

EXPLANATORY MEMORANDUM

WATER CONSERVATION AND MANAGEMENT BILL 2003 (No. E225)

(Introduced by Hon. P. G. Pendal MLA)

This Bill proposes to make permanent, with minor modifications, the scheme for water restrictions currently imposed by the *Water Agencies (Water Restrictions) By-laws 1998* made under the *Water Agencies (Powers) Act 1984*. The Bill retains the power of the Water Corporation to change the degree of water restrictions by notices published in the *Government Gazette*. As the power conferred by the Water Corporation will now be conferred by the Act, rather than the existing by-laws, a requirement has been included for the Water Corporation to provide public reasons for its decisions and a power conferred on the Minister to cancel a notice of restrictions where the Minister considers that the restrictions are oppressive or unreasonable.

The transitional provisions provide that the existing water restrictions will continue until altered under the powers conferred by the Bill.

Clause 1 relates to the Short Title.

Clause 2 provides for the enactment to commence operation on the day on which it receives the Royal Assent.

Clause 3 provides a number of definitions relevant to the Bill.

Clause 4 prohibits the use of water supplied by the Water Corporation in contravention of the restrictions imposed by the Act or the Water Corporation.

An exception in favour of market gardens and plant nurseries is preserved in clause 4(2).

Clause 5 imposes the minimum stage of restrictions as the default position under the Act subject to the power of the Water Corporation to impose greater restrictions.

Clause 5(2) confers the power on the Water Corporation to alter water restrictions and clause 5(3) confirms that those restrictions may in turn be amended or revoked.

- Clause 6 requires the Water Corporation to prepare a report of its reasons for specifying a particular stage of restrictions and requires the Minister to cause that report to be laid before Parliament.
- Clause 7 confers the power on the Minister to cancel a notice of restrictions if the Minister considers the restrictions to be oppressive or unreasonable.
- Where the Minister cancels a notice of restrictions the restrictions revert to those immediately in force prior to that notice.
- The Minister is required to report to Parliament specifying the reasons for canceling the notice of restrictions.
- Clause 8 provides that the savings and transitional provisions in Schedule 2 have effect.
- Schedule 1 prescribes the various stages of restrictions which may be imposed by the Water Corporation. The stages are identical to those currently found in the *Water Agencies (Water Restrictions) By-laws 1998* made under the *Water Agencies (Powers) Act 1984*.
- Schedule 2 provides that the *Water Agencies (Water Restrictions) By-laws 1998* made under the *Water Agencies (Powers) Act 1984* will be repealed at the commencement of the Act and that any notices in force under those by-laws immediately prior to the commencement of the Act will continue in force until revoked or amended.