

**Michelmore & Ors v Minister for Environment and Conservation**

**[2004] SAERDC 18 (Unreported)**

Contributed by Will Webster

The appellant in this matter lodged an application for a water licence for an unlicensed pre-existing water use. The appellant was approximately one month late in lodging the application, with the Water Allocation Plan requiring all allocations to be received by 5pm on 31 July 2002. The Minister's delegate refused the application based on this ground alone.

The Environment Resources and Development Court determined that the relevant Water Allocation Plan was unambiguous and set out a specific time frame in which an application was to be made. The Court stated that it was not its role to review the provisions of the WAP but to apply them in accordance with the Water Resources Act 1997. As the decision of the Minister's delegate was consistent with the terms of the WAP, the appeal must be dismissed.

Each of the above decisions demonstrates the need for strict compliance by established users of water in South Australia with the timetables set for registering the use whether prescribed by the Act or Water Allocation Plans. This is notwithstanding the high levels of complexity of the regimes being imposed on water users, the completeness of the hydrological data relied upon, the degree of impact upon the water resource or the personal hardships which strict compliance can cause.