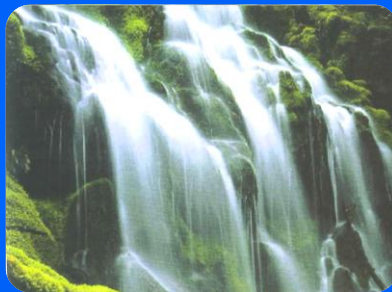


PROPOSED NATIONAL WATER RESOURCES LEGISLATION



DRAFT NATIONAL WATER RESOURCES STUDY

2010-2011

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PROPOSED NATIONAL WATER RESOURCES LEGISLATION

Outline of Presentation

- **Brief Background**
- **Legislative Review**
- **Contents of NWRL**
- **Implementation of NWRL**



PROPOSED NATIONAL WATER RESOURCES LEGISLATION



Brief Background

- **NWRS Study in 2010 – 2011 by Ranhill**
- **Main outputs from the NWRS were Policy, Institution, Legislation and Master Plan for water resources.**
- **Policy seems to have been accepted and approved.**
- **Legislation and Institutional Reform may take more time.**

PROPOSED NATIONAL WATER RESOURCES LEGISLATION

(1) States have jurisdiction over water resources and related aspects such as land, forest, agriculture and rivers.

(2) However the Federal Government also has jurisdiction over the following matters :

- **International treaties and agreements**
- **Transboundary rivers**
- **Transfer of water (if not resolved between states)**
- **Data and information collection and management**
- **Scientific research**
- **Setting of national standards and safety and security**



NWRL - LEGISLATIVE REVIEW

- (1) Various aspects related to IWRM/IRBM is covered under many laws such as EQA, Forestry, Geological Survey and Fisheries.
- (2) **There is a need for a** holistic law to implement IWRM or IRBM in any country.
- (3) Quite a number of States have enacted State legislation to govern aspects related to water resources including Kedah, Melaka, Negeri Sembilan, Pahang, Sabah, Sarawak and Selangor. The lack of uniformity or consistency in all these laws is a cause for concern.
- (4) The primary objective of the Waters Act 1920 was to ensure greater uniformity in the governance of rivers by all States.



Article 76

(1) Parliament may make laws to:

- a) Implement any treaty, convention or agreement in any state even if the matter concerned is enumerated in the State List; e.g. Biosafety Act, New Plant Varieties Act**
- b) Promote uniformity between two or more States; e.g. Waters Act; Street Drainage and Building Act; Fisheries Act**
- c) If requested by any State**

(3) Laws made pursuant to (b) or (c) cannot be enforced in any State unless it is first adopted by State Legislature. It will then become State Law and not be considered as Federal Law.

NWRL - THE WAY FORWARD

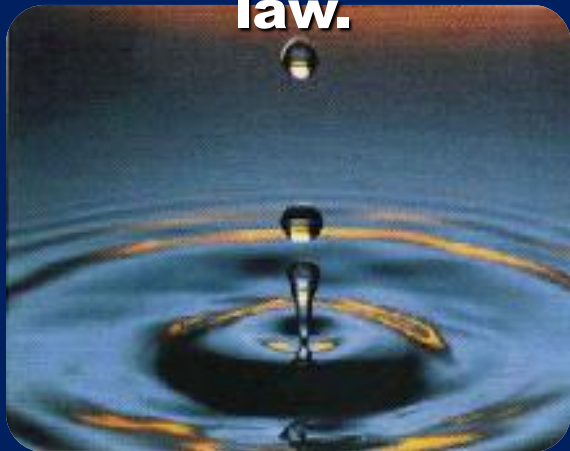
Viable Options were considered by all Stakeholders:

- ❖ **Option 1:** Adopt a new water resources law for uniformity **by repealing the Water Acts 1920. The Law will be a model for all states**
- ❖ **Option 2:** Enact State Laws
- ❖ **Option 3:** Strengthen Existing Legislation



NWRL - GUIDING PRINCIPLES FOR PROPOSED LEGISLATION

- (1) Pursuant to Article 76(1) of the Federal Constitution, Parliament may adopt a law to ensure uniformity among all states.**
- (2) The Law will be in strict conformity with the jurisdictions of the Federal and State Govt. as enshrined in the Constitution.**
- (3) The Law shall only come into effect in any State (other than the Federal Territories), after the State legislature adopts this Act and converts it into State law.**



NWRL - GUIDING PRINCIPLES FOR PROPOSED LEGISLATION

(4) The Law shall take into account existing enactments in some States on water resources.

(5) The Federal Law must be consistent with and shall give effect to the proposed National Water Resources Policy and Institutional set up.

(6) The Federal Law will leverage on existing State laws (e.g. Land Conservation Act) and other Federal laws (e.g. EQA) and avoid duplication or conflict with such laws.





Part I

- **Preliminary:**
 - **Cites the relevant Constitutional clause**
 - **Provides for application to P. Malaysia and FT**
 - **Act comes into operation on date fixed by Minister**
 - **Act comes into force in a State upon adoption by the State Legislature**
 - **Act comes into force in FT on date fixed by Minister.**
 - **Interpretation**
 - **General clause that states that nothing in this Act will reduce or limit the jurisdiction of State Govt. or any other Govt. entity.**

DRAFT NWRL

Part II

- **National Administration**
 - **National Water Resources Council**
 - **Membership and Functions**
- **National Administration**
 - **Director General of Water Resources**
 - **Functions of DG**



Part III

- **State Administration**
 - **SWRC or SWRA as body corporate**
 - **Membership and functions**
 - **State Water Resources Director**
 - **Scheme of service**

Part IV

- **Finance**

- **Establishment of the State Water Resources Fund, etc.**
- **Use of the Fund**
- **Management of the Fund**

Part V

- **Use of Water Resources**

- **State responsibility for water resources**
- **Control, use and management of water resources, etc**
- **Power to impose charges**



Part VI

● **Planning**

- **preparation of integrated management plan for any water resource, contents, procedure, consultation, etc with the cooperation and participation of the DG.**
- **IRBM plan for every river basin**
- **Consultation with DG for IWRM plans covering more than one state.**
- **Dispute to be submitted to NWRC**
- **All government entities to implement the IWRM Plan**
- **State Council may adopt measures for resource use efficiency to ensure conservation and sustainable use of resources.**



Part VII

- **Protected Water Resources Area**
 - **declaration and management of protected resource areas including river reserves, shore reserves, catchment areas, flood zones and water intake areas.**
 - **River reserves for all rivers including control of activities within such reserves.**

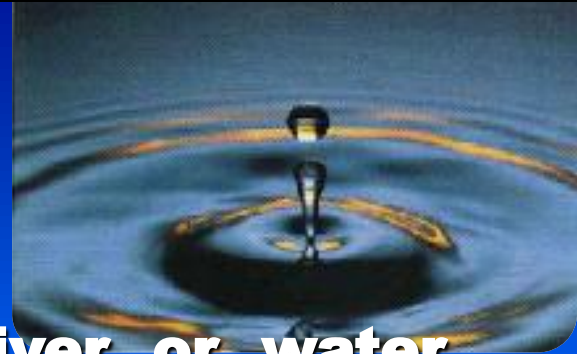


Part VIII

- **Control of water hazards**
 - **Stormwater control – follow National Guidelines**
 - **Flood Defence – in consultation with DG**
 - **Mitigation of disasters – with assistance of DG**
 - **Drought action**
 - **Pollution of water resources**

Part IX

- **Control of other Activities**
 - **control of navigation on any river or water body**
 - **Control of recreational activities on any river or water body**



Part X – Part XII

- **Procedures for Licensing, Approvals and Appeals**
- **Enforcement**
- **Offences and Penalties**

Part XIII

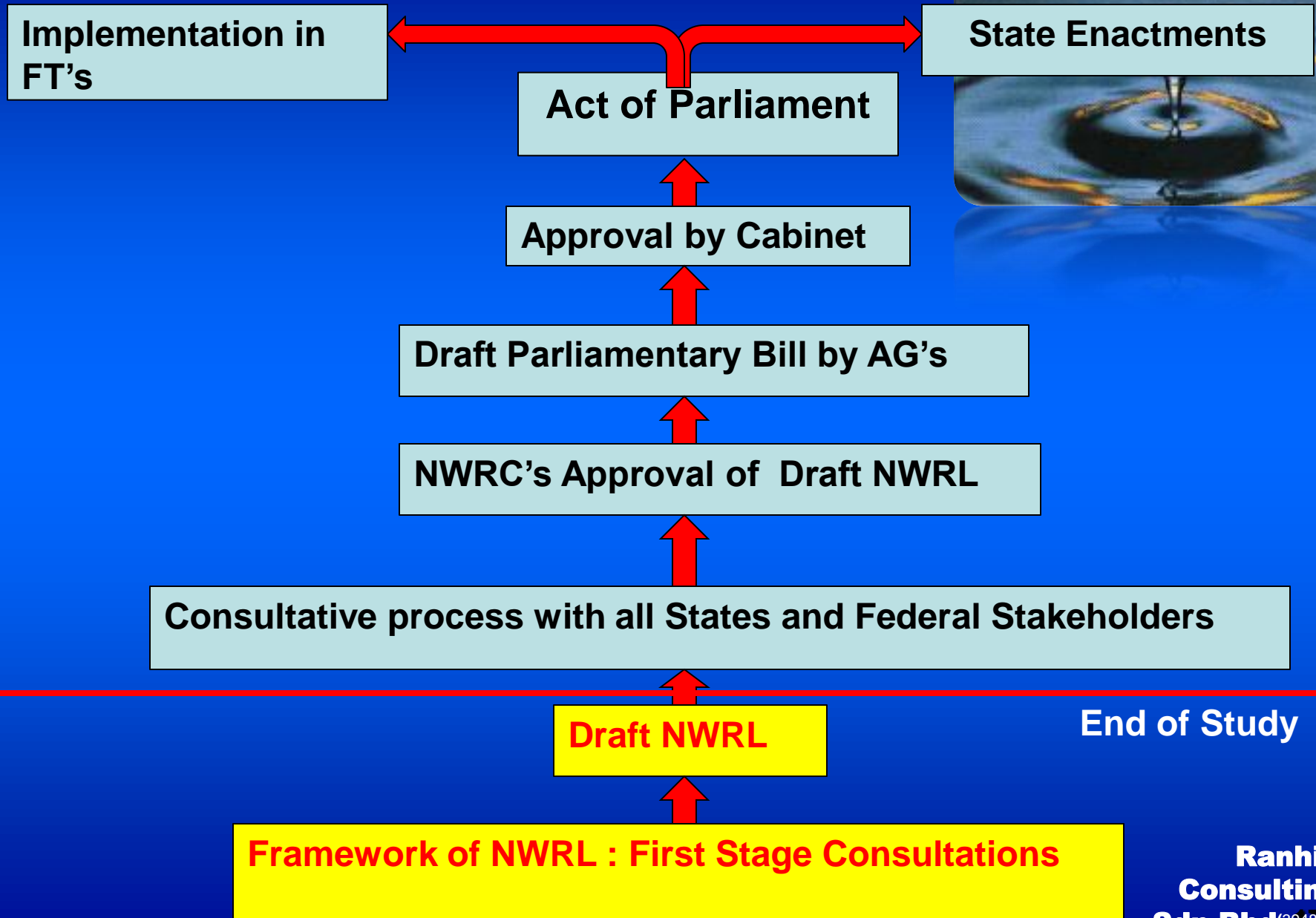
- **Miscellaneous**
 - **Right of access to land**
 - **Forms**
 - **Regulations by State Council**
 - **Regulations by Minister**

Part XIV

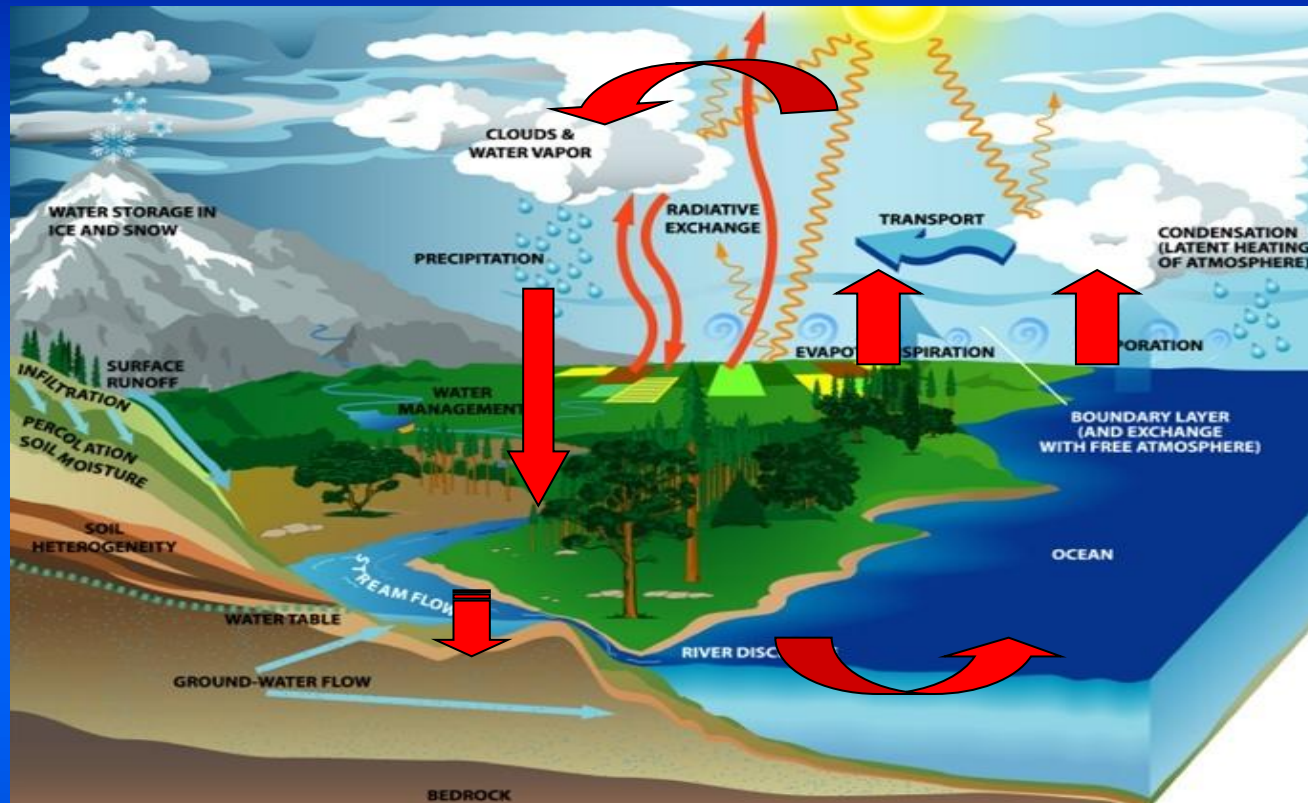
- **Repeal and Savings**
 - **State may amend or repeal any existing water resources enactment**
 - **Transitional provisions**



FUTURE ROAD MAP



END OF PRESENTATION – DRAFT NWRL



TERIMA KASIH