



New South Wales

Sydney Water Catchment Management Amendment Bill 2001

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Sydney Water Catchment Management Act 1998* (the *principal Act*) so as:

- (a) to provide for the establishment and operation of a Sydney Catchment Management Fund, and
- (b) to make provision for the charges that the Sydney Catchment Authority may make for certain services that it supplies.

The amendments are to be taken to have commenced on 8 January 1999, being the date on which the Sydney Catchment Authority was constituted under section 6 of the principal Act.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the proposed Act to be taken to have commenced on 8 January 1999.

Clause 3 is a formal provision giving effect to the amendments to the principal Act set out in Schedule 1.

Schedule 1 Amendments

Schedule 1 [2] inserts a proposed Division 5 into Part 3 of the principal Act. The new Division contains the following provisions:

Proposed section 24A establishes a fund called the Sydney Catchment Management Fund, and provides for it to be maintained by the Sydney Catchment Authority.

Proposed section 24B requires money from specified sources to be paid into the Sydney Catchment Management Fund.

Proposed section 24C identifies the purposes for which money in the Sydney Catchment Management Fund may be applied.

Proposed section 24D empowers the Sydney Catchment Authority to invest money in the Sydney Catchment Management Fund in any manner authorised by the *Public Authorities (Financial Arrangements) Act 1987*.

Proposed section 24E makes provision for the charges that the Sydney Catchment Authority may make for services that it supplies (other than the supply of water to Sydney Water Corporation or any other service whose cost is otherwise determined or regulated under the principal Act).

Schedule 1 [1] makes a consequential amendment to section 3 (Definitions) of the principal Act.

First print



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New South Wales

Sydney Water Catchment Management Amendment Bill 2001

No. , 2001

A Bill for

An Act to amend the *Sydney Water Catchment Management Act 1998* with respect to the establishment of a Sydney Catchment Management Fund; and for other purposes.

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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|
| The Legislature of New South Wales enacts: | 1 |
| 1 Name of Act | 2 |
| This Act is the <i>Sydney Water Catchment Management Amendment Act 2001</i> . | 3 4 |
| 2 Commencement | 5 |
| This Act is taken to have commenced on 8 January 1999, being the date on which the Sydney Catchment Authority was constituted under the <i>Sydney Water Catchment Management Act 1998</i> . | 6 7 8 |
| 3 Amendment of Sydney Water Catchment Management Act 1998 No 171 | 9 |
| The <i>Sydney Water Catchment Management Act 1998</i> is amended as set out in Schedule 1. | 10 11 |

| | | | |
|-------------------|------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| Schedule 1 | Amendments | 1 | |
| | (Section 3) | 2 | |
| [1] | Section 3 Definitions | 3 | |
| | Insert in alphabetical order: | 4 | |
| | <i>Fund</i> means the Sydney Catchment Management Fund referred to in section 24A. | 5 6 | |
| [2] | Part 3, Division 5 | 7 | |
| | Insert after Division 4 of Part 3: | 8 | |
| | Division 5 | Financial provisions | 9 |
| | 24A | Sydney Catchment Management Fund | 10 |
| | (1) | There is established a fund called the Sydney Catchment Management Fund (the <i>Fund</i>). | 11 12 |
| | (2) | The Fund is to be maintained by the Authority. | 13 |
| | 24B | Payments into Fund | 14 |
| | | The following amounts are to be paid into the Fund: | 15 |
| | (a) | any money appropriated by Parliament for payment into the Fund, | 16 17 |
| | (b) | any money received by the Authority from the supply of water, | 18 19 |
| | (c) | any money received by the Authority in relation to any lease, licence, permit or easement granted by the Authority in respect of land under its ownership or control, | 20 21 22 23 |
| | (d) | any money received by the Authority from the sale of its assets, | 24 25 |
| | (e) | any fees received by the Authority for the services it supplies, | 26 27 |

- (f) any penalty, fine or forfeiture recovered in proceedings for an offence against this or any other Act, or against the regulations under this or any other Act, being proceedings instituted by or under the direction of, or for on behalf of, the Authority, 1
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5
- (g) any money given to the Authority for the express purpose of payment into the Fund, 6
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- (h) the proceeds of the investment of money in the Fund, 8
- (i) any other money required to be paid into the Fund by or under this or any other Act or law. 9
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24C Payments out of Fund 11

Money in the Fund may be applied for any or all of the following purposes: 12
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- (a) capital and recurrent expenditure in relation to the Authority's works, 14
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- (b) carrying out and giving effect to plans of management in accordance with section 50, 16
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- (c) acquiring land (including an interest in land) as referred to in section 60, 18
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- (d) the provision of financial assistance for the purpose of funding catchment management activities carried out by other persons and bodies, including local councils, but only if those activities are consistent with the Authority's objectives, 20
21
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23
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- (e) payment of any dividends, tax-equivalents or guarantee fees referred to in section 34 (2) (b), and any dividends of the kind referred to in section 59B of the *Public Finance and Audit Act 1983*, 25
26
27
28
- (f) the costs incurred by the Authority in maintaining the Fund, 29
30
- (g) any other costs and expenses incurred by the Authority in connection with the exercise of its functions. 31
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|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| 24D | Investment of Fund | 1 |
| | The Authority may invest money in the Fund in any manner authorised by the <i>Public Authorities (Financial Arrangements) Act 1987</i> . | 2 3 4 |
| 24E | Fees for services supplied by Authority | 5 |
| (1) | The Authority may charge, for the supply of any services under this Act or the regulations: | 6 7 |
| (a) | such fee as is prescribed by the regulations for the supply of the service, or | 8 9 |
| (b) | if a fee is not so prescribed, such reasonable fee as it determines for the supply of the service. | 10 11 |
| (2) | This section does not apply to the supply of water to the Sydney Water Corporation, or to the supply of any other service whose cost is determined or regulated under any arrangement, operating licence, memorandum of understanding or other instrument under this Act. | 12 13 14 15 16 |