
Water Management Amendment Bill 2008

Amendments proposed by Legislative Council on 22 October 2008.

No. 1 Page 5, Schedule 1 [1], proposed section 60E, lines 35 to 37. Omit all words on those lines. Insert instead:

- (1) The occupier of premises at or from which water is taken in contravention of a provision of this Division is taken to have contravened that provision unless it is established that:
 - (a) the water was taken by another person, and
 - (b) the other person was not associated with the occupier at the time the water was taken, and
 - (c) the occupier took all reasonable steps to prevent the water being taken.

A person is associated with the occupier for the purposes of paragraph (b) (but without limiting any other circumstances of association) if the person is an employee, agent, licensee, contractor or sub-contractor of the occupier.

No. 2 Page 12, Schedule 1 [4], proposed section 91I. Insert after line 17:

- (3) Subsection (2) does not apply if:
 - (a) the person is authorised by the Minister in writing to take water by means of a metered work while its metering equipment is not operating properly, and
 - (b) the water is taken in accordance with any conditions specified in the authorisation and any requirements prescribed by the regulations for the purposes of this subsection.

No. 3 Page 13, Schedule 1 [4], proposed section 91L, line 18. Omit “Subject to section 91M, the”. Insert instead “The”.

No. 4 Page 13, Schedule 1 [4], proposed section 91L. Insert after line 24:

- (2) However, subsection (1) does not apply if it is established that:
 - (a) the work was constructed or used, or the activity was carried out, by a person other than the occupier, and
 - (b) the other person was not associated with the occupier at the time the work was constructed or used or the activity was carried out, and
 - (c) the occupier took all reasonable steps to prevent the work being constructed or used or the activity being carried out.

A person is associated with the occupier for the purposes of paragraph (b) (but without limiting any other circumstances of association) if the person is an employee, agent, licensee, contractor or sub-contractor of the occupier.

No. 5 Page 57, Schedule 6 [3], line 17. Omit “consult with”. Insert instead “obtain the concurrence of”.