

Water Management Amendment Bill 2009

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 *Water Management Act 2000* and the *State Water Corporation Act 2004* as follows:

- (a) to confer power on the Water Administration Ministerial Corporation (the **Ministerial Corporation**) and the State Water Corporation to install, maintain and replace metering equipment,
- (b) to clarify the powers to give directions as to metering equipment,
- (c) to provide for certain instruments to be notified on the NSW legislation website rather than being published in the Government Gazette,
- (d) to make other consequential and minor amendments.

Outline of provisions

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

Clause 2 provides for the commencement of the proposed Act on a day or days to be proclaimed.

Schedule 1 Amendment of Water Management Act 2000 No 92

Metering equipment

Schedule 1 [11] inserts proposed sections 372A and 372B. Proposed section 372A confers the function of installing and removing metering equipment on the Ministerial Corporation and enables further functions of maintaining, repairing, improving, replacing and operating metering equipment to be conferred by regulations. Such regulations may be limited in their application and may provide for the functions to be conferred, or not conferred, exclusively on the Ministerial Corporation. Proposed section 372B provides that metering equipment installed by the Ministerial Corporation does not become the property of the Ministerial Corporation and also provides that compensation is not payable for loss or damage suffered as a result of the removal by the Ministerial Corporation of metering equipment it installed.

Schedule 1 [3] extends the offence of taking water when metering equipment is not working to equipment installed by or with the written authority of the Ministerial Corporation or the State Water Corporation.

Schedule 1 [4] excludes things done to metering equipment by or with the written authority of the Ministerial Corporation or the State Water Corporation from the offence of tampering with metering equipment. The amendment also limits the exclusion from the offence currently given to duly qualified persons, and the new exclusion for specified persons, to work done on equipment that is not equipment that may only be worked on by those Corporations.

Schedule 1 [5] inserts proposed section 91N. The proposed section makes it clear that the Ministerial Corporation and the State Water Corporation are not required to obtain approvals to construct or use metering equipment.

Schedule 1 [13] makes it clear that metering equipment is included within the meaning of **drainage work** for the purposes of the *Water Management Act 2000*.

Schedule 1 [14] makes it clear that metering equipment is included within the meaning of **flood work** for the purposes of the *Water Management Act 2000*.

Schedule 1 [15] includes telemetry equipment within the meaning of *metering equipment* for the purposes of the *Water Management Act 2000*.

Schedule 1 [16] makes it clear that metering equipment is included within the meaning of *water supply work* for the purposes of the *Water Management Act 2000*.

Directions by Minister

Section 326 of the *Water Management Act 2000* currently enables the Minister to direct landholders or persons who control water supply works to take specified measures to install metering equipment in connection with such works. Such a direction is taken to include a direction to properly maintain and seal the equipment using a duly qualified person.

Schedule 1 [6] enables a direction to be given requiring metering equipment to be replaced or metering equipment to be properly maintained. **Schedule 1 [8]** makes a consequential amendment.

Schedule 1 [7] enables a direction for the installation of a meter to require either the proper maintenance of the equipment or the sealing of the equipment, or both.

Schedule 1 [9] enables a direction to be made to require that only a specified person or persons may install, maintain or seal metering equipment. **Schedule 1 [10]** makes a consequential amendment.

Notification on the NSW legislation website

Schedule 1 [1] replaces the existing requirements to publish the following instruments in the Government Gazette with a requirement to notify them on the NSW legislation website:

- (a) water management plans,
- (b) orders amending or repealing water management plans,
- (c) Minister's water management plan,
- (d) harvestable rights orders,
- (e) orders establishing access licence dealing principles,
- (f) orders establishing mandatory guidelines for the taking and use of water for domestic consumption and stock watering by landholders.

Other amendments

Schedule 1 [2] repeals section 71ZA as a consequence of the operation of rules relating to the water market between States made under the *Water Act 2007* of the Commonwealth.

Schedule 1 [12] enables regulations containing provisions of a savings or transitional nature to be made as a consequence of the proposed Act.

Schedule 2 Amendment of State Water Corporation Act 2004 No 40

Metering equipment

Schedule 2 [1] inserts a definition of *metering equipment*.

Schedule 2 [2] makes it clear that the State Water Corporation is to be the owner of metering equipment installed by the Corporation and confers on the Corporation the same powers in respect of metering equipment that it has with respect to works, including installing, operating, repairing and replacing the equipment.

Schedule 2 [3] inserts proposed section 22A. Proposed section 22A extends the State Water Corporation's powers with respect to metering equipment to include equipment that the Corporation does not own, if the operating licence for the Corporation so provides. It also confers power to test metering equipment and enables regulations to be made limiting the application of the State Water Corporation's powers relating to metering equipment. Such regulations may also provide for the functions to be conferred, or not conferred, exclusively on the State Water Corporation.

Savings and transitional provisions

Schedule 2 [4] enables regulations containing provisions of a savings or transitional nature to be made as a consequence of the proposed Act.