State and federal government agencies
Public submissions to Securing Western Australia’s water future: Position paper
Dear Ms De Lacey

POSITION PAPER- SECURING WESTERN AUSTRALIA’S WATER FUTURE

Thank you for your letter dated 25 September 2013 inviting comment from the Department of Aboriginal Affairs (DAA) regarding the State Government’s plans for the better management of Western Australia’s water resources.

DAA has reviewed the position paper, "Securing Western Australia’s water future – An Overview" and provides in principle support for the proposed reforms. It is essential that the broader community is educated and aware of the potential challenges that may result from a drying climate and increased demand on the State’s water supplies.

Should you require any further information please contact Mr Stephen Beesley, Acting Director Land on (08) 6551 8171 or email Stephen.Beesley@daa.wa.gov.au.

Yours sincerely

[Signature]

IE STRICKLAND
chief land officer

December 2013
4 February 2014

Ms Marie DeLacey  
Director General  
Department of Water  
PO Box K822  
PERTH WA 6842

Dear Ms DeLacey

'SECURING WESTERN AUSTRALIA'S WATER FUTURE – POSITION PAPER' – INVITATION TO COMMENT

Thank you for the opportunity for the Department of Agriculture and Food Western Australia (DAFWA) to provide feedback on the State Government’s position paper Securing Western Australia’s Water Future.

DAFWA's view is that Western Australia's agricultural and food sector is presenting the state with major growth opportunities due to growing local and global demand for quality foods. Access to a secure sustainable supply of clean, fresh, safe and reliable water is critical to Western Australia’s agricultural sector and food security. Water policy and legislative reform is essential to achieving security of water for agriculture and meeting growing local and overseas food demand.

Agriculture and irrigation schemes make up over 30% of the state's 3129 GL/yr licensed water supply. Greater certainty and security for agricultural water users is essential for building a sustainable agricultural sector particularly with a more variable climate, increasing demand and competition for water.

DAFWA supports the water reform intentions set out in the position paper and believes the following will assist agricultural water users:

- An improved planning framework through statutory water allocation plans and statutory allocation limits, developed in consultation with water users, will provide clarity on water rules and water supply for the future.
- Secure and long lived rights to water through longer licence tenure will provide greater certainty for agricultural investment decisions.
- Transparent and strengthened management and compliance measures will lead to security of access to all water users.
- A simplified risk-based assessment processes for the trading and transfer of licensed entitlements will streamline processes for agricultural water users and reduce government intervention.
- Enabling of tradeable water access entitlements will encourage the efficient use of water and benefit agricultural water users allowing them to trade saved water or expand their production using the saved water.
• Developing a range of mechanisms for recovering over allocated water resources will allow for flexible and adaptable water management.

• Establishing a risk assignment framework will clarify how compensation will be paid when licensed water is reduced on a permanent basis.

• Allowing the Minister the power to grant unallocated water by a range of mechanisms will allow for market factors when conditions are appropriate.

• Clarification and updating of inconsistent and outdated legislation will provide a modern framework for managing Western Australia’s valuable resources.

DAFWA notes that the government has stated that it will not introduce cost recovery for water licences and it will maintain the existing licensing arrangements for farm dams as part of these proposed reforms.

While it is recognised that the position paper summarizes the proposed water reforms, it is suggested that it focuses heavily on allocation of water resources and trading, consequently it does not address a number of matters relevant to water resource legislation. The position paper generally lacks detail and therefore DAFWA seeks further information on the points and questions outlined in Attachment 1. DAFWA would like to see a more detailed document or specific proposed legislative changes for public consultation and comment prior to drafting new legislation.

DAFWA would like to acknowledge the consultation opportunities that the Department of Water has made during the development of this position paper. In particular, DAFWA acknowledges the efforts to address concerns of the agricultural and horticulture stakeholders groups through a specific stakeholder reference group. DAFWA looks forward to continuing to work with the Department as the new water resources legislation is drafted as a member of the Interagency Reference Group and the Agriculture and Horticulture Industry Reference Group.

Should you require any further information, please contact John Ruprecht, Executive Director, Agricultural Resource Risk Management by telephone 08 9368 3743 or email john.ruprecht@agric.wa.gov.au.

Yours sincerely

Rob Delane
DIRECTOR GENERAL

Attachment 1: DAFWA’s detailed comments on Securing Western Australia’s water future (2013)
**Attachment 1: DAFWA’s detailed comments on Securing Western Australia’s water future (2013)**

The submission uses the following abbreviations:

- LDA 1925 – Land Drainage Act 1925
- MWAA 1982 – Metropolitan Water Authority Act 1982
- MWSSDA 1909 – Metropolitan Water Supply, Sewerage and Drainage Act 1909
- RIWI 1914 – Rights in Water and Irrigation Act 1914
- DAFWA – Department of Agriculture and Food
- DoW – Department of Water

<table>
<thead>
<tr>
<th>General comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>DAFWA welcomes the proposal to simplify and update the water resources legislation and develop a suite of flexible and adaptable policy and legislative mechanisms to help meet the increasing demand for water in a drying climate.</td>
</tr>
<tr>
<td>DAFWA notes that the proposed water reforms are significant and are much needed by the State. The full cost implications on the Government and Western Australia’s water users will need to be clarified and how implementation costs will be managed to implement the new legislation. For example the cost of the new statutory instruments, register, improved water resources knowledge, databases and compliance instruments will need to be detailed.</td>
</tr>
<tr>
<td>The paper focuses heavily on allocation of water resources and trading, consequently it does not address a number of matters relevant to water resource legislation. It generally lacks detail and therefore raises a number of questions.</td>
</tr>
<tr>
<td>Some of the topics and issues not covered in the paper include:</td>
</tr>
<tr>
<td>- Position on clearing controls as provided in the CAWS Act.</td>
</tr>
<tr>
<td>- Bed and banks permits.</td>
</tr>
<tr>
<td>- Discharge of water from dewatering.</td>
</tr>
<tr>
<td>- Provision for the Minister to intervene in an emergency.</td>
</tr>
<tr>
<td>- Drainage outside the metro area, specifically drainage of groundwater for salinity management.</td>
</tr>
<tr>
<td>- Are the provisions for the management of waterways in the RIWI Act 1914 and in the WCA 1976 to be carried forward into new legislation?</td>
</tr>
<tr>
<td>- Are provisions relating to flood risk management, floodplains’ and flood mitigation in the WAPA 1984 and RIWI Act 1914 to be carried forward?</td>
</tr>
<tr>
<td>- Will there still be provision to proclaim surface and groundwater areas or will all water resources in the state be subjected to licensing?</td>
</tr>
<tr>
<td>- The appropriate use of water, water fit for use, water use efficiency and water quality issues.</td>
</tr>
<tr>
<td>- Is it intended to include springs under the provisions to take water?</td>
</tr>
</tbody>
</table>

| Specific comments |
### 1 Paper at a glance

**Vision, objectives, principles and outcomes**

- Will the proposed legislation include the objectives of the Act, as currently found in the *Water Agencies (Powers) Act 1984* and as outlined in the 2009 Discussion Paper *Water Resources Management Options* (2009 discussion paper)?
- Will the proposed legislation set out guiding principles, such as ecologically sustainable development and community involvement, and duties, as contained in the *RiWi Act 1914* and *MWSSD Act 1909*, and in the 2009 discussion paper for water resource management in WA?
- The descriptive text to Figure 1 should note that one of the objectives of the water reform strategy is to secure water for the environment.
- Figure 1 should include a statement about the need for science and using the best available information to underpin water resource decision making.

### 2 Executive summary

#### 2.1 Policy drivers

- DAFWA considers the section on policy drivers is a well formed argument and justification for water legislation reform.

#### 2.2 Legislative confusion

- A further point on legislative confusion was that the *RiWi Act 1914* was developed at a time when water was abundant and therefore seen as a means to develop the state.

#### 2.3 The current situation: building on previous stakeholder input

- The extensive public consultation to develop the *Blueprint for Water Reform in Western Australia* (The Blueprint) in 2006 should be noted. This included 17 public workshops around the state and 71 written submissions. The Blueprint contains a summary of the consultation process and analysis of submissions.

#### 2.4 What are we proposing in this position paper?

- **2.4.3 Greater confidence and security**
  - DAFWA supports more information being available on the water resource to make informed water allocation planning. In addition, the paper could set out the role of government and private water users in water resource investigations and how this knowledge could be used to better manage the resources.

- **2.4.4 Improved planning framework**
  - **2.4.4.1 Introduction of statutory allocation limits and plans**
    - The paper notes the need to make sure the amount of water we are drawing on is sustainable. It should be noted that making of statutory limits in itself will not ensure sustainability; rather the legislative mechanisms should ensure that statutory allocation limits and plans are based on science and best available information.
    - There should be acknowledgement of the *Australian groundwater modelling guidelines*, which were developed in 2001 by the Murray-Darling Basin Commission. These have become the de facto national reference document and are an example of water resource science used to support decision-making processes.

  - **2.4.4.3 Local water advisory groups**
    - DAFWA welcomes the focus and establishment of local water advisory groups.
    - Is it intended to retain the provisions in the *WAP Act 1984* for establishing the Water Resources Council?
    - The above two points raise the question of where Government agencies provide input to water resource management and the various processes and will this be provided for in the legislation. For example DAFWA has significant knowledge and information about water resources.
2.4.5.1 Ensure water supply for the future
- The term ‘ensure’ indicates DoW can always make sure water of the right quality is available for consumptive use. A phrase such as ‘best planning for the future’ may be more appropriate.
- Ensuring water supply for the future should also encourage innovation that reduces water demand. Government policy and initiatives to encourage water use efficiency should also be noted.

2.4.5.3 Security of water for environment
- The paper should note that in dry years there will be less water available to water users and the environment than in ‘average’ years. How water users and environmental water will be managed should be set out in the statutory water management plan.

3 Changes in detail
- This section generally lacks detail. DAFWA would like to see a more detailed document or specific proposed legislative changes for public consultation and comment prior to drafting new legislation.
- There are important provisions in the current legislation that are not covered in this paper such as the clearing control provisions in the CAWS Act 1947. Are these provisions and others not covered in the paper to be transitioned to the new legislation?
- How has the previous public consultation informed the policy positions presented in the paper?
- How are works permits and the interference with bed and banks to be addressed?
- Will all water resources be managed under the proposed new legislation?
- Are there to be provisions to enable the Minister to restrict the taking of water during water shortages?

3.1 Improved licensing

3.1 Improved Licensing
- Currently assessment is in accordance with cl 7(2) of the RiWi Act 1974. The paper does not provide any detail of the assessment criteria that will be included, most of which remain important considerations for assessing applications.

3.1.1 Simplified licensing
- DAFWA supports the intent to simplify applications particularly for renewal of existing licences.

3.1.2 Licence trading and transfer
- In terms of rules around trading, more detail is required on the generic rules to be in the legislation. If Statutary Water Allocation Plans contain more specific rules then what rules will apply where there are no plans? Will it be the generic rules in the legislation?
- A public register will need to be established for traded volumes, locations and prices to assist agricultural water users make decisions in relation to water trading. A web based register would be particularly beneficial to agricultural water users for ease of access and also to ensure the openness of water pricing by the market.
- Will there be provision to recover unused traded water?
- A concern of agricultural water users has been on the sale of a profitable business how trading and transfers of licences policy would prevent water being sold separately and the impact on the future owners and agricultural sectors. The reform discussion would benefit by setting out whether or not this would be a concern under the reforms.

3.1.3 Licence tenure
- DAFWA welcomes the proposal for longer term licences. Current
DoW policy is to grant licence for up to 10 years because of uncertainties about the resource. Under existing legislation licences can be granted for longer periods offering a higher degree of security to current water users now. DAFWA would like to see that the existing provision remain in the legislation, but supports the change in policy.

- Does the proposal for 40 year licences imply that the uncertainties have been removed through increased knowledge about the resource and if not how will they be managed? If the uncertainties can be managed then why not issue licences for a longer term, greater than 40 years?
- Shorter term licences should remain in water resources with a low level of resource knowledge or highly variable water resources.
- Will longer term licences be applicable to existing licences or only new ones or on renewal of a licence?

### 3.1.4 Variation of existing water entitlements (licences)

- DAFWA welcomes the proposal to introduce a variable licence but questions whether this will is to apply to all existing licences, only new licences, on renewal of a licence or only with a longer term licence?
- Are the current provisions in the RWI Act 1914 for the construction of works, bores, farm dams, to be carried through to the proposed legislation?
- Variation of licence allocation could induce uncertainty for grower. Therefore, will there be provision in the legislation for when announcements can be made in order to provide growers adequate time for planning and business decisions?
- Will there be provision to carry over water from previous announcements, seasons or the next year? How will this be managed?
- The paper does not specify whether the flexible take of water applies to surface and groundwater systems. Mechanisms to allow flexible water licences or ‘B’ class licences to take water in wetter periods may not applicable in groundwater systems. Recharge in wetter seasons, allows water users to take in dry seasons. The application of this mechanism would need to be restricted to water resources with a good level of resource knowledge.
- DAFWA notes that not all water resources will be suitable for the variation mechanisms. In addition, not all agricultural systems will be suited to seasonal variations, for example many perennial crops require more water in the drier seasons rather than less water.
- A concern of agricultural stakeholders has been the risk of speculation and water being underutilised. The risk of this occurring should be clarified in the policy.
- It is noted that some stakeholders were confused with the use of the term ‘entitlement’ in relation to the existing water licence instrument. It is acknowledged the term ‘entitlement’ has been used by DoW in the past, particularly with the advent of the National Water Initiative.

### 3.2 Water access entitlement framework

- Will Government have the power to compulsory purchase WAEs?
- Will the designation of purpose be only for public drinking water supply or will there be the opportunity to reserve water for future agricultural precincts particularly if it is a long term development? This is important from a food security perspective.
- What length of term is envisaged for the access and site use permits?
- A register will be required for WAEs, attached permits and a WAE account to record allocations, purchases of water and sales. Is it proposed to appoint a Registrar? Will the register provide for the
indefeasibility of title or entitlements?

- Is there to be provision for different classes of WAEs based on the reliability of the water resource?
- In the conversion to WAEs and the various other instruments will the permit to operate, for example a bore, be automatic or will there be a requirement for a water user to do works, incurring a cost, to upgrade the head works due to the imposition of new higher standards?
- In a year where there is a severe water shortage and consequently licence volumes are lowered or allocations are reduced to WAEs will there be any protection for agricultural water based on consideration of particular circumstances. For example, a grower is close to harvesting and has invested heavily in the crop, water, labour, fertiliser, however when allocations are reduced they require water to complete the crop to harvest as opposed to another grower who has just planted, or made a decision not to plant. Will there be provision to allow a grower to irrigate a crop until harvest, particularly if no water is available for trading?

<table>
<thead>
<tr>
<th>3.3 Improved planning framework</th>
<th>3.3.1 / 3.3.2 Introduction of statutory allocation limits and plans</th>
</tr>
</thead>
<tbody>
<tr>
<td>- DAFWA welcomes the proposed introduction of statutory allocation limits.</td>
<td>- Will the proposed legislation prescribe the need for public consultation before a statutory allocation limit is set?</td>
</tr>
<tr>
<td>- Will the proposed legislation prescribe the need for public consultation before a statutory allocation limit is set?</td>
<td>- The paper states that the Minister will have the power to set/amend water resource boundaries. Will this decision be between the DoW and the Minister, or will there be wider input from the Water Resources Council, local advisory groups and if so will this be provided for in the legislation?</td>
</tr>
<tr>
<td>- DAFWA supports re-alignment of the administrative boundaries of surface and groundwater sub-areas with physical hydrogeological or hydrological boundaries, especially where separate allocations currently exist for multiple aquifers that are connected and behave as a single resource.</td>
<td>- DAFWA supports re-alignment of the administrative boundaries of surface and groundwater sub-areas with physical hydrogeological or hydrological boundaries, especially where separate allocations currently exist for multiple aquifers that are connected and behave as a single resource.</td>
</tr>
<tr>
<td>- Is there a danger that once a statutory allocation limit is in place there is no incentive to complete a statutory water allocation plan?</td>
<td>- Has DoW considered putting a time limit to develop a statutory water allocation plan once a statutory allocation limit has been set?</td>
</tr>
<tr>
<td>- Has DoW considered putting a time limit to develop a statutory water allocation plan once a statutory allocation limit has been set?</td>
<td>- Where a statutory allocation limit is in place and the limit is reached, will there be a need to put a moratorium on the acceptance of further licence applications so that DoW does not have to invest resources in assessing any further licences applications?</td>
</tr>
<tr>
<td>- Where a statutory allocation limit is in place and the limit is reached, will there be a need to put a moratorium on the acceptance of further licence applications so that DoW does not have to invest resources in assessing any further licences applications?</td>
<td>- Will the fact that an allocation limit has been reached be publically acknowledged and how?</td>
</tr>
<tr>
<td>- In allowing entitlements to exceed the allocation limit - short term needs to be defined and limited.</td>
<td>- In allowing entitlements to exceed the allocation limit - short term needs to be defined and limited.</td>
</tr>
<tr>
<td>- With regard to variable licences and WAEs under the proposed legislation will there be provisions dealing with the carryover of water allocations from one allocation announcement to the next. For example if a person is given an allocation of say 1GL at a particular announcement and they only use 0.8GL will they be allowed to keep the other 0.2GL allocation for abstraction at a later date?</td>
<td>- With regard to variable licences and WAEs under the proposed legislation will there be provisions dealing with the carryover of water allocations from one allocation announcement to the next. For example if a person is given an allocation of say 1GL at a particular announcement and they only use 0.8GL will they be allowed to keep the other 0.2GL allocation for abstraction at a later date?</td>
</tr>
<tr>
<td>- Will the proposed legislation contain matters that must be considered in developing a statutory water allocation plan and or the elements set out in Schedule E of the NWI?</td>
<td>- Will the proposed legislation contain matters that must be considered in developing a statutory water allocation plan and or the elements set out in Schedule E of the NWI?</td>
</tr>
<tr>
<td>- Will there be provision for water users to borrow from the next allocation period to complete a crop?</td>
<td>- Will there be provision for water users to borrow from the next allocation period to complete a crop?</td>
</tr>
<tr>
<td>- What level of understanding/investigation about a particular water resource will be required prior to developing a statutory water allocation plan?</td>
<td>- What level of understanding/investigation about a particular water resource will be required prior to developing a statutory water allocation plan?</td>
</tr>
</tbody>
</table>
The paper needs to set out how binding statutory water plans (or parts of plans) will be on the government and water users.

It would be beneficial for DoW to prepare an intended list of water resources where statutory plans will be applied and the roll out of which water resources will be managed by statutory limits first.

3.3.3 Measurement including metering
- DAFWA welcomes the proposals for metering. Where meters are installed by licensees can it be assumed that the licensee pays for installation and maintenance of meters? Who is to monitor meter accuracy?
- Will there be provisions in the legislation for metering standards?
- DAFWA welcomes the proposal to measure water use from farm dams. Do multiple farm dams on a water course constitute a single or multiple user surface water system?
- It will be important to reassure water users, that stock and domestic dams and bores (particularly in broadacre areas) are unlikely to require licensing and therefore measurement requirements may not apply unless specific water resource circumstances require a detailed level of monitoring.

3.3.4 Local water advisory committee
- Local water advisory committees should have provision for membership from other government agencies and local government as well as local water users. There should also be provision for Indigenous membership.
- Will there be issues of liability for committee members?
- What statutory refinements are proposed for the Water Resources Council?

3.3.5 Allocation mechanism for release of unallocated water
- What provisions will be in the legislation for determining the method for releasing unallocated water?
- It is noted that local advisory groups would play a role in determining suitable mechanisms. In the past, issues over first-in-first-served have occurred in areas where allocation was low, but a single application would take it up to near or full allocation. In this low risk/low use water resource, it may mean that local water advisory committees have not needed to be established prior to the significant application.

3.3.6 Recovering over-allocated resources
- DAFWA welcomes the proposal to introduce mechanisms to recover over allocated resources. However, local evidence from growers suggests that the 'use it or lose it' policy does not promote the efficient use or conservation of water. Therefore will the legislation contain provisions in relation to the efficient use of water without preventing water users developing management strategies and contingencies for 'poor water years', i.e. can water users plan to retain water for poor years rather than use it inefficiently?
- DAFWA supports that statutory water allocation plan and limit be the place for determining how over allocated resources be recovered.

Other planning matters
- DoW should provide information to allow water users, industry and other stakeholders to understand the nature and quantity of allocated water resources, e.g. for groundwater resources this should include a conceptual model of the aquifer, how it is recharged, its interaction with dependent ecosystems and how and
where it discharges. As the level of resource knowledge increases
the level of information supplied should increase to include issues
such as flow volumes, dependence on climate and uncertainties.
  • DoW should pool its regional monitoring with licensee data to report
    back to users in each allocation sub-area on the state of the
    resource. This should be done annually. Licensee data need not be
    reported at a scale that would allow identification of individual user
    data.
  • Information and reports from other government agencies (Mine and
    Petroleum, Housing, Aboriginal Affairs, DPawW, DAFWA) and
    industry that relate to water resources should all be freely available
    from the DoW website and accessible through the in Water
    Information Rx (WIR) interface. Information deemed commercial in
    confidence should be made available after a prescribed period.
  • The existing legislation has provision for many water resource plans
    including, waterways, drainage and public drinking water source
    protection plans. Clarification of whether these planning provisions
    are to be carried through, their application, the integration of land
    and water planning and obligation on other planning authorities to
    advise on potential water detriments to water resources will need to
    be considered.

3.4 Linked policy considerations

Linked policy considerations
  • Native title rights to take and use water for personal, domestic and
    non-commercial purposes should be provided for in the proposed
    legislation, modelled, for example, in the NSW legislation.

3.4.2 Water Quality

  • Water resource quality protection is currently covered in many
    pieces of legislation, including those outside of the water portfolio
    and DAFWA acknowledges that the issue is complex. Water
    reform could consider better integration of land and water planning.
    Land use planning is an important part of managing the impact and
    use of water resources such as improving the water quality of
    receiving waters particularly in semi rural and urban areas.

3.4.7 Compliance and enforcement

  • Has any consideration been given to the use of penalty points for
    infringements rather than specified penalties?
  • What is the proposed time frame to instigate legal proceeding for
    offences against the Act?

3.4.8 Drainage

  • The position paper advises that the new legislation also intends to
    rationalise the State’s drainage legislation does not go into any
    detail.
  • Certain types of rural drainage are presently regulated under Soil
    and Land Conservation 1982 Regulations 5 and 6. To date, there
    has been no consultation with the Commissioner regarding the
    likely repeal of these regulations. Therefore, it is not possible to
    provide any further comment about what is being proposed.
  • Topics that need to be covered in any new legislation include
    planning, proclamation of drainage districts or similar; governance
    arrangements, land access, rating or service charges, appeal
    provisions and enforcement.
  • Drainage water as a water resource could be considered in the
    definition of water resources and the planning provisions. Enabling
    provisions could be considered to encourage good quality drainage
    water to be used for activities as aquifer recharge, re-use in
    irrigation and for environmental discharge.
  • The issue of water quality in and received from rural and salinity
management drains is one which has implications for downstream users of drainage derived water including environmental impacts. This affects drainage water resources derived both inland and in coastal areas and includes both the land managers and drainage managers such as Water Corporation and local government.

- Further information needs to be provided on the central legislation with specifications of water quality for discharge, identification of the responsibility for the maintenance of those water quality specifications and clarity on the responsibility for the monitoring and arbitrating or policing of these specifications. Centralisation and clarity of these aspects would greatly improve the operation, maintenance, development of drainage and re-use of drainage water for industry and the environment.

3:4:10 Interception by plantations

- DAFWA welcomes that the ability to regulate interception by water by plantations will be enabled by the legislation but not triggered until regulations are in place following consultation.

- Commercial forest plantations are a significant user of water and can have a major impact on stream flow. Therefore, DAFWA believes they should be licensed and included as a consumptive use of water. For example, commercial forest plantations have caused concerns for the wine grape industry particularly in the Great Southern Region.

- The policy will need the nature of activities that may be considered as a plantation. Clarification on whether it is intended to native forest plantations, oil mallee plantations, perennial pastures and fodder crops.

- There will need to be careful consideration how the policy of interception will impact on land management practices and alternative land uses of less productive areas of land.

Additional policy consideration- water use efficiency

- There is little mention of water use efficiency in the paper aside from the use of trading as a driver to achieve this outcome. Apart from trading to achieve efficiencies, there are number of policy and regulatory options. For example, licensees being required by the rules set out in a statutory water plan or conditions of their water licence to conduct a soil assessment/irrigation plan for their particular land use to ensure water use efficiency.
Ms Maree De Lacey  
Director General  
Department of Water  
PO Box K822  
PERTH WA 6842

Dear Ms De Lacey

Thank you for your letter dated 25 September 2013 inviting comment on the Department of Water’s (DoW) position paper, *Securing Western Australia’s water future*.

The position paper provides a sound basis for discussion. The Department of Environment Regulation (DER) broadly supports the proposed water resource management reforms and our submission is attached.

DER’s submission focuses on proposals likely to interact with the legislation administered by DER. This includes legislation for the management of potentially polluting industry through licensing and works approvals, regulation of native vegetation clearing and the management and remediation of contaminated sites.

Changes to water resource management legislation, particularly the *Rights in Water and Irrigation Act 1914* and the *Country Areas Water Supply Act 1947* are likely to interact with the *Environmental Protection Act 1986* and its regulations. Consultation during the development and drafting processes will be important to manage this.

If DoW requires further information on DER’s submission please contact Ms Sarah McEvoy, Assistant Director, Climate Change and Strategic Policy, on 6467 5543. Ms McEvoy is DER’s representative on the water reform interagency reference group.

Yours sincerely,

Jason Banks  
ACTING DIRECTOR GENERAL  
27 November 2013  

Att
<table>
<thead>
<tr>
<th>Section</th>
<th>Comment</th>
</tr>
</thead>
</table>
| 3.1.1 Simplified licensing | The Department or Environment Regulation (DER) would like to be consulted in developing the assessment criteria for the simplified licensing system to maximise the certainty and consistency that can be provided to proponents seeking approvals under the Environmental Protection Act 1986 (EP Act) and the Contaminated Sites Act 2003. This will also minimise the risk of adverse consequences to the environment and water resources. 

DER considers that it is important that the licensing risk assessment process adequately deals with acid sulfate soil disturbance and the potential for groundwater to become acidic during a dewatering program. The current controls on construction dewatering manage this risk. 

Additionally, the risk that a production bore will draw in contaminated groundwater from a nearby contaminated site should also be considered before abstraction licenses are issued. 

Regardless of whether a licence, permit or renewal is required under the proposed water management legislation changes, the EP Act clearing, pollution and environmental harm provisions still apply. As per the comments relating to proposal 3.4.9, a person seeking to establish works or to take/use water may choose to apply for a works approval and/or licence under Part V of the EP Act to ensure that a defence to the offence of pollution or environmental harm applies. |
| 3.1.3 Licence tenure | Extending the licence tenure to 40 years should be accompanied by mechanisms to address where extraction is exceeding the sustainable yield (generally the allocation limit). 

The drying climate, particularly in the south west of the state, makes it likely that reductions to the current allocations of water will be required in the future. An extension of the term of a licence up to 40 years could place future governments in a difficult position if it is also proposed that the risk is to be shared between the government and water users. 

DER also notes that the assertion that "[a] licence is merely a contractual arrangement between the State of Western Australia and the licensee with a set of conditions attached" (page 13) is not correct. The licence is a statutory authorisation, which is a different body of law with different precedents and requirements. Using such terminology may create confusion and unrealistic expectations amongst licensees and other stakeholders. |
<table>
<thead>
<tr>
<th>Section</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.2.4 Accessing the water</td>
<td>It is not clear what is proposed in this change, as the instruments proposed appear to overlap: both appear to be intended to manage extraction of water. It is not clear if there is an intention to also manage the use of water (DER notes that the &quot;site use approval&quot; may be intended to cover this). Clarification is required of the relationship between the &quot;improved licensing and management regime&quot; and the limits of the consumptive pool. If water taken via licences is not accounted for, there may be significant risks of over extraction with concomitant environmental impacts. Research carried out by DER has demonstrated that where groundwater abstraction causes excessive drawdown of the water table in poorly buffered sandy aquifers, there is a significant risk that soil and groundwater will acidify, potentially causing harm to vegetation communities within the cone of depression of the bore. DER considers that DoW should mitigate this risk by controlling the extent of drawdown through measures, for example through minimising pumping rates in individual bores to spread the drawdown over a larger area.</td>
</tr>
<tr>
<td>3.3.1 Introduction of statutory allocation limits</td>
<td>The changes appear to introduce rigour and transparency to the process, and assign decision making responsibility to the Minister.</td>
</tr>
<tr>
<td>3.3.2 Introduction of statutory allocation plans</td>
<td>The Act should include a mechanism for consultation between the Minister for Water and the Minister for Environment, to ensure appropriate advice can be provided to align approvals process expectations for the area of the water allocation plan. An approved statutory water allocation plan could be considered under section 510 of the EP Act when making decisions on clearing permits as &quot;a relevant matter&quot; where appropriate. The weight given to an approved plan would depend on the context, including the environmental values of the vegetation and the importance of the water resource. A plan would not affect whether a clearing permit was required.</td>
</tr>
<tr>
<td>3.3.3 Measurement including metering</td>
<td>DER supports extending the circumstances that require water metering, as a prerequisite to water trading. In the long term, improving the level of information available on state water resources may assist in the assessment of potential impacts to water dependent vegetation from clearing.</td>
</tr>
<tr>
<td>3.3.4 Local water advisory groups</td>
<td>The local water advisory group membership is described as water users, local government and environment groups, and other interest groups. Clarity is also sought on the role of DER, if one has been considered.</td>
</tr>
<tr>
<td>Section</td>
<td>Comment</td>
</tr>
<tr>
<td>---------</td>
<td>---------</td>
</tr>
<tr>
<td>3.3.6 Recovering over-allocated resources</td>
<td>DER supports explicit provision for environmental water being made in water resource management, where appropriate. The consideration of environmental water requirements in allocation planning, which include consideration of the levels of water required to maintain ecological system integrity, remain critical for preventing environmental harm in a drying climate (particularly with regard to wetlands).</td>
</tr>
<tr>
<td>3.4.1 Environmental water</td>
<td>The consolidation and evolution of existing provisions related to water quality should take into account interrelated provisions in the <em>Contaminated Sites Act 2003</em>. In particular, the definition of contaminated as being &quot;in relation to land, water or a site, means having a substance present in or on that land, water or site at above background concentrations that presents, or has the potential to present, a risk of harm to human health, the environment or any environmental value&quot;. It is important that the position paper refers to the role of DER in assessing and managing water quality at contaminated sites in accordance with provisions of the <em>Contaminated Sites Act 2003</em>. It is also recommended that the risk of acid sulfate soil disturbance is also explicitly addressed as an issue affecting water quality. DER notes that the deterioration in the quality of surface water or groundwater is considered in the clearing principles for assessing native vegetation clearing permit applications.</td>
</tr>
<tr>
<td>3.4.2 Water quality</td>
<td>It is unclear how the temporary Public Drinking Water Supply Area provision would interact with Part V of the EP Act. Further consultation is recommended on this matter, particularly if there is an expectation or requirement for businesses operating within such areas to alter their activities and emissions to reduce the risk of water pollution during that period. Many premises are authorised under Part V of the EP Act to operate, and changes affecting this would require detailed consideration. DER also notes that the State has invested several million dollars compensating landholder in respect of clearing controls in the five recovery catchments proclaimed under the Gountry Areas Water Supply Act 1947. DER would expect further consultation if any changes to these arrangements are proposed. Degradation of water quality caused by native vegetation clearing and the penalties that apply in the EP Act should be considered during the proposed legislation review.</td>
</tr>
<tr>
<td>Section</td>
<td>Comment</td>
</tr>
<tr>
<td>------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>3.4.8 Drainage</td>
<td>DER wishes to be further consulted as the detail of this proposal is developed. DER notes that drainage is considered in the clearing permit assessment process, particularly under the EP Act, Schedule 5, principles (f), (i) and U. In relation to acid sulfate soils, it is recommended that the risk of acid sulfate soil disturbance is considered when assessing any new drainage proposal.</td>
</tr>
<tr>
<td>3.4.9 Injections</td>
<td>Regardless of whether a licence, permit or renewal is required under the proposed water management legislation changes, the EP Act pollution and environmental harm provisions still apply. A person seeking to establish works to inject water may choose to apply for a works approval and/or licence under Part V of the EP Act to ensure that their works have a defence to the offence of causing pollution or environmental harm. DER is currently developing new policies and guidelines on the discharge of waste water to land (including managed aquifer recharge) which should be referred to in the position paper. Any proposed injection of water into aquifers should be consistent with DER's policies and risk assessment procedures.</td>
</tr>
</tbody>
</table>
Ms Maree De Lacey
Director General
Department of Water
PO Box K822
PERTH WA 6842

Dear Ms De Lacey

SECURING WESTERN AUSTRALIA'S WATER FUTURE

Thank you for your letter dated 25 September 2013 offering the Department of Fire and Emergency Services (DFES) the opportunity to comment on your document Securing Western Australia's water future – a position paper.

In contributing to an improved framework for water resource management in Western Australia, DFES supports a reduction in water loss, use of waste and the improvement of water management practices that decrease or enhance the beneficial use of water.

Climate change in the south Western Australia has resulted in decreasing rainfall and an increasing occurrence of high or extreme fire weather days¹. With significant increases in urban population, particularly urban interface settlement, the demand for water resources is exacerbated. This requires focused management to ensure equity and probity for all stakeholders, i.e. agricultural, domestic, industrial and environmental. DFES is currently collaborating with the water utilities to ensure that water conservation measures are incorporated into our work practices.

When fighting fires, firefighters require immediate access to adequate water supplies as the ability to access water supplies directly affects the resources that DFES utilise to mitigate the effects of fire on communities. Access to water supplies for fire emergencies is prescribed by provisions in the Water Services Act 2012, and the Bush Fires Act 1954.

¹ Fire in ecosystems of south-west Western Australia: impacts and management. Symposium proceedings (Volume I), Perth, Australia, 16-18 April 2002 2003 pp. 87-106
Any proposed water conservation initiatives by the Department of Water should be cognisant of DFES and Local Government requirements to access to water for fire emergencies and training purposes.

Yours sincerely

WAYNE GREGSON APM
COMMISSIONER

3 January 2014
Dear Sir

SECURING WESTERN AUSTRALIA'S WATER FUTURE – POSITION PAPER

The Forest Products Commission (FPC) is a government owned statutory authority responsible for the sustainable management, commercial harvesting and sale of timber assets from State-owned native forests and plantations in Western Australia. The FPC appreciates the opportunity for input into Securing Western Australia's water future, Position paper - reforming water resource management.

I note that Section 3.4.10 of the paper addresses interception of water by plantations. FPC supports the proposal for inclusion of existing plantations as an unregulated user. The paper is less clear in relation to new plantation development. It indicates that further work on operational policy and any regulations that need to be developed is to be undertaken through further consultation. The FPC would appreciate the opportunity to be included in this consultation. As initial input, I would like to highlight the following issues that FPC would like to see addressed as part of any future policy development:

- Recognition that plantation forestry can improve water quality by reducing export of salt and reducing turbidity and nutrient discharge.
- A water interception framework should be based on the recharge conditions that apply to native forest cover prior to its removal or substantial modification, rather than cleared land.
- Plantations are a long-term investment with direct economic and social benefits. Future investment is dependent upon a stable regulatory environment.

I note the possibility for changes in protection and management of public drinking water sources (Section 3.4.4), and protection and management of public water supply (Section 3.4.5). The FPC expects to maintain access to water catchments in State Forest for the purpose of sustainable harvesting operations as permitted under provisions of the Forest Management Plan 2014 – 2023 (FMP). As detailed in the FMP, there is a case for targeted
thinning in forested catchments to facilitate increased surface water run off, with consequent benefits for water yield and health of riparian vegetation and streams.

I would also like to draw your attention to the fact that FPC operates a large commercial tree nursery at Manjimup, with significant water use requirements. FPC has a key interest in how allocation and entitlement processes will be applied and therefore seeks to be engaged in development of statutory plans at the local level and to provide input into the proposed local water advisory group.

The FPC looks forward to the opportunity for further consultation on these matters. I expect the reforms to recognise the important place that sustainable forest management has in managing water resources, as well as the role that tree growing and timber harvesting has in our economy and the community.

Yours faithfully

David Hartley
GENERAL MANAGER

3 January 2014
18 December 2013

Policy Submissions – Water Reform
Policy & Innovation Directorate
Department of Water
PO Box K822
Perth WA 6842

Email; policy@water.wa.gov.au

Dear Sir

Securing Western Australia’s water future – a position paper

Thank you for the opportunity to comment in respect of this position paper.

The Goldfields-Esperance Development Commission’s (GEDC) role is to coordinate and promote economic development. It does not profess to be expert in the specialised area of water policy however, the agency does have a view in respect of certain matters relating to water that we will address in this submission.

Water reform in Western Australia is a complex topic that the GEDC recognises as a critical factor in the social, economic and environmental well-being of the State. We acknowledge that water resources in the Goldfields-Esperance region of Western Australia does underpin regional lifestyles and the productivity of industrial, mining, agricultural and urban development and as a result regional growth.

Since July 2005 the GEDC has contributed to more than 13 water related State Government workshops, forums or inquiries on various aspects of water reform, strategy or policy. Prior to this the GEDC has been involved in a number of studies and activities to determine likely future demand for water and possible alternative sources to the existing Goldfields and Agricultural Water Supply (GAWS) to supply the Goldfields-Esperance region. These include the Kalgoorlie-Boulder Waterlink Project (1990’s) and the Goldfields-Esperance Water Supply Strategy (2003). This level of activity reflects the interest and importance of the management, supply and use of water to the entire Goldfields-Esperance region.
The GEDC considers as priorities and would like to acknowledge the following discussion points and their implication for water reform:

- Regional water policy must be considered in the context of planned growth for regional Western Australia as evidenced with the Regional Centre’s Development and the Regional Investment Blueprint initiatives.

- Effective water management and supply, including removing unnecessary regulation, encouraging efficiency, increasing investment in other water sources such as ground water and desalination are critical to the sustainability of regional communities.

- Introduction of local water resources management committees along with the establishment of voluntary local advisory groups that would work with the Department of Water to inform and advise on water management and allocation issues within a specific locality is supported by the GEDC. Furthermore, we take the view that a Department of Water should have a residentially based presence in the region to support and guide these groups.

- Attention to the specific water needs and issues of each region must be accommodated in all water reform. A regional and inter-regional perspective should be taken to manage the diverse nature of regional water demand, supply and other requirements.

- The emphasis on licensing and water trading is undoubtedly more relevant for some regions than others. Indications to the GEDC are that regional development is presently curtailed by lack of access to adequate reliable and cost effective water supplies. This will not be remedied by a focus on water trading in the GEDC region but through innovative and alternative access to water supplies.

- Evidence of the requirement for alternative water sourcing for the Goldfields-Esperance region is the United Utilities Australia Pty Ltd (UUA) proposal (2005) for a desalination plant at Esperance and a pipeline through to Kalgoorlie-Boulder. UUA had established, through Memorandums of Understanding that quite significant additional and long term water demand exists for commercial operations. At the time these projects require significant new water additional to traded water.

- A greater emphasis on environmental sustainability through water conservation and reuse is also required in any State water reform documentation. Western Australian organisations and individuals need a stronger message and a clear picture about conservation and reuse. They also need access to a workable program to enable recycling, storage and conservation options that will allow access to greater quantities of affordable (and environmentally sustainable) water and enhanced wastewater management at a reduced cost over a period of time.

- Management of the significant opportunity to assist heavy water use industries seek better ways of operating with less water, reused water or self collect and store programs should be incorporated into water reform. This may need to be in association with Government agencies and utilise a cost offset incentive scheme.
Local Government Authorities such as the City of Kalgoorlie-Boulder, who have an excellent waste water recycling program, and others who invest in recycling technology and processes, should be considered for the Community Service Obligation (CSO) payments made to the Water Corporation or for other incentives to assist in their innovative management of the water resource issue.

Water reform is an exciting opportunity to achieve long term water security for regional and State economic growth through innovative and long-term supply and usage water management. The GEDC supports water reform and encourages the consideration of the issues identified in this submission.

Yours sincerely

Robert Hicks
CHIEF EXECUTIVE OFFICER
Ms Maree De Lacey  
Director General  
Department of Water  
PO Box K822  
PERTH WA 6842

Dear Ms De Lacey

SECURING WESTERN AUSTRALIA'S WATER FUTURE – A POSITION PAPER

Thank you for your letter of 25 September 2013 requesting comment from the Department of Health (DOH) on the above position paper.

The *Health Act* 1911 (as amended) (the Act) identifies the powers of the Executive Director Public Health (EDPH), including Sections 129, 130, 131 in relation to the protection of water supplies, in addition to powers for making laws for the prevention of the pollution of any water supply.

In 2007, the Legislative Assembly Education and Health Standing Committee Inquiry into the Cause and Extent of Lead Pollution in the Esperance Area identified a recurring theme of a “…failure to place Public Health considerations on the same basis of other considerations.” (Legislative Assembly, 2007 p. 93).

In order to protect public health and to reassure the public of Western Australia (WA), it is imperative that in the case of approvals for water management systems, the Department of Water (DoW), as the decision making body, **shall** place public health considerations on at least the same basis of other considerations.

In order to do this, the DoW must engage DOH throughout the decision making process. The recent approach taken by the DoW in regards to Managed Aquifer Recharge is a good example of the benefits of early engagement with the DOH to address both real and perceived public health risks.
Securing Western Australia’s Water Future

Of paramount importance in the position paper, any decision regarding ‘public health’ must be made by or referred to the Minister for Health for determination.

The DOH is of the view that any decision made about ‘public health reasons’ or ‘being in the public interest (that have a public health component)’ must be made either by the Minister for Health, or both Minister for Health and Minister for Water jointly.

In addressing public health considerations related to water, DOH has identified three key factors that need to be considered:

1. good risk communications with transparent and accountable disclosure of risks;
2. confidence in “the regulator” to properly oversee and be accountable in relation to public health risk management commitments;
3. the precautionary principle;
   a. if there is a serious public health risk, lack of full scientific certainty should not be used as a reason for postponing measures to prevent, control or abate that risk; and
   b. in the application of the precautionary principle, decision-making should be guided by;
      i. a careful evaluation to avoid, where practicable, serious harm to public health; and
      ii. an assessment of the risk-weighted consequences of the options.

Management practices in relation to securing WA water resources and supply are to be structured in such a manner to ensure that public health is protected and that all other considerations be secondary. The DOH does not believe that the protection of public health should be discounted against other factors.

As this position paper and the Minister for Water is about managing a resource, related decisions and processes that may affect public health standards should require Minister for Health approval in addition to any other approvals process. The Minister for Health is best placed to determine which water issues and decisions are encompassed.

In addition to the attached submission on the issues raised in the position paper, the following statements are provided:

- ‘Ensure the protection of public health’ should be a key objective of any future Water Act or Strategy.
- In issues that affect public health, approval by the Minister for Health is to be a requirement that is in addition to any approval or decision by the Minister for Water.
- Greater clarification of terms and measures used in the position paper is required to enable proper understanding of the relative implications of each of the proposed measures on public health.
- ‘Recycled water’ is a water resource and requires greater prominence in any future water strategy.
• The management of water originating from seawater (eg via desalination plants) requires further investigation and specific referencing.

• Issues related to the rights of native title holders to access water resources (either surface water or groundwater) for traditional purposes need to be consistent with public health concerns.

• As a primary objective, 'Water quality' is to be protected in all public drinking water sources.

• "Managed Aquifer Recharge" (MAR) issues to be consistent with the Australian Guidelines for Water Recycling: Managing Health and Environment Risk (phase 2) Manager Aquifer Recharge.

The DOH looks forward to working with DoW to further develop positions on issues of common concern raised in the Water Futures position paper.

Should you have queries or require further information please contact Vic Andrich on 9388 4978 or vic.andrich@health.wa.gov.au

Yours sincerely

Jim Dodds
ACTING EXECUTIVE DIRECTOR
PUBLIC HEALTH DIVISION

30 December 2013
<table>
<thead>
<tr>
<th>Chapter</th>
<th>Section</th>
<th>Comment</th>
</tr>
</thead>
</table>
| 1.0     | Paper at a glance | • Consistency of terminology and streamlining of processes such as the integration of terms and processes with other legislative/planning processes eg: State Planning Strategy and other planning reforms currently being undertaken.  
• Paper is vaguely written that it is not possible to determine what the current problems are specifically, what the proposed reforms are, and how the proposals would remedy the problems. |
| 2.0     | Executive Summary | |
| 2.1     | Policy drivers | |
| 2.1.1   | A drying climate | Nil |
| 2.1.2   | Population growth and expanding economy | Nil |
| 2.1.3   | New and emerging management challenges | Nil |
| 2.2     | Legislative confusion | |
| 2.3     | The current situation: building on previous stakeholder input | Nil |
| 2.4     | What are we proposing in this position paper? | |
| 2.4.1   | Overview | Recycled water is a water resource and the document is silent on its contribution to help alleviate the pressure on increasing scarce water resources. The document should include a paragraph pointing recycled water as one of the sustainable options to help secure Western Australia’s water future. |
| 2.4.2   | Improved legislative framework | • The document is focus on streamline water resource allocation by introducing water allocation plans, minimise regulatory burden and put in place simplified risk-based assessment process for “some” licences application. Clarification is sought in what categories of licence applications will require a more detailed risk assessment process (Sector 2.4.2 page6)  
• Consistency of terminology and streamlining of processes such as the integration of terms and processes with other legislative/planning processes eg: State Planning Strategy and other planning reforms currently being undertaken. |
<p>| 2.4.3 | Greater confidence and security regarding access to water | Nil |
| 2.4.4 | Improved planning framework | Consistency of terminology and streamlining of processes such as the integration of terms and processes with other legislative/planning processes eg: State Planning Strategy and other planning reforms currently being undertaken. |
| 2.4.4.1 | <em>Introduction of statutory allocation limits and plans</em> | Nil |
| 2.4.4.2 | <em>Measurement and metering</em> | Nil |
| 2.4.4.3 | <em>Local water advisory groups</em> | Nil |
| 2.4.5 | Recovery of over-allocated water, risk management and compensation | Nil |
| 2.4.5.1 | <em>Ensure water supply for the future</em> | Nil |
| 2.4.5.2 | <em>Greater flexibility to react to climatic variations and increasing demand</em> | Nil |
| 2.4.5.3 | <em>Security of water for the environment</em> | Nil |
| 2.5 | Who will these changes impact and what will they mean for you? | Nil |
| 3.0 | Changes in detail |
| 3.1 | Improved licensing |
| 3.1.1 | Simplified licensing | Nil |
| 3.1.2 | Licence trading and transfer | Nil |
| 3.1.3 | Licence tenure | Nil |
| 3.1.4 | Variation of existing water entitlements | Nil |
| 3.2 | Water access entitlement framework |
| 3.2.1 | Introduction of water access entitlements | Nil |
| 3.2.2 | Consumptive pools | Nil |</p>
<table>
<thead>
<tr>
<th>3.2.3</th>
<th>Water allocations</th>
<th>Nil</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.2.4</td>
<td>Accessing the water</td>
<td>Nil</td>
</tr>
<tr>
<td>3.3</td>
<td><strong>Improved planning framework</strong></td>
<td></td>
</tr>
</tbody>
</table>
| 3.3.1 | Introduction of statutory allocation limits | • On page 18 it states that:  
*The Minister [for Water] may also specify the circumstances under which water entitlements may temporarily exceed the statutory allocation limit. This could include purposes such as:*
  - for public health reasons
  - the removal of contaminated groundwater
  - the provision of small volumes of water for short term projects (for example short term dewatering for construction purposes)
  - being in the public interest.
• Any decision made about “public health reasons” or “being in the public interest” must be made either by the Minister for Health, or both Ministers jointly. |
| 3.3.2 | Introduction of statutory allocation plans | Nil |
| 3.3.3 | Measurement including metering | Nil |
| 3.3.4 | Local water advisory groups | Nil |
| 3.3.5 | Allocation mechanism for the release of unallocated water | No comment is made anywhere in the document about management of water originating from seawater (e.g via desalination plants). This is a curious omission that significantly degrades the proposals. The document must clarify how ocean water sources are to be managed/allocated and also protected. |
| 3.3.6 | Recovering over-allocated resources | Nil |
| 3.3.7 | Risk assignment framework and compensation | Nil |
| 3.4   | **Linked policy considerations** |
| 3.4.1 | Environmental water | Nil |
| 3.4.2 | Water quality | • The policy document states, in its entirety, here that:  
*Current rules on water quality are spread over several pieces of legislation. It is therefore proposed to consolidate existing provisions and make explicit that water quality requirements are to be taken into account in all applicable decision-making processes.* |
| 3.4.3 | Basic water | • This is an area of great interest to DOH and to public health in general, yet the above text is so vague as to be meaningless.
• Statements that "... water quality requirements are to be taken into account ..." are manifestly inadequate, they must be prioritised over other competing uses.
• Further, "... all applicable decision-making processes" is meaningless, unless the decision making process meet some absolute standard of adequacy, transparency and competence.
• The Minister for Health must be consulted on any decision that may affect public health and must endorse it separately to the Minister for Water for it to proceed.

| 3.4.4 | Protection and management of public drinking water sources | • The policy document states that:
Note that basic water includes the right of native title holders to be able to access water resources (either surface water or groundwater) for traditional purposes.
• The proposals must make clear that this right must remain subordinate to public health considerations.

| 3.4.5 | Protection and management of public water supply | • Any decision by the Minister for Water must require endorsement by the Minister for Health.

| 3.4.6 | Managing at the state level | Nil |

| 3.4.7 | Compliance and enforcement | Nil |

| 3.4.8 | Drainage | • The aim to have uniform legislation for drainage management in metropolitan and regional areas and the inclusion of drainage plans upfront in the land use planning is welcome. Drainage considerations in section 3.4.8 on page 28 are consistent with the second draft of the Government Sewerage Policy.

| 3.4.9 | Injections | • Section 3.4.9 'Injections' should refer more broadly named as 'Managed Aquifer Recharge' (MAR). The term MAR is in line with the Australian Guidelines for Water Recycling: Managing Health and Environmental Risk (phase 2) Manager Aquifer Recharge and the DoW Operation policy 1.01 MAR in WA (2011) |
|   |   | Any decision by the Minister for Water must require endorsement by the Minister for Health.  
|   |   | It is artificial to exclude hydraulic fracture stimulation from this process. In the event that the other regulatory framework for hydraulic fracture stimulation does not adequately cover the areas in this proposal, then this proposal will apply, including requiring endorsement of the Minister for Health in certain circumstances as above. |
| 3.4.10 | Interception by plantations | Nil |
| Glossary |   | Nil |
Ms Maree De Lacey  
Director General  
Department of Water  
GPO Box K822  
PERTH WA  6842

—

Dear Ms De Lacey

**Securing Western Australia’s water future – position paper – comments by the Department of Local Government and Communities (DLGC)**

Thank you for your letter dated 25 September 2013, with which you forwarded an overview of the above document and invited comment from this Department. Subsequent email communication between Vicky Nazer of DLGC and Phillip Kalaitzis of the Department of Water also refers.

Your Department is to be commended on the high level of consultation evident in the preparation of the position paper, and on the quality of its findings and recommendations.

Our comments, a copy of which is attached, focus on three broad issues:

- the need to clarify and address any implications that the trading of water access entitlements may have for local government rating systems;
- the role, legal status, and training of local advisory committees, and the costs of developing statutory water allocation plans;
- whether local governments’ needs for water usage for public open space could be prioritised or protected within those plans.

I confirm that a copy of our comments will also be emailed directly to policy@water.wa.gov.au as requested in the position paper. Please contact Mr Tony Dean, Manager Policy at the Department (tony.dean@dlgc.wa.gov.au, tel 6552 1464) should you require any further information.
Once again, thank you for the opportunity for this Department to participate in the consultative process.

Yours sincerely,

Brad Jolly
A/DIRECTOR GENERAL

15 January 2014

att
SECURING WESTERN AUSTRALIA’S WATER FUTURE – POSITION PAPER – REFORMING WATER RESOURCE MANAGEMENT
COMMENTS BY THE DEPARTMENT OF LOCAL GOVERNMENT AND COMMUNITIES

January 2014

Implications that water trading may have for local government rating systems

The ability to trade in water access without a concomitant transfer of land ownership is a key principle of the COAG water reform agenda. Appropriately, then, the position paper recommends that where statutory water allocation plans so provide, water access entitlement regimes be established. In such regimes, water access entitlements, ‘given their property right status (ie an asset such as a car or tractor) … can be traded (bought, sold, leased, assigned, subdivided, amalgamated, mortgaged and bequeathed)’.

Historically, land valuations for local government rating in this State have not specifically included the value of licensed water entitlements, and the basis of rural rates is the unimproved value of the land. At this stage, it remains unclear what effect the ‘unbundling’ of water access entitlements from land may have on the value of affected properties and associated local government revenue. It is possible that the value of some properties and associated rates revenue could drop.

The paper observes that the demand for water trading in Western Australia ‘is expected to increase over time as water resources become fully allocated and demand for water increases’. Accordingly, it would be helpful to identify and address any implications that this proposed key reform may have for local government rating systems in advance of implementation, as was done in New South Wales in relation to a similar reform. This would involve liaison between the Western Australian Local Government Association, our two Departments, and the Office of the Valuer General. The aim would be to ensure that as far as possible local governments could generate the same level of rates after the reform as before, without increasing administrative complexity.

The role, legal status and training of local advisory committees, and the costs of developing statutory water allocation plans

The position paper envisages a range of important ways for voluntary local advisory groups to work with government to inform and advise on water management and allocation issues with their community. It is proposed they make significant contribution to the development of statutory water allocation plans, ‘which will be more robust than a guidance document and remove the legislative necessity for consideration by an advisory body’. They would help government ‘adapt water management according to the conditions of specific resources and localities over time’.
Specific contributions outlined for local advisory groups include:

- articulating local rules that could be contained within a relevant statutory water allocation plan, eg what conditions might be imposed on trades that are close to endangered wetlands;
- helping develop mechanisms for increasing or decreasing water entitlements, or for releasing unallocated water where necessary; and
- providing input to the setting of statutory allocation limits if appropriate.

The paper’s emphasis on the importance of community consultation, and the many and varied roles that are proposed for the local advisory groups, which would include representatives of local government, are welcomed by this Department. The underlying principles of robust community engagement and long-term strategic community planning accord with the introduction of Integrated Planning and Reporting throughout the local government sector in recent years.

However, in view of the significant role that local advisory groups will play, it is recommended that thought be given to whether they will require training, and if so, how and by whom that will be resourced. Also, provisions for a financial contribution to the costs of their activities, including the development of statutory water allocation plans, may be warranted. Finally, given that statutory water allocation plans will have the force of law, it would be helpful to clarify the legal status of the local advisory groups, including, should disputes arise, the liability of members in regard to litigation.

**Whether local governments’ needs for water usage for public open space could be prioritised or protected within the statutory water allocation plans.**

The paper posits a system of perpetual, tradeable water access entitlements that constitute a property right in a share of a defined ‘consumptive pool’. This is defined as the aggregate amount of water that can be made available for consumptive use in a particular water resource under the rules of a statutory water allocation plan. As the size of the pool changes due to climate or other factors, the volume of water that relates to each share or unit of the pool will also change.

Sensibly, the paper flags that in determining the size of the consumptive pool, statutory water allocation plans, reinforced by legislation, will accord priority to ‘environmental water provision’, and to the protection of current and future public water supply.

The paper, however, is silent on the question of local governments’ usage of water for the maintenance of public open space. Given the importance of such spaces to the health, social capital and well-being of communities, this Department urges that consideration be given to prioritising water usage of this kind, similar to what is proposed for environmental waterways and the provision of public water supply.
Dear Sir/Madam

SECURING WESTERN AUSTRALIA'S WATER FUTURE

Thank you for the opportunity to provide comment and feedback on this position paper dealing with the management of the State's water resources. The Commission applauds the Department of Water's moves to consolidate and streamline the laws and policies that govern how the Department and consumers carry out their business.

Specific comments for your consideration when developing the final draft of the position paper:

- **Page 8, dot points 3 and:** 'The reforms will provide more flexible and adaptive means of securing water resources for the future by...encouraging innovation...providing improved information.' These are important initiatives, particularly in the Mid West region, but no further detail could be found in the document. This section would benefit from additional detail explaining how the Department intends to encourage innovation and provide improved information.

- **Page 9, paragraph 5:** This section introduces the concept of water access entitlements and previous sections have discussed water licences. Clarification of the differences between the two (perhaps in a simple table format) would enhance the reader's understanding here.

- **Page 19, dot point 8:** 'statutory water allocation plans [will]...set out rules for managing the water resources but not limited to how much and when the water may be taken, when restrictions may apply, how entitlements may be varied, how trading may occur and how allocation announcements may be made (where appropriate).' Given Minister Redmond refers to 'the best and most productive use of this essential resource' in his Foreword, it may be prudent to also set out rules for how the water is to be used.

- **Page 23, first sentence:** 'there is general support for the FIFS policy.' Consultation the Commission has undertaken with Mid West stakeholders does not support this statement. Indeed, the reverse is true- there is widespread dissatisfaction with the first in, first served policy. Concerns in the Mid West region are varied but generally focus on the FIFS policy being inconsistent with regional development strategies and initiatives; and large allocations going to single users, thereby squeezing small to medium enterprise out of the picture. The consequences of this happening would not benefit the regions as these SMEs are the mainstays of our economy and the largest employers. FIFS may well be the mechanism currently in place (therefore it is easier to...
continue with this practice) but the Commission urges the Department to take a more strategic, long term and sustainable approach to water allocation. This approach would have the added benefit of assuring that the Department's water management objectives are in concert with community expectations, thereby building trust and confidence in government.

- Page 25, paragraph 2: ‘...consolidate existing provisions and make it explicit that provision is to be made for environmental water in water resource management, where appropriate.’ Where is it not appropriate to make provision for environmental water?

I trust this feedback will be useful to you. Please contact Anne Finlay on 0428 210 709 for further details if required.

Yours sincerely

Ga in Treasure
CHIEF EXECUTIVE OFFICER

12 December 2013
Ms Maree De Lacey  
Director General  
Department of Water  
policy@water.wa.gov.au  

Dear Ms De Lacey  

'SECURING WESTERN AUSTRALIA'S WATER FUTURE - A POSITION PAPER', INVITATION FOR COMMENT  

Thank you for your letter to the Department of Mines and Petroleum ("DMP") of 25 September 2013 providing a copy of the recently released position paper for an improved framework for water management in Western Australia.  

DMP supports the endeavours of the Department of Water ("DoW") to reform the legislative framework for water resource management. DMP is pleased to be represented on the DoW agency reference group, and will continue to provide a contribution through that forum.  

Overall, the direction articulated in the position paper is supported. The objectives, principles and outcomes appear relevant and appropriate. The improved planning framework is also supported.  

While the position paper is a high-level document, there are a number of matters which DMP considers should be recognised during the development of the new legislative framework. This will ensure that the reforms do not result in unintended consequences, and clearly deliver upon the objectives of the reform. The points DMP would like to raise for noting are:  

Consideration of water extraction where use of the water is not the primary purpose. The position paper outlines an approach which minimises the need for special allocation rules to be established for specific industries/uses. This is considered a preferred approach.  

However in addition to this strategy, it will also be relevant to carefully consider emerging activities and industries which extract water from the environment. Such emerging activities may not be traditionally considered as water users however – if not recognised as potential users – could be unintentionally impacted by the new arrangements.  

The activities which are relevant include:  

- **Dewatering of mining operations**: DoW has already developed considerable guidance on the issues relating to the management of
mine dewatering activities, and therefore it will be important to ensure these activities are recognised under the new regulatory framework.

- **The generation of 'production water' from petroleum activities:** when gas or oil is extracted from deep petroleum-bearing formations, water can often also be recovered from the same formation. This water may then be reinjected into the same formation for aiding recovery of further gas/oil, and/or to dispose of the production water. This activity does not result in a ‘dewatering’ of the formation; yet does involve the extraction and return of water in a non-potable aquifer. This activity is clearly not the focus of the reform, and is currently regulated through the various State petroleum legislation.

- **Emerging geothermal activities:** the extraction of heat from deep geological formations is an emerging technology which may present future energy opportunities in WA. These activities may not be a net-user of water, yet some of the methods could involve circulating water from the aquifer to the surface to transfer heat, and then reintroducing it to the deep formation. As with the generation of ‘production water’ from petroleum activities, water use in geothermal activities is not the primary purpose of the water reforms.

- **In-situ leaching:** while the use of in-situ leaching techniques for mineral recovery is not currently employed in Western Australia, this is technique which is used in other parts of Australia. The regulatory framework arising from the water reforms should anticipate that this may be a technology that is proposed for the future, and therefore it should be adequately recognised in the reform process.

With these types of activities above, DMP suggests that at a future stage within the water reform program, a special consideration is given to how the regulatory arrangements proposed will affect these activities. DMP is available to assist in this process.

**Potential for administrative efficiencies.** There are a number of agencies who have a statutory role in the regulatory of activities which may affect surface or groundwaters (including DMP). The water reform agenda should consider providing the opportunity to build upon these existing regulatory arrangements, and where possible, provide for streamlined regulation.

As an example, there are a number of agencies which already require annual environmental reporting of certain industrial activities (such as mining). If the water reforms being delivered by DoW were to bring in compulsory metering of water extractions and annual reporting of these water extractions, then there would be opportunity to have arrangements where this information could be incorporated into existing reporting to government. This approach would require agency administrative procedures to be established for information exchange, however would potentially limit the need for duplicate reporting.

**Sound arrangements for water quality protection.** The Position Paper appropriately recognises the connection between water availability and water quality. As mentioned above, there are many regulatory agencies which have a role in approving and auditing activities that may impact on
water quality. The delivery of the water reform provides the opportunity to further enhance the coordination of water quality protection in Western Australia.

DMP looks forward to continuing to support DoW in its water reform program, and trusts that the above points assist in the process.

Yours sincerely

Phil Gorey  
EXECUTIVE DIRECTOR ENVIRONMENT

31 December 2013
'Securing Western Australia’s water future- a position paper, invitation for comment

Thank you for your letter dated 25 September 2013 seeking submissions on ‘Securing Western Australia’s water future- a position paper’, which outlines the government’s plans to better manage the State’s water resources into the future.

The Department of Parks and Wildlife (DPaW) has responsibility for managing all lands vested in the Conservation Commission of Western Australia and the calculation of environmental water provisions is central to the maintenance and potential enhancement of ecosystem health on much of those lands. The provision of water for recreation purposes is also a significant component of maintaining safe recreational opportunities for the community.

DPaW supports the concept of updating outdated legislation and modernising water management across the State, and advocates an adaptive management approach.

The department currently holds 19 water licences across the State as outlined in Attachment 1. The water supplies are used for various purposes including firefighting, reticulation, drinking water supplies, accommodation services (e.g. Peron homestead, Yanchep National Park) and conservation programs (e.g. water supplementation for the Western Swamp Tortoise).

As stated in the position paper, there are increasing demands for water for various consumptive uses at a time of decreasing rainfall, and it would be of concern if over-allocation for such uses placed undue pressure on environmental and recreational water provisions.

While reforms that will provide for better management of water for the environment are supported, the paper provides little information or guidance on what is proposed or how this will be achieved.

The paper currently makes no specific reference to or provision for recreational water. It is recommended that water provisions for safe recreation, as a significant community and social value, are specifically recognised outside of the allocation limit/consumptive pool.

As part of the consultative processes for finalising the Department of Water’s Operational Policy 13: Recreation within public drinking water source areas on Crown land, it was highlighted that there would be legislative changes around the Reservoir Protection Zones that enable a more flexible approach to
the current two kilometre radius allocation (at least on a case by case basis). It is requested that inclusion of these changes within the proposed legislative review is also considered.

Additional detailed comments on the paper are at Attachment 2.

Queries relating to this submission can be directed to Aminya Ennis at aminya.ennis@dpaw.wa.gov.au.

Yours sincerely

Jim Sharp
ACTING DIRECTOR GENERAL

23 December 2013
## Attachment 1 List of water licences currently held by Department of Parks of Wildlife

<table>
<thead>
<tr>
<th>Region</th>
<th>Licence number</th>
<th>Type</th>
<th>Allocation</th>
<th>Issue date</th>
<th>Expiry date</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kimberley</td>
<td>60122</td>
<td>Groundwater</td>
<td>1 000 kL</td>
<td>14/02/2011</td>
<td>31/1/2015</td>
<td>156 Broome Road, Roebuck – Gubinge Tree Research</td>
</tr>
<tr>
<td>Kimberley</td>
<td>99653</td>
<td>Groundwater</td>
<td>7 000 kL</td>
<td>02/02/2011</td>
<td>31/01/2016</td>
<td>Purnululu National Park</td>
</tr>
<tr>
<td>Pilbara</td>
<td>95700</td>
<td>Groundwater</td>
<td>2 500 kL</td>
<td>25/11/2010</td>
<td>31/12/2015</td>
<td>Cape Range National Park</td>
</tr>
<tr>
<td>Pilbara</td>
<td>110418</td>
<td>Groundwater</td>
<td>12 500 kL</td>
<td>16/04/2013</td>
<td>07/02/2020</td>
<td>Ranger headquarters, Millstream-Chichester National Park</td>
</tr>
<tr>
<td>Midwest</td>
<td>54599</td>
<td>Groundwater</td>
<td>50 000 kL</td>
<td>28/06/2012</td>
<td>31/07/2017</td>
<td>Francois Peron National Park</td>
</tr>
<tr>
<td>Midwest</td>
<td>166154</td>
<td>Groundwater</td>
<td>1 500 kL</td>
<td>18/03/2013</td>
<td>30/06/2023</td>
<td>Kalbarri National Park</td>
</tr>
<tr>
<td>Midwest</td>
<td>174898</td>
<td>Groundwater</td>
<td>50 000 kL</td>
<td>28/06/2012</td>
<td>31/07/2017</td>
<td>73 Shark Bay Road (Unallocated Crown Land)</td>
</tr>
<tr>
<td>Midwest</td>
<td>175971</td>
<td>Groundwater</td>
<td>50 000 kL</td>
<td>03/01/2012</td>
<td>31/07/2017</td>
<td>72 Shark Bay Road (Unallocated Crown Land)</td>
</tr>
<tr>
<td>Midwest</td>
<td>54651</td>
<td>Groundwater</td>
<td>50 000 kL</td>
<td>28/06/2012</td>
<td>31/07/2017</td>
<td>73 Shark Bay Road (Unallocated Crown Land)</td>
</tr>
<tr>
<td>Swan</td>
<td>64179</td>
<td>Groundwater</td>
<td>18750 kL</td>
<td>18/12/2008</td>
<td>18/12/2018</td>
<td>South Perth Kensington</td>
</tr>
<tr>
<td>Swan</td>
<td>66804</td>
<td>Groundwater</td>
<td>12 000 kL</td>
<td>05/05/2010</td>
<td>01/07/2019</td>
<td>Crawley</td>
</tr>
<tr>
<td>Swan</td>
<td>98959</td>
<td>Groundwater</td>
<td>13 700 kL</td>
<td>22/06/2011</td>
<td>15/04/2020</td>
<td></td>
</tr>
<tr>
<td>Swan</td>
<td>156394</td>
<td>Groundwater</td>
<td>54 000 kL</td>
<td>27/03/2012</td>
<td>27/03/2022</td>
<td>Yanchep National Park</td>
</tr>
<tr>
<td>Swan</td>
<td>94993</td>
<td>Groundwater</td>
<td>15 000 kL</td>
<td>18/06/2010</td>
<td>18/06/2020</td>
<td>Woodman Point</td>
</tr>
<tr>
<td>Swan</td>
<td>163793</td>
<td>Groundwater</td>
<td>3150 kL</td>
<td>05/05/2010</td>
<td>03/07/2017</td>
<td>Herdsman Lake, 504 Honey Eater Circuit, Wembley</td>
</tr>
<tr>
<td>Swan</td>
<td>156114</td>
<td>Surface water</td>
<td>12 000 kL</td>
<td>06/12/2004</td>
<td>30/06/2014</td>
<td>Lake Navarino Forest Resort (Waroona Dam)</td>
</tr>
<tr>
<td>Swan</td>
<td>49072</td>
<td>Groundwater</td>
<td>7 300 kL</td>
<td>18/04/2012</td>
<td>19/03/2022</td>
<td>Twin Swamps supplementation</td>
</tr>
<tr>
<td>South West</td>
<td>60282</td>
<td>Groundwater</td>
<td>2 500 kL</td>
<td>27/05/2011</td>
<td>30/06/2021</td>
<td>Leschenault Peninsula Conservation Park</td>
</tr>
<tr>
<td>South Coast</td>
<td>166812</td>
<td>Groundwater</td>
<td>500 kL</td>
<td>07/07/2008</td>
<td>07/07/2018</td>
<td>630 Hamersley Drive, Townsite lot, Hopetoun</td>
</tr>
</tbody>
</table>
Attachment 2 – comments on ‘Securing Western Australia’s water future- a position paper’

1. Paper at a glance

The primary objectives as stated in the paper are to reduce the level of intervention by government in water allocation by enabling the involvement of market-based mechanisms where appropriate; and use appropriate policy and regulation to balance the needs of water users with the protection of water-dependent ecosystems. The reforms proposed in the Position Paper cover the areas of water allocation planning, licensing, administrative processes, trading, risk assessment, and environmental water.

There is currently no policy position or regulation that exists that will protect water levels for recreation especially in the de-proclaimed dams. In order to balance the needs of the water users, reforms should also address recreation needs in surface water areas and dams.

This is the only section that refers to the documents objectives and it is recommended that the vision and objectives need to be more clearly defined. The benefits to the WA community that will be considered and managed should also be outlined, such as domestic water, recreational water, water for food production, water for industrial use, water for the environment, water management for public health and maintenance of future options.

2.4.2 Improved legislative framework -last dot point
2.4.4.11ntroduction of statutory allocation limits and plans

Recreational water needs and levels should be considered and provided for prior to calculation and use of unallocated water levels for other purposes.

2.5 Who will these changes impact and what will they mean for you?

It is recommended that recreation is acknowledged in the list of users.

3.1.1 Simplified licencing

Reference is made to criteria being developed in formulating the new legislation to determine a level of assessment commensurate with risk. This is an important task that is likely to affect the new legislation and therefore would be best undertaken prior to the legislation being formulated.

3.1.3 Licence tenure

This section refers to not extending licence tenure beyond 40 years because this may be interpreted as a property right in the licence. This appears to be inconsistent with the proposal under Section 3.2.1 to create property rights under the water access entitlements.

3.1.4 Variation of existing water entitlements

While DPaW supports the need to vary water entitlements on a seasonal or periodic basis depending on water availability, a reduction in volumes may result in reduced visitor amenity and may impact DPaW’s conservation programs. Sufficient time to notify users of any changes to allocation should be included in the mechanism for varying licences to ensure contingency actions are able to be undertaken.

DPaW understands that firefighting may be listed as a use on a water licence and that this use does not have a specific allocation and will not be impacted by variations of existing water entitlements.
3.2.2 Consumptive pools

The concept of and adaptive management of consumptive pools is supported.

Statutory water allocation plans should include, where relevant, recreation supply objectives that are then considered in determining consumptive pools.

The volume of water available in a consumptive pool should be able to be reduced to zero if necessary.

3.3.1 Introduction of statutory allocation limits

This section refers to statutory allocation limits only being set where risk to the water resource, other water users or the environment is identified. It is not clear who would identify this risk and how it would be managed. For example will DPaW have a role in identifying environmental risks?

Reference is made to setting of a sustainable allocation limit involving balancing competing demands over time. The setting of a sustainable allocation limit itself should be a scientific process and the allocation of the consumptive pool a socio-political decision amongst the competing demands.

The factors to take into account in defining allocation limits should include future uses and options or potential (in addition to existing) uses to allow for effective, long-term decision making.

The Minister is able to specify circumstances under which water entitlements may temporarily exceed the statutory allocation. It is recommended that consideration also be given to the need to compensate for exceeds with a commensurate under allocation.

3.3.2 Introduction of statutory allocation plans

The prerequisites proposed before a statutory water allocation plan is prepared include water resources approaching or have approached full allocation. The meaning of 'approaching' is very ambiguous and would need to be defined.

The proposed prerequisites for a plan also include the science of the resource being sufficiently understood. This raises the issue of how water will be allocated if the science of a resource is not understood, which hasn't been addressed in the framework.

3.3.3 Measurement including metering

Measurement and monitoring will be critical to effective management and needs to be linked to enforcement of allocations.

3.3.4 Local water advisory groups

DPaW is supportive of the development of statutory water allocation plans and would be seeking membership on local water advisory groups where DPaW managed lands or functions may be impacted.

3.3.5 Allocation mechanism for the release of unallocated water

It is unclear how government agencies would access unallocated water if a competitive market were entered into. This has the potential to restrict expansion of existing departmental services and/or the development of new projects.
It is also unclear how a first-in-first-served process will provide for assessment of best use of water for an overall public benefit.

### 3.4.1 Environmental water

While reforms that will provide for better management of water for the environment are supported, the paper provides little information or guidance on what is proposed or how this will be achieved.

It is recommended that recreational water needs are also similarly addressed as an important social factor and that recreational water provisions are also outside of the allocation limit/consumptive pool.

### 3.4.4 Protection and management of public drinking water sources

It is not clear whether reservoir protection zones are being proposed to be extended into country areas as part of the proposed legislative changes.

### 3.3.8 Drainage

The issue of rural drainage has not been addressed in the document. It is recommended that reference be made to the Government endorsed policy arising from the work of the Wheatbelt Drainage Council.

### 3.4.10 Interception by plantations

The emphasis of the National Water Initiative on water quality without much reference to water quality is relevant to this section of the position paper.

Whilst plantations and revegetation (whether exotic or native species) may intercept rainfall, other rainfed 'crop types' also intercept rainfall and matters of equity need to be considered. In lower rainfall parts of catchments such plantings need to be encouraged (rather than discouraged) to help address salinisation and/or connect fragmented remnants of native vegetation. Conversely, there may be a need to consider further regulation of plantings in higher rainfall parts of catchments where such plantings might intercept too much rainfall and reduce fresh inflows. DPaW notes that the National Water Initiative is not intended to be applied retrospectively.

It is recommended that the baseline of vegetation cover and associated water use prior to clearing for other land uses may be the most appropriate water use baseline when considering and assessing water access entitlements.

DPaW would welcome the opportunity to provide input into any operational policies and regulations to be developed for plantations.
Dear Sir/Madam

Comment for 'Securing Western Australia's water future- a position paper'

Thank you for the opportunity to comment on Securing Western Australia's water future – a position paper.

The Commission notes that the position paper is proposing comprehensive changes that will deliver a streamlined and more efficient water resource management framework that will underpin the State’s continued growth while ensuring environmental sustainability into the future.

The Commission is pleased with this approach given the issue and opportunity related to mine dewatering in the Pilbara in the position paper (page 3 Section 2.1.3). As you may be aware, the recent State Government commitment of $12.5 million in Royalties for Region funding to the Pilbara Hinterland Agricultural Development Initiative (PHADI) is one of the Commission’s major initiatives with Department of Agriculture and Food and Department of Regional Development in delivering economic diversification for the Pilbara that is directly related to mine dewatering.

The Commission would like to provide the following specific feedback:

- On page 12 Section 3.1.2 Licence trading and transfer, in addition to making traded volumes and prices publicly available to support the creation of a well-informed water market, the Commission proposes the inclusion of the publication of all conditions associated with the license, similar to the land title system's inclusion of relevant land interests. This will ensure that the market is comprehensively informed of each license and its provisions and limitations, ensuring fair market-based valuation and transparency.
On page 14 Section 3.1.4 Variation of existing water entitlements, the Commission is pleased to note that the proposed mechanism will be tailored to local circumstances and developed in consultation with local advisory groups. Specifically, as illustrated in your Department’s Pilbara Water Strategy and the still-ongoing Royalties for Regions funded West Canning Basin Sandfire project, the Pilbara’s seven to ten year water recharge cycle will need to be taken into account to match water allocation with availability on a seasonal basis.

On page 14 Section 3.2 Water access entitlement framework, in view of the PHADI project, and without pre-empting the future direction and the outcome of it, the water access entitlement framework of specific mine dewater resource could either be a commercial agreement between entities, or be facilitated under the future access entitlement framework should it be flexible enough to be used on a commercial basis. The Commission supports mechanisms that will lead to the sustainable use of mine dewater for agricultural use, investment in agriculture options for mine dewater and commercially sustainable solutions for the mining industry. The Commission is supporting the PHADI to look at ways in which regulations surrounding mine dewater access for agriculture can be streamlined to encourage investment and the Commission would welcome discussions with Department of Water and other relevant regulatory agencies to support this objective.

On page 16 Section 3.2.4 Accessing the water, the Commission recognises the need for different water access regimes, however, to facilitate the creation of a fully informed water market, the access regimes will need to be fully transparent and feature similar or, the same attributes that will enable smooth and market-transparent conversions of licenses to water access entitlements and abstraction arrangements.

On page 20 Section 3.3.3 Measurement including metering, the Commission fully supports the prerequisite for metering to support trading, which is especially important in the context of the creation of a fully informed water market. However, as identified in the position paper, the issue of who will pay for the metering will be critical for its acceptance by all stakeholders to the future success of the model and the overall critical management of the water resource.

On page 21 Section 3.3.4 Local water advisory groups, the Commission is supportive of the proposed retention of the ability to introduce local water resources management committees, and the Commission considers the inclusion of all Regional Development Commissions (RDCs) in their respective local groups critical in ensuring that water resources are managed in an integrated manner and within a strategic context, especially since the RDCs are responsible for the creation and management of the each of the Regional Investment Blueprints under the State Planning Framework.
On page 27 Section 3.4.4 Protection and management of public drinking water sources and on page 28 Section 3.4.8 Drainage, the Commission supports a uniform regime for draining, and to protect water quality in public drinking water source areas across metropolitan and regional areas. This is especially important considering the increasing urbanisation of the Pilbara under the Pilbara Cities program, which envisages a number of major urban settlements of up to 50,000 people each by 2035.

If you require any further information regarding this matter please contact Kevin Lee, Principal Project Officer on 08 9338 3512 or via email at kevin.lee@pdc.wa.gov.au.

Yours sincerely

Keith Anthonisz
A/Chief Executive Officer

19 December 2013
Dear Sir/Madam

RE: ‘Securing Western Australia’s water future- a position paper’

Thank you for your invitation to comment on the above position paper. I wish to advise that the Department’s Great Southern office notes and supports the Department of Water’s proposal to rationalise and update existing legislation with respect to management of the State’s water resources.

It is expected that the legislative reform as proposed will give further enabling support to existing strategic water resource planning in the Great Southern region, including the Lower Great Southern Water Resource Development Strategy; Great Southern Water Supply Plan; and Water Forever (Lower Great Southern).

If you have any further queries or wish to discuss this advice please contact Mark Jendrzejczak at the Albany Planning Office on (08) 9892 7333.

Yours faithfully

STEPHEN PETERSEN
REGIONAL MANAGER- PLANNING
GREAT SOUTHERN REGION
There is a high level of interest in the topic of water reform among Department of Planning staff. Planners are generally concerned to know that the new legislation will be able to allocate water to certain preferred uses. It is noted in the DoW notes and presentation that a key objective of the water reform legislation is a reduction in government intervention in favour of market based mechanisms.

DoP is concerned that any potential risk in water being traded away from important uses such as public open space and agriculture in favour of other, higher return (but not necessarily higher value) uses such as residential, regardless of statutory and strategic land use plans that would otherwise provide for the use, be addressed. This is already an issue under the ‘first in first served’ system, such as in the Swan Valley and Kalamunda Hills orchard. Both are priority agricultural areas, and the Swan Valley has legislation protecting the use of the land for viticulture. However the Department of Planning North-East Metro Directorate is continually being told in both areas that one of the key constraints (on these uses) is the availability of water. Accordingly, there is a need for water allocation to be prioritised based on broader government priorities.

Another issue identified by planners is the requirement for water to beautify urban areas. As the density of Perth grows and backyards shrink, the value of green spaces, including parks and trees alongside road verges, is expected to increase. As water becomes tradeable public parks can lose their water access, and cease to function as green spaces. To prevent this occurring land use and water planners will need to consider, plan for and allocate water for these uses.

Certain tools were mentioned in the presentation - including water codes, reservations and license conditions - that may assist with the prioritisation of water allocation and the integration of water and land use planning. The Department of Planning would welcome future opportunities to work with the Department of Water to make use of these tools and address some of the issues raised in this and our previous submission.

Please find our previous submission below for your reference.

Should you have any queries regarding this matter please contact Louise Murray, Senior Planning Officer at louise.murray@planning.wa.gov.au.

Apologies again for the delay in sending this through.

Regards

Ben

---

**Ben Harvey**  
Director Policy and Research  
Infrastructure, Projects, Policy & Research  
Department of Planning  
140 William Street, Perth, 6000  
Internet  
Fax  
+61 08 6551 9965
Regional Development Australia Pilbara have engaged Essential Environmental to undertake a review of the Department of Water's position paper: Securing Western Australia’s water future - reforming water resource management. Essential Environmental have considered the recommendations of the paper in the context of the water resources and projected future development of the Pilbara and have noted a number of elements that will require regional consideration in the short, medium and long term.

The introductory paragraph for the paper states:

"This paper sets out a proposed legislative and policy framework to help deliver new water management solutions in Western Australia. It has been prepared to give water users and the community a clear understanding of the proposed reforms, their implementation, and benefits that can be expected."

The paper goes on to outline the proposed legislative and policy framework in the broadest of terms with little information about specific methodologies or their implementation. The key changes that are discussed in the paper are:

- New 'Water access entitlements' framework
- Extension of duration of tenure
- Increased ability to vary the allowable take according to availability
- Statutory allocation limits and plans
- Simplified mechanisms for trading and transfer
- Simplified, risk-based permitting and assessment
- Single new Act

An Australian Government Initiative
- These elements are discussed in more detail below.

**Water access entitlement framework**

The paper proposes the creation of new perpetual (tradable, mortgageable and bequeathable) water access entitlements to be implemented via statutory allocation plans. These plans would be expressed as a percentage of a 'consumptive pool' of water that will vary with seasonal, annual and inter-annual availability.

The paper does not provide any guidance about what circumstances would lead to these entitlements being applied in a particular area. This is a critical gap.

There is a risk that the creation of permanent entitlements to water could lead to a 'closed shop' where water resources in significant parts of the state are permanently controlled by a small number of individuals or organisations. This has potential implications for new and emerging industries which could be stifled by limited opportunities to gain access to water and the potentially high cost of permanent entitlements, as opposed to water licences which are likely to be traded at a lower cost in reflection of their time-limits.

**Duration of tenure**

The paper proposes to allow for water licence tenures to be up to 40 years to enable them to cover the lifespans of typical mining projects and pastoral leases or for use where the knowledge of a particular resource is robust.

The paper also discusses that shorter licence tenures (between five and ten years) will be applied in areas where there is a lack of knowledge about the water resource or where the resource is over-allocated.

In the main, increased flexibility for the duration of tenure is likely to be a positive measure provided it is administered appropriately. There is a critical need for continued investigation to improve knowledge of water resources so that the use of very short-term licences is limited. It will also be necessary to ensure that water resources are appropriately monitored and reviewed in areas where extended licenses are proposed to ensure that any long-term impacts are identified and managed.

**Variation of 'allowable take'**

The paper suggests that the licensed amount or 'allowable take' for all licenses will be able to be varied seasonally with "short notice". It is noted that the paper identifies that variations of the allowable take will not be compensatable.

It is clear that for some water users, in particular, agriculture, horticulture and other marginal and highly water-dependent industries, short notice reductions in the allowable take could have significant implications and could lead to considerable hardship.

It will be necessary for close consultation with these users to ensure that they have appropriate systems and strategies in place to deal with supply reductions as well as opportunities to identify and access alternative water resources where necessary.
Statutory planning framework

It appears that the current allocation system will largely continue unchanged, with the current administrative allocation limits (AAL’s) converted to statutory allocation limits (SAL’s) and formalised into statutory allocation plans (SAP’s) over time. However the document fails to make any clear statement of intent for implementation and so it is not clear whether the transition from AAL to SAL will occur as soon as the new Act is gazetted or if there will be some kind of formal review and/or adoption process. Similarly it is unclear whether existing administrative allocation plans (AAP’s) will be directly converted to SAP’s or require a complete review and re-write before they can be adopted as such.

Implementation is critical and the government will need to present a detailed delivery programme for SAP’s as well as identifying the anticipated status of existing AAL’s and AAP’s in the interim before the proposed framework can be supported.

Simplified licensing

The paper indicates that licensing will be simplified to allow for a reduced assessment process where circumstances allow. The criteria for simplification have not been provided in the paper but it is expected to include provisions for license renewals and amendments, construction and/or modifications to a bore and permits to interfere with the bed and banks of a watercourse.

In general, any measures to simplify and streamline the existing licensing processes without a loss of technical rigor where it is necessary should be supported.

Simplified trading and transfers

Similarly the rules and processes for license trading and transfer will be simplified and trades will be made public. This is expected to increase trading activity in WA which is generally a positive change.

We suggest that provision should be specifically made for trading to occur across existing subarea boundaries where the boundaries have been administratively determined and are not reflective of the water resource catchment. Circumstances arise where there is availability on one side of an administrative boundary and not on the other and this should not be allowed to prevent reasonable use of the overall water resource.

Overall, from the perspective of the individual water user, the paper does not seem to indicate a substantial amount of change to the way that water resources are managed. The main changes proposed will formalise allocation planning and allow for management to be more responsive to management area-specific issues including changes in the climate and economic circumstances. These are generally positive changes and any stream-lining of the licensing and trading processes that can be achieved without a significant loss of technical rigor is welcome.
Local advisory groups

The paper recommends the creation of local advisory groups. It is considered that these groups will be a key opportunity to ensure that water resource management appropriately reflects the requirements of local communities and industries. The key roles for these groups are identified as:

- Contribute to the development of local water allocation plans
- Provide advice on local area management and allocation planning
- Provide awareness of community views on water resource issues

It is strongly recommended that the local advisory groups are established as soon as possible, formed in close partnership with Local Government and Aboriginal groups and with participation of key industry and community organisations. As an extension of these roles we suggest that the development of allocation plans should include consideration of strategic priorities for the region/local area with input from the local advisory group.

Pilbara context

Currently, the allocation of groundwater across the Pilbara is guided by the Pilbara Groundwater Allocation Plan (draft, DoW, 2012). This draft plan identifies nine "target" aquifers and the Department of Water has set allocation limits (AAL's) for these aquifers. The remaining aquifers are identified as "non-target". The non-target aquifers are intended to be managed on a case-by-case basis and in these instances, a nominal limit is usually set on the basis of investigations that have been undertaken by others. These non-target aquifers are usually in areas of fractured rock, where the distribution and availability of water is often low yield, of variable quality and hard to predict and therefore manage. Other non-target aquifers include smaller alluvial aquifers that align with some of the smaller rivers. These areas tend to supply mining camps and pastoral activities. The setting of statutory allocation limits in these areas on the basis of the existing nominal allocation limits, should this be the case, is concerning.

Conclusion

The paper specifically does not provide a clear understanding of the implementation of the proposed reforms. Similarly, there do not appear to be any clearly defined benefits for the water user. In our experience most water users/licensees do not have strong objections to the system as it currently operates, with the exceptions being frustrations with:

- The artificial nature of subarea boundaries and the inability to trade across them
- Inability to prioritise access to water resources through strategic planning

Neither of these issues are considered or addressed by the paper.
As stated above, it is not clear how the Department intends to create the statutory limits or statutory management plans. Will they automatically become statutory or will there be a process of review? There are a number of aquifers in the Pilbara that are already fully allocated. Should these limits become statutory without a review process, this potentially locks up the available water for future use and any changes in that use would require trading. Changes in the allocation limit would require a comprehensive review of that limit; however, the review process has not been defined i.e. would it need to be a statutory process and how will the public be consulted?

Regional Development Australia Pilbara requests the Department of Water to provide additional information with regards to:

- The creation of local advisory groups – how will these be created, when and who will manage them? What will be their role?
- How the reforms allow for the prioritisation of water use in line with strategic planning priorities
- The circumstances in which water access entitlements will be created and how they will be applied in a particular area including how water access entitlements will support emerging industries
- Justification for decisions regarding the duration of tenure of water licences
- How the Department will manage the process of varying the allowable take so that all water users have appropriate contingency plans in place to ensure that the reduction of water does not adversely affect their business
- How and when existing AALs will be converted to SAL’s and the processes involved in reviewing the SAL’s. Can these occur without an AAP or SAP?
- How and when existing AAP’s are converted to SAP’s including the process of review
- The level of technical rigor and transparency (public review) required to support any changes in management decisions including licensing and trading.

Yours sincerely

Diane Pentz
CEO
Regional Development Australia Pilbara
DRD Submission

Securing Western Australia’s water future

Position paper – reforming water resource management

December 2013
DRD is pleased to provide comment on Securing Western Australia’s water future, position paper – reforming water resource management.

DRD is supportive of the intent of the reforms to streamline and better manage Western Australia’s water resources. DRD is particularly pleased to note the inclusion of specific reforms aimed at providing greater confidence and security regarding access to water.

DRD is supportive of the establishment of local water advisory groups who will work with government to inform and advise on water management and allocation issues within their community. DRD is keen to continue to work with the Department of Water in this regard and to facilitate effective engagement with regional communities through interaction with the nine Regional Development Commissions.

Further, DRD makes the following comments in the broad context of water reform.

DRD is interested in all elements of a water policy program as it may influence regional and State development including potential water allocations to advance participation in the economy by Aboriginal people, businesses and corporations. This includes how DRD can address the issue of Aboriginal people and corporations not necessarily having the capability to apply for a license and how DRD can support Aboriginal economic development through allocations in future. DRD notes that a few water systems may be totally allocated and that in these circumstances, Aboriginal people and corporations may not have had the opportunity to secure a water entitlement.

Options to potentially address this situation, although difficult, could be explored as part of future economic development opportunities in water systems that are fully allocated.

DRD recognises that to date the State has been reluctant to address water allocations in Native Title considerations due to the potential precedent issues, and that this is a real issue shared by most Governments in Australia. However, if not resolved, it may limit economic development and productivity in Western Australia.

If the Commonwealth, Western Australia, Queensland and the Northern Territory are keen to develop northern Australia by capturing and storing more water, Aboriginal people and communities may expect that they should receive some water entitlements for supporting those developments. While this issue may or may not be best considered as part of this particular set of water reforms, DRD takes the view that it should be jointly considered by DRD and the Department of Water within a reasonable timeframe.

DRD is pleased to note the position paper specifically raises the need to manage the large volumes of groundwater from mine dewatering in the Pilbara. This is of special interest to DRD given current Royalties for Regions initiatives to promote economic
diversification by utilising surplus mine dewater to develop agricultural precincts in the Pilbara. DRD is keen to pursue a strategic, whole of government approach to streamline regulatory requirements and approvals processes to facilitate a focus on opportunities to use mine dewater surplus to develop the agricultural industry.
Dear Policy and Innovation Directorate

SECURING WESTERN AUSTRALIA’S WATER FUTURE – A POSITION PAPER

The Department of Sport and Recreation (DSR) supports the development of a legislative and policy framework which assists the management of water solutions into the future.

The DSR does however prefer an approach which reserves water for public purposes. It is disappointing that the value of water to recreation and lifestyle has been given little or no consideration in the entire legislative review process.

Specific areas of concern are detailed below;

1. **Access to Urban Green Spaces**

   - Urban green spaces are vital contributors to increased physical activity, improved mental health and social interaction within communities. The reservation approach best aids the delivery of quality open space, which in turn contributes toward building sustainable, healthy communities. This approach should subsequently be pursued in the context of this framework. It is essential that water resource planning does not compromise the provision of open space and recreational opportunities.

   - The proposed approach toward water trading in an open market incorrectly assumes that all industry sectors can compete equitably for the available resource. In actual fact, Local Government will be limited in its capacity to compete for water within the market unless it chooses to take the unlikely option of prioritising purchase of water for irrigation purposes above and beyond other key functions.

   - It is critical that any decisions which impact on local government and communities, either directly or indirectly are fully consulted with the local
government authority and relevant state government agencies. Wording relating to Local Water Advisory Groups should be changed to require Local Government membership.

- Despite the application efficiency measures, (e.g., implementation of hydro-zoning, use of native vegetation in landscape design and improved technology) water availability for public parkland continues to be an issue for local government. The Department of Water is encouraged to continue to seek alternative cost-effective solutions for the irrigation of public parkland.

2. **Recreational Access to Water Catchments**

- A detailed comment has been attached.

In addition DSR believes that the provision of water for recreational purposes should be specifically included in the ecological, social and cultural values listed in the Position Paper when determining the Environmental Water provisions in a statutory water plan.

If you require any further information or would like to discuss the submission, please contact Yvette Peterson 0434 071 752 or Julie Rutherford 9492 9832.

Yours sincerely

Ron Alexander  
Director General  
18 December 2013
Solutions regarding Recreational Access to Water Catchments

- There is a section relating to Water Protection that is a significant concern in that it could be used to remove existing access to tracks and trails in country water catchment areas. Section 3.4.4 on document page 27 (file page 35) appears to suggest that the intention is to bring country water catchment areas under the same provisions as exist in the Metropolitan Water Supply Act.

The section of the Metropolitan Water Supply Sewerage and Drainage By-Laws S4.7.2 has the effect of prohibiting any vehicle from travelling in any part of a catchment area unless it has a 'graded, gravelled, sealed, primed or other prepared surface'.

This provision does not currently exist in the Country Areas Water Supply By-Laws and could potentially affect thousands of kilometres of twin-track, old logging trails, management roads and other access ways. Apart from recreators (including fishers) it could have a significant impact on local residents, farmers, Local Government Authorities and the Department of Parks and Wildlife (DPaW)

Does the Department of Water see Policy 13 as being the only instrument required to manage recreational access in Public Drinking Water Source Areas?

This being the case, there will be no requirement for the Department of Water to amend the Country Areas Water Supply Act to match the provisions of S4.7.2 of the Metropolitan Act. If the two pieces of legislation are going to be 'harmonised' these provisions should be specifically excluded.

- The consultation process for the position paper was based on work completed in 2009. Changes to the Department of Water's (DoW) Policy 13 were developed in 2012. DSR and the Interagency Collaborative Working Group consisting of DSR, DPaW, DoW, Water Corp (WC) and the Department of Health (DoH) should have been consulted in the 2013 reiteration of the ‘Securing Western Australia’s Water Future’ paper especially given the Parliamentary enquiry on 10 August 2011 to the Legislative Council Standing Committee on Public Administration Report 11 – Recreation activities within public drinking water source areas.

- Page iii of the Minister’s forward - recreation is missing from the second paragraph where industrial, mining, agricultural, and urban development is mentioned. Solution - add in the importance of recreation to the community and the WA lifestyle.

- On page one, fourth paragraph, the primary objectives are to reduce the level of intervention by government in water allocation by enabling the involvement of market-based mechanisms where appropriate; and use appropriate policy and regulation to balance the needs of water users with the protection of water-dependent ecosystems. The reforms proposed in this paper cover the areas of water allocation planning, licensing, administrative processes, trading, risk assessment, and environmental water. Solution - there is no policy position or regulation that exists that will protect water levels for recreation especially in the de-proclaimed dams for recreation. The reforms of the paper should address recreation in surface water and dams.

- Previous advice from the DoW to DPaW, WC, DSR, and DoH through the consultative process around finalising the Department of Water’s Operational Policy 13: Recreation within public drinking water source areas on Crown land, highlighted there would be legislative changes around the Reservoir Protection Zones (RPZ’s) which would enable a more flexible approach to the current 2km radius allocation (at least on a case by
case basis). Solution - this be addressed in the legislative review as it is not mentioned.

- Page six figure two, highlights the existing and new framework. This is supported in principle however; the implications of licensing of take from dams to be given water access entitlements could create a situation where the take is so high that the water levels are dropped so low that recreation can then not occur on the dam. The trades and transfers section of the framework is also of concern given that trading may also contribute to increased water allocation and then a reduction in water levels in the dams thus creating limited levels for recreation. Solution - guaranteed water levels for recreation significantly above what is known by the DoW as ‘Dead Water’.

- Page eight, 2.4.5.3 Security of Water for the Environment states a number of ways to support the water dependent environment while continuing to meet the needs of water users. The last bullet point of this section states ‘market-based approaches in certain circumstances, for the release of unallocated water’. Solution - This should read ‘within water level limits’ (which should then be defined as recreation water levels etc.)

- Support the improved planning framework at point 2.4.4, the statutory allocation plans, and measurement and metering. Solution - plans and measurement and metering are supported as long as there are minimum levels for recreation.

- Page nine, 2.5 ‘who will these changes impact and what will they mean for you?’ should also include recreation. Solution - In the second paragraph of 2.5, recreation should be added as one of the users.

- Page 11, 3.1 under ‘Improved licensing,’ DSR supports this as long as limits are mentioned as well. Solution - under the key elements of this proposed regime section 3.1, add at the end of the last bullet point, ‘within limits’.

- Section 3.1.2 on ‘Licence trading and transfer’ - it is positive to see a more managed approach proposed. Solution - confirm that recreation has primacy over farming, mining etc. in the 11 de-proclaimed and additional 5 sites to be de-proclaimed for recreation.

- Support point 3.1.4 however, it needs to be clearer on what the consumptive pool is made up of. In 3.2.2 it is positive to see the words adaptive management approach to the consumptive pool management. Solution - definition needed on consumptive pool; does it include minimum levels for recreation etc.?

- Under 3.2.4 ‘Accessing the water’, could the recreation industry be allocated water under this scheme? Solution - explore options for water allocation to the recreation industry under this scheme and seek confirmation by DoW.

- Under 3.3.1, Solution - could recreation be given a statutory allocation or a statutory allocation plan for surface water?

- Page 19, under section 3.3.2, a list of elements are listed for a statutory allocation plan. DSR notes the bullet point stating ‘determine the environmental water provision’. Solution - add an additional point or expand to include “determine the recreational water provision.”

- Page 22 states in the last paragraph of point 3.3.4 that local government and environmental groups can be members, Solution - State Governments should also be represented where appropriate.
In section 3.3.5, various mechanisms according to certain criteria will be used to source the unallocated water. Solution - how can recreation access some of this unallocated water?

Page 23 mentions under 3.3.6, setting a cap on total volume of water entitlements that can be allocated within a water resource. Solution - recreation is considered part of the water entitlements.

Section 3.4.1 Environmental water, includes in bullet point to maintain system integrity and associated values such as ecological, social and cultural needs. Solution - recreation needs to be highlighted in this section as a social need and changes to the last line of section 3.4.1 to be "Environmental and recreation water provisions will continue to be outside of the allocation limit/consumptive pool."

Page 26, section 3.4.3 Basic water, includes the right of native title holders to be able to access water resources (either surface water or groundwater) for traditional purposes. Confirmation required if this includes all water resource areas and all traditional activities?
Attention: Mr Tad Bagdon

WATER REFORM - SECURING WESTERN AUSTRALIA'S WATER FUTURE

Thank you for providing the Department of State Development with the opportunity to comment on proposed reforms to the framework for water resource management in Western Australia, as outlined in the Securing Western Australia’s Water Future position paper.

The department generally supports the proposed reforms which will establish a simplified risk-based licencing system and update heavily amended and outdated legislation. We will remain engaged in the development and delivery of specific reforms through our participation in the Water Reform Interagency Reference Group.

The department provides the following specific comments for consideration by the Department of Water:

State Agreements

The grant of water access entitlements to State Agreement projects could result in water entitlements being separated from State agreement rights and obligations.

Under current arrangements, tenure for State Agreement projects is granted pursuant to a particular Agreement. In the case of assignment, tenure, associated infrastructure, and all rights and obligations are transferred as a single integrated operation.

The reforms propose that water access entitlements will be granted outside of the State Agreement, and so they would not necessarily transfer with the other rights and obligations of an Agreement upon assignment. A situation may arise where a State Agreement is assigned to a new operator which may own all infrastructure necessary to take water, but not hold a right to actually access that water.

The department prefers State Agreement operations to remain under a water licensing system, with the grant of a licence linked to the length of the mining lease if and where appropriate.

More broadly, the practicality of operating a licensing and a water access entitlement regime concurrently may need further consideration.
Pricing

Mining projects could have significant effects on the price and availability of water in a competitive market. Mining projects’ water demand can vary greatly depending on the stage of the project. For example, during closure, substantial volumes may be required to fill mine voids rapidly in order to prevent significant and irreversible environmental harm. The requirement to fill rapidly may follow a long period when the mining project is a net exporter of water due to de-watering. The department will engage in further consultation with the Department of Water if or when a project proposal of this nature arises.

Please feel free to contact Luke O’Donoghue, General Manager Policy Development, on 9222 0565 or Luke.O'Donoghue@dsd.wa.gov.au if you have any queries on these comments.

Nicky Cusworth
DEPUTY DIRECTOR GENERAL
STRATEGIC POLICY

24 December 2013
Dear Maree

SECURING WESTERN AUSTRALIA’S WATER FUTURE - POSITION PAPER

Thank you for the opportunity to provide comment on the position paper. The Swan River Trust is supportive of the Department of Water in moving forward to modernise water resource management for the State. With our role in managing and protecting the Swan Canning river system the Trust has an understandable interest in water resource management as well as some regulatory responsibilities.

Please find attached detailed comments on the paper. The Trust would be pleased to provide additional clarification if required and would welcome future opportunities to work with the Department to develop proposed new legislative frameworks as well as associated policy and regulation.

Yours sincerely

A/GENERAL MANAGER
Swan River Trust Response to Position Paper; "Securing Western Australia's water future".

**General**

The Trust is supportive of the Department of Water's efforts to modernise the water resource management framework for the state including legislation and policy to bring it into line with contemporary water management approaches as supported by previous COAG initiatives and the National Water Initiative (NWI). While the Trust is undergoing an amalgamation process with the Department of Parks and Wildlife, our role in managing and protecting the Swan Canning river system will continue and as such we will continue to have an ongoing interest in the progress of water resource legislation and policy.

Comments on specific sections of the position paper are provided below as well as some general commentary on topics not covered but which are of importance to the Trust.

**Terminology**

The paper discusses various elements of water planning including statutory and non-statutory water allocation plans as well as statutory allocation limits that are not necessarily included in statutory water allocation plans. It would be helpful to provide some clearer, more distinct terms to clearly separate statutory water allocation plans from other types of plans to avoid confusion. This will be particularly important to avoid further confusion around when licenses and water access entitlements are expected to apply.

The paper also uses the terms licences, licensed entitlements and water access entitlements. The terminology and change in instruments will be confusing. There is a need to be clear and consistent in the terms used. For instance – does licensed entitlements refer to licenses or water access entitlements or both? The use of the phrase is unclear and creates confusion.

**Paper at a glance**

The Trust supports the water reform strategy, particularly the inclusion of protection of water-dependent ecosystems, water resources and long term water quality as key objectives, and the guiding principle that effective water resource management should support community well being and quality of life.

The document would benefit from clarification and some simplification of its strategic framework and the articulation of its vision.

Figure one (page 2) illustrates the vision, objectives principles and outcomes for the water reform strategy. The stated objective of "Secure water for the environment" includes "Protection of water-dependent ecosystems" which is exactly duplicated as an outcome. Objectives and outcomes are not the same and should be differentiated.
It is also difficult to see the relationship between the objectives, the principles and strategy, and the outcomes. The structure of the table in Figure 1 and the columns suggest a direct linkage between principles and outcomes, and objectives and strategies. For instance the outcome of 'protection of water-dependent ecosystems' is directly in line with the strategy of "Communities and water users will be involved.." however it is not clearly shown how that strategy results in that outcome. Similarly, it is difficult to see how an enduring legislative framework (principle) relates to increased community involvement (outcomes). If this 'linkages' don't exist, it would be worth exploring a different format for presenting the objectives to enhance understanding.

Section 3

The position paper lists six (6) Acts on page 10 but does not identify what changes may occur to each Act. This may be resolved in the proposed response to the position paper. It would be appropriate to provide some information on what actions are intended for each Act, whether they will be fully repealed, and whether specific functions or elements will be included in the new proposed Act. The position paper does not articulate whether the intention is to create a single Act to replace these six Acts nor does it discuss what ramifications there are to removal of any of these Acts. For example, the Waterways Conservation Act 1976 supports a variety of functions linked to the management of land and waters that are not duplicated in other Acts.

Section 3.1.1 Simplified licensing

The position paper proposes to take a risk-based assessment approach to licensing, including the simplification of assessment criteria for permits to interfere with the bed and banks of a watercourse. The Trust supports this approach and considers that risks (including cumulative risks) to receiving environments such as the Swan Canning river system should be addressed in the assessment criteria. Proposals to dam or alter the course of first-order streams should be subject to more rigorous assessment.

There may be an opportunity to streamline requirements for bed and bank permits under the reformed water resources legislation by including exemptions for the Swan Canning river system. The bed and banks of the Riverpark and within the Trust's Development Control Area are protected under the Swan and Canning Rivers Management Regulations 2007, and permits are required for activities affecting them.

The Trust would be pleased to discuss possible regulatory overlaps with the Department of Water and identify opportunities that could be addressed in the proposed legislation.

Section 3.1.3 Licence tenure

The position paper proposes to allow licences to be extended for up to 40 years (although current practice is generally to issue renewable licences for a term of up to 10 years). The paper indicates that the current approach allows the Department of Water to have sufficient flexibility to adapt to changing circumstances, such as drying climate and increased resource information. If the tenure of licences is to be increased in some circumstances, then it should be clarified how flexibility will be built into the licence and its conditions to ensure that it can be managed appropriately over longer timeframes and adapted to a changing environment over time.
The Trust would like to be consulted on the development and implementation of new policy and planning approaches particularly given our role in protecting and enhancing the environmental and community benefits and amenity of the Swan Canning river system.

Given the extended 40 year time frame for licences, clarification should be given to licence holders about management of the renewal and expectations around renewal "rights" need to be clearly managed.

Section 3.1.4 Variation of existing water entitlements

The references to the variations not being "compensable" are not entirely clear and it would be helpful to ensure that future publications are clear on this, particularly as the new water access entitlements will presumably have some compensable provisions as they confer a "property right" in the water. Water licences do not confer a guaranteed amount of water for the license holder. They only provide the authority to take the water with appropriate conditions. Compensation requirements would not therefore normally triggered by variations to the allocation limit and the amount of water available to take.

Section 3.2.4 Accessing the water

The Trust supports measures to better define approval and assessment arrangements for works and structures associated with accessing water. The Trust has a role in controlling development in and around the Swan Canning river system as well as being the vesting authority for the River Reserve. The Trust would support more consultation on this matter to ensure that the reforms deliver streamlined arrangements that do not duplicate any existing requirements for permits or development approval.

More clarity is also needed to differentiate between the two separate types of approval mentioned – water resource or site use. Both mention taking water from a particular location or site, in a particular manner so it is difficult to understand why two approvals are needed. It would also be helpful to clarify the departments involved in the current regulatory approaches for water in WA. If the intention is to streamline approvals processes, it would be appropriate to indicate what changes might be made under proposed legislation to determine who will be responsible for which aspects of approvals. Other government agencies also have approvals roles relative to water access or development and it would be timely to consider how all these roles could be streamlined and improved.

Section 3.3 Improved planning framework

The introduction of statutory allocation plans is supported to provide increased certainty to all users as well as define risks and issues affecting critical water resources. A number of proposed pre-requisites (page 18) are discussed regarding the introduction of water allocation plans. Water management plans are currently prepared by the Department of Water depending on the allocation status of the resource.

Unfortunately poor information about the resource including availability, use, and the impacts of a drying climate can mean that a resource becomes fully allocated before a plan is established. There are a number of critical water sources particularly in the south west of WA under pressure from
over-abstraction that would benefit from the urgent introduction of statutory water allocation plans. It would be appropriate for the Department to identify what areas or water resources it sees as critical to transition to statutory water allocation plans.

The Swan and Canning rivers and their tributaries, including the Helena River, are subject to regulation, impoundments, and abstraction by water supply providers and private water users. These systems have high environmental, social, and economic values. They also support numerous recreational, commercial, transport, and environmental services.

There currently only exists a (non-statutory) water allocation plan for the Middle Canning River, which is clearly identified as over-allocated and which receives supplemental scheme water to maintain flows. The Canning River and tributaries are also hydraulically connected to groundwater systems. There are indeterminate impacts on river flow from bore users in close proximity to rivers and waterways that are not adequately identified or accounted for. There are also concerns about the amounts of unlicensed and unmetered water being extracted under existing riparian rights for stock and domestic use, and the proliferation of unauthorised infrastructure to take water including pumps, pipes, and weirs. Failing the introduction of a statutory allocation plan for this area, and other affected tributaries, the Trust would support the development of improved mechanisms to address over-extraction and unauthorised extraction in these systems and more rigorous approaches to remedying these situations.

The Trust supports the development of a statutory water allocation plan for the Swan Canning river system and associated tributaries to manage the impacts of a drying climate, ongoing abstraction, and provide security for environmental water entitlements. The Trust has been supporting studies into the impacts of environmental water regimes on the Helena River for several years and would welcome the opportunity to formalise securing these in statutory water allocation planning.

Section 3.3.2 Introduction of statutory allocation plans

Page 18 of the position paper outlines the requirements of Schedule E of the National Water Initiative (NWI). However, the list in the position paper differs somewhat from the NWI schedule. In particular, two prominently missing elements include:

- “Vi the uses and users of the water including consideration of indigenous water use” and
- “vii the environmental and other public benefit outcomes proposed during the life of the plan and the water management arrangements required to meet those outcomes”.

Regarding the uses and users, the NWI highlights the importance of undertaking appropriate socio-economic studies of water resources and users to appropriately model the economic, social, and environmental impacts of proposed management approaches, particularly for over-allocated systems. The paper is silent on these matters and it would be appropriate for both the legislation and policy of any new proposed framework to consider these significant concerns.

The paper only mentions environmental water provisions” (EWP’s) when discussing environmental water needs. EWP’s are defined in the Water and Rivers Commission Statewide Policy No 5 Environmental Water Provisions Policy for WA (2005). The paper does not clearly identify the security of the environmental water including the ability for environmental water to have its own ‘access entitlement’ and be traded on a temporary basis – as is provided for in the NWI. The NWI
provides for an environmental manager to be able to hold, manage, and trade as appropriately
defined environmental water entitlements. It would be useful to know who the custodian for
environmental water entitlements might be in WA under the future legislation and whether
provisions are being considered that would allow catchment managers, or local water management
advisory committees to be involved in the active management of environmental water— including
the potential to 'buy' water for the environment.

**Section 3.3.3 Measurement including metering**

The Trust strongly supports the proposal to provide for metering for all groundwater systems and for
multi-user surface water systems such as rivers and dams. The Trust understands the need to stage a
rollout of meter installation but considers that metering should be implemented as soon as
practically possible.

**Section 3.3.4 Local water advisory groups**

The position paper discusses local water advisory groups (pages 21 and 22) including both local
water resources management committees and voluntary local water advisory groups. However the
paper does not specify under what circumstances a statutory or voluntary group would be convened
and no specific mention is made of the need for appropriate indigenous consultation.

The Trust supports the use of community advisory groups to inform and advise on water
management and allocation issues within a specific locality. However, the Trust is concerned that
the proposal for the local water advisory groups to have a majority representation of water users
may build an inherent bias into the consultation process and give disproportionate value to 'not in
my back yard' attitudes. The membership and role of the local water advisory groups should be
carefully considered to ensure that they are representative of the broader community and its values.

**Section 3.3.6 Recovering over-allocated resources**

The Trust supports the proposal to establish a legislated process for returning over-allocated
systems to the allocation limit.

**Section 3.3.7 Risk assignment framework**

The Trust supports the clarification of compensation for allocation reductions given the proposed
40-year licences, a drying climate, and the need for continuous reassessment under the NWI. No
mention has been made in the position paper on dealing with drought situations that may require
drastic changes to allocation and supply to water users and well as public water supply and domestic
water needs. Contingencies for water supply and access during drought should be considered and
included in either future legislation or policy. Provisions for drought should also consider the
identification of public water supply and stock and domestic water use as priority rights during
declared drought circumstances.
Section 3.4.1 Environmental water

The proposal to consolidate existing provisions and explicitly provide for environmental water in water resource management is supported. The Trust supports the intent to continue to maintain environmental water provisions outside the allocation limit/consumptive pool. We have made earlier comments on page 4 regarding the management of environmental water rights.

Section 3.4.2 Water quality

Water quality rules in different Acts do not only apply to water allocation planning. This section does not discuss in any detail the current deficits and needs to be addressed regarding accountability and management of water quality in waterways across the state.

The proposal to consolidate existing provisions relating to water quality protection and making explicit that water quality requirements are to be taken into account in all applicable decision-making processes is supported. This should address the existing discrepancies in regulation of dewatering and its discharge. See our further comments relating to dewatering below.

Section 3.4.3 Basic water

The Trust supports consistency of basic water rights for ground water and surface water systems and setting clear conditions and limits on them. Consideration should be given to management of historical users in systems like the Canning River where the majority of properties now have scheme water and the system has been identified as over-allocated. Consideration should be made in the proposed legislation to limit or review riparian rights (basic water) access in these situations.

The potential proliferation of basic water rights through subdivision of land adjoining waterways was not explicitly mentioned in the Position Paper. Some consideration should be given to how and when it might be necessary to limit a potential expansion of extraction for basic water arising from subdivision.

Section 3.4.4 Protection and management of public drinking water sources

The Trust supports moves to standardise and modernise the framework for protection of public drinking water sources. However, substantive discussions are needed with other government departments who are actively involved in regulating or managing the lands, activities or values of public drinking water sources and surrounding areas. This includes the Department of Planning who are responsible for zoning and land-use planning decision making, the Department of Health, and the Department of Parks and Wildlife who manages national parks, some of which are also designated as water source protection areas.

Section 3.4.7 Compliance and enforcement

The Trust supports the proposal to ensure that all appropriate offences are included in the legislation and penalties are a sufficient deterrent.
Section 3.4.8 Drainage

The Trust is supportive of proposals to provide for better, contemporary management of drainage, both rural and urban. However, there are substantive differences in both the issues and users involved in rural and urban drainages and different approaches may be needed. There is an urgent need to consider governance and accountability issues particularly in relation to drainage planning. The Trust wishes to express its support for the development of drainage and water management plans as an important tool to support urban development and planning. In particular, clarification of the governance associated with future drainage planning and management to provide for multiple environmental and social benefits is needed.

Section 3.4.9 Injections

The paper is largely silent on how it intends to manage and account for non-traditional sources of water that are now more commonly being considered for appropriate non-potable use. This includes establishing appropriate licensing and regulatory frameworks for the ‘taking’ of stormwater, and accounting for the ownership including the ‘crediting’ and ‘taking’ of water into and out of aquifers.

Issues not considered in the paper—Dewatering

The proposed reforms present an opportunity to address the current discrepancies in the regulation of urban dewatering that isolate the taking of groundwater for dewatering from the corresponding discharge of dewatering tailwater to (sometimes sensitive) receiving environments. Under section SC of the Rights in Water and Irrigation Act 1914 (RIWIA), a ‘licence to take’ is required to abstract groundwater. The Department of Water (DoW) generally applies an advice note to these licences suggesting that dewatering tailwater be managed in accordance with Water Quality Protection Note 13: Dewatering of soils at construction sites (DoW, 2006), which addresses appropriate disposal of dewatering tailwater. However, the primary purpose of the section SC licences is abstraction, not water quality protection, and the advice notes are not binding.

Disposal of dewatering tailwater is addressed separately in section 47 of the Waterways Conservation Act 1976 (WCA), which relates to disposal licences and requires an application to be made for discharge of any matter to defined areas such as the Peel-Harvey estuary. It includes a list of prohibited substances / properties, and a list of reasonable conditions, and requires water quality to be improved as far as reasonably practicable prior to discharge. However, the Swan Canning catchment is excluded from the WCA.

The Trust recommends that the regulation of groundwater abstraction be more explicitly linked to water quality protection and regulation of dewatering tailwater discharge to sensitive receiving environments. Such measures should include the Swan Canning catchment and be applied consistently. The proposed legislation should explicitly provide for the management of tailwater or provide appropriate legislative head powers to support the development of binding policy and implementation mechanisms including licensing conditions.

Conclusion

The proposed water resources management legislation is much welcomed and long overdue to provide a contemporary governance framework addressing the myriad issues affecting water
resource management in this state. The Trust is supportive of the work being undertaken by the Department of Water to introduce this legislation and is keen to continue providing support and advice as the legislation and dependent instruments and policy are developed and introduced.
COMMENT ON SECURING WESTERN AUSTRALIA’S WATER FUTURE, POSITION PAPER – REFORMING WATER RESOURCE MANAGEMENT

The Wheatbelt Development Commission (WDC) appreciates the opportunity to comment on “Securing Western Australia’s water future, Position paper – reforming water resource management” (the Paper).

The WDC is a Western Australian State Government statutory authority charged with facilitating economic and regional development across the Wheatbelt. We work collaboratively with government and regional stakeholders, to provide a coordinated approach to address economic, environmental and social issues impacting the Wheatbelt.

Valued Natural Amenity is a key platform of the Wheatbelt Strategic Framework developed by the WDC in collaboration with Regional Development Australia Wheatbelt (RDAW). A key strategic focus for WDC is to support “industry development for the sustainable use of natural resources (land, water, energy)” and “improved co-ordination across disparate strategies to ensure water security through improved water use, efficiency, harvesting, and storage”.

WDC recognise the importance of water planning to ensure security of supply and certainty for both population growth and industry development. A key Framework strategy is that ‘the regions unique natural assets are conserved as a basis for social and economic development’.

WDC supports the foundation of the framework being based on greater transparency, and engagement with water users and other stakeholders. From our experience water policy is generally a complicated and poorly understood area making issues more difficult to resolve and stymieing the development of innovative water efficiency measures. We understand the intention of Department of Water (DoW) to separate consumer water delivery services from the management of water resources. The document provides an overview of intended license and management regimes and proposals for water access entitlements including statutory water allocation plans and limits. It also conveys an interest in reducing red tape, regulation and managing water resources sustainably into the future.
Part of the solution to recovery of over-allocated water, risk management and compensation is "encouraging innovation that reduces demand on existing water resources" (p.8). Assisting local water managers to adopt cost effective and more water efficient solutions, by providing funding and the support of a regionally based officer would encourage better resource use and mind set change.

Water quality and quantity in areas of the Wheatbelt is unknown. While it would seem abundant supplies exist in the Chittering, Moora, Dandaragan and Victoria Plains Shires there is a lack of publicly available information regarding supply measurements and mapping to guide future decision making. Some water is not subject to licensing, due to its relationship with Pre Federation Titles where the minerals in the solution are owned by title bearers. As such water use by others would attract significant royalties.

Based on water over allocation in the Gingin area and the intended expansion of intensive horticultural and agricultural activities to the north of Perth, investment in extensive water resource investigation and careful planning is needed to ensure prevention of complications and distress experienced in other states of Australia.

In the context of increasing development, there is concern around future prioritisation of water resources;

- The protection of public drinking water sources is important. The paper highlights the six pieces of legislation which have been amalgamated, including the Country Areas Water Supply Act 1947 (WA) (p.10). Reserved public water allocation for growth is an integral part of planning and water supply in regional areas can be a complex issue. As such many town sites in the Wheatbelt need to be provided with a dedicated reserve sooner rather than later. The Wheatbelt’s identified water resources and location on the outskirts of the Perth has been highlighted the area as a potential future Perth water supply. Recent economic planning undertaken by the WDC indicates the Wheatbelt will experience continuing growth pressure as WA’s population grows. The conflicting demands from local population growth and population growth in Perth need to be addressed.

- The Western Australian Planning Commission (WAPC) identifies prime agricultural land (not to be considered for rezoning) and surety around quantities of water available need to be provided to Wheatbelt stakeholders to support future industry development. The plan highlights business dependency on the ability to access water (p.9). As such realistic expectations with regards to water security is imperative to future investment.

- Management of water to include flexible arrangements provides challenges. New legislation enabling community and government to adapt management according to the conditions of specific resources and localities over time (p.10) by “introducing a simpler, more transparent and responsive way of providing water users with access to water in wetter periods and reducing the take of water in dryer times where needed” presents the challenge of demand being the greatest in dryer times (p.8). The proposed DoW regime may include the ‘introduction of mechanisms that will allow volumes of water taken under licence to be varied according to seasonal conditions’ (p.11). Scenarios could be provided in the paper around how Wheatbelt investors and developers could be assured that ‘flexibility’ will not leave them ‘high and dry’. Alternative allocations could have an agreed minimum level of extraction to allow some level of certainty for business.

- WDC feedback (copy attached) on the Gingin groundwater allocation plan describes complex challenges associated with water trading and the Bindoon town site water supply. Cost and access to water with regard to infrastructure and water prices are inhibitors to development. Conflicting needs associated with trading water, possible establishment of commercial water trading ventures and the elevated cost of water for essential public service are issues that highlight a ‘one size fits all’ approach is not suitable. Additional concerns with regard potential establishment of commercial water trading ventures are listed below.
The paper (p.12) proposes ‘traded volumes and prices be made publicly available for permanent or temporary trades......to ensure that buyers and sellers have sufficient information to make informed decisions’. Increasing tenure to a maximum of 40 years or possibly allowing licence tenure to align with the life of the project eg dewatering for mining (p.13) provides big business opportunities for long term water monopoly.

The first-in-first-served (FIFS) policy is preferred by stakeholders compared to auctioning water (p.23), however smaller users may be unable to compete with larger companies or specific industry could gain monopoly. For example “when the level of allocation reaches a stage where there is, or potentially could be, competition for the remaining water, this could be allocated through a competitive or market based mechanism” (p.22 & p.7).

Water entitlements can now be traded separately to land titles (p.5, 11) meaning that an entity could hold water without holding the land. This has resulted from amendments to the Rights in Water Irrigation Act 1914 and aids the establishment of commercially based water trading ventures.

Community engagement is imperative and the establishment of local water advisory groups, including land stewards, (p.8) is supported. This could be further enhanced by providing the opportunity to already existing groups (eg LCDCs, Catchment Councils etc) to undertake the role to enhance collaboration across groups and reduce instances of volunteer burnout. A Wheatbelt based officer could provide support and guidance to existing groups to assist with addressing issues like fracking and the contamination of local water supply.

Regional areas have different needs to our city counterparts and desires to consolidate, modernise, and provide a single framework for drainage that applies for both metropolitan and regional areas may not cater for all needs.

We would like to thank you for the opportunity to comment on Securing Western Australia’s water future, Position paper – reforming water resource management. Should you require clarification on the matters raised please contact Rebecca Kelly, Senior Regional Officer on (08) 9651 1770.

Yours sincerely,

WENDY NEWMAN
CHIEF EXECUTIVE OFFICER

20 December 2013

Attachment: WDC feedback of Gingin Groundwater Allocation Plan