

Legislative Council**Water Management Amendment Bill**

Schedule of the amendments agreed to in Committee of the Whole on
Tuesday 3 December 2002.

- Govt** No. 1 Page 4, Schedule 1, line 8. Omit “may establish conditions”. Insert instead “may contain provisions with respect to the conditions”.
- RJ** No. 2 Page 4, Schedule 1 [9], line 12. Insert at the end of the line:
- , and
- (f) must be consistent with the water management principles.
- Govt** No. 3 Page 6, Schedule 2. Insert after line 14:
- (2) Despite subsection (1), specified provisions of this Part may be declared by proclamation to apply to the whole of the State, and apply accordingly.
- Govt** No. 4 Page 8, Schedule 2, line 5. Insert “, as in force immediately before it was renewed,” after “licence”.
- Govt** No. 5 Page 8, Schedule 2. Insert after line 6:
- (9) An application for the renewal of an access licence is not to be refused on the ground that fees due under the licence have not been paid unless the Minister has given written notice, to all persons in whose names any interests in the licence are registered in the General Register of Deeds, that the application will be refused unless arrangements satisfactory to the Minister have been made for the payment of those fees.

- AD** No. 6 Page 8, Schedule 2 [9]. Insert after line 6:
- (9) An access licence takes effect:
 - (a) at the end of the time permitted by section 368 (3) for making an appeal with respect to the decision to grant the licence, or
 - (b) if an appeal is made against the decision within that time, at the time the appeal is finally disposed of.
- AD** No. 7 Page 8, Schedule 2 [10]. Insert after line 11:
- (3) A notification under subsection (1) must be given within 7 days of the determination.
- RLS** No. 8 Page 10, Schedule 2 [20], proposed section 71A, line 8. Insert “and the Minister may grant, or refuse to grant, consent to the transfer” after “the transfer”.
- Grns** No. 9 Page 11, Schedule 2 [20], proposed section 71B. Insert after line 8:
- (4) An access licence arising under this section may only be granted in relation to the same water management area or water source as the cancelled access licence.
- Govt** No. 10 Page 11, Schedule 2, line 9. Insert “, as in force immediately before it was cancelled,” after “licence”.
- Grns** No. 11 Page 11, Schedule 2 [20], proposed section 71C, line 19. Insert “that relate to the same water management area or water source and are” after “access licences”.
- Grns** No. 12 Page 12, Schedule 2 [20], proposed section 71C. Insert after line 8:
- (4) An access licence arising from a subdivision or consolidation may only be granted in relation to the same water management area or water source as the cancelled access licence or licences.
- Govt** No. 13 Page 12, Schedule 2, line 9. Insert “, as in force immediately before they were cancelled,” after “licences”.
- Govt** No. 14 Page 13, Schedule 2, line 11. Insert “or supplementary water access licence” after “licence”.
- Govt** No. 15 Page 13, Schedule 2, line 21. Insert “, as in force immediately before it was cancelled,” after “licence”.
- Govt** No. 16 Page 14, Schedule 2. Insert after line 14:

- (3) Such an application may only be made with respect to water allocations currently credited to the access licence from which water allocations are to be assigned.

Govt No. 17 Page 15, Schedule 2. Insert after line 12:

- (3) Such an application may only be made with respect to water allocations currently credited to the access licence from which water allocations are to be assigned.

Govt No. 18 Page 16, Schedule 2, line 1. Insert “a security interest or” before “an interest”.

Govt No. 19 Page 16, Schedule 2. Insert after line 14:

- (5) Subject to the regulations, notice of the Minister’s determination of an application under this Division is to be given to the applicant or applicants as soon as practicable after the determination is made.

Govt No. 20 Page 16, Schedule 2. Insert after line 27:

[21] Section 78 Suspension and cancellation of access licences

Insert after section 78 (3):

- (4) Action under this section may not be taken in relation to an access licence on the ground that fees due under the licence have not been paid unless the Minister has given written notice, to all persons in whose names any interests in the licence are registered in the General Register of Deeds, that such action will be taken unless arrangements satisfactory to the Minister have been made for the payment of those fees.

RJ No. 21 Page 17, Schedule 2. Insert after line 10:

[24] Section 82 (3)

Insert after section 82 (2):

- (3) Subject to the terms of the order or proclamation by which it is declared, an embargo:
 - (a) in relation to a water source that is a regulated river, applies to all surface waters that may flow into the embargoed water source, including any unregulated reaches of the river or its tributaries, and
 - (b) in relation to a water source that is an unregulated river, applies to all surface waters that may flow into the embargoed water source, and
 - (c) in relation to a groundwater system, applies to any aquifer that may be part of that groundwater system.

Govt No. 22 Page 18, Schedule 2. Insert after line 30:

- (1) An access licence may become the subject of a security interest.

Govt

No. 23 Page 20, Schedule 2. Insert after line 25:

[32] Section 341 (2A)

Insert after section 341 (2):

- (2A) This section does not prevent a person from taking water from a water source pursuant to an entitlement in force under the *Water Act 1912*, where ***entitlement*** has the same meaning as it has in clause 9 of Schedule 9.

Govt

No. 24 Page 21, Schedule 2. Insert after line 4:

[33] Section 342 (2A)

Insert after section 342 (2):

- (2A) This section does not prevent a person from using water on land for any purpose pursuant to an entitlement in force under the *Water Act 1912*, where ***entitlement*** has the same meaning as it has in clause 9 of Schedule 9.

Govt

No. 25 Page 21, Schedule 2. Insert after line 19:

[34] Section 343 (4)

Insert after section 343 (3):

- (4) This section does not prevent a person from constructing or using a water supply work, drainage work or flood work pursuant to an entitlement in force under the *Water Act 1912*, where ***entitlement*** has the same meaning as it has in clause 9 of Schedule 9.

Govt

No. 26 Page 22, Schedule 2. Insert after line 31:

- (2) If the interest in the entitlement included a mortgage of land under the provisions of the *Real Property Act 1900*, the equivalent interest in the access licence is taken to include a power of sale with respect to the licence.
- (3) Subject to the regulations, the *Real Property Act 1900* applies to the exercise of a power of sale with respect to an access licence pursuant to subclause (2) in the same way as it applies to the exercise of a power of sale with respect to land under the provisions of that Act.

Govt

No. 27 Page 23, Schedule 2, line 4. Insert “or under Part 2K.3 of the *Corporations Act 2002* of the Commonwealth,” before “as the case may be”.

Govt

No. 28 Page 23, Schedule 2. Insert after line 12:

- (4) The regulations may make provision with respect to the procedures to be followed in connection with the registration of interests referred to in subclause (2).

RJ

No. 29 Page 23, Schedule 2 [38], proposed clause 9B of Schedule 9. Insert after line 31:

- (4) No compensation is payable in relation to an order made by the Minister under this section.

Govt

No. 30 Page 24, Schedule 2. Insert after line 18:

security interest, in relation to an access licence, means an interest in the licence, or a power with respect to the licence, that, in the instrument from which it arises, is expressed to secure the payment of a debt or the performance of some other obligation under a contract or other legally enforceable arrangement.

Govt

No. 31 Page 26, Schedule 3. Insert after line 12:

- (2) Despite subsection (1), specified provisions of this Part may be declared by proclamation to apply to the whole of the State, and apply accordingly.

AD

No. 32 Page 26, Schedule 3 [4]. Insert after line 22:

- (5) An approval takes effect:
 - (a) at the end of the time permitted by section 368 (3) for making an appeal with respect to the decision to grant the approval, or
 - (b) if an appeal is made against the decision within that time, at the time the appeal is finally disposed of.

Unity

No. 33 Page 28, Schedule 3. Insert after line 8:

[12] Section 109 Suspension and cancellation of approvals

Insert after section 109 (1) (d):

- (e) that the approval was granted as a result of false, misleading or materially inaccurate information supplied by or on behalf of the applicant.

Govt

No. 34 Page 34, Schedule 4. Insert after line 4:

[23] Section 344 (4)

Insert after section 344 (3):

- (4) This section does not prevent a person:
 - (a) from carrying out a controlled activity pursuant to a permit in force under the *Rivers and Foreshores Improvement Act 1948*, or
 - (b) from carrying out an aquifer interference activity pursuant to a licence in force under Part 5 of the *Water Act 1912*.

[34] Schedule 9, clause 9

Insert after clause 9 (7) (e):

- , or
- (f) any other right, interest, privilege, permission or authority that is declared by the regulations to be an entitlement for the purposes of this clause.