

**2019**

**THE LEGISLATIVE ASSEMBLY FOR  
THE AUSTRALIAN CAPITAL TERRITORY**

**WATER RESOURCES AMENDMENT BILL 2019**

**EXPLANATORY STATEMENT**

**Presented by  
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# WATER RESOURCES AMENDMENT BILL 2019

## Introduction

This explanatory statement relates to the Water Resources Amendment Bill 2019 (the **bill**) as presented to the Legislative Assembly. It has been prepared in order to assist the reader of the bill and to help inform debate on it. It does not form part of the bill and has not been endorsed by the Assembly.

This explanatory statement must be read in conjunction with the bill. It is not, and is not intended to be, a comprehensive description of the bill. What is written about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

## Overview of the bill

The purpose of the bill is twofold:

- (a) to provide identification of the framework of the ACT's water resource plan which thereby shows how water planning and management takes place in the ACT; and
- (b) to specify the amount of water available for surface water and groundwater from water management areas up to the sustainable diversion limit

The ACT's water resource plan in practice consists of a number of legislative instruments made under parts 2 and 3 of the *Water Resources Act 2007*, namely the:

- environmental flow guidelines
- determination of water management areas
- amounts of water available from water management areas and
- amounts of water for reasonable uses.

These instruments form the basis of water planning and management in the ACT.

The second amendment has arisen out of the requirements under the Basin Plan made under the *Water Act 2007* (Cwlth) to ensure that Basin States manage their water resources by specifying the limit on diversions for water use. The ACT controls and has responsibility for a section of the upper Murrumbidgee River. Sustainable diversion limits apply to surface water and groundwater, which in the case of the ACT is a net volume on diversions.

## Human rights

No provisions of the bill engage human rights.

## OUTLINE OF PROVISIONS OF THE BILL

### **Clause 1     Name of Act**

This clause provides for the name of the Act, being the *Water Resources Amendment Act 2019*.

### **Clause 2     Commencement**

This clause provides for the commencement of the Act. The Act commences on the day after its notification day.

### **Clause 3     Legislation amendment**

This clause provides that the Act amends the *Water Resources Act 2007*.

### **Clause 4     New section 11A**

In part 2 a new section is inserted that deals with the ACT water resource plan and identifies the composition of the water resource plan with respect to ACT legislative determinations.

New section 11A (1) provides that the ACT water resource plan consists of the following:

- (a) the environmental flow guidelines, if any;
- (b) the determination of water management areas;
- (c) the determination of the total amounts of surface water and ground water available for taking under section 17;
- (d) guidelines determined under section 18, if any, for working out reasonable amounts of water for particular uses;
- (e) anything else prescribed by regulation

The items listed are instruments made under the *Water Resources Act 2007*.

New section 11A (2) provides that the ACT water resource plan may apply, adopt or incorporate an instrument from time to time. This provision allows for future flexibility.

New section 11A (3) disapplies the Legislation Act, section 47 (6) in relation to an instrument applied, adopted or incorporated under this section. In effect this means that an instrument applied under new section 11A (2) does not need to be notified under the Legislation Act.

### **Clause 5     Amounts of water available from areas New section 17 (2A)**

This clause inserts new section 17 (2A).

New section 17 (2A) provides that the amount determined for available water use from water management areas with respect to surface water and groundwater is:

- (a) for subsection (1) (a)—the SDL for surface water; and
- (b) for subsection (1) (b)—the SDL for ground water.

**Clause 6      New section 17 (6)**

This clause inserts new section 17 (6). This section defines the meaning and source of the Basin Plan and sustainable diversion limit for surface water and sustainable diversion limit for groundwater in accordance with new section 17 (2A) that deals with amounts of water available.