

Legislative Council

Water Management Bill

Amendments agreed to in Committee of the Whole
Wednesday 29 November 2000.

- CDP** No. 1 Page 2, clause 3, line 28. Omit “social and customary use of land”. Insert instead “social, customary and economic use of land and water”.
- Grns** No. 2 Page 5, clause 5, lines 27 to 32. Omit all words on those lines. Insert instead:
- (6) In relation to floodplain management:
 - (a) floodplain management must avoid or minimise land degradation, including soil erosion, compaction, geomorphic instability, contamination, acidity, waterlogging, decline of native vegetation or, where appropriate, salinity and, where possible, land must be rehabilitated, and
 - (b) the impacts of flood works on other water users should be avoided or minimised, and
 - (c) the existing and future risk to human life and property arising from occupation of floodplains must be minimised.
 - (7) In relation to controlled activities:
 - (a) the carrying out of controlled activities must avoid or minimise land degradation, including soil erosion, compaction, geomorphic instability, contamination, acidity, waterlogging, decline of native vegetation or, where appropriate, salinity and, where possible, land must be rehabilitated, and
 - (b) the impacts of the carrying out of controlled activities on other water users must be avoided or minimised.
 - (8) In relation to aquifer interference activities:
 - (a) the carrying out of aquifer interference activities must avoid or minimise land degradation, including soil erosion, compaction, geomorphic instability, contamination, acidity, waterlogging, decline of native vegetation or, where appropriate, salinity and, where possible, land must be rehabilitated, and
 - (b) the impacts of the carrying out of aquifer interference activities on other water users must be avoided or minimised.
- Govt** No. 3 Page 6, clause 6. Insert after line 9:
- (a) to set the over-arching policy context, targets and strategic outcomes for the management of the State’s water sources, having regard to:
 - (i) relevant environmental, social and economic considerations, and

(ii) the results of any relevant monitoring programs.

Govt

No. 4 Page 6, clause 6. Insert after line 25:

- (5) The regulations may make provision for or with respect to the public consultation procedures to be complied with in relation to the establishment or amendment of a State Water Management Outcomes Plan.
- (6) A State Water Management Outcomes Plan has effect for the period of 5 years commencing on the date on which it is published in the Gazette.

R Jones

No. 5 Page 6, clause 7. Insert after line 28:

- (2) Such an order may only be made with the concurrence of the Minister for the Environment.

R Jones

No. 6 Page 10, clause 13. Insert after line 5:

- (g) at least one is to be a person nominated by the Minister for the Environment, and

Oppn

No. 7 Page 10, clause 13. Insert after line 12:

- (3) The members appointed as referred to in subsection (1) (a) - (e) should, as far as practicable, be persons who reside within the water management area for which the management committee is being constituted.

Govt

No. 8 Page 13, clause 20. Insert after line 16:

- (a) must recognise and be consistent with any limits to the availability of water that are set (whether by the relevant management plan or otherwise) in relation to the water sources to which the regime relates, and
- (b) must establish rules according to which access licences are to be granted and managed and available water determinations to be made, and

Grns

No. 9 Page 15, clause 26, line 28. Insert “and impacts on water quality” after “ecological impacts”.

Govt

No. 10 Page 19, clause 34, lines 17 and 18. Omit all words on those lines.

Grns No. 11 Page 23, clause 43, line 6. Insert “for ensuring the effective implementation of the water management principles” after “appropriate”.

Govt No. 12 Page 23, clause 44, lines 9 to 12. Omit all words on those lines. Insert instead:

44 Periodic auditing of management plans

- (1) The Minister is to ensure that a management plan is audited, at intervals of not more than 5 years, for the purpose of ascertaining whether its provisions are being given effect to.
- (2) An audit under this section is to be carried out by an audit panel appointed by the Minister in consultation with the Water Management Committee where one exists.
- (3) In setting terms of reference for the preparation of a management plan to replace an existing management plan, the Minister must have regard to the results of the most recent audit conducted under this section in relation to the existing management plan.

Oppn No. 13 Page 23, clause 45. Insert after line 17:

- (2) Such an order may not be made in relation to a water management area for which a management committee is constituted unless the Minister has consulted with the committee in relation to the proposed variation of the bulk access regime.

Govt No. 14 Page 23, clause 46, line 23. Insert “(and, in any case, within 6 months)” after “As soon as practicable”.

Govt No. 15 Page 24, clause 46. Insert after line 3:

- (4) Section 41 of the *Environmental Planning and Assessment Act 1979* does not apply to or in respect of a regional environmental plan made pursuant to this section.

R Jones No. 16 Page 25, clause 50, line 18. Omit “principles”. Insert instead “rules”.

Govt No. 17 Page 27, clause 52, lines 16 to 18. Omit “(including the watering of a garden not exceeding 0.5 hectares in area, not being a garden that is used for the commercial production of agricultural produce)”.

Govt No. 18 Page 33, clause 61. Insert after line 29:

- (2) An application for a regulated river (supplementary water) access licence may only be made as part of an application for some other kind of access licence, which application must nominate one of the other

access licences as the access licence with which the regulated river (supplementary water) access licence is to be associated.

Govt

No. 19 Page 36, clause 66, line 28. Insert “, together with any variation in associated commercial activities,” after “population”.

Oppn

No. 20 Page 36, clause 66. Insert after line 30:

- (4) On the application of a local water utility, the Minister may at any time increase the utility's entitlement to water under a local water utility licence so as to reflect any rapid growth of population within the utility's area requiring an immediate increase in the availability of water for supply by that utility.

Govt

No. 21 Page 37, clause 69, lines 26 to 28. Omit all words on those lines. Insert instead:

- (a) for 15 years, except in the case of an access licence referred to in paragraph (b) or (c), or
- (b) for 20 years, in the case of a local water utility access licence, or
- (c) for the term of the associated access licence referred to in section 61 (2), in the case of a regulated river (supplementary water) access licence.

Grns

No. 22 Page 42, clause 79. Insert after line 14:

- (7) For the avoidance of doubt, it is declared that a reduction of the water entitlements and allocations under an access licence as a consequence of a variation in the mandatory conditions of the licence does not constitute the compulsory acquisition of an access licence or any part of an access licence.

Govt

No. 23 Page 43, clause 83, lines 27 to 29. Omit all words on those lines. Insert instead:

- (c) such interests in an access licence as the holder of the access licence, or the holder of any interest in the access licence, requests to be included in the register.

Govt

No. 24 Page 43, clause 83. Insert after line 29:

- (2) For the purposes of subsection (1) (c), a person is not taken to hold an interest in an access licence held by a corporation merely because the person is a shareholder of the corporation.

Govt

No. 25 Page 45, clause 87, line 23. Omit “, with the advice of the Valuer-General,”.

- Govt** No. 26 Page 45, clause 87. Insert after line 26:
- (5) The amount of any such compensation is to be determined on the advice of the Valuer-General.
- Oppn** No. 27 Page 45, clause 87, lines 31 to 33. Omit all words on those lines. Insert instead:
- (6) A person who is dissatisfied with the amount of compensation offered to the person under this section, or with any delay in the payment of compensation, may appeal to the Land and Environment Court.
- Govt** No. 28 Page 48, clause 93, line 28. Omit “water use”.
- BFFC** No. 29 Page 51, clause 97, line 8. Omit “minimise harm”. Insert instead “ensure that minimal harm will be done”.
- BFFC** No. 30 Page 51, clause 97, line 13. Omit “minimise harm”. Insert instead “ensure that minimal harm will be done”.
- BFFC** No. 31 Page 51, clause 97, line 17. Omit “minimise harm”. Insert instead “ensure that minimal harm will be done”.
- BFFC** No. 32 Page 51, clause 97, line 21. Omit “minimise harm”. Insert instead “ensure that minimal harm will be done”.
- BFFC** No. 33 Page 51, clause 97, line 34. Omit “minimise harm”. Insert instead “ensure that minimal harm will be done”.
- Govt** No. 34 Page 55, clause 106. Insert after line 24:
- (3) For the purposes of this section, an irrigation corporation, private irrigation board, private drainage board or private water trust is taken to be a landholder of land in respect of which a water use approval or water management work approval held by it is in force.
- Govt** No. 35 Page 59, clause 114. Omit the clause.
- Govt** No. 36 Page 59, clause 115, lines 21 to 24. Omit all words on those lines. Insert instead:

115 Minister may impose fees and charges

The Minister may impose fees and charges for the purposes of this Act.

Note. Under the *Independent Pricing and Regulatory Tribunal Act 1992*, any fees and charges imposed by the Minister under this section cannot exceed any relevant determination made by the Independent Pricing and Regulatory

Tribunal.

- Grns** No. 37 Page 63, clause 121. Insert after line 18:
- (3) The powers of entry conferred by this section are not to be exercised for a purpose referred to in subsection (1) (a), (f) or (g) without prior notice to the occupier of the land.
- R Jones** No. 38 Page 85, clause 165, line 21. Insert “except in relation to damage caused by negligence and” after “water supply work”.
- BFFC** No. 39 Page 92, clause 181, line 15. Omit “ditches or channels”. Insert instead “water delivery systems”.
- BFFC** No. 40 Page 92, clause 181, lines 23 and 24. Omit “ditches or channels”. Insert instead “water delivery systems”.
- Grns** No. 41 Page 92, clause 182, line 34 to page 93, line 3. Omit all words on those lines.
- Grns** No. 42 Page 99, clause 197, line 3. Omit “Part”. Insert instead “Act”.
- Grns** No. 43 Page 109, clause 223, line 19. Insert “construct a water management work or” before “take water”.
- Grns** No. 44 Page 137, clause 282, line 11. Omit “that has ceased to exist”.
- Govt** No. 45 Page 139, clause 284, line 16. Omit all words on that line. Insert instead:
- water management work*** means a water supply work, drainage work, sewage work or flood work, and includes a work in the nature of a water supply work (being a work that receives water from a water supply work under the control or management of a water supply authority).
- Govt** No. 46 Page 160, clause 323. Insert after line 5:
- (e) the planning and management of water, sewerage and drainage systems,
- Govt** No. 47 Page 161, clause 324, line 4. Omit “for any reason”. Insert instead “in the public interest”.
- Govt** No. 48 Page 172, clause 347, line 7. Insert “the Minister,” after “management of,”.
- Govt** No. 49 Page 172, clause 347, line 16. Insert “the Minister,” after “management of,”.

Oppn No. 50 Page 174, clause 353. Insert after line 12:

- (2) A person must not obstruct or hinder an authorised person within the meaning of section 121 in the exercise of the authorised persons functions under that section.

Maximum penalty: 20 penalty units.

Govt No. 51 Page 175, clause 356, line 10. Omit “the occupation of land”. Insert instead “a specific parcel of land”.

Govt No. 52 Page 188, clause 379, line 5. Omit “381”. Insert instead “380 (4)”.

Govt No. 53 Page 188, clause 380. Insert after line 16:

- (5) Subject to this section, the constitution and procedure of the Board of Trustees are to be as prescribed by the regulations.

Govt No. 54 page 188, clause 381. Omit the clause.

Govt No. 55 Page 189, clause 383. Insert after line 19:

- (c) establish works programs, and associated budgets, for projects to be carried out or funded by the Trust, and

Govt No. 56 Page 190, clause 388. Insert after line 26:

- (2) Water investment contributions are to be fixed in relation to specified works programs established by the Trust, and so as to yield receipts no greater in total than the amounts budgeted by the Trust in relation to the works programs so specified.

Govt No. 57 Page 191. Insert after line 1:

389 Expert advisory panels

- (1) The Minister may appoint expert advisory panels for the purpose of this Act.
- (2) An expert advisory panel is to consist of such persons as, in the opinion of the Minister, have the qualifications and expertise appropriate to the matters proposed to be referred to it.
- (3) An expert advisory panel has the function of investigating, and reporting to the Minister on, such of the following matters as are referred to it for investigation and report:
 - (a) any State Water Management Outcomes Plan to be established

- under section 6,
- (b) the terms of reference to be set by the Minister under section 15 for the preparation of a draft management plan,
- (c) the adequacy and appropriateness of the provisions of a draft management plan submitted to the Minister under section 37 or 40,
- (d) the effectiveness, in relation to the furthering of the water sharing principles, of any bulk access regime established by a management plan to be made by the Minister under section 41,
- (e) any management plan in respect of which a review is being carried out under section 43,
- (f) any implementation program to be established under section 51.

Govt No. 58 Page 198, Schedule 2. Insert after line 3:

Eraring Energy

Grns No. 59 Page 218, Schedule 6, lines 18 and 19. Omit “inspection of any person on payment of such fee as may be determined by it from time to time”. Insert instead “inspection, free of charge, of any person”.

Govt No. 60 Page 245, Schedule 9. Insert after line 29:

- (3) Subclause (1) (a) does not apply to an entitlement that, immediately before the appointed day, was held by a local water utility.

Govt No. 61 Page 245, Schedule 9, line 34, to page 246, Schedule 9, line 3. Omit all words on those lines.

Govt No. 62 Page 246, Schedule 9. Insert after line 32:

10 Local water utility licences

- (1) On the appointed day, the Minister must grant an access licence to any local water utility that, immediately before the appointed day, held an entitlement in relation to a water supply work.
- (2) The share component of such an access licence is to be expressed as a specified volume per year.
- (3) Subject to subclauses (4) and (5), the specified volume in relation to an access licence may be any of the following:
 - (a) the quantity of water specified in the relevant entitlements held by the local water utility immediately before the appointed day,
 - (b) a quantity of water calculated by reference to the nature and extent of the area to which the licence relates:
 - (i) having regard to population levels, geographical location and

- current water usages, and
- (ii) assuming that reasonable demand management strategies are implemented in that area,
- (c) a quantity of water calculated on the basis of the current yield of the water management works under the control or management of the local water utility by which the licence is taken to be held.
- (4) The yield referred to in subclause (3) (c) is to be determined with regard to historical stream flow data, and with regard to drought management strategies and demand management practices established by the local water utility concerned.
- (5) In the case of an access licence whose specified volume is greater than the quantity of water currently taken and used under the entitlement referred to in subclause (1), the Minister may at any time impose a condition on the access licence to the effect that water in excess of that quantity is not to be taken or used except with the consent of the Minister.
- (6) Such a condition is not to be imposed unless the Minister is satisfied that the imposition of such a condition is necessary in the public interest.

Govt No. 63 Page 253, Schedule 9, lines 16 to 20. Omit all words on those lines.

Govt No. 64 Page 255, Schedule 9, line 18. Insert “, irrigation corporation or private irrigation board” after “public authority”.