

2013

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for the Environment and Sustainable Development)

Water Resources Amendment Bill 2013

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
4 Licence to take water—where water may be taken New section 32 (2) (c)	2
5 Offences—do bore work without licence Section 77B (1) (b), new note	2
6 Section 77B (3) (b), new note	2
7 Offence—do waterway work without licence New section 77C (1A) and (1B)	3
8 Offence—contravening licence conditions Section 77F (2)	3

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Contents

		Page
9	New section 77J	4
Schedule 1	Other amendments	6
Part 1.1	Magistrates Court (Water Resources Infringement Notices) Regulation 2007	6
Part 1.2	Water Resources Regulation 2007	6

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(Minister for the Environment and Sustainable Development)

Water Resources Amendment Bill 2013

A Bill for

An Act to amend the *Water Resources Act 2007*, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **1 Name of Act**

2 This Act is the *Water Resources Amendment Act 2013*.

3 **2 Commencement**

4 This Act commences on the day after its notification day.

5 *Note* The naming and commencement provisions automatically commence on
6 the notification day (see [Legislation Act](#), s 75 (1)).

7 **3 Legislation amended**

8 This Act amends the *Water Resources Act 2007*.

9 *Note* This Act also amends the following legislation (see sch 1):

- 10 • [Magistrates Court \(Water Resources Infringement Notices\)](#)
11 [Regulation 2007](#)
- 12 • [Water Resources Regulation 2007](#).

13 **4 Licence to take water—where water may be taken**
14 **New section 32 (2) (c)**

15 *insert*

16 (c) if the water is to be used for road works, earthworks or other
17 construction, or landscaping—any water management area.

18 **5 Offences—do bore work without licence**
19 **Section 77B (1) (b), new note**

20 *after the penalty, insert*

21 *Note* *Driller's licence* means a licence under s 35.

22 **6 Section 77B (3) (b), new note**

23 *after the penalty, insert*

24 *Note* *Bore work licence* means a licence under s 39.

1 **7 Offence—do waterway work without licence**
2 **New section 77C (1A) and (1B)**

3 *insert*

4 (1A) A person commits an offence if the person—

5 (a) does waterway work; and

6 (b) does not have a waterway work licence for the waterway work.

7 Maximum penalty: 50 penalty units.

8 (1B) An offence against subsection (1A) is a strict liability offence.

9 **8 Offence—contravening licence conditions**
10 **Section 77F (2)**

11 *substitute*

12 (2) The holder of a bore work licence or driller's licence commits an
13 offence if—

14 (a) the holder's licence is subject to a condition requiring the
15 holder to give a bore completion report to the authority; and

16 (b) the holder contravenes the condition.

17 Maximum penalty: 25 penalty units.

18 (3) An offence against this section is a strict liability offence.

- 1 (4) In this section:
- 2 ***bore completion report***, for a bore, means a report prepared by the
- 3 person who drilled the bore that sets out the details of the bore.
- 4 **Examples—details of the bore**
- 5 1 diameter and length of the bore
- 6 2 whether a sleeve or case was fitted inside the edge of the bore
- 7 3 the geology and soil types found while drilling the bore
- 8 *Note* An example is part of the Act, is not exhaustive and may extend, but
- 9 does not limit, the meaning of the provision in which it appears (see
- 10 [Legislation Act](#), s 126 and s 132).

11 **9 New section 77J**

12 *in part 9A, insert*

13 **77J Offences—water meter tampering**

- 14 (1) A person commits an offence if the person tampers with a water
- 15 meter.
- 16 Maximum penalty: 50 penalty units.
- 17 (2) This section does not apply if the person is—
- 18 (a) a person prescribed by regulation who is installing,
- 19 maintaining, repairing or replacing the water meter; or
- 20 (b) acting with the written permission of the authority; or
- 21 (c) a holder of a licence to take water complying with a
- 22 requirement under this part.
- 23 (3) In this section:
- 24 ***tamper*** with a water meter—
- 25 (a) means interfere with, damage or destroy the water meter; and

- 1 (b) includes—
- 2 (i) unsealing any sealed component of the meter; or
- 3 (ii) blocking any part of the meter; or
- 4 (iii) attaching to the meter any device that is likely to affect
- 5 the operation of the meter; or
- 6 (iv) disconnecting the meter from its power source.

1 **Schedule 1** Other amendments

2 (see s 3)

3 **Part 1.1** Magistrates Court (Water
4 Resources Infringement Notices)
5 Regulation 2007

6 **[1.1] Schedule 1, new items 2A and 2B**

7 *insert*

2A	77C (1A)	50	1000
2B	77F (2)	25	500

8 **Part 1.2** Water Resources
9 Regulation 2007

10 **[1.2] Section 6 (1) (b)**

11 *omit*

12 **[1.3] New section 8A**

13 *insert*

14 **8A** Exemption from requirement for water access
15 entitlement—road works, earthworks, construction or
16 landscaping—Act, s 30 (2) (a)

17 (1) The authority may exempt a person from the requirement mentioned
18 in the Act, section 30 (2) (a) (i) in relation to surface water if the
19 water is to be used for—

20 (a) road works, earthworks or other construction; or

- 1 (b) landscaping.
- 2 **Examples—landscaping**
- 3 1 establishing new plants along a street
- 4 2 establishing vegetation, including an erosion control blanket to
- 5 stabilise the terrain, where road works or earthworks have been
- 6 completed
- 7 *Note* An example is part of the regulation, is not exhaustive and may
- 8 extend, but does not limit, the meaning of the provision in which
- 9 it appears (see [Legislation Act](#), s 126 and s 132).
- 10 (2) The authority may give the exemption only if satisfied that giving
- 11 the exemption will result in improved environmental outcomes or
- 12 other public benefit.
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Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 6 June 2013.

2 Notification

Notified under the [Legislation Act](#) on 2013.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.
