

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

**TABLE OF PROVISIONS**

<i>Section</i>	<i>Page</i>
1. Purpose	1
2. Commencement	2
3. Amendment of section 144 of the <b>Water Act 1989</b>	2
4. Insertion of new section to follow section 260 of the <b>Water Act 1989</b>	2
260A. Limits on power of certain Authorities to set tariffs	2
5. Insertion of new section to follow section 329 of the <b>Water Act 1989</b>	2
330. Transitional provisions for removal of power to set fees under tariffs	3
<hr style="border-top: 3px double #000;"/>	
<b>NOTES</b>	<b>5</b>



Victoria

No. 65 of 1999

# Water (Waterway Management Tariffs) Act 1999<sup>†</sup>

[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**

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

---

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.
-

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

---

s. 5

- (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.!
- 
-

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

---

**NOTES**

<sup>†</sup> *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."