

South Australia

## **Water Resources (Far North Prescribed Wells Area) Regulations 2003**

under the *Water Resources Act 1997*

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### **Preamble**

- 1 The *Roxby Downs (Indenture Ratification) Act 1982* (the ***Indenture Ratification Act***), among other things—
    - (a) ratifies and approves the Indenture, as varied, amended or replaced from time to time (the ***Indenture***); and
    - (b) provides that the law of the State is to be construed subject to the provisions of the Indenture and, in the case of any inconsistency between the provision of a State Act or law and the Indenture, the provisions of the Indenture will prevail.
  - 2 The Indenture sets out various matters relevant to water requirements for projects undertaken by the Joint Venturers (within the meaning of the *Indenture Ratification Act*).
  - 3 In particular, clause 13 of the Indenture includes provisions—
    - (a) for the granting to the Joint Venturers of Special Water Licences to draw water from designated areas; and
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- (b) for every well in a designated area, not already proclaimed under the *Water Resources Act 1976* (the **1976 Act**) or the *Water Resources Act 1990* (the **1990 Act**), to be declared a proclaimed well under the 1990 Act.
- 4 In accordance with the Indenture—
- (a) a Special Water Licence was granted to the Joint Venturers in respect of a designated area and the designated area was declared by proclamation under section 41 of the 1976 Act to be the Curdimurka Proclaimed Region (*Gazette 24.1.1985 p161*); and
- (b) a Special Water Licence was granted to the Joint Venturers in respect of another designated area and that designated area was declared by proclamation under section 33 of the 1990 Act to be the Muloorina Proclaimed Wells Area (*Gazette 25.1.1996 p807*).
- 5 It is now appropriate to make a regulation under section 8 of the *Water Resources Act 1997* (the **current Act**) declaring a number of other wells situated in the part of the State that encompasses the Curdimurka Proclaimed Region and Muloorina Proclaimed Wells Area to be proclaimed wells.
- 7 The regulations to be made under the current Act will make the declarations of the Curdimurka Proclaimed Region and the Muloorina Proclaimed Wells Area otiose but will have no effect on the operation of the Special Water Licences referred to above or on any Special Water Licence granted to the Joint Venturers under the Indenture after the commencement of the regulations.
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### **1—Short title**

These regulations may be cited as the *Water Resources (Far North Prescribed Wells Area) Regulations 2003*.

### **2—Commencement**

These regulations come into operation on the day on which they are made.

### **3—Interpretation**

In these regulations—

*Act* means the *Water Resources Act 1997*;

**Far North Prescribed Wells Area** means the area bounded by the bold black line on GRO Plan No 593/2001.

### **4—Declaration of prescribed wells and exclusion of operation of section 7(5) of Act**

- (1) Pursuant to section 8 of the Act, wells situated in the Far North Prescribed Wells Area and wells drilled in that Area after the commencement of these regulations are declared to be prescribed wells.
- (2) Pursuant to section 7(6) of the Act, the operation of section 7(5) of the Act is excluded in relation to any such prescribed well.

## **5—Establishment and prescribed periods**

For the purposes of section 36 of the Act—

- (a) the establishment period in relation to the Far North Prescribed Wells Area commenced on 1 January 1995 and ended at the commencement of the prescribed period; and
- (b) the prescribed period in relation to the Far North Prescribed Wells Area commenced on 20 December 2001 and will end on 30 December 2005.

## **Schedule—Revocation of proclamations and regulations**

### **Part 1—Revocation of proclamations**

#### **1—Revocation of proclamation made under the *Water Resources Act 1976***

The proclamation made under section 41 of the *Water Resources Act 1976* revoking a declaration of a proclaimed region and making a fresh declaration of Curdimurka Proclaimed Region (*Gazette 24.1.1985 p161*) is revoked.

#### **2—Revocation of proclamation made under the *Water Resources Act 1990***

The proclamation made under section 33(2) of the *Water Resources Act 1990* specifying part of the State as the Muloorina Proclaimed Wells Area (*Gazette 25.1.1996 p807*) is revoked.

### **Part 2—Revocation of regulations**

#### **3—Revocation of *Water Resources (Roxby Downs Exemption) Regulations 1997 (Gazette 26.6.1997 p3255)***

The *Water Resources (Roxby Downs Exemption) Regulations 1997 (Gazette 26.6.1997 p3255)* 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**

with the advice and consent of the Executive Council  
on 27 March 2003

No 31 of 2003

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