

FIRST PRINT

**RIVERS AND FORESHORES IMPROVEMENT  
(AMENDMENT) BILL 1986**

NEW SOUTH WALES



**EXPLANATORY NOTE**

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

This Bill is cognate with the Water Administration Bill 1986.

The object of this Bill is to amend the Rivers and Foreshores Improvement Act 1948—

- (a) as a consequence of the enactment of the proposed Water Administration Act 1986 which constitutes the Water Administration Ministerial Corporation and the Department of Water Resources;
- (b) to make further provision with respect to rates and contributions; and
- (c) to clarify the concept of protected river land.

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Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act, with minor exceptions, to commence at the same time as the proposed Water Administration Act 1986.

Clause 3 is a formal provision giving effect to the amendments specified in Schedule 1.

Schedule 1 (1) and (2) makes amendments consequential upon the enactment of the proposed Water Administration Act 1986.

Schedule 1 (3) enables the time and manner of payment of rates to be prescribed by regulations.

Schedule 1 (4) removes the period of 3 months grace before interest begins to accrue on overdue rates and contributions and provides for the interest to be calculated on a daily basis.

Schedule 1 (5) clarifies, by including deposited soil, the concept of "protected river land" from which the removal of soil is prohibited and makes other amendments by way of statute law revision.

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# RIVERS AND FORESHORES IMPROVEMENT (AMENDMENT) BILL 1986

NEW SOUTH WALES



## TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 20, 1948

SCHEDULE 1—AMENDMENTS TO THE RIVERS AND FORESHORES  
IMPROVEMENT ACT 1948

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**RIVERS AND FORESHORES IMPROVEMENT  
(AMENDMENT) BILL 1986**

NEW SOUTH WALES



No. , 1986

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**A BILL FOR**

An Act to amend the Rivers and Foreshores Improvement Act 1948 as a consequence of the enactment of the Water Administration Act 1986 and for other purposes.

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*Rivers and Foreshores Improvement (Amendment) 1986*

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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 **Short title**

1. This Act may be cited as the "Rivers and Foreshores Improvement (Amendment) Act 1986".

**Commencement**

2. (1) Sections 1 and 2 shall commence on the date of assent to this  
10 Act.

(2) Except as provided by subsection (1), this Act shall commence on the commencement of the Water Administration Act 1986.

**Amendment of Act No. 20, 1948**

3. The Rivers and Foreshores Improvement Act 1948 is amended in the  
15 manner set forth in Schedule 1.

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SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE RIVERS AND FORESHORES  
IMPROVEMENT ACT 1948

20 (1) Section 2 (**Interpretation**)—

(a) Definition of "Commission"—

Omit the definition.

(b) Definition of "Constructing Authority"—

25 From paragraph (b), omit "Commission", insert instead  
"Ministerial Corporation".

*Rivers and Foreshores Improvement (Amendment) 1986*

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SCHEDULE 1—*continued*

AMENDMENTS TO THE RIVERS AND FORESHORES  
IMPROVEMENT ACT 1948—*continued*

(c) Definition of “Ministerial Corporation”—

After the definition of “District”, insert:

5                   “Ministerial Corporation” means the Water Administration  
Ministerial Corporation constituted by the Water  
Administration Act 1986.

(2) Section 8 (**Constitution of Rivers and Foreshores Improvement Board**)—

(a) Section 8 (2) (a)—

10                   Omit “Commission”, insert instead “Department of Water  
Resources”.

(b) Section 8 (2) (d)—

Omit “Commission”, insert instead “Department of Water  
Resources”.

(c) Section 8 (3)—

15                   Omit “Commission”, insert instead “Ministerial Corporation”.

(d) Section 8 (9)—

Omit “Commission”, insert instead “Ministerial Corporation”.

(3) Section 18 (**Rates**)—

Section 18 (1) (a)—

20                   Omit “as prescribed”, insert instead “at the prescribed times and  
in the prescribed manner”.

(4) Section 19 (**Rates and contributions**)—

(a) Section 19 (1) (b)—

Omit “at the expiration of 3 months”.

SCHEDULE 1—*continued*AMENDMENTS TO THE RIVERS AND FORESHORES  
IMPROVEMENT ACT 1948—*continued*

## (b) Section 19 (1) (c)—

Omit the paragraph, insert instead:

(c) Interest shall be calculated on a daily basis and a payment made in respect of contributions, instalments or rates shall be applied first in payment of any interest borne by them.

(5) Section 23A (**Removal of soil from or in proximity to rivers**)—

## (a) Section 23A (1), definition of “protected river land”—

Omit the definition, insert instead:

“protected river land” means—

- (a) land that is the bank or bed of a river;
- (b) land that is not more than 40 metres from the top of the bank of a river; or
- (c) material at any time deposited, naturally or otherwise and whether or not in layers, on land referred to in paragraphs (a) and (b);

## (b) Section 23A (2) (a)—

After “writing”, insert “in the prescribed form”.

## (c) Section 23A (6) (a)—

Omit the paragraph, insert instead—

- (a) under—
  - (i) Part II of the Water Act 1912;
  - (ii) a license, group license, authority or permit in force under that Act; or
  - (iii) an approval in force under Part VIII of that Act;

## (d) Section 23A (6) (b)—

Omit “, or of any other Act”.



**RIVERS AND FORESHORES IMPROVEMENT  
(AMENDMENT) ACT 1986 No. 202**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of Act No. 20, 1948

**SCHEDULE 1—AMENDMENTS TO THE RIVERS AND FORESHORES  
IMPROVEMENT ACT 1948**

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**RIVERS AND FORESHORES IMPROVEMENT (AMENDMENT)  
ACT 1986 No. 202**

NEW SOUTH WALES



**Act No. 202, 1986**

An Act to amend the Rivers and Foreshores Improvement Act 1948 as a consequence of the enactment of the Water Administration Act 1986; and for other purposes. [Assented to 18 December 1986]

*Rivers and Foreshores Improvement (Amendment) 1986*

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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 "Rivers and Foreshores Improvement (Amendment) Act 1986".

**Commencement**

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on the commencement of the Water Administration Act 1986.

**Amendment of Act No. 20, 1948**

3. The Rivers and Foreshores Improvement Act 1948 is amended in the manner set forth in Schedule 1.

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SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE RIVERS AND FORESHORES  
IMPROVEMENT ACT 1948

(1) Section 2 (**Interpretation**)—

(a) Definition of "Commission"—

Omit the definition.

(b) Definition of "Constructing Authority"—

From paragraph (b), omit "Commission", insert instead "Ministerial Corporation".

*Rivers and Foreshores Improvement (Amendment) 1986*

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SCHEDULE 1—*continued*

AMENDMENTS TO THE RIVERS AND FORESHORES  
IMPROVEMENT ACT 1948—*continued*

(c) Definition of “Ministerial Corporation”—

After the definition of “District”, insert:

“Ministerial Corporation” means the Water Administration  
Ministerial Corporation constituted by the Water  
Administration Act 1986.

(2) Section 8 (**Constitution of Rivers and Foreshores Improvement Board**)—

(a) Section 8 (2) (a)—

Omit “Commission”, insert instead “Department of Water Resources”.

(b) Section 8 (2) (d)—

Omit “Commission”, insert instead “Department of Water Resources”.

(c) Section 8 (3)—

Omit “Commission”, insert instead “Ministerial Corporation”.

(d) Section 8 (9)—

Omit “Commission”, insert instead “Ministerial Corporation”.

(3) Section 18 (**Rates**)—

Section 18 (1) (a)—

Omit “as prescribed”, insert instead “at the prescribed times and in the prescribed manner”.

(4) Section 19 (**Rates and contributions**)—

(a) Section 19 (1) (b)—

Omit “at the expiration of 3 months”.

SCHEDULE 1—*continued*AMENDMENTS TO THE RIVERS AND FORESHORES  
IMPROVEMENT ACT 1948—*continued*

## (b) Section 19 (1) (c)—

Omit the paragraph, insert instead:

(c) Interest shall be calculated on a daily basis and a payment made in respect of contributions, instalments or rates shall be applied first in payment of any interest borne by them.

(5) Section 23A (**Removal of soil from or in proximity to rivers**)—

## (a) Section 23A (1), definition of “protected river land”—

Omit the definition, insert instead:

“protected river land” means—

- (a) land that is the bank or bed of a river;
- (b) land that is not more than 40 metres from the top of the bank of a river; or
- (c) material at any time deposited, naturally or otherwise and whether or not in layers, on land referred to in paragraphs (a) and (b);

## (b) Section 23A (2) (a)—

After “writing”, insert “in the prescribed form”.

## (c) Section 23A (6) (a)—

Omit the paragraph, insert instead—

- (a) under—
  - (i) Part II of the Water Act 1912;
  - (ii) a license, group license, authority or permit in force under that Act; or
  - (iii) an approval in force under Part VIII of that Act;

*Rivers and Foreshores Improvement (Amendment) 1986*

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SCHEDULE 1—*continued*

AMENDMENTS TO THE RIVERS AND FORESHORES  
IMPROVEMENT ACT 1948—*continued*

- (d) Section 23A (6) (b)—  
Omit “, or of any other Act”.

