An Act to amend the Water Resources Act, 1976.

[Assented to 15th March, 1979]

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 “Water Resources Act Amendment Act, 1979”.

(2) The Water Resources Act, 1976, is hereinafter referred to as “the principal Act”.

(3) The principal Act, as amended by this Act, may be cited as the “Water Resources Act, 1976-1979”.

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

3. Section 5 of the principal Act is amended—

(a) by inserting in subsection (1) after the definition of “Proclaimed Watercourse” the following definition:—

“public authority” means—

(a) the Crown;

(b) any council, or any body corporate that is by virtue of any Act deemed to be, or vested with the powers of, a council, within the meaning of the Local Government Act, 1934-1978;

or

(c) any prescribed body corporate established by or under any Act:;

(b) by striking out from subsection (1) the definition of “surface waters”; and
(c) by striking out from subsection (1) the definitions of "watercourse" and "waters" and inserting in lieu thereof the following definitions:

"watercourse" means—

(a) any river, stream or creek whether or not artificially improved or altered;

(b) any artificial channel that wholly or partially diverts a river, stream or creek from its natural course;

(c) any artificial channel that is vested in or under the control of a public authority;

(d) any lake, lagoon, swamp, marsh or spring whether or not artificially improved or altered;

or

(e) any reservoir or artificial lake or lagoon that is vested in or under the control of a public authority, and in which water flows or is contained whether permanently, intermittently or occasionally, together with the bed and banks thereof:

"waters" means—

(a) the water flowing or contained in any watercourse;

(b) any underground waters;

or

(c) such estuarine waters, waste waters or other waters as are for the time being declared by proclamation to be waters for the purposes of this Act:

4. Section 29 of the principal Act is amended by inserting in subsection (1) after the passage "the Minister may," the passage "of his own motion or".

5. Section 32 of the principal Act is amended by inserting after the passage "any term or condition of that licence" the passage "or any other licence under section 29 of this Act previously held by that holder during the period of twelve months immediately preceding the grant of that licence".

6. Section 43 of the principal Act is amended by inserting in subsection (1) after the passage "the Minister may," the passage "of his own motion or".

7. Section 45 of the principal Act is amended by inserting after the passage "any term or condition of that licence" the passage "or any other licence under that section previously held by that licence holder during the period of twelve months immediately preceding the grant of that licence".
8. Section 65 of the principal Act is amended by inserting after subsection (5) the following subsection:—

(6) Without limiting the generality of subsection (5) of this section, the Tribunal may, in any proceedings, receive in evidence any transcript of evidence in any other proceedings before the Tribunal and draw any conclusions of fact therefrom that it considers proper.

9. Section 79 of the principal Act is amended by inserting after paragraph (b) of subsection (2) the following paragraph:—

(ba) provide for and prescribe charges for diverting, withdrawing or taking a quantity of water exceeding that specified in the terms or conditions of a licence, and provide for the recovery of those charges;.

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

K. D. SEAMAN, Governor