



New water resources laws

Water law series

The government has given approval to drafting new laws that will improve management of water resources in Western Australia.

The changes being made are important and represent an evolution to the way water resources are managed. Many existing water users will not see change in the way the taking of water is regulated but in some critical areas the legislation will support new and innovative approaches.

These situations include those where competition for water is high, where water resources are being over drawn or water users want to take or use water resources in innovative ways.

The Department of Water will work closely with water users and other stakeholders to ensure that the benefits of the opportunity to reform legislation are achieved.

Why we need reform

There are a number of challenges that make our current laws out-dated – challenges that were not evident when our laws were first developed:



Water demand has increased significantly and will continue increasing as the population and economy grow.



There is now greater competition for water.



With a changing climate, since the 1970s, a 15 per cent reduction in average rainfall has resulted in a 60 per cent reduction in stream-flows and a reduction in groundwater recharge, in the South West.

Our laws were not designed with our current needs and challenges in mind.

Low
investor confidence



Water not being
Optimised

We lack the laws needed to manage water resources where use is high and there are many people taking water. This is happening in our most critical resources today.

Our laws unnecessarily slow down water trading and licensing the take of water. This adds administrative and opportunity costs across the economy.



100 year
old legislation

Our laws do not directly support innovative approaches to water use and management, such as managed aquifer recharge or geothermal energy. These approaches are becoming much more common.

Our laws are complex and lead to inefficient and costly overheads.

These things bring risk to government, water users and the environment

The reforms being proposed help us manage risk in the following ways:



- They give us new and more relevant ways to manage high use resources.
- They enable faster licence decision making and trading, especially in low risk situations.
- They recognise and support new approaches to water use.
- The laws will be consolidated into one Act with all laws being rewritten in a modern style that will be easier to administer and interpret.

New ways to manage high use resources

As the number of licences in a water resource increase and the resource approaches full allocation, more sophisticated management options are required.



The reforms will enable us to use different methods for better managing our water resources. These will allow us to:

Set statutory allocation limits to keep water allocation within sustainable limits	Set rules where resources have been over-allocated to reduce the allocation of water to sustainable levels	
Set binding rules to manage the risk of a reduction in available water due to climate and natural events	Allow assessment of licence applications only where water is available	Release available water in high demand areas by auction or other competitive market processes
Enable water allocations to be varied according to seasonal availability	Support the development of Statutory Water Allocation Plans in high use areas.	

Faster licence decision making and trading, especially in low risk situations

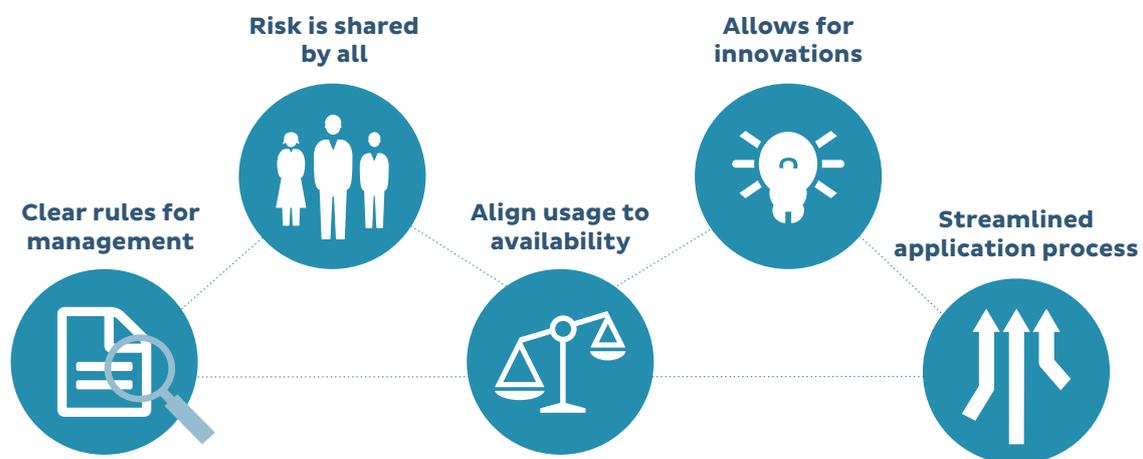
There are varying levels of risk associated with water management across Western Australia. In some areas all available water is given out (nearing full allocation or over-allocated, e.g. Perth Basin), while resources in others areas are yet to be developed. In both cases licences applications, renewals and transfers must be assessed against the a range of criteria set in law.

Currently the system is "one size fits all". While the criteria are appropriate for resources in high demand, for low risk resources they are cumbersome, complex and inefficient. Allowing for a flexible approach will enable simplification of the licensing process in low risk areas and more sophisticated options to manage high risk areas.

The new water resources management laws will:

- provide flexible management rules determined by the level of risk to the resource
- streamline water licence application processes
- simplify the rules for renewal or amendment to existing licences
- support increased licence tenure from 10 years up to 40 years (fewer licence renewal applications and greater security for users)
- require assessment of licence applications only where water is available
- set clear rules for water trading in resources facing competition for water
- support development of Statutory Water Allocation Plans in high use areas

Streamlined water management will reduce costs and improve decision making.



New approaches to water use

Old legislation does not provide for management of innovative new ways to manage water. Our new proposed legislation will make it possible to do so and enable, for example, management of the injection or infiltration of water into or through our groundwater resources.

A better, more holistic framework will lead to increased investment in innovative water management solutions and managing these new approaches will protect the quality of our groundwater resources for other users and the community.

An example of a new approach to manage water is managed aquifer recharge (MAR).

This is the injection of recycled water into groundwater where it can be stored for later use.

In 2012 the Water Corporation successfully completed the groundwater replenishment trial which showed conclusively that MAR is a highly viable option to boost drinking water supplies.

Construction is underway to build Australia's first full scale groundwater replenishment scheme. The first stage of the scheme will have the capacity to recharge 14 billion litres of recycled water per year into deep confined aquifers, providing an additional secure, rainfall independent water source for Perth.

The new water resources management laws will:



set the rules for storing water in aquifers and later abstraction



provide security of ownership of stored water



deal with inconsistencies with other legislation e.g. *Environmental Protection Act 1986*



expand the available water options e.g. stormwater/ wastewater re-use

Legislative provision also caters for emerging technologies such as geothermal energy, hydraulic fracturing, geo-sequestration and in-situ leaching into aquifers.

Simplified, modern water legislation for Western Australia

Water resources are currently managed under six different Acts. These Acts regulate the take and use of water, protect waterways, manage drainage and protect public drinking water sources and supply.

Some of these Acts are over 100 years old and are heavily amended. They were written for very different circumstances than currently apply, and are difficult to read, understand and apply.

We are proposing to consolidate the six existing Acts into one modernised Water Resources Management Act. The provisions will be written in modern language and structured in a logical way. This will make the legislation easier for water users to understand and for government to administer.

CURRENT



FUTURE



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