

South Australia

Water Resources (Exemption) Variation Regulations 2003

under the *Water Resources Act 1997*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Water Resources Regulations 1997* (Gazette 26.6.1997 p 3221) as varied

- 4 Insertion of regulation 28
 - 28 Exemption in relation to the Tintinara Coonalpyn Prescribed Wells Area
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Water Resources (Exemption) Variation Regulations 2003*.

2—Commencement

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

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Water Resources Regulations 1997* (Gazette 26.6.1997 p 3221) as varied

4—Insertion of regulation 28

After regulation 27 insert:

28—Exemption in relation to the Tintinara Coonalpyn Prescribed Wells Area

- (1) Subject to subregulation (2), a person who is the holder of a 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 section 124 of the Act to the extent that the levy declared for the 2002/2003 financial year in relation to the licence was 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:

$$A = NA \times LR$$

where

A is the amount to be paid

NA is the volume of water (expressed in megalitres) notionally allocated to the person for irrigation purposes for the area to which the licence relates taking into account the relevant circumstances referred to in Columns A, B and C of Table 1, being an amount determined by multiplying the notional volume of water allocated per hectare that applies under Column C of Table 1 (depending on the kind of crop identified in Column A of Table 1 and the irrigation system used by the holder of the licence identified in Column B of Table 1) by the number of hectares where water was authorised to be used for irrigation purposes in respect of the period of restriction

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

and if the holder of the licence was authorised to use water for more than one crop during the period of restriction, 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 after the commencement of this regulation.
- (3) Subject to subregulation (4), a person who is the holder of a 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 industrial purposes or for aquaculture,
- is exempt from section 124 of the Act to the extent that the levy declared for the 2002/2003 financial year in relation to the licence was based on the right to take water for industrial purposes or aquaculture (as the case may be) under the licence.
- (4) An exemption under subregulation (3) is subject to the following conditions:
- (a) that the holder of the licence pay to the Minister the amount specified in Table 2 in relation to his or her licence;
 - (b) that an 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 after the commencement of this regulation.
- (5) For the avoidance of doubt, if in respect of a particular area covered by a licence within the ambit of subregulation (1) or subregulation (3) there was no authorisation to use water during the period of restriction for the relevant purpose, then no amount is payable under subregulation (2) or (4) (as the case may be) in relation to water authorised to be used for that purpose.
- (6) Subject to subregulation (7), a person who is the holder of a 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 section 124 to the extent that the levy declared for the 2003/2004 financial year in relation to the licence is based on the right to take water for irrigation purposes under the licence.
- (7) An exemption under subregulation (6) is subject to the following conditions:
- (a) that the holder of the licence pay to the Minister an amount calculated as follows:

Water Resources (Exemption) Variation Regulations 2003

Part 2—Variation of *Water Resources Regulations 1997* (Gazette 26.6.1997 p 3221) as varied

$$A = WA(LR + SL)$$

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 2003/2004 financial year

LR is the relevant levy rate (per megalitre) that applies under Column C of Table 3

SL is—

- (i) if the water allocation is from the unconfined aquifer—\$0.25 per megalitre of allocation;
- (ii) if the water allocation is from the confined aquifer—\$1.50 per megalitre of allocation,

and if the holder of the licence has an allocation that will relate to more than one crop during the 2003/2004 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 3;

- (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 after the commencement of the 2003/2004 financial year.

- (8) In this regulation—

megalitre means 1 000 kilolitres;

period of restriction means the period for which a restriction applied with respect to the prescribed area under section 16 of the Act during the 2002/2003 financial year;

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

Table 1—Calculation of amount payable for irrigation purposes for 2002/2003

A Type of crop	B Irrigation system used	C Notional allocation (ML/ha)	D Levy rate \$/ML
Native Flowers	D	10.82	\$0.90
Lawn/Turf	S	8.46	\$1.04
Lucerne	C/S (< or = to 2,500mg/L)	7.69	\$0.95
	C/S (>2,500mg/L)	8.46	\$0.87
	T/F	9.29	\$0.79

Water Resources (Exemption) Variation Regulations 2003
 Variation of *Water Resources Regulations 1997* (Gazette 26.6.1997 p 3221) as varied—Part 2

A Type of crop	B Irrigation system used	C Notional allocation (ML/ha)	D Levy rate \$/ML
Maize (Oct)	C	8.78	\$0.46
Olive (Fresh)	D/S (< or = to 2,500mg/L)	6.93	\$0.76
	D/S (>2,500mg/L)	8.13	\$0.64
Olive (Oil)	D/S (< or = to 2,500mg/L)	6.32	\$0.74
	D/S (>2,500mg/L)	7.39	\$0.64
Onion (Sep)	C	10.62	\$0.46
	T	12.10	\$0.40
Pasture/Dairy	C	9.95	\$0.88
Potato (Nov)	C	8.16	\$0.63
Potato ("Nadine")	C	8.96	\$0.58
Tomato (Nov)	Fr	11.03	\$0.74
Winegrape	D/S	3.34	\$1.20

Note—

- 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 irrigation system
 T indicates a travelling irrigation system
- 2 ML represents megalitres
- 3 mg/L represents milligrams per litre, a measure of salinity

Table 2—Calculation of amount payable for industrial or aquaculture purposes for 2002/2003

A Licence number	B Amount payable
25059	\$210.00
25087	\$25.20
25094	\$98.00
25032	\$14.44
25033	\$14.44
25063	\$3.50
25081	\$17.76

Water Resources (Exemption) Variation Regulations 2003Part 2—Variation of *Water Resources Regulations 1997* (Gazette 26.6.1997 p 3221) as varied

Table 3—2003/2004 levy rate for irrigation allocation

A Type of crop	B Irrigation system used	C Levy rate \$/ML
Native Flowers	D	\$0.95
Lawn/Turf	S	\$1.10
Lucerne	C/S (< or = to 2,500mg/L)	\$1.01
	C/S (>2,500mg/L)	\$0.92
	T/F	\$0.83
Maize (Oct)	C	\$0.48
Olive (Fresh)	D/S (< or = to 2,500mg/L)	\$0.80
	D/S (>2,500mg/L)	\$0.68
Olive (Oil)	D/S (< or = to 2,500mg/L)	\$0.79
	D/S (>2,500mg/L)	\$0.67
Onion (Sep)	C	\$0.49
	T	\$0.43
Pasture/Dairy	C	\$0.93
Potato (Nov)	C	\$0.67
Potato ("Nadine")	C	\$0.61
Tomato (Nov)	Fr	\$0.79
Winegrape	D/S	\$1.27

Notes—

- 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 irrigation system
T indicates a travelling irrigation system
- 2 ML represents megalitres
- 3 mg/L represents milligrams per litre, a measure of salinity

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 26 June 2003

No 157 of 2003

EC03/0067CS