The key issues and proposals for water resources law reform

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• Our water resources underpin our lifestyles and our economy.

• Our population is growing, particularly in the south west of the state, and WA is recognised as an international ‘hot-spot’ for climate change science.

• Our reality is one of strong growth, urban expansion, coupled with reduced water availability and increased demand and competition for water.
What is proposed?

The key elements of the water resources reforms
An enabling legislation supported by regulations and policies

Consolidating six current Acts into a single, contemporary Act

- *Metropolitan Water Supply, Sewerage and Drainage Act 1909*
- *Rights in Water and Irrigation Act 1914*
- *Country Areas Water Supply Act 1947*
- *Waterways Conservation Act 1976*
- *Metropolitan Arterial Drainage Act 1982*
- *Water Agencies (Powers) Act 1984*
• To make it easier to get access to water and to trade it

• To improve government processes relating to water and cut red tape

• Give greater confidence to water users

• Provide a network of measures that are interconnected, flexible, adaptive, practical, effective and consistent with other laws
What does the Bill need to do?

- To which water resources does the Bill apply?
- How do we assess and plan for water?
- How do we access water in prescribed areas?
- How do we protect water resources?
- How do we share and distribute the available water?
- Governance, administration and house-keeping
- Compliance and enforcement
Objectives of the Bill

Objectives are to:

• enable the productive use of water

• protect water resources and their dependent ecosystems

• ensure water resources are shared fairly, used efficiently, managed sustainably and flexibly
Principles of the Bill

Decision makers are to have regard to the:

• consideration of state development and community wellbeing

• beneficial and efficient use of water

• allocation of water in ways that are fair and transparent to reflect the economic, social, environmental and cultural values

• principles of ecologically sustainable development

• total water cycle

• management processes that involve the community
• **Environmental water**: Environmental water outcomes to be taken into account in all applicable decision making processes.

• **Water quality**: Water quality objectives to be taken into account in all applicable decision making processes.

• **Basic water**: Establish an equitable basic right to a water resource.
• **Public drinking water source protection, planning and management**: A single legislative framework for public drinking water source areas.

• ** Improved drainage management**: To provide for a single and modernised legislative framework for drainage.

• **Stronger compliance and enforcement**: Ensure that appropriate offences are included in the legislation and penalties are a deterrent.
Improved licensing

• Simplify the licence application and renewal assessment process according to risks

• Increase licence tenure up to a maximum of 40 years depending on circumstances.
Improved water planning framework

- Legally binding water resource boundaries and limits on water abstraction (new provisions)

- Statutory water allocation plans (new provisions)
Allocating available water (new provisions)

- Allow for the use of alternative mechanisms depending on local circumstances
- Methods used may vary across the State taking into account resource characteristics, level of demand, and community and industry requirements
Water access entitlements (WAEs), consumptive pools and shares (new provisions)

• a perpetual property right to a share of the available water in a consumptive pool.

• the share value may vary according to water availability

• a statutory water allocation plan is a prerequisite for WAEs

• separate instruments needed to abstract water.
Dealing in approvals (buying, selling, leasing)

- Trading licensed water entitlements
- Trading property rights (WAEs)
Variable allocations (new provisions)

- Water allocations may be **temporarily varied** to align water abstraction with water availability during wetter or dryer periods.

- Maintaining static water allocations in a variable climate is not tenable and can lead to over-abstraction.
Recovering over-allocated water resources

• Managing and reconciling ‘paper water’ and physical water

• Aligning entitlement and abstraction

• Pathways to recovery options form part of the planning process and agreed pathway contained in water allocation plan
Assignment of risk of entitlement cuts (new provisions)

- The risks of permanent cuts to water entitlements will be assigned to entitlement holders if the risks arise from changes in climate or natural events alone.

- If the cuts are not due to climate or natural events, the risks may be shared between government and entitlement holders.

What is proposed
• **Regulating injection activities**: Consider clarifying and providing security and safeguards on the injection of water or fluids into groundwater resources. *(new provision)*

• **Interception of water by un-regulated land use activities** such as large scale plantation forestry. Consider regulating interceptions by plantations. *(new provision)*
Government position

- **Fees and charges**: No additional fees or charges to be imposed as part of this reform package, although the regulation-making powers will be retained in the Bill.

**Licensing the take of water for farm dams**: if a farm dam does not currently require a licence, it would still not require a licence.
WA has seen a shift from ‘unlimited water’ in the early 20th century to ‘water scarcity’ in the 21st century, bringing with this a change from a largely resource development focus to a sustainable resource management regime.

The future in uncertain but there are climatic trends that provide us with a glimpse of a possible future state.

The water reforms and changes to water resources law makes us well-placed to move forward with confidence.
Thank you