



Water Management (General) Amendment (Exemptions) Regulation 2012

under the

Water Management Act 2000

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

KATRINA HODGKINSON, MP
Minister for Primary Industries

Explanatory note

The object of this Regulation is to exempt persons from the requirement under the *Water Management Act 2000* to hold certain licences or approvals (to take or use water from a water source, carry out a controlled activity in on or under waterfront land, or construct or use a water supply work), if the person carries out the activity concerned only for the purposes of complying with a direction given under the *State Emergency Service Act 1989* or the *State Emergency and Rescue Management Act 1989* in an emergency and the person's compliance with the direction is in accordance with the Act under which the direction is given.

This Regulation is made under the *Water Management Act 2000*, including section 400 (the general regulation-making power).

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Clause 1 Water Management (General) Amendment (Exemptions) Regulation 2012

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1 Name of Regulation

This Regulation is the *Water Management (General) Amendment (Exemptions) Regulation 2012*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Water Management (General) Regulation 2011

[1] Clause 18 Exemption from requirement for access licence

Insert after clause 18 (4):

- (5) An exemption conferred by this clause with respect to the taking of water for the purposes and in the circumstances specified in clause 15B of Schedule 5 (Emergency safety measures) is subject to the condition that the person claiming the exemption must comply with all applicable requirements (if any) of the Minister:
 - (a) that are published in the Gazette, or notified in writing to the person, for the purposes of this subclause, and
 - (b) that are for the purposes of implementing the water management principles in relation to the taking of water the subject of the exemption.

[2] Clause 31 Exemption where the taking of the water is also exempt

Insert after clause 31 (3):

- (4) An exemption conferred by this clause in respect of an exemption under clause 18 with respect to the taking of water for the purposes and in the circumstances specified in clause 15B of Schedule 5 (Emergency safety measures) is subject to the condition that the person claiming the exemption must comply with all applicable requirements (if any) of the Minister:
 - (a) that are published in the Gazette, or notified in writing to the person, for the purposes of this subclause, and
 - (b) that are for the purposes of implementing the water management principles in relation to the use of water the subject of the exemption.

[3] Clause 36 Exemptions relating to both construction and use of water supply works

Insert after clause 36 (1) (e):

- (f) any person, in relation to the construction or use of a water supply work for the purposes only of complying with a direction given under the *State Emergency Service Act 1989* or the *State Emergency and Rescue Management Act 1989* in an emergency (within the meaning of the latter Act), but only if:
 - (i) the person's compliance with the direction is in accordance with the Act under which it is given, and

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- (ii) the water supply work is removed within 3 months (or such longer period as is approved of in writing by the Minister) after it is constructed.

[4] Clause 36 (4)

Insert after clause 36 (3):

- (4) An exemption conferred by subclause (1) (f) is subject to the condition that the person claiming the exemption must comply with all applicable requirements (if any) of the Minister:
 - (a) that are published in the Gazette, or notified in writing to the person, for the purposes of this subclause, and
 - (b) that are for the purposes of implementing the water management principles in relation to the construction or use of the water supply work the subject of the exemption.

[5] Schedule 5 Exemptions

Insert after clause 15A in Part 1:

15B Emergency safety measures

Any person—in relation to the taking of water for the purposes only of complying with a direction given under the *State Emergency Service Act 1989* or the *State Emergency and Rescue Management Act 1989* in an emergency (within the meaning of the latter Act), but only if the person's compliance with the direction is in accordance with the Act under which it is given.

[6] Schedule 5, Part 2

Insert after clause 27:

28 Emergency safety measures

Any activity carried out for the purposes only of complying with a direction given under the *State Emergency Service Act 1989* or the *State Emergency and Rescue Management Act 1989* in an emergency (within the meaning of the latter Act), being compliance that is in accordance with the Act under which the direction is given.