

(a) waive, reduce or refund (in whole or in part) a fee payable by a person or a class of persons; or

(b) allow the payment of a fee by installment.

50—Modification of Schedule 1 Part 5—transitional provisions

(1) In accordance with section 115(3)(b) of the Act, the following modifications to Schedule 1 Part 5 of the Act are prescribed:

(a) Schedule 1 clause 16(1)—after the definition of ***development authorisation*** insert:

establish means construct, install or commission;

existing development authorisation means a development authorisation granted before the commencement of this Part in respect of the establishment and operation of renewable energy infrastructure, associated infrastructure or a hydrogen generation facility (whether or not the authorisation has been varied after that commencement);

(b) Schedule 1 clause 16(1)—delete the definition of ***new operator*** and substitute:

new operator means a person who—

(a) on or after the commencement of this Part—

(i) has or acquires the benefit of an existing development authorisation; and

(ii) has not commenced operation of the infrastructure or facility the subject of the authorisation; and

(iii) continues to have the benefit of the existing development authorisation; or

(b) either—

(i) immediately before the commencement of this Part, is specifically endorsed by a State agency pursuant to section 131(2)(c) of the *Planning, Development and Infrastructure Act 2016* to undertake development of a kind prescribed in Schedule 13 of the *Planning, Development and Infrastructure (General) Regulations 2017*; or

(ii) on or after the commencement of this Part, is specifically endorsed by a State agency pursuant to section 131(2)(c) of the *Planning, Development and Infrastructure Act 2016* to undertake development of a kind prescribed in Schedule 13 of the *Planning, Development and Infrastructure (General) Regulations 2017* jointly with, or in substitution for, a person who was so endorsed before the commencement of this Part;

(c) immediately before the commencement of this Part, is lawfully establishing (other than pursuant to a development authorisation) renewable energy infrastructure, associated infrastructure or a hydrogen generation facility but has not yet commenced operating the infrastructure or facility (as the case may be);

planning consent has the same meaning as in the *Planning, Development and Infrastructure Act 2016*;

(c) Schedule 1 clause 16(1)—delete the definition of ***relevant licence*** and substitute:

relevant licence means—

(a) a renewable energy feasibility permit; or

(b) a hydrogen generation licence; or

(c) a renewable energy infrastructure licence; or

(d) an associated infrastructure licence;

(d) Schedule 1 clause 16(1)—delete the definition of ***relevant period*** and substitute:

relevant period means the period beginning on the day on which this Part commences and ending—

(a) on the expiration of the period of 12 months after that commencement; or

(b) if, during the period of 12 months referred to in paragraph (a), the person applies for a relevant licence in accordance with this Part—on the day on which the application for the relevant licence is determined.

(e) Schedule 1 clause 17(2) and (3)—delete subclauses (2) and (3) and substitute:

(2) A new operator does not require a licence or permit under this Act to establish the renewable energy infrastructure, hydrogen generation facility or associated infrastructure that is the subject of the development authorisation but must not commence operating the infrastructure or facility (as the case may be) unless they are granted a relevant licence.

(2a) Subclause (2) does not apply to a new operator who has, or later acquires, the benefit of a development authorisation in respect of a prescribed development unless—

(i) the new operator has, immediately before the prescribed day, a right or interest in respect of the land sufficient to complete the prescribed development; or

(ii) on or after the prescribed day—the land on which the prescribed renewable energy infrastructure is, or is intended to be, established or operated ceases to be designated land.

(3) If, on or before the prescribed day, an application has been lodged for a development authorisation in respect of the establishment and operation of renewable energy infrastructure, a hydrogen generation facility or associated infrastructure that has not, on the commencement of this Part, yet been determined—

(a) the application may be determined and dealt with under the law of the State as if this Act had not been enacted; and

(b) if the development authorisation is granted, a person who has, or later acquires, the benefit of the development authorisation will, for such time as the person continues to have the benefit of the development authorisation, be taken to be a new operator for the purposes of this clause.

(3a) Subclause (3) does not apply to a person who has the benefit of a development authorisation in respect of a prescribed development unless—

(i) the person has, immediately before the prescribed day, a right or interest in respect of the land sufficient to complete the prescribed development; or

(ii) on or after the prescribed day—the land on which the prescribed renewable energy infrastructure is, or is intended to be, established or operated ceases to be designated land.

(3b) The Minister may grant a relevant licence to a new operator who—

(a) holds or has the benefit of a development authorisation in the form of a planning consent in relation to renewable energy infrastructure, a hydrogen generation facility or associated infrastructure; but

(b) has not yet commenced operating the infrastructure or facility,

and the relevant infrastructure or facility (as the case may be) will then be established in accordance with the relevant licence instead of in accordance with the development authorisation.

(f) Schedule 1 clause 17(9)—delete subclause (9) and substitute:

(9) If the Minister grants an application for a relevant licence under this clause, the prescribed information in relation to the licence must be entered on the register.

(2) To avoid doubt, for the purposes of this regulation, a person will be taken not to have a right or interest in respect of land sufficient to complete a prescribed development if the person—

(a) requires the approval of a person or body in order to use the land for the purposes of the prescribed development; and

(b) that approval has not, on or before the prescribed day, been given.

(3) Work that has not been certified as complying with the relevant Building Rules in accordance with the requirements of Schedule 13 of the *Planning, Development and Infrastructure (General) Regulations 2017* will be taken to be development within the meaning of those regulations for the purposes of paragraph (b)(i) or (ii) of the definition of ***new operator*** if the work is so certified before the work commences.

(4) In this regulation—

prescribed day means the day prescribed by the Minister by notice in the Gazette for the purposes of Schedule 1, clause 17(3) of the Act;

prescribed development means the establishment and operation on designated land of prescribed renewable energy infrastructure;

prescribed renewable energy infrastructure means renewable energy infrastructure that has the primary purpose of generating or obtaining energy from a renewable energy resource.

50A—Transitional regulation—Schedule 1 clause 16(1) of Act

For the purposes of paragraph (d) of the definition of ***associated infrastructure*** in Schedule 1 clause 16(1) of the Act, the following kinds of infrastructure are prescribed:

(a) direct air capture infrastructure used for the purposes of capturing carbon dioxide associated with generating hydrogen;

(b) an energy storage system that—

(i) is capable of—

(A) being charged; and

(B) storing and discharging energy; and

(ii) has a storage capacity of or above a nameplate capacity of 5 MW; and

(iii) is connected to a transmission or distribution network through which energy (including energy generated or obtained from a renewable energy resource) is conveyed;

(c) ports, wharves or jetties associated with the import or export of any compound of hydrogen created in accordance with the provisions of the Act;

(d) infrastructure necessary for the storage of any compound of hydrogen created in accordance with the provisions of the Act;

(e) any other infrastructure that is necessary or incidental to undertaking a regulated activity.

50B—Transitional regulation—Schedule 1 clause 16(2) of Act

In accordance with Schedule 1 clause 16(2) of the Act, renewable energy infrastructure, associated infrastructure or a hydrogen generation facility will not be taken to be in ***operation*** during commissioning of the infrastructure or facility.

51—Transitional regulation—Schedule 1 clause 17 of Act

In accordance with Schedule 1 clause 17(12) of the Act, the following provisions of the Act do not apply in relation to the grant or renewal of a relevant licence under Schedule 1 clause 17 of the Act:

(a) section 32;

(b) section 39;

(c) section 43;

(d) section 77.

52—Transitional regulation

(1) A designated operator does not, during the designated period, require a licence or permit under the Act to continue operating designated associated infrastructure.

(2) In this regulation—

designated associated infrastructure means—

(a) an energy storage system that—

(i) is capable of—

(A) being charged; and

(B) storing and discharging energy; and

(ii) has a storage capacity of or above a nameplate capacity of 5 MW; and

(iii) is connected to a transmission or distribution network through which energy (including energy generated or obtained from a renewable energy resource) is conveyed;

(b) any other infrastructure that is necessary or incidental to undertaking a regulated activity;

designated operator means a person who, immediately before the commencement of Schedule 1 Part 5 of the Act has the benefit of a development authorisation in respect of the establishment and operation of designated associated infrastructure;

designated period means the period beginning on the day on which this regulation comes into operation and ending—

(a) 6 months after that day; or

(b) if, during the period of 6 months referred to in paragraph (a), the person applies for a relevant licence in accordance with Schedule 1 Part 5 of the Act—on the day on which the application for the relevant licence is determined.

Schedule 1—Provisions of Act applying to renewable energy feasibility permit

Section 32(2)

Section 38

Section 39

Section 43

Sections 46 to 48 (inclusive)

Section 49(1), (3)(a) and (3)(c)

Section 50

Section 54

Section 55

Section 83

Section 89

Sections 90 to 92 (inclusive)

Section 108(2)(a)

Schedule 2—Administrative penalties

Provision of Act	Amount of administrative penalty
Section 42(9)	$5 325
Section 44	$5 325
Section 46(2)	$5 325
Section 47(1)	$10 650
Section 47(2)	$10 650
Section 83(2)	$10 650

Legislative history

Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- 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.

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2024	66	*Gazette 11.7.2024 p2117*	11.7.2024: r 2
2025	22	*Gazette 15.5.2025 p1179*	1.7.2025: r 2
2025	125	*Gazette 20.11.2025 p4514*	20.11.2025 except rr 15 to 17—11.7.2024 immediately after 66 of 2024: r 2
2026	**25**	***Gazette 13.5.2026 p1143***	**1.7.2026: r 2**

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
r 2	*omitted under Legislation Revision and Publication Act 2002*	*1.7.2025*
Pt 4		
r 20	amended by 125/2025 r 3	20.11.2025
r 22		
r 22(1a)	inserted by 125/2025 r 4	20.11.2025
r 24		
r 24(7a) and (7b)	inserted by 125/2025 r 5	20.11.2025
r 24A	inserted by 125/2025 r 6	20.11.2025
Pt 5		
r 27		
r 27(3)	amended by 125/2025 r 7(1)	20.11.2025
r 27(3a)	inserted by 125/2025 r 7(2)	20.11.2025
r 29		
heading	amended by 125/2025 r 8(1)	20.11.2025
r 29(1)	amended by 125/2025 r 8(2)	20.11.2025

r 29A	inserted by 125/2025 r 9	20.11.2025
Pt 6		
r 33		
r 33(1a)	inserted by 125/2025 r 10(1)	20.11.2025
r 33(2)	amended by 125/2025 r 10(2)—(4)	20.11.2025
r 34		
r 34(2)	amended by 125/2025 r 11(1)	20.11.2025
r 34(3)	(c), (d) deleted by 125/2025 r 11(2)	20.11.2025
r 35	substituted by 125/2025 r 12	20.11.2025
r 37		
r 37(1)	amended by 125/2025 r 13	20.11.2025
Pt 7		
r 47		
r 47(1)	amended by 125/2025 r 14	20.11.2025
r 50		
r 50(1)	substituted by 125/2025 r 15(1)	11.7.2024
r 50(3)	amended by 125/2025 r 15(2)	11.7.2024
rr 50A and 50B	inserted by 125/2025 r 16	11.7.2024
r 51	amended by 125/2025 r 17	11.7.2024
r 52	inserted by 125/2025 r 18	20.11.2025
Sch 1	amended by 125/2025 r 19	20.11.2025
Sch 2	substituted by 22/2025 r 3	1.7.2025
	substituted by 25/2026 r 3	**1.7.2026**

Historical versions

1.7.2025
20.11.2025