



New South Wales

Water Legislation Amendment 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* (the ***Water Management Act***)—
 - (i) to make further provision for regulation-making powers about water management and water supply authorities, and
 - (ii) to validate access licences and approvals that purportedly replaced certain entitlements under the *Water Act 1912*, and
 - (iii) to address other miscellaneous matters,
- (b) to amend the *Sydney Water Act 1994* (the ***Sydney Water Act***) to make further provision for regulation-making powers in relation to controlled areas and works, and the *Sydney Water Regulation 2017* to make consequential amendments,
- (c) to amend the *Water NSW Act 2014* (the ***Water NSW Act***) to make further provision for regulation-making powers in relation to controlled areas, special areas and the Regulatory Authority,
- (d) to make minor consequential amendments to regulations,
- (e) to repeal the *Water Management Amendment Act 2010* and the *Water Management Amendment Act 2014*.

Certain amendments proposed by this Bill include indirect Henry VIII provisions in the *Water Management Act*. The proposed amendments clarify that exemptions from the Act prescribed by the regulations may have certain conditions imposed by the regulations and the Minister and that the regulations may permit the Minister to exempt persons from the Act in certain circumstances.

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

Regulation-making powers about water management

Schedule 1[4] provides that the regulations under the Water Management Act may make provision for procedures in relation to debiting water allocations from a water allocation account for an access licence.

Schedule 1[5] clarifies the regulation-making powers under the Water Management Act about exemptions of persons from the requirement to hold an access licence. Proposed section 88A permits the Minister to determine certain matters about the exemptions and impose conditions of the exemptions in relation to emergencies. This is an indirect Henry VIII provision.

Schedule 1[7] and [9] clarify the regulation-making powers under the Water Management Act about mandatory conditions on access licences and approvals in relation to metering, including providing that the regulations may permit the Minister to grant exemptions from the mandatory conditions. This is an indirect Henry VIII provision.

Schedule 1[8] inserts proposed Chapter 3, Part 3, Division 7 to clarify that the regulations under the Water Management Act may permit the Minister to grant exemptions for public authorities from the requirement to hold water supply work approvals in relation to drought. The proposed amendment also clarifies that the regulations may impose certain kinds of conditions of the exemptions. This is an indirect Henry VIII provision. **Schedule 1[31]** makes a consequential amendment.

Regulation-making powers about water supply authorities

Schedule 1[11] clarifies that the regulations under the Water Management Act may make provision about the Minister's approval of a water supply authority constructing, maintaining and operating water management works and other associated works.

Schedule 1[12] sets out the granting of approvals for the discharge of substances into a water supply authority's sewerage or drainage system in the Water Management Act. Proposed section 300A also clarifies the regulation-making powers under the Water Management Act in relation to the regulation and prohibition of the discharge of substances into a water supply authority's sewerage system or drainage system, the granting of discharge approvals by water supply authorities and requirements of a water supply authority's policy on discharge approvals. **Schedule 1[10]** makes a consequential amendment.

Schedule 1[13] clarifies the regulation-making powers under the Water Management Act in relation to the supply and quality of water, the measurement of the supply of water, drainage areas, firefighting services and fire hydrants.

Schedule 1[14] clarifies the regulation-making powers in relation to special areas.

Schedule 1[15] clarifies the kinds of fees and charges a water supply authority may impose and the regulation-making powers under the Water Management Act in relation to fees and charges for water supply.

Schedule 1[17] clarifies the regulation-making powers under the Water Management Act about the carrying out of plumbing work. **Schedule 1[16]** makes a consequential amendment.

Schedule 1[18] makes consequential amendments related to regulation-making powers.

Miscellaneous

Schedule 1[2] permits the provisions of a management plan to deal with the advertisement of applications for approvals. **Schedule 1[6]** provides that management plans may require applications for approvals to be advertised.

Schedule 1[3] provides that a supplementary water (Lowbidgee) access licence, a type of specific purpose access licence, cannot be cancelled by the Minister under the Water Management Act, section 77A.

Schedule 1[19] and [20] make amendments to provide consistent expression across all provisions dealing with regulation-making powers.

Schedule 1[21] clarifies the regulation-making power under the Water Management Act about security deposits.

Schedule 1[23] provides that certain entitlements under the *Water Act 1912* are validly replaced by access licences and approvals.

Schedule 1[25]–[30] transfer uncommenced amendments to the Act by the *Water Management Amendment Act 2010* and the *Water Management Amendment Act 2014* to the Water Management Act. **Schedule 1[22]** provides the transferred amendments are transferred provisions for the purposes of the *Interpretation Act 1987*, section 30A. **Schedule 1[1] and [24]** make consequential amendments.

Schedule 2 Amendment of Sydney Water Act 1994 No 88

Regulation-making powers about works

Schedule 2[1] clarifies the regulation-making powers under the Sydney Water Act about the authorisation of a person connecting to, altering or using a work owned by the Sydney Water Corporation (the *Corporation*) and directions by the Corporation about the activities and works.

Schedule 2[3] clarifies the regulation-making powers under the Sydney Water Act in relation to water supply, sewerage or stormwater drainage works that connect with the Corporation's pipes, sewers or drains.

Schedule 2[8] clarifies that the regulations may impose requirements for the notification of damage to works or other property of the Corporation.

Regulation-making powers about controlled areas

Schedule 2[2] clarifies the regulation-making powers under the Sydney Water Act in relation to controlled areas.

Miscellaneous

Schedule 2[4]–[6], [9] and [10] make amendments to provide consistent expression across all provisions dealing with regulation-making powers.

Schedule 2[7] clarifies that the regulations may impose restrictions or regulate the supply and use of water in the area of operations in an emergency.

Schedule 3 Amendment of Water NSW Act 2014 No 74

Regulation-making powers about Regulatory Authority

Schedule 3[1] clarifies the regulation-making powers under the Water NSW Act about the notice given by the Regulatory Authority to a public agency before the public agency is permitted to exercise functions in a special area.

Schedule 3[4] clarifies that the regulations under the Water NSW Act may confer or impose compliance roles under other legislation in relation to activities within a controlled area, or that affect or may affect a controlled area, on the Regulatory Authority.

Schedule 3[6] clarifies that the regulations under the Water NSW Act may specify the limits of the compliance roles conferred or imposed on the Regulatory Authority.

Schedule 3[7] clarifies that the regulation-making powers under the Water NSW Act may provide for the circumstances in which the Regulatory Authority exercises or does not exercise its functions, the keeping of registers and the imposition of fees for copies of the registers.

Regulation-making powers about special areas and controlled areas

Schedule 3[2] clarifies the regulation-making powers under the Act in relation to special areas.

Schedule 3[3] clarifies the regulation-making powers under the Act in relation to controlled areas.

Miscellaneous

Schedule 3[5], [8] and [9] make amendments to provide consistent expression across all provisions dealing with regulation-making powers.

Schedule 4 Consequential amendments

The schedule makes minor amendments to the *Sydney Water Regulation 2017* and the *Water Management (General) Regulation 2018* consequent on the proposed amendments made to the Sydney Water Act by Schedule 2[2] and the Water Management Act by Schedule 1[14] in relation to references to authorised persons and authorised officers.

Schedule 5 Repeals

Schedule 5[1] and [2] repeal the *Water Management Amendment Act 2010* and the *Water Management Amendment Act 2014* as a result of proposed amendments made to the Water Management Act by Schedule 1[22] and [25]–[30], transferring all uncommenced provisions of the Acts to the Water Management Act.



New South Wales

Water Legislation Amendment Bill 2024

Contents

| | | Page |
|-------------------|---|-----------|
| | 1 Name of Act | 2 |
| | 2 Commencement | 2 |
| Schedule 1 | Amendment of Water Management Act 2000 No 92 | 3 |
| Schedule 2 | Amendment of Sydney Water Act 1994 No 88 | 12 |
| Schedule 3 | Amendment of Water NSW Act 2014 No 74 | 14 |
| Schedule 4 | Consequential amendments | 17 |
| Schedule 5 | Repeals | 18 |

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

Legislative Council

Clerk of the Parliaments



New South Wales

Water Legislation Amendment Bill 2024

No. , 2024

A Bill for

An Act to amend legislation administered by the Minister for Water to make further provision for the making of regulations about water management; to make other miscellaneous amendments to the legislation; and to repeal the *Water Management Amendment Act 2010* and the *Water Management Amendment Act 2014*.

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

Legislative Assembly

Clerk of the Legislative Assembly

The Legislature of New South Wales enacts—

1

1 Name of Act

2

This Act is the *Water Legislation Amendment Act 2024*.

3

2 Commencement

4

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

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| | | |
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| Schedule 1 | Amendment of Water Management Act 2000 No 92 | 1 |
| | | 2 |
| [1] Section 2 Commencement | | 3 |
| Insert after section 2(2)— | | 4 |
| (3) Schedule 13A commences on a day or days to be appointed by proclamation. | | 5 |
| [2] Section 17 Provisions applicable to all management plans | | 6 |
| Insert after section 17(b)— | | 7 |
| (b1) provisions with respect to the advertisement of applications for approvals, | | 8 |
| | | 9 |
| [3] Section 77A Cancellation of access licences that can no longer be used or are no longer required | | 10 |
| Omit section 77A(2A). Insert instead— | | 11 |
| (2A) Subsection (2) does not apply to— | | 12 |
| (a) an access licence in relation to which action is taken by the Minister under section 8D, or | | 13 |
| (b) a supplementary water (Lowbidgee) access licence. | | 14 |
| | | 15 |
| | | 16 |
| [4] Section 88 Regulations | | 17 |
| Insert after section 88(1)(c)— | | 18 |
| (c1) the procedures to be followed in relation to the debiting of water allocations from a water allocation account for an access licence, including procedures that may be determined by the Minister, | | 19 |
| | | 20 |
| | | 21 |
| [5] Section 88AA | | 22 |
| Insert after section 88— | | 23 |
| 88AA Conditions of exemptions from access licences | | 24 |
| (1) This section applies if a person is exempt under the regulations from the requirement to hold an access licence under section 60A(1) or (2). | | 25 |
| | | 26 |
| (2) The regulations may prescribe conditions of the exemption that are about the following— | | 27 |
| | | 28 |
| (a) an amount of water that may be taken if approved by the Minister and if less than an amount prescribed by the regulations, | | 29 |
| | | 30 |
| (b) the urgent taking of water if the Minister decides the taking of water is necessary for basic human water needs, | | 31 |
| | | 32 |
| (c) the taking of water in accordance with a program approved by the Minister. | | 33 |
| | | 34 |
| (3) The regulations may permit conditions of the exemption to be imposed by the Minister if— | | 35 |
| | | 36 |
| (a) the exemption permits the taking of water for compliance with emergency legislation, and | | 37 |
| | | 38 |
| (b) the conditions are— | | 39 |
| (i) published in the Gazette, or notified in writing to the person, and | | 40 |
| (ii) for the purpose of implementing the water management principles in relation to the taking of water. | | 41 |
| | | 42 |

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| (4) | The Minister must, by order published in the Gazette, specify the groundwater sources to which an exemption applies if— | 1 2 |
| (a) | the exemption permits the taking of water from a groundwater source for excavation, and | 3 4 |
| (b) | the regulations require the Minister to specify the source. | 5 |
| (5) | This section does not limit section 400(2). | 6 |
| [6] | Section 92 Applications for approvals | 7 |
| | Insert after section 92(7)— | 8 |
| (7A) | A management plan may require an application for an approval in relation to a work, or a specified class of applications for approvals in relation to works, located within the water management area or water source to which the plan applies to be advertised. | 9 10 11 12 |
| [7] | Section 101A Metering equipment condition | 13 |
| | Omit section 101A(3). Insert instead— | 14 |
| (3) | The regulations may— | 15 |
| (a) | provide that the mandatory condition does not apply to approvals, or in other circumstances, specified by the regulations, and | 16 17 |
| (b) | provide for the circumstances in which the Minister may exempt holders of approvals from the mandatory condition, with or without conditions, and | 18 19 20 |
| (c) | make further provision about the exemptions given by the Minister. | 21 |
| [8] | Chapter 3, Part 3, Division 7 | 22 |
| | Insert after section 113— | 23 |
| | Division 7 Exemptions from approvals | 24 |
| 113A | Application of division | 25 |
| | This division does not limit section 400(2). | 26 |
| 113B | Minister may exempt public authorities for drought | 27 |
| (1) | The regulations may make provision for the Minister to grant an exemption from section 91B(1) for a public authority with or without conditions if the purpose of the exemption is related to drought. | 28 29 30 |
| (2) | The conditions may, if specified under the exemption, have effect after the expiry of the term of the exemption if the conditions are in relation to the maintenance or decommissioning of the work to which the exemption relates. | 31 32 33 |
| (3) | The regulations may make further provision about the exemption. | 34 |
| 113C | Conditions imposed by regulations and Minister for emergencies and other circumstances | 35 36 |
| (1) | This section applies if a person is exempt under the regulations from the requirement to hold an approval under this part. | 37 38 |
| (2) | The regulations may prescribe conditions of the exemption for the taking of water by the water management work the subject of the exemption that are about— | 39 40 41 |

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| (a) | the urgent taking of water if the Minister decides the taking of water is necessary for basic human water needs, or | 1 2 |
| (b) | the taking of water in accordance with a program approved by the Minister. | 3 4 |
| (3) | The regulations may permit conditions of the exemption to be imposed by the Minister if— | 5 6 |
| (a) | the exemption permits the taking of water for compliance with emergency legislation, and | 7 8 |
| (b) | the conditions are— | 9 |
| (i) | published in the Gazette, or notified in writing to the person, and | 10 |
| (ii) | for the purpose of implementing the water management principles in relation to the taking of water. | 11 12 |
| (4) | The Minister must, by order published in the Gazette, specify the groundwater sources to which an exemption applies if— | 13 14 |
| (a) | the exemption permits the taking of water from a groundwater source for excavation, and | 15 16 |
| (b) | the regulations require the Minister to specify the source. | 17 |
| 113D | Conditions imposed by Minister for exempt controlled activities | 18 |
| (1) | This section applies if a person is exempt under the regulations from the requirement to hold a controlled activity approval under section 91E. | 19 20 |
| (2) | The regulations may permit the conditions of the exemption to be imposed by the Minister if the conditions are— | 21 22 |
| (a) | published in the Gazette, or notified in writing to the person, and | 23 |
| (b) | for the protection of— | 24 |
| (i) | the waterfront land on which the activity is carried out, or | 25 |
| (ii) | a river, lake or estuary to which the land has frontage. | 26 |
| [9] | Section 115 Regulations may impose mandatory conditions | 27 |
| | Insert after section 115(3)— | 28 |
| (3A) | The regulations may— | 29 |
| (a) | permit the Minister to grant an exemption with or without conditions from a mandatory condition imposed by the regulations under this section, and | 30 31 32 |
| (b) | make further provision about the exemption. | 33 |
| [10] | Section 283 Definitions | 34 |
| | Insert in alphabetical order— | 35 |
| | <i>discharge approval</i> —see section 300A(4). | 36 |
| [11] | Section 292 Functions of water supply authority | 37 |
| | Insert after section 292(3)— | 38 |
| (4) | The regulations may make further provision about the approval of the Minister under subsection (1)(a). | 39 40 |
| [12] | Section 300A | 41 |
| | Insert after section 300— | 42 |

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| 300A Discharges into sewerage and drainage systems | 1 |
| (1) A water supply authority must not grant a discharge approval unless it is in accordance with— | 2 |
| (a) the regulations, and | 3 |
| (b) the water supply authority’s discharge policy. | 4 |
| (2) A water supply authority’s discharge policy— | 5 |
| (a) must be made in accordance with the regulations, and | 6 |
| (b) may specify the kinds of substances that do not require a discharge approval or for which a discharge approval must not be granted. | 7 |
| (3) The regulations may make provision about the following— | 8 |
| (a) the regulation and prohibition of the discharge of substances into a water supply authority’s sewerage system or drainage system, | 9 |
| (b) discharge approvals, | 10 |
| (c) discharge policies, including— | 11 |
| (i) that the Minister may determine matters that must be addressed in a discharge policy, and | 12 |
| (ii) the circumstances in which the Minister’s approval of a discharge policy is required. | 13 |
| (4) In this section— | 14 |
| <i>discharge approval</i> means an approval to discharge substances into a water supply authority’s sewerage system. | 15 |
| <i>discharge policy</i> , of a water supply authority, means a policy about the discharge of substances into the water supply authority’s sewerage system. | 16 |
| [13] Sections 301B–301E | 17 |
| Insert after section 301A— | 18 |
| 301B Regulations for protection of water supply | 19 |
| The regulations may make provision about— | 20 |
| (a) the regulation and prohibition of activities to protect the supply or quality of water, and | 21 |
| (b) the functions of a water supply authority in protecting the supply of water. | 22 |
| 301C Regulations for measurement of supply of water | 23 |
| The regulations may make provision about the measurement of water supplied by a water supply authority, including the following— | 24 |
| (a) the method of measurement, | 25 |
| (b) information to be provided by persons about the supply, | 26 |
| (c) requirements for persons to meter the water supplied, | 27 |
| (d) the installation, location, care, maintenance, testing and discontinuance of meters, | 28 |
| (e) faulty meters, including adjustments in fees or charges for faulty meters, | 29 |
| (f) directions given by water supply authorities to persons about matters referred to in paragraphs (a)–(d), | 30 |
| (g) the ownership of meters on land not vested in a water supply authority. | 31 |

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| 301D | Regulations for drainage areas | 1 |
| | The regulations may make provision about the following— | 2 |
| | (a) the notification of drainage areas and charges, | 3 |
| | (b) the mapping of drainage areas by water supply authorities, | 4 |
| | (c) the objections to being included within a drainage area, | 5 |
| | (d) the adjudication of the objections and the binding nature of the adjudication. | 6 7 |
| 301E | Regulations for firefighting water supply services and fire hydrants | 8 |
| (1) | The regulations may make provision about firefighting water supply services and fire-hydrants, including the following— | 9 10 |
| | (a) the installation, maintenance and use of firefighting water supply services, | 11 12 |
| | (b) directions given by water supply authorities to persons about firefighting water supply services, including about matters referred to in paragraph (a), | 13 14 15 |
| | (c) the installation, use, maintenance and removal of fire hydrants by water supply authorities or persons authorised by a water supply authority, | 16 17 |
| | (d) the supply of water by water supply authorities for the purpose of controlling and extinguishing fires, including the supply of water to fire hydrants. | 18 19 20 |
| (2) | In this section— | 21 |
| | <i>firefighting water supply service</i> means the part of a water supply service designed to be used for controlling and extinguishing fires. | 22 23 |
| [14] | Section 304A | 24 |
| | Insert after section 304— | 25 |
| 304A | Regulations | 26 |
| (1) | The regulations may make provision about special areas, including the following— | 27 28 |
| | (a) the regulation and prohibition of the following— | 29 |
| | (i) the extraction, use, pollution or contamination of waters within the areas, | 30 31 |
| | (ii) the pollution or contamination of land within the areas, | 32 |
| | (iii) access to, or the use of, the areas, | 33 |
| | (iv) other conduct in relation to the areas, | 34 |
| | (b) the circumstances and way in which a water supply authority may regulate, prohibit or consent to conduct referred to in paragraph (a)(i)–(iv), | 35 36 37 |
| | (c) the persons authorised, or the circumstances and way in which persons may be authorised, to manage and protect the areas (<i>authorised persons</i>), | 38 39 40 |
| | (d) the functions of authorised persons, | 41 |
| | (e) directions given by authorised persons, including the giving of directions to persons about— | 42 43 |
| | (i) conduct referred to in paragraph (a)(i)–(iv), | 44 |

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| (ii) | the surrender or inspection of things for, or the investigation of, contraventions or suspected contraventions of this Act or the regulations. | 1 2 3 |
| (2) | A regulation made under this Act about a special area prevails to the extent of an inconsistency with a statutory instrument made under another Act, other than a State environmental planning policy made under the <i>Environmental Planning and Assessment Act 1979</i> . | 4 5 6 7 |
| [15] | Section 310 Authority may levy service charges and impose fees and other charges | 8 |
| | Omit section 310(3). Insert instead— | 9 |
| (3) | Despite subsection (2), a water supply authority may impose fees and charges for the following— | 10 11 |
| (a) | discharges into the water supply authority’s sewerage system, | 12 |
| (b) | discharge approvals, | 13 |
| (c) | access to, or the use of, special areas, | 14 |
| (d) | metering or works related to metering, | 15 |
| (e) | permits for the carrying out of plumbing work. | 16 |
| (4) | The regulations may make provision about— | 17 |
| (a) | fees and charges, including charges for the supply of water, and | 18 |
| (b) | the waiver, reduction, deferral or refund of fees, service charges and other charges. | 19 20 |
| [16] | Section 318B, heading | 21 |
| | Omit the heading. Insert instead— | 22 |
| | 318B Plumbing works | 23 |
| [17] | Section 318B(2) and (3) | 24 |
| | Insert at the end of the section— | 25 |
| (2) | The regulations may make provision about the carrying out of plumbing work, including the following— | 26 27 |
| (a) | the regulation and prohibition of plumbing work, | 28 |
| (b) | permits granted by water supply authorities for the carrying out of plumbing work, | 29 30 |
| (c) | the standards for and supervision of plumbing work, | 31 |
| (d) | directions given by water supply authorities to persons about plumbing work, | 32 33 |
| (e) | exemptions granted by water supply authorities to a person or class of persons, with or without conditions, from requirements under the regulations in relation to plumbing work. | 34 35 36 |
| (3) | If a requirement about plumbing work imposed by the regulations is inconsistent with a requirement imposed by the <i>Plumbing and Drainage Act 2011</i> or the regulations under that Act about the same work, that Act and the regulations under that Act prevail to the extent of the inconsistency. | 37 38 39 40 |
| [18] | Section 322 | 41 |
| | Omit the section. Insert instead— | 42 |

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| 322 Regulations | 1 |
| The regulations may make provision about the following matters— | 2 |
| (a) the planning, management, design and construction of the following— | 3 |
| (i) water supply systems, | 4 |
| (ii) sewerage systems, | 5 |
| (iii) drainage systems, | 6 |
| (b) the establishment and enforcement of customer service standards, | 7 |
| (c) the imposition of restrictions on water use or supply for any reason, including for a supply shortage or non-compliance with this or another Act. | 8 9 10 |
| [19] Section 400 Regulations | 11 |
| Insert before section 400(1)— | 12 |
| (1A) The Governor may make regulations about a matter that is— | 13 |
| (a) required or permitted by this Act to be prescribed, or | 14 |
| (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act. | 15 16 |
| [20] Section 400(1) | 17 |
| Omit “The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to”. | 18 19 20 21 |
| Insert instead “In particular, the regulations may make provision about”. | 22 |
| [21] Section 400(1)(c) and (c1) | 23 |
| Omit section 400(1)(c). Insert instead— | 24 |
| (c) the requirement for security deposits and the amount of security, including the circumstances in which the Minister may determine the amount, and | 25 26 27 |
| (c1) the circumstances in which security deposits are forfeited and the application of money arising from the forfeiture of security deposits, and | 28 29 30 |
| [22] Section 402A | 31 |
| Insert after section 402— | 32 |
| 402A Uncommenced amendments to Act transferred to Act | 33 |
| The provisions of Schedule 13A are transferred provisions to which the <i>Interpretation Act 1987</i> , section 30A applies. | 34 35 |
| [23] Schedule 10 Conversion of former entitlements to access licences and approvals | 36 |
| Insert after Part 2, Division 3— | 37 |

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| Division 4 | Validation of replacement of certain entitlements | 1 |
| 27A | Validation of replacement licences and approvals for entitlements under 1912 Act | 2 3 |
| (1) | A purported entitlement is taken to have been validly replaced by an access licence or approval under clause 3 if the access licence or approval has at any time been registered on— | 4 5 6 |
| (a) | the Access Register, or | 7 |
| (b) | the register of approvals referred to in section 113. | 8 |
| (2) | In this section— | 9 |
| | <i>purported entitlement</i> means an entitlement under, or referred to in, the 1912 Act that was not in force but purportedly taken to have been replaced under clause 3 by an access licence or approval. | 10 11 12 |
| [24] | Schedule 13A | 13 |
| | Insert after Schedule 13— | 14 |
| | Schedule 13A Uncommenced amendments to Act | 15 |
| | section 401A | 16 |
| | 13A.1 Water Management Amendment Act 2010 | 17 |
| | 13A.2 Water Management Amendment Act 2014—amendments about term water allocation transfers | 18 19 |
| | 13A.3 Water Management Amendment Act 2014—amendment about bore drilling | 20 21 |
| | 13A.4 Water Management Amendment Act 2014—amendment about water allocation accounts and taking of water | 22 23 |
| | 13A.5 Water Management Amendment Act 2014—amendments about streamlining of licensing and trading processes | 24 25 |
| | 13A.6 Water Management Amendment Act 2014—amendment about conversion of former entitlements into access licences | 26 27 |
| [25] | Schedule 13A.1 Water Management Amendment Act 2010 | 28 |
| | Transfer the uncommenced items of the <i>Water Management Amendment Act 2010</i> , Schedule 2 to Schedule 13A.1, as inserted by item [24], and renumber the transferred items as appropriate with numbering commencing with [1]. | 29 30 31 |
| [26] | Schedule 13A.2 Water Management Amendment Act 2014—amendments about term water allocation transfers | 32 33 |
| | Transfer the uncommenced items of the <i>Water Management Amendment Act 2014</i> , Schedule 1.5 to Schedule 13A.2, as inserted by item [24], and renumber the transferred items as appropriate with numbering commencing with [1]. | 34 35 36 |

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| [27] | Schedule 13A.3 Water Management Amendment Act 2014—amendment about bore drilling | 1 2 |
| | Transfer the uncommenced item of the <i>Water Management Amendment Act 2014</i> , Schedule 1.7 to Schedule 13A.3, as inserted by item [24]. | 3 4 |
| [28] | Schedule 13A.4 Water Management Amendment Act 2014—amendment about water allocation accounts and taking of water | 5 6 |
| | Transfer the uncommenced item of the <i>Water Management Amendment Act 2014</i> , Schedule 1.8 to Schedule 13A.4, as inserted by item [24], and remove the numbering for the transferred item. | 7 8 9 |
| [29] | Schedule 13A.5 Water Management Amendment Act 2014—amendments about streamlining of licensing and trading processes | 10 11 |
| | Transfer the uncommenced items of the <i>Water Management Amendment Act 2014</i> , Schedule 1.10 to Schedule 13A.5, as inserted by item [24], and renumber the transferred items as appropriate with numbering commencing with [1]. | 12 13 14 |
| [30] | Schedule 13A.6 Water Management Amendment Act 2014—amendment about conversion of former entitlements into access licences | 15 16 |
| | Transfer the uncommenced item of the <i>Water Management Amendment Act 2014</i> , Schedule 1.14 to Schedule 13A.6, as inserted by item [24], and remove the numbering for the transferred item. | 17 18 19 |
| [31] | Dictionary | 20 |
| | Insert in alphabetical order— | 21 |
| | <i>emergency legislation</i> means the following— | 22 |
| | (a) the <i>State Emergency Service Act 1989</i> , | 23 |
| | (b) the <i>State Emergency and Rescue Management Act 1989</i> , | 24 |
| | (c) another Act or law prescribed by the regulations. | 25 |

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| Schedule 2 | Amendment of Sydney Water Act 1994 No 88 | 1 |
| [1] Section 48A | Unauthorised connections, alterations and use of works | 2 |
| | Omit section 48A(2). Insert instead— | 3 |
| | (2) The regulations may make further provision about— | 4 |
| | (a) authorisations under subsection (1), and | 5 |
| | (b) directions given by the Corporation in relation to activities and works to which subsection (1) applies. | 6 7 |
| [2] Section 89 | | 8 |
| | Omit the section. Insert instead— | 9 |
| 89 | Regulations about controlled areas | 10 |
| | (1) The regulations may make provision about controlled areas, including the following— | 11 12 |
| | (a) the regulation and prohibition of the following— | 13 |
| | (i) the extraction, use, pollution or contamination of waters within the areas, | 14 15 |
| | (ii) the pollution or contamination of land within the areas, | 16 |
| | (iii) access to, or the use of, the areas, | 17 |
| | (iv) other conduct in relation to the areas, | 18 |
| | (b) the circumstances and way in which the Corporation may regulate, prohibit or consent to conduct referred to in paragraph (a)(i)–(iv), | 19 20 |
| | (c) the persons authorised, or the circumstances and way in which persons may be authorised, to manage and protect the areas (<i>authorised officers</i>), | 21 22 23 |
| | (d) the functions of authorised officers, | 24 |
| | (e) directions given by authorised officers, including the giving of directions to persons about— | 25 26 |
| | (i) conduct referred to in paragraph (a)(i)–(iv), including directing persons to leave an area, and | 27 28 |
| | (ii) other matters, | 29 |
| | (f) the fees and charges, or the imposition of fees and charges by the Corporation, for access to, or the use of, the areas, | 30 31 |
| | (g) the waiver or refund of fees and charges. | 32 |
| | (2) A regulation made under this section prevails to the extent of an inconsistency with a statutory instrument made under another Act, including an environmental planning instrument. | 33 34 35 |
| [3] Section 99 | Work for water supply, sewerage or stormwater drainage | 36 |
| | Omit section 99(2)–(3). Insert instead— | 37 |
| | (2) The regulations may make provision about work to which subsection (1) applies, including the following— | 38 39 |
| | (a) the standards for and supervision of the work, | 40 |
| | (b) the approval by the Corporation of fittings used in the work, | 41 |
| | (c) permits granted by the Corporation for the carrying out of the work, | 42 |

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| (d) | directions given by the Corporation in relation to the work. | 1 |
| (3) | If a standard or other requirement for work to which subsection (1) applies is inconsistent with a requirement imposed under the <i>Plumbing and Drainage Act 2011</i> or the regulations under that Act for the work, that Act and the regulations under that Act prevail to the extent of the inconsistency. | 2 3 4 5 |
| | Note— The <i>Plumbing and Drainage Act 2011</i> sets out the standards and other requirements for work that is plumbing and drainage work within the meaning of that Act. | 6 7 8 |
| (4) | Subsection (1) does not apply to— | 9 |
| (a) | an employee of the Corporation who carries out work to which subsection (1) applies on behalf of the Corporation, or | 10 11 |
| (b) | other persons authorised by the Corporation to carry out the work. | 12 |
| [4] | Section 106 Regulations | 13 |
| | Omit section 106(1). Insert instead— | 14 |
| (1) | The Governor may make regulations about a matter that is— | 15 |
| (a) | required or permitted by this Act to be prescribed, or | 16 |
| (b) | necessary or convenient to be prescribed for carrying out or giving effect to this Act. | 17 18 |
| [5] | Section 106(2) and (4) | 19 |
| | Omit “for or with respect to” wherever occurring. Insert instead “about”. | 20 |
| [6] | Section 106(2) and (5) | 21 |
| | Omit “any of” wherever occurring. | 22 |
| [7] | Section 106(2)(b) | 23 |
| | Omit “drought”. Insert instead “a drought, emergency”. | 24 |
| [8] | Section 106(2)(b1) | 25 |
| | Insert after section 106(2)(b)— | 26 |
| (b1) | requirements to notify the Corporation about damage to works, or other property, of the Corporation, and | 27 28 |
| [9] | Section 106(2)(e) | 29 |
| | Omit “any”. | 30 |
| [10] | Section 106(3)(a) and (b) | 31 |
| | Omit the paragraphs. Insert instead— | 32 |
| (a) | for a corporation—200 penalty units, or | 33 |
| (b) | otherwise—100 penalty units. | 34 |

Schedule 3 Amendment of Water NSW Act 2014 No 74

[1] Section 50 Exercise of functions by public agencies in special areas

Insert “in the way prescribed by the regulations” after “Regulatory Authority” in section 50(1).

[2] Section 51

Omit the section. Insert instead—

51 Regulations about special areas

- (1) The regulations may make provision about special areas, including the following—
 - (a) the regulation and prohibition of the following—
 - (i) the extraction, use, pollution or contamination of waters within the areas,
 - (ii) the pollution or contamination of land within the areas,
 - (iii) access to, or the use of, the areas,
 - (iv) other conduct in relation to the areas,
 - (b) the circumstances and way in which Water NSW may regulate, prohibit or consent to conduct referred to in paragraph (a)(i)–(iv),
 - (c) the functions of authorised officers and the Regulatory Authority in relation to the areas,
 - (d) directions given by authorised officers, including directions given to persons about the following—
 - (i) conduct referred to in paragraph (a)(i)–(iv), including directing persons to leave an area,
 - (ii) the removal or disposal of animals, substances and other things,
 - (iii) the surrender of property, including stock or other animals and things,
 - (iv) the inspection of things for, or the investigation of, contraventions or suspected contraventions of this Act or the regulations,
 - (e) the removal of persons by authorised officers and the use of reasonable force,
 - (f) the removal, impoundment, disposal or sale, by authorised officers, of property, including stock or other animals and things, not authorised to be, or unlawfully, in the areas,
 - (g) the persons liable for costs incurred by authorised officers for matters referred to in paragraph (f) and the recovery of the costs by Water NSW,
 - (h) the fees and charges, or the imposition of fees and charges by Water NSW, for access to, or the use of, the areas,
 - (i) the waiver or refund of fees and charges.
- (2) A regulation made under this division prevails to the extent of an inconsistency with an instrument made under another Act, other than a State environmental planning policy made under the *Environmental Planning and Assessment Act 1979*.
- (3) In exercising functions under the regulations for this section, an authorised officer must not direct an owner, or lawful occupier, of land in a way that

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| would limit the owner’s or occupier’s access to the land, or remove the owner or occupier from the land, unless the direction or removal is— | 1 2 |
| (a) in accordance with guidelines made by the Minister and published in the Gazette, and | 3 4 |
| (b) for the purpose of managing and protecting the areas, and water management works within the areas, so as to promote at least 1 of the following— | 5 6 7 |
| (i) water quality, | 8 |
| (ii) the protection of public health or public safety, | 9 |
| (iii) the protection of the environment. | 10 |
| (4) Subsection (3) does not limit Part 6. | 11 |
| [3] Section 55 | 12 |
| Omit the section. Insert instead— | 13 |
| 55 Regulations about controlled areas | 14 |
| (1) The regulations may make provision about controlled areas, including the following— | 15 16 |
| (a) the regulation and prohibition of the following— | 17 |
| (i) extraction, use, pollution or contamination of waters within the areas, | 18 19 |
| (ii) pollution or contamination of land within the areas, | 20 |
| (iii) access to, or the use of, the areas, | 21 |
| (iv) other conduct in relation to the areas, | 22 |
| (b) the circumstances and way in which Water NSW may regulate, prohibit or consent to conduct referred to in paragraph (a)(i)–(iv), | 23 24 |
| (c) the functions of authorised officers and the Regulatory Authority in relation to the areas, | 25 26 |
| (d) directions given by authorised officers, including directions given to persons about the following— | 27 28 |
| (i) conduct referred to in paragraph (a)(i)–(iv), including directing persons to leave an area, | 29 30 |
| (ii) the removal or disposal of animals, substances and other things, | 31 |
| (iii) the surrender of property, including stock or other animals and things, | 32 33 |
| (iv) the inspection of things for, or investigation of, contraventions or suspected contraventions of this Act or the regulations, | 34 35 |
| (e) the removal of persons by authorised officers and the use of reasonable force, | 36 37 |
| (f) the removal, impoundment, disposal, or sale, of property, including stock or other animals and things, not authorised to be, or unlawfully, in the areas, by authorised officers, | 38 39 40 |
| (g) the persons liable for costs incurred by authorised officers for matters referred to in paragraph (f) and the recovery of the costs by Water NSW, | 41 42 |
| (h) the fees and charges, or the imposition of fees and charges by Water NSW, for access to, or use of, the areas, | 43 44 |
| (i) the waiver or refund of fees or charges. | 45 |

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| (2) | A regulation made under this division prevails to the extent of an inconsistency with an instrument made under another Act, other than a State environmental planning policy made under the <i>Environmental Planning and Assessment Act 1979</i> . | 1 2 3 4 |
| [4] | Section 63 Compliance role under other legislation | 5 |
| | Insert “or controlled area” after “declared catchment area” wherever occurring in section 63(1). | 6 7 |
| [5] | Section 63(2) | 8 |
| | Omit “for or with respect to”. Insert instead “about”. | 9 |
| [6] | Section 63(2) | 10 |
| | Insert “, limitations” after “the effect”. | 11 |
| [7] | Section 64AA | 12 |
| | Insert after section 64— | 13 |
| 64AA | Regulations | 14 |
| | The regulations may make provision about the Regulatory Authority, including the following— | 15 16 |
| | (a) the circumstances in which the Regulatory Authority exercises its functions or does not exercise its functions, | 17 18 |
| | (b) registers the Regulatory Authority must keep and the inspection of the registers, | 19 20 |
| | (c) the imposition of fees for copies of registers, or parts of registers, kept by the Regulatory Authority. | 21 22 |
| [8] | Section 89 Charge on land subject to compliance cost notice | 23 |
| | Omit “for or with respect to” from section 89(7). Insert instead “about”. | 24 |
| [9] | Section 114 | 25 |
| | Omit the section. Insert instead— | 26 |
| 114 | Regulations | 27 |
| | (1) The Governor may make regulations about a matter that is— | 28 |
| | (a) required or permitted by this Act to be prescribed, or | 29 |
| | (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act. | 30 31 |
| | (2) A regulation may create an offence punishable by a penalty of not more than— | 32 |
| | (a) for a corporation—400 penalty units, or | 33 |
| | (b) otherwise—200 penalty units. | 34 |

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| Schedule 4 | Consequential amendments | 1 |
| 4.1 | Sydney Water Regulation 2017 | 2 |
| [1] | Clause 4 Definitions | 3 |
| | Omit “ <i>authorised person</i> ”. Insert instead “ <i>authorised officer</i> ”. | 4 |
| [2] | Clauses 5(2) and 13(2) | 5 |
| | Omit “authorised person” wherever occurring. Insert instead “authorised officer”. | 6 |
| 4.2 | Water Management (General) Regulation 2018 | 7 |
| [1] | Clause 115 Definitions | 8 |
| | Omit “ <i>authorised officer</i> ”. Insert instead “ <i>authorised person</i> ”. | 9 |
| [2] | Clauses 182(2) and 188(1) and (2) | 10 |
| | Omit “authorised officer” wherever occurring. Insert instead “authorised person”. | 11 |
| [3] | Clause 188 Investigation of suspected contraventions | 12 |
| | Omit “the officer’s opinion” from clause 188(1). Insert instead “the authorised person’s opinion”. | 13 14 |
| [4] | Clause 188(1)(b) | 15 |
| | Omit “the officer”. Insert instead “the authorised person”. | 16 |

Schedule 5 Repeals

[1] Repeal of Water Management Amendment Act 2010

The *Water Management Amendment Act 2010 No 133* is repealed.

[2] Repeal of Water Management Amendment Act 2014

The *Water Management Amendment Act 2014 No 48* is repealed.

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