

Table of variations between Environment Protection Regulations 2009 and the remade Environment Protection Regulations 2023



The remade **Environment Protection Regulations 2023** update regulation numbering such that the numbering is consecutive.

Additionally, the legislation updates:

- 1 the prescribed bodies lists that supports the general provisions in *Environment Protection Act 1993* (EP Act)
- 2 the reference to outdated Acts
- 3 the planning legislation references
- 4 references to obsolete provisions
- 5 other minor drafting update
- 6 consequential regulation number change reference.

The table identifies the changes that have been made to the regulation numbering and whether an amendment has been made to update for one of the above categories.

* For text amendments, if Yes is indicated, the amendment type would be the following:

- 1 prescribed bodies
- 2 outdated Acts
- 3 planning legislation references
- 4 obsolete provision
- 5 other minor drafting update
- 6 consequential reg number change.

EP Regulations 2009 number	EP Regulations 2023		Text amendments
	Number	Regulation heading	
1	1	Short title	No
–	2	Commencement	Yes
3	3	Interpretation	Yes Regulation 3(1) 5 other minor drafting update
5	4	Prescribed national scheme laws (section 3)	N
6	5	Prescribed bodies (sections 3, 4 and 5)	Yes 1 prescribed bodies
7	6	Board of Authority (section 14B)	Yes 1 prescribed bodies
8	7	Environment Protection Fund (section 24)	N
9	8	Normal procedure for making policies (section 28)	Yes 1 prescribed bodies
10	9	Simplified procedure for making certain policies (section 29)	Yes 1 prescribed bodies
12	10	Certain matters to be referred to Water Resources Minister (section 64)	N
13	11	Powers of authorised officers (section 87)	N
14	12	Issue of warrants (section 88)	N

EP Regulations 2009 number	EP Regulations 2023		Text amendments
	Number	Regulation heading	
15	13	Authority may recover civil penalty in respect of contravention (section 104A)	N
16	14	Public register (section 109)	N
17	15	Notice and submissions in respect of applications for environmental authorisations (section 39)	N
18	16	Time limit for determination of applications (section 42)	N
19	17	Term and renewal of environmental authorisations (section 43)	N
19A	18	Conditions (section 45)	N
20	19	Notice and submissions in respect of proposed variations of conditions (section 46)	N
21	20	Criteria for grant and conditions of environmental authorisations (section 47)	Yes 2 outdated Acts
22	21	Annual fees and returns (section 48)	N
23	22	Transfer of environmental authorisations (section 49)	Yes 2 outdated Acts
24	23	Conditions requiring financial assurance (section 51)	N
25	24	Works approvals – Application fee for grant, authorisation fee on grant or renewal and annual authorisation fee	N

EP Regulations 2009 number	EP Regulations 2023		Text amendments
	Number	Regulation heading	
26	25	Exemptions – Application fee for grant, authorisation fee for grant or renewal and annual authorisation fee	Yes 3 planning legislation references
27	26	Licences – Application fee for grant and authorisation fee for grant or renewal	Yes 6 consequential reg number change
28	27	Licences – Annual authorisation fee	Yes 6 consequential reg number change
30	28	Determining environment management component	Yes 6 consequential reg number change
31	29	Determining pollutant load-based component	Yes 6 consequential reg number change
32	30	Determining water reuse component	Yes 6 consequential reg number change
33	31	Adjustment of annual authorisation fee or projected annual authorisation fee after end of licence period or projected licence period	Yes 4 obsolete transitional provision 6 consequential reg number change
34	32	Cessation of activity	Yes 6 consequential reg number change
35	33	Benefits of accreditation	N
36	34	Accredited licences	N
37	35	Performance reports	N

EP Regulations 2009 number	EP Regulations 2023		Text amendments
	Number	Regulation heading	
38	36	Review of accreditation	N
39	37	Late application for renewal [section 43(4)]	Yes 4 obsolete transitional provision
40	38	Renewal without application [section 43(6)]	N
41	39	Conditions requiring approval of certain works and processes (section 54C)	N
42	40	Beverage (section 65)	N
43	41	Collection depot (section 65)	N
44	42	Refund amount (section 65)	N
45	43	Exemption of certain containers by regulation (section 67)	Yes 4 obsolete transitional provision
46	44	Annual returns for collection depots and super collectors (section 69A)	N
47	45	Offence to claim refund on beverage containers purchased outside State or corresponding jurisdiction (section 69C)	N
48	46	Certain containers prohibited (section 72)	N
49	47	Occupier (section 103A)	N

EP Regulations 2009 number	EP Regulations 2023		Text amendments
	Number	Regulation heading	
50	48	Potentially contaminating activities (sections 103C and 103H)	N
51	49	Causing site contamination (section 103D)	Yes 3 planning legislation references
52	50	Liability for property damage etc caused by person entering land—exemptions (section 103M)	N
53	51	Eligibility for accreditation	Yes 5 other minor drafting update
54	52	Application for accreditation	N
55	53	Grant of accreditation	N
56	54	Conditions of accreditation	N
57	55	Offence to contravene certain conditions of accreditation	N
58	56	Annual fee	N
59	57	Term and renewal of accreditation	Yes 6 consequential reg number change
60	58	Disciplinary action against site contamination auditors and voluntary suspension	N
61	59	Surrender of accreditation	Yes 6 consequential reg number change
62	60	Return of certificate of accreditation and identity card	N
63	61	Reviews [section 103V(2)(i)]	N

EP Regulations 2009 number	EP Regulations 2023		Text amendments
	Number	Regulation heading	
64	62	Register of site contamination auditors	Yes 6 consequential reg number change
65	63	Annual returns by auditors [section 103Y(2)]	N
66	64	Notifications by auditors after commencement or termination of audit [section 103Z(3)]	N
67	65	Site contamination audit report summary and statement [section 103Z(4)]	N
68	66	Site contamination audit statements to be provided to prescribed bodies [section 103Z(4)]	Yes 3 planning legislation references
68A	67	Interpretation	Yes 6 consequential reg number change
68B	68	Sharing of information with other persons or bodies	N
69	69	Approval of weighbridges	N
69A	70	Approved operational use	N
69B	71	Authority may require further information	N
70	72	Waste depot levy (section 113)	N
70A	73	Interpretation	N
71	74	Provision of monthly returns by waste depots	Yes 6 consequential reg number change
71A	75	Measurement of waste and other matter for purposes of monthly returns	Yes 6 consequential reg number change

EP Regulations 2009 number	EP Regulations 2023		Text amendments
	Number	Regulation heading	
71B	76	Exemption from requirements relating to mass balance report	Yes 6 consequential reg number change
72	77	Certain depots must have approved weighbridge	Yes 6 consequential reg number change
73	78	Exemptions from approved weighbridge requirements	Yes 6 consequential reg number change
74	79	Provision Results of baseline survey or stocktake by holder of waste depot licence must be kept and made available	Yes 4 obsolete provision 6 consequential reg number change
74A	80	Verification of returns by survey	Yes 4 obsolete provision
74B	81	Verification of returns by stocktake	Yes 6 consequential reg number change
75	82	Special provision for certain councils for waste fees	Yes 6 consequential reg number change
75AA	83	Presumptions and estimates if records are inadequate	Yes 6 consequential reg number change
75AAB	84	Authority may require reports of volumetric surveys or tests or monitoring	Yes 6 consequential reg number change
75A	85	Records on measurement of waste by method other than weighbridge	N

EP Regulations 2009 number	EP Regulations 2023		Text amendments
	Number	Regulation heading	
75B	86	Records on measurement of waste by use of approved weighbridge	N
75C	87	Records of waste and other matter received at waste depot	Yes 6 consequential reg number change
75D	88	Records of waste and other matter transported from waste depot for use, recovery, recycling, processing or disposal	Yes 6 consequential reg number change
75E	89	Records in relation to vehicles	Yes 6 consequential reg number change
75F	90	Records of waste and other matter used for operational purposes	Yes 6 consequential reg number change
75G	91	Additional requirements in relation to making, retention and availability of records	N
75H	92	Exemption from record keeping requirements	N
75I	93	Video monitoring systems	Yes 6 consequential reg number change
75J	94	Exemption from video monitoring system requirements	Yes 6 consequential reg number change
75K	95	Vehicle flow plans	Yes 6 consequential reg number change

EP Regulations 2009 number	EP Regulations 2023		Text amendments
	Number	Regulation heading	
76	96	Registration or cancellation of registration of environment protection order (section 95)	N
77	97	Registration or cancellation of registration of clean up order or clean up authorisation (section 103)	N
78	98	Registration or cancellation of site contamination assessment order or site remediation order (section 103R)	N
79	99	Prescribed fee for emergency authorisation (section 105)	N
80	100	Recovery of administrative and technical costs associated with contraventions (section 135)	N
80A	101	Recovery of administrative and technical costs associated with action under Part 10A (section 135A)	N
81	102	Interest on amounts recoverable by Authority under sections 64D, 95, 103 and 103R	N
82	103	Further fees	N
83	104	Payment of fees by instalments and recovery of fees	Yes 4 obsolete transitional provision
84	105	Authority may require copy of decision on development applications	Yes 3 planning legislation references
85	106	Exemption from requirement for licence for transportation of controlled waste	N
86	–	Exemption from item 4(c) of Schedule 1 of <i>Environment Protection (Air Quality) Policy 1994</i>	Yes Removed 4 obsolete provision

EP Regulations 2009 number	EP Regulations 2023		Text amendments
	Number	Regulation heading	
86A	107	Exemption from Act – Maralinga nuclear test site	N
86B	108	Cultana Training Area	N
86C	109	SA Motorsport Park	Yes 4 obsolete provision
87	110	Transitional provisions relating to bodies corporate under repealed Acts	N
Schedule 1—Forms			
1	1	Form of notice of execution of warrant (regulation 14 12)	N
2	2	Form of notice of right to elect to be prosecuted (regulation 15 13)	N
Schedule 2—Environmental authorisations—application and authorisation fee			
1	1	Interpretation	N
2	2	Adelaide airshed	N
3	3	Mount Gambier airshed	N
4	4	Port Pirie airshed	N
5	5	Port River region	Yes 5 other minor drafting update
6	6	Upper Spencer Gulf	Yes 5 other minor drafting update
7	7	Whyalla airshed	N

EP Regulations 2009 number	EP Regulations 2023		Text amendments
	Number	Regulation heading	
8	8	Interpretation	Yes 5 other minor drafting update (updated guideline)
9	9	Environment management component	Yes 4 obsolete transitional provisions
Schedule 3—Site contamination			
1	1	Interpretation	N
2	2	Activities undertaken in course of business	N
3	3	Domestic activities	N
4	4	Listed substances	Y 2 outdated Acts
5	5	Form of annual return	N
6	6	Form of notification by auditor after commencement of audit	Yes 3 planning legislation references
7	7	Form of notification by auditor after termination (before completion) of audit	N
8	8	Form of site contamination audit statement	Yes 3 planning legislation references
Schedule 4—Fees and levy			
1	1	Fee unit	N
2	2	Miscellaneous fees	N

EP Regulations 2009 number	EP Regulations 2023		Text amendments
	Number	Regulation heading	
3	3	Waste depot levy	N
Schedule 5—SA Motorsport Park map			
–	Schedule 5	SA Motorsport Park map	N
Legislative history	–	–	Yes 5 other minor drafting update
Schedule 6—Repeals and Transitional Provisions			
–	Schedule 6	Repeals and Transitional Provisions	Yes 5 other minor drafting update