

## LEGISLATIVE COUNCIL

### WATER (RESOURCE MANAGEMENT) BILL

(Amendments to be proposed in Committee by the Honourable W.R. BAXTER)

1. Clause 4, lines 25 to 32, omit all words and expressions on these lines and insert—

"(1) The environmental water reserve objective is the objective that, subject to meeting essential domestic and stock use, the environmental water reserve be maintained to protect the environmental values and health of water ecosystems for the benefit of all Victorians in a way which balances environmental, economic and social costs and benefits."
2. Clause 11, page 9, line 30, omit "strategy." and insert "strategy; and".
3. Clause 11, page 9, after line 30 insert—

"(f) to identify ways to improve the environmental values and health of waterways and water systems in the region to which it relates—

  - (i) that do not require an increase in the volume of water in the environmental water reserve; and
  - (ii) that create opportunities to reduce the environmental water reserve—

consistent with the environmental water reserve objective."
4. Clause 11, page 10, after line 11 insert—

"(3) A Sustainable Water Strategy must set out—

  - (a) targets for water quality and waterway health for the region to which it relates; and
  - (b) an estimate of the direct and indirect economic and social costs associated with implementing the Strategy and the implementation plan for the Strategy; and
  - (c) a program of measuring actual changes in water quality and waterway health compared to targets established in the Strategy and the implementation plan for the Strategy."
  5. Clause 11, page 13, line 30, omit "Strategy." and insert "Strategy; or".
  6. Clause 11, page 13, after line 30 insert—

"(c) if the Minister has, in the region to which the Strategy relates, qualified rights under section 33AAB."
  7. Clause 11, page 14, line 20, omit "plan." and insert "plan; and".
  8. Clause 11, page 14, after line 20 insert—

"(c) include measurements of water quality and waterway health as at the time of publication and a comparison of those measurements with the targets set out in the Strategy."

9. Clause 11, page 18, line 28, before "If" insert "(1)".
10. Clause 11, page 18, line 29, after "identified" insert " and documented".
11. Clause 11, page 19, lines 1 and 2, omit all words and expressions on these lines and insert—

"(b) a quantifiable deterioration in waterway health—".
12. Clause 11, page 19, after line 12 insert—

"(2) If, on a review, it is determined that there is a quantifiable deterioration in waterway health, the review must set out a remedial plan for addressing that deterioration that sets out the following—

  - (a) the likely direct and indirect economic and social costs of addressing the deterioration; or
  - (b) the environmental and economic benefits expected to result from addressing the deterioration; or
  - (c) the action to be taken to address the deterioration being—
    - (i) investment in infrastructure to reduce water loss or achieve efficiency savings; and
    - (ii) the provision of incentives to water users to adopt more efficient practices or reduce water usage; and
    - (iii) if the deterioration in waterway health cannot be addressed by the means set out in sub-paragraph (i) or (ii), the circumstances in which the Minister may qualify rights under Division 4."
13. Clause 11, page 20, after line 6 insert—

"(c) a majority of the members of the committee must represent the communities and industries directly affected by the review;"
14. Clause 11, page 20, line 7, for "(c)" substitute "(d)".
15. Clause 11, page 22, after line 32 insert—

"(9) The membership of a panel under this section must include—

  - (a) persons who are actively involved in irrigation and water use; and
  - (b) persons who are members of communities directly affected by the review; and
  - (c) persons who represent industries benefiting from water use."
  16. Clause 11, page 24, line 18, omit '(1).' and insert "(1)".
  17. Clause 11, page 24, after line 18 insert—

## **'22W. Annual reports on remedial plans**

- (1) If a review sets out a remedial plan for the health of a waterway, on the endorsement of the review under section 22T(1)(c) or (d), the Minister must implement a program of—
    - (a) regular monitoring of the implementation of the plan; and
    - (b) regular monitoring of the health of the waterway.
  - (2) The Minister must publish the results of each program implemented under sub-section (1) each year in the annual report of the Department.".'.
18. Clause 14, page 27, line 21, before "the review" insert "the remedial plan as set out in".
  19. Clause 14, page 28, line 20, after "qualification" insert "and must specify any consideration given by the Minister to using other means to improve the environmental values and health of the relevant water systems".
  20. Clause 24, page 46, line 9, omit "report.'" and insert "report.".
  21. Clause 24, page 46, after line 9 insert—

**"48R. Objectives for environmental entitlements**

On making or amending an environmental entitlement, the Minister must set out—

- (a) the objectives the reserve has been established to protect and enhance; and
- (b) quantifiable indicators for determining whether or not the objectives are being achieved.

**48S. Annual reports on environmental entitlement objectives**

The Minister must undertake an annual audit of the environmental reserve—

- (a) to determine, on the basis of the indicators set out under section 48R(b), whether or not the objectives are being achieved; and
- (b) to establish and quantify the economic and social costs and benefits from the environmental entitlement—

and publish the results in the annual report of the Department.'.".

22. Clause 38, page 65, lines 27 to 31, and page 66, lines 1 to 9, omit all words and expressions on these lines and insert—

**"non water user limit"** in relation to a class of water shares of a particular reliability and in relation to a water system means ten per cent of—

- (a) the sum of the maximum volumes of entitlement for water shares of that class in that water system, as determined by the Minister under section 33AR(1), from time to time; and

- (b) the sum of the maximum volumes (at the time of surrender) of water shares of that class in that water system that have been surrendered to the Crown under section 33AA;'
23. Clause 38, page 68, lines 11 to 13, omit all words and expressions on these lines.
  24. Clause 38, page 68, lines 29 to 31, omit all words and expressions on these lines.
  25. Clause 41, page 86, line 15, after this line insert—

"(b) if the proposed transfer or assignment is to be to Melbourne Water or Barwon Region Water Authority, as constituted under Part 6; or".
  26. Clause 41, page 86, line 16, omit "(b)" and insert "(c)".
  27. Clause 41, page 100, lines 25 to 28, omit all words and expressions on these lines.
  28. Clause 41, page 100, line 29, omit "(2)" and insert "(1)".
  29. Clause 41, page 101, line 1, omit "(3)" and insert "(2)".
  30. Clause 41, page 101, lines 5 to 31, and page 102, lines 1 to 17 omit all words and expressions on these lines.
  31. Clause 54, page 116, lines 27 to 32, omit all words and expressions on these lines and insert—

"Penalty: For a first offence, 30 penalty units;  
For a second or subsequent offence, 60 penalty units."
  32. Clause 54, page 118, line 6, omit "information; and" and insert "information."
  33. Clause 54, page 118, line 7, omit all words and expressions on this line.
  34. Clause 54, page 118, lines 8 to 13, omit all words and expressions on these lines.
  35. Clause 54, page 118, lines 14 to 28 and pages 119 to 133, omit all words and expressions on these lines and pages and insert—

## **"Division 2—Water-Use Licences**

### **64L. Power to grant water-use licences**

- (1) The Minister, on receiving an application under this Division from an owner of land, may grant to that person a licence that authorises the use of water (authorised to be taken under Part 3A) on the land owned by the person that is specified in the licence.
- (2) The Minister must set out in the licence—
  - (a) the name and address of the licence holder; and
  - (b) a description of the land specified in the licence; and

- (c) the conditions to which the licence is subject (including annual use limit); and
- (d) the date on which the licence takes effect.

**64M. Matters to which a Minister must have regard in granting water-use licences**

The Minister, in granting a water-use licence must consider the following matters—

- (a) whether there are works or systems in place or likely to be installed in the near future for delivering water to the land; and
- (b) whether the use of water for the purpose set out in the application is prohibited by or under an Act; and
- (c) whether the maximum volume of water proposed in the application is reasonable for use for the purpose set out in the application; and
- (d) the impact the proposed use of water may have on other persons or the environment (in particular waterlogging, salinity and nutrient impacts); and
- (e) any other matters the Minister considers relevant.

**64N. Conditions on water-use licences**

The Minister may impose conditions on a water-use licence as to all or any of the following matters—

- (a) the maximum volumes of water per hectare that may be applied to land specified in the licence over any 12 month period; and
- (b) any requirements to minimise the impact of the use of water on other persons and the environment.

**64O. Applications for water-use licences**

- (1) An owner of land may apply for a water-use licence to authorise the use of water on that land.
- (2) An application for a water use licence must—
  - (a) be in the form and made in the manner approved by the Minister; and
  - (b) contain any prescribed particulars; and
  - (c) be accompanied by any documents or information required by the Minister.

**64P. Change of ownership of land specified in licence**

- (1) In the case of a transfer of ownership of the whole of the land specified in a water-use licence, the person to whom ownership is transferred is deemed to be the holder of the licence.
- (2) In the case of a transfer of ownership of part only of the land specified in a water-use licence, the licence is to be taken to be

cancelled on the day on which transfer of the ownership of the land takes place."

36. Clause 54, page 134, line 1, omit "8" and insert "3".
37. Clause 54, page 134, line 3, omit "64AJ" and insert "64Q".
38. Clause 54, page 136, line 1, omit "64AK" and insert "64R".
39. Clause 54, page 137, line 18, omit "64AL" and insert "64S".
40. Clause 54, page 138, line 22, omit "64AM" and insert "64T".
41. Clause 54, page 139, line 1, omit "64AN" and insert "64U".
42. Clause 54, page 139, line 20, omit "64AO" and insert "64V".
43. Clause 54, page 139, line 23, omit "64AN" and insert "64U".
44. Clause 54, page 140, line 1, omit "9" and insert "4".
45. Clause 54, page 140, line 2, omit "64AP" and insert "64W".
46. Clause 54, page 140, line 11, omit "64AQ" and insert "64X".
47. Clause 54, page 140, line 26, omit "64AR" and insert "64Y".
48. Clause 54, page 141, line 10, omit "64AS" and insert "64Z".
49. Clause 54, page 141, line 22, omit "64AT" and insert "64AA".
50. Clause 54, page 142, line 1, omit "10" and insert "5".
51. Clause 54, page 142, line 3, omit "64AU" and insert "64AB".
52. Clause 54, page 143, line 1, omit "64AV" and insert "64AC".
53. Clause 54, page 144, line 5, omit "64AW" and insert "64AD".
54. Clause 54, page 144, line 14, omit "64AX" and insert "64AE".
55. Clause 54, page 145, line 1, omit "64AY" and insert "64AF".
56. Clause 54, page 145, line 4, omit "64AX" and insert "64E".
57. Clause 54, page 145, line 16, omit "11" and insert "6".
58. Clause 54, page 145, line 17, omit "64AZ" and insert "64AG".
59. Clause 60, page 180, lines 5 to 7, omit all words and expression on these lines and insert—

"(c) ensured that there are arrangements in place to continue to meet the ongoing domestic and stock use requirements for each property."
60. Clause 61, page 184, lines 19 to 32, omit all words and expressions on these lines and insert—

"(a) must provide the service of delivering to the owner or occupier (where the owner is not the occupier) of each serviced property in its irrigation district, water for domestic and stock use on a scale of volumes fixed by the Authority; and

(b) must provide the service of delivering water to the owner or occupier (where the occupier is not the owner) of each serviced property in its

irrigation district for the purposes of irrigation for the periods that are determined by the Authority in accordance with this Part; and".

61. Clause 61, page 184, line 33, omit "(b)" and insert "(c)".

62. Clause 61, page 185, line 1, omit "(c)" and insert "(d)".