

1992—No. 495

WATER ACT 1912—REGULATION
(Water (Part 6) Regulation 1992)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Water Act 1912, has been pleased to make the Regulation set forth hereunder.

G. B. PEACOCKE,
Acting Minister for Natural Resources.

PART 1—PRELIMINARY

Citation

1. This Regulation may be cited as the Water (Part 6) Regulation 1992.

Commencement

2. This Regulation commences on 1st September, 1992.

Definitions

3. In this Regulation:

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

“**prescribed work**” means a work that is constructed or used under Part 6 of the Act;

“**the Act**” means the Water Act 1912.

Application of Regulation

4. This Regulation applies to the supply of water, and to prescribed works, in:

- (a) domestic and stock water supply and irrigation districts; and
- (b) domestic and stock water supply districts; and
- (c) provisional domestic and stock water supply and irrigation districts; and
- (d) provisional domestic and stock water supply districts, constituted under Part 6 of the Act.

PART 2—SUPPLY OF WATER

Applications for water

- 5. (1)** An owner requiring a supply of water is (if required to do so by the Ministerial Corporation) to apply in the manner and within the time specified by the Ministerial Corporation.
- (2)** An application may be made by a person on an owner's behalf if authorised by the owner in writing.
- (3)** The Ministerial Corporation may, subject to the Act, refuse or approve such an application.

Supply of water

- 6. (1)** Water may be supplied to land by the Ministerial Corporation unconditionally or subject to conditions made known to the owner of the land in writing.
- (2)** If the supply of water is required for rice growing, the conditions of supply may include conditions regarding the area and location of the land on which rice may be grown.
- (3)** An owner must comply with any conditions attaching to a supply of water.

Payment of charges

- 7. (1)** An owner is to be notified, by means of a notice of assessment, of:
 - (a) the annual charges fixed by the Ministerial Corporation for the current year; and
 - (b) the amount payable by the owner for water supplied to the owner's land for the period to which the notice relates.
- (2)** The amount specified in the notice is to be paid to the Ministerial Corporation on or before the date for payment specified in the notice, which date must not be less than 28 days after the date of issue of the notice.

(3) If land first becomes subject to an annual charge after 1 July in any year, the amount of the charge is to be apportioned, for the period from the date from which the land becomes subject to the charge until 30 June next following, on the basis of such proportion of the charge as that period bears to the whole year.

Land preparation

8. An owner of land must prepare and maintain water reticulation works within the land which are, to the satisfaction of the Ministerial Corporation, of a sufficient standard to ensure that water delivered onto the land is properly controlled and efficiently used.

Maximum penalty: \$1,000.

Use of water

9. (1) If the Ministerial Corporation requires an owner to apply for a supply of water, the owner must use the water supplied for the purpose, and on the land, specified in the application.

(2) An owner of land:

- (a) must not allow water delivered onto the land to be wasted; and
- (b) must comply with any Ministerial Corporation requirements regarding the construction and maintenance of internal drains and connections to the Corporation's drainage works and the time and manner of discharge of surface or sub-surface drainage water from the land into those works.

Maximum penalty (subclause (2)): \$1,000.

Alteration of rate of delivery

10. An owner of land must not, without the written approval of the Ministerial Corporation, construct or use any work within the land if the work is likely to have the effect of altering the rate of delivery of water onto the land.

Refusal to supply water

11. (1) The Ministerial Corporation may refuse to supply water, or may discontinue the supply of water, to any land:

- (a) if the owner has failed to make adequate provision:
 - (i) for the drainage of surplus water into the drainage works provided by the Ministerial Corporation for that purpose; or
 - (ii) if no such drainage works have been provided, for the retention of surplus water on the land in an appropriate manner; or
- (b) if the owner fails to comply with a provision of this Part or of any condition attaching to a supply of water.

(2) A refusal to supply or a discontinuation of supply:

- (a) does not relieve an owner from liability for payment of any charge in respect of rates or for any water supplied; and
- (b) does not prevent the Ministerial Corporation from proceeding against an owner for an offence against the Act or this Regulation.

PART 3—PREVENTION OF POLLUTION OF WATER

Pollution of water

12. (1) A person must not:

- (a) by act or omission, pollute any water conserved or distributed in a prescribed work by placing in or on, or by otherwise introducing into or onto, the water any solid, liquid or gaseous matter so that the physical, chemical or biological condition of the water is changed; or
- (b) in the vicinity of any such water, carry on any operation of a kind, or in a manner, that is likely to so pollute the water.

Maximum penalty: \$10,000.

(2) A person must not place, or cause to be placed, the carcase of any dead animal near any water conserved or distributed in a prescribed work if the carcase is likely to pollute the water.

Maximum penalty: \$1,000.

Swimming, boating etc.

13. A person must not, without the consent of the Ministerial Corporation:

- (a) enter, bathe, swim or use a boat or any other water craft in any water conserved or distributed in a prescribed work; or
- (b) allow any other person, or any animal (other than stock) in the person's control, to enter, bathe or swim in any such water; or

(c) allow any other person to use a boat or any other water craft in any such water.

Maximum penalty: \$1,000.

PART 4—REPEAL

Repeal

14. The Water (Part 6) Regulations are repealed.

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PART 3—PREVENTION OF POLLUTION OF WATER

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PART 4—REPEAL

14. Repeal

EXPLANATORY NOTE

The objects of this Regulation are to repeal the Water (Part 6) Regulations and to remake such of the provisions of those Regulations as are still required. The new Regulation deals with:

- the supply of water in districts and provisional districts constituted under Part 6 of the Water Act 1912;

- the payment of charges for water supplies;
- conditions attaching to supplies of water;
- refusal of supplies of water in certain circumstances;
- the prevention of pollution of water.

This Regulation is made in connection with the staged repeal of subordinate legislation under Part 3 of the Subordinate Legislation Act 1989.
