

Water (Waterway Management Tariffs) Act 1999
Act No. 65/1999

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Victoria

No. 65 of 1999

Water (Waterway Management Tariffs) Act 1999[†]

[Assented to 21 December 1999]

The Parliament of Victoria enacts as follows:

1. Purpose

The purpose of this Act is to amend the **Water Act 1989** to remove the power of Catchment Management Authorities to set tariffs in respect of certain functions exercised by those Authorities under the **Water Act 1989** and to provide for transitional arrangements for fees previously imposed by those Authorities under those tariffs.

2. Commencement

This Act comes into operation on the day on which it receives the Royal Assent.

3. Amendment of section 144 of the Water Act 1989

- (1) In section 144(1)(d) of the **Water Act 1989**, after "waterway management district" **insert** "and the Authority has made provision for regional drainage or floodplain management services that are of direct benefit to that land".
- (2) In section 144(2)(a) of the **Water Act 1989**, **omit** "except in the case of land within the Authority's waterway management district,".
- (3) In section 144(4)(c) of the **Water Act 1989**, after "waterway management district" **insert** "and which are directly benefited by regional drainage or floodplain management services provided by the Authority".

No. 80/1989.
Reprint No. 5
as at 18 May
1999. Further
amended by
No. 22/1999.

4. Insertion of new section to follow section 260 of the Water Act 1989

After section 260 of the **Water Act 1989** **insert**—

'260A. Limits on power of certain Authorities to set tariffs

- (1) A Catchment Management Authority must not set a tariff in respect of a function the Authority has under Part 10 other than any function the Authority has under Division 3 or Division 4 of that Part.
- (2) In this section "**Catchment Management Authority**" means an Authority that has functions conferred on it by section 13 of the **Catchment and Land Protection Act 1994** and has a waterway management district.'

5. Insertion of new section to follow section 329 of the Water Act 1989

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After section 329 of the **Water Act 1989** insert—

'330. *Transitional provisions for removal of power to set fees under tariffs*

- (1) Subject to this section, any notice by a Catchment Management Authority declaring any land to be a serviced property for the purposes of this Act ceases to have effect on the commencement of the **Water (Waterway Management Tariffs) Act 1999**.
- (2) The commencement of the **Water (Waterway Management Tariffs) Act 1999** does not affect any right a Catchment Management Authority had before that commencement to set a tariff and impose a fee under Division 5 of Part 13 for any period before 1 July 1999, and the Authority may continue to collect any unpaid fee under a tariff which has been imposed in respect of a property before that commencement for any such period.
- (3) If a Catchment Management Authority has, before the commencement of the **Water (Waterway Management Tariffs) Act 1999**, set a tariff and imposed a fee under Division 5 of Part 13 for the period beginning on 1 July 1999 and ending on 30 June 2000, then—
 - (a) if that fee or any part of that fee has been paid to the Authority, the Authority must repay the amount so paid to the person who paid it; and
 - (b) if that fee or any part of that fee has not been paid to the Authority, the Authority is not entitled to collect it.

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- (4) Any amount required to be repaid to a person under sub-section (3)(a) is a debt due to the person by the Authority and may be recovered in a court of competent jurisdiction.
- (5) In this section "**Catchment Management Authority**" has the same meaning as in section 260A.!
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- † *Minister's second reading speech—*
Legislative Assembly: 25 November 1999
Legislative Council: 14 December 1999

The long title for the Bill for this Act was "to amend the **Water Act 1989** to remove the power of Catchment Management Authorities to set tariffs in respect of certain functions exercised by those Authorities under the **Water Act 1989** and to provide for transitional arrangements for fees previously imposed by those Authorities under those tariffs and for other purposes."