

**WATER SUPPLY AUTHORITIES (AMENDMENT) ACT
1988 No. 121**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
 2. Commencement
 3. Amendment of Water Supply Authorities Act 1987 No. 140
- SCHEDULE 1—AMENDMENTS RELATING TO THE HUNTER WATER BOARD
SCHEDULE 2—MISCELLANEOUS AMENDMENTS
-



WATER SUPPLY AUTHORITIES (AMENDMENT) ACT 1988 No. 121

NEW SOUTH WALES



Act No. 121, 1988

An Act to amend the Water Supply Authorities Act 1987 as a consequence of the enactment of the Hunter Water Board Act 1988; and for other purposes. [Assented to 21 December 1988]

Water Supply Authorities (Amendment) 1988

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Water Supply Authorities (Amendment) Act 1988.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Water Supply Authorities Act 1987 No. 140

3. The Water Supply Authorities Act 1987 is amended as set out in Schedules 1 and 2.

**SCHEDULE 1—AMENDMENTS RELATING TO THE HUNTER
WATER BOARD**

(Sec. 3)

- (1) Section 8 (**Schedules relating to Authorities**)—
 - (a) Omit section 8 (1).
 - (b) From section 8 (5), omit “2–4”, insert instead “3 and 4”.
- (2) Schedule 1 (**Water Supply Authorities**)—

From Part 1, omit “Hunter District Water Board”.
- (3) Schedule 2 (**Hunter District Water Board**)—

Omit the Schedule.

SCHEDULE 2—MISCELLANEOUS AMENDMENTS

(Sec. 3)

- (1) Section 3 (**Definitions**)—

Section 3 (1), definition of “statutory body”—

Omit “other than this Act”, insert instead “(other than this Act or the Associations Incorporation Act 1984)”.
- (2) Section 15 (**Entry on land to read meters or carry out works**)—

After section 15 (1), insert:

 - (1A) The power conferred by this section is sufficient authority for an employee or authorised person to enter and occupy land or any part of a building (except an enclosed part occupied as a separate dwelling) in the exercise of an Authority’s functions during daylight for the purpose of—
 - (a) reading a meter; or

*Water Supply Authorities (Amendment) 1988*SCHEDULE 2—MISCELLANEOUS AMENDMENTS—*continued*

- (b) ascertaining whether trade waste is present or is being (or has recently been) discharged to a work of the Board; or
- (c) making a valuation,

unless the employee or authorised person is refused access by the lawful occupier of the land.

(3) Section 16 (**Entry on land for inspections**)—

Section 16 (3) (b)—

Omit “a prescribed employee”, insert instead “the Authority”.

(4) Section 17 (**Power to break up roads**)—

Section 17 (1)—

Omit “the prescribed notices”, insert instead “reasonable notice to persons likely to be affected”.

(5) Section 20 (**Finding source of pollution of water supply**)—

Omit section 20 (1), insert instead:

(1) If water supplied by an Authority is being polluted, the Authority may, after having given reasonable notice to persons likely to be affected by its action, dig up the ground and try to find the source of the pollution.

(6) Section 24 (**Definitions**)—

Definition of “approval to which this Division applies”—

Omit the definition, insert instead:

“approval to which this Division applies” means—

- (a) an approval under Part 11 of the Local Government Act 1919 for the erection of a building; or
- (b) an approval under Part 12 of the Local Government Act 1919 for the subdivision of land; or
- (c) a development consent under Part 4 of the Environmental Planning and Assessment Act 1979;

(7) Section 29 (**Connections**)—

Omit section 29 (7), insert instead:

(7) Any person desiring to connect premises with a main for the purposes of this section may (subject to such conditions as may be imposed by law) open up the surface and soil of any road or way, public or private, or any footpath or public reserve to the extent required to make the connection.

SCHEDULE 2—MISCELLANEOUS AMENDMENTS—*continued***(8) Section 30 (Authority may levy service charges and impose fees and other charges)—**

Section 30 (2)—

Omit “the goods and services”, insert instead “any service or thing”.

(9) Section 34 (Determinations by Authority)—

(a) Omit section 34 (3) (a), insert instead:

(a) is required to be approved by the Minister and does not have effect unless it is so approved; and

(b) After section 34 (5), insert:

(6) If, for any reason—

(a) a determination under this section is not made before the charging year to which it relates; or

(b) there is any irregularity or alleged irregularity in the making of any such determination,

the Governor may extend the time for making the determination (whether or not that time has expired) and may authorise the Authority concerned to do anything necessary to cure any irregularity and to make a valid determination.

(10) Section 37 (Certain charges to be a charge on land)—

At the end of section 37, insert:

(2) A charge imposed under section 30 (2) for a service or thing supplied or provided in connection with the occupation of land is a charge on the land.

(11) Section 40 (Sale of land for unpaid amounts)—

After section 40 (2), insert:

(3) This section does not apply—

(a) to a service charge incurred before 3 July 1987; or

(b) to any other kind of charge incurred before the commencement of this subsection.

SCHEDULE 2—MISCELLANEOUS AMENDMENTS—*continued***(12) Section 41 (Certificate as to amount due)—**

Omit section 41 (1), insert instead:

(1) An Authority shall, upon written application being made to it and payment of the fee determined by the Authority, issue to the applicant a certificate—

(a) containing particulars of any amounts payable to the Authority in respect of a parcel of separately assessed land;
or

(b) to the effect that there are no such amounts.

(13) Section 48 (Work done by unlicensed person)—

Section 48 (b), (c)—

At the end of section 48 (b), insert:

; or

(c) holds a certificate of registration in force under the Plumbers, Gasfitters and Drainers Act 1979 authorising the holder to do that kind of work.

(14) Section 55 (Appropriation or resumption, or divesting, of land)—

(a) Section 55 (3)—

After “of”, insert “an appropriation or resumption under”.

(b) Section 55 (4)—

After section 55 (3), insert:

(4) With the consent of the council concerned, the Governor may, by proclamation published in the Gazette, vest in a council the estate or interest of an Authority in any land on which is situated a work of the Authority (whether wholly or partly completed).

(15) Section 66 (Regulations)—

(a) Section 66 (2) (a)—

After “other charges”, insert “, including charges for the abstraction or use of water”.

(b) Section 66 (2) (c)—

After “water”, insert “and (without limiting the generality of subsection (3)) creating offences relating to the contamination or pollution of water, whether or not while the water is being supplied or used”.

Water Supply Authorities (Amendment) 1988

SCHEDULE 2—MISCELLANEOUS AMENDMENTS—*continued*

(c) Section 66 (2) (d)—

After “areas”, insert “, including the regulation or prohibition of abstracting, using, polluting or contaminating waters within special areas”.

[*Minister's second reading speech made in—
Legislative Assembly on 29 November 1988
Legislative Council on 6 December 1988*]

FIRST PRINT

WATER SUPPLY AUTHORITIES (AMENDMENT) BILL 1988

NEW SOUTH WALES



EXPLANATORY NOTE

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

This Bill is cognate with the Hunter Water Board Bill 1988.

The object of this Bill is to amend the Water Supply Authorities Act 1987—

- (a) to remove provisions relating to the Hunter District Water Board because of the intended enactment of the Hunter Water Board Act 1988; and
- (b) to make various other provisions aimed at improving the administration of the Principal Act (which generally parallel provisions contained in the proposed Hunter Water Board Act 1988).

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the Schedules of amendments.

SCHEDULE 1—AMENDMENTS RELATING TO THE HUNTER WATER BOARD

Schedule 1 removes provisions relating to the Hunter District Water Board as a new Hunter Water Board will be constituted to take over its functions by the proposed Hunter Water Board Act 1988.

SCHEDULE 2—MISCELLANEOUS AMENDMENTS

Definition of “statutory body”

Schedule 2 (1) amends the definition of “statutory body” for the purposes of the Principal Act so as to exclude a corporation incorporated under the Associations Incorporation Act 1984.

Water Supply Authorities (Amendment) 1988

Entry on land

Schedule 2 (2) makes it clear that, unless the occupier of land objects, a Water Supply Authority may, without giving prior notice, enter and occupy the land for the purpose of reading a meter, ascertaining whether trade waste is present or escaping or making a valuation.

Removal of requirement to prescribe various matters

Schedule 2 (3), (4) and (5) remove references to prescribed employees, prescribed notices, prescribed periods of notice and prescribed persons from sections 16, 17 and 20. The relevant periods of notice will be required by those sections to be reasonable instead of being specified in regulations.

Section 24 is to be amended (Schedule 2 (6)) to remove an unnecessary requirement to make regulations limiting the types of building approvals or development consents to which Division 2 (Construction of works for developers) of Part 3 applies.

Section 41 is to be amended (Schedule 2 (12)) so as to allow an Authority to determine fees which are currently prescribed for certificates issued by the Authority. Particulars which may be included in those certificates will no longer need to be prescribed.

Connections to water or sewer mains

Schedule 2 (7) will enable a person (subject to law) to open up the surface and soil of any road or way (public or private), footpath or public reserve to connect premises with a water or sewer main of an Authority.

Goods and services for which an Authority may levy charges

Schedule 2 (8) makes it clear that an Authority may, in accordance with the regulations, impose fees and charges for any service or thing supplied or provided by it.

Determinations by an Authority relating to service charges

Schedule 2 (9) (a) provides that determinations of an Authority relating to the levying of service charges on land do not have effect until approved by the Minister.

Schedule 2 (9) (b) enables the Governor-in-Council to extend the time for making such determinations and to authorise any action of an Authority necessary to cure any irregularity and to make a valid determination.

Charges on land

Schedule 2 (10) provides that charges made by an Authority in connection with the occupation of land are charges on the land.

Schedule 2 (11) makes it clear that section 40 (sale of land for unpaid amounts) does not apply to a charge incurred before the section applied to it.

Persons licensed to do work

Schedule 2 (13) includes in the list of persons in section 48 who are allowed to do water supply, sewerage or drainage work which may affect an Authority's works a person holding an appropriate certificate of registration in force under the Plumbers, Gasfitters and Drainers Act 1979.

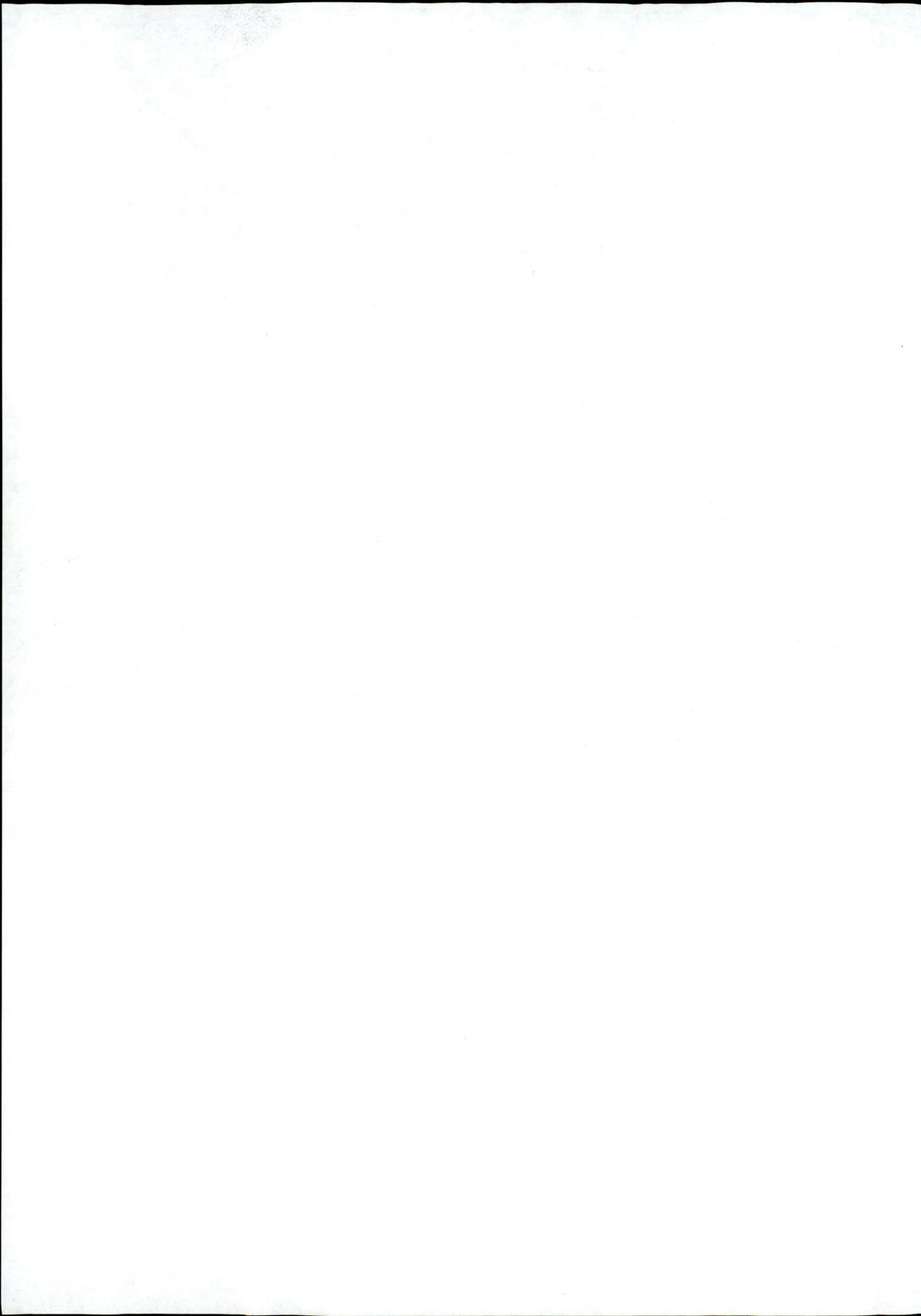
Divesting of Authority's interest in land

Schedule 2 (14) enables the Governor, with the consent of the council concerned, to vest in a council, by proclamation published in the Gazette, the estate or interest of an Authority in any land on which a work of an Authority is situated.

Water Supply Authorities (Amendment) 1988

Regulations

Schedule 2 (15) makes it clear that regulations may be made under the Principal Act prescribing charges for the abstraction and use of water, creating offences for the contamination and pollution of water and regulating or prohibiting the abstracting, using, polluting or contaminating of waters within special areas.



WATER SUPPLY AUTHORITIES (AMENDMENT) BILL 1988

NEW SOUTH WALES



TABLE OF PROVISIONS

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2. Commencement
3. Amendment of Water Supply Authorities Act 1987 No. 140

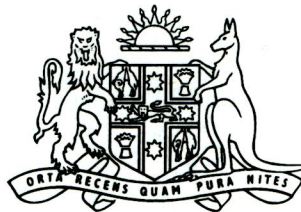
SCHEDULE 1—AMENDMENTS RELATING TO THE HUNTER WATER BOARD

SCHEDULE 2—MISCELLANEOUS AMENDMENTS



**WATER SUPPLY AUTHORITIES (AMENDMENT) BILL
1988**

NEW SOUTH WALES



No. , 1988

A BILL FOR

An Act to amend the Water Supply Authorities Act 1987 as a consequence of the enactment of the Hunter Water Board Act 1988; and for other purposes.

Water Supply Authorities (Amendment) 1988

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Water Supply Authorities (Amendment) Act 1988.

5 Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Amendment of Water Supply Authorities Act 1987 No. 140

3. The Water Supply Authorities Act 1987 is amended as set out in 10 Schedules 1 and 2.

SCHEDULE 1—AMENDMENTS RELATING TO THE HUNTER WATER BOARD

(Sec. 3)

(1) Section 8 (**Schedules relating to Authorities**)—

- 15 (a) Omit section 8 (1).
 (b) From section 8 (5), omit “2–4”, insert instead “3 and 4”.

(2) Schedule 1 (**Water Supply Authorities**)—

From Part 1, omit “Hunter District Water Board”.

(3) Schedule 2 (**Hunter District Water Board**)—

- 20 Omit the Schedule.

SCHEDULE 2—MISCELLANEOUS AMENDMENTS

(Sec. 3)

(1) Section 3 (**Definitions**)—

Section 3 (1), definition of “statutory body”—

- 25 Omit “other than this Act”, insert instead “(other than this Act or the Associations Incorporation Act 1984)”.

(2) Section 15 (**Entry on land to read meters or carry out works**)—

After section 15 (1), insert:

- 30 (1A) The power conferred by this section is sufficient authority for an employee or authorised person to enter and occupy land or any part of a building (except an enclosed part occupied as a separate dwelling) in the exercise of an Authority’s functions during daylight for the purpose of—

(a) reading a meter; or

SCHEDULE 2—MISCELLANEOUS AMENDMENTS—*continued*

- (b) ascertaining whether trade waste is present or is being (or has recently been) discharged to a work of the Board; or
 (c) making a valuation,
 unless the employee or authorised person is refused access by the
 5 lawful occupier of the land.
- (3) Section 16 (**Entry on land for inspections**)—
 Section 16 (3) (b)—
 Omit “a prescribed employee”, insert instead “the Authority”.
- (4) Section 17 (**Power to break up roads**)—
 10 Section 17 (1)—
 Omit “the prescribed notices”, insert instead “reasonable notice to persons likely to be affected”.
- (5) Section 20 (**Finding source of pollution of water supply**)—
 Omit section 20 (1), insert instead:
 15 (1) If water supplied by an Authority is being polluted, the Authority may, after having given reasonable notice to persons likely to be affected by its action, dig up the ground and try to find the source of the pollution.
- (6) Section 24 (**Definitions**)—
 20 Definition of “approval to which this Division applies”—
 Omit the definition, insert instead:
 “approval to which this Division applies” means—
 (a) an approval under Part 11 of the Local Government Act 1919 for the erection of a building; or
 25 (b) an approval under Part 12 of the Local Government Act 1919 for the subdivision of land; or
 (c) a development consent under Part 4 of the Environmental Planning and Assessment Act 1979;
- (7) Section 29 (**Connections**)—
 30 Omit section 29 (7), insert instead:
 (7) Any person desiring to connect premises with a main for the purposes of this section may (subject to such conditions as may be imposed by law) open up the surface and soil of any road or way, public or private, or any footpath or public reserve to the
 35 extent required to make the connection.

*Water Supply Authorities (Amendment) 1988*SCHEDULE 2—MISCELLANEOUS AMENDMENTS—*continued*(8) Section 30 (**Authority may levy service charges and impose fees and other charges**)—

Section 30 (2)—

5 Omit “the goods and services”, insert instead “any service or thing”.

(9) Section 34 (**Determinations by Authority**)—

(a) Omit section 34 (3) (a), insert instead:

(a) is required to be approved by the Minister and does not have effect unless it is so approved; and

10 (b) After section 34 (5), insert:

(6) If, for any reason—

(a) a determination under this section is not made before the charging year to which it relates; or

15 (b) there is any irregularity or alleged irregularity in the making of any such determination,

the Governor may extend the time for making the determination (whether or not that time has expired) and may authorise the Authority concerned to do anything necessary to cure any irregularity and to make a valid determination.

20 (10) Section 37 (**Certain charges to be a charge on land**)—

At the end of section 37, insert:

(2) A charge imposed under section 30 (2) for a service or thing supplied or provided in connection with the occupation of land is a charge on the land.

25 (11) Section 40 (**Sale of land for unpaid amounts**)—

After section 40 (2), insert:

(3) This section does not apply—

(a) to a service charge incurred before 3 July 1987; or

30 (b) to any other kind of charge incurred before the commencement of this subsection.

(12) Section 41 (**Certificate as to amount due**)—

Omit section 41 (1), insert instead:

35 (1) An Authority shall, upon written application being made to it and payment of the fee determined by the Authority, issue to the applicant a certificate—

(a) containing particulars of any amounts payable to the Authority in respect of a parcel of separately assessed land; or

SCHEDULE 2—MISCELLANEOUS AMENDMENTS—*continued*

(b) to the effect that there are no such amounts.

(13) Section 48 (**Work done by unlicensed person**)—

Section 48 (b), (c)—

At the end of section 48 (b), insert:

5

; or

(c) holds a certificate of registration in force under the Plumbers, Gasfitters and Drainers Act 1979 authorising the holder to do that kind of work.

(14) Section 55 (**Appropriation or resumption, or divesting, of land**)—

10

(a) Section 55 (3)—

After “of”, insert “an appropriation or resumption under”.

(b) Section 55 (4)—

After section 55 (3), insert:

15

(4) With the consent of the council concerned, the Governor may, by proclamation published in the Gazette, vest in a council the estate or interest of an Authority in any land on which is situated a work of the Authority (whether wholly or partly completed).

(15) Section 66 (**Regulations**)—

20

(a) Section 66 (2) (a)—

After “other charges”, insert “, including charges for the abstraction or use of water”.

(b) Section 66 (2) (c)—

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After “water”, insert “and (without limiting the generality of subsection (3)) creating offences relating to the contamination or pollution of water, whether or not while the water is being supplied or used”.

(c) Section 66 (2) (d)—

30

After “areas”, insert “, including the regulation or prohibition of abstracting, using, polluting or contaminating waters within special areas”.

