

APPENDIX: Extracts from Sections 105, 112 and 118A of the Water Act 1912, as amended



Section 105 - Definitions

- Artesian well includes an artesian well from which the water does not flow naturally but has to be raised by pumping or other artificial means
- Bore means any bore or well or any excavation or other work connected or proposed to be connected with sources of sub-surface water and used or proposed to be used or capable of being used to obtain supplies or such water whether the water flows naturally at all times or has to be raised either wholly or at times by pumping or other artificial.

Section 112 - Bores to be licenced

1. The sinking of a bore shall not be connected, nor shall a bore be enlarged, deepened, or altered unless:

- (a) In pursuance of a licence issued under this Part: or
- (b) The bore is to be sunk, enlarged, deepened, or altered by the Crown.

2. If any person contravenes the provisions of this section, the said person and the owner of the bore in respect of which the contravention has occurred, shall be guilty of an offence and shall be liable, upon conviction;

- (a) Where the offence was committed by a corporation – to a penalty not exceeding 200 penalty units and in the case of continuing offence, to a further no exceeding 20 penalty units for each day the offence continues; or
- (b) Where the offence was committed by any other person – to a penalty not exceeding 100 penalty units and in the case of continuing offence, to a further penalty not exceeding 10 penalty units for each day the offence continues.

Section 118A - Drillers to be licenced

1. A person must not carry out any work as a driller on any land (other than the land of which the person is the owner or occupier) unless:

- (a) The person is the holder of a driller's licence issued by the Ministerial Corporation; and
- (b) The work being carried out is of the type of class prescribed in the Regulations and set out in the licence issued to that person.

2. Any person who contravenes the provisions of subsection (1) shall, upon conviction, be liable to a penalty not exceeding 5 penalty units and further penalty not exceeding 1 penalty unit for each day during which the contravention continues after such conviction.

3A. A driller's licence in the prescribed form may be issued from time to time by the Ministerial Corporation to any competent and capable person for a period of three years upon application in the prescribed form being made therefore in writing accompanied by the prescribed fee and upon the Ministerial Corporation having been furnished with such information as to the competency and capability of the applicant as it may require.

4. A holder of a driller's licence who acts as a driller on or in connection with the construction of a bore shall, upon demand being made by the Ministerial Corporation may direct and in such form as the Ministerial Corporation may require, such information relating to:

- (a) The nature and thickness of the various strata met with during the drilling performed by him in connection with the bore;
- (b) The location, quantities and quality of all supplies of water met with during such drilling;
- (c) The height each supply of water stands relative to the natural surface of the ground at the site of the bore; and
- (d) The depth, diameter and other particulars of the bore and the casing inserted in the bore, as the ministerial corporation may require.

5. Any driller who contravenes the provisions of subsection (4) shall, upon conviction, be liable to a penalty not exceeding 2 penalty units and to a further penalty not exceeding 0.5 penalty unit for each day during which the contravention continues after such conviction and, in addition to the imposition of the said penalty, the Ministerial Corporation may cancel his driller's licence.

6. The Ministerial Corporation may at any time cancel any licence pursuant to subsection (3A), if in its opinion the holder of the licence is or has become incompetent or incapable or is not a fit and proper person to continue be licensed as a driller or for such other good and sufficient cause as the Ministerial Corporation seems proper.

7. No person shall be entitled to claim or be paid any compensation whatsoever arising out of or by reason of the exercise by the Ministerial Corporation of the powers conferred by subsection (6).

More information

Contact our Customer Service team on 1300 662 077 or email Customer.Helpdesk@waternsw.com.au