



New South Wales

# Water Management Amendment (Central Coast Council) Bill 2024

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The objects of this Bill are as follows—

- (a) to amend the *Water Management Act 2000* as follows—
  - (i) to provide that Central Coast Council (the **Council**) is no longer a water supply authority,
  - (ii) to provide for the transition from the Council levying service charges, including for water, sewerage and drainage, under the *Water Management Act 2000* to levying special rates or charges for the same services under the *Local Government Act 1993* like other councils,
- (b) to amend the *Local Government Act 1993* to enable the Council to use special rates and charges received for water supply or sewerage services under the *Local Government Act 1993* to provide either water supply or sewerage services,
- (c) to amend the *Independent Pricing and Regulatory Tribunal Act 1992* to provide that the Independent Pricing and Regulatory Tribunal (**IPART**) continues to have standing reference to determine the pricing for certain services provided by the Council, including water supply and sewerage services, but excluding stormwater drainage services,
- (d) to repeal the *Central Coast Water Corporation Act 2006*,
- (e) to make consequential amendments to other legislation.

## Outline of provisions

**Clause 1** sets out the name, also called the short title, of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act.

## **Schedule 1      Amendment of Water Management Act 2000 No 92**

**Schedule 1[1]** provides that the Council is no longer a water supply authority. Once the Council is not a water supply authority, the Council will provide water, sewerage, drainage and related services under the *Local Government Act 1993* in the same way other councils currently do.

**Schedule 1[2]** provides for transitional arrangements, including by providing that—

- (a) the Council will continue to levy and recover charges for water, sewerage and drainage services under the *Water Management Act 2000* until 30 June 2025, and
- (b) the Council will levy drainage service charges for stormwater until 30 June 2026.

## **Schedule 2      Amendment of Local Government Act 1993 No 30**

**Schedule 2[1]** enables the Council to use money received from special rates and charges for water supply or sewerage services for both water supply and sewerage services. Generally, money received by a council from a special rate or charge may only be used by the council for the purpose for which the rate or charge was levied.

**Schedule 2[2]** inserts a transitional provision.

## **Schedule 3      Amendment of Independent Pricing and Regulatory Tribunal Act 1992 No 39**

Currently, water supply, sewerage, stormwater drainage and related services provided by the Council are government monopoly services under the *Independent Pricing and Regulatory Tribunal Act 1992* and IPART has standing reference to determine the pricing for those services provided by the Council as a water supply authority. **Schedule 3[2]** gives IPART standing reference to determine the pricing for government monopoly services provided by the Council once the Council is no longer a water supply authority, except in relation to stormwater drainage services.

**Schedule 3[4]** continues the application of an existing IPART determination that currently applies to the Council as a water supply authority. The determination sets the maximum prices the Council may charge for water, wastewater, stormwater drainage and other services. The determination will apply to the Council in relation to the Council's provision of services under the *Local Government Act 1993* until 30 June 2026 in the same way it applies to the Council as a water supply authority under the *Water Management Act 2000*.

**Schedule 3[3]** inserts a standard provision that enables savings and transitional regulations to be made as a consequence of any amendments to the *Independent Pricing and Regulatory Tribunal Act 1992*.

**Schedule 3[1]** makes an amendment consequent on the repeal of the *Central Coast Water Corporation Act 2006*.

## **Schedule 4      Repeal**

**Schedule 4** repeals the *Central Coast Water Corporation Act 2006*.

## **Schedule 5      Consequential amendments**

**Schedule 5** makes consequential amendments to the following legislation—

- (a) the *Energy and Utilities Administration Act 1987*,

- (b) the *Industrial Relations (National System Employers) Order 2009*,
- (c) the *Water Management (General) Regulation 2018*.



New South Wales

# Water Management Amendment (Central Coast Council) Bill 2024

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*This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Legislative Assembly*

*Clerk of the Legislative Assembly*



New South Wales

## **Water Management Amendment (Central Coast Council) Bill 2024**

No. \_\_\_\_\_, 2024

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### **A Bill for**

An Act to amend the *Water Management Act 2000* to provide that Central Coast Council is no longer a water supply authority; to make related amendments to other legislation; and to repeal the *Central Coast Water Corporation Act 2006*.

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*The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.*

*Legislative Council*

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*Clerk of the Parliaments*

**The Legislature of New South Wales enacts—**

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**1 Name of Act**

2

This Act is the *Water Management Amendment (Central Coast Council) Act 2024*.

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**2 Commencement**

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This Act commences on the date of assent to this Act.

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<b>Schedule 1</b>	<b>Amendment of Water Management Act 2000 No 92</b>	1
		2
<b>[1] Schedule 3 Water supply authorities</b>		3
	Omit “Gosford City Council” and “Wyong Council” from Part 2.	4
<b>[2] Schedule 9 Savings, transitional and other provisions</b>		5
	Insert at the end of the schedule, with appropriate part and clause numbering—	6
<b>Part</b>	<b>Provisions consequent on enactment of Water Management Amendment (Central Coast Council) Act 2024</b>	7
		8
		9
	<b>Recovery and levying of service charges</b>	10
(1)	Despite the amendment of Schedule 3 by the amending Act—	11
(a)	a determination made by Central Coast Council (the <i>Council</i> ) under section 315 for a charging year commencing on or before 1 July 2024 continues to have effect, and	12 13 14
(b)	a landholder who, immediately before the commencement of the amending Act, was liable to pay the Council a levied service charge remains liable to pay the levied service charge to the Council, as if the Council were a water supply authority, and	15 16 17 18
(c)	sections 316 and 317 continue to apply in relation to the Council for the purposes of a levied service charge, as if the Council were a water supply authority, and	19 20 21
(d)	the Council may, in accordance with Chapter 6, Part 2, Division 6, levy drainage service charges for stormwater for the charging year commencing on 1 July 2025 as if the Council were a water supply authority, and	22 23 24 25
(e)	Chapter 7, Part 4, Division 1 continues to apply, as if the Council were a water supply authority, in relation to—	26 27
(i)	a levied service charge, and	28
(ii)	a drainage service charge levied under paragraph (d), and	29
(f)	the <i>Water Management (General) Regulation 2018</i> continues to apply, as if the Council were a water supply authority, in relation to—	30 31
(i)	a levied service charge, and	32
(ii)	a drainage service charge levied under paragraph (d).	33
(2)	A water service charge or sewerage service charge paid to the Council under this Act, whether before or after the commencement of the amending Act, may be used by the Council for water supply or sewerage services provided under this Act or the <i>Local Government Act 1993</i> .	34 35 36 37
(3)	The <i>Water Management (General) Regulation 2018</i> , Part 9, Division 8, Subdivision 5 continues to apply, despite its repeal by the amending Act, in relation to—	38 39 40
(a)	a levied service charge, and	41
(b)	a drainage service charge levied under subclause (1)(d).	42
(4)	In this clause—	43

***amending Act*** means the *Water Management Amendment (Central Coast Council) Act 2024*.

***levied service charge*** means a service charge levied by the Council as a water supply authority before the commencement of the amending Act.

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<b>Schedule 2</b>	<b>Amendment of Local Government Act 1993 No 30</b>	1
<b>[1]</b>	<b>Section 409 The consolidated fund</b>	2
	Insert after section 409(5)—	3
	(5A) Despite subsection (3)(a), money received by Central Coast Council as a result of the levying of a special rate or charge for the purposes of water supply or sewerage services may be used for water supply or sewerage services.	4 5 6
<b>[2]</b>	<b>Schedule 8 Savings, transitional and other provisions consequent on the enactment of other Acts</b>	7 8
	Insert at the end of the schedule, with appropriate part and clause numbering—	9
<b>Part</b>	<b>Provision consequent on enactment of Water Management Amendment (Central Coast Council) Act 2024</b>	10 11 12
	<b>Use of special rates and charges for water supply and sewerage services</b>	13
	Section 409(5A), as inserted by the <i>Water Management Amendment (Central Coast Council) Act 2024</i> , Schedule 2[1], extends to money received by Central Coast Council as a result of the levying of a special rate or charge for the purposes of water supply or sewerage services before the commencement of the subsection.	14 15 16 17 18

<b>Schedule 3</b>	<b>Amendment of Independent Pricing and Regulatory Tribunal Act 1992 No 39</b>	1
		2
[1]	<b>Sections 24F(d1) and 24FC(1)(c1)</b>	3
	Omit the paragraphs.	4
[2]	<b>Schedule 1 Government agencies for which Tribunal has standing reference</b>	5
	Insert after the matter relating to “Water supply authorities”—	6
	Central Coast Council, but excluding stormwater drainage services	7
[3]	<b>Schedule 4 Savings and transitional provisions</b>	8
	Insert at the end of clause 1(1)—	9
	another Act that amends this Act	10
[4]	<b>Schedule 4</b>	11
	Insert at the end of the schedule, with appropriate part and clause numbering—	12
<b>Part</b>	<b>Water Management Amendment (Central Coast Council) Act 2024</b>	13
		14
	<b>Application of Tribunal determination to Central Coast Council</b>	15
(1)	The existing determination continues to apply to Central Coast Council (the <b>Council</b> ) after the commencement of the amending Act in relation to the Council’s provision of services under the <i>Local Government Act 1993</i> in the same way it applied to the Council in relation to the Council’s provision of services as a water supply authority.	16 17 18 19 20
(2)	Subclause (1) extends to the Council’s provision of stormwater drainage services for the charging year commencing on 1 July 2025, as if the Council were a water supply authority.	21 22 23
(3)	Despite the existing order, clause 3(c), stormwater drainage services provided by the Council are taken to be a government monopoly service for the charging year commencing on 1 July 2025.	24 25 26
(4)	In this clause—	27
	<b>amending Act</b> means the <i>Water Management Amendment (Central Coast Council) Act 2024</i> .	28 29
	<b>charging year</b> has the same meaning as it had in the <i>Water Management Act 2000</i> , Chapter 6, Part 2 in relation to the Council in its capacity as a water supply authority immediately before the commencement of the amending Act.	30 31 32
	<b>existing determination</b> means the Tribunal’s determination for the purposes of this Act, section 11(1)(a) entitled <i>Maximum prices for water, wastewater and other services supplied by Central Coast Council from 1 July 2022</i> , published by the Tribunal in May 2022.	33 34 35 36
	<b>existing order</b> means the <i>Independent Pricing and Regulatory Tribunal (Water, Sewerage and Drainage Services) Order 1997</i> made by the Premier under this Act, section 4 on 5 February 1997.	37 38 39

<b>Schedule 4</b>	<b>Repeal</b>	1
	<b>Repeal of Central Coast Water Corporation Act 2006 No 105</b>	2
	The <i>Central Coast Water Corporation Act 2006</i> is repealed.	3

<b>Schedule 5</b>	<b>Consequential amendments</b>	1
<b>5.1</b>	<b>Energy and Utilities Administration Act 1987 No 103</b>	2
[1]	<b>Section 3 Definitions</b>	3
	Omit “and” from the end of section 3(1), definition of <i>State water agency</i> , paragraph (c).	4
[2]	<b>Section 3(1), definition of “State water agency”, paragraph (d)</b>	5
	Omit the paragraph.	6
<b>5.2</b>	<b>Industrial Relations (National System Employers) Order 2009</b>	7
	<b>Schedule 1 Non-national system employers</b>	8
	Omit “Central Coast Water Corporation” from Part 5.	9
<b>5.3</b>	<b>Water Management (General) Regulation 2018</b>	10
[1]	<b>Clause 117 Central Coast Council</b>	11
	Omit the clause.	12
[2]	<b>Clause 122 Application</b>	13
	Omit clause 122(b).	14
[3]	<b>Clause 123 Installation and maintenance of water service by owner</b>	15
	Insert “granted by the water supply authority under Division 5, Subdivision 3” after “permit” in clause 123(1)(a).	16 17
[4]	<b>Clause 123(2)</b>	18
	Omit the subclause.	19
[5]	<b>Clause 142</b>	20
	Omit the clause. Insert instead—	21
	<b>142 Application</b>	22
	This division applies to Essential Energy’s sewerage system.	23
[6]	<b>Clause 143 Installation and maintenance of sewerage service by owner</b>	24
	Insert “granted by the relevant water supply authority under Division 5, Subdivision 3” after “permit” in clause 143(1)(a).	25 26
[7]	<b>Clause 143(2)</b>	27
	Omit the subclause.	28
[8]	<b>Clause 190 Application</b>	29
	Omit clause 190(b).	30

**[9] Part 9 Water supply authorities**

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Omit Division 8, Subdivision 5.

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