

House of Assembly—No 140

As laid on the table and read a first time, 21 September 2005

South Australia

Natural Resources Management (Use of Recycled Water) Amendment Bill 2005

A BILL FOR

An Act to amend the *Natural Resources Management Act 2004*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Natural Resources Management (Use of Recycled Water) Amendment Bill 2005*.

5 2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Natural Resources Management Act 2004*

10 3—Amendment of section 101—Declaration of levies

Section 101—after subsection (13) insert:

(13a) Despite a preceding subsection, if the Minister is served with a notice in the prescribed manner and form by a person—

15 (a) who is the supplier of recycled water within a qualifying market; or

(b) who is the user of recycled water within a qualifying market,

20 the Minister must, with respect to each financial year for which that qualifying market is in existence (as determined at the time of the declaration of the relevant levy), ensure that a levy declared under this section in respect of the taking of water from a water resource, insofar as the taking of the water is from within the area of the qualifying market, is, when considered as a rate per unit of water, at least 5 per cent higher than the rate at which recycled water is available for purchase within the qualifying market.

(13b) For the purposes of subsection (13a), a *qualifying market* is a market for the supply of recycled water through the sale of the water to genuine purchasers at arms length for a value at least equal to fair market value where—

5 (a) the area within which the recycled water can be reasonably supplied is at least 10 square kilometres; and

10 (b) the number of persons who have entered into agreements to purchase, or who could reasonably be expected to purchase, recycled water for use within an area identified for the purposes of paragraph (a) is equal to, or greater than, 10.

(13c) For the purposes of subsections (13a) and (13b), the Minister may consider and rely on such information as the Minister thinks fit, and apply any assumptions determined by the Minister to be reasonable in the circumstances.

15 **Schedule 1—Transitional provision**

1—Application of amendments

The amendments made to the *Natural Resources Management Act 2004* by this Act may apply with respect to the 2005/2006 financial year, and any subsequent financial year.