

South Australia

## **Regulations Variation and Revocation (Natural Resources Management) Regulations 2005**

under the *Agricultural and Veterinary Products (Control of Use) Act 2002*, the *Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986*, the *Aquaculture Act 2001*, the *Controlled Substances Act 1984*, the *Development Act 1993*, the *Native Vegetation Act 1991*, the *Natural Gas Authority Act 1967*, the *Pastoral Land Management and Conservation Act 1989*, the *Public and Environmental Health Act 1987*, the *River Murray Act 2003* and the *Workers Rehabilitation and Compensation Act 1986*

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## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Regulations Variation and Revocation (Natural Resources Management) Regulations 2005*.

### **2—Commencement**

These regulations will come into operation on 1 July 2005.

### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## **Part 2—Variation of *Agricultural and Veterinary Products (Control of Use) Regulations 2004***

### **4—Variation of Schedule 2—Restricted agricultural and veterinary products**

Schedule 2—delete "*Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986*" wherever occurring and substitute:

*Natural Resources Management Act 2004*

### **Part 3—Variation of *Aquaculture Regulations 2002***

#### **5—Variation of regulation 4—Bodies to which draft aquaculture policies must be referred (section 12(4)(a))**

- (1) Regulation 4(v)(iii)—delete "catchment water management board (within the meaning of the *Water Resources Act 1997*)" and substitute:

regional NRM board (within the meaning of the *Natural Resources Management Act 2004*)
- (2) Regulation 4(w)(i)—delete "catchment water management boards (within the meaning of the *Water Resources Act 1997*)" and substitute:

regional NRM boards (within the meaning of the *Natural Resources Management Act 2004*)

### **Part 4—Variation of *Controlled Substances (Poisons) Regulations 1996***

#### **6—Variation of regulation 16—Possession (section 22)**

- (1) Regulation 16(2)(c)—delete paragraph (c) and substitute:
  - (c) sodium fluoroacetate if—
    - (i) the sodium fluoroacetate is a constituent of baits designed for destroying wild rabbits, dingoes or foxes; and
    - (ii) the concentration of sodium fluoroacetate in each bait does not exceed 0.04 per cent; and
    - (iii) the total amount of sodium fluoroacetate present in the particular quantity of baits for destroying wild rabbits, dingoes or foxes does not exceed 10 grams; and
    - (iv) the person—
      - (A) has the written approval of a regional NRM board under the *Natural Resources Management Act 2004* to acquire and possess those baits; and
      - (B) acquires the baits from a supplier approved by the Chief Officer; and
      - (C) complies with any conditions imposed by the Chief Officer on granting the approval to acquire and possess baits.
- (2) Regulation 16(3)—delete subregulation (3) and substitute:
  - (3) A regional NRM board that granted an approval under subregulation (2)(c)(iv)(A) may, in relation to the approval—
    - (a) impose such conditions as it thinks fit; and
    - (b) for such reasons as it thinks fit, vary or revoke the approval.

- (3a) The Chief Officer may, in relation to an approval under subregulation (2)(c)(iv)(B) or (C)—
- (a) impose such conditions as he or she thinks fit; and
  - (b) for such reasons as he or she thinks fit, vary or revoke the approval.
- (3) Regulation 16(5)—delete subregulation (5)
- (4) Regulation 16(6)—before the definition of *Metropolitan Adelaide* insert:

*Chief Officer* means the Chief Officer under the *Natural Resources Management Act 2004* (and includes a person acting in that office from time to time);

## **Part 5—Variation of *Development Regulations 1993***

### **7—Variation of regulation 6A—Significant trees**

Regulation 6A(6)(b)—delete paragraph (b) and substitute:

- (b) a tree belonging to a class of plants to which a declaration by the Minister under Chapter 8 Part 1 of the *Natural Resources Management Act 2004* applies; or

### **8—Variation of regulation 14—Prescribed plans etc**

Regulation 14—after paragraph (g) insert:

- (h) an NRM plan prepared under Chapter 4 of the *Natural Resources Management Act 2004* (or a part of any such plan).

### **9—Variation of Schedule 5—Requirements as to plans and specifications**

Schedule 5 clause 7(1)—delete "*Water Resources Act 1997*" and substitute:

*Natural Resources Management Act 2004*

### **10—Variation of Schedule 8—Referrals and concurrences**

- (1) Schedule 8, clause 2, item 12(1), column 1—delete "section 9(3)(d) or (4)(a) of the *Water Resources Act 1997* if it were not for the operation of 12(1)(d) of that Act" and substitute:
- section 127(3)(d) or (5)(a) of the *Natural Resources Management Act 2004* if it were not for the operation of section 129(1)(e) of that Act (on the basis that the referral required by virtue of this item operates in conjunction with section 129(1)(e) of that Act)
- (2) Schedule 8, clause 2, item 12(1), column 2 delete—" *Water Resources Act 1997* who would, but for 12(1)(d)" and substitute:
- Natural Resources Management Act 2004* who would, if it were not for the operation of section 129(1)(e) of that Act

- (3) Schedule 8, clause 2, item 12(2), column 1—delete the material appearing in column 1 of item 12(2) and substitute:

Development that involves a change in use of land for the purposes of establishing or expanding a commercial forest within a prescribed area under clause 1(2a) where a permit would be required under section 127(3) of the *Natural Resources Management Act 2004* by virtue of the operation of regulation 13 of the *Natural Resources Management (General) Regulations 2005* if it were not for the operation of section 129(1)(e) of that Act (on the basis that the referral required by virtue of this item operates in conjunction with section 129(1)(e) of that Act)

- (4) Schedule 8, clause 2, item 12(2), column 2—delete "*Water Resources Act 1997*" and substitute:

*Natural Resources Management Act 2004*

- (5) Schedule 8, clause 2, item 12A—delete "*Water Resources Act 1997*" wherever occurring and substitute in each case:

*Natural Resources Management Act 2004*

- (6) Schedule 8, clause 2, item 12A(b)—delete "section 16" and substitute:

section 132

- (7) Schedule 8, clause 2, item 16, column 1—delete "section 16 of the *Water Resources Act 1997*" and substitute:

section 132 of the *Natural Resources Management Act 2004*

- (8) Schedule 8, clause 2, item 16, column 2—delete "*Water Resources Act 1997*" and substitute:

*Natural Resources Management Act 2004*

- (9) Schedule 8, clause 2, item 19(d)—delete paragraph (d) and substitute:

(d) the development comprises or includes an activity for which a permit would be required under section 127(3)(d), (3)(f) or (5)(a) of the *Natural Resources Management Act 2004* if it were not for the operation of section 129(1)(e) of that Act (on the basis that the referral required by virtue of this paragraph operates in conjunction with section 129(1)(e) and (3)(a) of that Act);

- (10) Schedule 8, clause 2, item 20(b)—delete paragraph (b) and substitute:

(b) the development comprises or includes an activity for which a permit would be required under section 127(3)(d), (3)(f) or (5)(a) of the *Natural Resources Management Act 2004* if it were not for the operation of section 129(1)(e) of that Act (on the basis that the referral required by virtue of this paragraph operates in conjunction with section 129(1)(e) and (3)(a) of that Act);

- (11) Schedule 8, clause 2, item 21—delete "*Water Resources Act 1997*" and substitute:

*Natural Resources Management Act 2004*

## **Part 6—Variation of *Native Vegetation Regulations 2003***

### **11—Variation of regulation 5—Exemptions**

- (1) Regulation 5(1)(zk)(i)—delete "*Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986*" and substitute:

*Natural Resources Management Act 2004*

- (2) Regulation 5(1)(zk)(ii)—delete "after consultation with the Animal and Plant Control Commission (in addition to any other consultation required by that section)"

## **Part 7—Variation of *Natural Gas Authority Regulations 1995***

### **12—Variation of Schedule—Prescribed form of pipeline lease**

- (1) Schedule, clause 7(a)—delete paragraph (a)
- (2) Schedule, clause 7(d)—delete paragraph (d)
- (3) Schedule, clause 7—after paragraph (e) insert:

*Natural Resources Management Act 2004.*

## **Part 8—Variation of *Pastoral Land Management and Conservation Regulations 1991***

### **13—Variation of regulation 5—Other Acts to be complied with by lessees**

Regulation 5(c)—delete paragraph (c)

## **Part 9—Variation of *Public and Environmental Health (Waste Control) Regulations 1995***

### **14—Variation of regulation 12A—Approval of disposal or reuse of waste**

Regulation 12A—delete "section 9 of the *Water Resources Act 1997*" wherever occurring and substitute:

section 127 of the *Natural Resources Management Act 2004*

## **Part 10—Variation of *River Murray Regulations 2003***

### **15—Variation of regulation 5—Consultation—section 9(2)(a)**

Regulation 5(1)(a)(iv)—delete "the River Murray Catchment Water Management Board" and substitute:

the South Australian Murray Darling Basin regional NRM board;

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## **Part 11—Variation of *Workers Rehabilitation and Compensation (Claims and Registration) Regulations 1999***

### **16—Variation of Schedule 6—Section 61—agencies and instrumentalities of the Crown**

- (1) Schedule 6, Part 1—after "Aboriginal Health Council." insert:  
Adelaide and Mount Lofty Ranges Regional NRM Board
- (2) Schedule 6, Part 1—after "Adelaide Convention Centre." insert:  
Alinytjara Wilurara Regional NRM Board
- (3) Schedule 6, Part 1—after "Eudunda and Kapunda Health Service Inc." insert:  
Eyre Peninsula Regional NRM Board
- (4) Schedule 6, Part 1—after "Julia Farr Centre." insert:  
Kangaroo Island Regional NRM Board
- (5) Schedule 6, Part 1—after "Northern and Far Western Regional Health Service Inc." insert:  
Northern and Yorke Regional NRM Board
- (6) Schedule 6, Part 1—after "S.A. Ambulance Service" insert:  
South Australian Arid Lands Regional NRM Board  
South Australian Murray Darling Basin regional NRM board
- (7) Schedule 6, Part 1—after "South Coast District Hospital Inc." insert:  
South East Regional NRM Board

## **Part 12—Revocation of *Animal and Plant Control (Agricultural Protection and Other Purposes) Regulations 2002***

### **17—Revocation of *Animal and Plant Control (Agricultural Protection and Other Purposes) Regulations 2002***

The *Animal and Plant Control (Agricultural Protection and Other Purposes) Regulations 2002* are revoked.

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

### **Made by the Governor's Deputy**

after consultation with the Controlled Substances Advisory Counsel and with the advice and consent of the Executive Council  
on 30 June 2005

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