



WATER AMENDMENT ACT 1989

No. 37 of 1989

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WATER AMENDMENT ACT 1989

No. 37 of 1989

AN ACT to amend the *Water Act 1957* and to repeal the *Rivers Pollution Act 1881*

[Royal Assent 4 October 1989]

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:—

Short title

1—This Act may be cited as the *Water Amendment Act 1989*.

Commencement

2—This Act shall commence on the day on which it receives the Royal Assent.

Principal Act

3—In this Act, the *Water Act 1957** is referred to as the Principal Act.

Part IV: Division 4A inserted

4—After section 107 of the Principal Act, the following Division is inserted:—

*Division 4A—Obstruction, &c. of rivers***Prohibition of putting matter into river so as to interfere with natural flow**

107A—Except as may be permitted by this or any other Act, a person who puts or causes to be put, to fall, or to be carried, into a river any article or thing so as to cause an obstruction in the river, to interfere with its natural flow, or to tend to bring about any such obstruction or interference is guilty of an offence and is liable on summary conviction to a fine not exceeding 40 penalty units and a daily fine not exceeding 10 penalty units.

Section 108 amended (Control of pollution)

5—Section 108 (3) of the Principal Act is amended by omitting “*Rivers Pollution Act 1881*” and substituting “provisions of the *Environment Protection Act 1973* relating to the pollution of rivers and lakes and of section 107A of this Act”.

Section 111 amended (Rivers may be made public sullage, &c., drains)

6—Section 111 (5) of the Principal Act is amended by omitting “stream” and “*Rivers Pollution Act 1881*” and substituting “river” and “*Environment Protection Act 1973*”, respectively.

Section 112 amended (Rivers may be made private sullage, &c., drains)

7—Section 112 (2) of the Principal Act is amended by omitting “*Rivers Pollution Act 1881*” and substituting “*Environment Protection Act 1973*”.

* No. 39 of 1957. For this Act, as amended up to and including 1st March 1983, see the continuing Reprint of Statutes. Subsequently amended by No. 62 of 1976, Nos. 4, 29, and 54 of 1984, Nos. 10, 51, 68, and 85 of 1985, and No. 63 of 1988.

Section 114 amended (Other drain and sewer outfalls)

8—Section 114 of the Principal Act is amended as follows:—

- (a) by omitting from subsection (1) “section 3 of the *Rivers Pollution Act 1881* in respect of polluting the waters of a stream or under section 4 of that Act” and substituting “the *Environment Protection Act 1973*”;
- (b) by omitting from subsection (2) “stream within the meaning of the *Rivers Pollution Act 1881*” and substituting “river”;
- (c) by omitting from subsection (3) “*Rivers Pollution Act 1881*” and substituting “*Environment Protection Act 1973*”.

Consequential amendment of the *Wesley Vale Pulp and Paper Industry Act 1961*

9—Section 3 (3) of the *Wesley Vale Pulp and Paper Industry Act 1961** is amended by omitting “the *Rivers Pollution Act 1881*” and substituting “Division 4A or 5 of Part IV of the *Water Act 1957*”.

***Rivers Pollution Act 1881* repealed**

10—The *Rivers Pollution Act 1881*† is repealed.

* No. 48 of 1961.

† 45 Vict. No. 17.

