

# Water Acts (Further Amendment) Bill

## EXPLANATORY MEMORANDUM

### Outline

The purposes of the Bill are to amend the *Water Act 1958*, the *Melbourne and Metropolitan Board of Works Act 1958* and the *Environment Protection Act 1970* to—

- (a) empower the Rural Water Commission to make water rights available for purchase; and
- (b) make a clarifying amendment to the *Melbourne and Metropolitan Board of Works Act 1958* arising out of amendments to that Act made by the *Borrowing and Investment Powers Act 1987*; and
- (c) to increase certain penalties under the *Melbourne and Metropolitan Board of Works Act 1958*; and
- (d) to increase certain penalties under the *Environment Protection Act 1970*.

### Notes on the Clauses

*Clause 1* sets out the purposes of the Act.

*Clause 2* provides that—

- (a) sections 1 and 2 come into operation on the date of Royal Assent; and
- (b) sections 3 and 4 come into operation on a day to be proclaimed; and
- (c) section 5 comes into operation on the day on which section 23 of the *Borrowing and Investment Powers Act 1987* comes into operation.

*Clause 3* sets out the procedure by which water rights will be made available and allocated.

*Sub-clause (1)* enables the Rural Water Commission to publish a notice advising that water rights are available, inviting applications to purchase, and specifying the appropriate purchase terms.

*Sub-clause (2)* empowers the Commission to apportion water rights to an applicant.

*Sub-clause (3)* provides that an apportionment is subject to the published terms and conditions and to any specific terms and conditions that are notified to the applicant.

*Sub-clause (4)* sets down matters which the Commission must consider in assessing whether to make an allocation. These matters include drainage and salinity criteria, irrigation requirements and system capacity.

*Sub-clause (5)* protects a successful applicant's existing water right allocations.

*Sub-clause (6)* requires any new rights to be included in the Register of Lands.

*Sub-clause (7)* defines a "holding" for the purpose of this legislation.

*Clause 4* makes a consequential amendment to the *Water Act 1958*.

*Clause 5* amends the *Melbourne and Metropolitan Board of Works Act 1958*.

*Sub-clause (1)* increases penalties for offences in respect of the discharge of trade waste.

*Sub-clause (2)* amends section 187 to ensure that any financial accommodation obtained by the MMBW pursuant to the section is only secured on the credit of the Metropolitan General Fund and the rates payable into that Fund.

*Sub-clause (3)* increases penalties for offences related to Part XII of the Act.

*Clause 6* amends the *Environment Protection Act 1970* to increase penalties for certain intentional offences against that Act.