

South Australia

## **Natural Resources Management (Mallee Prescribed Wells Area) Regulations 2005**

under the *Natural Resources Management Act 2004*

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### **Preamble**

- 1 A proclamation was made pursuant to section 41 of the *Water Resources Act 1976* (the **1976 Act**) declaring an area of the State to be the Mallee Proclaimed Region for the purposes of that Act (see *Gazette 28.07.1983 p205*).
  - 2 The proclamation was varied on 9 January 1986 (see *Gazette 09.01.1986 p19*).
  - 3 Schedule 3, clause 2 of the *Water Resources Act 1997* (the **1997 Act**) provides that a proclamation under section 41 of the 1976 Act in force immediately before the commencement of the 1997 Act continues in force as if it were a regulation under section 8(1) of the 1997 Act.
  - 4 Schedule 4, clause 54(2) of the *Natural Resources Management Act 2004* (the **current Act**) provides that a regulation in force under section 8 of the 1997 Act (including such a regulation in force by virtue of the operation of Schedule 3 of the 1997 Act) will continue in force and effect as if it were a regulation made under section 125 of the current Act.
  - 5 It is now appropriate to make a regulation under section 125 of the current Act declaring a number of wells situated in a part of the State that is adjacent to the Mallee Proclaimed Region to be prescribed wells.
  - 6 The regulations to be made under the current Act will (among other things) have the effect—
    - (a) of varying the area of the Mallee Proclaimed Region; and
    - (b) of re-naming the whole of that area as the Mallee Prescribed Wells Area in keeping with current practices.
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## **1—Short title**

These regulations may be cited as the *Natural Resources Management (Mallee Prescribed Wells Area) Regulations 2005*.

## **2—Commencement**

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

## **3—Interpretation**

In these regulations—

*Act* means the *Natural Resources Management Act 2004*;

*Mallee Prescribed Wells Area* means—

- (a) the Mallee Proclaimed Area; and
- (b) the New Area;

*Mallee Proclaimed Area* means the Mallee Proclaimed Region under the proclamations referred to in clauses 1 and 2 of the preamble;

*New Area* means—

- (a) the area comprising the Hundreds of Bandon, Wilson, Marmon Jabuk, Vincent and Hooper; and
- (b) the area designated as Area A in GRO Plan No 217/2004.

## **4—Declaration of prescribed wells**

Wells situated in the Mallee Prescribed Wells Area and wells drilled in that Area after the commencement of these regulations are declared to be prescribed wells.

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

- (1) The establishment period in relation to the area comprising the Hundreds of Bandon, Wilson, Marmon Jabuk, Vincent and Hooper commenced on 1 July 2001 and ended at the commencement of the prescribed period in relation to those Hundreds (11 March 2004).
- (2) The establishment period in relation to the area designated as Area A in GRO Plan No 217/2004 commenced on 1 July 2001 and ended at the commencement of the prescribed period in relation to that area (22 July 2004).
- (3) The prescribed period in relation to the area comprising the Hundreds referred to in subregulation (1) commenced on 11 March 2004 and will end on the day that coincides with the third anniversary of the commencement of this regulation.
- (4) The prescribed period in relation to the area designated as Area A referred to in subregulation (2) commenced on 22 July 2004 and will end on the day that coincides with the third anniversary of the commencement of this regulation.

## **6—Operation of section 124(4)**

Pursuant to section 124(5) of the Act, the operation of section 124(4) of the Act is not excluded in relation to the prescribed wells declared under regulation 4.

**Note—**

Section 155 of the Act has no purpose in respect of that part of the Mallee Prescribed Wells Area that is in the Mallee Proclaimed Area.

**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 for Environment and Conservation and with the advice and consent of the Executive Council  
on 27 October 2005

No 231 of 2005

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