

South Australia

River Murray (Miscellaneous) Amendment Act 2005

An Act to amend the *River Murray Act 2003* and to make associated amendments to the *Development Act 1993* and the *Renmark Irrigation Trust Act 1936*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *River Murray (Miscellaneous) Amendment Act 2005*.

2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *River Murray Act 2003*

4—Amendment of section 3—Interpretation

Section 3(1), definition of *activity*—delete the definition and substitute:

activity includes—

- (a) an act carried out on a single occasion; and
- (b) a series of acts; and
- (c) the storage or possession of anything (including something in liquid or gaseous form);

5—Amendment section 14—Powers of authorised officers

Section 14(3)—delete "be exercised" and substitute:

exercise such a power

6—Amendment of section 21—Implementation Strategy

Section 21(7)(a)—delete "by publication" and substitute:

by ensuring that notice of the availability of the Implementation Strategy is published

7—Amendment of section 23—General duty of care

- (1) Section 23(1)—delete "actions or"
- (2) Section 23(2)(c)(vi)—delete "action or"

8—Amendment of section 29—Interim restraining orders

Section 29(4)—delete "subsection (5)" and substitute:

subsection (2)

9—Insertion of section 37A

After section 37 insert:

37A—Commencement of proceedings for summary offences

- (1) Proceedings for a summary offence against this Act may be commenced at any time within 3 years after the date of the alleged commission of the offence or, with the authorisation of the Attorney-General, at any later time within 10 years after the date of the alleged commission of the offence.

- (2) An apparently genuine document purporting to be signed by the Attorney-General authorising the commencement of proceedings under this Act must be accepted in legal proceedings, in the absence of proof to the contrary, as proof of the authorisation.

Schedule 1—Related amendments

Part 1—Preliminary

1—Amendment provisions

In this Schedule, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Development Act 1993*

2—Amendment of section 24—Council or Minister may amend a Development Plan

- (1) Section 24(3)—delete subsection (3) and substitute:
- (3) Subject to subsection (3a), if a proposed amendment to a Development Plan by a council or the Minister relates to any part of the Murray-Darling Basin, the Minister must, in relation to the preparation of the amendment, consult with and have regard to the views of the Minister for the River Murray.
- (3a) The Governor may, by regulation, exclude specified categories of amendments from the operation of subsection (3).
- (2) Section 24—after subsection (4) insert:
- (5) The consultation required under subsections (2), (3) and (4) will be undertaken in accordance with any procedures or timelines determined under the regulations (and if, in a particular case, a response is not received by the Minister within a relevant period prescribed by the regulations then the Minister may assume that the entity under the relevant subsection does not desire to provide any comment).
- (6) However—
- (a) in a case involving a proposed amendment under subsection (3), the Minister for the River Murray may, if that Minister thinks fit, extend any period for consultation that would otherwise apply under subsection (5) in relation to the matter; and
- (b) nothing in subsection (5) affects or limits the operation of section 22(5) of the *River Murray Act 2003*.

Part 3—Amendment of *Renmark Irrigation Trust Act 1936*

3—Amendment of section 97—Receipt and payment of money

Section 97(3), (4) and (5)—delete subsections (3), (4) and (5) and substitute:

- (3) A payment on behalf of the trust may be made in any manner authorised under a resolution of the trust.
- (4) The trust must ensure that there are proper systems in place to record the receipt, depositing and payment of money by or on behalf of the trust.