

South Australia

## River Murray Regulations 2003

under the *River Murray Act 2003*

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### Schedule 1

### Legislative history

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#### 1—Short title

These regulations may be cited as the *River Murray Regulations 2003*.

#### 3—Interpretation

In these regulations, unless the contrary intention appears—

*Act* means the *River Murray Act 2003*.

#### 4—River Murray Protection Areas—section 4

- (1) The two 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.<sup>1</sup>
- (2) As delineated in the plan, one area will be known as the *River Murray Floodplain Area* and the other area will be known as the *River Murray Tributaries Area*.<sup>1</sup>

**Note—**

- <sup>1</sup> For reference purposes, these areas are depicted in the map in the Schedule.

#### 5—Consultation—section 9(2)(a)

- (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 Hills LGA Inc.;
  - (iv) the South Australian Murray Darling Basin regional NRM board;
  - (v) the Aboriginal Heritage Committee established under the *Aboriginal Heritage Act 1988*;
  - (vi) the Aboriginal Legal Rights Movement Inc.;
- (b) the following circumstances are prescribed:
- (i) at the time that the Minister is preparing the first Implementation Strategy for the purposes of the Act, or 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 1993*.
- (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)**

- (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.

#### **6A—Referral of statutory instruments—section 22(2)**

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*.

#### **7—Notice requirement—section 22(6)**

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.

#### **8—Prescribed circumstances—section 23(3)**

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.

#### **9—Prescribed rate of interest—sections 25, 27 and 28**

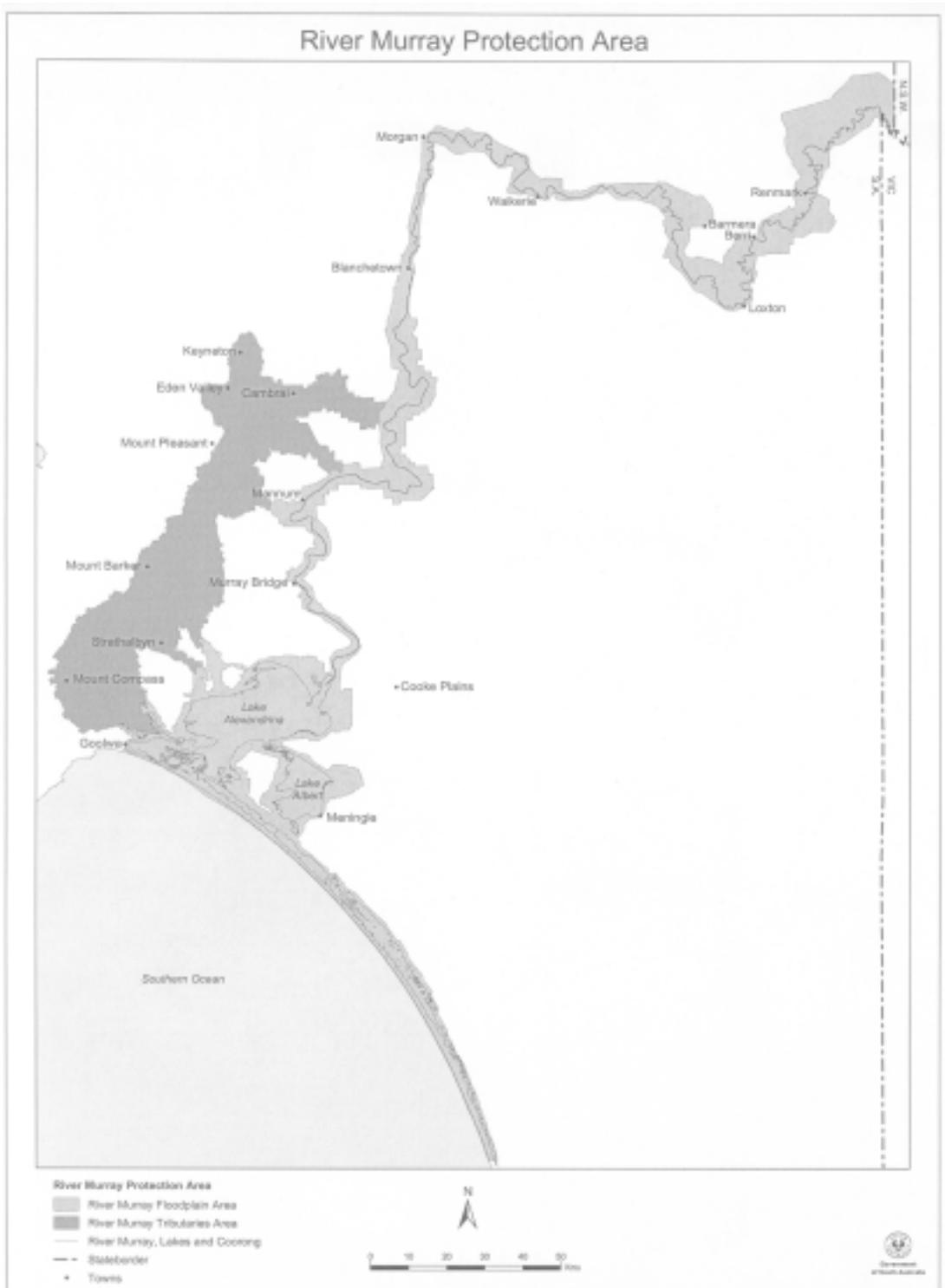
- (1) For the purposes of sections 25(5)(a), 27(5)(a) and 28(8)(a) of the Act, the prescribed rate of interest per annum on an unpaid amount will be the prime bank rate for any financial year for which the amount remains unpaid.
- (2) In this regulation—

*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.

#### **10—Prescribed office—section 41(2)(a)**

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

## Schedule 1



## Legislative history

### Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2003	231	<i>Gazette 20.11.2003 p4213</i>	24.11.2003: r 2
2005	154	<i>Gazette 30.6.2005 p2239</i>	Pt 10 (r 15)—1.7.2005: r 2
<b>2006</b>	<b>10</b>	<b><i>Gazette 19.1.2006 p298</i></b>	<b>19.1.2006: r 2</b>

### Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under the Legislation Revision and Publication Act 2002</i>	<i>1.7.2005</i>
r 5		
r 5(1)	varied by 154/2005 r 15	1.7.2005
<b>r 6A</b>	<b>inserted by 10/2006 r 4</b>	<b>19.1.2006</b>

### Historical versions

1.7.2005