UNDERGROUND WATERS PRESERVATION ACT AMENDMENT BILL 1966

Legislative Council 19 July 1966, page 500

Second reading

**The Hon. S. C. BEVAN (Minister of Mines)** obtained leave and introduced a Bill for an Act to amend the Underground Waters Preservation Act, 1959. Read a first time.

The Hon. S. C. BEVAN moved: That Standing Orders be so far suspended as to enable the second reading explanation to be given, without delay.

The Hon. Sir NORMAN JUDE (Southern): On a point of order: if the Minister obtains the suspension of Standing Orders, will he give the Council an undertaking that copies of the Bill will be available tomorrow?

The PRESIDENT: It is a matter of whether leave to suspend Standing Orders is granted or not. Is it the wish of honourable members that leave be granted? Motion carried.

The Hon. S. C. BEVAN: Before giving the explanation of this Bill, I inform the Honourable Sir Norman that the print of the Bill is not on members’ files, but I do not desire the debate to proceed until such time as prints are available. The object of this Bill is to strengthen the provisions made by the principal Act in 1959 to conserve underground waters within the State. It is unnecessary for me to do more than refer to the general shortage of water throughout the State, in many areas of which we are dependent upon the supply of underground water. The principal Act, passed in 1959, was designed primarily to prevent contamination and deterioration in the quality of underground waters. The principal object of this Bill is to prevent deterioration in quantity as well as quality. Accordingly, the Bill makes certain provisions regarding the prevention of the wastage of water, artesian wells, and the licensing of well drillers. The Bill also provides for the abolition of The Advisory Committee on Underground Water Contamination.

I shall deal with these matters in order. The first set of provisions relates to the prevention of wastage of water. Section 9 of the principal Act empowers the Minister to refuse application for, or to revoke, permits for the sinking or deepening of wells or other works connected therewith if he believes that the work would be likely to cause contamination or deterioration of underground water and “deterioration” is defined by section 4 as meaning deterioration in quality. Clause 7 amends section 9 by empowering the Minister to refuse an application for a permit or to revoke a permit if he believes that the work would be likely to cause contamination or deterioration (as at present provided) or likely to cause inequitable distribution, loss, wastage or depletion in the supplies of underground water. Clauses 8, 9 and 10 make consequential amendments to sections 11, 12 and 18 of the principal Act relating to terms and conditions in permits, transfer and variation of permits and directions to owners or occupiers. Clause 11 makes special provision regarding artesian wells and the wastage of water. New section 20a requires artesian wells to be capped or equipped with valves to regulate or stop the flow of water. New section 20b prohibits a person from causing or allowing underground water to run to waste or extracting from any well underground water in excess of his reasonable requirements with an exemption where the water interferes or threatens to interfere with the operation of underground works so far as wastage is unavoidable. New section 20c requires persons sinking, deepening or enlarging wells who discover an artesian well to notify the Minister in writing of the discovery and under section 18 the powers of the Minister to give directions to owners or occupiers are applied to wells in which an artesian well is discovered. There is an exemption in the case of a well being sunk under licence under the Mining (Petroleum) Act, 1940-1963.

Clause 12 of the Bill repeals Part III of the principal Act constituting The Advisory Committee on Underground Water Contamination. It is felt that in view of the provision for repeal to Part IV of the principal Act the advisory committee is unnecessary. Accordingly, the whole of Part III of the principal Act is repealed and in its stead is enacted a new Part III providing a system for the licensing of well drillers. This is regarded as essential to any scheme of control. Just as persons are required to seek permits before sinking wells, so are persons required to be licensed before they may undertake construction or deepening of wells beyond a prescribed depth. These matters are provided for in new sections 21 to 23e, while section 23f provides for an appeal to the appeal board against refusal or cancellation of a well driller’s licence.

Consequential amendments are made by clauses 13, 14 and 15. It will be seen that by clause 13 the appeal board is increased from a membership of three to a membership of four, the extra member, who is to be a member of the Licensed Well Drillers Association, being provided for by clause 14. In view of the increase, provision is made by clause 15 for the majority decision to be increased from two to three members of the board. Clause 16 corrects a printing error in section 36 of the principal Act and clause 17 makes certain necessary amendments consequential on the introduction of decimal currency. Clause 18 empowers the Governor to prescribe different depths to apply in different parts of the State. This relates back to the provisions relating to the licensing of well drillers. The remaining provisions of the Bill are formal or consequential.

The Hon. Sir LYELL McEWIN secured the adjournment of the debate.