

# Regulatory Impact Statement

## *Water Management*

### *Regulations 2019*

**Citation:**

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29 January 2020

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## **SUBMISSIONS**

Submissions are invited on any aspect of this Regulatory Impact Statement and accompanying *Water Management Regulations 2019* in Appendix 2. Comment is especially invited on the potential costs and benefits of the Regulations for business and other sectors of the community.

Submissions must be in writing, be clearly marked and forwarded to:

Office of the General Manager  
Water and Marine Resources  
Department of Primary Industries, Parks, Water and Environment  
GPO Box 44  
Hobart, TAS 7001

Submissions may also be emailed to:

[Water.Enquiries@dpiwre.tas.gov.au](mailto:Water.Enquiries@dpiwre.tas.gov.au)

Submissions must be received by **5.00 p.m., Friday, 21 February 2020**

If you have any queries about this document please contact:

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## ABBREVIATIONS

ADQ	The average daily quantity of water, expressed in ML rounded to 3 decimal places, permitted to be taken under a licence
DPIPWE	Department of Primary Industries, Parks, Water and Environment
ML	Megalitre = 1,000,000 litres
RIS	Regulatory Impact Statement
SLA	<i>Subordinate Legislation Act 1992</i>
WMA	<i>Water Management Act 1999</i>
WMR	Water Management Regulations

## EXECUTIVE SUMMARY

Tasmania is fortunate to be endowed with significant natural resources, including a relative abundance of freshwater.

As a natural resource, freshwater is valuable in numerous ways. It is a vital resource to maintain human life with essential human consumption needs met through reticulated systems or by households accessing water resources on their own behalf. It provides benefits as a cultural and recreational resource. As a necessary input in many commercial processes, including agricultural production, it is valuable from a commercial point of view. Freshwater is also very important in an environmental sense – supporting ecological processes and contributing to the maintenance of natural values.

Clearly, freshwater is useful in a number of ways or for different purposes. For the Government the goal of managing water as a natural resource is to provide for an appropriate balance between the various competing uses of water over the long term. To effectively manage freshwater as a sustainable and useful resource it is necessary to develop a scientific understanding of the resource and to provide for orderly access to the resource.

The Department of Primary Industries, Parks, Water and Environment, as the manager of Tasmania's freshwater resources in accordance with the provisions of the *Water Management Act 1999* has a program to ensure it understands the freshwater resource and the systems which depend on it; and operates a licensing system to ensure that the resource is used in a sustainable way.

The Department faces various costs in managing Tasmania's freshwater resource. In 2018-19 these costs amounted to \$4.96 million. Running an effective freshwater management system provides a range of benefits: for example, commercial users of water make money out of having a right to access a sustainably provided business input; and all Tasmanians share in the benefits of maintaining our waterways in good condition. Consequently, it is reasonable that some of the water management costs be met by taxpayers, and that some of the costs are recovered from the private interests that obtain a direct benefit from the water management work of the Department. This cost recovery is achieved by collecting fees which are set in Regulations established under the *Water Management Act 1999*.

The *Water Management Regulations 2019* provide for the application of fees which recover a proportion of water management costs. Setting and collecting fees of this sort might have an impact on some section(s) of the community and the *Subordinate Legislation Act 1992* requires that a regulatory impact statement is prepared which examines any potential burden, cost or disadvantage that the water management fees might impose.

This Regulatory Impact Statement demonstrates that the fees do impose a cost on water licence holders, but it is appropriate to continue to collect the fees as set out in the Regulations.

Submissions are invited on any aspect of this Regulatory Impact Statement. Comment is especially invited on the potential costs and benefits of the *Water Management Regulations 2019* for households, business and other sectors of the community.

## 1 PURPOSE OF THIS DOCUMENT

The purpose of this Regulatory Impact Statement (RIS) is to describe and examine the *Water Management Regulations 2019* (WMR 2019 – see Appendix 2), assess the likely impact of Part 3 of the WMR 2019 on various sectors, and compare them with alternative regulatory options. The Regulations were prepared by Water and Marine Resources, a Division within the Department of Primary Industries, Parks, Water and Environment (DPIPWE), which is also responsible for administering the *Water Management Act 1999* under which they are made.

Fees detailed in the WMR 2019 include the water licence administrative fee, field management fees for water allocations for both consumptive and non-consumptive uses, water authority fees and miscellaneous fees. Miscellaneous fees include a range of application fees, fees for obtaining copies of documents and fees to register particular notifications.

The *Subordinate Legislation Act 1992* (SLA), in effect, requires all subordinate legislation, such as Regulations, to be assessed on a regular basis. This means that Regulations which are imposed for periods of greater than ten years are re-examined in terms of the impacts they impose. This is the case with the WMR 2019, which continues the fees imposed in the previous *Water Management Regulations 2009*. The assessment involves determining whether the subordinate legislation imposes a significant burden, cost or disadvantage on any sector of the public. If the subordinate legislation's effects are considered to be significant, any impacts on competition and the public must be identified and accounted for in a RIS.

Water and Marine Resources Division has prepared this RIS following advice from the Department of Treasury and Finance that the WMR 2019 could have a significant effect on a sector of the public through the imposition of fees when compared with a situation in which the fees are not imposed. Following this advice, the RIS provides:

- an outline of the objectives of the Regulations;
- a description of their scope;
- an outline of their costs and benefits;
- an assessment of their impact on competition;
- an examination of alternatives to the Regulations; and
- an assessment of the net benefit / least cost and consideration of the public interest.

## 2 BACKGROUND

The current water fee structure was introduced in January 2000 following the proclamation of the *Water Management Act 1999* (WMA). Since this time the Department has undertaken two comprehensive public reviews of the water licence fees. The same general principles that were used when the fees were first established were used to revise the fees in 2003 and 2005. These previous reviews required a RIS for certain fees.

The WMR 2019 were made with no changes to the structure or value<sup>1</sup> of fees compared with those in the WMR 2009. The Regulations were remade in 2019 with a one year sunset clause to allow this RIS process to be completed.

### 2.1 LICENSING STRUCTURE

Water licences provide people with a right to extract water from public water ways. Water licences provide general and specific conditions associated with extracting water. These conditions include factors such as: the amount of water to be extracted, the geographical extraction point; the time of year during which extraction can occur; and the surety (or reliability) categorisation of the water that can be extracted.

Water licence fees are payable for water taken under the authority of a licence issued under Part 6 of the WMA. Broadly water licence fees consist of two components: a fixed administrative charge and a variable management charge related to the water allocated on a licence.

The fixed administrative charge is a standard fixed fee that enables all licensees to be charged the same fee for what is considered to be 'head office' costs incurred in maintaining the State's water licensing system (such as developing and maintaining the licence register, invoicing and receiving licence fees, providing general information on licences and undertaking some planning and management activities).

Regulation 5 of the WMR 2019 currently sets the fixed administrative charge at 71.1 fee units (\$115.18).

The variable management charge relates to the staff salaries and direct regulatory field management costs of Departmental staff in regulating the taking of water across the state and the recoverable costs attributed to water resource assessment activities such as stream gauging and water quality monitoring. Currently the variable management charge varies depending on the amount of water allocated on a licence, purpose of the allocation, how the water is to be taken and location of the water off-take.

Regulations 6, 7, 9 and 10 currently prescribe a range of field management fees, including discounts for multiple water allocations. Fee rebates are also provided in Regulation 13 for small stock and domestic licences.

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<sup>1</sup> The value of fees is prescribed in terms of fee units. The number of fee units for each fee has remained unchanged. The amount of a fee unit is indexed in accordance with the *Fee Units Act 1997*.

## 2.2 OTHER WATER MANAGEMENT FEES

Regulation 11 prescribes miscellaneous fees which are detailed in Schedule 3 of the WMR 2019. The miscellaneous fees include a range of application fees, fees for registering various notifications and fees for obtaining copies of documents in the water register.

## 2.3 DISTRIBUTION OF WATER MANAGEMENT SYSTEM COSTS

Water management contains elements of both public good and private good activities.

Water management activities in Tasmania undertaken by DPIPWE cost around \$5 million each year. Much of the work that is undertaken is for public benefit to ensure that the state's waterways are maintained in a healthy condition and that water is used to provide socio-economic benefits to all Tasmanians. However, there is a significant private benefit component.

Public good activities include those activities that will benefit the broader community including:

- General stream gauging.
- General water quality and river health monitoring.
- Setting environmental flows.
- Developing Water Management Plans.

Private good activities include those activities that directly benefit specific and identifiable groups or individuals or which are required specifically because of the activities of those groups or individuals, including:

- Advising on water rights and dams;
- Issuing water licences and dam permits;
- Maintaining a water licence register;
- Regulating water users; and
- Undertaking targeted stream gauging and water quality monitoring (e.g. activities undertaken to provide specific information to assist in the regulation of water use).

### Public Goods and Private Goods

The public sector provides a wide range of services for various social, political and economic reasons. These services include managing natural resources such as water, fisheries, minerals and forestry.

It is common for government natural resource management functions to include both public good and private good characteristics. A public good can be thought of as something which the private sector will not provide in the quantity that the community considers desirable. Public good benefits are shared widely and without exclusion, and the private sector cannot recover production costs. Things like national defence and population health measures such as vaccination are often put forward as examples. Public goods are usually funded entirely, or subsidised to some extent, by government.

A private good is one which the private sector will efficiently provide in an optimal quantity. For example, food is a private good – using apples to illustrate, the market contains clear signals which allow suppliers to efficiently satisfy demand from people who wish to consume apples. A supplier can extract an appropriate price from the individual who exclusively receives the benefit of consuming a particular apple. Government subsidies would not usually be applied to private goods.

Some of the water management activities undertaken by DPIPWE enables income to be derived by water licensees who have preferential access to a public resource. A proportion of the associated costs need to be recovered directly from the users. Widely accepted principles established for the sharing of the costs of such management activities stipulate,

that, in general, the beneficiary should pay. Thus the public (broader community) should pay for public good activities and private users should pay for private good activities.

In some situations it may not be feasible to recover private good costs from users, for example general costs incurred in managing river levels for recreational users or to support tourism. These user groups are too broad to equitably attribute costs to individuals and the recovery of costs is impractical. In such cases, the costs are usually covered under the public good banner, and are funded by the wider community through the taxation system.

The water licence fee system identifies the costs for public and private good activities to ensure that water licence fees recover a portion of those costs directly attributable to licensees, who directly benefit, often in a commercial sense, from the operation of the water management framework.

#### 2.4 RURAL WATER USE STRATEGY

The development and publication of this RIS is occurring at the same time as the development of a strategy to optimise the use of Tasmania's freshwater resource. This strategy – the Rural Water Use Strategy (RWUS) – has the potential to lead to changes in the water management framework. However, it is not feasible to delay the publication of the RIS to take account of any changes the RWUS may contain. If there are any changes proposed they will be considered in due course and may be implemented through amendments to the Regulations.

The objective of the RWUS project is, in consultation with Tasmania's water resource users and managers, to develop a Strategy to guide our future water management arrangements, ensure integrated, fair and efficient water administration and compliance, deliver water security for farmers and irrigators, and manage our water assets to achieve sustainable outcomes in a changing climate for agricultural growth, the environment and rural communities.

To achieve this, the project will:

- Identify changes to the water management framework that best facilitate growth in agriculture whilst protecting Tasmania's other primary industry sectors; the environment; other water users and the Tasmanian Brand; and
- Review the framework for water management in Tasmania and identify how the water management framework can be improved to deliver benefits and manage risks.

### 3 STATEMENT OF OBJECTIVES

As part of the administration of the water management framework a key objective of the WMR 2019 is to recover a proportion of the cost of implementing the framework. The fees set out in Part 3 of the WMR 2019 recover implementation costs from those people who derive an identifiable, direct benefit from the framework being in place, or whose actions directly create a need for a regulatory activity to occur.

Recovery of costs from the private beneficiaries of natural resource regulation is a widely established and accepted practise.

The WMR 2019 are established under the WMA. The overarching objectives of this suite of legislation is to, in the context of the objectives of Tasmania's resource management and planning system, provide for the use and management of freshwater resources in Tasmania. This includes taking account of the need to maintain the sustainability of the resource; facilitate economic development through the use of freshwater; maintain ecological processes and genetic diversity in freshwater related ecosystems; and provide for the fair, orderly and efficient allocation of water resources to meet the community's needs.

Tasmania undertakes to achieve these objectives through implementing the water management framework under the WMA and the WMR.

The water management framework consists of five key elements.

1. Water licensing and allocation.
2. Monitoring and compliance.
3. Resources assessment.
4. Resource planning.
5. Water policy.

Collectively, these five elements work to achieve the freshwater resource management objectives which are expected by the Tasmanian community.

The objective of the WMR is to partially recover costs associated with implementing the water management framework.

## 4 REGULATORY PROVISIONS

The WMR 2019 remade the fees applying to water management services provided through DPIPW with no substantive change to the fees that were in place immediately prior to their commencement on 1 July 2019.

The fees contained in the Regulations are set out in Tables 1, 2 and 3 below.

Note that for 2019-20 the value of a fee unit is set at \$1.62.

Relevant fees from Queensland, South Australia, New South Wales and Victoria are listed at Appendix 1, to facilitate interested persons comparing water fees between Tasmania and these jurisdictions.

**Table 1 – Water Licence Fees**

Regulation No.	Description of fee	Fee Units (Dollars – 2019-20)
5	Administrative fee	71.1 fee units (\$115.18)
9	Non-consumptive allocation fee	247.5 fee units (\$400.95)
10	Water authority fee	26.38 fee units (\$42.74) per megalitre extracted – maximum fee payable is \$2,672,200 (CPI indexed)

**Table 2 – Field Management Fees - Fee Units (Dollars – 2019-20)**

Regulation 6(1)&(2)			Winter take to in-stream storage					
Region	1	2	3	4	5	6	7	8
Fee	39.2 (\$63.50)	33.4 (\$54.11)	22.8 (\$36.94)	74.1 (\$120.04)	41.6 (\$67.39)	128.9 (\$208.82)	37.4 (\$60.59)	105.7 (\$171.23)
Regulation 6(3)			Winter take - other					
Region	1	2	3	4	5	6	7	8
Fee	19.6 (\$31.75)	16.7 (\$27.05)	11.4 (\$18.47)	37.1 (\$60.10)	20.8 (\$33.70)	64.4 (\$104.33)	18.7 (\$30.29)	52.8 (\$85.54)
Regulation 7			Summer take					
Part of ADQ	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6	Region 7	Region 8
less than or equal	66 fee units (\$106.92)	66 fee units (\$106.92)	66 fee units (\$106.92)	66 fee units (\$106.92)	66 fee units (\$106.92)	66 fee units (\$106.92)	66 fee units (\$106.92)	66 fee units (\$106.92)

to 0.1 ML								
more than 0.1 but less than or equal to 2.0 ML	66 (\$106.92) plus 1 098 x (ADQ – 0.1) fee units	66 (\$106.92) plus 561 x (ADQ – 0.1) fee units	66 (\$106.92) plus 294.4 x (ADQ – 0.1) fee units	66 (\$106.92) plus 1 147.5 x (ADQ – 0.1) fee units	66 (\$106.92) plus 194.9 x (ADQ – 0.1) fee units	66 (\$106.92) plus 207.1 x (ADQ – 0.1) fee units	66 (\$106.92) plus 147.2 x (ADQ – 0.1) fee units	66 (\$106.92) plus 724.4 x (ADQ – 0.1) fee units
more than 2.0 but less than or equal to 5.0 ML	2 152 (\$3 486.24) plus 55 x (ADQ – 2) fee units	1 133 (\$1 835.46) plus 28 x (ADQ – 2) fee units	625 (\$1 012.50) plus 15 x (ADQ – 2) fee units	2 246.5 (\$3 639.33) plus 57.4 x (ADQ – 2) fee units	436 (\$706.32) plus 9.7 x (ADQ – 2) fee units	459.6 (\$744.55) plus 10.4 x (ADQ – 2) fee units	345.6 (\$559.87) plus 7.4 x (ADQ – 2) fee units	1 442.1 (\$2 336.20) plus 36.2 x (ADQ – 2) fee units
more than 5.0 but less than or equal to 20 ML	2 317 (\$3 753.54) plus 28 x (ADQ – 5) fee units	1 217 (\$1 971.54) plus 14 x (ADQ – 5) fee units	669 (\$1 083.78) plus 7 x (ADQ – 5) fee units	2 418.2 (\$3 917.48) plus 28.7 x (ADQ – 5) fee units	465.3 (\$753.79) plus 4.9 x (ADQ – 5) fee units	490.3 (\$794.29) plus 5.2 x (ADQ – 5) fee units	367.4 (\$595.19) plus 3.7 x (ADQ – 5) fee units	1 550.7 (\$2 512.13) plus 18.1 x (ADQ – 5) fee units
more than 20 ML	2 728 (\$4 419.36) plus 14 x (ADQ – 20) fee units	1 427 (\$2 311.74) plus 7 x (ADQ – 20) fee units	780 (\$1 263.60) plus 4 x (ADQ – 20) fee units	2 848.6 (\$4 614.73) plus 14.3 x (ADQ – 20) fee units	538.3 (\$872.05) plus 2.5 x (ADQ – 20) fee units	568.1 (\$920.32) plus 2.5 x (ADQ – 20) fee units	422.6 (\$684.61) plus 1.8 x (ADQ – 20) fee units	1 822.4 (\$2 952.29) plus 9 x (ADQ – 20) fee units

**Table 3 - Miscellaneous Fees**

<b>Section of Act</b>	<b>Description of fee</b>	<b>Fee Units (Dollars – 2019-20)</b>
12	Obtaining copy of or extract from any register kept under section 12 of Act	15 fee units (\$24.30) for each search relating to obtaining a copy or extract
37	Application by a water entity or group of landowners to administer a water management plan	Where the water entity is a Government Business Enterprise, council, statutory authority, company or cooperative, 25 fee units (\$40.50) plus – (a) 30 fee units (\$48.60) for each 0.5 hours spent in processing the application; and (b) 258 fee units (\$417.96) for a notice under section 37 of the Act
45	Providing annual report on activities of a water entity administering a water management plan	25 fee units (\$40.50) plus 20 fee units (\$32.40) for each 0.5 hours spent in checking that the water entity has complied with both the water management plan and the conditions under which it is

		permitted to implement the water management plan
61(1)	Notification of financial interest in licence or water allocation	54 fee units (\$87.48)
61(5)	Notification of removal of financial interest in licence or water allocation	27 fee units (\$43.74)
61(6)	Amendment of notation of financial interest in licence or water allocation	27 fee units (\$43.74)
62	Application for licence (where applicant is seeking water allocation)	(a) 218 fee units (\$353.16) for each water allocation being applied for; and (b) 54 fee units (\$87.48) for each hour spent in processing the application (excluding the first 4 hours); and (c) 214 fee units (\$346.68) where the application requires a notice under section 65 of the Act
62	Application for licence (where applicant is not seeking water allocation)	65 fee units (\$105.30)
70	Application to vary licence as specified	(a) 218 fee units (\$353.16) for each water allocation being varied; and (b) 54 fee units (\$87.48) for each hour spent in processing the application (excluding the first 4 hours); and (c) 214 fee units (\$346.68) where the application requires a notice under section 71 of the Act
90	Temporary water allocation	65.5 fee units (\$106.11) plus an additional fee calculated in accordance with Part 2 of this Schedule
97	Application for approval of transfer of licence or variation of licence on transfer of water allocation –	(a) 65 fee units (\$105.30) where transfer occurs together with change of ownership of licence or water allocation; or (b) 195 fee units (\$315.90) for all other transfers
103	Application for temporary transfer of water allocation by person who does not hold a licence	195 fee units (\$315.90)

I23B	Application for watercourse authority	98.3 fee units (\$159.25) plus 66 fee units (\$106.92) for each additional year that the watercourse authority is sought
I35A(2)(a)	Application for well works permit	189 fee units (\$306.18)
I35D(2)(c)	Request to extend term of well works permit	33 fee units (\$53.46)
I35F(2)(a)	Application to vary well works permit	108 fee units (\$174.96)
I36B(2)(b)	Application for well driller's licence	54 fee units (\$87.48) if applicant holds an Australian well driller's licence  24 fee units (\$38.88) to replace a lost or damaged well driller's licence  140 fee units (\$226.80) for all other applications for well driller's licence
I36F(1)(a)	Fee for renewal of well driller's licence	54 fee units (\$87.48)
I36H(3)(a)	Application to vary well driller's licence	54 fee units (\$87.48) if applicant is seeking additional endorsements  140 fee units (\$226.80) if applicant is seeking to vary the class of licence (whether or not applicant is also seeking additional endorsements)  15 fee units (\$24.30) in any other case
I44	Application for Division 3 permit	381 fee units (\$617.22) plus – (a) 54 fee units (\$87.48) for each hour spent in processing the application (excluding the first 7 hours); and (b) 214 fee units (\$346.68) for a notice under section 145 of the Act.
I51(2)	Application to amend permit application	280 fee units (\$453.60)
I60(2)	Notice of intention to undertake dam works	65 fee units (\$105.30)
I64E(2)	Application to extend term of Division 3 permit	65 fee units (\$105.30)
I64F(3)	Application to amend Division 3 permit (other than to extend or transfer permit)	280 fee units (\$453.60)

164N(2)	Application to transfer permit	65 fee units (\$105.30)
164Q(2)	Application to register offset	95 fee units (\$153.90)
164U(2)	Application to amend registered offset	95 fee units (\$153.90)
171	Application to establish water district	652 fee units (\$1,056.24) plus 54 fee units (\$87.48) for each hour spent processing the application (excluding the first 2 hours)
205	Application to establish trust	136 fee units (\$220.32) plus 54 fee units (\$87.48) for each hour spent processing the application (excluding the first 2.5 hours)
206A	Notification of establishment of trust	258 fee units (\$417.96)
304(1)(d)	Verification of compliance with conditions or requirements of authorisation or water allocation issued under Part 6, Part 6A or Part 8 of Act	65 fee units (\$105.30) for each hour spent verifying compliance

## 5 BENEFITS AND COSTS OF THE REGULATIONS

The benefits and costs associated with Tasmania's water management framework as applied under the WMR 2019 can be viewed from the perspective of water licence holders, the Tasmanian Government and the community generally.

### 5.1 COSTS OF THE REGULATIONS

#### COSTS FACED BY WATER LICENCE HOLDERS – WATER LICENCE FEES

An annual administrative fee is applied to each licence. In 2019-20 this fee will amount to a cost per licence of \$115.18. A rebate of 50 per cent of the cost of the administrative fee is available to licence holders who hold an allocation equating to an ADQ of 0.01ML or less and who use the water allocation exclusively for stock and domestic purposes.

Water allocations which are considered to be non-consumptive, where the water is returned to the watercourse directly after use without any significant reduction in the volume of water taken, attract a fee, in addition to the administrative fee, of \$400.95 in 2019-20. This fee applies to uses such as hydro-electricity generation and certain aquaculture uses. The volumetric cost of this fee is small as the volume of individual allocations for non-consumptive uses are typically large.

The water authority fee applies to licences held by TasWater which were previously held by the three regional water boards. The cost of this fee in 2019-20 is \$42.74 for every megalitre extracted under the relevant licences, up to a prescribed maximum fee amount. The prescribed maximum in 2018-19<sup>2</sup> was \$2 672 200.

TasWater's regulated price for drinking water in 2019-20 is \$1.1162 per kilolitre (\$1 116.20 per megalitre). The water authority fee contributes 3.8 per cent of the volumetric price of reticulated drinking water.

Under the price regulation applied to TasWater the costs of this fee are passed on to customers. According to the Tasmanian Economic Regulator's *Tasmanian Water and Sewerage State of the Industry Report 2017-18*, average residential water consumption was 193 kilolitres. At this rate of consumption, the annual cost of this fee that is passed on to an average household in 2019-20 would be \$8.25.

#### COSTS FACED BY WATER LICENCE HOLDERS – FIELD MANAGEMENT FEES

Field management fees relate directly to activities required to monitor water use. For the purposes of calculating field management fees, as has been the case since 1 January 2000, Tasmania is divided into eight water management regions. The regions are based on catchments as follows:

Region 1 – Arthur-Pieman

Region 2 – Inglis-Cam

Region 3 – Mersey-Forth

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<sup>2</sup> The maximum for 2019-20 will be calculated using consumer price index results for December 2019, which are due to be released on 29 January 2020.

- Region 4 – Meander
- Region 5 – Piper-Ringarooma
- Region 6 – South Esk
- Region 7 – Derwent-South East
- Region 8 – Huon-Gordon

Table 4 below shows estimated field management fee amounts, in dollars, for 2019-20.

**Table 4 – Estimated field management fee amounts – 2019-20**

<b>Regulation 6(1)&amp;(2)</b>			Winter take to in-stream storage					
Region	1	2	3	4	5	6	7	8
\$	63.50	54.11	36.94	120.04	67.39	208.82	60.59	171.23
<b>Regulation 6(3)</b>			Winter take - other					
Region	1	2	3	4	5	6	7	8
\$	31.75	27.05	18.47	60.10	33.70	104.33	30.29	85.54
<b>Regulation 7</b>			Summer take					
Region	1	2	3	4	5	6	7	8
\$ - lower	106.92	106.92	106.92	106.92	106.92	106.92	106.92	106.92
\$ - median	460.23	193.56	138.06	319.86	192.44	306.21	167.53	192.53
\$ - upper	4809.21	1932.87	1354.32	5769.86	1213.10	1102.19	936.21	3259.87

The field management fees for winter take allocations, which might typically be expected to be extracted when water is relatively abundant and taken into storage for use in the summer irrigation season, are modest. They are flat rate fees which, for in-stream dam allocations range in cost from \$36.94 in Region 3 (Mersey-Forth) to \$208.82 in Region 6 (South Esk). For non-in-stream dam allocations, the fees range from \$18.47 Region 3 to \$104.33 in Region 6.

Field management fees for taking water in the summer months vary depending on the volume of water allocated and the location. As shown in Table 4, the median fee in five regions is below \$200. For summer takes, Table 4 also shows the range of licence fees in each water management region. The summer allocation field management fees are higher than winter allocation field management fees to account for the higher compliance load faced by DPIPWV during the summer months when stream flows typically decline and water demand increases.

Box 1 contains examples of field management fees that apply to summer allocations of 8ML, 30ML, 600ML and 2 000ML.

### **Box 1: Examples of summer field management fees**

Example 1 – A single allocation of 8ML is a small allocation for irrigation purposes, however, a significant number of irrigation allocations can be characterised as being small. In 2019-20, the field management fee applying to a 180 day summer allocation of this size is \$106.92 in each of the eight water management regions.

Example 2 – A single allocation of 30ML, which is less than the median summer irrigation allocation. In 2019-20, the field management fee applying to a 180 day summer allocation of 30ML ranges from \$122.82 in Region 7 (Derwent – South East) to \$230.85 in Region 4 (Meander).

Example 3 - A single allocation of 600ML, which is substantially more than the median summer irrigation allocation, but well short of the largest allocations. In 2019-20, the field management fee applying to a 180 day summer allocation of 600ML ranges from \$575.86 in Region 7 (Derwent – South East) to \$3 763.31 in Region 4 (Meander).

Example 4 – A single allocation of 2 000ML, which is a large allocation. Summer irrigation allocations of this size currently only exist in regions 3, 5, 6 and 7. In 2019-20, the field management fee applying to a 180 day summer allocation of 2 000ML ranges from \$631.82 in Region 7 (Derwent – South East) to \$1 153.08 in Region 3 (Mersey-Forth).

### **COSTS FACED BY CURRENT (AND POTENTIAL FUTURE) WATER USERS – MISCELLANEOUS FEES**

Miscellaneous fees (as set out in Table 3) differ from the water licence and field management fees, in that they relate to one-off activities or events and are not a recurrent cost.

As well as the fee charged when an application is made for a temporary water allocation, an additional fee based on the field management fees is applied. This additional fee is calculated as the relevant field management fee pro-rated on the basis of the period for which the temporary allocation is approved. This ensures that holders of temporary water allocations contribute an appropriate amount in respect of the additional compliance activity required to monitor temporary water allocations.

### **COSTS FACED BY THE TASMANIAN COMMUNITY**

The cost to the broader Tasmanian community of implementing the fees is difficult to quantify in monetary terms. For example, licensees may recoup the costs of the water fees by charging consumers higher product prices than would otherwise be the case. However, the water fees are likely to be a small or very small proportion of the total input costs of products which require water inputs, and would have only a marginal impact on the price of final products. In 2017-18 the value of water fee revenue collected by DPIPW was

\$1.17 million, which was only 0.12 per cent of the value of irrigated agriculture in Tasmania (\$979.85 million), as reported by the Australian Bureau of Statistics<sup>3</sup>.

As noted above, the annual cost to an average household of the water authority fee is in the order of \$8.25.

## 5.2 BENEFITS OF THE REGULATIONS

### BENEFITS RECEIVED BY WATER LICENCE HOLDERS/WATER USERS

The benefits of the fees for water licensees include ensuring that as competition for, and reliance on, water for underpinning commercial activities increases, the State has an effective, transparent, integrated regulatory framework to ensure that licensees are able to exercise their rights to access water.

The fees provide revenue which offsets some of the costs DPIPWE faces to manage the State's water resources to protect the integrity of water entitlements, environment and indirectly, water quality.

Water users also benefit from holding water entitlements that provide preferential access to a public resource from which they generate a private income stream.

### BENEFITS RECEIVED BY THE TASMANIAN COMMUNITY

There is a range of qualitative benefits for the community in ensuring water usage is regulated in an efficient manner. For example, an appropriate regulatory framework meets the community's requirements for water resource and ecosystem management. The water fees enable the Government to undertake monitoring and assessment for the broader community in relation to general resource and ecosystem management. Furthermore, water licence fees reduce government subsidies to private good activities, enabling more funding to be available for other Tasmanian Government initiatives. The broader community also benefit through the socio-economic benefits to the economy and local community resulting from sustainable water use.

### BENEFITS RECEIVED BY THE TASMANIAN GOVERNMENT

From a Tasmanian Government perspective the fees ensure that the State is meeting its various water reform commitments, including under the National Water Initiative.

The fees benefit the Government by supporting the provision of resources for the effective management of the State's water resources which allows for the effective and transparent regulation of water use for private benefits. This can be undertaken most cost-effectively in conjunction with the management and regulation of the State's water resources for public benefit.

Costs to the Government of administering the water management framework are summarised in Table 5.

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<sup>3</sup> Australian Bureau of Statistics, Catalogue Number 4610.0.55.008, *Gross Value of Irrigated Agricultural Production*, 2017-18.

**Table 5 – Tasmanian Government water management costs (2018-19)**

Total direct costs	\$4 959 000
Attributed to private benefit	\$3 409 000
Attributed to public benefit	\$1 550 000

The continued implementation of the fees in the WMR 2019 supports the Government in optimising the use of the natural water resource from social, environmental and economic perspectives.

Table 6 summarises the revenue received by the Government in 2018-19, from water fees which are designed to recover a portion of the costs faced by the Government that can be attributed to the provision of services with direct private benefits. Only one third of the costs attributed to private benefits are currently recovered through the water fees, meaning that fees would need to increase substantially to achieve full cost recovery.

**Table 6 – Water fee revenue 2018-19**

<b>Fee type</b>	<b>Fee amount</b>
Water licence fees	\$301 030
Field management fees	\$675 126
Miscellaneous fees	\$145 072

### 5.3 IMPACT ON COMPETITION

The fees in the WMR 2019 apply to all current and prospective future water users. The fees recover a proportion of the costs to the Government of making water available for use on a sustainable basis.

The cost of the fees is considered to be moderate and is applied equitably across current and prospective water users. The fees are considered not to constitute a barrier to use of water in Tasmania, or to have any other adverse impact on competition.

## 6 ALTERNATIVES TO THE REGULATIONS

Two alternative approaches to setting fees as set out in the Regulations have been considered. These alternatives are discussed below.

### 6.1 NO FEES

Under this option, no fees would be charged to recover costs incurred by the Government in administering the water management framework. Hence it would be necessary for the costs associated with activities such as regulation and compliance, licensing and resource assessment to be fully paid for by the Government at a current total cost of \$4.96 million, or these activities would be reduced or not provided at all.

This option is the most beneficial to water users from a short-term, financial perspective. However, when considered from the public interest perspective, it is clear that the public interest is served by providing orderly access to the water resource and in managing the resource sustainably; and by having private beneficiaries contribute directly to the costs of making the resource available on a sustainable basis.

If regulatory and compliance activities associated with managing water resources were reduced due to a lack of funds, this could generate significant risks to the health of the State's water resources. Furthermore, a reduction in water management activities could also impact on the asset value of water licences because their value relies on clearly defined 'property rights' which are appropriately policed and enforced.

For the reasons outlined above, this alternative is not supported.

### 6.2 FULL COST RECOVERY

Under this alternative, water management fees would need to increase. It is likely that the increase would mainly occur in field management fees.

Currently, on a beneficiary basis, the costs of administering the water management framework are attributed 69 per cent to private benefits and 31 per cent to public benefits. Only one third of the costs attributed to private benefits are currently recovered through the associated water fees. This means that fees would increase substantially to achieve a full cost recovery position.

The development of the Rural Water Use Strategy contains the possibility of introducing material changes to the water management framework. It is considered prudent to delay further consideration of the full cost recovery option until it is clear what changes to the water management framework will be introduced under the Strategy.

For the reason noted above, this alternative is not supported.

## 7 GREATEST NET BENEFIT/LEAST NET COST

After reviewing the alternatives set out in the previous section, and taking account of the policy environment currently existing in relation to water management, it is considered that the most appropriate approach to setting water management fees is to continue the fees in the same form as they currently exist.

It is widely accepted that access to, and use of, natural resources should be managed to ensure orderly access and sustainable use.

It is also widely considered to be appropriate that the cost of managing natural resources such as Tasmania's fresh water resource, should be met by both the public generally and by individuals who derive a direct benefit from use of the resource.

The WMR 2019 maintains the form of fees which has existed since 2005. This ensures that those who directly benefit from the implementation of the water management framework share in meeting the costs of maintaining the water management system. This more closely aligns with the public interest than the option under which private beneficiaries make no direct contribution to meeting the costs of the water regulatory framework.

It is considered that the costs of implementing the water management framework are moderate compared with the direct benefits the framework delivers. However, it is not considered to be appropriate or in the public interest to seek at this time to increase the proportion of costs recovered from private beneficiaries. This is because it is currently not clear what changes to operations or regulation might be introduced under the Rural Water Use Strategy. It will be appropriate to reconsider the distribution of water regulatory costs in the context of any other changes to the regulatory framework which might be developed following the release of the Strategy at the end of 2020. This will be important to ensure that there are no artificial cost structures which lead to inefficient investment in the water resource.

On balance it is considered that the greatest net benefit is delivered by continuing the water management fees in the same form as currently exists.

## 8 CONSULTATION

The WMR 2019 and RIS will be released for a 3-week consultation period. Their release will be advertised in the daily Tasmanian newspapers and in the *Government Gazette*, as required by section 5(2)(a) of the *Subordinate Legislation Act 1992* (SLA).

The RIS and Regulations will also be sent directly to key stakeholders to fulfil the requirements of section 5(2)(b) of the SLA.

All comments and submissions received will be considered in accordance with section 5(2)(c) of the SLA.

Submissions will be received at the address shown on the front of this RIS.

## 9 CONCLUSION

In preparing this RIS, DPIPWE has examined the expected impacts of maintaining the water management fees as prescribed in the WMR 2019. It has examined the impacts on water users, the Government and the Tasmanian community generally. This examination has considered the costs and benefits of maintaining the water management fees and has considered the alternative approaches of removing the fees or increasing the fees to achieve full cost recovery.

In section 7, this RIS details consideration of the greatest net benefit/least net cost of maintaining the fees as currently applied compared with the alternatives considered.

It is concluded that recovering water management costs through the water management fees is justified and the impact of the fees as currently applied in the WMR 2019 is at a very moderate level.

On balance, of the feasible options considered, maintaining the fees as detailed in the WMR 2019 will deliver the greatest net benefit for the time being, and therefore this is the preferred option.

## APPENDIX 1 – SUMMARY OF WATER MANAGEMENT FEES IN OTHER JURISDICTIONS

### Queensland (Water Regulation 2016)

Application for a water licence	\$130.30
Water licence fee – for each year	\$82.00
Water harvesting (\$/ML)	\$4.60 - \$14.15
Application for a water bore driller's licence	\$587.00 - \$1,865.00
Application to renew a bore driller's licence	\$564.00
Testing a water meter – for each hour	\$75.65
Reading a water meter – first meter	\$84.15
- each additional meter	\$16.55

### South Australia (Natural Resources Management (Fees) Regulations 2019)

Application for a water licence	\$249.00
Application to transfer/vary a water licence	\$462.00 plus technical assessment fee \$311.00
Water harvesting (NRM levy) non-flood (\$/ML)	\$6.30 - \$20.59
Application for a well driller's licence	\$277.00
Application to renew a well driller's licence	\$143.00
Application to drill well/undertake well works	\$93.50 plus technical assessment fee up to \$160.00

### New South Wales (IPART determination)

#### Water Administration Ministerial Corporation – Unregulated rivers and groundwater - 2019

Minimum annual charge – surface water	\$213.65
Entitlement charge – surface water – metered (\$/ML)	\$1.32 - \$4.59
Take charge – surface water – metered (\$/ML)	\$1.49 - \$5.81
Entitlement charge – surface water – unmetered (\$/ML)	\$3.24 - \$9.51
Minimum annual charge – groundwater	\$213.65
Entitlement charge – groundwater – metered (\$/ML)	\$1.76 - \$3.86
Take charge – groundwater – metered (\$/ML)	\$1.83 - \$3.29
Entitlement charge – groundwater – unmetered (\$/ML)	\$4.11 - \$6.99
Water licence transaction	\$308.42 - \$344.48
Water allocation transaction – surface and groundwater	\$337.21 - \$371.68
Water licence dealings	\$491.33 - \$1116.19
- administrative	\$217.76 - \$253.83
Bore approval	\$389.16 - \$425.23

**Victoria** (Essential Services Commission determination)

Southern Rural Water – 2019-20

Application for a water licence	\$242.50
Application to amend a water licence	\$124.00 - \$562.50
Issue water licence – fixed component	\$765.00 - \$3,385.00
- volumetric component	\$20.30
Transfer licence	\$382.00 - \$2,095
Farm dam construction permit	\$980.00 - \$5,525.00
Construct, alter, decommission bore	\$455.00 - \$1,715.00
Water licence charge	\$365.00
Water licence volumetric charge (\$/ML) – surface	\$8.19 - \$11.70
- ground	\$4.00
- aquaculture diversion	\$77.50
System management charge – surface water (\$/ML)	\$9.40 - \$50.50
- ground water (\$/ML)	\$24.75 - \$26.90

## APPENDIX 2 – WATER MANAGEMENT REGULATIONS 2019



# Water Management Regulations 2019

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the Water Management Act 1999.

18 June 2019

C. WARNER

Governor

By Her Excellency's Command,

GUY BARNETT

Minister for Primary Industries and Water

## PART 1 - Preliminary

### 1. Short title

These regulations may be cited as the Water Management Act 1999.

### 2. Commencement

These regulations take effect on 1 July 2019.

### 3. Interpretation

In these regulations, unless the contrary intention appears –  
*Act* means the Water Management Act 1999;

*ADITC* means the Australian Drilling Industry Training Committee Limited;

*ADQ* means the average daily quantity of water, expressed in ML rounded to 3 decimal places, permitted to be taken under a licence;

*approved course* means –

(a) the Drilling Industry Certification and Training Course prepared and assessed by the ADITC; or

(b) any course regulating the competence of well drillers that is approved by the NUDLC;

*Australian well driller's licence* means a licence, permit, accreditation or other kind of authority that –

(a) has been issued or granted by an entity that monitors or regulates well drillers or their activities in another State or in a Territory; and

(b) is not suspended or otherwise subject to any taint or limitation on its validity or authority;

**class 1 licence** means a class 1 licence referred to in regulation 13 ;

**class 2 licence** means a class 2 licence referred to in regulation 13 ;

**class 3 licence** means a class 3 licence referred to in regulation 13 ;

**employee** includes a person engaged under a contract for services;

**field management fee** means a fee payable under –

(a) regulation 6 or 7 ; or

(b) section 123E(1)(b) of the Act;

**national qualifications** means –

(a) for a class 1 licence or a class 2 licence, a Certificate III in the field of study, or discipline, of well construction or bore construction that is recognised within the Australian Qualifications Framework; or

(b) for a class 3 licence, a Certificate IV in the field of study, or discipline, of well construction or bore construction that is recognised within the Australian Qualifications Framework;

**NUDLC** means the National Uniform Drillers Licensing Committee;

**quarter** means a period of 3 months commencing on the first day of January, April, July or October in any year;

**region** means a region referred to in regulation 7(2)(a) .

## **PART 2 - Rights to Take Water**

### **4. Rights to take water**

(1) For section 48(5) of the Act, the amount of water that can be taken by a person under section 48(2) and section 48(4A) of the Act is –

(a) for a domestic purpose –

(i) a maximum of 440L per day for each dwelling on the relevant land; or

(ii) a maximum of 100L per day for each person who is an occupier of the land if there is no dwelling on the relevant land; or

(b) for irrigation of a household garden, a maximum of 0.6L per day for each square meter, but not exceeding 1 500L per day; or

(c) for watering cattle, a maximum of 90L per day for each head; or

(d) for watering horses, a maximum of 45L per day for each head; or

(e) for watering sheep, a maximum of 8.5L per day for each head; or

(f) for watering goats, a maximum of 8.5L per day for each head; or

(g) for watering pigs, a maximum of 20L per day for each head; or

(h) for watering chickens, a maximum of 3L per day for each 10 head; or

(i) for watering turkeys, 5.5L per day for each 10 head.

(2) If an authorised officer is satisfied that water is to be taken into storage, he or she may permit a person to take a maximum of up to 7 times the amount of water specified in subregulation (1) in any period of 7 days.

## PART 3 - Water licence fees

### 5. Administrative fees

A licensee is to pay an annual administrative fee of 71.1 fee units.

### 6. Field management fees

(1) A licensee is to pay an annual field management fee in accordance with this regulation for a water allocation on a licence authorising the taking of water –

(a) into a dam constructed in or on a watercourse; and

(b) between 1 May and 30 November in any year (inclusive of both of those days).

(2) Where –

(a) water is taken into a dam constructed in or on a watercourse; or

(b) there is more than one water allocation of a licence authorising the taking of water during the period referred to in subregulation (1) and at least one of the allocations is taken into a dam constructed in or on a watercourse –

the licensee is to pay an annual field management fee in accordance with the following table:

Region	1	2	3	4	5	6	7	8
Fee units	39.2	33.4	22.8	74.1	41.6	128.9	37.4	105.7

(3) Where water is, in any case other than the case referred to in subregulation (2), taken during the period referred to in subregulation (1), the licensee is to pay an annual field management fee in accordance with the following table:

Region	1	2	3	4	5	6	7	8
Fee units	19.6	16.7	11.4	37.1	20.8	64.4	18.7	52.8

(4) Where there is more than one water allocation of a licence authorising the taking of water as mentioned in subregulation (1), only one annual field management fee is payable by the licensee and if the locations, for the taking of water in accordance with those water allocations, are not all situated in the one region referred to in the table, the fee payable is to be the fee that is the highest fee payable for a region in which one or more of those locations is situated.

(5) For the purposes of this regulation, the annual field management fee that is payable, in accordance with a table to a subregulation in this regulation, for a water allocation on a licence authorising the taking of water is the amount, specified in the table, in relation to the region in which is situated the location, for the taking of water in accordance with the water allocation, that is identified on the licence to which the water allocation relates.

## **7. Other field management fees**

(1) A licensee is to pay for a water allocation on a licence authorising the taking of water from a watercourse, except as mentioned elsewhere in this Part, an annual field management fee of the total of the various amounts payable in respect of each part of the relevant ADQ, as specified in the first column of Schedule 1 for the region in which is situated the location, for the taking of water, that is identified on the licence.

(2) For the purposes of these regulations –

(a) the State is divided into 8 regions as delineated on Plan 5278 in the Central Plan Register, a reduced copy of which is set out, by way of illustration only, in Schedule 2 ; and

(b) each region is more particularly delineated on several plans in the Central Plan Register as is indicated for the regions on Plan 5278.

(3) A licensee is to pay an annual field management fee of 66 fee units for a water allocation on a licence authorising the taking of water from groundwater.

## **8. Multiple water allocations fees**

(1) If a licence has more than one water allocation, the fee payable under regulation 7 is whichever amount is the lesser of the following:

(a) the total of the annual field management fees payable for each allocation;

(b) the fee applicable to the total amount of water as if it were all a single allocation.

(2) If a licence has a water allocation as mentioned in regulation 6(2) and a water allocation as mentioned in regulation 7 , the annual field management fee is one-half of the amount payable under regulation 6(2) together with the amount payable under regulation 7 .

(3) If a licence has a water allocation authorising the taking of water –

(a) only during the period between 1 May and 30 November in any year (inclusive of both of those days); and

(b) except as mentioned in this Part –

the annual field management fee is the total amount payable under regulations 6(2) and 7 .

## **9. Aquaculture, hydro-electricity generation, &c., fees**

A licensee is to pay an annual fee of 247.5 fee units for a water allocation on a licence authorising the taking of water from a watercourse –

(a) for aquaculture; or

- (b) for hydro-electricity generation; or
- (c) for any similar purpose where the water is returned to the watercourse directly after use without significant diminution of the quantity of water taken.

## **10. Water authorities fees**

(1) Each financial year, the Corporation is to pay the Minister a fee for a water allocation on a licence transferred to it by a Regional Corporation that was transferred to that Regional Corporation by a bulk water authority.

(2) The amount of the fee is the lesser of the following amounts:

(a) the product of 26.38 fee units and the number of megalitres of water that the Corporation takes under the water allocation to supply to its customers during the relevant financial year (excluding any water that the Minister accepts is intended for irrigation);

(b) the prescribed maximum.

(3) In this regulation –

**bulk water authority** means Hobart Water (ABN 95 327 914 139), Esk Water (ABN 41 913 557 456) and Cradle Coast Water (ABN 44 792 170 681);

**Corporation** has the same meaning as in the Water and Sewerage Corporation Act 2012 ;

**CPI figure for Hobart** means the Consumer Price Index: All Groups Index Number for Hobart published by the Australian Statistician under the authority of the *Census and Statistics Act 1905* of the Commonwealth;

**prescribed maximum** means –

(a) for the financial year ending on 30 June 2019 – \$2 672 200.00; and

(b) for the financial year ending on 30 June 2020 – \$2 672 200.00 indexed in accordance with the average CPI figure for Hobart for the 4 quarters ending on 31 December 2019; and

(c) for a subsequent financial year, the prescribed maximum for the financial year ending on 30 June immediately preceding that subsequent financial year, indexed in accordance with the average CPI figure for Hobart for the 4 quarters ending on 31 December in that subsequent financial year;

**Regional Corporation** has the same meaning as in the Water and Sewerage Corporation Act 2012 .

## **11. Miscellaneous fees**

The fees specified in Schedule 3 are prescribed as the fees payable in respect of the miscellaneous matters to which they respectively relate.

## **12. Fee rebates**

A licensee is entitled to the following fee rebates:

(a) on an application fee under section 62 or 70 of the Act, a 70% rebate if, when the fee is paid –

(i) the water allocations under the licence are exclusively for stock and domestic (but not commercial) use; and

(ii) the average daily quantity of water that is authorised under the water allocations to be taken is less than or equal to 0.01ML;

(b) on an annual field management fee under regulation 6 or 7 , a 100% rebate if, when the fee is paid –

(i) the water allocations under the licence are exclusively for stock and domestic (but not commercial) use; and

(ii) the average daily quantity of water that is authorised under the water allocations to be taken is less than or equal to 0.01ML;

(c) on an administrative fee under regulation 5 , a 50% rebate if, when the fee is paid –

(i) the water allocations under the licence are exclusively for stock and domestic (but not commercial) use; and

(ii) the average daily quantity of water that is authorised under the water allocations to be taken is less than or equal to 0.01ML.

## **PART 4 - Well Drillers' Licences**

### **13. Licence classes**

(1) For the definition of *class* in section 136 of the Act, the following classes are prescribed:

(a) class 1 licence;

(b) class 2 licence;

(c) class 3 licence.

(2) A class 1 licence authorises its holder to carry out drilling activities in single non-flowing aquifer systems.

(3) A class 2 licence authorises its holder to carry out drilling activities in multiple non-flowing aquifer systems.

(4) A class 3 licence authorises its holder to carry out drilling activities in non-flowing and flowing aquifer systems.

### **14. Licence endorsements**

(1) For the definition of *endorsement* in section 136 of the Act, the following endorsements are prescribed:

(a) cable tool endorsement;

(b) auger endorsement;

(c) rotary air endorsement;

(d) rotary mud endorsement;

(e) non-drilling rig endorsement;

(f) sonic endorsement.

(2) A cable tool endorsement authorises cable tool or cable percussion-drilling methods.

(3) An auger endorsement authorises bucket auger, hollow-stem auger or solid-stem auger drilling methods.

(4) A rotary air endorsement authorises rotary drilling methods with air as the drilling fluid.

(5) A rotary mud endorsement authorises rotary drilling methods with water as either the drilling fluid or as the base for the drilling fluid.

(6) A non-drilling rig endorsement authorises non-drilling rig methods, including –

(a) spear point construction; and

(b) hand digging, or the use of excavators or back-hoes, for the construction of wells, excavations and galleries.

(7) A sonic endorsement authorises sonic drilling methods with an abrasive slurry that is made to vibrate at sonic frequencies.

### **15. Class 1 licence competencies**

(1) For section 136C(2)(d) of the Act, the prescribed competencies for a class 1 licence are –

(a) the holding of an Australian well driller's licence that is, in terms of what it authorises, substantially equivalent to a class 1 licence; or

(b) the successful completion of an approved course, or of national qualifications for a class 1 licence, and having passed the driller's licence examinations approved by the NUDLC and acquired basic field experience; or

(c) the successful completion of any course, regulating the competence of well drillers, that is approved by the NUDLC, and having passed the driller's licence examinations approved by the NUDLC and acquired extended field experience.

(2) In this regulation –

***basic field experience***, in relation to an applicant, means that the applicant has –

(a) experience in operating drilling machines in well-drilling operations over a period of at least six months; and

(b) personally drilled, under the supervision of the holder of a class 1 licence, at least 6 class 1 wells;

***class 1 well*** means a well in a single non-flowing aquifer system;

***extended field experience***, in relation to an applicant, means that the applicant has –

(a) experience in operating drilling machines in well-drilling operations over a period of at least 12 months; and

(b) personally drilled, under the supervision of the holder of a class 1 licence, at least six class 1 wells.

### **16. Class 2 licence competencies**

(1) For section 136C(2)(d) of the Act, the prescribed competencies for a class 2 licence are –

(a) the holding of an Australian well driller's licence that is, in terms of what it authorises, substantially equivalent to a class 2 licence; or

(b) the successful completion of an approved course, or of national qualifications for a class 2 licence, and having passed the driller's licence examinations approved by the NUDLC and acquired basic field experience; or

(c) the holding of a class 1 licence, or the holding of the necessary qualifications and experience that are approved by the NUDLC for the purposes of holding a class 1 licence and having acquired intermediate field experience.

(2) In this regulation –

***basic field experience***, in relation to an applicant, means that the applicant has –

(a) experience in operating drilling machines in well-drilling operations (as an employee) over a period of at least six months; and

(b) personally drilled, under the supervision of the holder of a class 2 licence, at least six class 2 wells or personally drilled, under the supervision of the holder of a class 2 licence, at least six class 1 wells and at least three class 2 wells;

***class 1 well*** means a well in a single non-flowing aquifer system;

***class 2 well*** means a well in a multiple non-flowing aquifer system where the system requires the separation of one aquifer from another;

***intermediate field experience***, in relation to an applicant, means that the applicant has –

(a) experience in operating drilling machines in well-drilling operations (as an employee) over a period of at least 12 months; and

(b) personally drilled at least six class 1 wells and, under the supervision of the holder of a class 2 licence, drilled at least three class 2 wells or, under the supervision of the holder of a class 2 licence, drilled at least six class 2 wells.

### **17. Class 3 licence competencies**

(1) For section 136C(2)(d) of the Act, the prescribed competencies for a class 3 licence are –

(a) the holding of an Australian well driller's licence that is, in terms of what it authorises, substantially equivalent to a class 3 licence; or

(b) the holding of a class 2 licence for at least 12 months and the successful completion of an approved course, or of national qualifications for a class 3 licence, and having passed the driller's licence examinations approved by the NUDLC and acquired intermediate field experience; or

(c) the holding of a class 2 licence for at least 12 months, or the holding of the necessary qualifications and experience to hold a class 3 licence, the successful completion of any course, regulating the competence of well drillers, that is approved by the NUDLC, and having acquired extended field experience.

(2) In this regulation –

**class 2 well** means a well in a multiple non-flowing aquifer system where the system requires the separation of one aquifer from another;

**class 3 well** means a well in a flowing aquifer system;

**extended field experience**, in relation to an applicant, means that the applicant has –

(a) experience in operating drilling machines in well-drilling operations (as an employee) over a period of at least 24 months; and

(b) personally drilled at least six class 2 wells; and

(c) personally drilled, under the supervision of the holder of a class 3 licence, at least three class 3 wells;

**intermediate field experience**, in relation to an applicant, means that the applicant has –

(a) experience in operating drilling machines in well-drilling operations (as an employee) over a period of at least 12 months; and

(b) personally drilled at least six class 2 wells; and

(c) personally drilled, under the supervision of the holder of a class 3 licence, at least three class 3 wells or personally drilled at least eight class 2 wells and personally drilled, under the supervision of the holder of a class 3 licence, at least one class 3 well.

## **18. Licence conditions**

For section 136D(2)(b) of the Act, a prescribed matter is that well-drilling activities should, as far as practicable, be carried out in accordance with the "*Minimum Construction Requirements for Water Bores in Australia*", as in force for the time being.

Note: The "*Minimum Construction Requirements for Water Bores in Australia*" is a document prepared by the National Minimum Bore Specifications Committee and is available for viewing on the Department's website.

## **PART 5 - Enforcement**

### ***Division 1 - Infringement notices***

#### **19. Penalties on service of infringement notices**

The penalties specified in column 4 of the table in Schedule 4 are prescribed as the penalties for offences committed under the Act where an infringement notice is served on the offender for the relevant offence.

### ***Division 2 - Demerit points***

#### **20. Allocation of demerit points for deemed conviction**

(1) For section 257 of the Act in its application to a deemed conviction for an offence against the Act, the licence is to be allocated the number of demerit points specified in column 5 of the table in Schedule 4 for the offence.

(2) In this regulation –

***deemed conviction*** means a conviction in accordance with section 20 of the Monetary Penalties Enforcement Act 2005 .

#### **21. Allocation of demerit points for court conviction**

For section 257 of the Act, the court is to allocate to the licence the number of demerit points specified in column 5 of the table in Schedule 4 for the offence unless –

(a) the court is satisfied that, in view of mitigating circumstances, a lesser number of demerit points should be allocated; or

(b) the court has cancelled or suspended the licence under section 106(1) of the Act.

#### **22. Duration of demerit points**

Demerit points remain in force for a period of 3 years.

#### **23. Suspension of licence**

(1) For the purposes of section 106(2) and section 136I(1)(e) of the Act –

(a) the prescribed number of demerit points is 12; and

(b) subject to section 136I(4) of the Act, a suspension of a licence is for a period of 3 months commencing on the date of conviction for the last of the relevant offences or the date of acceptance of the relevant infringement notice.

(2) The period of suspension is not affected –

(a) by the fact that any of the demerit points would expire during that period of suspension; or

(b) by the date on which a licence is suspended being altered under section 259(4) of the Act.

(3) The period of suspension cancels all demerit points on which it is based but does not affect any demerit points allocated for an offence committed during that period.

#### **24. Licences for limited periods**

(1) This regulation applies where it is a condition of a licence that water may be taken only during certain periods of the year.

(2) If the date on which a suspension under this Division would commence is at a time when the relevant licence does not permit the taking of water, the period of suspension commences on the next day on which the licence would otherwise permit the taking of water.

(3) If the period of suspension under this Division would not be completed before the end of the period during which the licence permits the taking of water, the balance of the period of suspension is carried forward so as to commence on the first day on which the licence would again permit the taking of water.

#### **25. Cancellation of licence**

(1) Where a licence has been suspended in a case to which regulation 23 refers and, within 3 years after the completion of the period of suspension, the licence would, but for this regulation, again be suspended under a section of the Act referred to in that regulation, the licence is taken to be cancelled.

(2) Subregulation (1) does not apply in a case where there has been an absolute transfer of a licence under Division 4 of Part 6 of the Act since the previous period of suspension.

#### **26. Transfer of demerit points**

A transfer of a licence as mentioned in section 262(1) of the Act does not affect the allocation of any demerit points to that licence or the period during which they remain in force.

## **PART 6 - Miscellaneous**

### **27. Trust rules**

For section 205(2)(b) , section 206(1) and section 206A(3) of the Act, the prescribed requirements are that the rules of the trust should specify or provide for at least the following:

- (a) the membership of the trust;
- (b) the proceedings of the trust;
- (c) the manner in which the powers and functions of the trust are to be exercised and performed;
- (d) the methods of dispute resolution to be used by the trust to investigate, and attempt to negotiate a mutually acceptable solution to, a dispute between the trust and another person about the exercise of powers under the Act;
- (e) the conduct of the business of the trust;
- (f) the management of the water district or districts for which the trust is established;
- (g) the keeping and use of the common seal;
- (h) the execution of documents.

### **28. Offsets**

(1) For the purposes of paragraph (a) of the definition of *offset* in section 138 of the Act , each of the following is prescribed:

- (a) the establishment of a covenant on land;
- (b) activities (which may be, but are not required to be, set out in a plan for the management of natural values) for the purpose of protecting or enhancing the natural values of land, including, but not limited to, the protection, restoration or revegetation of the land;
- (c) the monitoring of natural values of land, including, but not limited to, undertaking surveys of natural values.

(2) For the purposes of subregulation (1)(a) , a covenant includes, but is not limited to –

- (a) a covenant in gross registered in accordance with the Conveyancing and Law of Property Act 1884 ; and
- (b) a conservation covenant within the meaning of Part 5 of the Nature Conservation Act 2002 .

### **29. Terms of review**

- (1) For the purposes of section 165 of the Act, the terms of review, in accordance with which an annual review of the operation of administrative processes under Part 8 of the Act is to be conducted, are as specified in this regulation.
- (2) An annual review is to consist of a review of the operation of administrative processes undertaken, in the year to which the review relates, for the purposes of processing and determining applications for Division 3 permits under Part 8 of the Act.
- (3) An annual review is to begin within 90 days after an annual report is prepared in accordance with section 164ZN of the Act.
- (4) The following matters are to be considered by the Minister in an annual review:
  - (a) the reasons why particular administrative processes are performed in relation to applications for Division 3 permits under Part 8 of the Act and the determination of such applications;
  - (b) the simplicity, cost-effectiveness and timeliness of those administrative processes;
  - (c) what improvements, if any, may be made to those administrative processes.

### **30. Keeping of records and provision of information**

- (1) A person who is, or was, entitled to a Division 4 permit in relation to dam works must keep the following records and information until the end of the period of 5 years commencing on the day on which the dam works are completed:
  - (a) any surveys in relation to the dam works;
  - (b) any design plans in relation to the dam works;
  - (c) any reports, in relation to the dam works, that are obtained by the person;
  - (d) any other information, contained in a document (including an electronic document) that has been prepared or obtained by the person and is relevant in determining whether the person is or was entitled to a Division 4 permit in relation to the dam works.

Penalty: Fine not exceeding 100 penalty units.

- (2) A person who is, or has been, the holder of a licence must keep, until the end of the period of 5 years after taking water under the licence, records of the quantity of water taken under the licence.

Penalty: Fine not exceeding 100 penalty units.

(3) A person, at the request of an authorised officer, must provide to the authorised officer a copy of any records and information that the person is required to keep under subregulation (1) or (2) .

Penalty: Fine not exceeding 100 penalty units.

(4) The penalty applicable in respect of an offence against subregulation (3) that is specified in an infringement notice served on a person is –

(a) 2.5 penalty units; or

(b) if the offence is the second offence against the subregulation that is committed by the person within a 12-month period – 5 penalty units; or

(c) if the offence is the third offence against the subregulation that is committed by the person within a 24-month period – 10 penalty units.

(5) An owner or occupier of land who is, or has been, taking groundwater from the land for a purpose, other than a specified purpose, must keep, until the end of the period of 5 years after taking groundwater from the land, records of the quantity of groundwater taken.

Penalty: Fine not exceeding 25 penalty units.

(6) An owner or occupier of land who is, or has been, taking groundwater from a well on the land for any purpose must keep, until the end of the period of 5 years after taking the groundwater from the well, records of –

(a) the operational status of the well; and

(b) the purpose for which groundwater is, or has been, taken from the well; and

(c) the capacity of any equipment used to take the groundwater from the well; and

(d) the quantity of groundwater taken from the well.

Penalty: Fine not exceeding 25 penalty units.

(7) An owner or occupier of land referred to in subregulation (5) or (6) , at the request of an authorised officer, must provide to the authorised officer a copy of any records that the owner or occupier of the land is required to keep under subregulation (5) or (6) .

Penalty: Fine not exceeding 25 penalty units.

- (8) In this regulation –
- specified purpose***, in relation to the taking of groundwater from land, means the taking of groundwater –
- (a) for a domestic purpose, provided the amount of groundwater taken does not exceed the amount that can be taken for a domestic purpose under regulation 4(1)(a) ; or
  - (b) for the irrigation of a household garden, provided the amount of groundwater taken does not exceed the amount that can be taken for the irrigation of a household garden under regulation 4(1)(b) ; or
  - (c) for watering cattle, provided the amount of groundwater taken does not exceed the amount that can be taken for watering cattle under regulation 4(1)(c) ; or
  - (d) for watering horses, provided the amount of groundwater taken does not exceed the amount that can be taken for watering horses under regulation 4(1)(d) ; or
  - (e) for watering sheep, provided the amount of groundwater taken does not exceed the amount that can be taken for watering sheep under regulation 4(1)(e) ; or
  - (f) for watering goats, provided the amount of groundwater taken does not exceed the amount that can be taken for watering goats under regulation 4(1)(f) ; or
  - (g) for watering pigs, provided the amount of groundwater taken does not exceed the amount that can be taken for watering pigs under regulation 4(1)(g) ; or
  - (h) for watering chickens, provided the amount of groundwater taken does not exceed the amount that can be taken for watering chickens under regulation 4(1)(h) ; or
  - (i) for watering turkeys, provided the amount of groundwater taken does not exceed the amount that can be taken for watering turkeys under regulation 4(1)(i) ; or
  - (j) for firefighting; or
  - (k) for drilling under section 168 of the Mineral Resources Development Act 1995 .

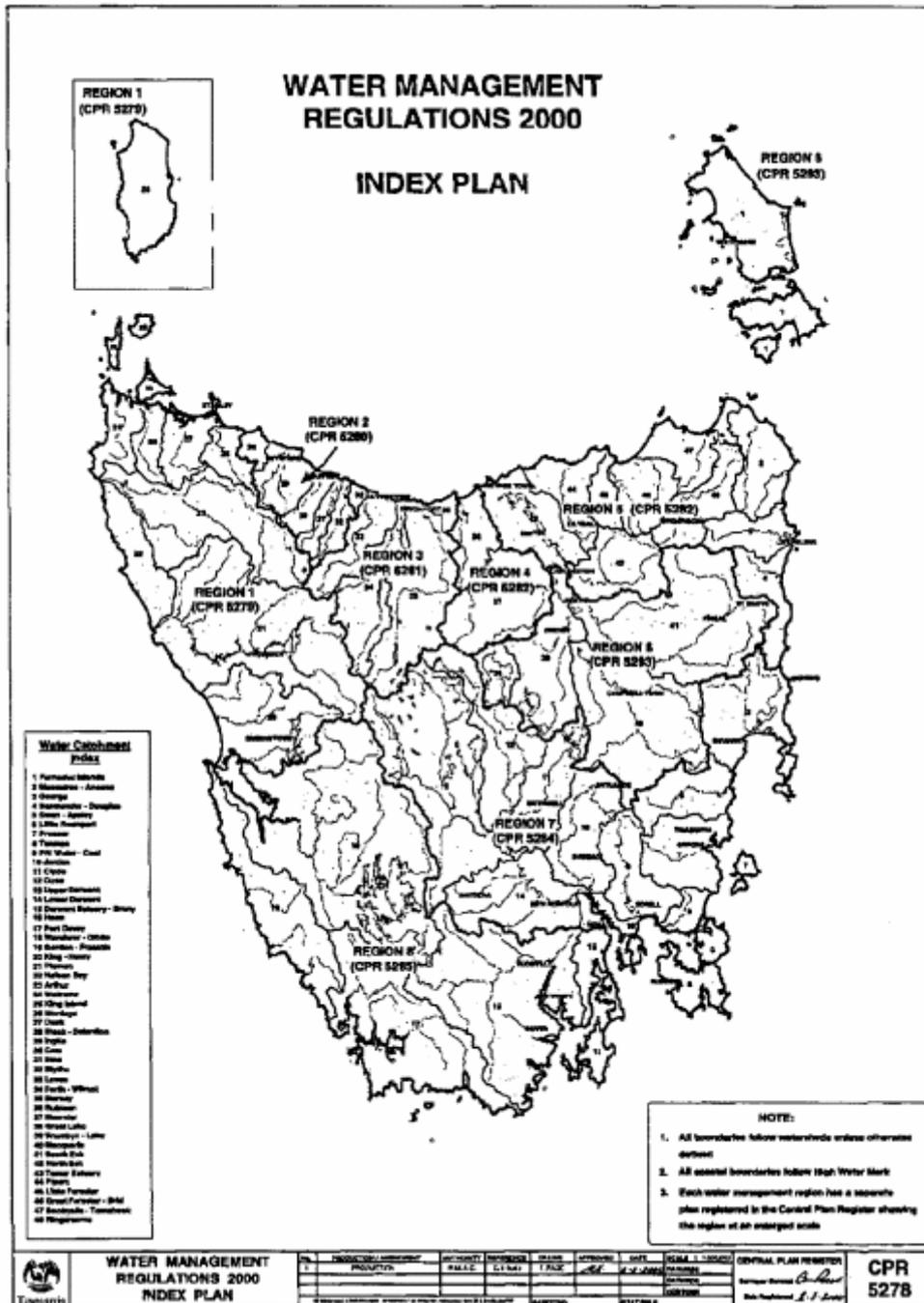
# SCHEDULE 1 - Field management fees

Regulation 7(1)

Part of ADQ	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6	Region 7	Region 8
less than or equal to 0.1 ML	66 fee units	66 fee units	66 fee units	66 fee units	66 fee units	66 fee units	66 fee units	66 fee units
more than 0.1 but less than or equal to 2.0 ML	66 plus 1 098 x (ADQ - 0.1) fee units	66 plus 561 x (ADQ - 0.1) fee units	66 plus 294.4 x (ADQ - 0.1) fee units	66 plus 1 147.5 x (ADQ - 0.1) fee units	66 plus 194.9 x (ADQ - 0.1) fee units	66 plus 207.1 x (ADQ - 0.1) fee units	66 plus 147.2 x (ADQ - 0.1) fee units	66 plus 724.4 x (ADQ - 0.1) fee units
more than 2.0 but less than or equal to 5.0 ML	2 152 plus 55 x (ADQ - 2) fee units	1 133 plus 28 x (ADQ - 2) fee units	625 plus 15 x (ADQ - 2) fee units	2 246.5 plus 57.4 x (ADQ - 2) fee units	436 plus 9.7 x (ADQ - 2) fee units	459.6 plus 10.4 x (ADQ - 2) fee units	345.6 plus 7.4 x (ADQ - 2) fee units	1 442.1 plus 36.2 x (ADQ - 2) fee units
more than 5.0 but less than or equal to 20 ML	2 317 plus 28 x (ADQ - 5) fee units	1 217 plus 14 x (ADQ - 5) fee units	669 plus 7 x (ADQ - 5) fee units	2 418.2 plus 28.7 x (ADQ - 5) fee units	465.3 plus 4.9 x (ADQ - 5) fee units	490.3 plus 5.2 x (ADQ - 5) fee units	367.4 plus 3.7 x (ADQ - 5) fee units	1 550.7 plus 18.1 x (ADQ - 5) fee units
more than 20 ML	2 728 plus 14 x (ADQ - 20) fee units	1 427 plus 7 x (ADQ - 20) fee units	780 plus 4 x (ADQ - 20) fee units	2 848.6 plus 14.3 x (ADQ - 20) fee units	538.3 plus 2.5 x (ADQ - 20) fee units	568.1 plus 2.5 x (ADQ - 20) fee units	422.6 plus 1.8 x (ADQ - 20) fee units	1 822.4 plus 9 x (ADQ - 20) fee units

# SCHEDULE 2 - Index plan of regions

Regulation 7(2)(a)



## SCHEDULE 3 - Fees

Regulation 11

### PART 1 - Miscellaneous Fees

	Section of Act	Purpose of fee	Fee
1.	12	Obtaining copy of or extract from any register kept under section 12 of Act	15 fee units for each search relating to obtaining a copy or extract
2.	37	Application by a water entity or group of landowners to administer a water management plan	Where the water entity is a Government Business Enterprise, council, statutory authority, company or cooperative, 25 fee units plus –
			(a) 30 fee units for each 0.5 hours spent in processing the application; and
			(b) 258 fee units for a notice under section 37 of the Act
3.	45	Providing annual report on activities of a water entity administering a water management plan	25 fee units plus 20 fee units for each 0.5 hours spent in checking that the water entity has complied with both the water management plan and the conditions under which it is permitted to implement the water management plan
4.	61(1)	Notification of financial interest in licence or water allocation	54 fee units
5.	61(5)	Notification of removal of financial interest in licence or water allocation	27 fee units
6.	61(6)	Amendment of notation of financial interest in licence or water allocation	27 fee units
7.	62	Application for licence (where applicant is seeking water allocation)	
			(a) 218 fee units for each water allocation being applied for; and
			(b) 54 fee units for each hour spent in processing the application (excluding the first 4 hours); and
			(c) 214 fee units where the application requires a notice under section 65 of the Act
8.	62	Application for licence (where applicant is not seeking water allocation)	65 fee units
9.	70	Application to vary licence as specified	
			(a) 218 fee units for each water allocation being varied; and
			(b) 54 fee units for each hour spent in processing the application (excluding the first 4 hours); and

			(c) 214 fee units where the application requires a notice under section 71 of the Act
10.	90	Temporary water allocation	65.5 fee units plus an additional fee calculated in accordance with Part 2 of this Schedule
11.	97	Application for approval of transfer of licence or variation of licence on transfer of water allocation –	
		(a) where transfer occurs together with change of ownership of licence or water allocation; or	65 fee units
		(b) all other transfers	195 fee units
12.	103	Application for temporary transfer of water allocation by person who does not hold a licence	195 fee units
13.	123B	Application for watercourse authority	98.3 fee units plus 66 fee units for each additional year that the watercourse authority is sought
14.	135A(2)(a)	Application for well works permit	189 fee units
15.	135D(2)(c)	Request to extend term of well works permit	33 fee units
16.	135F(2)(a)	Application to vary well works permit	108 fee units
17.	136B(2)(b)	Application for well driller's licence	54 fee units if applicant holds an Australian well driller's licence 24 fee units to replace a lost or damaged well driller's licence 140 fee units for all other applications for well driller's licence
18.	136F(1)(a)	Fee for renewal of well driller's licence	54 fee units
19.	136H(3)(a)	Application to vary well driller's licence	54 fee units if applicant is seeking additional endorsements 140 fee units if applicant is seeking to vary the class of licence (whether or not applicant is also seeking additional endorsements) 15 fee units in any other case
20.	144	Application for Division 3 permit	381 fee units plus –
			(a) 54 fee units for each hour spent in processing the application (excluding the first 7 hours); and
			(b) 214 fee units for a notice under section 145 of the Act.
21.	151(2)	Application to amend permit application	280 fee units
22.	160(2)	Notice of intention to undertake dam works	65 fee units
23.	164E(2)	Application to extend term of Division 3 permit	65 fee units
24.	164F(3)	Application to amend Division 3 permit (other than to extend or transfer permit)	280 fee units

25.	164N(2)	Application to transfer permit	65 fee units
26.	164Q(2)	Application to register offset	95 fee units
27.	164U(2)	Application to amend registered offset	95 fee units
28.	171	Application to establish water district	652 fee units plus 54 fee units for each hour spent processing the application (excluding the first 2 hours)
29.	205	Application to establish trust	136 fee units plus 54 fee units for each hour spent processing the application (excluding the first 2.5 hours)
30.	206A	Notification of establishment of trust	258 fee units
31.	304(1)(d)	Verification of compliance with conditions or requirements of authorisation or water allocation issued under Part 6, Part 6A or Part 8 of Act	65 fee units for each hour spent verifying compliance

## PART 2 - Additional fees for temporary water allocation

### 1. Additional fee for temporary water allocations

The additional fee payable for a temporary water allocation from a water resource is to be calculated in accordance with the following formula:

$$A = \frac{B \times C}{180}$$

where –

*A* is the fee payable;

*B* is the number of days during which water is required;

*C* is the total of the various amounts payable in respect of each part of the relevant ADQ as specified in the first column of the following table for the region in which the water resource of the person seeking a temporary water allocation lies.

Part of ADQ	Region 1	Region 2	Region 3	Region 4	Region 5	Region 6	Region 7	Region 8
less than or equal to 0.1 ML	66 fee units	66 fee units	66 fee units	66 fee units	66 fee units	66 fee units	66 fee units	66 fee units
more than 0.1 but less than or equal to 2.0 ML	66 plus 1 098 x (ADQ – 0.1) fee units	66 plus 561 x (ADQ – 0.1) fee units	66 plus 294.4 x (ADQ – 0.1) fee units	66 plus 1 147.5 x (ADQ – 0.1) fee units	66 plus 194.9 x (ADQ – 0.1) fee units	66 plus 207.1 x (ADQ – 0.1) fee units	66 plus 147.2 x (ADQ – 0.1) fee units	66 plus 724.4 x (ADQ – 0.1) fee units
more than 2.0 but less than or equal to 5.0 ML	2 152 plus 55 x (ADQ – 2) fee units	1 133 plus 28 x (ADQ – 2) fee units	625 plus 15 x (ADQ – 2) fee units	2 246.5 plus 57.4 x (ADQ – 2) fee units	436 plus 9.7 x (ADQ – 2) fee units	459.6 plus 10.4 x (ADQ – 2) fee units	345.6 plus 7.4 x (ADQ – 2) fee units	1 442.1 plus 36.2 x (ADQ – 2) fee units
more than 5.0 but less than or equal to 20 ML	2 317 plus 28 x (ADQ – 5) fee units	1 217 plus 14 x (ADQ – 5) fee units	669 plus 7 x (ADQ – 5) fee units	2 418.2 plus 28.7 x (ADQ – 5) fee units	465.3 plus 4.9 x (ADQ – 5) fee units	490.3 plus 5.2 x (ADQ – 5) fee units	367.4 plus 3.7 x (ADQ – 5) fee units	1 550.7 plus 18.1 x (ADQ – 5) fee units

more than 20 ML	2 728 plus 14 x (ADQ - 20) fee units	1 427 plus 7 x (ADQ - 20) fee units	780 plus 4 x (ADQ - 20) fee units	2 848.6 plus 14.3 x (ADQ - 20) fee units	538.3 plus 2.5 x (ADQ - 20) fee units	568.1 plus 2.5 x (ADQ - 20) fee units	422.6 plus 1.8 x (ADQ - 20) fee units	1 822.4 plus 9 x (ADQ - 20) fee units
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## SCHEDULE 4 - Infringement notice penalties and demerit points

Regulations 19 , 20 and 21

Column 1	Column 2	Column 3	Column 4	Column 5
Section of Act	Nature of offence	Maximum penalty under Act	Penalty in case of infringement notice	Demerit points
52	Taking water, except under section 48 of Act, to other's detriment	20 penalty units and a daily penalty of 2 penalty units	2.5 penalty units	2
54(1)	Taking water without a licence	500 penalty units and a daily penalty of 50 penalty units	2.5 penalty units for first offence (but 5 penalty units for second offence within 12 months after first offence, 10 penalty units for third offence within 24 months after first offence)	Nil
61(8)	Failing to provide details of other person's financial interest in licence	10 penalty units	1 penalty unit	2
82(2)	Breaching licence	500 penalty units and a daily penalty of 50 penalty units	2.5 penalty units (but 5 penalty units for second offence within 12 months after first offence, 10 penalty units for third offence within 24 months after first offence)	4
92(4)	Contravening notice of water restrictions	500 penalty units and a daily penalty of 50 penalty units	2.5 penalty units (but 5 penalty units for second offence within 12 months after first offence, 10 penalty units for third offence within 24 months after first offence)	4
123A	Conveying water via watercourse without or in contravention of watercourse authority	500 penalty units and a daily penalty of 50 penalty units	2.5 penalty units (but 5 penalty units for second offence within 12 months after first offence, 10 penalty units for third offence within 24 months after first offence)	Nil
126(4)	Contravening a well order	20 penalty units and a daily penalty of 5 penalty units	4 penalty units and a daily penalty of 1 penalty unit	3
135(1)	Undertaking well works without a permit	200 penalty units and a daily penalty of 20 penalty units	8 penalty units for first offence and a daily penalty of 2 penalty units; 16 penalty units and a daily penalty of 4 penalty units for second offence within 12 months after first offence	4

135(2)	Failing to ensure well works are undertaken in accordance with a permit	200 penalty units and a daily penalty of 20 penalty units	8 penalty units for first offence and a daily penalty of 2 penalty units; 16 penalty units and a daily penalty of 4 penalty units for second offence within 12 months after first offence	4
136A(1)	Undertaking well works without a well driller's licence or supervision of a licence holder	200 penalty units and a daily penalty of 20 penalty units	2.5 penalty units for first offence (but 5 penalty units for second offence within 12 months after first offence, 7.5 penalty units for third offence within 24 months after first offence)	4
136A(2)	Undertaking well works that are in contravention of the class of licence or endorsement on the licence	200 penalty units and a daily penalty of 20 penalty units	2.5 penalty units for first offence (but 5 penalty units for second offence within 12 months after first offence, 7.5 penalty units for third offence within 24 months after first offence)	4
136D(4)	Contravening a condition of a well driller's licence	50 penalty units	2.5 penalty units for first offence (but 5 penalty units for second offence within 12 months after first offence, 7.5 penalty units for third offence within 24 months after first offence)	2
136E(4)	Failing to produce licence for inspection	10 penalty units	0.5 penalty units	0.5
143(1)	Undertaking, or causing or permitting to be undertaken, dam works without or in contravention of permit	200 penalty units and a daily penalty of 20 penalty units	24 penalty units and a daily penalty of 2 penalty units for first offence; 48 penalty units and a daily penalty of 4 penalty units for any subsequent offence within 5 years after first offence	Nil
162(2)	Failing to comply with notice	200 penalty units and a daily penalty of 20 penalty units	24 penalty units and a daily penalty of 2 penalty units	Nil
164ZA(1)	Failing to give notice of completion of dam works	100 penalty units	10 penalty units	Nil
164ZA(3)	Failing to comply with requirement	100 penalty units	10 penalty units	Nil
164ZB(1)	Failing to give notice of completion of dam works	200 penalty units	20 penalty units	Nil
164ZB(4)	Failing to comply with requirement	200 penalty units	20 penalty units	Nil
164ZF(2)	Failing to notify of having ceased to be responsible for	10 penalty units	2 penalty units	Nil

	certain matters under dam operating notice and of replacement person			
164ZI	Contravening condition of dam permit	200 penalty units and a daily penalty of 20 penalty units	24 penalty units and a daily penalty of 2 penalty units for first offence; 48 penalty units and a daily penalty of 4 penalty units for any subsequent offence within 5 years after first offence	Nil
164ZJ(1)	Contravening a dam operating notice or condition of notice	200 penalty units and a daily penalty of 20 penalty units	24 penalty units and a daily penalty of 2 penalty units for first offence; 48 penalty units and a daily penalty of 4 penalty units for any subsequent offence within 5 years after first offence	Nil
164ZK(1) and 164ZK(2)	Failing to comply with registered offset	200 penalty units and a daily penalty of 20 penalty units	24 penalty units and a daily penalty of 2 penalty units for first offence; 48 penalty units and a daily penalty of 4 penalty units for any subsequent offence within 5 years after first offence	Nil
164ZM(3)	Failing to comply with requirement	50 penalty units and a daily penalty of 5 penalty units	12 penalty units and a daily penalty of 1 penalty unit	Nil
165G	Maintaining and operating dam in way that causes, or is likely to cause, environmental harm or endangers persons or property	500 penalty units and a daily penalty of 50 penalty units for a body corporate	25 penalty units and a daily penalty of 2.5 penalty units for a body corporate for first offence; 50 penalty units and a daily penalty of 5 penalty units for any subsequent offence within 5 years after first offence	Nil
		200 penalty units and a daily penalty of 20 penalty units for a natural person	10 penalty units and a daily penalty of 1 penalty unit for a natural person for first offence; 20 penalty units and a daily penalty of 2 penalty units for any subsequent offence within 5 years after first offence	
165H(2)	Failing to comply with requirement contained in Ministerial notice on dam safety	100 penalty units	10 penalty units and a daily penalty of 1 penalty unit	Nil
165I	Failing to report dam incident	100 penalty units	10 penalty units and a daily penalty of 1 penalty unit	Nil

165L(3)	Failing to comply with Ministerial direction relating to undertaking dam works, keeping records or providing plan of action	500 penalty units and a daily penalty of 50 penalty units for a body corporate	25 penalty units and a daily penalty of 2.5 penalty units for a body corporate for first offence; 50 penalty units and a daily penalty of 5 penalty units for any subsequent offence within 5 years after first offence	Nil
		200 penalty units and a daily penalty of 20 penalty units for a natural person	10 penalty units and a daily penalty of 1 penalty unit for a natural person for first offence; 20 penalty units and a daily penalty of 2 penalty units for any subsequent offence within 5 years after first offence	
165N(3)	Failing to comply with Ministerial notice to modify dam	500 penalty units and a daily penalty of 50 penalty units for a body corporate	25 penalty units and a daily penalty of 2.5 penalty units for a body corporate for first offence; 50 penalty units and a daily penalty of 5 penalty units for any subsequent offence within 5 years after first offence	Nil
		200 penalty units and a daily penalty of 20 penalty units for a natural person	10 penalty units and a daily penalty of 1 penalty unit for a natural person for first offence; 20 penalty units and a daily penalty of 2 penalty units for any subsequent offence within 5 years after first offence	
165P(2)	Failing to comply with Ministerial notice of measures to ensure safety of dam	500 penalty units and a daily penalty of 50 penalty units for a body corporate	25 penalty units and a daily penalty of 2.5 penalty units for a body corporate for first offence; 50 penalty units and a daily penalty of 5 penalty units for any subsequent offence within 5 years after first offence	Nil
		200 penalty units and a daily penalty of 20 penalty units for a natural person	10 penalty units and a daily penalty of 1 penalty unit for a natural person for first offence; 20 penalty units and a daily penalty of 2 penalty units for any subsequent offence within 5 years after first offence	
165W(3)	Failing to register dam	100 penalty units	20 penalty units	Nil
165W(6)	Failing to comply with requirement	100 penalty units	10 penalty units	Nil

182	Failing to provide annual or other required report to Minister within specified time	50 penalty units	1 penalty unit	Nil
199	Offence in connection with water district, as specified	50 penalty units	1 penalty unit	Nil
222	Failing to allow inspection, &c., of trust accounts	5 penalty units	0.5 penalty units	Nil
227(3)	Failing to comply with Ministerial notice directing person to install meter in respect of water resource	50 penalty units and a daily penalty of 5 penalty units	2.5 penalty units	3
228(1)	Interfering with or injuring meter	50 penalty units and a daily penalty of 5 penalty units	2.5 penalty units and a daily penalty of 0.5 penalty units	3
235(2)	Hindering person reading, &c., meter	5 penalty units	1 penalty unit	2
236	Failing to take reasonable measures to protect meter	10 penalty units and a daily penalty of 1 penalty unit	1 penalty unit	2
239	Failing to return identity card on ceasing to be authorised officer	5 penalty units	0.5 penalty units	Nil
246(2)	Failing to comply with direction of authorised officer	50 penalty units and a daily penalty of 5 penalty units	2.5 penalty units and a daily penalty of 0.5 penalty units	4
280D(5)	Failing to comply with water supply emergency direction by Minister	500 penalty units and a daily penalty of 10 penalty units	250 penalty units and a daily penalty of 10 penalty units	Nil
281(1)	Interfering with property of Minister or water entity without permission	50 penalty units	1 penalty unit	3
281(2)	Interfering with infrastructure or other property of water entity without permission	50 penalty units	1 penalty unit	3
281(3)	Interfering with property or infrastructure in contravention of condition of permission	50 penalty units	1 penalty unit	3
282(5)	Contravening Ministerial notice to prevent or make good damage caused in taking water	50 penalty units	2.5 penalty units	4
283	Providing false or misleading information	50 penalty units	10 penalty units for providing false or misleading information in	3

			relation to proposed or existing dam works under Part 8 of Act;	
			in all other cases, 1 penalty unit	
284(1)	Hindering, &c., persons administering Act or misrepresenting self as authorised officer or authorised person	50 penalty units	1 penalty unit	3