

11 Water

Agency abbreviations

The following abbreviations are used in the ‘Agency’ column of the water legislation review timetable.

AIS	Department of Administrative and Information Services (Office for Government Enterprises) (South Australia)
CMD	Chief Minister’s Department (Australian Capital Territory)
DH	Department of Health (Western Australia)
DIER	Department of Infrastructure Energy and Resources (Tasmania)
DIPE	Department of Infrastructure, Planning and Environment (Northern Territory)
DLGP	Department of Local Government and Planning (Queensland)
DNRM&E	Department of Natural Resources, Mines and Energy (Queensland)
DPIWE	Department of Primary Industries, Water and Environment (Tasmania)
DSE	Department of Sustainability and Environment (Victoria)
DUS	Department of Urban Services (Australian Capital Territory)
EH	Department of Environment and Heritage (South Australia)
EPA	Environmental Protection Agency (Queensland)
H	Queensland Health
HEC	Hydro-Electric Corporation (Hydro Tasmania)
LA	Department of Land Administration (Western Australia)
OWP	Office of Water Policy (Western Australia)
PAWA	Power and Water Authority (Northern Territory)

T&F Department of Treasury and Finance (South Australia)

WR Water Resources (South Australia)

WRC Water and Rivers Commission (Western Australia)

Legislation review: Water

Updated to February 2004

New South Wales

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Balranald Irrigation Act 1902				Act repealed by the Water Management Act 2000.
Crown Lands Amendment Act 1932				Act repealed by the Water Management Act 2000.
Drainage Act 1939				Act repealed by the Water Management Act 2000.
Fish River Water Supply Administration Act 1945				Act repealed by the Water Management Act 2000.
Glennies Creek Dam Act 1979				Act repealed by the Water Management Act 2000.
Hunter Valley Flood Mitigation Act 1956				Act repealed by the Water Management Act 2000.
Irrigation Act 1912 (and as amended)				Act repealed by the Water Management Act 2000.
Irrigation and Water (Amendment) Act 1943				Act repealed by the Water Management Act 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Irrigation Corporations Act 1944				Act repealed by the Water Management Act 2000.
Irrigation, Water and Rivers and Foreshores Improvement (Amendment) Act 1955				Act repealed by the Water Management Act 2000.
Miscellaneous Acts (Water Administration) Amendment Act 1986				Act repealed by the Water Management Act 2000.
Private Irrigation Districts Act 1973				Act repealed by the Water Management Act 2000.
Rivers and Foreshores Improvement Act 1948				Act partially repealed by the Water Management Act 2000. The Government expects to repeal the remaining elements in 2004.
Water (Soil Conservation) Amendment Act 1986				Act repealed by the Water Management Act 2000.
Water Act 1912 (and as amended)				Act partially repealed by the Water Management Act 2000. The Government expects to repeal the remaining elements in 2004.
Water Administration (Transfer of Functions) Act 1986				Act repealed by the Water Management Act 2000.
Water Administration Act 1986				Act repealed by the Water Management Act 2000.
Water Management Act 2000			Review completed.	Act passed in December 2000, and replaces various pieces of water legislation.
Water Supply Authorities Act 1987				Act repealed by the Water Management Act 2000.

Victoria

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Catchment and Land Protection Act 1994	DSE		Act removed from legislation review program (LRP). Act does not restrict competition. Its objective is to ensure competition in relevant markets is sustainable in the long term.	The provisions of part 7 of the Act, which relate to extraction of material have been superseded by the Extractive Industries Development Act 1995 and will be repealed when the Act is next amended.
Murray Darling Basin Act 1993 and other legislation relating to interstate sharing and management of resources	DSE		Review completed. Review found there were no restrictions on competition.	
Pollution of Waters by Oil and Noxious Substances Act 1986	DSE	Act assessed as not restricting competition.	Review not required.	

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
<p>Water Act 1989</p> <p>Water Industry Act 1994</p> <p>Melbourne and Metropolitan Board of Works Act 1958</p> <p>Melbourne Water Corporation Act 1992</p>	DSE	Various regulatory controls and market restrictions.	Major public review by Marsden Jacob consultants completed in June 2001.	<p>The Victorian Government accepted most of the review recommendations.</p> <p>Legislative proposals have been developed to:</p> <ul style="list-style-type: none"> • separate the powers to require connection from service delivery and infrastructure provision; and • introduce public scrutiny to the By-law making process. <p>The approach to implementing several of the key recommendations is being considered as part of the Government's major review of all areas of the water industry. These include:</p> <ul style="list-style-type: none"> • arrangements for vetted competition; • removing the links between the ownership of land and the ownership of water; • managing structural change in relation to the 2 per cent cap on water trades; and • identifying opportunities to improve the current legislation governing Victoria's water industry.
Water Industry Act 1994 (Part 4)	DSE	Act imposes licensing arrangements for use of jetties (s. 135A) and powers to levy rates on households in the metropolis.	Review under way. Issues paper publicly released, with a call for submissions. Targeted consultation with key stakeholders.	

Queensland

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Canals Act 1958 and Regulation 1992	EPA	Regulates construction, maintenance and use of canals, including a requirement for approval to be granted before construction can begin. Regulations relate to quantitative elements, quality/technical standards and natural resource permits/licences.	Review completed and published in November 1998. Review concluded that retaining restrictions was justified as being in the public benefit.	Legislation repealed in late 2003.
Fluoridation of Public Water Supplies Act 1963 and Regulation 1964	H	Prescribes a particular brand of testing equipment.	Review not required. The Department repealed the restrictive provisions without formal review.	Anticompetitive provisions repealed in late 1997.
Gladstone Water Board Act 1984	DNRM &E	Imposes a statutory monopoly.	Departmental review completed in February 2000.	Act repealed by the Water Act 2000.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
<p>Metropolitan Water Supply and Sewerage Act 1909</p> <p>Sewerage and Water Supply Act 1949 and Regulation 1987</p> <p>Standard Water and Sewerage Laws</p>	<p>DNRM &E</p> <p>DLGPS &R</p>	<p>The Acts impose restrictions including a statutory monopoly, licensing/registration requirements and constraints on business. The Acts prescribe requirements on water supply and sanitary plumbing, sanitary drainage, sewer installation, the management of water supply, sewerage and drainage utilities and licensing requirements for plumbing and drainage work.</p> <p>Standard sewerage and water supply laws are administered by local governments and prescribe the purposes and uses of domestic water. The laws provide for the control/supply of water to the Brisbane metropolitan area to be the sole responsibility of the Brisbane City Council. Provisions now largely set by City of Brisbane Act ordinances.</p>	<p>The Department of Natural Resources and Mines and the Department of Local Government and Planning jointly administer the Acts. Restrictions in provisions of the Metropolitan Water Supply and Sewerage Act (MWSSA) and Sewerage and Water Supply Act (SWSA) administered by the Department of Natural Resources and Mines were substantively dealt with by the Water Act 2000. All other restrictions were considered in the NCP review of the SWSA requirements to use only approved plumbing products, local government approvals of plumbing and drainage work, and occupational licensing of plumbers and drainers.</p>	<p>The restrictive elements of the MWSSA and SWSA dealing with water supply and sewerage requiring amendment were incorporated into the Water Act 2000 administered by DNRM&E, part of which commenced on 13 September 2000, with the remaining provisions commencing on 19 April 2002.</p> <p>The remainder of the SWSA and the Standard Laws dealing with plumbing and drainage matters were repealed and replaced by the Plumbing and Drainage Act 2002 (PDA) and regulations which came into force on 1 July 2003. The DLGPS&R is responsible for administering the PDA. Non-legislative recommendations for training and information programs for local governments and industry are being delivered within available resources. The information program for industry on approved plumbing products will be delivered following the 2004 introduction of the new Plumbing Code of Australia which will implement competition-driven improvements to product approvals, and lessen the need for approval of some products.</p>
<p>South East Queensland Water Board Act 1979 and Townsville/Thuringowa Water Supply Board Act 1987</p>	<p>DNRM &E</p>	<p>Both Acts impose a statutory monopoly.</p>	<p>Review completed.</p>	<p>Both Acts repealed. A commercialised Townsville/Thuringowa Water Supply Board was created by amendment of the Local Government Act 1993.</p>

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Water Resources Act 1989 Water Resources (Watercourse Protect) Regulations 1993 Water Resources (Rates and Charges) Regulations 1992 Natural Resources Amendment Act 1996	DNRM &E	Licensing or registration, pricing restrictions and business conduct.	Review completed in February 2000. Review completed as part of broader Council of Australian Governments (CoAG) water reform agenda. Discussion papers on modules for new legislation were progressively released for discussion during 1999. A draft of the revised legislation was released for consultation early in 2000.	The restrictive elements that required amendment were incorporated into the Water Act which commenced in part on 13 September 2000, with the remaining provisions coming into force on 19 April 2002. The Water Regulation 2002 commenced in part on 19 April 2002 with remaining provisions commencing on 30 June 2002.

Western Australia

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Carnarvon Irrigation District By-laws	WRC	Differential treatment.	Review by the Water and Rivers Commission (WRC) completed in January 2000. Review found minor restrictions to be justified on public welfare grounds to maintain security of supply and safeguard infrastructure.	Cabinet approved the transfer of the irrigation assets and management to local control. The transfer of the management of the business has been undertaken while the asset transfer has been deferred due to a number of native title issues.
Country Areas Water Supply (Clearing Licence) Regulations 1981	OWP	Controls over land clearing.	Review by the Office of Water Regulation (now OWP) completed in August 2000. Review recommended no change. Controls were justified on wider ecological and public interest grounds.	The Government endorsed the review recommendations on 18 December 2000. Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Country Areas Water Supply Act 1947	OWP	Licensing, and market power by Water Corporation.	Review by the OWP completed in September 1999.	Amendments to the Act will be progressed in a water industry legislation amendment Bill. Cabinet approved the re-drafting of the amendments on 9 February 2004.
Country Areas Water Supply By-laws 1957	OWP	Market power.	Review completed.	The Government endorsed the findings of the review in December 1999. The OWP is progressing the amendments to the regulations/by-laws.
Country Towns Sewerage Act 1948 and By-laws	OWP	Licensing, registration, entry requirements (competency or six years experience and qualification, fit and proper), the reservation of practice (either licensed or under licensed supervision), and disciplinary processes.	Review of Water Services Coordination Amendment Act 1999 recommended retaining restrictions to prevent unlicensed persons from performing plumbing work, and maintaining the board's power to set licence conditions.	Amendments to the Act will be progressed in a water industry legislation amendment Bill. Cabinet approved the re-drafting of the amendments on 9 February 2004. Plumbers' licensing provisions were transferred to the Water Services Coordination (Plumbers Licensing) Regulations in 2000. The transfer also shifted responsibility for plumbers' licensing from Water Corporation to new Plumbers Licensing Board. By-laws are to be amended.
Harvey, Waroona Collie River Irrigation Districts By-laws 1975	WRC	Monopoly powers to Water Corporation. Differential rights to irrigators.	Review by WRC completed in January 2000. No action proposed — minor restrictions justified on public welfare grounds to maintain security of supply and safeguard laws proposed to reflect current management practices.	The Government endorsed the review recommendations on 14 August 2000.
Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1993	DH	Licensing.	Review to be undertaken as part of the review of the Health Act 1997.	To be determined.

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Irrigation (Dunham River) Agreement Act 1968	LA	Differential rights.		Legislation repealed in the Statutes (Repeals and Minor Amendments) Bill 2001, which was assented on 15 December 2003.
Land Drainage (Rating Grades) Regulations 1986 Water Agencies (Entry Warrant) Regulations	OWP	Provides an exemption from paying rates for certain activities, subject to those exemptions on specific land uses that are imposed for social reasons, continuing to be subject to the formal and transparent community service obligation payment. Provides for land to be subject to water supply, sewerage, drainage and irrigation charges even if it is not actually connected to the system and where owners or occupiers do not actually use the system. Provides exemption from charges for pensioners.	Review recommended retaining legislative restrictions finding them to be in the public interest for reasons of social equity and good infrastructure planning. Some 'housekeeping' recommendations include amending the: <ul style="list-style-type: none"> grading system in the Land Drainage (Rating Grades) Regulations so that all charges are dealt with through the Water Agencies (Powers) Act 1984; and Water Agencies (Infringements) Regulations 1994 to ensure they are consistent with the Water Agencies (Powers) Act, which enables the WRC to delegate authority for issuing infringements. 	The Government endorsed the review recommendations. The OWP is currently progressing the amendments to the regulations/by-laws.
Land Drainage Act 1925	OWP	Market power.	Review by the OWP completed in 1999. Minor amendments to Act are proposed to ensure consistency with the competitive licensing regime and other related Acts.	The Government endorsed the review recommendations on 20 December 1999. The amendments to the Act will be progressed in a water industry legislation amendment Bill. Cabinet approved the re-drafting of the amendments on 9 February 2004.
Land Drainage Bylaws 1986	OWP	Market power.	Review by the OWP completed in December 1999.	The Government endorsed the review recommendations on 20 December 1999. The OWP, is currently progressing the amendments to the regulations/by-laws.

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Land Drainage Regulations 1978	OWP	Market power.	Review by the OWP completed in 1999. Review recommended that all charges be dealt with through the Water Agencies (Powers) Act 1984.	The OWP is currently progressing the amendments to the regulations/by-laws.
Metropolitan Water Authority (Miscellaneous) By-laws 1982	WRC	Differential treatment.	Review by the WRC completed. Review identified no competition restrictions.	The Government endorsed the review recommendations. Act retained without reform.
Metropolitan Water Authority Act 1982	WRC	Provides market power to the Water Corporation.	Review by the WRC completed. Review identified no competition restrictions.	The Government endorsed the review recommendations on 14 August 2000. Act retained without reform.
Metropolitan Water Supply, Sewerage and Drainage Act 1909	OWP	Market power, and differential treatment for licensing.	Review by the OWP completed in September 1999.	The Government endorsed the review recommendations on 20 December 1999. The amendments to the Act will be progressed in a water industry legislation amendment Bill. Cabinet approved the re-drafting of the amendments on 9 February 2004.
Metropolitan Water Supply, Sewerage and Drainage By-laws 1981	WRC	Licensing - as for the Country Towns Sewerage Act 1948.	Review by the OWP completed.	Plumbers' licensing provisions transferred to the Water Services Coordination (Plumbers Licensing) Regulations in 2000. Transfer also shifted responsibility for plumbers' licensing from Water Corporation to new Plumbers Licensing Board. Further amendments expected.
Ord Irrigation District By-laws	WRC	Provides market power to Water Corporation. Differential rights to irrigators within the area.	Review by the WRC completed in January 2000. Review recommended no change as the restrictions are minor and justified on public welfare grounds to maintain security of supply and safeguard infrastructure.	The Government endorsed the review recommendations on 14 August 2000. Amendments to By-laws proposed to reflect devolved ownership and control of the scheme.

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Preston Valley Irrigation District By-laws	WRC	Differential treatment.	Review by the WRC completed in January 2000. Review recommended retaining the restrictions on competition in the public interest. Amendment to the By-laws to reflect the current management practices and responsibilities of the Water Corporation and grower cooperatives following the devolution of irrigation management.	The Government endorsed the review recommendations on 14 August 2000. The OWP is currently progressing the amendments to the regulations/by-laws.
Rights in Water and Irrigation (Construction and Alteration of Wells) Regulations 1963	WRC	Licensing restrictions. The Waters and Rivers Commission is given sole rights to fit, repair and test water meters.	Review by the WRC completed in January 2000.	The Government endorsed the review recommendations on 14 August 2000. An amendment to the regulations to remove the WRC's exclusive right to the fitting, repair and testing of water meters is being progressed.
Rights in Water and Irrigation Act 1914 and Regulations	WRC	Licensing of rights to take water. Provides monopoly powers to the Water Corporation.	Review by the WRC completed.	The Government endorsed the review recommendation on 20 December 1999. The amendments to the Act will be progressed in a water industry legislation amendment Bill. Cabinet approved the re-drafting of the amendments on 9 February 2004.
Water (Dixvale Area and Yanmah Area) Licensing Regulations 1974	WRC	Differential treatment of a small group of irrigators.	Review by the WRC completed in 2000. Review recommended repealing the regulations.	The Government endorsed the review recommendations.
Water Agencies (Charges) Bylaws 1987	OWP	Differential treatment of Crown lands.	Review by the OWP completed in 1999.	The Government endorsed the review recommendations. Retained without reform.
Water Agencies (Entry Warrants) Regulations 1985	OWP		Review by the OWP completed in 1999.	The Government endorsed the review recommendations. Retained without reform.

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Water Agencies (Infringements) Regulations 1994	OWP	Market power to Water Corporation.	Review by the OWP completed in 1999. Review recommended minor amendments to ensure consistency of the approach with competitive licensing regime, and related Acts.	The Government endorsed the review recommendation to modify regulation 5 (officers issuing infringements to make it consistent with recommendations from the review of the Water Agencies (Powers) Act 1984). The OWP is progressing the amendments to the regulations/by-laws.
Water Agencies (Powers) Act 1984	OWP	Market power to Water Corporation.	Review by the OWP completed in 1999.	The Government endorsed the review recommendations. The amendments to the Act will be progressed in a water industry legislation amendment Bill. Cabinet approved the re-drafting of the amendments on 9 February 2004.
Water Agencies Restructure (Transitional and Consequential Provisions) Act 1995	OWP		Review by the OWP completed in 2000. No restrictions on competition were identified.	Act retained without reform.
Water and Rivers Commission Act 1995	WRC	The Act provides powers for natural resource management.	Review by the WRC completed in 2000. No changes recommended.	The Government endorsed the review recommendations in 2000.
Water Boards Act 1904 and By-laws	OWP	Licensing. Restricts powers to supply of water within defined areas.	Review by the OWP completed in 1999.	Amendment to Act allows agencies to provide a full suite of water services and freedom to compete for licences on equal terms with the Water Corporation. The revised By-laws were considered under gatekeeper requirements. A separate process is being undertaken by the OWP to amend the legislation.
Water Corporation Act 1995	OWP		Review by the OWP completed in 1999.	Act retained without reform.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Water Services Coordination Act 1995 – Part 1 of 2	OWP	Complex licensing regime inhibits competitive outcomes.	Review by the OWP completed in 1999. Review recommendations include the adoption of a simpler, pro-competitive licensing regime and provide for competitive neutrality in relevant Acts. Five year review under s62 completed in 2003.	Recommendations were to be implemented via the Acts Amendment and Repeal (Competition Policy) Bill 2002. Due to difficulties in preparing the drafting instructions, these reforms will now be included in a second competition policy omnibus bill. Some recommendations are being implemented through the Economic Regulation Authority Bill 2002, which was passed by the Legislative Council on 11 November 2003. These are the inclusion of public interest considerations as part of the licensing regime, and the ability to transfer a licence. The Bill also provides for regulations prescribing public consultation processes as part of the decision to grant, amend or transfer a licence.
Water Supply, Sewerage and Drainage Act 1912	OWP	Restrictions relate to asset ownership.	Review by the OWP completed in 1998.	Act retained without reform.
Waterways Conservation Act 1976 and Regulations	WRC	Licensing system for disposal of waste in waterways.	Review by the WRC completed in 2000. Review recommended no changes. A major review was proposed to achieve rationalisation of functions and operation between this Act and the Environmental Protection Authority Act.	The Government endorsed the review recommendations in 1999 and the Act was retained without change.

South Australia

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Catchment Water Management Act 1995	EH	Restricts market conduct.	Review completed.	Act repealed by the Water Resources Act 1997.
Groundwater (Border Agreement) Act 1985	WR	Restricts market conduct.	Review completed in 2000. No reform recommended.	Act retained without reform.
Irrigation (Land Tenure) Act 1930	EH	Restricts market conduct.	Review completed in 1999. Review did not identify any major issues. Review recommended that legislation be updated and consolidated.	The Government approved repeal of the Act on 20 January 2003. Repeal is not yet completed.
Irrigation Act 1994	WR	Restricts market conduct.	Review completed in 2000. Minor legislative changes recommended. Review identified a need for a further comprehensive review of the legislation and its objectives.	Act retained without reform.
Loans for Fencing and Water Piping Act 1938	T&F	Restricts market conduct.	Review not required. Act to be repealed.	The Government approved repeal in August 2002. The repeal Bill was passed in May 2003.
Murray Darling Basin Act 1993	WR	The agreement in place is aimed at providing equitable sharing of the resource.	Review completed in 1999. Review recommended no change to the Act.	Review noted by Murray-Darling Basin Commission and presented to the Minister.
Renmark Irrigation Trust Act 1936	WR	Restricts market conduct.	Review completed in 2000. Minor legislative change recommended removing obsolete and inconsistent sections.	Act retained without reform.
River Murray Waters Agreement Supplemental Agreement Act 1963	WR	Restricts market conduct.	Review completed in 1998. Review recommended the Act be repealed.	Act replaced by the Murray-Darling Basin Act 1993.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Sewerage Act 1929	AIS	Barriers to market entry and restrictions on market conduct; and product or service standards.	Review, in conjunction with the Waterworks Act 1932 and the South Australian Water Corporation Act 1994, completed in 2001. Review found that: <ul style="list-style-type: none"> the primary restrictions appear to arise from the inherent monopoly of the infrastructure; and the majority of the identified restrictions on competition are appropriate in the context of the Acts' objectives. 	Although the report identified a number of trivial and intermediate restrictions in the Acts and consequently recommended some minor amendments, the South Australian Government considers the existing arrangements and administrative responses adequately address the issues raised in the review, and accordingly no legislative changes are proposed. The Government is considering the other non-legislative review recommendations.
South Australian Water Corporation Act 1994	AIS	Barriers to market entry, and restricts market conduct.	See the Sewerage Act 1929.	Act retained without reform.
South Eastern Water Conservation and Drainage Act 1992	WR	Restricts market conduct.	Review completed in 1999. Review did not recommend any change.	Act retained without reform.
Water Conservation Act 1936	WR	Barriers to market entry, and restricts market conduct and products/service standards.	Review completed in 2000. Review found no competition issues.	Act retained without reform.
Water Resources Act 1990	WR	Restricts market conduct.	Review completed.	Act repealed by the Water Resources Act 1997.
Waterworks Act 1932	AIS	Barriers to market entry, and restricts market conduct, product/service standards.	See the Sewerage Act 1929.	The Government is considering the review recommendations.

Tasmania

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Australian Titan Products Act 1945	DIER	Provides certain water rights to a company and prohibits it from generating electricity.		Act repealed by the Legislation Repeal Act 1998.
Clyde Water Act 1898	DPIWE	Vests trustees with the power to repair and alter works, construct works to convey water from Lake Sorell to the River Clyde and any waterworks necessary to provide the towns of Bothwell and Hamilton with water.		Act repealed by the Water Management Act 1999.
Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995	DIER	Requires certain irrigation waters to be made available to certain water users, providing them with a commercial benefit that is not available to others.	Review completed.	Act amended by the Water Management Act 1999.
Florentine Valley Paper Industry Act 1935	FT	Authorises the granting of exclusive timber, water and transport rights to one company.	Review completed. Review recommended that the power to license water rights be attached to the Water Management Act.	Licensing of water rights transferred to the Water Management Act 1999.
Groundwater Act 1985	DIER	Prohibits the construction or enlarging of a well, or the drawing of water, in a proclaimed region without a permit. Provides the Director of Mines with the power to shut, limit, repair or modify any Tasmanian well.		Act repealed by the Water Management Act 1999.

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Hobart Regional Water Act 1984	DPIWE	Gives the Hobart Regional Water Board exclusive rights to take water from the Derwent River, Mount Wellington and other streams, construct bulk supply works and enter into agreements with municipalities to provide water.		Act repealed by the Hobart Regional Water (Arrangements) Act 1996, which was assessed under the LRP gatekeeper requirements.
Huon Valley Pulp and Paper Industry Act 1959	FT	Provides the company with free unlimited water rights, restricts the water rights of the Huon Council (and its residents), and establishes rights over Crown land. Sets company conduct in relation to river bank degradation and water quality.		Act repealed by the Legislation Repeal Act 1996.
Irrigation Clauses Act 1973	DPIWE	Market entry. Provides for the construction of waterworks by persons authorised by another Act to do so. Provides for the right to a supply of water for irrigation. Establishes irrigation rights within irrigation districts.	Review completed. Restrictions were found to be in the public interest.	Act amended by the Water Management Act. Restricts the holding of irrigation rights in a district to an owner or occupier of land in the district.
Loan (Hydro-Electric Commission) Act 1957	HEC	Provides irrigation rights to persons in the Parish of Lawrency.		Act repealed on 6 November 1996. Repealing Acts were the Electricity Supply Industry Act 1995 and the Electricity Supply Industry Restructuring (Savings and Transitional Provisions) Act 1995.
Mount Cameron Water Race Act 1926	DIER	Legislated restriction on competition as part of a legislative scheme governing water rights to the Rushy Lagoon property.		Act repealed by the Legislation Repeal Act 1998.

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North Esk Regional Water Act 1960	DPIWE	Provides the Rivers and Water Supply Commission with the exclusive right to supply certain 'water districts' from waterworks vested in the Commission.		Act repealed by the Northern Regional Water (Arrangements) Act 1997.
North-West Regional Water Act 1987	DPIWE	Provides that the North West Regional Water Authority may take water from specified places. Provides that the Authority shall supply municipalities in the Water District with water and that municipalities will not obtain water in bulk from elsewhere.		Act repealed by the North West Regional Water (Arrangements) Act 1997, which commenced in 1999.
Rossarden Water Act 1954	DPIWE	Provides that the Fingal Council may use its power to supply water to the Aberfoyle Tin mine free of charge, effectively providing the company with a competitive advantage.		Act repealed by the Water Management Act 1999.
Sewers and Drains Act 1954	DPIWE	Specifies material and work standards for the construction and maintenance of sewerage works. Requires certain Council officers to hold certificates of qualification.		Restrictive provisions in the Act removed.
Thomas Owen and Co. (Australia) Limited Act 1948	DPIWE	Provides a company with the right to take as much water as required at no cost and prohibits it from using that water to generate electricity.		Act repealed by the Water Management Act 1999.

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Water Act 1957	DPIWE	Gives the Rivers and Water Supply Commission the power to allow or prevent persons from taking water from rivers and lakes. Prohibits the taking of water for irrigation without the authority of the Commission. Specifies water quality standards.	Review completed in 1999.	Act repealed and replaced by the Water Management Act 1999.
Water Management Act 1999	DPIWE	Establishes a system of transferable water rights.	New legislation assessed under gatekeeper requirements. Restrictions were found to be in the public interest.	
Waterworks Clauses Act 1952	DPIWE	Gives power to persons, authorised by special Acts to construct waterworks, to acquire land and to undertake various activities associated with the construction of such waterworks.	Review completed. Restrictions were found to be in the public interest.	Act amended by the Water Management Act 1999.
Wesley Vale Pulp and Paper Industry Act 1961	FT	Ratifies a financial agreement providing a particular company with a competitive advantage, potentially acting to restrict competition.	Review completed.	Act amended by the Water Management Act 1999.

Australian Capital Territory

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Cotter River Act 1914	DUS		Intradepartmental review completed in 1999.	Act repealed on 23 March 2000.
Energy and Water Act 1988	DUS		Review not required.	Act repealed as part of the Utilities Act 2000.
Lakes Act 1976	DUS	The only significant restriction is the limitation on commercial activity in a lake area.	Review completed in 2000. The low cost of the restriction was considered justified by the protection afforded to lakes areas, and by the way it ensures that commercial operators in lakes areas gain no competitive advantage over those operating in normal commercial areas.	Act retained without reform.
Sewerage Rates Act 1968	CMD		Review not required.	Act repealed and relevant parts included in the Utilities Act 2000.
Water Pollution Act 1984	DUS			Act repealed by the Environment Protection Act 1997.
Water Rates Act 1959	CMD		Intradepartmental review completed.	Act repealed and relevant parts included in the Utilities Act 2000.

Northern Territory

<i>Name of legislation</i>	<i>Agency</i>	<i>Major restrictions</i>	<i>Review activity</i>	<i>Reform activity</i>
Water Act and Regulations	DIPE	Provides for the investigation, use, control, protection, management and administration of water resources.	Review completed in July 2000. Review recommended no change.	
Water Supply and Sewerage Act	PAWA	Single provider status provided to Power and Water Authority. Lacks separation of service delivery from regulatory roles.	Independent review completed in March 2000.	Act repealed and replaced by the Water Supply and Sewerage Services Act 2001. Single service provider status retained due to economies of scale. The Utilities Commission is now responsible for licensing for water and sewerage supply in the Northern Territory. In February 2002, the Utilities Commission issued an urban water supply licence to the Power and Water Authority. Regulatory roles separated from service delivery.
Water Supply and Sewerage Services Act	PAWA	Single provider status provided to the (former) Power and Water Authority. Lacks separation of service delivery from regulatory roles.	Independent review completed in March 2000.	Act repealed and replaced by the Water Supply and Sewerage Services Act 2000. Single service provider status was retained due to economies of scale. The Utilities Commission is now responsible for licensing for water and sewerage supply in the Northern Territory. In February 2002, the Utilities Commission issued an urban water supply licence to the Power and Water Corporation.