

1998

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

REVISED

WATER RESOURCES BILL 1998

SUPPLEMENTARY EXPLANATORY MEMORANDUM

**AMENDMENTS TO BE MOVED BY THE MINISTER FOR URBAN
SERVICES**

Circulated by authority of

**Brendan Smyth MLA
Minister for Urban Services**

WATER RESOURCES BILL 1998

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendment 1

Subclause 2(3)

This amendment lengthens the amount of time following enactment of the Bill, after which any uncommenced provisions of the Bill are taken to commence, from 6 months to 12 months. This extension of time is designed to allow a full 12 month phase in of the Bill.

Amendments 2 and 4

Clause 4

Changes the definition of bore to ensure that its meaning does not include subsoil drains to ensure such drains do not require a bore construction permit.

Amendment 3

Clause 4

Adds the definition of environmental flow guidelines.

Amendment 5

Clause 5

This amendment copies the public consultation clauses from the Water Resource Management Plan provisions in Part V to the provisions for the Environmental Flow Guidelines to ensure that the public gets an adequate opportunity to comment on this important document. It also ensures that the Authority considers the environmental, economic and social impacts of setting environmental flows.

Amendment 6

Subclause 22(6)

This amendment inserts the clause "on payment of the determined fee" to ensure that allocations granted directly by the Minister can attract a fee which will be determined under the provision of clause 72.

Amendments 7, 8 and 9

Subclause 28(1)

Subclause (1) contains a number of reasons why the Minister can limit the taking of water and these amendments add the further reason that "the environment is adversely affected".

Amendment 10

Subclause 28(6)

This subclause states to whom a debt arising from this clause is due and the amendment changes the subclause so the debt is due to the Territory rather than the Authority.

Amendment 11

Subclause 29(9)(a)

Elsewhere through the Bill a reference to environmental record includes the phrase "both in the Territory and elsewhere". This phrase is added here for consistency.

Amendment 12**Subclause 40(1)**

This subclause is not intended to eliminate the need to obtain consent under clause 49 before entering a premises to determine if this power to give direction should be used. The amendment is made to make it clearer that this is the case.

Amendment 13**Subclause 62(1)**

This amendment removes the words "in a waterway" so that the section refers to all water control structures and not just those in waterways. This will provide that the requirement for a permit for construction can apply to large dams which can impact on the environment whether or not they are in a waterway.

Amendment 14**Subclause 62(2)**

This amendment stipulates that, as well as prescribed water control structures, dams of less than 2 megalitre capacity which are not located in waterways will not require permits for construction. This is because dams of this size that are not in waterways are not likely to have any significant environmental impact.

Amendments 15 and 16**Subclause 62(3)**

These amendments remove an incorrect reference in the subclause being changed and correctly reference it to the offence in subclause 62(1).

Amendment 17**Subclause 64(4)**

As with amendment 9, this amendment more accurately reflects that a debt should be due to the Territory and not the Authority.

Amendment 18**Subclause 70(3)**

This amendment is included to make it clearer that compensation is payable only for damage caused by the Authority.

Amendment 19**Clause 73A**

This amendment adds a clause which requires that the Minister review the operation of this Act as soon as possible after 2 years from commencement of section 3 of the Act. The report of the review must be tabled in the Assembly.