

Water Management Amendment Act 2018 No 31

[2018-31]



New South Wales

Status Information

Currency of version

Current version for 2 July 2020 to date (accessed 23 November 2024 at 13:15)

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Provisions in force

Some, but not all, of the provisions displayed in this version of the legislation have commenced.

Notes—

- **Does not include amendments by**
[Water Management Amendment \(Water Access Licence Register Reform\) Act 2024 No 69](#) (not commenced)
- **Note**
Amending Acts and amending provisions are subject to automatic repeal pursuant to sec 30C of the [Interpretation Act 1987 No 15](#) once the amendments have taken effect.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Water Management Amendment Act 2018 No 31



New South Wales

An Act to amend the *Water Management Act 2000* with respect to management plans, approvals and access licences, Murray-Darling Basin water resources, metering equipment, enforcement and liability, the provision of information and managing environmental water; and for other purposes.

1 Name of Act

This Act is the *Water Management Amendment Act 2018*.

2 Commencement

- (1) This Act commences on a day or days to be appointed by proclamation, except as provided by subsection (2).
- (2) Schedules 1 [1]–[7], [9]–[25], [28], [30], [31], [34]–[36], [38]–[42], [45]–[51], [53], [54], [56]–[59], [61]–[70], [73]–[76], [78]–[80], [85], [88]–[90], [92] (except to the extent that it inserts the definition of **individual daily extraction component**), [93]–[96], 2.1–2.3 and 2.5 commence on the date of assent to this Act.

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

[1]–[25] (Repealed)

[26] Section 71 Water Access Licence Register

Omit section 71 (3) and (4).

[27]–[31] (Repealed)

[32] Section 84 Register of available water determinations

Omit “the form in which such a register is to be kept and” from section 84 (2).

[33]–[36] (Repealed)

[37] Section 87D

Insert after section 87C:

87D Information about rights to take water from water sources

- (1) The Minister may authorise the publication of the following information about a water source on a publicly accessible website approved by the Minister:
 - (a) whether or not water can be taken by access licence holders from a particular part of the water source on a particular day or at a particular time on a particular day in accordance with an applicable management plan, a particular condition of an access licence or any other specified requirement of or under this Act,
 - (b) the amount of water that can be taken from a particular part of the water source on a particular day or at a particular time on a particular day, in accordance with an applicable management plan, a particular condition of an access licence or any other specified requirement of or under this Act,
 - (c) information relating to water flows and levels of a particular part of a water source, including gauge readings and other measurements, on a particular day or at a particular time on a particular day.
- (2) For the purposes of this Act, a person is taken to be permitted to take water in accordance with a management plan or a condition of an access licence if the person:
 - (a) is entitled to take water under that plan or licence, and
 - (b) takes water in accordance with information published under this section.
- (3) This section does not:
 - (a) permit a person to take water if to do so would contravene a condition of an access licence that is not the subject of information published under this section, or
 - (b) prevent a person from taking water if the person is otherwise permitted to do so under an access licence or by or under this Act.

[38]-[54] (Repealed)

[55] Section 113 Register of approvals

Omit “the form in which such a register is to be kept and” from section 113 (2).

[56]-[70] (Repealed)

[71] Section 367 Evidentiary certificates

Insert at the end of section 367 (2) (v):

or

- (w) information specified in the certificate was, or was not, published under section 87D on a website approved by the Minister, or
- (x) water flows or levels of a particular part of a specified water source, or gauge readings or other specified measurements in relation to a particular part of a specified water source, were as specified in information published under section 87D, or
- (y) water was or was not taken in accordance with information published under section 87D, or
- (z) a quantity of water taken was determined by the Minister in accordance with section 60G (3),

[72] Section 367B Rebuttable presumptions

Insert after section 367B (1) (e):

- (e1) the fact that water is being or has been taken from a water source by the holder of an access licence gives rise to a rebuttable presumption that the water was not taken pursuant to a basic landholder right, and

[73]-[76] (Repealed)

[77] Section 391B

Insert after section 391A:

391B Administration and transparency of water information

- (1) Information that under this Act is required to be kept in a register is to be kept in one public register in the form and manner determined by the Minister.
- (2) Different parts of the register may be kept in different forms and manners determined by the Minister.
- (3) The register is to include information published under section 12A of the *Natural Resources Access Regulator Act 2017*.
- (4) Regulations may be made for or with respect to the following:
 - (a) the disclosure of information held on a register established under this Act,
 - (b) the keeping of registers of information authorised to be disclosed under this Act,

- (c) the disclosure of information about water allocation accounts of individuals or corporations who hold access licences or approvals under this Act,
 - (d) the disclosure of information about the taking of water from particular water sources or from within a particular part of the State,
 - (e) the fees payable for access to information held in the register.
- (5) Information may be disclosed in accordance with a regulation made under this section despite any prohibition in, or the need to comply with a requirement of, any Act or law (in particular, the [Privacy and Personal Information Protection Act 1998](#) (other than Part 6 of that Act)).

[78]-[80] (Repealed)

[81] Section 398 Exclusion of Crown liability

Insert at the end of section 398 (1) (b):

or

- (c) from the release of water for environmental purposes,

[82] Section 398 (2A)

Insert after section 398 (2):

- (2A) The Crown is not subject to any action, liability (including liability for defamation), claim or demand arising as a consequence of anything done under or for the purposes of section 391B or a regulation made under that section.

Note—

The liability of other persons for any such thing is dealt with under section 397.

[83] Section 398 (3) (d)

Insert at the end of section 398 (3) (c):

, or

- (d) a NSW government agency.

[84] Sections 399A and 399B

Insert after section 399:

399A Transfer of ownership of metering equipment

- (1) The regulations may make provision for or with respect to the transfer of the ownership of metering equipment and associated property, rights, assets and liabilities from Water NSW or the Ministerial Corporation to holders of approvals or other persons.
- (2) Without limiting subsection (1), the regulations may make provision for or with respect to the following:
 - (a) matters that are ancillary to any such scheme,
 - (b) the removal of metering equipment where a transfer offer is not taken up.

399B Consultation about environmental water releases

- (1) The regulations may make provision for or with respect to a scheme to facilitate consultation and negotiations with owners and occupiers of land, and other persons, who may be affected by proposed releases of water for environmental purposes.
- (2) Without limiting subsection (1), the regulations may make provision for or with respect to the following:
 - (a) the circumstances in which the scheme will apply,
 - (b) notification of proposed releases,
 - (c) mediation of disputes, in cases where agreement is required to resolve legal or other issues relating to a proposed release.

[85]-[96] (Repealed)

Schedule 2 Amendment of other Acts

2.1-2.3

(Repealed)

2.4 Water Act 1912 No 44

[1] Section 118A Drillers to be licensed

Omit the section.

[2] Section 129 Regulations

Omit section 129 (1) (g).

[3] Section 129A Application of Part

Omit “(section 118A excepted)”.

2.5

(Repealed)