



ANNO DECIMO QUINTO

**ELIZABETHAE II REGINAE**

A.D. 1966

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**No. 58 of 1966**

**An Act to amend the Underground Waters Preservation Act, 1959.**

*[Assented to 10th November, 1966.]*

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, 1966". Short titles.
- (2) The Underground Waters Preservation Act, 1959, as amended by this Act, may be cited as the "Underground Waters Preservation Act, 1959-1966".
- (3) The Underground Waters Preservation Act, 1959, is hereinafter referred to as "the principal Act".
2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.
3. This Act shall come into operation on a day to be fixed by the Governor by proclamation. Commencement.
4. The Long Title of the principal Act is amended by inserting before the word "preventing" therein the words "conserving and". Amendment of Long Title of principal Act.

Amendment of  
principal Act,  
s. 3—  
Paris.

5. Section 3 of the principal Act is amended by inserting after the lines "PART III—ADVISORY COMMITTEE ON UNDERGROUND WATER CONTAMINATION." therein the line "PART IIIA.—WELL DRILLERS."

Amendment of  
principal Act,  
s. 4—  
Interpretation.

6. Subsection (1) of section 4 of the principal Act is amended—

(a) by inserting after the definition of "the appeal board" therein the following definition :—

"artesian well" means a well from which water flows naturally to the surface of the land, together with subsurface works and head works constructed or erected in connection therewith ; ;

(b) by inserting after the definition of "the director" therein the following definition :—

"licence" means a licence for the time being in force under this Act ; ;

and

(c) by inserting after the definition of "permit" therein the following definition :—

"prescribed depth", in relation to a well, means the prescribed depth for the particular area in which the well is situated : .

Repeal and  
re-enactment  
of s. 9 of  
principal Act—

7. Section 9 of the principal Act is repealed and the following section is enacted and inserted in lieu thereof :—

Power of  
Minister  
to refuse  
permit.

9. (1) The Minister may refuse an application for a permit or revoke a permit if he has reasonable cause to believe that the work or the use of the well for which the permit is sought would :—

(a) be likely to cause contamination or deterioration of any underground water ; or

(b) be likely to cause inequitable distribution of any underground water ; or

(c) be likely to cause undue loss or wastage of underground water ;

or

(d) be likely to deplete unduly the supplies of underground water.

(2) An application shall not be refused except on any of the grounds mentioned in subsection (1) of this section.

8. Subsection (1) of section 11 of the principal Act is amended by striking out therefrom the words "or deterioration of underground water" and inserting in lieu thereof the passage, " , deterioration, inequitable distribution, loss, wastage or undue depletion of underground water".

Amendment of principal Act, s. 11—  
Terms and conditions in permits.

9. Subsection (3) of section 12 of the principal Act is amended by striking out the words "or deterioration" therein and inserting in lieu thereof the passage " , deterioration, inequitable distribution, loss, wastage or undue depletion of underground water".

Amendment of principal Act, s. 12—  
Transfer and variation of permits.

10. Subsection (1) of section 18 of the principal Act is amended by striking out the words "or deterioration" therein and inserting in lieu thereof the passage " , deterioration, inequitable distribution, loss, wastage or undue depletion of underground water".

Amendment of principal Act, s. 18—  
Directions to owners or occupiers.

11. The following sections are enacted and inserted in the principal Act immediately after section 20 thereof :—

Enactment of ss. 20a, 20b and 20c of principal Act—

20a. (1) Every artesian well shall be capped or equipped with valves so that the flow of water can be regulated or stopped.

Artesian wells to be capped.

(2) Any occupier or owner of land on which there is situated an artesian well which is not capped or equipped with valves as required by this section shall be guilty of an offence.

(3) The provisions of this section shall not apply to any artesian well from which water flows only periodically unless the Minister so directs. The Minister shall not so direct unless he is satisfied that the provisions of this section should in the public interest apply to any such well.

20b. No person shall—

(a) cause or allow or suffer any underground water from a well to run to waste ;

Water not to be wasted.

or

(b) extract from any well underground water in excess of his reasonable requirements :

Provided that where underground water interferes or threatens to interfere with the execution or operation of any underground works (whether waterworks or not) it shall not be an offence under this section to cause or allow the water to run to waste so far as may be necessary to enable the works to be executed or operated, if no other method of disposing of the said water is reasonably practicable.

Artesian wells found in other holes.

20c. (1) Any person who sinks a well or who deepens or enlarges a well and who in the course of such work discovers an artesian well shall immediately notify the Minister in writing of the discovery and shall supply such information as the Minister may require.

(2) The provisions of section 18 shall apply to any well in which an artesian well is discovered and which must be reported to the Minister pursuant to this section.

(3) This section shall not apply to any well for the sinking of which a licence is required under the Mining (Petroleum) Act, 1940-1963.

Enactment of Part IIIA of principal Act—

12. The following heading and sections are enacted and inserted in the principal Act immediately after section 23 thereof :—

### PART IIIA.

#### WELL DRILLERS.

Duty to hold licence.

23a. (1) A person shall not—

- (a) construct a well to a depth greater than the prescribed depth ;
- (b) deepen or enlarge a well so that it becomes deeper than the prescribed depth ;
- (c) deepen or enlarge a well which is already deeper than the prescribed depth ;
- (d) remove, replace, alter or repair the casing or lining of a well which is deeper than the prescribed depth,

unless he holds a driller's licence of the kind appropriate to the well or is working under the personal supervision of a person holding such a licence.

(2) The duty to hold a driller's licence shall apply to persons employed by or working for the Crown as well as to other persons, but shall not apply to a person doing any work mentioned in subsection (1) of this section on land of which he is the owner or occupier, or to a servant ordinarily employed by such person.

23b. An application for a licence shall be made in the prescribed form and shall contain all the information indicated on the form.

Application for licence.

23c. Driller's licences shall be of two classes, namely :—

Types of licences.

(a) An "A" class driller's licence which shall entitle the holder to work on any type of well :

(b) A "B" class driller's licence which shall entitle the holder to work on any type of well other than an artesian well.

23d. A person shall not be entitled to be granted a licence unless—

Qualifications for licences.

(a) he has satisfied the director that he is qualified by knowledge and practical experience to carry out well sinking on wells of the type for which the licence is required ;

(b) he has passed such examinations, if any, as are prescribed ;

and

(c) he has paid the prescribed fee for it.

If the Minister refuses to grant an application for a licence he shall forthwith give notice of such refusal to the applicant.

23e. A driller's licence shall, unless lawfully cancelled, remain in force for three years from the issue thereof.

Duration of licence.

23f. Where a person holds, or has held, a driller's licence and applies for a licence by way of renewal thereof, the Minister may, upon receiving the prescribed fee, grant a licence by way of renewal without further inquiry into the qualifications of the applicant.

Licences by way of renewal.

23g. If the Minister is satisfied that a person holding a driller's licence has been guilty of a breach of this Act, or of conduct which shows him to be unfit to hold such a licence, the Minister may by notice to such person cancel his licence. A person whose licence is so cancelled shall forthwith return the licence to the Minister.

Cancellation of licence.

23h. A driller's licence shall not be transferable.

Non-transferability.

23i. There shall be an appeal to the appeal board against any refusal or cancellation of a licence under this Part.

Appeal.

Amendment of principal Act, s. 24—  
The appeal board.

**13.** Subsection (1) of section 24 of the principal Act is amended by striking out the word “three” therein and inserting in lieu thereof the word “five”.

Amendment of principal Act, s. 25—  
Members of the appeal board.

**14.** Section 25 of the principal Act is amended by inserting therein after paragraph (c) thereof the following paragraphs:—

(d) a member of the Licensed Well Drillers Association. ;

(e) a landowner.

Amendment of principal Act, s. 30—  
Majority decision.

**15.** Section 30 of the principal Act is amended by striking out the word “two” therein and inserting in lieu thereof the word “three”.

Amendment of principal Act, s. 36—  
Powers of appeal board.

**16.** Paragraph (f) of section 36 of the principal Act is amended by striking out the figures “33” therein and inserting in lieu thereof the figures “32”.

Amendment of principal Act, s. 46—  
Offences.

**17.** Subsection (1) of section 46 of the principal Act is amended—

(a) by striking out the words “one hundred pounds” therein and inserting in lieu thereof the words “two hundred dollars” ;

and

(b) by striking out the words “five pounds” therein and inserting in lieu thereof the words “ten dollars”.

Amendment of principal Act, s. 48—  
Regulations.

**18.** Section 48 of the principal Act is amended—

(a) by striking out the words “fifty pounds” in subsection (1) thereof and inserting in lieu thereof the words “one hundred dollars” ;

and

(b) by inserting at the end thereof the following subsection:—

(2) In prescribing depths for the purposes of this Act the Governor may prescribe different depths to apply in different parts of the State.

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

EDRIC BASTYAN, Governor.