

# LEGISLATIVE ASSEMBLY

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Read 1° 24 April 1991

*(Brought in by Mr Crabb and Mr A. Sheehan)*

## A BILL

to amend the **Water Act 1989** and the **Water (Consequential Amendments) Act 1989** and for other purposes.

### **Water (Waivers) Act 1991**

The Parliament of Victoria enacts as follows:

#### **1. *Purposes***

The purposes of this Act are—

- (a) to preserve pensioners' rights to waivers; and
- 5 (b) to remedy a problem with provisions for elections of members of Authorities.

#### **2. *Commencement***

- (1) This Act, other than section 5, must be taken to have come into operation on 1 November 1990.
- 10 (2) Section 5 must be taken to have come into operation on 5 December 1989.

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Section headings appear in bold italics and are not part of the Act (see **Interpretation of Legislation Act 1984**).

3. Elections

In section 87 (2) of the **Water Act 1989**, for “Governor in Council”, wherever occurring, **substitute** “the Minister”.

4. Waivers

- (1) For section 283 (3) of the **Water Act 1989** **substitute**— 5
    - “(3) An Authority must, in accordance with the regulations, waive all or part of any amount or interest due to it—
    - (a) from a prescribed person; or
    - (b) from an owner if— 10
      - (i) the occupier is liable to pay the amount, whether under an agreement with the owner or for any other reason; and
      - (ii) the occupier is a prescribed person; or
    - (c) from the owner of retirement village land if— 15
      - (i) the owner has an agreement with the holder of a residence right in the village that the holder is to pay—
        - (A) the amount; or
        - (B) a maintenance charge which includes a proportion of the amount; and 20
      - (ii) the holder of the residence right is a prescribed person—
  - on application by the prescribed person in accordance with the regulations. 25
  - (3A) Terms used in sub-section (3) (c) that are defined in the **Retirement Villages Act 1986** have the same meanings as in that Act.”.
- (2) In section 283 (5) of the **Water Act 1989**—
  - (a) in paragraph (a), for “the waiver” **substitute** “a waiver or class of waivers”; and 30
  - (b) for paragraph (b) **substitute**—
    - “(b) The extent of a waiver applying to any person or class of persons;”.

**5. Statute law revision**

- (1) In section 305 of the **Water Act 1989**, for “305. If” substitute “305. (1) If”.
- 5 (2) In the Schedule to the **Water (Consequential Amendments) Act 1989**—
  - (a) for “**39. National Parks Act 1958**” substitute “**39. National Parks Act 1975**”; and
  - (b) for “**49. State Electricity Act 1958**” substitute “**49. State Electricity Commission Act 1958**”.





