

South Australia

Natural Resources Management (Transitional Provisions—Levies) Regulations 2005

under the *Natural Resources Management Act 2004*

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Legislative history

1—Short title

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

3—Interpretation

In these regulations—

Minister means the Minister for Environment and Conservation;

NRM Act means the *Natural Resources Management Act 2004*.

4—Levies in respect of water

- (1) The scheme established by Part 8 Division 1 of the *Water Resources Act 1997* with respect to the declaration of levies under section 122 of that Act will continue in relation to the 2005/2006 financial year, subject to the following provisions:
 - (a) a levy will be payable with respect to water licences or authorisations under the NRM Act (including water licences and authorisations under the *Water Resources Act 1997* that have force and effect by virtue of clause 54 of Schedule 4 of the NRM Act);
 - (b) a levy may operate as if it were declared with respect to a water resource within the NRM region that corresponds to or includes the relevant catchment area of a catchment water management board (being a water resource identified by the Minister in the making of the relevant declaration);
 - (c) the levy may be recovered as if it were declared under Chapter 5 Part 1 Division 2 of the NRM Act;

- (d) a levy, once collected by the Minister, must be paid to the regional NRM board for the region that corresponds to or includes the relevant catchment area (notwithstanding that the levy was set to return an amount stated in a catchment water management plan for the purposes of a catchment water management board).
- (2) Subject to subregulation (3), 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 within the ambit of subregulation (1) for the 2005/2006 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.
- (3) An exemption under subregulation (2) 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 2005/2006 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—
 - (A) the Coonalpyn Management Area—\$0.14 per megalitre of allocation;
 - (B) the Tintinara Management Area—\$0.19 per megalitre of allocation;
 - (C) the Sherwood Management Area—\$0.09 per megalitre of allocation;
 - (ii) 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 one crop during the 2005/2006 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.
- (4) 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—2005/2006 levy rate for irrigation allocation

A Type of crop	B Irrigation system used	C Levy rate \$/ML
Cucumber	S	\$1.12
Native flowers	D	\$1.03
Lawn/Turf	S	\$1.20
Lucerne	C/S (< or = to 2,500mg/L)	\$1.10
	C/S (>2,500mg/L)	\$0.99
	T/F	\$0.91
Maize (Oct)	C	\$0.52
Olive	D/S (< or = to 2,500mg/L)	\$0.87
	D/S (>2,500mg/L)	\$0.74
Onion (Sep)	C	\$0.53
	T	\$0.46
Onion	D	\$0.53
Pasture/Dairy	C	\$1.02
Pasture	S	\$1.10
Potato	C	\$0.73
Potato (Nov)	C	\$0.73
Potato ("Nadine")	C	\$0.66
Starter Crop	C/T	\$0.91
Tomato (Nov)	FR	\$0.86
Vegetables	S	\$0.86
Vines	D/S	\$1.38

- 1 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
 S indicates a sprinkler or spray irrigation system
 T indicates a travelling irrigation system

2 ML represents megalitres

3 mg/L represents milligrams per litre, a measure of salinity

5—Contributions by councils

The scheme established by Part 8 Division 2 of the *Water Resources Act 1997* will continue in relation to the 2005/2006 financial year, subject to the operation of the following provisions:

- (a) a contribution will be payable on the basis of an amount specified in the catchment water management plan notwithstanding that the functions of the catchment water management board may be performed by a regional NRM board on or after 1 July 2005;
- (b) to avoid doubt, a council's share of an amount to be contributed will continue to be reduced in the manner contemplated by section 136 of the *Water Resources Act 1997* and the exemptions under section 138(11) and (12) of that Act will continue to apply;
- (c) an amount to be contributed by a constituent council will be payable to the regional NRM board for the relevant area rather than the relevant catchment water management board and the regional NRM board may use the amount paid by a council for purposes stated in its regional NRM plan (either in respect of the financial year for which it is paid or a subsequent financial year);
- (d) an amount payable to a council under section 139 of the *Water Resources Act 1997* will be payable instead by the regional NRM board for the region that corresponds to or includes the relevant catchment area.

6—Differentiating factors—section 92

- (1) This regulation applies in relation to the 2006/2007 and 2007/2008 financial years.
- (2) For the purposes of applying subsection (3) of section 92 of the NRM Act in respect of a financial year to which this regulation applies, the following are prescribed as matters to be taken into account by the Minister (if the Minister determines to act under that subsection in relation to the constituent councils of a particular region), namely—
 - (a) that the respective shares of those constituent councils with respect to the amount to be paid to the relevant regional NRM board under the board's regional NRM plan may be adjusted so that the share of each council in respect of the financial year (after taking into account any adjustment under paragraph (b)) is approximately equal to the amount contributed (or to be contributed) by the council to the board under Part 8 Division 2 of the *Water Resources Act 1997* in relation to the 2005/2006 financial year, as provided by regulation 5, plus any amount paid (or to be paid) by the council to the board under the scheme established by section 36 of the *Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986* in relation to the 6 month period ending on 31 December 2005 and the 6 month period ending on 30 June 2006, as provided by clause 55 of Schedule 4 of the NRM Act, with each of these amounts being adjusted to take into account increases in the CPI—
 - (i) during the 12 months ending on 30 September 2005 for the 2006/2007 financial year; and

- (ii) during the 24 months ending on 30 September 2006 for the 2007/2008 financial year;
 - (b) insofar as the relevant regional NRM board must recover amounts to cover its liabilities under section 96 of the Act, that the respective shares of those constituent councils with respect to the amount to be paid to the board under the board's regional NRM plan may be adjusted so that the share of each council in respect of the financial year—
 - (i) takes into account the amount (if any) that the council is intending to recover under section 96 of the Act in relation to the financial year; or
 - (ii) takes into account the number of rateable properties in the area of each council (being properties that are also situated in the relevant NRM region).
- (3) For the purposes of applying subsection (3) of section 92 of the NRM Act in respect of the 2007/2008 financial year, the following are prescribed as additional matters to be taken into account by the Minister (if the Minister decides to act under that subsection in relation to the constituent councils of a particular region), namely—
 - (a) that the respective shares of those constituent councils with respect to the amount to be paid to the relevant regional NRM board under the board's regional plan may be adjusted so that the share of each council in respect of the 2007/2008 financial year is approximately equal to the amount contributed (or to be contributed) by the council in relation to the 2006/2007 financial year, adjusted to take into account increases to the CPI during the 12 months ending on 30 September 2006; and
 - (b) that, in relation to the City of Port Lincoln and The Corporation of the City of Whyalla, the amount to be contributed by either council may be adjusted so that the share of the council in respect of the 2007/2008 financial year is approximately equal to an amount obtained by multiplying the number of pieces of rateable land in the area of the relevant council (as notified to the Minister by the council for the purposes of Chapter 5 Part 1 Division 1 of the NRM Act for the 2007/2008 financial year) by \$37.

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.

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2005	136	<i>Gazette 9.6.2005 p1778</i>	9.6.2005: r 2
2006	68	<i>Gazette 8.6.2006 p1622</i>	8.6.2006: r 2
2006	182	<i>Gazette 29.6.2006 p2147</i>	29.6.2006: r 2
2007	169	<i>Gazette 14.6.2007 p2619</i>	14.6.2007: 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
<i>r 2</i>	<i>omitted under the Legislation Revision and Publication Act 2002</i>	<i>8.6.2006</i>
r 4		
r 4(1)	r 4 redesignated as r 4(1) by 182/2006 r 4	29.6.2006
r 4(2)—(4)	inserted by 182/2006 r 4	29.6.2006
r 6	inserted by 68/2006 r 4	8.6.2006
r 6(3)	inserted by 169/2007 r 4	14.6.2007

Historical versions

8.6.2006

29.6.2006