

Water Acts (Further Amendment) Bill

EXPLANATORY MEMORANDUM

PART 1—PRELIMINARY

Clause 1 outlines the purposes of the Act.

Clause 2 states when the several provisions of the Bill will come into operation.

PART 2—AMENDMENTS TO *WATER ACT 1958*

Clause 3 names, in this Part, the Water Act as the Principal Act.

Clause 4 amends section 25 of the Principal Act to clarify the indemnity of persons engaged on Commission works by including persons employed under the Public Service Act.

Clause 5 inserts a new section 32 (1A) into the Principal Act to extend the existing provisions relating to the vesting in the Rural Water Commission of easements in respect of channels formerly under the control of another authority to include the Coliban System. The present provisions of the Act refer to all irrigation and water supply districts or waterworks districts which cover all of the activities of the Rural Water Commission with the exception of the Coliban System which falls into none of the above categories.

Clause 6 amends section 41 (b) of the Principal Act to extend the existing contract provisions to enable the Rural Water Commission to provide services to other public bodies.

Clause 7 amends section 41A (3) of the Principal Act to include a reference to water quality in order to be consistent with existing sections relating to the discharge of drainage works into Rural Water Commission works.

Clause 8 amends section 61A (6) of the Principal Act to remove an anomaly which currently exists where funds re-borrowed by the Rural Water Commission to repay existing “interest only” loans, as they mature, need to be subject to appropriation by Parliament.

Clause 9 proposes a new section 206D of the Principal Act to provide for the amalgamation of committees of management to provide greater flexibility and efficiency in the management of recreational areas.

Clause 10 amends section 214 to enable Water Boards to fix a scale of charges for excess water by resolution or by by-law. The amendment also validates any scale of charges fixed before the proposed amendment, while ensuring that any legal proceedings afoot are not prejudiced, and requires that such charges so fixed in future be published in a newspaper and the *Government Gazette*. It also amends section 254 to require that rates set by resolution be published in the same way.

Clause 11 amends section 307 (1) (h) of the Principal Act to enable the Rural Water Commission to perform water supply works (including bridges) on roads.

Clause 12 amends section 378 (1A) of the Principal Act to enable the Rural Water Commission to demolish or remove works used for the purpose of illegally taking or diverting water.

Clause 13 deletes the existing section 379 of the Principal Act, which relates to injuring the water supply of an Authority’s district or of any waterworks under its control, and to the pollution of drains, and replaces that section with provisions relating to the pollution of the waterworks of the Director-General or of the Rural Water Commission generally with increased penalties.

PART 3—AMENDMENTS TO *DANDENONG VALLEY AUTHORITY ACT 1963*

Clause 15 names, in this Part, the Dandenong Valley Authority Act as the Principal Act.

Clause 16 amends section 7 (2) (b) of the Principal Act to extend the eligibility provisions of a commissioner by increasing the value of goods that may be purchased by the Authority from a commissioner.

Clause 17 amends section 20 of the Principal Act to increase the value of tenders that the Authority can accept without further authorization.

Clause 18 inserts a new section 21A in the Principal Act to enable the Authority, subject to the approval of the Minister and agreement by the appropriate municipality, to transfer the responsibility for previously declared arterial drains to the local municipality.

Clause 19 inserts a new section 31A (12) in the Principal Act to require that the accounts of the committees of management constituted under this Act be audited by the Auditor-General.

Clause 20 inserts new sub-sections 33A (6) and 33A (7) in the Principal Act to extend the existing provisions which enable the Authority to issue special precepts to finance the construction of works, by allowing the Authority to issue further special precepts to finance the future operation and maintenance costs of these works.

PART 4—AMENDMENTS TO *GROUNDWATER ACT 1969*

Clause 21 names, in this Part, the Groundwater Act as the Principal Act.

Clause 22 amends section 50 (1) of the Principal Act to require only one groundwater licence for all bores on one holding owned or occupied by the same person. Current practice is that separate licences are issued for each bore although the total fee payable is only that applicable to one bore. This amendment will streamline the administrative procedures relating to the licensing of bores. Consequential amendments are also made to sections 51, 56, 57, 59 and 64 of the Principal Act.

Clause 23 amends section 66 (3) of the Principal Act to broaden the scope for appointment of members to the Groundwater Appeal Board by making members of public statutory bodies eligible for appointment.

PART 5—AMENDMENTS TO *RIVER IMPROVEMENT ACT 1958*

Clause 24 names, in this Part, the River Improvement Act as the Principal Act.

Clause 25 amends section 13 (1) (c) of the Principal Act to mirror the adult franchise provisions of the Local Government Act.

Clause 26 amends section 23 (9) (a) and 23 (9) (b) of the Principal Act to increase the value of works an authority can approve without further authorization.

Clause 27 inserts a new section 33 (2) (ca) in the Principal Act to complement the provisions in clause 28.

Clause 28 amends section 44 of the Principal Act to remove the necessity for authorities to operate a loan account. This mirrors amendments made to water supply and sewerage authorities by the *Water and Sewerage Authorities (Financial) Act 1985*.

Clause 29 amends the Principal Act to enable the co-existence of both "River Management Boards" and "River Improvement Trusts" until a time to be determined by the Governor in Council. This will permit the systematic development of appropriate river management functions.

PART 6—MISCELLANEOUS AMENDMENTS

Clause 30 amends section 54 (2) and (3) of the West Moorabool Water Board Act to transfer the responsibility for the appointment of auditors for the West Moorabool Water Board from the Governor in Council to the Auditor-General.

Clause 31 amends sections 307AA (5B) of the *Water Act 1968* and 152 (5B) of the *Sewerage Districts Act 1958* to provide that works may be commenced without the Minister's approval, unless there is an objection to an agreement for the works.

