

South Australia

# **Natural Resources Management (Financial Provisions) Regulations 2005**

under the *Natural Resources Management Act 2004*

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#### Legislative history

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Natural Resources Management (Financial Provisions) Regulations 2005*.

### 3—Interpretation

- (1) In these regulations—

*Act* means the *Natural Resources Management Act 2004*;

*allotment* means—

- (a) the whole of the land comprised in a certificate of title; or
- (b) the whole of land subject to a separate lease or licence (other than a lease or licence of a class declared by the Minister to be excluded from the ambit of this paragraph);

*contiguous land*—see subregulation (2);

*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.

- (2) For the purposes of these regulations, land will be regarded as being *contiguous* to other land if the land—

- (a) abuts on the other land at any point; or
- (b) is separated from the other land only by—
  - (i) a road, street, lane, footway, court, alley, railway or thoroughfare; or
  - (ii) a watercourse or channel; or
  - (iii) a reserve or other similar open space.

## Part 2—NRM levies

### Division 1—Levies in respect of land within council areas

#### 3A—Contributions by constituent councils—rateable land divided by boundaries of 2 or more councils or NRM regions

- (1) The following scheme applies for the purposes of section 92(7a) of the Act:
- (a) if a piece of rateable land within the area of a council is divided by the boundaries of 2 or more NRM regions, the whole of the land will be taken to be assigned to the NRM region in which the larger (or, in the case of more than 2 NRM regions, the largest) portion of the land is located (the *assigned NRM region*);
  - (b) if—
    - (i) a piece of rateable land is divided by the boundaries of 2 or more councils; and
    - (ii) the regional NRM levy imposed by at least 1 of those councils is based on a fixed charge under section 95(3) of the Act,the whole of the land will be taken to be assigned to the council area in which the larger (or, in the case of more than 2 council areas, the largest) portion of the land is located (the *assigned council area*);
  - (c) if, in the opinion of the Minister, the application of a preceding paragraph (or both) has, in a particular case, resulted in—
    - (i) uncertainty or disagreement as to which council area is the assigned council area or which NRM region is the assigned NRM region; or
    - (ii) an excessively disproportionate burden falling on the council for the assigned council area,the Minister may make a determination as to the assignment on such basis, and following such consultation (if any) with the Valuer-General or any other person or body, as the Minister thinks fit.
- (2) For the purposes of this regulation, a reference to a *piece of rateable land* includes a reference to 2 or more pieces of contiguous rateable land owned by the same owner and occupied by the same occupier.

#### 4—Interest payable by councils

Interest accrues under section 93(1) of the Act from the date on which the instalment was payable under that section at the prime bank rate for the relevant financial year, calculated in respect of each month (or part of a month) for which the relevant amount remains unpaid.

#### 4B—Imposition of levy by councils—section 95

- (1) Pursuant to section 95(3)(d) of the Act, the following purposes for which rateable land is used are prescribed:
  - (a) *Residential* comprising the use of land for a detached dwelling, group dwelling, multiple dwelling, residential flat building, row dwelling or semi-detached dwelling within the meaning of the Development Regulations;
  - (b) *Commercial—Shop* comprising the use of land for a shop within the meaning of the Development Regulations;
  - (c) *Commercial—Office* comprising the use of land for an office within the meaning of the Development Regulations;
  - (d) *Commercial—Other* comprising any other commercial use of land not referred to in the categories specified in paragraph (b) or (c);
  - (e) *Industry—Light* comprising the use of land for a light industry within the meaning of the Development Regulations;
  - (f) *Industry—Other* comprising any other industrial use of land not referred to in the category specified in paragraph (e);
  - (g) *Primary Production* comprising—
    - (i) farming within the meaning of the Development Regulations; or
    - (ii) horticulture within the meaning of the Development Regulations; or
    - (iii) the use of land for horse keeping or intensive animal keeping within the meaning of the Development Regulations; or
    - (iv) in respect of a dairy situated on a farm—the use of land for a dairy within the meaning of the Development Regulations; or
    - (v) commercial forestry;
  - (h) *Vacant land* comprising the non-use of vacant land;
  - (i) *Other* comprising any other use of land not referred to in a previous category.
- (2) Pursuant to section 95(3)(i) of the Act, the operation of section 159(9) of the *Local Government Act 1999* is modified—
  - (a) so as to not require a council that grants to a person or body a rebate of general rates under section 166 of the *Local Government Act 1999* to grant a comparable rebate of a regional NRM levy to the person or body; and
  - (b) so as to allow a council to grant to a person or body a rebate of a regional NRM levy under section 166 of the *Local Government Act 1999* that is different to a rebate of general rates granted to the person or body.
- (3) In this regulation—

*Development Regulations* means the *Development Regulations 2008*.

#### 4C—Costs of councils—section 96

- (1) This regulation makes provision with respect to the operation of section 96 of the Act.

- (2) For the purposes of this regulation—
- (a) **establishment costs** are costs directly associated with—
- (i) a council being required to impose a regional NRM levy on rateable land within its area (or part of its area) in a particular financial year after not being required to impose such a levy in the immediately preceding financial year; or
  - (ii) a council being required to impose a regional NRM levy on rateable land within its area (or part of its area) in a particular financial year on a basis under section 95(3)(a) of the Act that is different to the basis that applied with respect to the immediately preceding financial year, other than where any additional costs incurred by the council on account of the change to the basis for the levy are not significant;
- (b) **ongoing costs** are annual costs directly associated with a council imposing and collecting a regional NRM levy, other than costs that a council would incur in any event on account of the imposition and collection of rates under the *Local Government Act 1999*.
- (3) Subject to this regulation, the costs that a council may recover with respect to a particular financial year will be determined according to whether the council is claiming—
- (a) establishment costs; or
  - (b) ongoing costs; or
  - (c) both establishment costs and ongoing costs.
- (4) The amount that a council may recover as establishment costs will be—
- (a) fair costs incurred by the council with respect to—
- (i) consulting with the relevant regional NRM board in relation to the basis for the regional NRM levy; and
  - (ii) establishing the ability of the council's rating system to deal with the regional NRM levy; and
  - (iii) making any amendments to the council's rating system on account of the imposition of the regional NRM levy; and
  - (iv) conducting any tests involving the council's rating system on account of the imposition of the regional NRM levy; and
  - (v) setting up and assigning codes within the council's rating system on account of the imposition of the regional NRM levy; and
  - (vi) obtaining any new assessment or valuation information on account of the imposition of the regional NRM levy; and
  - (vii) confirming the imposition of the appropriate levy with respect to rateable land in the area of the council; or
- (b) \$7 918 (indexed), plus 52 cents (indexed) for each assessment of levy against a piece of rateable land, adjusted, if necessary, under subregulation (5),
- (on the basis that the council will decide whether it recovers its costs under paragraph (a) or under paragraph (b)).

- (5) If a council is claiming establishment costs under paragraph (b) of subregulation (4) from 2 or more regional NRM boards with respect to a particular financial year, the component under that paragraph represented by \$7 918 (indexed) will be reduced, with respect to the payment to each regional NRM board, to 60% of the amount that would otherwise apply.
- (6) The amount that a council may recover as ongoing costs will be \$1 848 (indexed), plus 18 cents (indexed) for each assessment of levy against a piece of rateable land.
- (7) A council seeking to recover any costs with respect to a particular financial year should, as a preliminary step, furnish to the relevant regional NRM board a reasonable estimate of the costs that the council expects to claim—
  - (a) as establishment costs (if relevant); and
  - (b) as ongoing costs.
- (8) Any estimate under subregulation (7) should be furnished to the regional NRM board before the board finalises its draft budget for inclusion in its draft plan for the relevant financial year for the purposes of consultation under the Act.
- (9) A regional NRM board must, after taking into account any information furnished by a council under subregulation (7), include in its regional NRM plan for the relevant financial year the amounts that it considers to be appropriate for the council to receive with respect to establishment costs (if relevant) and ongoing costs.
- (10) A council must (after declaring the relevant levy) furnish to a regional NRM board from which it is seeking to recover costs an invoice that sets out the amount or amounts that the council is claiming for establishment costs (if relevant) and ongoing costs, and the calculations used by the council to determine any such amount or amounts.
- (11) A council should, except in a case involving extraordinary administrative difficulty, furnish an invoice under subregulation (10) by 31 March in the financial year with respect to which the relevant regional NRM levy is imposed.
- (12) A regional NRM board must, within 30 days after receiving an invoice from a council (treating any amount claimed as establishment costs and any amount claimed as ongoing costs separately)—
  - (a) pay the amount claimed by the council; or
  - (b) if the amount claimed by the council is based on the council's determination of fair costs and is higher than the relevant amount specified by the board in its regional NRM plan under subregulation (9), and the board considers that the amount that has been claimed should be reviewed—pay the amount specified in the plan and then immediately refer the matter to the Chief Officer so that the Chief Officer can determine whether or not the outstanding amount of the council's claim should be paid (wholly or in part).
- (13) The Chief Officer must make a determination within 60 days after a matter is referred under subregulation (12) (and a determination of the Chief Officer will have effect as a determination of the fair costs of the relevant council).

- (14) An amount specified by this regulation that is followed by the word (*indexed*) must be adjusted with respect to each financial year, beginning with the 2007/2008 financial year, by multiplying the amount by a proportion obtained by dividing the CPI for the September quarter of the immediately preceding year by the CPI for the September quarter, 2005, on the basis that the quotient used for the purposes of the adjustment will be calculated to 2 decimal places and that the amount obtained from the adjustment will be rounded—
- (a) in the case of an amount expressed in dollars—to the nearest dollar;
  - (b) in the case of an amount expressed in cents—to the nearest cent.
- (15) For the purposes of the operation of subregulation (2), a levy imposed by a council under Part 8 Division 2 of the *Water Resources Act 1997* with respect to the 2005/2006 financial year will be taken to be a regional NRM levy that has been imposed under the *Natural Resources Management Act 2004* (declared on a basis that corresponds to the basis on which the levy was declared under the *Water Resources Act 1997*).

## Division 2—Levies in respect of land outside of council areas

### 4CA—Outside council areas—section 97

For the purposes of section 97(8) of the Act, differential levies may be declared, in relation to an area of rateable land referred to in section 97(6)(d) of the Act, by multiplying the factor specified in column 2 of the following table for the area of rateable land specified in column 1 with such minimum amount payable by way of a levy as may be fixed by the Minister under section 97(9) of the Act.

Area of rateable land	Factor (with which the minimum amount is to be multiplied)
Less than 10 hectares	1
10 or more hectares but less than 100 hectares	3.5
100 or more hectares but less than 100 000 hectares	7
100 000 or more hectares	12

### 4D—Exclusions from operation of section 97 of Act

Land outside council areas of the following classes is excluded from the operation of section 97 of the Act:

- (a) unalienated Crown land;
- (b) land used or held by the Crown or an instrumentality of the Crown for a public purpose (including an educational purpose), except any such land that is held or occupied by the Crown or instrumentality under a lease or licence;
- (c) land that is exempt from rates or taxes under the *Recreation Grounds Rates and Taxes Exemption Act 1981*;
- (d) land occupied or held by an emergency services organisation under the *Fire and Emergency Services Act 2005*;
- (e) land that is exempt from the operation of section 97 under another Act;

- (f) land that constitutes less than the whole of a single allotment.

#### 4E—Remissions—contiguous land

If OC-NRM levies based on a factor referred to in section 97(6)(b) or (c) of the Act are declared in respect of 2 or more pieces of contiguous rateable land (being land that is owned by the same owner and occupied by the same occupier), the Minister must remit the levies in respect of all but 1 piece of rateable land.

#### 4F—Remissions—single farm enterprises

- (1) If OC-NRM levies based on the factor referred to in section 97(6)(b) of the Act are declared in respect of a single farm enterprise, the Minister must remit the levies in respect of all but 1 piece of rateable land forming part of the single farm enterprise.
- (2) Subregulation (1) only applies if the Minister is satisfied, on application to the Minister and by provision of such information or evidence as the Minister may reasonably require, that the relevant land is a single farm enterprise.
- (3) If the grounds on which the relevant land is taken to be a single farm enterprise cease to exist, the person liable to pay an OC-NRM levy in respect of the land must inform the Minister of that fact as soon as is reasonably practicable.  
Maximum penalty: \$5 000.
- (4) For the purposes of this regulation, a reference to a *single farm enterprise* is a reference to 2 or more pieces of rateable land—

(a) which—

- (i) are farm land; and
- (ii) are farmed as a single enterprise; and
- (iii) are occupied by the same person or persons,  
whether or not the pieces of land are contiguous; or

(b) which—

- (i) as to all the pieces except 1, are farm land farmed as a single enterprise occupied by the same person or persons; and
- (ii) as to 1 piece contiguous with at least 1 of the other pieces, is the principal place of residence of that person or 1 of those persons.

- (5) In this regulation—

*farm land* has the same meaning as in the *Local Government Act 1999*.

#### 4G—Minister may recover costs

Without limiting any other provision of the Act or these regulations, a regional NRM board is liable to pay to the Minister an amount determined by the Minister to be the reasonable costs incurred by the Minister with respect to the collection of an OC-NRM levy.



## Division 3—Levies in respect of water

### 4H—Special purpose water levy

The consent referred to in section 103(5) of the Act must be in a form determined by the Minister.

### 4I—Recovery costs

- (1) The Minister may from time to time, by notice in the Gazette, determine a charge that may be imposed on account of any steps that may be taken by the Department in the administration of the Act if a person fails to pay an NRM water levy in accordance with the requirements of the Act.
- (2) The charge must not exceed the Minister's determination of the reasonable costs to the Department in taking the relevant steps.
- (3) The charge will be recoverable as a debt due to the Crown.

## Division 4—Special provisions

### 5—Interest payable in cases of default

- (1) Interest accrues on an unpaid levy and on an unpaid instalment of levy under section 110 of the Act from the date stated for payment of the levy or instalment in the notice imposing the levy or instalment.
- (2) Interest accrues on unpaid interest under section 110 of the Act at six monthly intervals from the date referred to in subregulation (1).
- (3) Any interest—
  - (a) that accrues under subregulation (1) or (2); or
  - (b) that is liable to be paid under section 123(16), 183(13), 185(4), 194(5)(a), 196(5)(a) or 197(9)(a) of the Act,

will be interest equal to the prime bank rate for the relevant financial year, calculated in respect of each month (or part of a month) for which the relevant amount remains unpaid.

### 6—Levy first charge on land

- (1) The charge created by section 112 of the Act will correspond to a mortgage in favour of the Minister over the relevant land that ranks ahead of any registered mortgage, encumbrance or charge.
- (2) For the purposes of subregulation (1), the *relevant land* is—
  - (a) in the case of an OC-NRM levy—the land in respect of which the levy has been imposed;
  - (b) in the case of an NRM water levy—the land where the water is used or applied.

## Division 5—Related matters

### 8A—Refund of levies

- (1) In this regulation—

*donation* means a gift for no consideration.

*environmental donations entitlement* means an environmental donations entitlement under the *Natural Resources Management (General) Regulations 2005*.

- (2) For the purposes of section 114 of the Act—

- (a) the donation of the whole or a part of a water access entitlement or a water allocation to the holder of an environmental donations entitlement (for water to be used for environmental purposes); and
- (b) the variation of conditions attached to a water licence or water allocation so that the licence or the water allocation will become an environmental donations entitlement,

are recognised as natural resources management practices on which an application for a refund of a water levy may be based.

- (3) The maximum proportion of a water levy that may be subject to a refund (the *eligible levy amount*) is equal to the proportion of the allocation or water access entitlement donated, or within the ambit of the relevant condition, in the manner contemplated by subregulation (2).
- (4) The amount of any refund will be determined according to the following table:

<b>Date within the relevant financial year on which the donation or variation of conditions takes effect</b>	<b>Percentage of eligible levy amount payable</b>
1 July—10 July	100
11 July—31 October	75
1 November—31 January	50
1 February—31 March	25
1 April—30 June	0

### 9—Recovery of penalty under section 115

Pursuant to section 115(5) of the Act, the following sections of Chapter 5 of the Act are prescribed:

- (a) section 106;
- (b) section 110;
- (c) sections 112 and 113;
- (d) section 116.

## Part 2A—Statutory funds

### 10—NRM Fund

For the purposes of section 117(2)(e) of the Act, the prescribed percentage is 100%.

## Part 3—Meters

### 11—Supply and installation of meters

- (1) In order to determine the quantity of water taken for the purposes of the Act the Minister may—
  - (a) supply, install or seal a meter; or
  - (b) by written notice, direct a person to supply or install a meter.
- (2) The Minister may require—
  - (a) an owner of land on which a meter supplied by the Minister is installed; or
  - (b) a person who is the holder of a water management authorisation, or who has the benefit of a water management authorisation, in respect of which any volume of water is to be measured by a meter supplied by the Minister (if not an owner of the relevant land),

to pay any costs involved with the supply, installation or sealing of the meter, which will then become a debt due by the owner of land under paragraph (a) or the person under paragraph (b) (as the case requires) to the Crown.
- (3) A meter supplied by the Minister remains the property of the Minister unless all relevant costs are paid under subregulation (2) or the Minister transfers property in the meter to another person.

### 12—Meters owned by Minister

- (1) A person who is the holder of a water management authorisation, or who has the benefit of a water management authorisation, in respect of which a meter owned by the Minister is to be used to measure the quantity of water taken or used in connection with the water management authorisation is liable for rent for the meter comprised of the prescribed fee.
- (2) The Minister may enter land on which a meter owned by the Minister is installed to read, inspect, service, test, maintain, seal, repair or replace the meter.
- (3) In this regulation—

*prescribed fee* means the fee prescribed by regulation under the Act.

### 13—Meters owned by other persons

- (1) The Minister may enter land on which a meter owned by a person other than the Minister is installed to read, inspect or seal the meter.
- (2) The Minister may, by notice in writing, direct a person to service, test, maintain, repair, replace or adjust a meter being used by the person if in the Minister's opinion such action is necessary.

## 14—Provisions applying to meters generally

- (1) Where a meter is used to measure the quantity of water taken or used at a particular place then—
  - (a) a person must not take water except through the meter;
  - (b) a person must not adjust or alter the meter, or tamper with a seal fixed to the meter, without the authority of the Minister;
  - (c) a person must not damage or destroy the meter;
  - (d) a person must not—
    - (i) cut through or into a pipe to which this paragraph applies;
    - (ii) install a fitting providing access to the inside of a pipe to which this paragraph applies;
    - (iii) change the configuration of, remove, or interfere in any other way with, a pipe to which this paragraph applies,without the authority of the Minister.
- (2) Subregulation (1)(d) applies to—
  - (a) the pipe connecting the water resource from which water is taken to the meter; and
  - (b) the pipe on the other side of the meter to (and including) the S bend in the pipe or, where there is no S bend, the first T junction or elbow in the pipe, or any other distance of pipe determined in accordance with a specification approved by the Minister.
- (3) A person must not—
  - (a) remove a meter without the authority of the Minister;
  - (b) replace a meter without the authority of the Minister.
- (4) In addition, any responsible person in relation to a meter—
  - (a) must not permit sand, soil or any other material to be deposited on or around the meter; and
  - (b) must not permit deposits of sand, soil or any other material to build up around the meter; and
  - (c) must keep vegetation cleared away from the meter.
- (5) If a meter or its associated infrastructure is damaged or destroyed, a responsible person in relation to the meter must, at the written direction of the Minister, repair or replace the meter or its associated infrastructure.
- (6) In this regulation—

***associated infrastructure*** means any infrastructure, pipe or connecting part related to a meter that the Minister determines to be necessary to maintain the accuracy of a meter;

*responsible person* in relation to a meter means—

- (a) an owner of land on which the meter is installed, other than the Crown or an agency or instrumentality of the Crown; and
- (b) the person who is the holder of the water management authorisation, or who has the benefit of the water management authorisation, in relation to which a meter is required.

### **15—Requirements as to installation, repair, testing etc of meters**

- (1) If a person is required to comply with a direction under this Part to supply and install a meter or to replace a meter, the new meter must—
  - (a) be rated by the manufacturer to an accuracy of at least plus or minus 2.5%; and
  - (b) meet any other specifications approved by the Minister.
- (2) If a person is required to comply with a direction under this Part to install a meter, the meter must be installed in accordance with specifications approved by the Minister.
- (3) If a person is required to comply with a direction under this Part to service, test, repair, replace or adjust a meter or its associated infrastructure, the person must employ a competent person approved by the Minister to do the testing or work and the testing or work must be done in accordance with specifications approved by the Minister.
- (4) A person who is required to comply with a direction under this Part to service or repair a meter must ensure that only parts that are supplied or approved by the manufacturer of the meter are used.
- (5) If a person is required to comply with a direction under this Part to maintain a meter, he or she must maintain the meter in accordance with specifications approved by the Minister.
- (6) In this regulation—

*associated infrastructure* means any infrastructure, pipe or connecting part related to a meter that the Minister determines to be necessary to maintain the accuracy of a meter.

### **16—Testing requirements**

- (1) The following requirements are prescribed for the purposes of section 106(5) of the Act.
- (2) The Minister must be given notice (in a manner and form determined by the Minister) at least 48 hours before the commencement of work to remove a meter for testing.
- (3) The security seals attached to the meter may only be removed by a person approved by the Minister.
- (4) The meter must be read—
  - (a) by a person approved by the Minister; or
  - (b) by the relevant person,immediately before it is removed.

- (5) The reading obtained under subregulation (4) must be provided in writing to the Minister within a period determined by the Minister.
- (6) The meter must be tested by a competent person approved by the Minister.
- (7) The meter must be tested within 5 business days after it is removed or within a longer period determined by the Minister.
- (8) The meter must be tested in accordance with any specifications approved by the Minister.
- (9) A certificate relating to the testing must be provided to the Minister within 10 business days after the meter is tested or within a longer period determined by the Minister.
- (10) The certificate must be in a form determined or approved by the Minister.
- (11) If the meter is found to be outside an accuracy rating of plus or minus 4%, the meter must not be reinstalled unless or until—
  - (a) the meter is refurbished in accordance with a specification approved by the Minister; and
  - (b) the Minister is provided with a certificate of accuracy (certifying the accuracy of the meter to plus or minus 4%).
- (12) The meter must be reinstalled in accordance with specifications approved by the Minister.
- (13) If the security seal that connects the meter register to the meter body is broken at any stage relating to the removal, testing, refurbishment or reinstallation of a meter, the seal must be replaced by a person approved by the Minister.
- (14) The meter must be read—
  - (a) by a person approved by the Minister; or
  - (b) by the relevant person,immediately after it is reinstalled.
- (15) The reading obtained under subregulation (14) must be provided in writing to the Minister within a period determined by the Minister.
- (16) Despite a preceding subregulation—
  - (a) a meter may, with the approval of the Minister, be tested without being removed; and
  - (b) any such testing of a meter on site must be conducted in accordance with any specifications approved by the Minister (including, without limitation, as to the accuracy rating of the meter); and
  - (c) if a meter tested under this subregulation is found to be outside the accuracy rating specified by the Minister under paragraph (b)—
    - (i) the meter must be refurbished in accordance with specifications approved by the Minister; and
    - (ii) if the meter is removed as part of its refurbishment, the meter must be reinstalled in accordance with specifications approved by the Minister; and

- (iii) the Minister must, after the refurbishment of the meter, be provided with a certificate of accuracy (certifying the accuracy of the meter to within an accuracy rating set out in specifications approved by the Minister).

(17) In this regulation—

*relevant person* means the person who is liable to pay the relevant levy, as contemplated by section 106(5) of the Act.

#### **16A—Minister's specifications**

For the purposes of this Part, specifications approved by the Minister may be of general, limited or varied application according to—

- (a) whether the meter is tested on site or following the meter's removal; or
- (b) any other specified circumstances or factor to which the Minister's specifications are expressed to apply.

#### **17—Compliance with Part**

- (1) A person who fails to comply with a direction of the Minister under this Part or who contravenes or fails to comply with a provision of this Part is guilty of an offence.  
Maximum penalty: \$5 000.  
Expiation fee: \$250.
- (2) Subregulation (1) does not apply in relation to regulation 16 (which is subject to enforcement under section 106(5) of the Act).
- (3) If a person fails to comply with a direction of the Minister under this Part or contravenes or fails to comply with a provision of this Part, the Minister may enter the land concerned and take such action as the Minister thinks fit to remedy the contravention or failure and the Minister's costs will be a debt due to the Crown by the person who has contravened or failed to comply with the provision or failed to comply with the direction.

### **Part 4—Exemption from levy**

#### **19—Exemption from levy—2008/2009**

- (1) Subject to subregulation (2), a person who is the holder of a water licence that—
  - (a) has been granted in respect of a well in the prescribed area; and
  - (b) is endorsed with a water (taking) allocation for irrigation purposes,is exempt from the requirement to pay a levy declared under section 101 of the Act for the 2008/2009 financial year in relation to the licence to the extent that the levy is based on the right to take water for irrigation purposes under the licence.
- (2) An exemption under subregulation (1) is subject to the following conditions:
  - (a) that the holder of the licence pay to the Minister an amount calculated as follows:
$$A = WA (LR - OS)$$
where—

*A* is the amount to be paid

*WA* is the amount of water (expressed in megalitres) allocated to the person for irrigation purposes under the licence for the 2008/2009 financial year

*LR* is the relevant levy rate (per megalitre) that applies under Column C of Table 1

*OS* is—

- (i) if the water allocation is from the Coonalpyn management area—\$0.0312 per megalitre of allocation;
- (ii) if the water allocation is from the Sherwood management area—\$0.1086 per megalitre of allocation;
- (iii) if the water allocation is from the Tauragat management area—\$1.05 per megalitre of allocation;
- (iv) if the water allocation is from the Tintinara management area—\$0.0640 per megalitre of allocation;
- (v) if the water allocation is from any other area—nil,

and if the holder of the licence has an allocation that will relate to more than 1 crop during the 2008/2009 financial year (as determined by the Minister for the purposes of making the allocation), then there will be an amount payable with respect to each of the relevant circumstances that apply under Table 1;

- (b) that any amount payable under paragraph (a) be paid by the holder of the licence to the Minister by a date and in a manner specified by the Minister by a notice served on the holder of the licence for the purposes of this regulation.

- (3) In this regulation—

*megalitre* means 1 000 kilolitres;

*prescribed area* means the Tintinara Coonalpyn Prescribed Wells Area (see the *Water Resources (Tintinara Coonalpyn Prescribed Wells Area) Regulations 2000*).

**Table 1—2008/2009 levy rate for irrigation allocation**

A Type of crop	B Irrigation system used	C Levy rate \$/ML
Cucumber	S	\$1.37
Native flowers	D	\$1.26
Lawn/Turf	S	\$1.47
Lucerne	C/S T/F	\$1.34 \$1.11
Maize (Oct)	C	\$0.64
Nursery	N/A	\$1.07
Olive	D/S	\$1.07
Onion (Sep)	C T	\$0.64 \$0.57



A Type of crop	B Irrigation system used	C Levy rate \$/ML
Onion	D	\$0.65
Pasture/Dairy	C	\$1.25
Pasture	S	\$1.34
Potato	C	\$0.89
Potato (Nov)	C	\$0.89
Potato ("Nadine")	C	\$0.81
Starter Crop	P/T	\$1.11
Tomato (Nov)	FR	\$1.05
Vegetables	S	\$1.05
Vines	D/S	\$1.69

*D* indicates a drip irrigation system

*C* indicates a centre pivot irrigation system

*F* indicates a flood irrigation system

*FR* indicates a furrow irrigation system

*N/A* indicates that there is no applicable irrigation system

*S* indicates a sprinkler or spray irrigation system

*T* indicates a travelling irrigation system

*ML* represents megalitres

## 20—Exemption from levy—2009/2010

- (1) Subject to subregulation (2), a person who is the holder of a water licence that—
- (a) has been granted in respect of a well in the prescribed area; and
  - (b) is endorsed with a water (taking) allocation for irrigation purposes,
- is exempt from the requirement to pay a levy declared under section 101 of the Act for the 2009/2010 financial year in relation to the licence to the extent that the levy is based on the right to take water for irrigation purposes under the licence.
- (2) An exemption under subregulation (1) is subject to the following conditions:
- (a) that the holder of the licence pay to the Minister an amount calculated as follows:
$$A = WA \times LR$$

where—

*A* is the amount to be paid

*WA* is the amount of water (expressed in megalitres) allocated to the person for irrigation purposes under the licence for the 2009/2010 financial year

*LR* is the relevant levy rate (per megalitre) that applies under Column C of Table 1;

(b) that any amount payable under paragraph (a) be paid by the holder of the licence to the Minister by a date and in a manner specified by the Minister by a notice served on the holder of the licence for the purposes of this regulation.

(3) In this regulation—

*megalitre* means 1 000 kilolitres;

*prescribed area* means the Tintinara Coonalpyn Prescribed Wells Area (see the *Water Resources (Tintinara Coonalpyn Prescribed Wells Area) Regulations 2000*).

**Table 1—2009/2010 levy rate for irrigation allocation**

A Type of crop	B Irrigation system used	C Levy rate \$/ML
Cucumber	S	\$1.53
Native flowers	D	\$1.41
Lawn/Turf	S	\$1.64
Lucerne	C/S	\$1.50
	T/F	\$1.24
Maize (Oct)	C	\$0.72
Nursery	N/A	\$1.19
Olive	D/S	\$1.19
Onion (Sep)	C	\$0.73
	T	\$0.64
Onion	D	\$0.73
Pasture/Dairy	C	\$1.39
Pasture	S	\$1.50
Potato	C	\$1.00
Potato (Nov)	C	\$1.00
Potato ("Nadine")	C	\$0.91
Starter Crop	P/T	\$1.24
Tomato (Nov)	FR	\$1.18
Vegetables	S	\$1.18
Vines	D/S	\$1.89
Cereals		\$1.97
Fodder		\$1.50
Oil seeds		\$1.77

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<b>A</b> <b>Type of crop</b>	<b>B</b> <b>Irrigation system used</b>	<b>C</b> <b>Levy rate</b> <b>\$/ML</b>
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*D* indicates a drip irrigation system

*C* indicates a centre pivot irrigation system

*F* indicates a flood irrigation system

*FR* indicates a furrow irrigation system

*N/A* indicates that there is no applicable irrigation system

*S* indicates a sprinkler or spray irrigation system

*T* indicates a travelling irrigation system

*ML* represents megalitres

## 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 or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2005	153	<i>Gazette 30.6.2005 p2232</i>	1.7.2005: r 2
2005	243	<i>Gazette 24.11.2005 p4018</i>	24.11.2005: r 2
2006	18	<i>Gazette 2.2.2006 p424</i>	2.2.2006: r 2
2006	69	<i>Gazette 8.6.2006 p1624</i>	8.6.2006: r 2
2006	84	<i>Gazette 15.6.2006 p1713</i>	1.7.2006: r 2
2007	35	<i>Gazette 12.4.2007 p1171</i>	12.4.2007: r 2
2007	161	<i>Gazette 7.6.2007 p2568</i>	1.7.2007: r 2
2007	170	<i>Gazette 14.6.2007 p2621</i>	14.6.2007: r 2
2007	306	<i>Gazette 13.12.2007 p4845</i>	13.12.2007: r 2
2008	122	<i>Gazette 5.6.2008 p2108</i>	1.7.2008: r 2
2009	128	<i>Gazette 4.6.2009 p2586</i>	1.7.2009: r 2
2009	173	<i>Gazette 11.6.2009 p2734</i>	11.6.2009: r 2
2009	175	<i>Gazette 11.6.2009 p2794</i>	1.7.2009: r 2
2010	7	<i>Gazette 28.1.2010 p329</i>	28.1.2010: r 2
2010	81	<i>Gazette 10.6.2010 p2758</i>	1.7.2010: r 2
2010	162	<i>Gazette 24.6.2010 p3243</i>	24.6.2010: r 2
2010	264	<i>Gazette 16.12.2010 p5715</i>	16.12.2010: r 2
2011	90	<i>Gazette 9.6.2011 p2134</i>	1.7.2011: r 2
2012	119	<i>Gazette 31.5.2012 p2456</i>	1.7.2012: r 2
2013	71	<i>Gazette 6.6.2013 p2153</i>	1.7.2013: r 2
2014	177	<i>Gazette 19.6.2014 p2753</i>	1.7.2014: r 2
2015	133	<i>Gazette 18.6.2015 p2740</i>	1.7.2015: r 2
2016	29	<i>Gazette 12.5.2016 p1448</i>	12.5.2016: r 2
2016	98	<i>Gazette 23.6.2016 p2247</i>	1.7.2016: r 2
2016	283	<i>Gazette 15.12.2016 p5004</i>	15.12.2016: r 2
2017	177	<i>Gazette 22.6.2017 p2472</i>	1.7.2017: r 2
2018	126	<i>Gazette 21.6.2018 p2343</i>	Sch 2 (cll 2 & 3)—1.7.2018: r 2

## Provisions varied

New entries appear in bold.

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

Provision	How varied	Commencement
Pt 1		
r 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	24.11.2005
r 3		
r 3(1)	r 3 redesignated as r 3(1) by 7/2010 r 4(3)	28.1.2010
allotment	inserted by 7/2010 r 4(1)	28.1.2010
contiguous land	inserted by 283/2016 r 4(1)	15.12.2016
<i>rateable land</i>	<i>inserted by 7/2010 r 4(2)</i>	28.1.2010
	<i>deleted by 283/2016 r 4(2)</i>	15.12.2016
r 3(2)	inserted by 7/2010 r 4(3)	28.1.2010
Pt 2		
heading	substituted by 283/2016 r 5	15.12.2016
Pt 2 Div 1	inserted by 283/2016 r 5	15.12.2016
r 4A	<i>r 4AA inserted by 69/2006 r 4</i>	8.6.2006
	<i>r 4AA redesignated as r 4A by 170/2007 r 4</i>	14.6.2007
	<i>deleted by 283/2016 r 6</i>	15.12.2016
r 4B		
r 4B(1)	inserted by 29/2016 r 4(1)	12.5.2016
r 4B(2)	r 4B inserted by 170/2007 r 7	14.6.2007
	r 4B redesignated as r 4B(2) by 29/2016 r 4(1)	12.5.2016
r 4B(3)	inserted by 29/2016 r 4(2)	12.5.2016
r 4C	r 4A inserted by 18/2006 r 4	2.2.2006
	r 4A redesignated as r 4C by 170/2007 r 5	14.6.2007
Pt 2 Div 2		
heading	inserted by 283/2016 r 7	15.12.2016
r 4CA	inserted by 29/2016 r 5	12.5.2016
r 4D	r 4B inserted by 18/2006 r 4	2.2.2006
	r 4B varied by 69/2006 r 5	8.6.2006
	r 4B redesignated as r 4D by 170/2007 r 6	14.6.2007
	substituted by 7/2010 r 5	28.1.2010
r 4E	inserted by 7/2010 r 5	28.1.2010
	varied by 264/2010 r 4	16.12.2010
rr 4F and 4G	inserted by 7/2010 r 5	28.1.2010
Pt 2 Div 3	inserted by 283/2016 r 8	15.12.2016
Pt 2 Div 4		
heading	inserted by 283/2016 r 8	15.12.2016

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<i>rr 7 and 8</i>	<i>deleted by 283/2016 r 9</i>	<i>15.12.2016</i>
Pt 2 Div 5		
heading	inserted by 283/2016 r 10	15.12.2016
r 8A	inserted by 243/2005 r 4	24.11.2005
r 8A(1)		
<i>environmental donations licence</i>	<i>deleted by 175/2009 r 4(1)</i>	<i>1.7.2009</i>
environmental donations entitlement	inserted by 175/2009 r 4(1)	1.7.2009
r 8A(2)	varied by 175/2009 r 4(2)	1.7.2009
r 8A(3)	varied by 175/2009 r 4(3)	1.7.2009
<i>r 8A(5)</i>	<i>deleted by 175/2009 r 4(4)</i>	<i>1.7.2009</i>
Pt 2A		
heading	inserted by 283/2016 r 11	15.12.2016
Pt 3		
r 11		
r 11(2)	varied by 175/2009 r 5(1), (2)	1.7.2009
r 12		
r 12(1)	substituted by 175/2009 r 6	1.7.2009
	varied by 126/2018 Sch 2 cl 2(1)	1.7.2018
<b>r 12(2)</b>	<b>varied by 157/2019 r 4</b>	<b>1.7.2019</b>
r 12(3)	inserted by 126/2018 Sch 2 cl 2(2)	1.7.2018
<b>r 13</b>		
<b>r 13(2)</b>	<b>varied by 157/2019 r 5</b>	<b>1.7.2019</b>
r 14		
r 14(1)	varied by 175/2009 r 7(1)	1.7.2009
<b>r 14(5)</b>	<b>varied by 157/2019 r 6(1), (2)</b>	<b>1.7.2019</b>
r 14(6)		
<b>associated infrastructure</b>	<b>inserted by 157/2019 r 6(3)</b>	<b>1.7.2019</b>
responsible person	varied by 175/2009 r 7(2)	1.7.2009
<b>r 15</b>		
<b>r 15(1)</b>	<b>varied by 157/2019 r 7(1)</b>	<b>1.7.2019</b>
<b>r 15(3)</b>	<b>varied by 157/2019 r 7(2)—(4)</b>	<b>1.7.2019</b>
<b>r 15(6)</b>	<b>inserted by 157/2019 r 7(5)</b>	<b>1.7.2019</b>
<b>r 16</b>		
<b>r 16(8)</b>	<b>varied by 157/2019 r 8(1)</b>	<b>1.7.2019</b>
<b>r 16(11)</b>	<b>varied by 157/2019 r 8(1)—(3)</b>	<b>1.7.2019</b>
<b>r 16(13)</b>	<b>substituted by 157/2019 r 8(4)</b>	<b>1.7.2019</b>
<b>r 16(16)</b>	<b>substituted by 157/2019 r 8(5)</b>	<b>1.7.2019</b>
<b>r 16A</b>	<b>inserted by 157/2019 r 9</b>	<b>1.7.2019</b>
Pt 4	inserted by 35/2007 r 4	12.4.2007
<i>r 18</i>	<i>deleted by 162/2010 r 4</i>	<i>24.6.2010</i>

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r 19	inserted by 306/2007 r 4	13.12.2007
	substituted by 173/2009 r 4	11.6.2009
r 20	inserted by 162/2010 r 5	24.6.2010
<i>Sch 1</i>	<i>substituted by 84/2006 r 4</i>	<i>1.7.2006</i>
	<i>substituted by 161/2007 r 4</i>	<i>1.7.2007</i>
	<i>substituted by 122/2008 r 4</i>	<i>1.7.2008</i>
	<i>substituted by 128/2009 r 4</i>	<i>1.7.2009</i>
	<i>substituted by 81/2010 r 4</i>	<i>1.7.2010</i>
	<i>substituted by 90/2011 r 4</i>	<i>1.7.2011</i>
	<i>substituted by 119/2012 r 4</i>	<i>1.7.2012</i>
	<i>substituted by 71/2013 r 4</i>	<i>1.7.2013</i>
	<i>substituted by 177/2014 r 4</i>	<i>1.7.2014</i>
	<i>substituted by 133/2015 r 4</i>	<i>1.7.2015</i>
	<i>substituted by 98/2016 r 4</i>	<i>1.7.2016</i>
	<i>substituted by 177/2017 r 4</i>	<i>1.7.2017</i>
	<i>deleted by 126/2018 Sch 2 cl 3</i>	<i>1.7.2018</i>

## Historical versions

24.11.2005  
 2.2.2006  
 8.6.2006  
 1.7.2006  
 12.4.2007  
 14.6.2007  
 1.7.2007  
 13.12.2007  
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 15.12.2016  
 1.7.2017  
 1.7.2018

