



Application for request for waiver due to exceptional circumstances

Note This form is for water licence/account holders who have received a Notice of Liability for a penalty under the *Landscape South Australia Act 2019* and wish to request consideration of a waiver due to exceptional circumstances in accordance with **Treasurer's Instruction 5: Debt Recovery and Write Offs (TI5)**.

This process is not an appeal of the penalty. Under legislation, there is no right of appeal once a penalty has been validly applied. Instead, this process allows you to request that the debt be waived in very limited and specific circumstances. To be considered, your request must demonstrate one of the following:

- There is a moral obligation on the State to waive the debt (for example, where a government action or omission directly led to an unintended liability)
- The debt is irrecoverable

It should be noted that in the past, the following have not, on their own, been considered to meet the requirements of an exceptional circumstance and therefore a waiver:

- Financial hardship
- Administrative errors by you or your business
- Inability to secure sufficient water allocation
- Knowingly exceeding your water allocation

You will be required to provide clear supporting evidence to substantiate your claim. Applications that do not demonstrate alignment with the above criteria are unlikely to be successful.

Final approval of a waiver can only be granted by the South Australian Treasurer.

Please ensure that you have read the Exceptional Circumstances fact sheet before proceeding with your application.

[Exceptional-Circumstances-Fact-Sheet](#)

1. Applicant details

(* denotes required fields)

Applicant name*

Licence/account holder's name*

Contact phone number*

Contact email address*



2. Invoice details

Prescribed water resource*

Invoice number*
(a request for a waiver cannot be made unless an invoice has been issued)

Water account or licence number*

Accounting period*

Water allocation available at start of accounting period*

Volume taken in excess of available allocation* *(as shown as 'quantity' on invoice)*

Invoice amount*

3. Trade details

Please include details of any trades undertaken during the accounting period

Application number	Lodgment date	From water account / licence number	To water account / licence number	Volume traded (kL)	Trade approval date



4. Preliminary

- ☐ I understand that in accordance with the South Australian Government Treasurer's Instruction 5 – Debt Recovery and Write offs (TI5) there are very limited circumstances which constitute an exceptional circumstance
- ☐ I have read the Exceptional Circumstances Factsheet

Does your request rely on any of the following:

- ☐ Financial hardship ☐ Inability to secure a water allocation
- ☐ Administrative error on my behalf or my business

- ☐ I understand that in the past the above reasons alone have not been considered to be exceptional circumstances

Which of the following grounds are you applying under:

- ☐ Moral obligation on the State
- ☐ Debt is irrecoverable
- ☐ Other

5. Circumstances of the breach

Describe and provide details of the events that led to the excess water use*

Attach additional pages if required

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.



What actions have you taken to prevent reoccurrence?

Attach additional pages if required

[illegible]

6. Additional information

Did you hold any other water licence or water account for the same prescribed resource and accounting period (including as a joint holder)*?

☐ Yes☐ No

If yes, please provide details including:

- Water account or water licence number(s)
- Volume of water remaining at the end of the accounting period on this account (note this must be the same accounting period as that to which the penalty applies)
- If the accounts relate to a water resource that is subject to a quarterly accounting regime, the volume of water remaining on the account at the end of each quarter for the water year must be provided

[illegible]



Please include any other information relevant to your application that you would like to be considered as part of the assessment for a penalty waiver due to exceptional circumstances

Attach additional pages if required

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7. Declaration

By submitting this form, I declare that the information I have provided is true and correct as at the date provided below*

Where the applicant is an individual or two or more persons		
Name	Signature	Date
(print)	(sign)	dd mm yy
Name	Signature	Date
(print)	(sign)	dd mm yy
Name	Signature	Date
(print)	(sign)	dd mm yy
Where the applicant is a company or incorporated association and authorised persons sign on behalf of the organisation		
Name	Position held	
(print)		
Signature	Date	
(sign)	dd mm yy	
Name	Position held	
(print)		
Signature	Date	
(sign)	dd mm yy	
The person(s) duly authorised to sign for and on behalf of:		
(print name of company or incorporated association)		
Where the applicant is acting on behalf of the water licence / water account holder		
Name	Business/Firm	
Position held	Date	
Signature		
Name of licence/account holder		
Signature		
Date		
Return application and all supporting evidence to:		
Water Licensing Branch Department for Environment and Water GPO Box 1047, Adelaide SA 5001 ecsubmissionwaterlicensing@sa.gov.au		