

South Australia

Natural Resources Management (Transitional Provisions—Levies) Regulations 2005

under the *Natural Resources Management Act 2004*

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1—Short title

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

2—Commencement

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

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

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).

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.

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 9 June 2005

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