

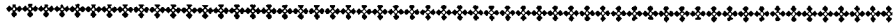


WATER AMENDMENT ACT (No. 2) 1985

No. 85 of 1985

TABLE OF PROVISIONS

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AN ACT to amend the Water Act 1957.

[Royal Assent 1 November 1985]

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—This Act may be cited as the *Water Amendment Act (No. 2)* 1985. Short title.

2—This Act shall commence on the day fixed by proclamation under section 2 (2) of the *Groundwater Act* 1985. Commencement.

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

Amendment of section 3 of Principal Act (Interpretation).

**4**—Section 3 of the Principal Act is amended as follows:—

(a) by inserting after the definition of “Commission” the following definition:—

“groundwater” means any water contained in, or occurring in, a geological formation that is capable of yielding to a well;

(b) by omitting “back.” from the definition of “take” and substituting “back;”;

(c) by inserting after the definition of “take” the following definition:—

“well” means an excavation or borehole that is deeper than 3 metres below the surface of the earth and made or used for the purpose of extracting groundwater, but does not include a storage works where the surface area of the water is more than 100 square metres and the depth of the water is less than 5 metres.

Amendment of section 83 of Principal Act (Water rights of the Commission).

**5**—Section 83 of the Principal Act is amended by inserting after subsection (2) the following subsection:—

(2A) Where, pursuant to a permit or well order in force under the *Groundwater Act 1985*, a person—

(a) has taken groundwater; and

(b) diverts water into a river or lake,

the Commission may take any such water that is, or is apparently, being so diverted.

Amendment of section 99 of Principal Act (Malicious abstraction of groundwater).

**6**—Section 99 of the Principal Act is amended as follows:—

(a) by omitting “underground water” and substituting “groundwater”;

(b) by adding at the foot of the section “Penalty: \$1 000.”.

\* 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 Nos. 4 and 54 of 1984 and No. 68 of 1985.