



Water Amendment Regulations 2009 (No.)¹

Select Legislative Instrument 2009 No.

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Water Act 2007*.

Dated 2009

Governor-General

By Her Excellency's Command

[DRAFT ONLY – NOT FOR SIGNATURE]

Minister for Climate Change and Water

CONSULTATION DRAFT

1 Name of Regulations

These Regulations are the *Water Amendment Regulations 2009* (No.).

2 Commencement

These Regulations commence on the day after they are registered.

3 Amendment of *Water Regulations 2008*

Schedule 1 amends the *Water Regulations 2008*.

Schedule 1 Amendments

(regulation 3)

[1] Regulation 1.03, after definition of Act

insert

bulk water service means any of the following:

- (a) a service that is provided for the storage of water that is primarily stored on-river;
- (b) a service that is provided for the delivery of water that is primarily delivered on-river.

[2] After regulation 1.05

insert

1.06 Definition of *bulk water charge* in subsection 4 (1) of the Act — prescribed persons

- (1) A person is prescribed for paragraph (c) of the definition of ***bulk water charge*** in subsection 4 (1) of the Act if:

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- (a) the person diverts water directly from a watercourse for the person's use, including for one of the following purposes:
 - (i) irrigation;
 - (ii) industrial purposes;
 - (iii) stock and domestic water use; and
 - (b) the water is made available through a bulk water service.

[3] Before Division 4.1

insert

Division 4.1A Regulated water charges

4.01A Regulated water charges in section 91 of the Act — prescribed fees or charges

- (1) This regulation is made for the purposes of paragraph 91 (1) (d) of the Act.
- (2) The following kinds of fees or charges, to the extent that they do not relate to an irrigation network and are not bulk water charges, are prescribed:
 - (a) a fee or charge payable to an infrastructure operator for access to the operator's water service infrastructure (or services provided in relation to that access);
 - (b) a fee or charge payable to an infrastructure operator for changing access to the operator's water service infrastructure (or services provided in relation to that access), including a fee or charge payable to a bulk water supplier for changing access to a bulk water service;
 - (c) a fee or charge payable to an infrastructure operator for terminating access to the operator's water service infrastructure (or services provided in relation to that access), including a fee or charge payable to a bulk water supplier for terminating a bulk water service;
 - (d) a fee or charge payable to an infrastructure operator for surrendering to the operator a right to the delivery of water through the operator's water service infrastructure.

(3) In this regulation:

bulk water supplier means a person who imposes a bulk water charge for a bulk water service.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.