

**WATER (AMENDMENT) ACT, 1978, No. 121**

**New South Wales**



ANNO VICESIMO SEPTIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. 121, 1978.**

An Act to amend the Water Act, 1912, to increase the penalties for offences and to provide for the quantification of water supplied to persons and the assessment of rates and charges therefor. [Assented to, 21st December, 1978.]

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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 :—

1. This Act may be cited as the "Water (Amendment) Act, Short title. 1978".

2. This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—AMENDMENTS TO THE WATER ACT, 1912,  
RELATING TO PENALTIES.

SCHEDULE 2.—AMENDMENTS TO THE WATER ACT, 1912,  
RELATING TO THE QUANTIFICATION OF WATER SUP-  
PLIED TO PERSONS AND THE ASSESSMENT OF RATES AND  
CHARGES THEREFOR.

3. The Water Act, 1912, is amended in the manner set forth Amendment  
in Schedules 1 and 2. of Act No.  
44, 1912.

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SCHEDULE 1.

Sec. 3.

AMENDMENTS TO THE WATER ACT, 1912, RELATING TO  
PENALTIES.

(1) (a) Section 4c (2)—

Omit "for the first offence to a penalty not exceeding  
one hundred dollars, and for a subsequent offence".

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*Water (Amendment).*

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

## (b) Section 4c (2)—

Omit “five hundred dollars,” insert instead “\$1,000”.

## (c) Section 4c (2)—

Omit “twenty-five dollars,” insert instead “\$100”.

## (2) Section 17B (1)—

Omit “\$500”, insert instead “\$1,000 and, in the case of a continuing offence, to a penalty not exceeding \$100 for each day the offence continues”.

## (3) (a) Section 18 (1)—

Omit “five hundred dollars”, insert instead “\$1,000”.

## (b) Section 18 (2)—

Omit “five hundred dollars”, insert instead “\$1,000”.

## (4) Section 18R (1)—

Omit “\$500”, insert instead “\$1,000 and, in the case of a continuing offence, to a penalty not exceeding \$100 for each day the offence continues”.

## (5) Section 20D—

Omit “five hundred dollars”, insert instead “\$1,000”.

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*Water (Amendment).*

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SCHEDULE 1—*continued.*

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

(6) Section 20HA (1)—

Omit "\$500", insert instead "\$1,000 and, in the case of a continuing offence, to a penalty not exceeding \$100 for each day the offence continues".

(7) Section 20SA (1)—

Omit "\$500", insert instead "\$1,000 and, in the case of a continuing offence, to a penalty not exceeding \$100 for each day the offence continues".

(8) Section 20r—

Omit "five hundred dollars", insert instead "\$1,000".

(9) (a) Section 21A (1)—

Omit "two thousand five hundred dollars", insert instead "\$2,500".

(b) Section 21A (1)—

Omit "one hundred dollars", insert instead "\$100".

(10) Section 21B (1)—

Omit "\$500", insert instead "\$1,000 and, in the case of a continuing offence, to a penalty not exceeding \$100 for each day the offence continues".

(11) Section 22 (2)—

Omit "two hundred and fifty dollars", insert instead "\$500".

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*Water (Amendment).*

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

- (12) Section 23—  
Omit “two hundred and fifty dollars”, insert instead “\$500”.
- (13) (a) Section 26D (4)—  
Omit “for a first offence to a penalty not exceeding two hundred dollars and for any subsequent offence”.
- (b) Section 26D (4)—  
Omit “five hundred dollars”, insert instead “\$1,000”.
- (14) (a) Section 27 (1) (f)—  
Omit “two hundred and fifty dollars”, insert instead “\$500”.
- (b) Section 27 (1) (f)—  
Omit “twenty-five dollars”, insert instead “\$100”.
- (15) (a) Section 65 (2)—  
Omit “one hundred dollars”, insert instead “\$200”.
- (b) Section 65 (3)—  
Omit “two hundred and fifty dollars”, insert instead “\$500”.
- (16) (a) Section 71—  
Omit “one hundred dollars”, insert instead “\$500”.
- (b) Section 71—  
Omit “twenty-five dollars”, insert instead “\$100”.

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*Water (Amendment).*

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SCHEDULE 1—*continued.*

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

- (17) Section 74 (1) (m)—  
Omit “one hundred dollars”, insert instead “\$200”.
- (18) Section 75 (1)—  
Omit “fifty dollars”, insert instead “\$200”.
- (19) (a) Section 100—  
Omit “five hundred dollars”, insert instead “\$500”.
- (b) Section 100—  
Omit “one hundred dollars”, insert instead “\$100”.
- (20) (a) Section 112 (2)—  
Omit “five hundred dollars”, insert instead “\$500”.
- (b) Section 112 (2)—  
Omit “twenty-five dollars”, insert instead “\$100”.
- (21) (a) Section 115A (4)—  
Omit “five hundred dollars”, insert instead “\$500”.
- (b) Section 115A (4)—  
Omit “twenty-five dollars”, insert instead “\$100”.
- (22) (a) Section 118—  
Omit “two hundred and fifty dollars”, insert instead  
“\$500”.

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*Water (Amendment).*

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

- (b) Section 118—  
Omit “twenty-five dollars”, insert instead “\$100”.
- (23) (a) Section 118A (2)—  
Omit “one hundred dollars”, insert instead “\$500”.
- (b) Section 118A (2)—  
Omit “ten dollars”, insert instead “\$100”.
- (c) Section 118A (5)—  
Omit “one hundred dollars”, insert instead “\$200”.
- (d) Section 118A (5)—  
Omit “ten dollars”, insert instead “\$50”.
- (24) Section 120 (1)—  
Omit “two hundred and fifty dollars”, insert instead “\$500”.
- (25) Section 121—  
Omit “five hundred dollars”, insert instead “\$1,000”.
- (26) Section 122—  
Omit “two hundred and fifty dollars”, insert instead “\$500”.
- (27) Section 123 (2)—  
Omit “one hundred dollars”. insert instead “\$200”

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*Water (Amendment).*

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SCHEDULE 1—*continued.*

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

- (28) (a) Section 124 (2)—  
Omit “one hundred dollars”, insert instead “\$500”.
- (b) Section 124 (3)—  
Omit “two hundred and fifty dollars”, insert instead  
“\$500”.
- (29) (a) Section 129 (1)—  
Omit “one hundred dollars”, insert instead “\$500”.
- (b) Section 129 (1)—  
Omit “twenty-five dollars”, insert instead “\$100”.
- (30) (a) Section 148 (2)—  
Omit “one hundred dollars”, insert instead “\$500”.
- (b) Section 148 (3)—  
Omit “two hundred and fifty dollars”, insert instead  
“\$500”.
- (31) (a) Section 148A (1)—  
Omit “one hundred dollars”, insert instead “\$500”.
- (b) Section 148A (2)—  
Omit “twenty-five dollars”, insert instead “\$100”
- (c) Section 148A (3)—  
Omit “one hundred dollars”, insert instead “\$500”.



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*Water (Amendment).*

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

- (32) (a) Section 149 (2)—  
Omit “one hundred dollars”, insert instead “\$500”.
- (b) Section 149 (2)—  
Omit “twenty-five dollars”, insert instead “\$100”.
- (33) (a) Section 163 (2)—  
Omit “one hundred dollars”, insert instead “\$200”.
- (b) Section 163 (3)—  
Omit “two hundred and fifty dollars”, insert instead  
“\$500”.
- (34) (a) Section 164 (3)—  
Omit “one hundred dollars”, insert instead “\$500”.
- (b) Section 164 (3)—  
Omit “twenty-five dollars”, insert instead “\$100”.
- (35) (a) Section 177 (2)—  
Omit “one hundred dollars”, insert instead “\$200”.
- (b) Section 177 (3)—  
Omit “two hundred and fifty dollars”, insert instead  
“\$500”.

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*Water (Amendment).*

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SCHEDULE 1—*continued.*

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

(36) (a) Section 183 (3)—

Omit “one hundred dollars”, insert instead “\$500”.

(b) Section 183 (3)—

Omit “twenty-five dollars”, insert instead “\$100”.

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SCHEDULE 2.

Sec. 3.

AMENDMENTS TO THE WATER ACT, 1912, RELATING TO THE  
QUANTIFICATION OF WATER SUPPLIED TO PERSONS AND THE  
ASSESSMENT OF RATES AND CHARGES THEREFOR.

(1) Section 139 (1)—

After “during”, insert “or as soon as practicable and in  
any case within 2 months after the end of”.

(2) Sections 147AA, 147AB—

After section 147, insert :—

147AA. Where a quantity of water was, during any  
period, supplied at any outlet or point of supply to, or  
to the owner of, any holding or to any other person or  
to any council and—

Determina-  
tion of  
quantity  
of water  
supplied.

(a) there was no prescribed method of measuring the  
quantity; or

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*Water (Amendment).*

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SCHEDULE 2—*continued.*AMENDMENTS TO THE WATER ACT, 1912, RELATING TO THE  
QUANTIFICATION OF WATER SUPPLIED TO PERSONS AND THE  
ASSESSMENT OF RATES AND CHARGES THEREFOR—*continued.*

- (b) there was a prescribed method of measuring the quantity but, in the opinion of the Commission, the method did not function correctly at any time during that period,

the Commission may, by whatever means it considers fit, determine the quantity of water supplied, during the period, at the outlet or point of supply to, or to the owner of, the holding or to the person or council, as the case may be.

147AB. (1) A certificate, purporting to be issued under Evi subsection (2) for the purposes of this subsection, shall, in any proceedings, be admissible in evidence and be conclusive evidence of the matters certified in and by the certificate.

(2) A certificate purports to be a certificate issued under this subsection for the purposes of subsection (1) if—

- (a) it purports to be executed by the Commission;  
and
- (b) it certifies that, during a specified period, a specified quantity of water was supplied to any specified holding, to the specified owner of any specified holding, to any specified council or to any other specified person, and was so supplied as referred to in any one or more of the following subparagraphs :—
- (i) for domestic and stock use in pursuance of the annual rate or charge;

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*Water (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE WATER ACT, 1912, RELATING TO THE  
QUANTIFICATION OF WATER SUPPLIED TO PERSONS AND THE  
ASSESSMENT OF RATES AND CHARGES THEREFOR—*continued.*

- (ii) for domestic and stock use in excess of that supplied in pursuance of the annual rate or charge;
- (iii) for irrigation in pursuance of water rights attached to the holding;
- (iv) for irrigation in addition to that supplied pursuant to the water rights attached to the holding;
- (v) pursuant to any provision of this Act so specified;
- (vi) for any specified purpose;
- (vii) at any specified outlet or specified point of supply.

(3) The Commission shall not issue a certificate under subsection (2) certifying that a quantity of water was supplied as referred to in subsection (2) (b) unless that quantity either was ascertained by a prescribed method of measuring or was the subject of a determination made by the Commission under section 147AA.

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