

South Australia

Water Resources (Lower Limestone Coast Prescribed Wells Area) Regulations 2004

under section 8 of the *Water Resources Act 1997*

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Preamble

- 1 A proclamation was made pursuant to section 41 of the *Water Resources Act 1976* (the **1976 Act**) (see *Gazette 9.1.1986 p19*) declaring—
 - (a) an area of the State to be the Comaum-Caroline Proclaimed Region; and
 - (b) an area of the State to be the Naracoorte Ranges Proclaimed Region,for the purposes of that Act.
 - 2 A proclamation was made pursuant to section 33(2) of the *Water Resources Act 1990* (the **1990 Act**) (see *Gazette 1.7.1993 p96*) in respect of the area (other than the area previously declared to be a proclaimed region)¹ comprising the Hundreds of Naracoorte and Robertson declaring—
 - (a) all wells situated in the area; and
 - (b) all wells drilled in the area after the making of the proclamation,to be proclaimed wells.
 - 1 See the proclamation referred to in clause 1.
 - 3 A proclamation was made pursuant to section 33(2) of the 1990 Act (see *Gazette 20.3.1997 p1293*) declaring an area of the State to be the Lacepede Kongorong Proclaimed Wells Area.
 - 4 Schedule 3, clause 2 of the *Water Resources Act 1997* (the **current Act**) provides—
 - (a) that a proclamation under section 33(2) of the 1990 Act in force immediately before the commencement of the current Act continues in force as though it were a regulation under section 8(1) of the current Act; and
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- (b) in the case of a proclamation under section 41 of the 1976 Act in force immediately before the commencement of the current Act—that the proclamation continues in force as though it declared the existing and future wells in its Proclaimed Region to be prescribed wells; and
 - (c) that a proclamation referred to in paragraph (a) or (b)—
 - (i) may be varied or revoked by regulation as though it were a regulation under section 8(1) of the current Act; and
 - (ii) in the case of a proclamation declaring a well, will, unless varied by regulation, be taken to exclude the operation of section 7(5).
- 5 It is now appropriate to make a regulation under section 8 of the current Act that will have the effect—
- (a) of amalgamating the areas referred to in clauses 1 to 3; and
 - (b) of re-naming the amalgamated area as the Lower Limestone Coast Prescribed Wells Area (in keeping with practices under the current Act); and
 - (c) by removing the exclusion of the operation of section 7(5) of the current Act, of allowing occupiers of land situated in the Lower Limestone Coast Prescribed Wells Area to take water from a well that is on the land to use for domestic purposes or for watering stock (other than stock subject to intensive farming).
- 6 There is no need for a regulation to be made prescribing an establishment period or a prescribed period for the purposes of section 36 of the current Act in relation to the declaration of the Lower Limestone Coast Prescribed Wells Area, as the Lower Limestone Coast Prescribed Wells Area is simply the result of amalgamating currently existing prescribed wells areas.
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1—Short title

These regulations may be cited as the *Water Resources (Lower Limestone Coast Prescribed Wells Area) Regulations 2004*.

2—Commencement

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

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Water Resources Act 1997*;

Lower Limestone Coast Prescribed Wells Area means the area bounded by the bold black line on GRO Plan No 171/2004.

4—Declaration of prescribed wells and operation of section 7(5)

- (1) Pursuant to section 8 of the Act, wells situated in the Lower Limestone Coast Prescribed Wells Area and wells drilled in that area after the commencement of these regulations are declared to be prescribed wells.
- (2) The operation of section 7(5) of the Act is not excluded in relation to any such prescribed well.

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

on the recommendation of the Minister and with the advice and consent of the Executive Council

on 2 December 2004

No 246 of 2004

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