

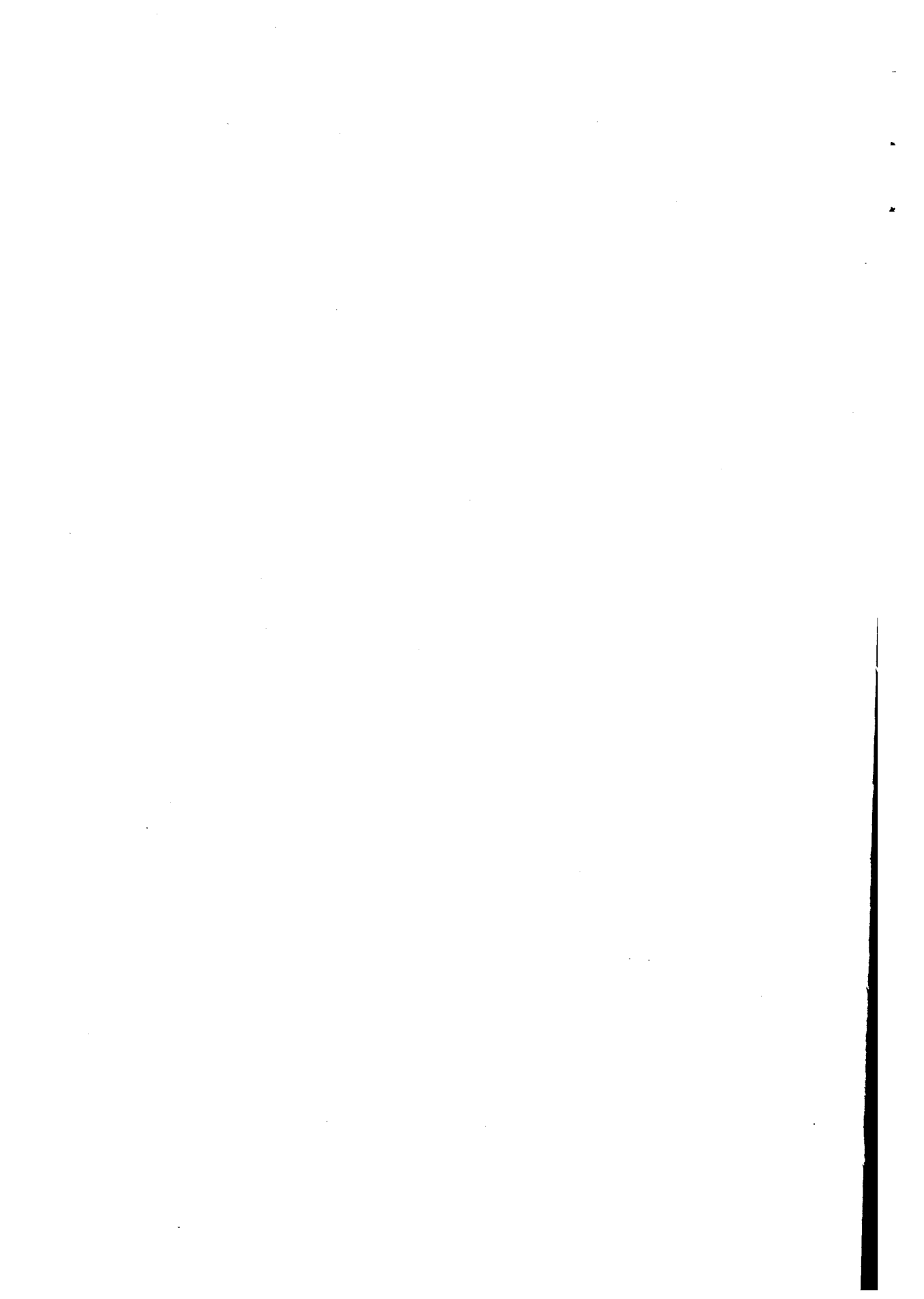
# WATER (SOIL CONSERVATION) AMENDMENT BILL 1986

NEW SOUTH WALES



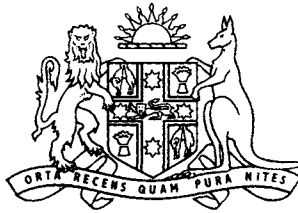
## TABLE OF PROVISIONS

1. Short title
  2. Commencement
  3. Amendment of Act No. 44, 1912
  4. Savings
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# WATER (SOIL CONSERVATION) AMENDMENT BILL 1986

NEW SOUTH WALES



No. , 1986

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## A BILL FOR

An Act to amend the Water Act 1912 to omit certain provisions relating to the felling of trees near rivers and lakes, and for other purposes.

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Schedule 2 (23) inserts a proposed section 22BA which enables the Ministerial Corporation to place an embargo on applications for entitlements to take water from a water source even though the water source is not the subject of a water allocations scheme.

Schedule 2 (24) clarifies the provisions relating to the periods in respect of which certain charges for water are to be paid, provides for daily interest on charges due and unpaid and creates a charge on the relevant land for the amount unpaid.

Schedule 2 (25)—

- (a) authorises the making of regulations for a scheme providing for the transfer of rights between the holders of entitlements to take water from a water source that is not the subject of a water allocation scheme; and
- (b) introduces greater flexibility in the making of regulations.

#### SCHEDULE 3—AMENDMENTS TO PART III OF THE WATER ACT 1912

Schedule 3 (1) makes an amendment consequential on the establishment by the proposed Water Administration Act 1986 of a Department of Water Resources.

Schedule 3 (2) authorises the withholding of water supplies upon failure to pay certain rates.

Schedule 3 (3) provides for the payment of interest on overdue rates and charges.

Schedule 3 (4) makes an amendment consequential upon the replacement of the Water Resources Commission by the Ministerial Corporation.

Schedule 3 (5) introduces greater flexibility in the making of regulations.

#### SCHEDULE 4—AMENDMENTS TO PART V OF THE WATER ACT 1912

Schedule 4 (1) amends the definition of sub-surface water to extend it to all water under the surface of the ground, whether or not it occurs naturally.

Schedule 4 (2) enables a year other than a year commencing on 1 July to be used in relation to certain charges and provides for the payment of daily interest on unpaid charges.

Schedule 4 (3) includes interest on unpaid charges in the amount charged on land.

Schedule 4 (4) inserts—

- (a) proposed section 121A which creates offences relating to interference with sub-surface water and the obstruction of its flow;
- (b) proposed section 121B which authorises the Ministerial Corporation to deal with obstructions to the flow of sub-surface water and unlicensed bores; and
- (c) proposed section 121C which provides for the sharing between the owner and occupier of land of the costs of dealing with an obstruction to the flow of sub-surface water.

Schedule 4 (5) introduces greater flexibility in the making of regulations.

#### SCHEDULE 5—AMENDMENTS TO PART VI OF THE WATER ACT 1912

Schedule 5 (1)–(3) makes an amendment consequential upon the replacement of the Water Resources Commission by the Ministerial Corporation.

Schedule 5 (4) provides for the payment of daily interest on rates and charges.

Schedule 5 (5) deals with the payment of charges for additional rates.

Schedule 5 (6) includes maintenance charges and interest on unpaid charges in the amount that is a charge on land.

Schedule 5 (7) removes the period of 6 months grace before there is a liability for disconnection of a water supply for unpaid charges and also makes amendments consequential upon the replacement of the Water Resources Commission by the Ministerial Corporation.

Schedule 5 (8) makes amendments consequential upon the replacement of the Water Resources Commission by the Ministerial Corporation.

Schedule 5 (9) makes amendments consequential upon the abolition of the Water Resources Commission.

Schedule 5 (10) introduces greater flexibility in the making of regulations.

#### SCHEDULE 6—AMENDMENTS TO PART VII OF THE WATER ACT 1912

Schedule 6 (1) repeats, for the purposes of Part VII, the new definition of “River” inserted in Part II by Schedule 2 (1).

Schedule 6 (2) and (3) authorises the Governor to revoke certain proclamations.

Schedule 6 (4) and (5) makes amendments consequential upon the replacement of the Water Resources Commission by the Ministerial Corporation.

Schedule 6 (6) makes amendments relating to the due date for payment of rates and providing for the payment of daily interest on unpaid rates.

Schedule 6 (7) introduces greater flexibility in the making of regulations.

#### SCHEDULE 7—AMENDMENTS TO PART VIII OF THE WATER ACT 1912

Schedule 7 (1) repeats, for the purposes of Part VIII, the new definition of “River” inserted in Part II by Schedule 2 (1).

Schedule 7 (2) makes an amendment consequential upon the replacement of the Water Resources Commission by the Ministerial Corporation.

#### SCHEDULE 8—AMENDMENTS TO THE WATER ACT 1912 RELATING TO THE DURATION OF ENTITLEMENTS

This Schedule amends the provisions of the Act relating to the period for which the various entitlements to take and use water may be granted or renewed. In each case, this is at present a period not exceeding 10 years and the amendments will enable this to be varied by regulations.

## SCHEDULE 9—AMENDMENTS TO THE WATER ACT 1912 RELATING TO THE TRANSFER OF WATER ALLOCATIONS

This Schedule inserts a proposed Division 4C in Part II of the Water Act 1912 comprising proposed sections 20AG–20AM.

Proposed section 20AG provides for the new Division to be construed with, and as if it formed part of, Division 4B which deals with volumetric water allocation schemes.

Proposed section 20AH authorises the holder of an entitlement, with the consent of the Ministerial Corporation, to transfer all or part of the water allocation for the entitlement.

Proposed section 20AI provides for the procedures to be adopted in order to obtain approval to transfer a water allocation.

Proposed section 20AJ requires a form of transfer to be lodged with, and the prescribed fee paid to, the Ministerial Corporation in order to effect a transfer of a water allocation.

Proposed section 20AK provides for the cancellation of a superseded entitlement following transfer of a water allocation.

Proposed section 20AL enables the Ministerial Corporation to purchase, and obtain a surrender of, a water allocation.

Proposed section 20AM lifts, in relation to an application for an entitlement for the purpose of transferring a water allocation, any embargo in force under section 20Y in relation to applications for entitlements.

## SCHEDULE 10—AMENDMENTS TO THE WATER ACT 1912 RELATING TO THE SALE OF WATER ALLOCATIONS

Schedule 10 (1) inserts a proposed Division 4D in Part II comprising sections 20AN–20AR.

Proposed section 20AN defines “available water” for the purposes of proposed Division 4D and requires that Division to be construed with, and as if it formed part of, Division 4B which deals with volumetric water allocation schemes.

Proposed section 20AO enables the Ministerial Corporation to invite offers to purchase allocations of available water. An offer may be the subject of negotiation or may be by way of a tender or at auction, as may be specified by the Ministerial Corporation.

Proposed section 20AP provides that acceptance by the Ministerial Corporation of an offer to purchase a water allocation is conditional upon certain entitlements being applied for and granted.

Proposed section 20AQ provides for the cancellation of a superseded entitlement following purchase of a water allocation.

Proposed section 20AR lifts, in relation to an application for an entitlement for the purpose of purchasing a water allocation, any embargo in force under section 20Y in relation to applications for entitlements.

Schedule 10 (2) provides for the making of regulations to give effect to the provisions relating to the sale and purchase of water allocations.

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