

Australian Capital Territory

Water Resources (Environment Protection Authority) Delegation 2016

Notifiable Instrument NI2016– 249

made under the

Water Resources Act 2007, s65 (Delegation)

1 Name of instrument

This instrument is the *Water Resources (Environment Protection Authority) Delegation 2016*.

2 Commencement

This instrument commences on the day after notification.

3 Delegation of the Environment Protection Authority's functions

I delegate the functions of the Environment Protection Authority under the provisions of the *Water Resources Act 2007* identified in column 1 of the schedule to the person who from time to time occupies the public service position number E00757.

Note: The Legislation Act defines 'occupy a position' to include hold the position, act in the position or exercise the functions of the position.

Brett Phillips
Environment Protection Authority

23 May 2016

Schedule

(see section 3)

Column 1 Functions (provision) under the Water Resources Act 2007	Column 2 Description of functions (Information only)
13, 14 and 15	Environmental flow guidelines – authority to prepare, consultation and submission to Minister
64(1)(a), (b), (d), (e), (f), (g) and (h)	<p>Functions of the EPA:</p> <p>a) To keep the state and condition of the water resources of the Territory under review;</p> <p>b) To coordinate policies in relation to water resource management;</p> <p>d) to compile and maintain up-to-date information about the water resources of the Territory;</p> <p>e) to promote the importance, and encourage the efficient use, of water resources;</p> <p>f) to foster public education about the management of water resources;</p> <p>g) to implement national water resource measures made under national scheme laws or intergovernmental agreements relating to water resource management;</p> <p>h) to confer, and exchange information, with any entity having functions corresponding to those of the authority under a law of the Commonwealth, a State or another Territory relating to water resource management</p>
68 and 69	Water resources investigation (gauges, recording and monitoring stations, etc) and cooperation with Commonwealth or a state in the investigation of water resources in which there is a shared interest
101, 102	Inspection of incorporated documents; and Notification of certain incorporated documents

Functions (sections) not included in the delegation (ie solely exercisable by EPA)	Description
24, 25 and 26	Water access entitlements – amendment,

	<u>special provision for certain entitlements based on surviving allocations, and transfer</u>
29, 30 and 31	Licence to take water – application, decision on application, conditions
34, 35 and 36	Driller’s licence – application, decision on application and conditions
38, 39 and 40	Bore work licence – application, decision on application and conditions
43, 44, and 45	Waterway work licence – application, decision on application and conditions
48, 49, 50 and 51	Recharge licence – application, decision on application, conditions and cancellation
53, 55 and 56	Licences – renewal, amendment and surrender
60, 61, 62 and 63(3)	Grounds for disciplinary action; Disciplinary action; Taking disciplinary action; Effect of suspension of entitlement, allocation or licence
64(1)(c) and (i)	c) to regulate the allocation of water from waterways i) any other functions given to the authority under this Act.
66	Register (of entitlements and licences)
71(4)	Notice prohibiting or restricting taking of water
73(2)	Direction to rectify effect of unauthorised activity etc
74(2)	Direction to prevent or rectify damage to bed or bank of waterway
75	Direction in relation to unlicensed taking of surface water
76	Directions in relation to bores
77	Action by authority if notice or direction contravened
77E	Offence – failing to produce licence
77F	Offence – contravention of licence condition
77G	Offences – contravening certain conditions of licence to take water
77J	Offences – water meter tampering
93(2)(b)	Return or forfeiture of seized thing
95	Reviewable decisions notices
99	Compensation for exercise of powers
106	Non payment of fees
108	Approved forms
111	Surviving allocations – surrender generally

112	Surviving allocations – surrender by water utility
113	Surviving allocations – surrender by holder no longer owner or occupier of land