



New South Wales

# Water NSW Bill 2014

## Explanatory note

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

### Overview of Bill

The objects of this Bill are:

- (a) to provide for State Water Corporation to become Water NSW, and
- (b) to abolish the Sydney Catchment Authority and transfer its functions to Water NSW, and
- (c) to repeal the *Sydney Water Catchment Management Act 1998* and *State Water Corporation Act 2004* and re-enact their provisions (with some modifications) in a consolidated form, and
- (d) to provide for certain regulatory functions under the proposed Act to be exercised by a Regulatory Authority, and
- (e) to make consequential amendments to certain other legislation.

### Summary of the operation of this Bill

#### Background

State Water Corporation is a statutory State owned corporation constituted by the *State Water Corporation Act 2004*. Its area of operations is the whole of the State other than the areas of operation of the Hunter Water Corporation, the Sydney Water Corporation, the Sydney Catchment Authority and the areas of operations of water supply authorities under the *Water Management Act 2000*. Its functions include capturing, storing and releasing water to persons entitled to take the water and for the purposes of flood management and any other lawful purpose.

The Sydney Catchment Authority is a corporation constituted by the *Sydney Water Catchment Management Act 1998* that is a statutory body representing the Crown. Its area of operations is largely limited to the Sydney catchment area (which is referred to in that Act as the catchment area). Its functions include supplying water to the Sydney Water Corporation and various other persons and bodies and the management and protection of the Sydney catchment area.

Currently, State Water Corporation and the Sydney Catchment Authority have common directors and chief executives.

### **This Bill**

This Bill provides for State Water Corporation to become Water NSW and to assume the functions that are currently exercised by the Sydney Catchment Authority. Water NSW will be a continuation of, and the same legal entity as, State Water Corporation. It will also continue to be a statutory State owned corporation for the purposes of the *State Owned Corporations Act 1989*.

This Bill re-enacts and consolidates in one Act (with some modifications) the provisions of both the *Sydney Water Catchment Management Act 1998* and *State Water Corporation Act 2004*.

If there are common or similar provisions located in both of these Acts, they have (wherever possible) been consolidated into a single set of provisions of general application. Also, common definitions have been collected in clause 3 of this Bill and, wherever possible, applied generally.

The objectives and functions of Water NSW have been refined to reflect the consolidation of the functions of the Sydney Catchment Authority and State Water Corporation in one body.

The management structure of State Water Corporation has been retained for Water NSW, including its current directors and chief executive officer.

This Bill provides for the abolition of the Sydney Catchment Authority and the transfer of all its staff, assets, rights and liabilities to Water NSW.

This Bill continues in effect the respective operating licences of the Sydney Catchment Authority and State Water Corporation with appropriate modifications. The continuation of the 2 operating licences will ensure that the Sydney catchment functions of the Sydney Catchment Authority will continue to be exercised under the authority of its own operating licence. This Bill authorises the Governor to continue to grant more than one operating licence in the future.

This Bill provides for the continuation of the Sydney catchment area as a declared catchment area under the proposed Act and also provides a mechanism for the creation of new declared catchment areas of Water NSW in other areas of the State.

This Bill contains a number of provisions that create regulatory functions. These include functions that are currently conferred or imposed on the Sydney Catchment Authority because it is a statutory body representing the Crown (for example, concurrence and infrastructure approval functions). As Water NSW will be a statutory State owned corporation rather than a statutory body representing the Crown, this Bill provides for these regulatory functions to be conferred or imposed on the Regulatory Authority.

## **Outline of provisions**

### **Part 1 Preliminary**

**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 appointed by proclamation.

**Clause 3** defines certain words and expressions used in the proposed Act.

## **Part 2 Constitution and functions of Water NSW**

### **Division 1 Constitution of Water NSW**

**Clause 4** provides for the continuation of State Water Corporation as a statutory State owned corporation with the new corporate name of Water NSW.

**Clause 5** provides that the foundation charter of Water NSW for the purposes of the *State Owned Corporations Act 1989* is Part 2 of the proposed Act.

### **Division 2 Objectives and functions of Water NSW**

**Clause 6** provides for the objectives for Water NSW.

**Clause 7** provides for the functions of Water NSW, including the functions that it may only exercise under the authority of one or more operating licences.

### **Division 3 Management of Water NSW**

**Clause 8** makes provision for the appointment of the board of directors of Water NSW.

**Clause 9** makes provision for the appointment of a person to be the chief executive officer of Water NSW.

**Clause 10** makes provision for the appointment of a person to act in the office of the chief executive officer of Water NSW during the illness or absence of the chief executive officer.

### **Division 4 Operating licences**

**Clause 11** permits the Governor, on the recommendation of the portfolio Minister, to grant one or more operating licences to Water NSW to authorise it to carry out certain of its functions. The *portfolio Minister* is the Minister who is the portfolio Minister for Water NSW within the meaning of the *State Owned Corporations Act 1989*.

**Clause 12** provides that an operating licence is subject to the terms and conditions determined by the Governor, on the recommendation of the portfolio Minister, including certain mandatory terms and conditions. The terms and conditions of an operating licence may confer on Water NSW specified functions of the Minister administering the *Water Management Act 2000* under that Act or the *Water Act 1912* or of the Ministerial Corporation under any Act or law, but only if the Minister administering the *Water Management Act 2000* or the Premier provides his or her concurrence to the conferral of the functions.

**Clause 13** permits the Governor, on the recommendation of the portfolio Minister, to amend or substitute an operating licence or to impose, amend or revoke conditions of an operating licence.

**Clause 14** provides for the term of an operating licence and for the renewal of an operating licence by the Governor.

**Clause 15** provides that the area of operations of Water NSW is the whole of the State. However, the proposed section makes it clear that an operating licence may not authorise Water NSW to carry out functions that are conferred or imposed on the Sydney Water Corporation, the Hunter Water Corporation or a water supply authority without their agreement.

**Clause 16** provides that if, in the opinion of the portfolio Minister, Water NSW contravenes an operating licence, the portfolio Minister may cause a notice to be served on Water NSW requiring it to rectify the contravention within a specified period and the Governor may direct that Water NSW pay a monetary penalty of an amount to be determined by the Governor whether or not a notice has been served or the contravention rectified.

**Clause 17** provides that the Independent Pricing and Regulatory Tribunal (*IPART*) may impose a monetary penalty on Water NSW if it contravenes an operating licence. The monetary penalty that IPART may impose under the proposed section must not exceed \$10,000 for the first day on which the contravention concerned occurs and a further \$1,000 for each subsequent day (not exceeding 30 days) on which the contravention continues. IPART must not take action under the

proposed section in respect of a contravention if any action has already been taken under proposed section 16 in respect of the contravention.

**Clause 18** permits Water NSW to apply to the Civil and Administrative Tribunal for an administrative review under the *Administrative Decisions Review Act 1997* of a decision of IPART to take action under proposed section 17 in relation to Water NSW.

**Clause 19** provides for the circumstances in which the Governor may cancel an operating licence. It also makes provision, in certain circumstances, for the subsequent divesting of assets, rights and liabilities of Water NSW as a consequence of the cancellation of an operating licence.

### **Division 5 Memoranda of understanding**

**Clause 20** contains a definition of *regulatory agencies*, which include various government agencies and local authorities.

**Clause 21** requires Water NSW to enter into memoranda of understanding with the Environment Protection Authority and the Secretary of the Ministry of Health and to review, amend or replace such memoranda on a regular basis.

**Clause 22** enables the Minister to direct Water NSW to enter into memoranda of understanding with other regulatory agencies.

**Clause 23** requires public consultation to be undertaken in relation to proposed memoranda of understanding and proposed amendments of memoranda of understanding.

### **Division 6 Arrangements for drawing water**

**Clause 24** continues in effect certain arrangements currently in place under section 21A of the *Sydney Water Catchment Management Act 1998* with respect to the control of water in the water storages and pipelines of the Sydney Catchment Authority that will be transferred to Water NSW.

### **Division 7 Arrangements with Sydney Water Corporation**

**Clause 25** requires Water NSW to enter into arrangements with the Sydney Water Corporation regarding the supply of water by Water NSW to the Sydney Water Corporation, and outlines the process of altering such arrangements.

**Clause 26** requires Water NSW and the Sydney Water Corporation to enter into negotiations with regard to the arrangements, and provides a mechanism for resolving disagreements.

**Clause 27** provides a role for IPART in relation to the arrangements. IPART is given the oversight of the arrangements and may report to the Minister. The proposed section also contains a provision making it clear that the supply of water can be declared a government monopoly service for the purposes of the *Independent Pricing and Regulatory Tribunal Act 1992*.

### **Division 8 Transfer of assets, rights and liabilities**

**Clause 28** enables the portfolio Minister, with the concurrence of the voting shareholders of Water NSW, to transfer specified assets, rights and liabilities of the Water Administration Ministerial Corporation (the *Ministerial Corporation*), the State or a public or local authority to Water NSW. The Minister may also direct, with the concurrence of the voting shareholders, that specified assets, rights and liabilities of Water NSW be transferred to the Ministerial Corporation or to another person or body on behalf of the State. The Minister is not to make an order under the proposed section unless the relevant person or body from whom, or to whom, the assets, rights or liabilities are to be transferred has consented to the transfer.

## **Part 3 Powers of Water NSW**

**Clause 29** provides that Water NSW is the owner of all works installed by Water NSW or vested in or transferred to Water NSW (whether or not the land on which the works are placed is owned by Water NSW). Water NSW may, for purposes consistent with its objectives, build or install

works and do other things that are necessary or appropriate to its works (including repairs and maintenance) and otherwise deal with works that it owns.

**Clause 30** provides that Water NSW may acquire land (or an interest in land) by agreement or compulsory process in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991* for the purposes of the proposed Act.

**Clause 31** extends Water NSW's powers with respect to metering equipment to include equipment that Water NSW does not own if an operating licence for Water NSW so provides. It also confers power to test metering equipment and enables regulations to be made limiting the application of Water NSW's powers relating to metering equipment. Such regulations may also provide for the functions to be conferred, or not conferred, exclusively on Water NSW.

**Clause 32** provides that Water NSW has powers of entry on land for certain purposes in connection with the exercise of its functions.

**Clause 33** confers on Water NSW the power to open and break up public roads or reserves for the purpose of exercising its functions.

**Clause 34** confers on Water NSW a power to require a person to alter the position of a conduit if Water NSW needs such an alteration to exercise its functions and the alteration would not permanently damage the conduit or adversely affect its operation. Water NSW may make the alteration if it is not made as required.

**Clause 35** provides that Water NSW may authorise devices, for generating electricity from water released in the exercise of Water NSW's functions under the proposed Act, to be placed on or in any of its water management works and also install and use such devices to generate and supply electricity.

**Clause 36** permits Water NSW to demolish or remove any structure or thing placed by a person so as to interfere with Water NSW's water management works and to recover the cost of doing so, and of repairs to the works, from that person. It also makes it an offence for a person:

- (a) to wilfully or negligently destroy, damage or interfere with any water management works of Water NSW, or
- (b) to open up ground to expose any pipe or other water management work of Water NSW without reasonable excuse or appropriate notice.

**Clause 37** provides that Water NSW, in exercising its functions under the Part, is to do as little damage as practicable and is, subject to the Part, to compensate all persons who suffer damage by the exercise of the functions.

**Clause 38** makes a person who, without the consent of Water NSW, carries out any activity that causes destruction of, damage to or interference with any work owned by Water NSW in circumstances in which the person should have known that the destruction, damage or interference would result from the carrying out of the activity, liable to compensate Water NSW for all loss or damage suffered by Water NSW as a result.

**Clause 39** provides that Water NSW may (subject to certain exceptions) impose fees and charges on any person to whom Water NSW provides a service in the exercise of its functions.

## **Part 4 Declared catchment areas and special and controlled areas**

### **Division 1 Declared catchment areas**

**Clause 40** enables the Governor to declare an area of land to be a declared catchment area of Water NSW for the purposes of the proposed Act.

**Clause 41** provides for a public authority or other person appointed by the Minister to develop and approve catchment health indicators of the catchment health of a declared catchment area against which catchment audits (which are audits of the catchment health of a declared catchment area)

are to be conducted. The appointment of such a person for the Sydney catchment area will be mandatory.

**Clause 42** provides for catchment audits to be conducted by a public authority or other person appointed by the Minister. The appointment of such a person for the Sydney catchment area will be mandatory. An audit must be conducted and reported on having regard to the extent to which the state of the land constituting the declared catchment area conforms to the catchment health indicators of the catchment health of the declared catchment area published by the public authority or other person appointed by the Minister under proposed section 41. The audits for the Sydney catchment area are required to be conducted every 3 years.

**Clause 43** requires Water NSW to evaluate the findings of a catchment audit and to incorporate those findings in its risk framework and its programs and other activities relating to catchment management.

**Clause 44** requires Water NSW to report to the Minister on progress against catchment audit findings.

**Clause 45** makes it clear that nothing in the Division prevents:

- (a) an operating licence from including terms and conditions relating to Water NSW's activities or requiring reports on those activities, or
- (b) IPART from recommending to the Minister that an operating licence include terms and conditions relating to Water NSW's catchment management functions or requiring reports on those functions.

## **Division 2 Special areas**

**Clause 46** defines certain words and expressions used in the Division.

**Clause 47** enables the Governor to declare an area of land to be a special area in order to protect the quality of stored waters or maintain the ecological integrity of the land.

**Clause 48** restricts the transfer or lease of, or other dealings with, land in a special area.

**Clause 49** restricts the way in which Crown land in a special area is to be dealt with.

**Clause 50** restricts the exercise by certain public agencies of their functions in relation to land within a special area. This involves the requirement for notice to be given to the Regulatory Authority of the proposed exercise of such functions.

**Clause 51** provides for the making of regulations regarding special areas.

**Clause 52** provides for the making of plans of management in connection with special areas, involving joint action by certain Ministers.

**Clause 53** requires plans of management prepared for special areas to be carried out and given effect.

## **Division 3 Controlled areas**

**Clause 54** enables the Governor to declare an area of land that is owned by or vested in Water NSW to be a controlled area.

**Clause 55** provides for the making of regulations regarding controlled areas.

## **Part 5 Regulatory functions**

### **Division 1 Functions of IPART**

**Clause 56** sets out the regulatory functions of IPART under the proposed Act.

**Clause 57** requires IPART to prepare operational audits of Water NSW at the times directed by the portfolio Minister.

**Clause 58** requires IPART to present the portfolio Minister with a report on each operational audit.

**Clause 59** requires the portfolio Minister to table (or cause the tabling) of such reports in Parliament.

**Clause 60** provides that Water NSW is required to pay to the Treasurer the cost (as certified by IPART) involved in and in connection with carrying out the operational audit of Water NSW.

## **Division 2 Functions of Regulatory Authority**

**Clause 61** provides for the Regulatory Authority for the purposes of the proposed Act. The *Regulatory Authority*, in relation to a function that is conferred or imposed on the Regulatory Authority, is:

- (a) the Minister, or
- (b) if the Minister appoints a person under the proposed section to exercise that function— that person.

**Clause 62** enables the Regulatory Authority to exercise concurrence and other roles under environmental planning instruments in connection with declared catchment areas.

**Clause 63** provides for regulations to confer or impose on the Regulatory Authority certain functions by reference to powers under other legislation relevant to activities carried out in declared catchment areas.

**Clause 64** enables the Regulatory Authority to approve the carrying out of certain infrastructure activities that are effective for the purposes of the *Environmental Planning and Assessment Act 1979* and the *Local Government Act 1993*.

## **Part 6 Compliance and enforcement**

### **Division 1 Authorised officers**

**Clause 65** enables the Minister to appoint authorised officers for the purposes of the proposed Act.

**Clause 66** enables a person to accompany an authorised officer and take all reasonable steps to assist an authorised officer in the exercise of the authorised officer's functions under the proposed Act if the authorised officer is of the opinion that the person is capable of providing assistance to the authorised officer in the exercise of those functions.

**Clause 67** makes it an offence for a person to obstruct, hinder or interfere with an authorised officer or to impersonate an authorised officer.

### **Division 2 Powers of entry of authorised officers**

**Clause 68** enables an authorised officer to enter and occupy land for the purpose of ascertaining whether the provisions of the proposed Act or the regulations are being complied with or have been contravened. However, if the authorised officer wishes to enter premises used for residential purposes, the officer may only do so with the consent of the occupier or under the authority of a search warrant.

**Clause 69** enables an authorised officer to apply for a search warrant if the officer has reasonable grounds for believing that a provision of the proposed Act or the regulations has been or is being contravened on land.

### **Division 3 Investigation powers**

**Clause 70** enables an authorised officer to require a person whom the authorised officer reasonably suspects to have knowledge of matters in respect of which information is reasonably required for the purposes of the proposed Act or the regulations to answer questions in relation to

those matters. It also makes it an offence to fail or refuse to comply with such a requirement or to give a false or misleading answer.

**Clause 71** provides for the Regulatory Authority to require a person to furnish information or records (or both) in connection with any matter relating to its responsibilities and functions under the proposed Act. It also makes it an offence to fail to comply with such a requirement or to furnish false or misleading information.

**Clause 72** makes it clear that a notice can require a person to furnish only records that are in the person's possession or that are within the person's power to obtain lawfully and makes other provisions relating to records.

**Clause 73** provides for an authorised officer to require a person whom the authorised officer reasonably suspects to be offending against the proposed Act or the regulations to state the person's name and residential address. A person may also be required to provide his or her driver licence in a declared catchment area. It also makes it an offence to fail to comply with either such requirement or to provide a false name or address.

**Clause 74** provides for the Regulatory Authority or an authorised officer, in certain circumstances, to require the owner of a motor vehicle and others to give certain information.

**Clause 75** makes provision in relation to requirements to furnish records or information or answer questions. In particular, a person is not guilty of an offence of failing to comply with a requirement under the Division to furnish records or information or to answer a question unless the person was warned on the relevant occasion that a failure to comply is an offence.

## **Division 4      Catchment correction notices and catchment protection notices**

### **Subdivision 1    Definitions**

**Clause 76** defines words and expressions used in the Division. In particular, the term *targeted activity* is defined to mean an activity in a special area or controlled area that has, or is likely to have, caused damage to, or detrimentally affected, the quality of any water, or the catchment health of any land, in the area concerned.

### **Subdivision 2    Catchment correction notices**

**Clause 77** enables the Regulatory Authority to issue a catchment correction notice to an occupier of land on or from which the Regulatory Authority reasonably suspects that a targeted activity has been or is being carried out (or to a person who is reasonably suspected of carrying out or having carried out such an activity) directing the occupier or person to take the corrective action specified in the catchment correction notice.

**Clause 78** provides for public authorities to take corrective action in certain circumstances.

**Clause 79** provides for catchment correction notices to be given orally, but to be later confirmed in writing.

**Clause 80** provides for the recovery of the administrative costs of preparing and giving a catchment correction notice.

### **Subdivision 3    Catchment protection notices**

**Clause 81** enables the Regulatory Authority to issue a catchment protection notice to the occupier of land in a special area or a controlled area on or from which the Regulatory Authority reasonably suspects that a targeted activity has been carried out, will be carried out or is being carried out (or to the person carrying on the activity) directing the occupier or person to take action to ensure:

- (a) either that the targeted activity is not commenced or is no longer carried on, or
- (b) if the targeted activity is permitted to be carried on in future—that the activity is carried on in a manner that does not cause damage to, or detrimentally affect, the quality of any water, or the catchment health of any land, in a special area or controlled area.



**Clause 82** provides that, if a person does not comply with a catchment protection notice, the Regulatory Authority may take action to cause the notice to be complied with by itself or by its employees.

**Clause 83** provides for the commencement of operation of a catchment protection notice or variation of a catchment protection notice.

**Clause 84** provides for the recovery of the administrative costs of preparing and giving a catchment protection notice.

**Clause 85** provides for appeals to the Land and Environment Court against catchment protection notices.

#### **Subdivision 4 Compliance costs**

**Clause 86** provides for the Regulatory Authority, by notice in writing, to require a person to whom a catchment correction notice has been given to pay all or any reasonable costs and expenses incurred by the Regulatory Authority in connection with monitoring action under the notice, ensuring that the notice is complied with and any other associated matters.

If a public authority has taken corrective action under proposed section 78, the public authority may, by notice in writing, require the occupier of the land at or from which the authority reasonably suspects that the targeted activity was carried out, or the person who is reasonably suspected of having carried out the targeted activity, or both, to pay all or any reasonable costs and expenses incurred by it in connection with the corrective action.

If the Regulatory Authority has taken action under proposed section 82 because a catchment protection notice has not been complied with, the Regulatory Authority may, by notice in writing, require the person to whom the notice was given to pay all or any reasonable costs and expenses incurred by it in taking the action.

These notices are called *compliance cost notices*.

**Clause 87** provides for the recovery of unpaid amounts specified in a compliance cost notice.

**Clause 88** provides for the registration of compliance cost notices in relation to land.

**Clause 89** creates a charge on land if a compliance cost notice is registered.

#### **Subdivision 5 General**

**Clause 90** provides that more than one notice under a provision of the Division may be given to the same person.

**Clause 91** provides that a fee is not payable for the variation of a notice under the Division.

**Clause 92** makes it an offence to wilfully delay or obstruct a person carrying out action in compliance with a catchment correction notice or catchment protection notice or taking corrective action.

#### **Division 5 Offences**

**Clause 93** makes it an offence to illegally take water that is supplied by Water NSW or alter a meter that registers the supply of water by Water NSW.

**Clause 94** makes it an offence to discharge any substance into a work of Water NSW.

#### **Division 6 Executive and accessorial liability**

**Clause 95** provides for the circumstances in which a director or other person involved in the management of a corporation will attract executive liability with respect to certain offences against the proposed Act or regulations committed by the corporation.

**Clause 96** provides for the circumstances in which a director or other person involved in the management of a corporation will be treated as being an accessory to an offence against the proposed Act or regulations committed by the corporation.

**Clause 97** makes it an offence to cause the commission of an offence in a number of ways.

### **Division 7 Proceedings for offences**

**Clause 98** provides for the liability of persons for continuing offences.

**Clause 99** provides that in any proceedings under the proposed Act, the onus of proving that a person had a reasonable excuse or lawful excuse (as referred to in any provision of the Act or the regulations) lies with the defendant.

**Clause 100** provides that proceedings for an offence under the proposed Act may be brought within 2 years after the commission of the alleged offence or within 2 years after the alleged offence first came to the attention of any authorised officer.

**Clause 101** enables offences against the proposed Act or the regulations to be dealt with summarily by the Local Court or Land and Environment Court.

**Clause 102** enables an authorised officer to issue penalty notices for offences against the proposed Act or the regulations (and certain other legislation applying in the Sydney catchment area) if those offences have been prescribed as penalty notice offences by the regulations.

**Clause 103** maintains the right of Water NSW to take civil proceedings against persons who have been prosecuted for offences under the proposed Act or the regulations.

### **Division 8 Evidentiary provisions**

**Clause 104** provides for when the state of mind of an officer, employee or agent of a corporation may be used as evidence of the state of mind of the corporation.

**Clause 105** provides that proof of certain appointments is not required.

**Clause 106** provides that any instrument purporting to be an instrument issued, made or given for the purposes of the proposed Act and to have been signed by the person authorised to issue, make or give the instrument is admissible in any proceedings under the Act and (in the absence of evidence to the contrary) is to be taken to be such an instrument and to have been so signed.

**Clause 107** provides for the evidentiary value of certificate evidence of certain matters.

**Clause 108** provides for the evidentiary value of certificates by analysts.

### **Part 7 Miscellaneous**

**Clause 109** enables notices given under the proposed Act to be revoked or varied.

**Clause 110** enables the Minister (including the portfolio Minister) to delegate the Minister's functions under the proposed Act or the regulations.

**Clause 111** enables certain reports that are required to be tabled in Parliament under the proposed Act to be presented to the relevant Clerk of the House of Parliament concerned while the House is not sitting.

**Clause 112** provides for how notices and other documents under the proposed Act may be issued or given to, or served on, a person.

**Clause 113** excludes certain persons from personal liability in connection with acts or omissions done, or omitted to be done, in good faith for the purposes of executing the proposed Act or any other Act.

**Clause 114** enables the Governor to make regulations for the purposes of the proposed Act.

**Clause 115** provides for the review of the proposed Act in 5 years.

### **Schedule 1 Transfer of assets, rights and liabilities**

**Schedule 1** sets out the provisions that are to apply to the transfer of assets, rights and liabilities under the proposed Act.

## **Schedule 2 Savings, transitional and other provisions**

**Schedule 2** contains savings, transitional and other provisions consequent on the enactment of the proposed Act.

In particular, the Schedule provides for:

- (a) the abolition of the Sydney Catchment Authority and the transfer of its staff, assets, rights and liabilities to Water NSW, and
- (b) the continuation of the current management of State Water Corporation as the management of Water NSW, and
- (c) the continuation of the existing operating licences of both the Sydney Catchment Authority and State Water Corporation as operating licences under the proposed Act (with modifications to limit the existing Sydney Catchment Authority operating licence to the carrying out of Sydney catchment functions), and
- (d) the continuation of the Sydney catchment area as a declared catchment area under the proposed Act and the continuation of special and controlled areas under the *Sydney Water Catchment Management Act 1998* as special and controlled areas under the proposed Act, and
- (e) the continuation of the *Sydney Water Catchment Management Regulation 2013* as a regulation under the proposed Act (which will be renamed as the *Water NSW Regulation 2013* and consequentially amended by Schedule 3).

## **Schedule 3 Amendment of legislation**

**Schedule 3** makes consequential amendments to the Acts, regulations and other statutory instruments specified in the Schedule.

## **Schedule 4 Repeals**

**Schedule 4** repeals the *State Water Corporation Act 2004* and *Sydney Water Catchment Management Act 1998*.