

TASMANIA

**WATER AND SEWERAGE INDUSTRY
(CONSEQUENTIAL AND TRANSITIONAL) BILL
2008**

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**WATER AND SEWERAGE INDUSTRY
(CONSEQUENTIAL AND TRANSITIONAL) BILL
2008**

*(Brought in by the Minister for Primary Industries and Water,
the Honourable David Edward Llewellyn)*

A BILL FOR

**An Act to amend certain Acts consequential on the
enactment of the *Water and Sewerage Corporations Act
2008* and the *Water and Sewerage Industry Act 2008* and to
enact transitional provisions consequential on the
enactment of the *Water and Sewerage Industry Act 2008***

Be it enacted by His Excellency the Governor of Tasmania, by
and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Water and
Sewerage Industry (Consequential and
Transitional) Act 2008*.

2. Commencement

The provisions of this Act commence on a day
or days to be proclaimed.

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3. Consequential amendments

The legislation specified in Schedule 1 is amended as specified in that Schedule.

4. Legislation repealed

The legislation specified in Schedule 2 is repealed.

5. Transitional provisions

- (1) Unless the contrary intention appears, an expression used in this section has the same meaning as it has in the *Water and Sewerage Industry Act 2008*.
- (2) Where a licence under Part 6 of the *Water Management Act 1999* is the subject of a transfer order published in the *Gazette* in accordance with section 41(1) of the *Water and Sewerage Corporations Act 2008*, the licence is taken to –
 - (a) be a licence granted under the *Water Management Act 1999* to the transferee referred to in the transfer order; and
 - (b) continue on the same terms and conditions as specified in the licence immediately before the day specified in the transfer order as the day on which the order takes effect, as if a reference in the licence to the transferor referred to in that

order were a reference to the transferee referred to in that order.

- (3) Where an environment protection notice, within the meaning of the *Environmental Management and Pollution Control Act 1994*, is the subject of a transfer order published in the *Gazette* in accordance with section 41(1) of the *Water and Sewerage Corporations Act 2008*, the notice is taken to –
- (a) be an environment protection notice served under the *Environmental Management and Pollution Control Act 1994* on the transferee referred to in the transfer order; and
 - (b) continue on the same terms and conditions as specified in the notice immediately before the day specified in the transfer order as the day on which the order takes effect, as if a reference in the notice to the transferor referred to in that order were a reference to the transferee referred to in that order.
- (4) Where a permit is taken to have been granted under clause 3 of Schedule 6 to the *Environmental Management and Pollution Control Act 1994* in respect of scheduled premises which –
- (a) are under the control of the transferor referred to in the transfer order published in the *Gazette* in accordance with section

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- 41(1) of the *Water and Sewerage Corporations Act 2008*; and
- (b) are the subject of such an order –
- the permit is taken to –
- (c) be a permit granted under the *Land Use Planning and Approvals Act 1993* in respect of scheduled premises which, by virtue of the transfer order, become under the control of the transferee; and
- (d) continue on the same terms and conditions as specified in the permit.
- (5) Where a right to take water for domestic purposes has been granted by an undertaker under the *Irrigation Clauses Act 1973* and that right is the subject of a transfer order published in the *Gazette* in accordance with section 41(1) of the *Water and Sewerage Corporations Act 2008*, that right is taken to –
- (a) be a right granted under the *Irrigation Clauses Act 1973* to the transferee as specified in the transfer order; and
- (b) continue on the same terms and conditions as specified in the right immediately prior to the day specified in the transfer order as the day on which that order takes effect, as if a reference in the right to the transferor referred to in that order were a reference to the transferee referred to in that order.

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(6) Where a customer –

- (a) of a council is being charged under the *Local Government Act 1993* for water services or sewerage services; or
- (b) of a bulk water authority established as a joint authority is being charged under the *Local Government Act 1993* for water services –

the customer is taken to be a customer of the relevant Regional Corporation, within the meaning of the *Water and Sewerage Corporations Act 2008*, until a customer contract is entered into under Division 4 of Part 4 of the *Water and Sewerage Industry Act 2008*.

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SCHEDULE 1 – CONSEQUENTIAL AMENDMENTS

Section 3

Civil Liability Act 2002

1. Section 37 is amended by inserting after paragraph (e) in the definition of “public or other authority” the following paragraphs:
 - (ea) a Regional Corporation, or a Common Services Corporation, within the meaning of the *Water and Sewerage Corporations Act 2008*; or
 - (eb) a regulated entity within the meaning of the *Water and Sewerage Industry Act 2008*; or

Fire Service Act 1979

1. Section 110 is repealed and the following section is substituted:
 - 110. Power to use water for fires and drills, &c., without charge**
 - (1) The Commission and any brigade is, at all times –
 - (a) to have the right to use, free of charge, all reticulated water mains, water plugs, valves, pipes, and works or water supply vested

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in, or under the control of, any regulated entity, local authority or other public body, and of all water in any dam, tank or well belonging to any person, for the purpose of extinguishing any fire; and

- (b) to have the reasonable use, free of charge, of any of those reticulated water mains, water plugs, valves, pipes, and works or water supply, for the purpose of any drill, demonstration, practice or competition carried out by the Commission or a brigade.

- (2) For the purposes of subsection (1), “**regulated entity**” has the same meaning as in the *Water and Sewerage Industry Act 2008*.

Fluoridation Act 1968

1. Section 2 is amended by omitting “any council, board, commission, committee, trustees, or other person or body of persons authorized by a law to provide, operate, manage, or control a public water supply” from the definition of “water supply authority” and substituting “a regulated entity, within the meaning of the *Water and Sewerage Industry Act 2008*”.

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2. Section 13 is amended as follows:

- (a) by omitting “any fluoridation works it is required to construct or install under this Act in respect of”;
- (b) by omitting “under its control”.

Government Prices Oversight Act 1995

- 1. Schedule 1 is amended by omitting items 1, 2 and 3.**

Irrigation Clauses Act 1973

- 1. Section 2(1) is amended by omitting ‘, except in the case of the *Local Government (Building and Miscellaneous Provisions) Act 1993*, of which “the special Act” means Divisions 1 and 2 of Part 6’ from the definition of “the special Act”.**
- 2. Section 24(2) is amended by inserting “or a regulated entity, within the meaning of the *Water and Sewerage Industry Act 2008*” after “that Act”.**

Local Government (Building and Miscellaneous Provisions) Act 1993

- 1. Section 83(5)(a) is amended as follows:**

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- (a) by omitting subparagraph (i);
- (b) by omitting from subparagraph (ii) “sewerage or”.

2. Section 86 is amended as follows:

- (a) by omitting paragraphs (a) and (b) from subsection (2);
- (b) by omitting from subsection (4)(a) “water main, common sewer or”;
- (c) by omitting from subsection (4)(a) “subsection (2)(a), (b) or (c)” and substituting “subsection (2)(c)”.

3. Part 6 is repealed.

4. Division 3 of Part 8 is amended by omitting “*sewers*” from the heading to that Division and substituting “*drains*”.

5. Section 248 is amended as follows:

- (a) by omitting from subsection (1)(a) “sewer or” three times occurring;
- (b) by omitting from subsection (1)(b) “sewer or”;

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(c) by omitting from subsection (2)(a) “sewer or”;

(d) by omitting from subsection (3) “sewer or” twice occurring.

6. Division 4 of Part 8 is amended by omitting “*Sewers and*” from the heading to that Division.

7. Section 250 is repealed.

8. Section 251(3) is amended by omitting “section 25 of the *Sewers and Drains Act 1954*” and substituting “section 25 of the *Drains Act 1954*”.

9. After section 251, the following Division is inserted in Part 8:

Division 5 – Irrigation undertakings

251A. Irrigation undertakings

A provision of the *Local Government Act 1993* relating to a construction rate applies to an irrigation district established by a council under Part 9 of the *Water Management Act 1999*.

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Local Government Act 1993

1. Section 3 is amended by omitting the definitions of “volumetric charge”, “volumetric charge notice”, “volumetric charge period”, “water meter” and “water system”.
2. Section 86 is amended by omitting paragraph (ab) from the definition of “rate”.
3. Section 93(1) is amended by omitting paragraphs (a) and (b).
4. Section 94A is repealed.
5. Section 95 is amended by omitting subsections (2), (3), (3A), (4), (5) and (6).
6. Section 96 is amended by omitting the definitions of “drainage district” and “water district” and substituting the following definition:

“drainage district” means a district appointed, defined and named as such under the *Drains Act 1954*.

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7. Section 97 is amended as follows:

- (a) by omitting subsection (1) and substituting the following subsection:

(1) A council, when making a general rate in respect of each financial year, may make a construction rate or construction charge for that financial year in respect of land that is within a drainage district and more than 30 metres, at the nearest boundary, from the council's pipe supplying a drain connection.

- (b) by omitting from subsection (2) "supplied with water or";

- (c) by omitting from subsection (2) "or sewer".

8. Section 98(1) is amended by omitting "water district, sewerage district or".

9. Section 99(a) is amended as follows:

- (a) by omitting "supplied with water or";

- (b) by omitting "sewer or".

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10. Section 107(1) is amended by omitting paragraph (ba).
11. Section 120 is amended as follows:
 - (a) by omitting from subsection (4) “or volumetric charge notice”;
 - (b) by omitting subsection (6).
12. Section 122(1) is amended by omitting “, other than a volumetric charge,”.
13. Section 123A is repealed.
14. Part 9A is repealed.
15. Section 208(2) is amended by omitting “, section 60 of the *Waterworks Clauses Act 1952* and section 13 of the *Sewers and Drains Act 1954*” and substituting “and section 13 of the *Drains Act 1954*”.

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Midway Point Improvement Act 1975

1. Section 3(1)(b) is amended by omitting “section 8 of the *Sewers and Drains Act 1954*” and substituting “section 8 of the *Drains Act 1954*”.

Plumbers and Gas-fitters Registration Act 1951

1. Section 9(2B) is amended by omitting “sewerage or drainage district appointed under the *Sewers and Drains Act 1954*” and substituting “drainage district appointed under the *Drains Act 1954*”.

Public Health Act 1997

1. Section 3 is amended as follows:
 - (a) by omitting the definition of “private water source” and substituting the following definition:

“private water source” means any water used or supplied for human consumption, other than water supplied by a regulated entity;
 - (b) by inserting the following definition after the definition of “registered”:

“regulated entity” means a regulated entity within the meaning of the *Water and Sewerage Industry Act 2008*;

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2. Section 128 is amended as follows:

- (a) by omitting from subsection (1) “or” first occurring and substituting “, regulated entity or other”;
- (b) by omitting subsection (2) and substituting the following subsection:
 - (2) If the Director receives a notification under subsection (1), the Director is to notify any relevant public authority or regulated entity if the notification relates to water it is managing or in control of.
- (c) by inserting the following subsection after subsection (3):
 - (4) If a regulated entity receives a report from an environmental health officer or the Director, or itself identifies, that the quality of water the regulated entity is managing or is in control of is, or is likely to become, a threat to public health, the regulated entity must take any necessary and practicable action in accordance with any relevant guidelines to prevent the threat by –
 - (a) restricting or preventing the use of water; or

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(b) rendering the water safe;
or

(c) giving warnings and
information to the public
about the safe use of
water or the risk of using
water.

3. Section 129 is amended as follows:

- (a) by inserting in subsection (1)(f) “, regulated entity” after “authority”;
- (b) by omitting from subsection (3) “or a council may” and substituting “, an environmental health officer or a public authority may”.

4. Section 130 is amended as follows:

- (a) by inserting in subsection (2) “, regulated entity” after “authority”;
- (b) by inserting in subsection (3) “, regulated entity” after “authority”.

5. Section 131(2) is amended by inserting “, regulated entity” after “authority”.

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6. Section 132 is amended as follows:

- (a) by inserting in subsection (1) “, regulated entity” after “authority”;
- (b) by inserting in subsection (3) “, regulated entity” after “any Agency, public authority”;
- (c) by inserting in subsection (3) “, regulated entity” after “the Agency, public authority”.

7. Section 133(1) is amended by inserting “, regulated entity” after “authority”.

Sewers and Drains Act 1954

1. The long title is amended by omitting “**sewerage and**”.

2. Section 1 is amended by omitting “*Sewers and*”.

3. Section 2 is amended as follows:

- (a) by omitting “sewers and drains” first occurring from the definition of “associated works” in subsection (1) and substituting “drains and systems”;

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- (b) by omitting “sewers and” second occurring from the definition of “associated works” in subsection (1);
- (c) by omitting the definition of “cesspool” from subsection (1);
- (d) by omitting the definition of “common sewer” from subsection (1) and substituting the following definition:

“common drain” means a drain, other than a natural watercourse, into which any person who so desires may under this Act or otherwise discharge natural water or concentrated natural water from his or her land;

- (e) by omitting “sewerage district or” from the definition of “district” in subsection (1);
- (f) by omitting the definition of “private sewer” from subsection (1) and substituting the following definition:

“private drain” means a drain other than a common drain;

- (g) by omitting the definition of “sewage disposal works” from subsection (1);
- (h) by omitting “sewerage system or” from the definition of “system” in subsection (1);

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- (i) by omitting paragraph (a) from subsection (2).
- 4. Part II is amended by omitting “**SEWERAGE AND**” from the heading to that Part.
- 5. Section 3 is amended as follows:
 - (a) by omitting from subsection (1) “sewers” twice occurring and substituting “drains”;
 - (b) by omitting from subsection (1) “sewage disposal works or otherwise,” and substituting “drains, systems or associated works,”;
 - (c) by omitting subsection (2).
- 6. Section 4 is amended as follows:
 - (a) by omitting subsection (2);
 - (b) by omitting from subsection (3) “shall” twice occurring and substituting “may”.
- 7. Section 6(1) is amended by omitting ““The (*name of District*) Sewerage (*or Drainage*) District”” and substituting ““The (*name of District*) Drainage District””.

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8. Section 7 is amended as follows:

- (a) by omitting from subsection (1)(c) “sewerage or”;
- (b) by omitting from subsection (2) “sewerage or”.

9. Section 8 is amended as follows:

- (a) by omitting paragraphs (d), (e), (f), (g), (h), (i) and (j) from subsection (2);
- (b) by omitting paragraphs (d), (e), (f), (g), (h), (i) and (j) from subsection (3).

10. Section 10 is amended as follows:

- (a) by omitting from subsection (1) “sewers” and substituting “drains”;
- (b) by omitting from subsection (1) “sewer” twice occurring and substituting “drain”;
- (c) by omitting from subsection (1) “sewage disposal works” and substituting “a system”;
- (d) by omitting from subsection (5) “sewer” first occurring and substituting “drain”;
- (e) by omitting from subsection (5) “sewers or sewage disposal works” and substituting “drains or system”;

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- (f) by omitting from subsection (5) “sewage to the sewer” and substituting “discharge into the drain”;
- (g) by omitting from subsection (6) “sewers” and substituting “drains”;
- (h) by omitting from subsection (6) “sewer” twice occurring and substituting “drain”;
- (i) by omitting from subsection (6) “sewage” and substituting “natural water or concentrated natural water”.

11. Section 11 is amended as follows:

- (a) by omitting from subsection (1) “sewer or sewage disposal works” and substituting “drain, system or associated works”;
- (b) by omitting from subsection (1) “sewer or works” and substituting “drain, system or associated works”;
- (c) by omitting from subsection (2) “sewer or works” and substituting “drain, system or associated works”;
- (d) by omitting from subsection (3) “sewers or sewage disposal works” and substituting “drains, systems or associated works”;

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- (e) by omitting from subsection (6)(a) “sewer or works” and substituting “drain, system or associated works”;
- (f) by omitting from subsection (6)(b) “sewer” and substituting “drain”;
- (g) by omitting from subsection (6)(c) “sewer” and substituting “drain”;
- (h) by omitting from subsection (6)(c) “sewage” and substituting “discharge”;
- (i) by omitting from subsection (6)(d) “sewer or works” and substituting “drain, system or associated works”;
- (j) by omitting from subsection (7) “sewer” twice occurring and substituting “drain”;
- (k) by omitting from subsection (8) “sewer” and substituting “drain”;
- (l) by omitting from subsection (9) “sewer or sewage disposal works” and substituting “drain, system or associated works”;
- (m) by omitting from subsection (10) “sewer or sewage disposal works” and substituting “drain, system or associated works”;
- (n) by omitting from subsection (11) “sewer” four times occurring and substituting “drain”.

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12. Section 12 is amended as follows:

- (a) by omitting from subsection (1) “sewer or sewage disposal works” and substituting “drain, system or associated works”;
- (b) by omitting from subsection (1) “sewer or works” three times occurring and substituting “drain, system or associated works”;
- (c) by omitting from subsection (2) “sewer or sewage disposal works” and substituting “drain, system or associated works”.

13. Section 12A is repealed.

14. Section 13 is amended as follows:

- (a) by omitting “sewers” first occurring and substituting “drains, other than natural watercourses,”;
- (b) by omitting from paragraph (a) “sewerage” and substituting “drainage”;
- (c) by omitting from paragraph (b) “sewers” and substituting “drains”;
- (d) by omitting from paragraph (c) “sewers” and substituting “drains”.

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15. Section 15 is amended as follows:

- (a) by omitting from subsection (1) “sewer” twice occurring and substituting “drain”;
- (b) by omitting from subsection (2) “sewer” four times occurring and substituting “drain”;
- (c) by omitting from subsection (2) “drains” and substituting “discharges”;
- (d) by omitting paragraph (a) from subsection (3);
- (e) by omitting from subsection (3)(b) “sewers” and substituting “drains”.

16. Section 16 is amended as follows:

- (a) by omitting from subsection (1)(a) “sewers and”;
- (b) by omitting paragraph (b) from subsection (1);
- (c) by omitting from subsection (1)(d) “sewer or any sewage disposal works” and substituting “drain”;
- (d) by omitting from subsection (2)(a) “Sewers and drains” and substituting “Drains”;

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- (e) by omitting from subsection (2)(b) “Sewers and drains” and substituting “Drains”;
- (f) by omitting paragraphs (c) and (d) from subsection (2);
- (g) by omitting from subsection (3) “sewers and”;
- (h) by omitting from subsection (3)(a)(i) “sewer” and substituting “drain”;
- (i) by omitting from subsection (3)(b) “sewer” and substituting “drain”.

17. Section 17 is amended as follows:

- (a) by omitting from subsection (1) “sewer or drain or any sewage disposal works” and substituting “drain, system or associated works”;
- (b) by omitting from subsection (3) “sewer or”.

18. Section 18 is amended as follows:

- (a) by omitting from subsection (1) “sewers and” first occurring;
- (b) by omitting from subsection (1) “sewers and drains as well as to the laying and

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maintenance of water mains and pipes”
and substituting “drains”;

- (c) by omitting from subsection (2) “sewer or”.

19. Section 21(5) is amended by omitting “sewers and”.

20. Section 22(1) is amended as follows:

- (a) by omitting “commissioners of sewers” and substituting “Corporation, within the meaning of the *Water and Sewerage Corporations Act 2008*”;
- (b) by omitting “those commissioners” and substituting “the relevant Corporation”.

21. Section 25 is amended as follows:

- (a) by omitting from subsection (3) “sewer or”;
- (b) by omitting from subsection (3) “or sewage treatment or disposal works, or sewage farm,” and substituting “system or associated works”;
- (c) by omitting from subsection (4) “sewer or”;

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(d) by omitting from subsection (4) “sewer”
second occurring and substituting
“drain”.

22. Section 26(1) is amended by omitting “Sewers”
and substituting “Drains”.

23. Section 27(1) is amended by omitting “sewer,”.

24. Section 29 is repealed.

25. Section 30 is amended by omitting subsection
(7) and substituting the following subsections:

(7) A land owner who receives a notice
under subsection (6) may, within the
thirty days or such further time as the
local authority may allow, object by
notice to the amount of the claim on the
ground –

(a) that the total amount divided
under subsection (6) contains
some amount not properly
included; or

(b) that the portion claimed is
excessive or unreasonable.

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- (8) Any objection made under subsection (7), until dealt with by the local authority, bars all proceedings on the local authority's claim, and the local authority may –
 - (a) accept the objection, in which case it is to give effect to it; or
 - (b) agree with the land owner on his or her liability; or
 - (c) confirm the amount of its claim.
- (9) A land owner who is aggrieved by the decision of the local authority under subsection (8)(c) may apply to the Magistrates Court (Administrative Appeals Division) for a review of the decision.
- (10) In addition to its power under the *Magistrates Court (Administrative Appeals Division) Act 2001*, the Magistrates Court (Administrative Appeals Division) may –
 - (a) order the local authority to leave out of account any amount not properly included in the total amount divisible under subsection (6) and to recalculate the amounts payable by the several land owners; or

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- (b) reduce the amount to be recovered from the objecting land owner.
- (11) No defence which might have been raised by way of objection under this section is admissible in proceedings by the local authority for the recovery of moneys due under this section.
- (12) At the expiry of a notice under subsection (6), the amount claimed in the notice is a charge on the land and recoverable, by the local authority from the land owner to whom the notice was given, under the *Local Government Act 1993*.
- (13) Where a land owner objects under subsection (7), the operation of subsection (12) is –
 - (a) wholly suspended until proceedings on the objection are terminated, if the objection is on the ground set out in paragraph (a) of subsection (7); or
 - (b) suspended in respect of the objector's land until proceedings on the objection are terminated, if the objection is on the ground set out in paragraph (b) of subsection (7).

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- 26.** Section 31(4) is amended by omitting “subsection (5) of section twenty-nine” and substituting “subsection (7) of section 30”.
- 27.** Section 34 is amended as follows:
- (a) by omitting from subsection (1) “sewers” first occurring and substituting “drains”;
 - (b) by omitting from subsection (1) “sewers,”;
 - (c) by omitting from subsection (1) “sewer,”;
 - (d) by omitting from subsection (1) “sewers” third occurring and substituting “drains”;
 - (e) by omitting from subsection (3) “sewers,” twice occurring.
- 28.** Part V is amended by omitting “**SEWERS AND**” from the heading to that Part.
- 29.** Section 36 is amended by omitting “sewers, drains, and other works” and substituting “drains, systems or associated works”.
- 30.** Section 37 is amended as follows:
- (a) by omitting from subsection (1) “sewer” twice occurring and substituting “drain”;

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- (b) by omitting from subsection (1) “sewage or”;
- (c) by omitting from subsection (2) “sewer” four times occurring and substituting “drain”;
- (d) by omitting from subsection (2) “sewers or”.

31. Section 38 is amended as follows:

- (a) by omitting from subsection (1)(a) “sewer” and substituting “drain”;
- (b) by omitting from subsection (1)(b) “sewer” twice occurring and substituting “drain”;
- (c) by omitting from subsection (1) “sewer” fourth occurring and substituting “drain”;
- (d) by omitting from subsection (2) “sewer” and substituting “drain”;
- (e) by omitting from subsection (3) “sewer” and substituting “drain”.

32. Part VI is amended by omitting “**SEWERS AND**” from the heading to that Part.

33. Section 39 is amended as follows:

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- (a) by omitting from subsection (1) “sewer or”;
- (b) by omitting from subsection (2) “sewer or”.

34. Section 40 is amended as follows:

- (a) by omitting from subsection (1) “system other than a general or limited sewerage system or a sanitary drainage system” and substituting “drainage system”;
- (b) by omitting subsection (2) and substituting the following subsection:
 - (2) Simple sullage water is not to be discharged into any drainage system.
- (c) by omitting from subsection (3)(b) “sewer” and substituting “drain”;
- (d) by omitting from subsection (3)(d) “a land drainage, urban land drainage, stormwater drainage, household drainage, or general sewerage system” and substituting “an urban land drainage system or a stormwater drainage system”.

35. Section 41 is amended as follows:

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- (a) by omitting from subsection (1)(a) “sewer” and substituting “drain”;
 - (b) by omitting from subsection (1)(b) “sewer or”;
 - (c) by omitting from subsection (1)(b) “sewer” second occurring and substituting “drain”;
 - (d) by omitting from subsection (1)(b) “sewer” third occurring and substituting “drain”;
 - (e) by omitting from subsection (1A) “sewer” and substituting “drain”;
 - (f) by omitting from subsection (3)(a) “sewage disposal works” and substituting “drain, system or associated works”;
 - (g) by omitting from subsection (3)(a) “works” second occurring and substituting “drain, system or associated works”;
 - (h) by omitting from subsection (3)(a) “works” third occurring and substituting “drain, system or associated works”.

36. Section 43 is amended by omitting “sewer” and substituting “drain”.

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37. Section 44 is amended as follows:

- (a) by omitting from subsection (1) “sewer” and substituting “drain”;
- (b) by omitting from subsection (4) “sewer” and substituting “drain”.

38. Section 45 is amended as follows:

- (a) by omitting from subsection (1) “sewer” four times occurring and substituting “drain”;
- (b) by omitting from subsection (3) “sewer” three times occurring and substituting “drain”;
- (c) by omitting from subsection (5) “sewer” and substituting “drain”;
- (d) by omitting from subsection (6) “sewer” and substituting “drain”.

39. Section 47 is amended as follows:

- (a) by omitting from subsection (1) “sewer” first occurring and substituting “drain”;
- (b) by omitting from subsection (1) “sewer or a cesspool,” and substituting “drain”;
- (c) by omitting from subsection (1) “sewer” third occurring and substituting “drain”;

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- (d) by omitting from subsection (1) “sewer” fourth occurring and substituting “drain”;
 - (e) by omitting from subsection (1) “sewer and fill up the cesspool, if any,” and substituting “drain,”;
 - (f) by omitting from subsection (2) “sewer” and substituting “drain”.

40. Section 50 is amended as follows:

- (a) by omitting subsections (1) and (2) and substituting the following subsections:
 - (1) This section applies in –
 - (a) land drainage districts;
and
 - (b) urban land drainage districts; and
 - (c) stormwater drainage districts.
 - (2) Where a new building is erected, the local authority may require, by refusal to grant a permit under the *Building Act 2000*, the building owner –
 - (a) in the case of a land drainage district, to make satisfactory provision for

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the carrying off of natural water from the building curtilage or grounds into the system for the district; and

(b) in the case of an urban land drainage district, to make satisfactory provision for the carrying off of natural water or concentrated natural water from the building and its curtilage or grounds into the system for the district; and

(c) in the case of a stormwater drainage district, to make satisfactory provision for the carrying off of concentrated natural water from the building and its curtilage into the system for the district.

(b) by omitting from subsection (4)(a) “sewer” and substituting “drain”;

(c) by omitting from subsection (5) “sewer” twice occurring and substituting “drain”.

41. Section 51 is amended as follows:

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- (a) by omitting subsections (1) and (2) and substituting the following subsections:

- (1) If it appears to the local authority that, in the case of a building, satisfactory provision has not been, and ought to be, made for the carrying off of –

- (a) natural water; or
- (b) natural water, whether concentrated or not; or
- (c) concentrated natural water –

the local authority is to, by notice, require the owner or occupier, as the case may require, of the building to take appropriate action as provided in subsection (2).

- (2) For the purposes of subsection (1) –

“appropriate action” means to make satisfactory provision for the carrying off from the building of –

- (a) natural water; or
- (b) natural water, whether concentrated or not; or

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(c) concentrated natural
water.

(b) by omitting subsection (4);

(c) by omitting subsections (6) and (7).

42. Section 51A is amended as follows:

(a) by omitting subsection (1) and substituting the following subsection:

(1) This section applies in –

(a) land drainage districts;
and

(b) urban land drainage
districts; and

(c) stormwater drainage
districts.

(b) by omitting from subsection (2) “sewer” and substituting “drain”.

43. Section 52(1) is amended as follows:

(a) by omitting “sewer” first occurring and substituting “drain”;

(b) by omitting “sewer” second occurring and substituting “drain”;

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- (c) by omitting from paragraph (a) “sewer” and substituting “drain”;
- (d) by omitting from paragraph (b) “sewer” and substituting “drain”.

44. Section 54 is amended as follows:

- (a) by omitting from subsection (1) “sewer” twice occurring and substituting “drain”;
- (b) by omitting from subsection (3) “sewer” and substituting “drain”.

45. Section 57 is repealed.

46. Section 59 is amended by omitting subsection (2).

47. Section 63 is repealed.

48. Part X is repealed.

49. Section 76 is amended by omitting “sewerage” and substituting “drainage”.

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50. Section 77 is amended by omitting “sewerage authority or”.

51. Section 78(1) is amended as follows:

- (a) by omitting from paragraph (c) “sewerage authority or”;
- (b) by omitting from paragraph (d)(ii) “sewer or” and substituting “drain, system or”.

52. Section 86 is amended as follows:

- (a) by omitting from subsection (1) “sewerage authority or”;
- (b) by omitting paragraph (a) from subsection (3);
- (c) by omitting from subsection (5) “sewerage authority or”.

Tasmanian Public Finance Corporation Act 1985

1. The definition of “participating authority” in section 3(1) is amended as follows:

- (a) by omitting from paragraph (c) “Crown;” and substituting “Crown; or”;

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(b) by inserting the following paragraph after paragraph (c):

(d) a Regional Corporation, or the Common Services Corporation, within the meaning of the *Water and Sewerage Corporations Act 2008*;

Water Management Act 1999

1. The definition of “water entity” in section 3(1) is amended as follows:

(a) by omitting from paragraph (g) “*Cooperatives Act 1999* –” and substituting “*Cooperatives Act 1999*; or”;

(b) by inserting the following paragraph after paragraph (g):

(h) a Regional Corporation within the meaning of the *Water and Sewerage Corporations Act 2008* –

2. Section 166 is amended as follows:

(a) by omitting from subsection (1)(e) “applies.” and substituting “applies; and”;

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(b) by inserting the following paragraph after paragraph (e) in subsection (1):

(f) a Regional Corporation within the meaning of the *Water and Sewerage Corporations Act 2008*.

(c) by omitting subsection (2).

Waterworks Clauses Act 1952

1. Section 2 is amended by omitting “, including Part 6 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*” from the definition of “the special Act”.
2. Section 27(1) is amended by omitting “, or, if the undertakers are a municipal council, within their municipality,”.

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SCHEDULE 2 – LEGISLATION REPEALED

Section 4

Hobart Regional Water (Arrangements) Act 1996 (No. 58 of
1996)

Northern Regional Water (Arrangements) Act 1997 (No. 17 of
1997)

North West Regional Water (Arrangements) Act 1997 (No. 54
of 1997)