

**LEGISLATIVE COUNCIL**

**WATER AMENDMENT (VICTORIAN ENVIRONMENTAL WATER HOLDER)  
BILL 2010**

(Amendments and New Clauses to be proposed in Committee by Mr BARBER)

1. Clause 4, page 4, line 5, omit "33DV" and insert "33DW".
2. Clause 4, page 4, line 6, omit "33DW" and insert "33DX".
3. Clause 4, page 4, line 14, omit "33DX" and insert "33DY".
4. Clause 4, page 4, line 16, omit "33DY" and insert "33DZ".
5. Clause 4, page 5, lines 12 to 24, omit all words and expressions on these lines and insert—
  - "The objectives of the Water Holder are to—
  - (a) manage the Water Holdings for the purposes of—
    - (i) maintaining and improving the environmental water reserve in accordance with the environmental water reserve objective; and
    - (ii) improving the environmental values and health of water ecosystems, including their biodiversity, ecological functioning and water quality; and
  - (b) assist the Minister in the maintenance and improvement of the environmental water reserve in accordance with the environmental water reserve objective."
6. Clause 4, page 6, line 20, omit "Holdings." and insert "Holdings;".
7. Clause 4, page 6, after line 20 insert—
  - "(g) review any conditions of a bulk entitlement proposed to be specified under section 43 dealing with water that is set aside for the environment and make recommendations to the Minister;
  - (h) annually review the environmental water reserve."
8. Clause 4, page 6, after line 26 insert—
  - "( ) To avoid doubt, the Water Holder, by giving written notice, may request the Minister, the environment Minister, an Authority that has a waterway management district or any other person to give the Water Holder any information relating to the application or use of water in the environmental water reserve."
9. Clause 4, page 7, line 16, omit "management;" and insert "management."

10. Clause 4, page 7, lines 17 to 25, omit all words and expressions on these lines.
11. Clause 4, page 7, line 26, omit "4" and insert "3".
12. Clause 4, page 14, after line 13 insert—
  - "( ) In addition to the requirements under subsection (1), the Water Holder must include in its annual report a review of the environmental water reserve for the purposes of assisting the Minister in the maintenance and improvement of the environmental water reserve in accordance with the environmental water reserve objective.
  - ( ) A review under subsection (2) must include, so far as it possible for the Water Holder to do so, the following information in respect of the year to which the review relates—
    - (a) the volume or quantity of water in the environmental water reserve, including the volume or quantity of each type of right and entitlement to water that is set aside for the environment.
    - (b) the application and use of water and other exercise of rights to water in the environmental water reserve;
    - (c) any other information the Water Holder considers may assist the Minister in the maintenance and improvement of the environmental water reserve in accordance with the environmental water reserve objective."
13. Clause 4, page 14, after line 19 insert—
  - "33DV Biennial review by environment Minister**
  - (1) The environment Minister must prepare a review of the Water Holder at the end of every two years after the Water Holder came into operation.
  - (2) A review must include the following information in respect of the two years to which the review relates—
    - (a) the making of any rules under Division 6;
    - (b) the giving of any direction by the environment Minister to the Water Holder under this Part;
    - (c) the operation of the Water Holder and whether it is meeting its objectives;
    - (d) recommendations to amend this Act to improve the ability of the Water Holder to meet its objectives or otherwise maintain and improve the environmental water reserve in accordance with the environmental water reserve objective.
  - (3) The environment Minister must cause a review to be laid before each House of Parliament within 7 sitting days of the House after completing the review."
14. Clause 4, page 14, line 21, omit "**33DV**" and insert "**33DW**".

15. Clause 4, page 15, line 30, omit "or" and insert "and".
16. Clause 4, page 15, line 31, omit "**33DW**" and insert "**33DX**".
17. Clause 4, page 16, line 18, omit "**33DX**" and insert "**33DY**".
18. Clause 4, page 17, line 27, omit "or" and insert "and".
19. Clause 4, page 17, line 28, omit "**33DY**" and insert "**33DZ**".
20. Clause 4, page 19, line 25, omit "or" and insert "and".
21. Clause 4, page 19, line 26, omit "**33DZ**" and insert "**33DZA**".
22. Clause 4, page 20, line 5, omit "**33DZA**" and insert "**33DZB**".
23. Clause 10, after line 9 insert—
  - ( ) At the end of section 43 of the **Water Act 1989** insert—
    - "(2) Before specifying any conditions of a bulk entitlement under this section, the Minister must consult with the Water Holder in relation to any proposed condition dealing with water that is set aside for the environment.".'

#### NEW CLAUSES

24. Insert the following New Clauses to follow clause 3—
  - A Preparation of draft management plan**

In section 31(1A) of the **Water Act 1989**, after "persons" insert "  
including the Water Holder in relation to those parts of the draft management plan dealing with water that is set aside for the environment,".
  - B Management plan**

After section 32A(6) of the **Water Act 1989** insert—
    - "(6A) Before approving a draft management plan under subsection (6), the Minister must consult with the Water Holder in relation to those parts of the draft management plan dealing with water that is set aside for the environment."
  - C Procedures applying to qualifications**

After section 33AAC(4) of the **Water Act 1989** insert—
    - "(5) If, under this Division, the Minister qualifies any rights to water, being water that is set aside for the environment, the Water Holder must publish details of that qualification on its website.
    - (6) Before qualifying any rights to water, being water that is set aside for the environment, the Minister must consult with the Water Holder.".'

25. Insert the following New Clause to follow clause 14—

**'D Matters to be considered**

After section 48F(1)(a) of the **Water Act 1989** insert—

"(b) the recommendations of the Water Holder;".'.

26. Insert the following New Clause to follow clause 22—

**'E Conditions of licence**

After section 56(1) of the **Water Act 1989** insert—

"(1A) Before prescribing or fixing any conditions under subsection (1)(v) or (va), the Minister must consult with the Water Holder in relation to any proposed condition dealing with water that is set aside for the environment.".'.