

Australian Capital Territory
WATER RESOURCES ACT 1998

Determination of Fees
Explanatory Statement

INSTRUMENT NO. 116 OF 2000

The *Water Resources Act 1998* provides for the sustainable management of the surface water and groundwater resources of the Territory.

Section 78 of the Act, as amended by the *Water Resources Amendment Act 1999*, provides that the Minister may, by notice in the Gazette, determine fees payable under the Act, the amount of the fee, and how the fee is to be worked out. Section 78 also requires that, in relation to periodic fees, the determination must also state, the period to which the fee relates, how the fee is to be paid (for example, as a lump sum or by instalment), and when the fee is payable.

This instrument determines fees for a water allocation and in relation to certain licences which may be granted under the Act. It replaces determination number 204 of 1999. No fee has been increased and there is no new fee.

The purpose of the determination is to specify how fees are to be collected including the timing of payments, in accordance with the provisions of the *Water Resources Amendment Act*.

The determination is a disallowable instrument for the purposes of section 10 of the *Subordinate Laws Act 1989*.

Section 28 describes how a person may obtain a water allocation. Section 28 (6) enables the Minister to grant a water allocation to a person subject to specified conditions and the determined fee.

Section 35 enables the Environment Management Authority to grant a licence to a person to take water from a specified waterway or location subject to conditions specified in the licence. Water abstraction fees do not apply to the use of groundwater from below leases issued before 11 December 1998.

Section 47 prohibits a person from constructing, operating or altering works for the purpose of increasing the quantity of groundwater without a recharge licence and it enables the Environment Management Authority to grant a recharge licence subject to conditions.

Circulated by authority of
Brendan Smyth MLA
Minister for Urban Services