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Water Management Regulations 2009

Version current from 1 July 2017 to date (accessed 23 October 2018 at 14:30)



Water Management Regulations 2009

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 .

26 June 2009

PETER G. UNDERWOOD

Governor

By His Excellency's Command,

D. E. LLEWELLYN

Minister for Primary Industries and Water

PART 1 - Preliminary

1. Short title

These regulations may be cited as the Water Management Regulations 2009 .

2. Commencement

These regulations take effect on 1 July 2009.

3. Interpretation

In these regulations, unless the contrary intention appears –

Act means the Water Management Act 1999 ;

[Regulation 3 Amended by S.R. 2017, No. 39, Applied:01 Jul 2017]

ADITC means the Australian Drilling Industry Training Committee Limited;

[Regulation 3 Amended by S.R. 2015, No. 97, Applied:01 Jan 2016] **ADQ** means the average daily quantity of water, expressed in ML rounded to 3 decimal places, permitted to be taken under a licence;

[Regulation 3 Amended by S.R. 2017, No. 39, Applied:01 Jul 2017] **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 15 ;

class 2 licence means a class 2 licence referred to in regulation 15 ;

class 3 licence means a class 3 licence referred to in regulation 15 ;

[Regulation 3 Amended by S.R. 2011, No. 130, Applied:21 Dec 2011]

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;

[Regulation 3 Amended by S.R. 2017, No. 39, Applied:01 Jul 2017] **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;

[Regulation 3 Amended by S.R. 2017, No. 39, Applied:01 Jul 2017] **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) *[Regulation 4 Subregulation (1) amended by S.R. 2017, No. 39, Applied:01 Jul 2017]* 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 a day for each dwelling on the relevant land; or

(ii) a maximum of 100L a 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 a day for each square meter, but not exceeding 1500L a day; or

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

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

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

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

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

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

(i) for watering turkeys, 5.5L a 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.

(3) *[Regulation 4 Subregulation (3) omitted by S.R. 2015, No. 97, Applied:01 Jan 2016]*

(4) *[Regulation 4 Subregulation (4) omitted by S.R. 2015, No. 97, Applied:01 Jan 2016]*

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) [Regulation 6 Subregulation (3) amended by S.R. 2015, No. 97, Applied:01 Jan 2016] 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) [Regulation 6 Subregulation (4) amended by S.R. 2015, No. 97, Applied:01 Jan 2016] 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) [Regulation 6 Subregulation (5) inserted by S.R. 2015, No. 97, Applied:01 Jan 2016] 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) [Regulation 7 Subregulation (1) amended by S.R. 2015, No. 97, Applied:01 Jan 2016] 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 in 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) [Regulation 7 Subregulation (2) amended by S.R. 2015, No. 97, Applied:01 Jan 2016] each region is more particularly delineated in the several plans in the Central Plan Register indicated on Plan 5278.

(c) [Regulation 7 Subregulation (2) amended by S.R. 2015, No. 97, Applied:01 Jan 2016]

(3) [Regulation 7 Subregulation (3) amended by S.R. 2015, No. 97, Applied:01 Jan 2016] 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.

[Regulation 8 Rescinded by S.R. 2015, No. 97, Applied:01 Jan 2016]

9. 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 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.

10. 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.

11. Water authorities fees

[Regulation 11 Substituted by S.R. 2011, No. 130, Applied:21 Dec 2011]

(1) [Regulation 11 Subregulation (1) amended by No. 51 of 2012, Sched. 2, Applied:01 Jul 2013] 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) [Regulation 11 Subregulation (2) amended by No. 51 of 2012, Sched. 2, Applied:01 Jul 2013] 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) [Regulation 11 Subregulation (3) amended by S.R. 2015, No. 97, Applied:01 Jan 2016] [Regulation 11 Subregulation (3) omitted by S.R. 2017, No. 39, Applied:01 Jul 2017]

(4) In this regulation – [Regulation 11 Subregulation (4) amended by No. 51 of 2012, Sched. 2, Applied:01 Jul 2013]

[Regulation 11 Subregulation (4) amended by No. 51 of 2012, Sched. 2, Applied:01 Jul 2013] **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);

[Regulation 11 Subregulation (4) amended by No. 51 of 2012, Sched. 2, Applied:01 Jul 2013] **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;

[Regulation 11 Subregulation (4) amended by No. 51 of 2012, Sched. 2, Applied:01 Jul 2013] **prescribed maximum** means –

- (a) for the financial year ending on 30 June 2012, \$2 375 000; and
- (b) for the financial year ending on 30 June 2013, \$2 375 000 indexed in accordance with the average CPI figure for Hobart for the 4 quarters ending on 31 December 2012; 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;

[Regulation 11 Subregulation (4) amended by No. 51 of 2012, Sched. 2, Applied:01 Jul 2013] **Regional Corporation** has the same meaning as in the Water and Sewerage Corporation Act 2012 .

12. 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.

13. Fee rebates

(1) *[Regulation 13 Subregulation (1) omitted by S.R. 2011, No. 130, Applied:21 Dec 2011]*

(2) *[Regulation 13 Subregulation (2) amended by S.R. 2011, No. 130, Applied:21 Dec 2011]* 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) *[Regulation 13 Subregulation (2) amended by S.R. 2015, No. 97, Applied:01 Jan 2016]* the average daily quantity of water that is authorised under the water allocations to be taken is less than 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) *[Regulation 13 Subregulation (2) amended by S.R. 2011, No. 130, Applied:21 Dec 2011]* *[Regulation 13 Subregulation (2) amended by S.R. 2015, No. 97, Applied:01 Jan 2016]* the average daily quantity of water that is authorised under the water allocations to be taken is less than 0.01ML;
- (c) *[Regulation 13 Subregulation (2) amended by S.R. 2011, No. 130, Applied:21 Dec 2011]* 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) *[Regulation 13 Subregulation (2) amended by S.R. 2015, No. 97, Applied:01 Jan 2016]* the average daily quantity of water that is authorised under the water allocations to be taken is less than 0.01ML.

14.

[Regulation 14 Rescinded by S.R. 2011, No. 130, Applied:21 Dec 2011]

PART 4 - Well drillers' licences

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

16. 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) *[Regulation 16 Subregulation (1) amended by S.R. 2015, No. 97, Applied:01 Jan 2016]* non-drilling rig endorsement;
 - (f) *[Regulation 16 Subregulation (1) amended by S.R. 2015, No. 97, Applied:01 Jan 2016]* 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) *[Regulation 16 Subregulation (7) inserted by S.R. 2015, No. 97, Applied:01 Jan 2016]* A sonic endorsement authorises sonic drilling methods with an abrasive slurry that is made to vibrate at sonic frequencies.

17. Class 1 licence competencies

[Regulation 17 Substituted by S.R. 2017, No. 39, Applied:01 Jul 2017]

- (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 basic field experience; or

(c) the successful completion of any course, regulating the competence of well drillers, that is approved by the NUDLC, and extended field experience.

(2) In this regulation –

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

- (a) experience in operating drilling machines in well-drilling operations over a period of at least 6 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 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 6 class 1 wells.

18. Class 2 licence competencies

[Regulation 18 Substituted by S.R. 2017, No. 39, Applied:01 Jul 2017]

(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 basic field experience; or
- (c) the holding of a class 1 licence, or the holding of the necessary qualifications and experience to hold a class 2 licence, the successful completion of any course, regulating the competence of well drillers, that is approved by the NUDLC, and intermediate field experience.

(2) In this regulation –

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

- (a) experience in operating drilling machines in well-drilling operations (as an employee) over a period of at least 6 months; and
- (b) personally drilled, under the supervision of the holder of a class 2 licence, at least 6 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 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 6 class 1 wells; and
- (c) personally drilled, under the supervision of the holder of a class 2 licence, at least 3 class 2 wells.

19. Class 3 licence competencies

[Regulation 19 Substituted by S.R. 2017, No. 39, Applied:01 Jul 2017]

(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 successful completion of an approved course, or of national qualifications for a class 3 licence, and intermediate field experience; or
- (c) the holding of a class 2 licence, 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 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 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 6 class 2 wells; and
- (c) personally drilled, under the supervision of the holder of a class 3 licence, at least 3 class 3 wells;

intermediate field experience, in relation to an applicant, means 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 6 class 2 wells; and
- (c) personally drilled, under the supervision of the holder of a class 3 licence, at least 3 class 3 wells.

20. 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

21. 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

22. 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 .

23. Allocation of demerit points for court conviction

For section 257 of the Act in its application to a conviction by a court for an offence against 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.

24. Duration of demerit points

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

25. 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 by the fact that any of the demerit points would expire during that period or that the period is postponed under this regulation.

(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.

26. 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 permit the taking of water.

27. Cancellation of licence

(1) Where a licence has been suspended in a case to which regulation 25 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.

28. 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

29. Trust rules

[Regulation 29 Amended by S.R. 2017, No. 39, Applied:01 Jul 2017] 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;
- (ca) *[Regulation 29 Amended by S.R. 2017, No. 39, Applied:01 Jul 2017]* 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 this Act;
- (d) the conduct of the business of the trust;
- (e) the management of the water district or districts for which the trust is established;
- (f) the keeping and use of the common seal;
- (g) the execution of documents.

29A. Offsets

[Regulation 29A Inserted by S.R. 2015, No. 97, Applied:01 Jan 2016]

(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*;
or
- (b) a conservation covenant within the meaning of Part 5 of the *Nature Conservation Act 2002*.

29B. Terms of review

[Regulation 29B Inserted by S.R. 2015, No. 97, Applied:01 Jan 2016]

(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 Division 3 of 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 Division 3 of 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.

29C. Keeping of records and information

[Regulation 29C Inserted by S.R. 2015, No. 97, Applied: 01 Jan 2016]

(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.

30. Legislation rescinded

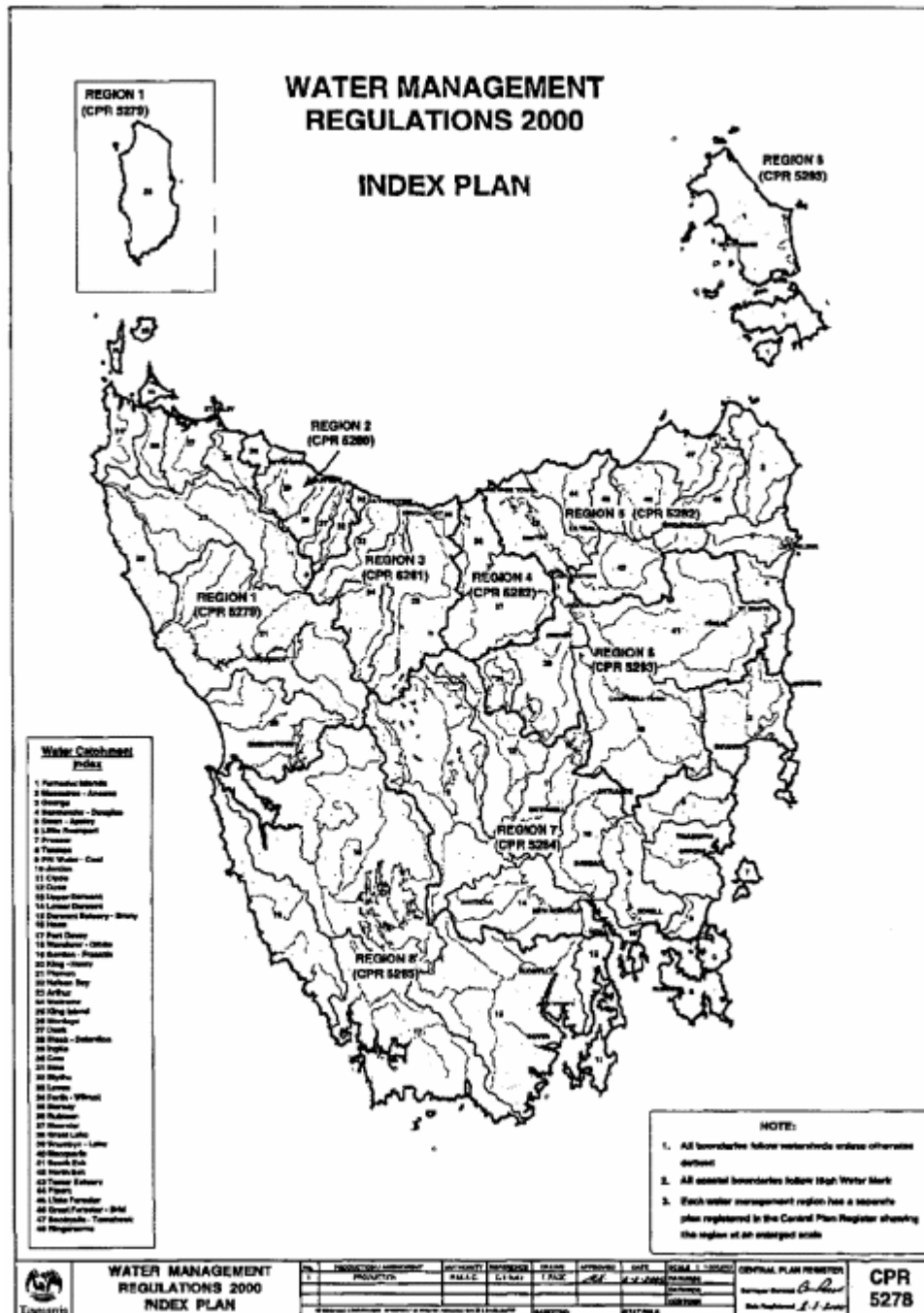
The legislation specified in Schedule 5 is rescinded.

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

Regulation 7(2)(a)



SCHEDULE 3 - Fees

Regulation 12

PART 1

[Part 1 of Schedule 3 Rescinded by S.R. 2015, No. 97, Applied:01 Jan 2016]

PART 2 - Miscellaneous Fees

[Part 2 of Schedule 3 Amended by S.R. 2011, No. 130, Applied:21 Dec 2011] [Part 2 of Schedule 3 Amended by S.R. 2015, No. 97, Applied:01 Jan 2016] [Part 2 of Schedule 3 Amended by S.R. 2017, No. 39, Applied:01 Jul 2017]

	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
4A.	61(5)	Notification of removal of financial interest in licence or water allocation	27 fee units
4B.	61(6)	Amendment of notation of financial interest in licence or water allocation	27 fee units
5.	62	Application for licence (where applicant is seeking water allocation) Application for licence (where applicant is not 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 65 fee units
6.	70	Application to vary licence as specified	
			(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 71 of the Act
8.	90	Temporary water allocation	65.5 fee units plus an additional fee calculated in accordance with Part 3 of this Schedule
9.	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 (c) all other transfers	65 fee units 195 fee units
10.	103	Application for temporary transfer of water allocation by person who does not hold a licence	195 fee units
11.	123B	Application for watercourse authority	98.3 fee units
12.	123E(1)(b)	Annual field management fee for watercourse authority	66 fee units
13.	135A(2)(a)	Application for well works permit	189 fee units

14.	135F(2)(a)	Application to vary well works permit	108 fee units
15.	136B(2)(b)	Application for well driller's licence	54 fee units if applicant holds an Australian well driller's licence 140 fee units for all other applicants
15A.	136F(1)(a)	Fee for renewal of well driller's licence	54 fee units
16.	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
17.	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 where the application requires a notice under section 145 of the Act.
17A.	151(2)	Application to amend permit application	280 fee units
17B.	160(2)	Notice of intention to undertake dam works	65 fee units
17C.	164E(2)	Application to extend term of Division 3 permit	65 fee units
17D.	164F(3)	Application to amend Division 3 permit (other than to extend or transfer permit)	280 fee units
17E.	164N(2)	Application to transfer permit	65 fee units
17F.	164Q(2)	Application to register offset	95 fee units
17G.	164U(2)	Application to amend registered offset	95 fee units
18.	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)
19.	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)
20.	206A	Notification of establishment of trust	258 fee units
21.	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 3 - 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

SCHEDULE 4 - Infringement notice penalties and demerit points

Regulations 21 , 22 and 23

[Schedule 4 Amended by S.R. 2015, No. 97, Applied:01 Jan 2016]

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(1)	Failing to provide details of other person's financial interest in licence	10 penalty units	1 penalty unit	2
82(1)	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 on 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	2

			within 24 months after first offence)	
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 certain matters under dam operating notice	10 penalty units	2 penalty units	Nil
164ZI	Contravening conditions 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	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 environmental harm or endangers persons or property	500 penalty units and a daily penalty of 50 penalty units for a body corporate 200 penalty units and a daily penalty of 20 penalty units for a natural person	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 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	Nil
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 200 penalty units and	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 10 penalty units and a daily	Nil

		a daily penalty of 20 penalty units for a natural person	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 200 penalty units and a daily penalty of 20 penalty units for a natural person	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 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	Nil
165P(2)	Failing to comply with Ministerial notice to ensure safety of dam	500 penalty units and a daily penalty of 50 penalty units for a body corporate 200 penalty units and a daily penalty of 20 penalty units for a natural person	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 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	Nil
182	Failing to provide annual or other required report to Minister	50 penalty units	1 penalty unit	Nil
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
199	Offences 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	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	50 penalty units	1 penalty unit	3
281(2)	Interfering with infrastructure or other property of water entity	50 penalty units	1 penalty unit	3
281(3)	Interfering with property or infrastructure in	50 penalty units	1 penalty unit	3

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

SCHEDULE 5 - Legislation rescinded

Regulation 30

Water Management Regulations 1999 (No. 190 of 1999)

Water Management Amendment (Fees) Regulations 2007 (No. 75 of 2007)

Water Management Amendment (Fees) Regulations 2008 (No. 97 of 2008)

Water Management Amendment Regulations 2009 (No. 4 of 2009)

Displayed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 1 July 2009

These regulations are administered in the Department of Primary Industries and Water.