

LANDSCAPE SOUTH AUSTRALIA ACT 2019

*Declaration of Penalty in Relation to the Unauthorised or Unlawful Taking of Water
from the River Murray Prescribed Watercourse*

PURSUANT to Section 88(1) of the *Landscape South Australia Act 2019* ('the Act'), I, Ben Bruce, delegate of the Minister for Climate, Environment and Water and Minister to whom the Act is committed, hereby declare that the following penalties are payable in relation to the unauthorised or unlawful taking or use of water during the consumption period that corresponds to the accounting period defined in Column 1 of Schedule 1:

1. Where a person who is the holder of a water allocation takes water from the River Murray Prescribed Watercourse in excess of the amount available under the allocation, the penalty declared pursuant to Section 88(1)(a) is:
 - a) the corresponding rate in Column 2 of Schedule 1 to this notice for all water taken in excess of the amount available under the allocation endorsed on the relevant instrument under the terms of the water licence to which the allocation is attributable, up to and including 500,000 kilolitres; and
 - b) the corresponding rate in Column 3 of Schedule 1 to this notice for all water taken in excess of the quantity of water referred to in paragraph (a) above 500,000 kilolitres.
2. Where a person who is authorised under section 105 of the Act takes water from the River Murray Prescribed Watercourse that exceeds the amount authorised under the terms of that authorisation the penalty declared pursuant to Section 88(1)(e) is:
 - a) the corresponding rate in Column 2 of Schedule 1 to this notice for all water taken in excess of the amount authorised by a notice under Section 105 of the Act, up to and including 500,000 kilolitres; and
 - b) the corresponding rate in Column 3 of Schedule 1 to this notice for all water taken in excess of the quantity referred to in paragraph (a) above 500,000 kilolitres.
3. Where water is taken from the River Murray Prescribed Watercourse by a person who is not the holder of a water management authorisation or who is not authorised under Section 105 of the Act to take the water, the penalty declared under Section 88(1)(e) is the corresponding rate in Column 4 of Schedule 1 to this notice per kilolitre of water determined or assessed to have been taken in accordance with Section 79 of the Act.
4. Where a person takes water from the River Murray Prescribed Watercourse in excess of the amount authorised for use under Section 109 of the Act the penalty declared pursuant to Section 88(1)(f) is:
 - a) the corresponding rate in Column 2 of Schedule 1 to this notice for all water taken in excess of the amount authorised for use by a notice under Section 109 of the Act, up to and including 500,000 kilolitres; and
 - b) the corresponding rate in Column 3 of Schedule 1 to this notice for all water taken in excess of the quantity referred to in paragraph (a) above 500,000 kilolitres.
5. Where water is taken from the River Murray Prescribed Watercourse subject to a notice under Section 109 of the Act by a person who is not authorised to use the water the penalty declared under Section 88(1)(f) is the corresponding rate in Column 4 of Schedule 1 to this notice per kilolitre of water determined or assessed to have been taken in accordance with Section 79 of the Act.
6. Where a person may be subject to more than one penalty under Section 88, the penalty that is the greater shall be imposed.

SCHEDULE 1

Penalties for overuse from the River Murray Prescribed Watercourse between 1 January 2023 to 31 March 2023 inclusive:

Column 1	Column 2	Column 3	Column 4
Accounting Period	Penalty for overuse up to and including 500,000 kL (per kL)	Penalty for overuse above 500,000 kL (per kL)	Penalty for unlawful taking or use of water (per kL)
1 January 2023 to 31 March 2023	\$1.14	\$1.52	\$1.52

Unit of measure kL is the abbreviation of kilolitre.

For the purposes of this notice:

'the River Murray Prescribed Watercourse' means the watercourses and lakes declared to be the River Murray Proclaimed Watercourse by proclamation under Section 25 of the *Water Resources Act 1976* (see *Gazette* 10 August 1978, p. 467)

'accounting period' means the period determined by the Minister from time to time by notice in the *Gazette* (with the period not necessarily being the same period as the accounting period under Division 2).

'consumption period' in relation to an accounting period means a period of approximately the same length as the accounting period that commences or terminates during the accounting period and during which water is taken or used.

Words used in this notice that are defined in the Act shall have the meanings as set out in the Act.

Dated: 7 February 2023

BEN BRUCE
Executive Director, Water and River Murray
Department for Environment and Water
Delegate of the Minister for Climate, Environment and Water