



New South Wales

# Water Supply Authorities (Broken Hill—General) Regulation 1997

under the

Water Supply Authorities Act 1987

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Water Supply Authorities Act 1987*.

KIM YEADON, MP,

Minister for Land and Water Conservation

## Explanatory note

The object of this Regulation is to repeal and remake, with no changes in substance, the provisions of the *Water Supply Authorities (Broken Hill—General) Regulation 1992*. The new Regulation deals with the following matters relating to the Broken Hill Water Board:

- (a) the establishment and enforcement of water use control schemes in times of drought, accident and other emergency (Part 2),
- (b) the definition of the Board's area of operations (clause 8),
- (c) mining company nominations for membership of the Board (clause 9),
- (d) the custody and use of the Board's seal (clause 10),
- (e) penalty notice offences (clauses 11 and 12),
- (f) other matters of a minor, consequential or ancillary nature (Part 1 and clause 13).

This Regulation is made under the *Water Supply Authorities Act 1987*, including section 66 (the general regulation making power), sections 13 and 51 and clause 3 of Schedule 3.

This Regulation is made in connection with the staged repeal of subordinate legislation under the *Subordinate Legislation Act 1989*.

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## **Water Supply Authorities (Broken Hill—General) Regulation 1997**

### **Part 1 Preliminary**

#### **1 Name of Regulation**

This Regulation is the *Water Supply Authorities (Broken Hill—General) Regulation 1997*.

#### **2 Commencement**

This Regulation commences on 1 September 1997.

#### **3 Definitions**

In this Regulation:

*Board* means the Broken Hill Water Board.

*Council* means the Council of the City of Broken Hill.

*relevant mining company* means a company for the time being entitled to nominate a panel under clause 4 of Schedule 3 to the Act.

*the Act* means the Water Supply Authorities Act 1987.

*water control scheme* means a scheme referred to in clause 5.

#### **4 Notes**

The explanatory note and table of contents do not form part of this Regulation.

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Part 2              Water use control schemes

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**Part 2      Water use control schemes**

**5   Establishment of scheme to control use of water**

The Board may, by order published in a newspaper circulating in the Board's area of operations, establish a scheme to control the use of water supplied by the Board.

**6   Board may require compliance with established scheme**

- (1) In the event of drought, accident or other cause adversely affecting the Board's ability to supply water, the Board may serve on a person who is affected by a water control scheme:
  - (a) a copy of the scheme, as currently in force, and
  - (b) a written notice prohibiting the person from using water supplied by the Board otherwise than in accordance with the scheme.
- (2) The documents referred to in subclause (1) may be served personally or by post.

**7   Offence**

A person who is affected by a water control scheme and on whom a written notice is served in accordance with clause 6 must not use water supplied by the Board otherwise than in accordance with the scheme.

Maximum penalty: 10 penalty units.

## **Part 3      Miscellaneous**

### **8      Board's area of operations**

The Board's area of operations comprises the following:

- (a) the area of the Broken Hill City Council,
- (b) the following catchment areas, each of which is taken to be a special area by virtue of section 21 (3) of the Act:
  - (i) Stephens Creek Catchment Area,
  - (ii) Umberumberka Creek Catchment Area,
  - (iii) Yancowinna Creek Catchment Area,as described in a proclamation under the *Broken Hill Water and Sewerage Act 1938* published in Gazette No 8 of 19 January 1940 at page 181,
- (c) the localities of Menindee and Sunset Strip,
- (d) the land over which the Menindee to Stephens Creek pipeline is located, together with the land belonging to the properties served by that pipeline.

### **9      Nominations of certain of Board's members**

- (1) A nomination by the Council or by a relevant mining company under clause 3 of Schedule 3 to the Act must be addressed to the Minister in a form approved by the Board.
- (2) Each nomination must be executed by the Council or the relevant mining company and must be lodged at the offices of the Board within 60 days after the Council or Company is notified that a vacancy exists.

### **10      Board's seal**

- (1) The seal of the Board is to be kept in the custody of the President.
- (2) The seal is to be affixed to an instrument or document only in the presence of
  - (a) the President, or

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Part 3                Miscellaneous

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- (b) a person authorised by the President for the purpose of this clause,

and with an attestation by the signature of the President or the person of the fact of the affixing of the seal.

### **11 Penalty notice offences**

For the purposes of section 51 of the Act:

- (a) each offence created by a provision specified in Column 1 of Schedule 1 is prescribed as a penalty notice offence, and
- (b) the prescribed penalty for such an offence is the amount specified in Column 3 of Schedule 1.

### **12 Short description of offences**

- (1) For the purposes of section 145B of the Justices Act 1902, the prescribed expression for an offence created by a provision specified in Column 1 of Schedule 1 is:
  - (a) the expression specified in Column 2 of that Schedule, or
  - (b) if a choice of words is indicated in that expression, the words remaining after the omission of the words irrelevant to the offence.
- (2) For the purposes of any proceedings for an offence created by a provision specified in Column 1 of Schedule 1, the prescribed expression for the offence is taken to relate to the offence created by the provision, as the provision was in force when the offence is alleged to have been committed.
- (3) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used, and any such document continues to have effect as if that expression had not been amended or repealed.
- (4) Subclause (3) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.

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Clause 13

Miscellaneous

Part 3

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**13 Repeal**

- (1) The *Water Supply Authorities (Broken Hill–General) Regulation 1992* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Water Supply Authorities (Broken Hill–General) Regulation 1992*, had effect under that Regulation continues to have effect under this Regulation.

**Schedule 1 Penalty notice offences**

(Clauses 11 and 12)

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
Clause 7	use water contrary to water control scheme	\$200