



ANNO VICESIMO SECUNDO

ELIZABETHAE II REGINAE

A.D. 1973

No. 37 of 1973

An Act to amend the Underground Waters Preservation Act, 1969-1970.

[Assented to 11th October, 1973]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Underground Waters Preservation Act Amendment Act, 1973". Short titles.

(2) The Underground Waters Preservation Act, 1969-1970, as amended by this Act, may be cited as the "Underground Waters Preservation Act, 1969-1973".

(3) The Underground Waters Preservation Act, 1969-1970, is hereinafter referred to as "the principal Act".

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. Section 6 of the principal Act is amended—

(a) by striking out from subsection (1) the definition of "the Director" and inserting in lieu thereof the following definition:—

"the Director" in relation to any provision of this Act or in relation to any provision of the regulations under this Act, means the person for the

Amendment of principal Act. s. 6— Interpretation.

time being occupying an office for the time being declared by proclamation to be an office of Director for the purposes of that provision;

(b) by striking out from subsection (2) the passage “of Mines”; and

(c) by inserting immediately after subsection (2) the following subsection:—

(3) The Governor may from time to time by proclamation declare any office to be an office of Director for the purposes of any provision of this Act or of any provision of the regulations under this Act and may by proclamation amend or revoke any such declaration.

Amendment of
principal Act,
s. 8—
Permit for
operations.

4. Section 8 of the principal Act is amended by inserting immediately after subsection (2) the following subsection:—

(3) If in relation to a well being a well to or in relation to which, pursuant to the regulations, all or any of the provisions of this Act do not apply—

(a) any work is carried out;

or

(b) any change of use occurs,

and as a result of, or as a consequence of, that work or change of use any provision of this Act, that did not apply to or in relation to that well, will apply to or in relation to that well and that work or change of use was not carried out or did not occur in pursuance of a permit, the owner and occupier of the land on which that well is situated shall each be guilty of an offence.

Penalty: Two hundred dollars.

Amendment of
principal Act,
s. 44—
Powers of
Board.

5. Section 44 of the principal Act is amended—

(a) by striking out from paragraph (a) of subsection (1) the passage “the Department of Mines” and inserting in lieu thereof the passage “a department of the public service of the State that is concerned in the administration of this Act”;

(b) by striking out from paragraph (b) of subsection (1) the passage “the Department of Mines” and inserting in lieu thereof the passage “a department of the public service of the State that is concerned in the administration of this Act”;

and

(c) by striking out from paragraph (c) of subsection (1) the passage "the Department of Mines" and inserting in lieu thereof the passage "a department of the public service of the State that is concerned in the administration of this Act".

6. Section 50 of the principal Act is amended by striking out from subsection (2) the passage "in the name of the 'Minister of Mines' ". Amendment of principal Act, s. 50—
Costs.

7. Section 57 of the principal Act is amended by inserting in subsection (2) after the passage "the Director" the passage "or an authorized person". Amendment of principal Act, s. 57—
Evidence.

8. The following section is enacted and inserted in the principal Act immediately after section 57 thereof:— Enactment of s. 57a of principal Act—

57a. (1) The Minister may by writing under his hand, delegate to any officer or person any of his powers or functions under this Act (except this power of delegation) so that the delegated powers or functions may be exercised by the delegate in respect to the matters or matters of a class specified, or the place or locality defined, in the instrument of delegation. Power of Minister to delegate.

(2) A delegation under subsection (1) of this section is revocable in writing at will and no delegation shall prevent the exercise of any power or function of the Minister.

9. Section 61 of the principal Act is amended— Amendment of principal Act, s. 61—
Regulations.

(a) by inserting in paragraph (d) after the passage "providing that" the passage "all or any of";
and

(b) by inserting immediately after paragraph (d), as so amended, the following paragraph—

(da) providing that all or any of the provisions of this Act shall not apply to or in relation to any prescribed well or any well of a prescribed class or kind and prescribing conditions, limitations or restrictions that shall be complied with in relation to any such well or any such well of a prescribed class or kind.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

W. R. CROCKER, Governor's Deputy