

WATER BOARD (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 Board Act 1987 so as—

- (a) to enable the Governor-in-Council to constitute a Water Board Consultative Forum which will provide, by its consultations with the Board, for community involvement in environmental and other issues relevant to the exercise of the Board's functions; and
- (b) to provide for the membership, meetings and procedure of the Forum; and
- (c) to make various other provisions aimed at improving the administration of that Act (which 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 WATER BOARD CONSULTATIVE FORUM

Constitution of a Water Board Consultative Forum

Schedule 1 (2) enables the Governor-in-Council to constitute a Water Board Consultative Forum by appointing as its members 12 persons nominated by the Minister. The object of the Forum is to provide for community involvement by consultation before the Board decides to take any action that may raise environmental or other issues that are of concern to the community.

Schedule 1 (1) inserts a definition of "Forum" for the purposes of the Principal Act.

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Provisions relating to members of the Forum

Schedule 1 (3) inserts proposed Schedule 5 which sets out requirements for the persons who may be nominated by the Minister for appointment as members of the Forum. Those persons will between them represent the following interests:

- (a) councils of 5 different regions in which the Water Board has operations;
- (b) manufacturing industry;
- (c) general industry;
- (d) small business;
- (e) the Chamber of Commerce Inc.;
- (f) the Labor Council of New South Wales;
- (g) the housing and building construction industry;
- (h) the urban land development industry.

Proposed Schedule 5 also provides, among other things, for the terms of office, remuneration and vacation of office of members.

Provisions relating to meetings of the Forum

Schedule 1 (3) inserts proposed Schedule 6 which provides for the times at which meetings of the Forum are to be convened, the procedure at meetings, the quorum, the nomination of a Convenor by the Board, the agenda, voting and the keeping of minutes.

SCHEDULE 2—MISCELLANEOUS AMENDMENTS

Charging periods for the Water Board

Schedule 2 (1) (a), (7), (10) (b) and (11) enable the Water Board to declare by order successive charging periods (whether or not of the same length). At present charging periods are successive periods of 12 months.

Definition of "statutory body"

Schedule 2 (1) (b) 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.

Amendment consequent on the enactment of the Hunter Water Board Act 1988

Schedule 2 (1) (c) substitutes the definition of "Water Supply Authority" so as to refer to the Hunter Water Board to be constituted under the proposed Hunter Water Board Act 1988.

Entry on land

Schedule 2 (2) makes it clear that, unless the occupier of land objects, the Board may, without giving prior notice, enter and occupy the land during daylight hours 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.

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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 (14)) so as to allow the Board to determine fees which are currently prescribed for certificates issued by the Board. The particulars which may be included in those certificates will no longer need to be prescribed.

Connections to water or sewer mains

Schedule 2 (8) 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 the Board.

Goods and services for which Board may levy charges

Schedule 2 (9) makes it clear that the Board may, in accordance with the regulations, impose fees and charges for any service or thing supplied or provided by it.

Determinations by the Board relating to service charges

Schedule 2 (10) (a) will allow the Board to determine matters relating to the levying of service charges on land at any time up to the beginning of the charging period for the Board to which they will relate.

Schedule 2 (10) (c) provides that such determinations do not have effect until approved by the Minister.

Schedule 2 (10) (d) enables the Governor-in-Council to extend the time for making such determinations and to authorise any action of the Board necessary to cure any irregularity and to make a valid determination.

Charges on land

Schedule 2 (12) provides that charges made by the Board in connection with the occupation of land are charges on the land.

Schedule 2 (13) 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 (15) includes in the list of persons in section 48 who are allowed to do water supply, sewerage or drainage work (which may affect the Board's works) a person holding an appropriate certificate of registration in force under the Plumbers, Gasfitters and Drainers Act 1979.

Divesting of Board's interest in land

Schedule 2 (17) 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 the Board in any land on which a work of the Board is situated.

Regulations

Schedule 2 (18) 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.

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Minor amendments

Schedule 2 (16) changes an incorrect reference to a Water Supply Authority to a reference to the Board.

Schedule 2 (19) changes an incorrect reference to an executive officer of the Board to a reference to the Board.
