



Australian Capital Territory Water Management Legislation Amendment Act 2013

No. 147, 2013

**An Act to amend the law relating to the
management and regulation of water resources by
the Australian Capital Territory, and for related
purposes**

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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No. 147, 2013

**An Act to amend the law relating to the
management and regulation of water resources by
the Australian Capital Territory, and for related
purposes**

[Assented to 17 December 2013]

The Parliament of Australia enacts:

No. 147, 2013

*Australian Capital Territory Water Management Legislation
Amendment Act 2013*

1

1 Short title

This Act may be cited as the *Australian Capital Territory Water Management Legislation Amendment Act 2013*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	17 December 2013
2. Schedule 1	A single day to be fixed by Proclamation. However, if the provision(s) do not commence within the period of 12 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	17 December 2014
3. Schedule 2, item 1	21 November 2012.	21 November 2012
4. Schedule 2, item 2	The day after this Act receives the Royal Assent.	18 December 2013
5. Schedule 2, item 3	21 November 2012.	21 November 2012
6. Schedule 2, items 4 to 7	The day after this Act receives the Royal Assent.	18 December 2013
7. Schedule 3	A single day to be fixed by Proclamation. However, if the provision(s) do not commence within the period of 12 months beginning on the day this Act receives the	17 December 2014

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
	Royal Assent, they commence on the day after the end of that period.	

Note 1: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

Note 2: Items 1 and 3 of Schedule 2 to this Act amend provisions of the *Water Act 2007* that concern the Basin Plan under that Act (see items 3 and 5 of the table). The Basin Plan was adopted on 22 November 2012.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Australian Capital Territory (Planning and Land Management) Act 1988

1 Section 4

Insert:

take, in relation to water, has the same meaning as in the *Water Resources Act 2007* (ACT), as in force at the time this definition commences.

Note: This definition was inserted by the *Australian Capital Territory Water Management Legislation Amendment Act 2013*.

2 Section 6

Before “The functions”, insert “(1)”.

3 Paragraph 6(g)

Before “with the Minister’s approval”, insert “subject to subsection (2) and”.

4 At the end of section 6

Add:

- (2) The functions of the Authority under paragraph (1)(g) do not include:
- (a) the management of the taking of water on National Land; or
 - (b) the regulation of the taking of water on National Land.

Note 1: Regulations may be made for the purposes of section 27 of the *Australian Capital Territory (Self-Government) Act 1988* with the effect that the *Water Resources Act 2007* (ACT) binds the Crown in right of the Commonwealth in respect of National Land.

Note 2: The Authority retains the function of approving works in Designated Areas under section 12.

5 Section 29 (heading)

Repeal the heading, substitute:

29 Administration of Territory Land and the taking of water on National Land

6 At the end of subsection 29(1)

Add:

; and (c) has responsibility for:

- (i) the management of the taking of water on National Land; and
- (ii) the regulation of the taking of water on National Land.

7 Section 30 (heading)

Repeal the heading, substitute:

30 Territory liable as manager

8 Paragraph 30(2)(a)

Repeal the paragraph, substitute:

- (a) a liability arises in respect of:
 - (i) land at a time when it is Territory Land; or
 - (ii) the management of the taking of water on National Land; or
 - (iii) the regulation of the taking of water on National Land; and

Schedule 2—Water Act 2007

1 Subsection 22(1) (table item 2, column headed “Specific requirements”)

Before “The Authority must consult a State”, insert:

The surface water of the Googong Dam Area (within the meaning of the *Canberra Water Supply (Googong Dam) Act 1974*) must be included in a water resource plan area for which the Australian Capital Territory (and not New South Wales) prepares a water resource plan (see section 63A).

2 At the end of subsection 63(1)

Add:

Note: The surface water of the Googong Dam Area is to be treated as if it were located in the Australian Capital Territory (see section 63A).

3 After section 63

Insert:

63A Googong Dam Area to be treated as if located in the Australian Capital Territory

For the purposes of this Act, the surface water of the Googong Dam Area (within the meaning of the *Canberra Water Supply (Googong Dam) Act 1974*) is to be treated as if it were located in the Australian Capital Territory (and not in New South Wales).

4 At the end of subsection 65(2)

Add:

Note: The surface water of the Googong Dam Area is to be treated as if it were located in the Australian Capital Territory (see section 63A).

5 At the end of section 68

Add:

Note: The surface water of the Googong Dam Area is to be treated as if it were located in the Australian Capital Territory (see section 63A).

6 At the end of subsection 71(1)

Add:

Note: The surface water of the Googong Dam Area is to be treated as if it were located in the Australian Capital Territory (see section 63A).

7 At the end of section 75

Add:

Note: The surface water of the Googong Dam Area is to be treated as if it were located in the Australian Capital Territory (see section 63A).

Schedule 3—Canberra Water Supply (Googong Dam) Act 1974

1 Section 4 (after the heading)

Insert:

- (1) The Executive, on behalf of the Commonwealth, has the functions of managing, protecting and using the water resources of the Googong Dam Area in a way that is consistent with the objects of the *Water Resources Act 2007* (ACT).

2 Section 4

Omit “Subject to this section,”, substitute “(2) Without limiting the generality of subsection (1),”.

*[Minister’s second reading speech made in—
Senate on 13 November 2013
House of Representatives on 11 December 2013]*

(204/13)
