

South Australia

River Murray Regulations 2017

under the *River Murray Act 2003*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 River Murray Protection Areas (section 4 of Act)
- 5 Consultation (section 9(2)(a) of Act)
- 6 Applications for warrants (section 14(7) of Act)
- 7 Referral of statutory instruments (section 22(2) of Act)
- 8 Notice requirement (section 22(6) of Act)
- 9 Prescribed circumstances (section 23(3) of Act)
- 10 Prescribed rate of interest (sections 25, 27 and 28 of Act)
- 11 Prescribed office (section 41(2)(a) of Act)

Schedule 1—River Murray Protection Areas

Schedule 2—Revocation of *River Murray Regulations 2003*

Legislative history

1—Short title

These regulations may be cited as the *River Murray Regulations 2017*.

2—Commencement

These regulations will come into operation 4 months after the day on which they are made (see *Subordinate Legislation Act 1978* section 10AA).

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *River Murray Act 2003*.

4—River Murray Protection Areas (section 4 of Act)

- (1) The 2 areas delineated in the plan deposited in the General Registry Office No 440/2003 are designated as *River Murray Protection Areas* for the purposes of the Act and any other Act.¹
- (2) As delineated in the plan, 1 area will be known as the *River Murray Floodplain Area* and the other area will be known as the *River Murray Tributaries Area*.¹

Note—

- 1 For reference purposes, these areas are depicted in the map in Schedule 1.

5—Consultation (section 9(2)(a) of Act)

- (1) Subject to subregulation (2), for the purposes of section 9(2)(a) of the Act—
- (a) the following bodies are prescribed:
 - (i) the Local Government Association of South Australia;
 - (ii) the Murray and Mallee Local Government Association;
 - (iii) the Southern and Hills Local Government Association;
 - (iv) the South Australian Murray Darling Basin Natural Resources Management Board;
 - (v) the State Aboriginal Heritage Committee;
 - (vi) the Aboriginal Legal Rights Movement Inc.;
 - (vii) South Australian Native Title Services;
 - (viii) the South East Natural Resources Management Board;
 - (b) the following circumstances are prescribed:
 - (i) at the time that the Minister is undertaking a review of the Implementation Strategy;
 - (ii) if the Minister is proposing a change to a River Murray Protection Area;
 - (iii) if the Minister is proposing a change to the referrals to the Minister under Schedule 8 of the *Development Regulations 2008*.
- (2) If or when the Minister is acting in the circumstances prescribed by subregulation (1)(b)(iii), the only prescribed bodies will be taken to be the bodies referred to in subregulation (1)(a)(i), (ii) and (iii).

6—Applications for warrants (section 14(7) of Act)

- (1) The grounds of an application for a warrant under section 14 of the Act made personally must be verified by affidavit.
- (2) If an application for a warrant is made by telephone—
- (a) the applicant must inform the magistrate of the applicant's name and identify the position that he or she holds for the purposes of the Act, and the magistrate, on receiving that information, is entitled to assume, without further inquiry, that the applicant holds that position; and
 - (b) the applicant must inform the magistrate of the purpose for which the warrant is required and the grounds on which it is sought; and
 - (c) if it appears to the magistrate from the information given by the applicant that there are proper grounds to issue a warrant, the magistrate must inform the applicant of the facts that justify, in the magistrate's opinion, the issue of the warrant, and must not proceed to issue the warrant unless the applicant undertakes to make an affidavit verifying those facts; and
 - (d) if the applicant gives such an undertaking, the magistrate may then make out and sign a warrant, noting on the warrant the facts that justify, in the magistrate's opinion, the issue of the warrant; and

- (e) the warrant is taken to have been issued, and comes into force, when signed by the magistrate; and
 - (f) the magistrate must inform the applicant of the terms of the warrant; and
 - (g) the applicant must, as soon as practicable after the issue of the warrant, forward to the magistrate an affidavit verifying the facts referred to in paragraph (c).
- (3) A magistrate by whom a warrant is issued must file the warrant, or a copy of the warrant, and the affidavit verifying the grounds on which the application for the warrant was made, in the Magistrates Court.

7—Referral of statutory instruments (section 22(2) of Act)

Pursuant to section 22(2) of the Act, a plan of management prepared under section 38 of the *National Parks and Wildlife Act 1972* that relates to a reserve located wholly or partly within the Murray-Darling Basin is a statutory instrument of a prescribed class and must, when being prepared or amended, be referred to the Minister under section 22 of the *River Murray Act 2003* before public consultation in connection with the plan commences under section 38(3) of the *National Parks and Wildlife Act 1972*.

8—Notice requirement (section 22(6) of Act)

A notice issued under section 22(6) of the Act must—

- (a) be served—
 - (i) on the person who has applied for the relevant statutory authorisation; and
 - (ii) on the authority to whom the application was made under the related operational Act; and
- (b) specify the period of the extension.

9—Prescribed circumstances (section 23(3) of Act)

For the purposes of section 23(3) of the Act, any circumstance involving the exercise of a statutory power by a public authority in an emergency situation is prescribed.

10—Prescribed rate of interest (sections 25, 27 and 28 of Act)

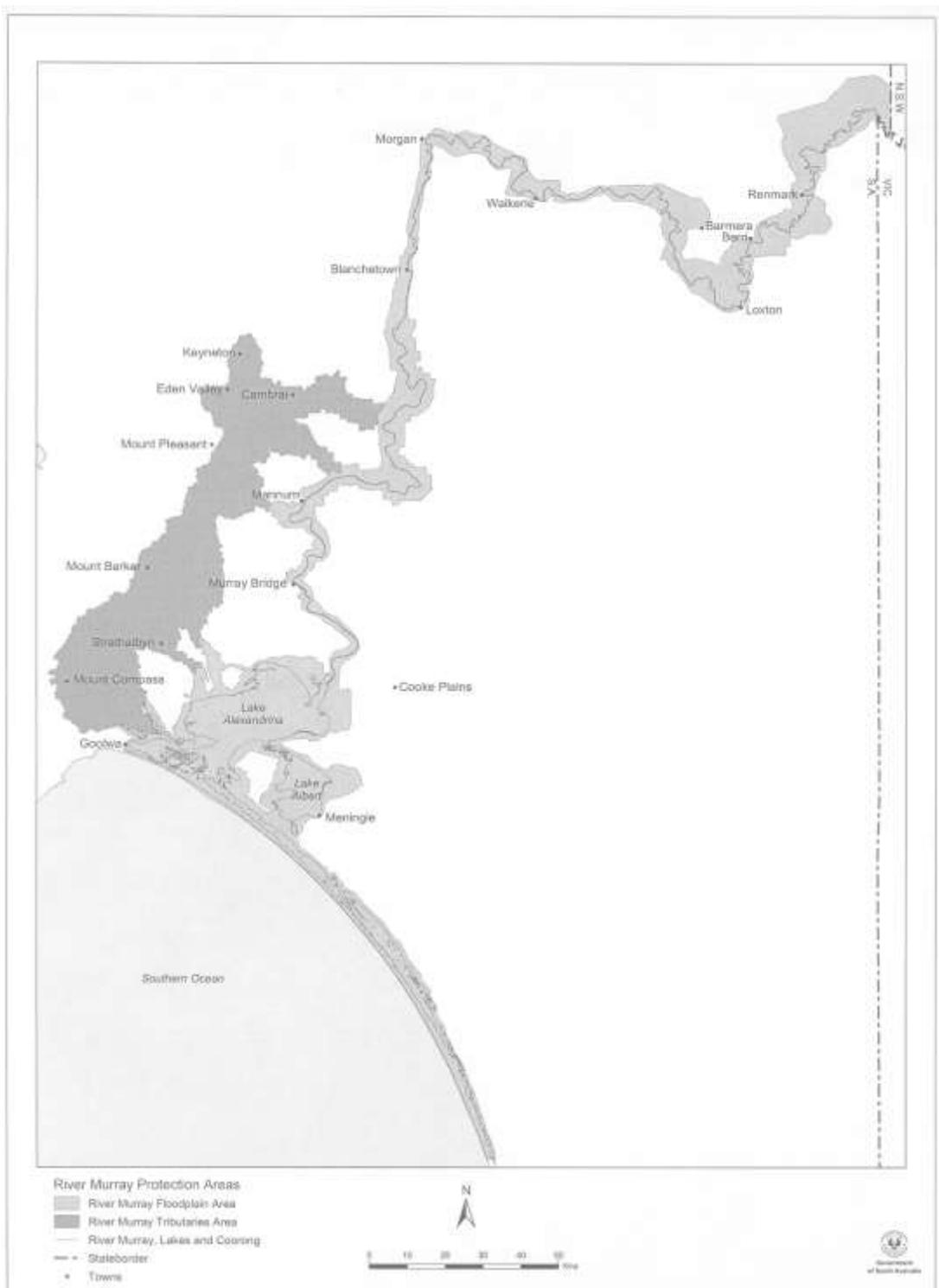
- (1) For the purposes of sections 25(5)(a), 27(5)(a) and 28(8)(a) of the Act, the prescribed rate of interest per annum on an unpaid amount will be the prime bank rate for any financial year for which the amount remains unpaid.
- (2) In this regulation—

prime bank rate for a particular financial year means the corporate loan reference rate applied by the Commonwealth Bank of Australia for corporate lending on the first trading day of the Bank in that financial year.

11—Prescribed office (section 41(2)(a) of Act)

For the purposes of section 41(2)(a) of the Act, the principal office of the Minister's department is specified.

Schedule 1—River Murray Protection Areas



Schedule 2—Revocation of *River Murray Regulations 2003*

The *River Murray Regulations 2003* are revoked.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal regulations

Year	No	Reference	Commencement
2017	260	<i>Gazette</i> 22.8.2017 p3708	22.12.2017: r 2