

South Australia

# Ground Water (Qualco-Sunlands) Control Regulations 2018

under the *Ground Water (Qualco-Sunlands) Control Act 2000*

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Ground Water (Qualco-Sunlands) Control Regulations 2018*.

### 2—Commencement

These regulations come into operation on the day on which they are made.

### 3—Interpretation

In these regulations, unless the contrary intention appears—

*Act* means the *Ground Water (Qualco-Sunlands) Control Act 2000*;

*notional maintenance costs* for a contribution year means the amount determined by the Trust under regulation 4 in respect of that year;

*perched water table* means the water table of the accumulation of underground water above the layer of Blanchetown Clay in the Scheme Area.

## Part 2—Sharing costs of Scheme

### 4—Determination of notional cost

The Trust must determine in respect of each contribution year an amount (which is to be a notional amount for the purposes of this Part) that in its opinion will be required to cover the cost of pumping sufficient water into the disposal basins to prevent any increase in the volume of the ground water mound and the underground water above the layer of Blanchetown Clay in the Scheme Area during that year.

### 5—Sharing costs of Scheme

The notional maintenance costs for a contribution year are shared between the owners and occupiers of the category 1 land in proportion to the risk management allocations attached to their respective land at the commencement of that year.

### 6—Liability for unauthorised use of water

If the use of water to irrigate land in a water usage year was unauthorised (see section 50 of the Act) the owner and occupier of the land on which the water was used are liable to pay an amount calculated according to the following formula:

$$A = P \times UW \times UR$$

Where

*A* is the amount

*P* is—

- (a) if the total quantity of water used to irrigate the land concerned over the relevant block of 3 consecutive water usage years is 110% or less of the total quantity of water authorised for irrigation during that block of 3 years—1; or
- (b) if the percentage referred to in paragraph (a) is greater than 110% or no water was authorised for irrigation of the land concerned by a risk management allocation during the relevant block of 3 consecutive water usage years—3;

*UW* is the quantity of unauthorised water (expressed in megalitres) used, or taken to be used, in the water usage year on the land

*UR* is the unauthorised rate and is the rate per megalitre payable by the owners and occupiers of the category 1 land for the relevant contribution year under regulation 5.

## Part 3—Categories of land

### 7—Categories of land

- (1) Irrigated land in the Scheme Area is divided into category 1 land and category 2 land.

- (2) The division of irrigated land under subregulation (1) is based on the classification of irrigated land under section 33 of the Act as being at a high, medium or low risk of irrigation induced waterlogging and salinisation in respect of rising levels of the ground water mound and in respect of rising levels of the perched water table so that—
- (a) land is category 1 land if it is—
    - (i) at high risk from rising levels of the ground water mound or the perched water table; or
    - (ii) at medium risk from rising levels of the ground water mound and the perched water table; and
  - (b) land is category 2 land if it is—
    - (i) at medium risk from rising levels of the ground water mound and at low risk from rising levels of the perched water table; or
    - (ii) at low risk from rising levels of the ground water mound but at medium or low risk from rising levels of the perched water table.

## **Part 4—Irrigation declaration**

### **8—Irrigation declaration**

- (1) The Trust must, on or before 30 June in each year, serve on the owner of each irrigated property to which, or to part of which, a risk management allocation is attached a form of irrigation declaration to be completed by the owner in relation to the next contribution year.
- (2) Each owner referred to in subregulation (1) must complete and return the irrigation declaration to the Trust on or before 31 July preceding that contribution year.
- (3) An irrigation declaration—
  - (a) must include the following information:
    - (i) information identifying the area or areas of land comprising the whole or part of the irrigated property (excluding any areas identified under subparagraph (vi)) that are situated in the Scheme Area that are to be irrigated during the current water usage year using water taken pursuant to a water licence;
    - (ii) the category or categories of the land referred to in subparagraph (i) and if more than 1 category is involved, the boundaries of the land in each category;
    - (iii) the method of irrigation (including the method for monitoring irrigation efficiency) to be used and, if more than 1 method is to be used, the area and category of the land to which each method will apply during the current water usage year;
    - (iv) the waterlogging and salinity risk management allocation attached to the land and, if the land is divided into 2 categories, the risk management allocation attached to the land in each category;

- (v) if the risk management allocation in respect of either category of land is less than that declared in the previous year's irrigation declaration—the reason for the reduction;
  - (vi) information identifying the area or areas of land (if any) that are to be irrigated during the current water usage year with zero impact (certified by the Minister) on waterlogging and salinisation of land and salinity levels in the River Murray;
  - (vii) the crop or crops cultivated during the immediately preceding water usage year and the area and category of land on which the crop was, or each of the crops were, cultivated during that year; and
- (b) must state the quantity of water used to irrigate each category of land comprising the irrigated property to which the declaration relates in the water usage year immediately preceding the current water usage year; and
  - (c) may include an application for an increase in the risk management allocation in respect of 1 or both of the categories of land comprising the irrigated property.
- (4) If an owner—
- (a) makes an application under subregulation (3)(c); and
  - (b) is (if the applications by owners cannot be fully satisfied) prepared to accept in partial satisfaction of the application (without prejudice to the owner's right to have the application satisfied in full in subsequent years) a risk management allocation that represents less than the share of the available excess risk management capacity of the Scheme that the owner is entitled to under section 43(8) of the Act,

the owner must state in the irrigation declaration that fact and the risk management allocation that they are prepared to accept.

- (5) If an owner—
- (a) completes and returns an irrigation declaration for a contribution year to the Trust on or before 31 July as required by subregulation (2); and
  - (b) subsequently satisfies the Trust on or before the following 31 August that the declaration includes a genuine error,

the owner may on or before 31 August provide another declaration to the Trust in substitution for the previous declaration that corrects the error but does not make any other changes to the previous declaration.

## **9—Risk management allocations attached to highest risk land**

A new risk management allocation or an increase in an existing allocation referred to in section 45(4) of the Act may be attached to the category of land having the highest degree of risk but only if—

- (a) it is a term of the agreement under that section that the additional risk management allocation be attached to that category of land; and
- (b) the Minister is satisfied that irrigation under the new or increased risk management allocation will not—

- (i) increase the risk of waterlogging or salinisation of any other land having the highest degree of risk in the Scheme Area; or
- (ii) increase the share payable under the Act by any other owner of that category of land.

## Legislative history

### Notes

- 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

| Year | No  | Reference                      | Commencement   |
|------|-----|--------------------------------|----------------|
| 2018 | 202 | <i>Gazette 16.8.2018 p3148</i> | 16.8.2018: r 2 |