



New South Wales

# Water Management (General) Amendment (Miscellaneous) Regulation 2008

under the

Water Management Act 2000

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Water Management Act 2000*.

PHILLIP COSTA, M.P.,  
Minister for Water

## Explanatory note

The object of this Regulation is to amend the *Water Management (General) Regulation 2004* so as:

- (a) to preserve the stock and domestic component of an entitlement under Part 5 of the *Water Act 1912* that was inadvertently overlooked when entitlements in relation to the Lower Murrumbidgee Groundwater Sources were being converted to access licences, and
- (b) to extend, from 30 June 2009 until 30 June 2010, the current exemption conferred on Anabranch Water (a private irrigation board) in relation to the taking over of certain water supply works, and
- (c) to establish an environmental subcategory in relation to various categories of access licence, and
- (d) to make provision of a savings or transitional nature consequent on the commencement of certain provisions of the *Water Management Amendment Act 2008*.

This Regulation is made under the *Water Management Act 2000*, including section 400 (the general power to make regulations) and clause 1 of Schedule 9 (the power to make regulations of a savings or transitional nature).

**2008 No 621**

Water Management (General) Amendment (Miscellaneous) Regulation  
Clause 1 2008

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**Water Management (General) Amendment  
(Miscellaneous) Regulation 2008**

under the

Water Management Act 2000

**1 Name of Regulation**

This Regulation is the *Water Management (General) Amendment (Miscellaneous) Regulation 2008*.

**2 Commencement**

This Regulation commences on 1 January 2009.

**3 Amendment of Water Management (General) Regulation 2004**

The *Water Management (General) Regulation 2004* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 3)

- [1] **Clause 18 Exemption from requirement for access licence**  
Omit “section 341 (1)” from clause 18 (1).  
Insert instead “sections 60A (1)–(3), 60C (1)–(4) and 60D”.
- [2] **Clause 29B New share components for existing Part 5 entitlements**  
Insert after clause 29B (2B):
- (2C) Part 5 entitlement 50BL196431 is taken also to have been replaced by a domestic and stock [Stock] access licence with a share component of a volume of 324 megalitres.
  - (2D) Subclause (2C) is taken to have commenced on 1 October 2006.
- [3] **Clause 38 Exemption from requirement for water use approval**  
Omit “section 342 (1)” from clause 38 (1). Insert instead “section 91A (1)”.
- [4] **Clause 39 Exemption from requirement for water supply work approval**  
Omit “section 343 (1) (a)” from clause 39 (1). Insert instead “section 91B (1)”.
- [5] **Clause 39 (3)**  
Omit “section 343 (1) (a1)”. Insert instead “section 91B (1)”.
- [6] **Clause 39 (4)**  
Omit “section 343 (1)”. Insert instead “section 91B (1)”.
- [7] **Clause 39A Exemption from requirement for controlled activity approval**  
Omit “section 344 (1) (a)” wherever occurring in clause 39A (1) and (2).  
Insert instead “section 91E (1)”.
- [8] **Clause 107A Exemption relating to taking over works—Anabranh Water**  
Insert “and (4)” after “section 159 (3)” in clause 107A (1).
- [9] **Clause 107A (1)**  
Omit “2009”. Insert instead “2010”.

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Schedule 1 Amendments

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### [10] Schedule 3 Categories and subcategories of licences

Insert in alphabetical order in Column 2 of Schedule 3 opposite “Regulated river (high security)”, “Regulated river (general security)”, “Unregulated river” and “Aquifer”, respectively, in Column 1 of that Schedule:

Environmental

### [11] Schedule 3

Insert at the end of the Schedule, in Columns 1 and 2, respectively:

Supplementary water	Environmental
Regulated river (conveyance)	Environmental
Murrumbidgee Irrigation (conveyance)	Environmental
Coleambally Irrigation (conveyance)	Environmental
Floodplain harvesting	Environmental
Unregulated river (high flow)	Environmental

### [12] Schedule 6

Omit the Schedule. Insert instead:

## Schedule 6 Penalty notice offences

(Clause 107)

Column 1	Column 2	Column 3
Provision of Act	Penalty for individual	Penalty for corporation
Section 60A (2)	\$750	\$1500
Section 60A (4)	\$750	\$1500
Section 60B	\$750	\$1500
Section 60C (2)	\$750	\$1500
Section 60C (4)	\$750	\$1500
Section 60D	\$750	\$1500
Section 91A (1)	\$750	\$1500
Section 91A (2)	\$750	\$1500
Section 91B (1)	\$750	\$1500

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision of Act</b>	<b>Penalty for individual</b>	<b>Penalty for corporation</b>
Section 91B (2)	\$750	\$1500
Section 91C (1)	\$750	\$1500
Section 91C (2)	\$750	\$1500
Section 91D (1)	\$750	\$1500
Section 91D (2)	\$750	\$1500
Section 91E (1)	\$750	\$1500
Section 91E (2)	\$750	\$1500
Section 91F (1)	\$750	\$1500
Section 91F (2)	\$750	\$1500
Section 91G	\$750	\$1500
Section 91H (1)	\$750	\$1500
Section 91H (2)	\$750	\$1500
Section 91I (2)	\$750	\$1500
Section 91J	\$750	\$1500
Section 91K (2)	\$750	\$1500
Section 120 (4)	\$750	\$1500
Section 256 (1)	\$750	\$1500
Section 318A	\$750	\$1500
Section 318B	\$750	\$1500
Section 336C (1)	\$750	\$1500
Section 340A (1)	\$750	\$1500
Section 342 (1)	\$750	\$1500
Section 342 (2)	\$750	\$1500
Section 343 (1)	\$750	\$1500
Section 345 (2)	\$750	\$1500
Section 346	\$750	\$1500

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### [13] Schedule 7 Savings and transitional provisions

Insert after Part 3:

## Part 4 Provisions relating to the Water Management Amendment Act 2008

### 14 Definition

In this Part, *the 2008 amending Act* means the *Water Management Amendment Act 2008*.

### 15 Directions under former Parts 1 and 2 of Chapter 7 of the Act

A direction that, immediately before 1 January 2009, was in force under any provision of Part 1 or 2 of Chapter 7 of the Act, as then in force, is taken to be a direction under the corresponding provision of Part 1 or 2 of Chapter 7 of the Act, as inserted by Schedule 2 [2] to the 2008 amending Act, and may be enforced accordingly.

### 16 Exercise of functions under new Parts 1 and 2 of Chapter 7

The matters in respect of which a function under Part 1 or 2 of Chapter 7 of the Act, as inserted by Schedule 2 [2] to the 2008 amending Act, may be exercised include matters arising before 1 January 2009.

### 17 Authorised officers

- (1) Any authorised officer who, immediately before 1 January 2009, was appointed for the purposes of a provision of Part 1 or 2 of Chapter 7 of the Act, as then in force, is taken to have been appointed for the corresponding provision of Part 1 or 2 of Chapter 7 of the Act, as inserted by Schedule 2 [2] to the 2008 amending Act.
- (2) Until its replacement under section 340 of the Act, an identification card or certificate of authority issued to an authorised officer before 1 January 2009 is taken to be the officer's evidence of authority for the purposes of that section.

### 18 Commencement of proceedings

Section 364 of the Act, as substituted by Schedule 1 [10] to the 2008 amending Act, extends to any offence that arose before 1 January 2009, but only if proceedings for the offence could have been commenced on that date had that section not been substituted.

**19 Matters to be considered in imposing penalty**

Section 364A of the Act, as inserted by Schedule 1 [10] to the 2008 amending Act, extends to any penalty to be imposed in respect of an offence committed before 1 January 2009.

**20 Continuing offences**

Section 365A of the Act, as inserted by Schedule 1 [11] to the 2008 amending Act, extends to any contravention arising on or after 1 January 2009 in respect of a requirement made by or under the Act or this Regulation before that date.

**21 Evidentiary matters**

Sections 367, 367A and 367B of the Act, as inserted by Schedule 3 [2] to the 2008 amending Act, extend to proceedings for offences arising before 1 January 2009, including proceedings commenced before that date.