

## **WATER (AMENDMENT) BILL, 1980**

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### **EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The objects of this Bill are—

- (a) to provide that the fees payable for the issue or renewal of group licenses to Boards of Management elected under the Private Irrigation Districts and Water (Amendment) Act, 1973, may be paid by instalments (Schedule 1 (1)–(6));
  - (b) to empower the Water Resources Commission to waive the requirements of the Water Act, 1912, in regard to the fitting of meters or other measuring devices where water is taken from a water source subject to a volumetric water allocations scheme (Schedule 1 (7)); and
  - (c) to permit the variation of charges under section 22c of the Water Act, 1912, at any time during the currency of licenses, group licenses, permits and authorities (Schedule 1 (8)).
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WATER (AMENDMENT) BILL, 1980

EXPLANATORY NOTES

(These explanatory notes are prepared by the Government of India)

The Bill is intended to amend the provisions of the Water Act, 1956, in order to give effect to the recommendations of the Committee on Water Resources, which was set up by the Government in 1974. The Committee's report was published in 1977 and its recommendations are contained in the Report of the Committee on Water Resources, 1977.

The Bill provides for the following amendments:

1. To provide for the appointment of a Water Resources Commission to advise the Government on the water resources of the country.
2. To provide for the appointment of a Water Resources Council to advise the Government on the water resources of the country.
3. To provide for the appointment of a Water Resources Board to advise the Government on the water resources of the country.
4. To provide for the appointment of a Water Resources Commission to advise the Government on the water resources of the country.
5. To provide for the appointment of a Water Resources Council to advise the Government on the water resources of the country.
6. To provide for the appointment of a Water Resources Board to advise the Government on the water resources of the country.

# **WATER (AMENDMENT) BILL, 1980**

No.       , 1980.

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## **A BILL FOR**

An Act to amend the Water Act, 1912, to permit the payment of fees for group licenses by instalments, and for other purposes.

[MR GORDON—17 *September*, 1980.]

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*Water (Amendment).*

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5 **1.** This Act may be cited as the "Water (Amendment) Act, Short title. 1980".

**2.** The Water Act, 1912, is amended in the manner set forth in Schedule 1. Amendment  
of Act No.  
44, 1912.

**3.** Where the amount of any charge payable under section 22C Saving  
provision. of the Water Act, 1912, was fixed by the Water Resources Commission before the date of assent to this Act and that amount was the amount so payable immediately before that date, the amount of that charge shall be deemed to have been fixed by the Commission pursuant to that section, as amended by this Act.

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SCHEDULE 1.

Sec. 2.

AMENDMENTS TO THE WATER ACT, 1912.

(1) Section 20r, definition of "instalment"—

After the definition of "Board", insert :—

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"instalment", in relation to a fee, means an instalment of the fee payable in accordance with section 20PA;

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*Water (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE WATER ACT, 1912—*continued.*

(2) (a) Section 20L (3)—

5 Omit “the prescribed fee”, insert instead “the whole, or the first instalment, of the prescribed fee”.

(b) Section 20L (5)—

10 Omit “time prescribed the fee payable in respect of the issue of the group license”, insert instead “prescribed time the first instalment of the prescribed fee or, where that fee is not paid by instalments, the whole of that fee,”.

(3) Section 20o—

Omit the section, insert instead :—

15 20o. (1) An application for renewal of a group license may be made by a Board before the expiration of the period for which it was granted or last renewed. Renewal of group license.

(2) An application made under subsection (1)—

(a) may be granted by the Commission; or

20 (b) may be refused by the Commission, but shall not be refused unless the Minister so approves.

25 (3) Where the Commission’s decision is that the application for renewal shall be granted, the Commission shall notify the Board of the prescribed fee, of the period for which the group license is to be renewed and of the terms, limitations and conditions which the Commission has decided shall be attached to the group license upon its renewal.

Water (Amendment).

SCHEDULE 1—continued.

AMENDMENTS TO THE WATER ACT, 1912—continued.

5 (4) On payment of the whole, or the first instalment, of the prescribed fee, the Commission shall renew the group license for the period and on the terms, limitations and conditions referred to in subsection (3).

(5) A group license shall not be renewed for a period exceeding 10 years at any one time.

10 (6) Pending consideration by the Commission of the application for renewal and, where the application for renewal is granted, pending the renewal of the group license, the group license shall not lapse, but if the first instalment of the prescribed fee or, where that fee is not paid by instalments, the whole of that fee is not paid  
15 within the time prescribed the group license shall lapse and the application for renewal shall be deemed to have been rejected.

(4) Section 20PA—

After section 20P, insert :—

20 20PA. (1) A Board may pay the fee payable in respect of the issue or renewal of a group license by instalments <sup>Fees payable by instalments.</sup> in accordance with this section.

(2) Where a Board pays a fee in respect of the issue or renewal of a group license by instalments—

25 (a) the number of instalments shall be the number of complete periods of 12 months for which the group license is to be issued or renewed;

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*Water (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE WATER ACT, 1912—*continued.*

- 5 (b) each instalment shall be of an amount equal to the fee divided by the number of instalments, disregarding any remainder, together, in the case of the first instalment, with that remainder; and
- 10 (c) the second and each subsequent instalment shall be due and payable on the expiration of each complete period of 12 months after the date of issue or renewal of the group license.

(5) (a) Section 20Q (4)—

Omit “subsection (3)”, insert instead “subsections (3) and (6)”.

(b) Section 20Q (6)—

15 After section 20Q (5), insert :—

20 (6) Any instalment of a fee payable in respect of the issue or renewal of a group license which is unpaid when the license is replaced by an amended group license shall be deemed to be payable in respect of the issue of the amended group license.

(6) (a) Section 20s (1) (e)—

Omit “wasted; or”, insert instead “wasted;”.

(b) Section 20s (1) (f)—

Omit “held;”, insert instead “held; or”.

*Water (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE WATER ACT, 1912—*continued.*

(c) Section 20s (1) (g)—

After section 20s (1) (f), insert :—

5 (g) the Board holding the group license has failed to pay by the due date the second or any subsequent instalment of the fee payable in respect of the issue or renewal of the group license,

10 (7) Section 20AC (1)—

Omit “A person”, insert instead “Except where the Commission in any particular case otherwise determines, a person”.

(8) (a) Section 22c (4) (a), (a1)—

15 Omit section 22C (4) (a), insert instead :—

(a) subject to subsection (4A), be fixed by the Commission from time to time;

(a1) be paid—

20 (i) at a proportionate rate in respect of any portion of the period of 12 months from the date of issue of the license, group license, permit or authority to 30th June next following; and

25 (ii) in respect of each period of 12 months commencing on 1st July during which the license, group license, permit or



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*Water (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE WATER ACT, 1912—*continued.*

authority, or any renewal thereof,  
continues in force,

5 but shall not be paid in respect of any period  
from the date of the proclamation referred to  
in subsection (2) to 1st July next following;

(b) Section 22C (4A)—

After section 22C (4), insert :—

10 (4A) Where the Commission varies the amount it  
has fixed as the charge payable under subsection (3),  
the variation shall take effect on such date (being the  
immediately preceding 1st July or any subsequent 1st  
July) as the Commission may determine.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1980

SCHEDULE 1—continued

AMENDMENTS TO THE WATER ACT, 1912—continued

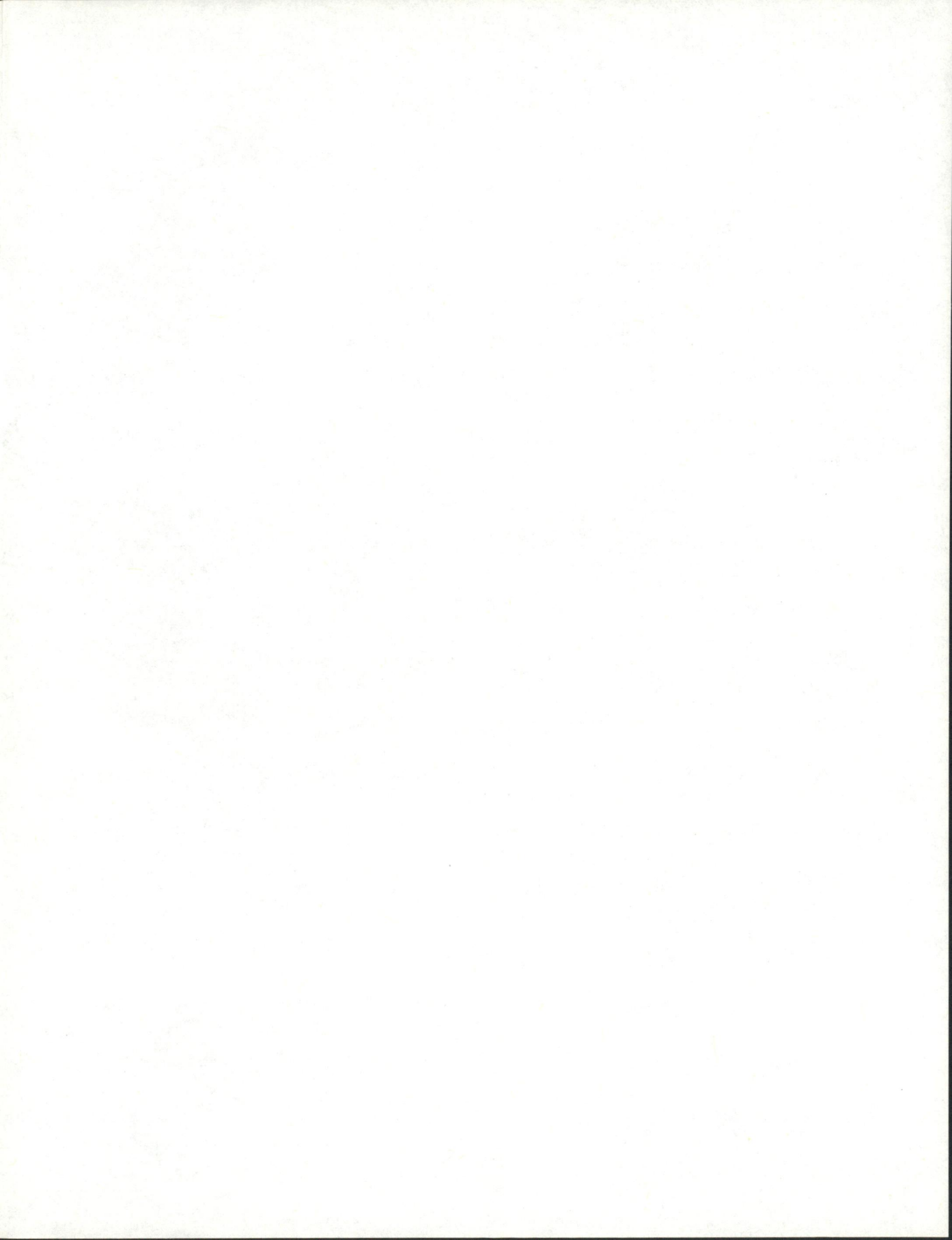
Authority for any renewal thereof  
continued in force.

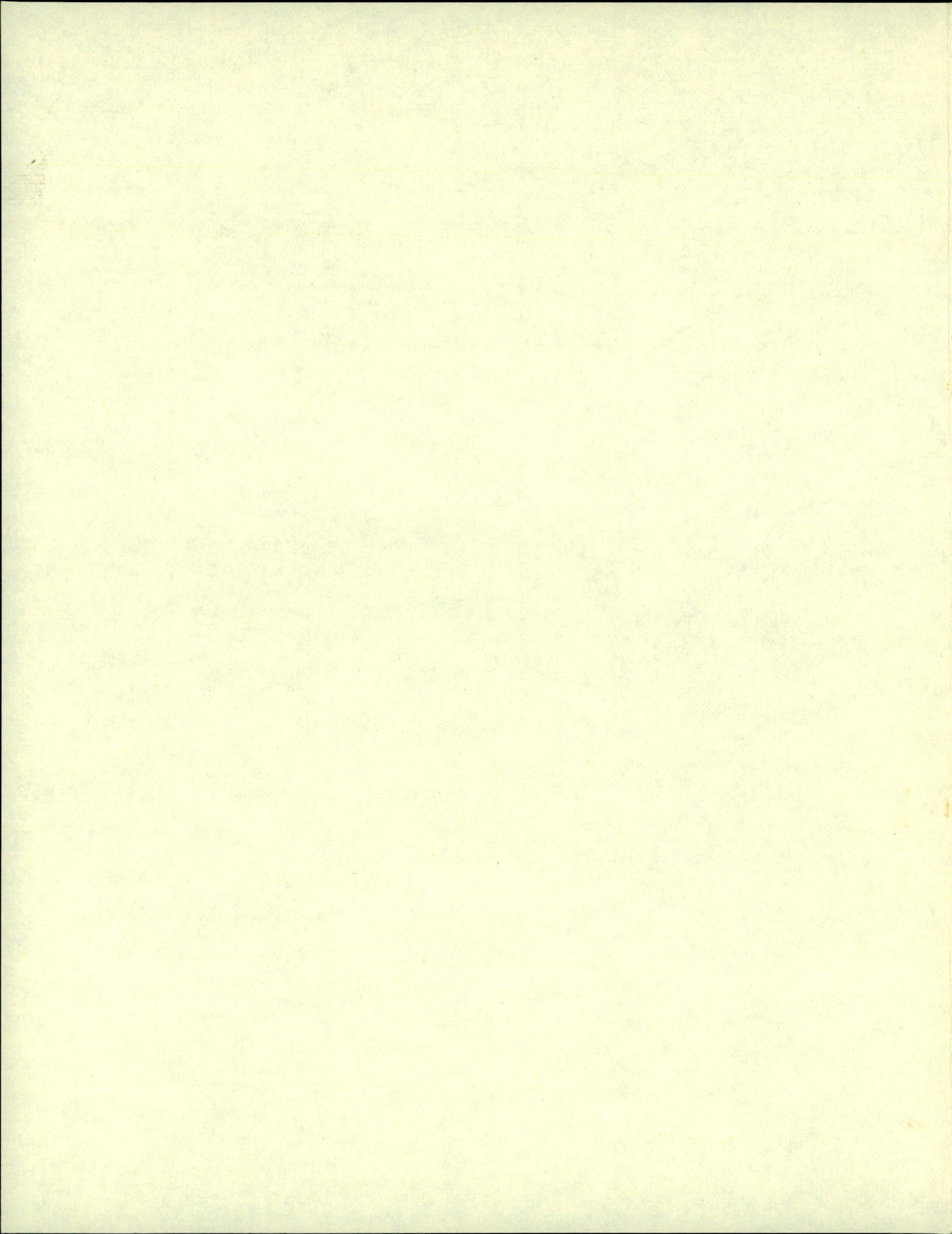
but shall not be valid in respect of any period  
commencing after the date of the notification referred to  
in subsection (1) of section 101 following:

By section 101(1)—

Section 101(1) inserted—

(1) Where the Government in exercise of the powers  
conferred on it by section 101(1) has made an order  
under section 101(1) in relation to any licence or  
authorisation granted under this Act, the licence or  
authorisation shall not be valid in respect of any period  
commencing after the date of the notification referred to  
in subsection (1) of section 101 following:





**WATER (AMENDMENT) ACT, 1989, No. 122**

**New South Wales**



ANNO VICESIMO NONO

**ELIZABETHÆ II REGINÆ**

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**Act No. 122, 1980.**

An Act to amend the Water Act, 1912, to permit the payment of fees for group licenses by instalments, and for other purposes.  
[Assented to, 18th November, 1980.]

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*Water (Amendment).*

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title.      **1.** This Act may be cited as the "Water (Amendment) Act, 1980".

Amendment  
of Act No.  
44, 1912.      **2.** The Water Act, 1912, is amended in the manner set forth in Schedule 1.

Saving  
provision.      **3.** Where the amount of any charge payable under section 22c of the Water Act, 1912, was fixed by the Water Resources Commission before the date of assent to this Act and that amount was the amount so payable immediately before that date, the amount of that charge shall be deemed to have been fixed by the Commission pursuant to that section, as amended by this Act.

Sec. 2.

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SCHEDULE 1.

AMENDMENTS TO THE WATER ACT, 1912.

(1) Section 20I, definition of "instalment"—

After the definition of "Board", insert :—

"instalment", in relation to a fee, means an instalment of the fee payable in accordance with section 20PA;

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*Water (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE WATER ACT, 1912—*continued.*

(2) (a) Section 20L (3)—

Omit “the prescribed fee”, insert instead “the whole, or the first instalment, of the prescribed fee”.

(b) Section 20L (5)—

Omit “time prescribed the fee payable in respect of the issue of the group license”, insert instead “prescribed time the first instalment of the prescribed fee or, where that fee is not paid by instalments, the whole of that fee,”.

(3) Section 20o—

Omit the section, insert instead :—

20o. (1) An application for renewal of a group license may be made by a Board before the expiration of the period for which it was granted or last renewed. Renewal of group license.

(2) An application made under subsection (1)—

(a) may be granted by the Commission; or

(b) may be refused by the Commission, but shall not be refused unless the Minister so approves.

(3) Where the Commission’s decision is that the application for renewal shall be granted, the Commission shall notify the Board of the prescribed fee, of the period for which the group license is to be renewed and of the terms, limitations and conditions which the Commission has decided shall be attached to the group license upon its renewal.

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*Water (Amendment).*


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SCHEDULE 1—*continued.*AMENDMENTS TO THE WATER ACT, 1912—*continued.*

(4) On payment of the whole, or the first instalment, of the prescribed fee, the Commission shall renew the group license for the period and on the terms, limitations and conditions referred to in subsection (3).

(5) A group license shall not be renewed for a period exceeding 10 years at any one time.

(6) Pending consideration by the Commission of the application for renewal and, where the application for renewal is granted, pending the renewal of the group license, the group license shall not lapse, but if the first instalment of the prescribed fee or, where that fee is not paid by instalments, the whole of that fee is not paid within the time prescribed the group license shall lapse and the application for renewal shall be deemed to have been rejected.

## (4) Section 20PA—

After section 20P, insert:—

Fees  
payable by  
instalments.

20PA. (1) A Board may pay the fee payable in respect of the issue or renewal of a group license by instalments in accordance with this section.

(2) Where a Board pays a fee in respect of the issue or renewal of a group license by instalments—

- (a) the number of instalments shall be the number of complete periods of 12 months for which the group license is to be issued or renewed;



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*Water (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE WATER ACT, 1912—*continued.*

- (b) each instalment shall be of an amount equal to the fee divided by the number of instalments, disregarding any remainder, together, in the case of the first instalment, with that remainder; and
- (c) the second and each subsequent instalment shall be due and payable on the expiration of each complete period of 12 months after the date of issue or renewal of the group license.
- (5) (a) Section 20Q (4)—  
Omit “subsection (3)”, insert instead “subsections (3) and (6)”.
- (b) Section 20Q (6)—  
After section 20Q (5), insert :—  
  
(6) Any instalment of a fee payable in respect of the issue or renewal of a group license which is unpaid when the license is replaced by an amended group license shall be deemed to be payable in respect of the issue of the amended group license.
- (6) (a) Section 20s (1) (e)—  
Omit “wasted; or”, insert instead “wasted;”.
- (b) Section 20s (1) (f)—  
Omit “held;”, insert instead “held; or”.

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*Water (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE WATER ACT, 1912—*continued.*

## (c) Section 20s (1) (g)—

After section 20s (1) (f), insert :—

- (g) the Board holding the group license has failed to pay by the due date the second or any subsequent instalment of the fee payable in respect of the issue or renewal of the group license,

## (7) Section 20AC (1)—

Omit “A person”, insert instead “Except where the Commission in any particular case otherwise determines, a person”.

## (8) (a) Section 22c (4) (a), (a1)—

Omit section 22c (4) (a), insert instead :—

- (a) subject to subsection (4A), be fixed by the Commission from time to time;

## (a1) be paid—

- (i) at a proportionate rate in respect of any portion of the period of 12 months from the date of issue of the license, group license, permit or authority to 30th June next following; and
- (ii) in respect of each period of 12 months commencing on 1st July during which the license, group license, permit or

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*Water (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE WATER ACT, 1912—*continued.*

authority, or any renewal thereof,  
continues in force,

but shall not be paid in respect of any period  
from the date of the proclamation referred to  
in subsection (2) to 1st July next following;

(b) Section 22C (4A)—

After section 22C (4), insert :—

(4A) Where the Commission varies the amount it  
has fixed as the charge payable under subsection (3),  
the variation shall take effect on such date (being the  
immediately preceding 1st July or any subsequent 1st  
July) as the Commission may determine.

*In the name and on behalf of Her Majesty I assent to this  
Act.*

A. R. CUTLER,  
*Governor.*

*Government House,  
Sydney, 18th November, 1980.*

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