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# WATER REFORM IN WESTERN AUSTRALIA

## ALLOCATION AND TRADING IN WATER RIGHTS

### PHASE 1 CONSULTATIONS

#### List of Comments and Comment Themes



WATER REFORM SERIES

WATER AND RIVERS COMMISSION REPORT WR 8

1998



WATER AND RIVERS  
COMMISSION

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Water Reform in Western Australia  
Allocation and Trading in Water Rights  
Phase 1 Consultations

List of comments and comment themes

Water and Rivers Commission  
Policy and Planning Division

WATER AND RIVERS COMMISSION  
WATER REFORM SERIES  
REPORT NO WR 8  
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This report was prepared by the Law Reform and COAG Allocation and Trading Project Team - Strategic Projects Branch Policy & Planning Division of the Commission.

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# 1. Introduction

This report is a listing of the comments received by the Water and Rivers Commission during the first phase of consultation on proposals to reform the law governing water resource management in Western Australia. The comments listed here are the raw data that the Commission used to review the community response to the paper *Water reform in Western Australia: Allocation and transfer of rights to use water - proposal for discussion*. This original discussion paper suggested principles for amendment of the *Rights in Water and Irrigation Act 1914*, with the aim of establishing a new water allocation and trading system in the rights to use water in Western Australia.

The community response and the Commissions review of the comments received are summarised in two associated reports. The *Overview: Public consultation responses on water reform proposals* report provides an overview of the most controversial and important aspects of the proposals. The report titled "*Water reform in Western Australia: Allocation and trading in water rights, Phase 1 consultation - analysis and response to submissions*" is a detailed analysis of the comments and outlines the way forward for the reform program.

This report includes comments from 158 written responses (received by the end of January 1998) and questions and comments raised about the proposals at public meetings held between August to December 1997.

All comments were recorded in a database by topic area and issue. The topics and issues selected were based on the sections of the *Water reform in Western Australia: Allocation and transfer of rights to use water - proposal for discussion* paper, as most submissions were prepared as a response to the principles proposed in that document.

An additional major category (topic area) was included to record the comments received on the consultation process. Provision for general comments were included under each topic and for comments on the proposal as a whole. Other minor categories were defined as necessary.

Each submission and record of public meeting was reviewed, separate comments identified and classified by the most appropriate topic and issue. Comments were further grouped into common themes under each issue and entered into the data base.

Section two of this report includes a full count of the comments received under each theme and are listed by topic area and issue. The listing sequence is similar to the topics and issues raised on the original discussion paper. Section two details the comments received under each topic area, issue and comment theme.

All comments have been made anonymous to respect the confidentiality of respondents.



## 2. Comment themes

The following table provides a full list of the themes identified during the review of all comments recorded during the Phase 1 consultation period. The table includes the number of written comments received and the total comments received under each identified theme.

The written comments were abstracted from the 158 written submissions received by the end of January 1998. The difference between the total and the written columns of the table reflect the number of questions and comments recorded at public meetings held between August and December 1997.

**Count of responses by topic, issue and comment theme**

Topic	Issue	Comment Theme	Written	Total	
Consultation	Timeframe concerns	General	7	11	
		Concern over COAG requirements	3	3	
		Dates when legislation due and to be in place	1	4	
		Need to extend process	19	20	
		Not enough notice given	0	4	
		Notice of completion of stages	0	1	
		Too short	16	35	
			<b>46</b>	<b>78</b>	
		Procedural issues	General	19	32
			Amount of discussions needs addressing	3	4
			How will community give input under new system?	1	9
			Level of community input needs addressing	5	13
			Method of consultation- committees and workshops	3	9
			Need to publicly review modified proposal/Bill	8	15
			Positive opportunities to respond	4	4
			Special group- needs involvement prior to public	0	2
			Weighting of input- questions and suggestions	0	4
			What is the programme for the process of reform?	2	5
			<b>45</b>	<b>97</b>	
		Trust	General	4	7
			More commitment from Commission needed	1	4
			Process led to distrust	9	9
			Will our input make a difference?	4	13
			<b>18</b>	<b>33</b>	
		Publicity	Incorporate other interest groups	0	9
			More publicity	2	5
			More specific publicity	3	5
	Too late		2	6	
		<b>7</b>	<b>25</b>		





Topic	Issue	Comment Theme	Written	Total
Consultation (continued)	Presentation of proposal/discussion papers	General	7	14
		Ability to review	0	1
		Definitions need to be provided	2	4
		Hard to understand the discussion paper	2	8
		More detail needed (principles & proposals)	21	25
		Need better contextual information	2	7
		Need contacts to discuss issues raised	1	3
		Other issues involved that were not stated	1	1
	Paper should be withdrawn	1	1	
	Presentation of proposal/discussion papers	Positive outcomes for readers	2	3
		Practical information is needed	0	1
		Tone of the discussion paper- fait accompli	0	6
		Too vague	5	6
			<b>44</b>	<b>80</b>
	Other	General	8	11
		Concern over decision making	1	1
		Concern over implementation of principals and	2	2
		Disclose and consult more with different parties	2	2
		Ensure COAG requirements are met	7	8
		Monetary concerns	1	2
More access to detail needed		2	2	
More information on consultation (plans and completions)		0	2	
Negative consultation process		9	10	
Positive consultation process		11	14	
Possibility to have to go between different groups		0	2	
Should not construe submissions as positive		3	3	
Unequal process in use of groups		2	2	
	<b>48</b>	<b>61</b>		
	<b>Consultation (Total)</b>	<b>208</b>	<b>374</b>	
Control & management of water (Scope of Act)	Objectives of the Act	Further definition of objective required in Bill	4	7
		Question over definition/need for objectives	0	3
		Support the inclusion of environmental objectives	3	7
			<b>7</b>	<b>17</b>
	Scope of water controlled	Concern/question about Crown owning all water	10	10
		Consultation needed for local details	5	5
		Don't revoke/scared about losing existing rights	6	7
		Environmental issues	4	4
		More information on proposal needed	13	29
		Overall support for change to assist improved management	9	9
Queries and comments on springs/dams/drainage/overland flow		5	16	
Reject control of dams	12	19		



<b>Topic</b>	<b>Issue</b>	<b>Comment Theme</b>	<b>Written</b>	<b>Total</b>
<b>Control &amp; management of water (Scope of Act)</b>	<b>Scope of water controlled (continued)</b>	Reject control of on-farm collection (overland flow)	16	24
		Reject control of springs	20	25
		Support (for dewatering controls)	0	2
		Support control of on-farm collection (overland flow)	5	8
		Support control of springs	3	5
		Support controls to reduce waste water	1	1
		Support for/question about control of drainage	8	21
		Support no control of stock and domestic use	3	4
		Too many controls proposed (unless use grossly harming others)	15	16
		Use by trees	1	2
		What needs licensing (includes in-stream aspects)	2	2
		Who manages infrastructure on private land?	1	1
				<b>139</b>
	<b>Management</b>	Maintain proclamations - but improve powers over unproclaimed areas	3	4
	<b>Areas/Proclaimed Areas</b>	Might be negative effects on water or soil quality	2	2
		More information is needed/general comments	2	7
		Must consult community	2	3
		Reject idea of doing away with proclamation system	1	2
		Support for original proposal	1	1
		What is the current situation?	3	7
			<b>14</b>	<b>26</b>
	<b>Local rules that modify rights</b>	Concern over local management (local vested interests)	4	5
		Local rules for springs would be acceptable.	1	3
		Makeup of LMG's needs careful consideration	11	15
		Minister shouldn't have power over local rules	0	2
		More detail regarding local management groups	5	6
		Opposition	0	1
		Process of local management needs refining	11	16
		Questions regarding local rules	5	24
		Reject local rules and management groups	4	6
		Responsibility of LMG	4	4
		Right to have say	1	3
		Role of Advisory Committees needs defining	8	9
		Support local rules and management groups	20	35
		What level of power would local management groups have?	7	14
		What would determine a management area?	0	4
			<b>81</b>	<b>147</b>



Topic	Issue	Comment Theme	Written	Total
	<b>Activities to be controlled</b>	Definitions & information needed for clarity in proposal	8	9
		Permission not needed for all activities	2	3
		Support for control over a specific activity/or proposal	6	9
		Who has liability for and control over water quality?	2	6
			<b>18</b>	<b>27</b>
<b>Control &amp; management of water (Scope of Act)</b>	<b>Riparian rights</b>	Comments implying support for local management/proposal	3	4
		General comments /issues raised	1	5
		Issues to do with stock use	3	7
		Need to protect those not on mains	5	5
		Please clarify current and proposed system	3	18
		Reject changes to riparian rights	9	15
		Support changes to riparian/statutory rights	3	5
		What's the situation where river banks are reserved?	1	4
		<b>28</b>	<b>63</b>	
		<b>Special Agreement Act Rights</b>	NCP Review	0
		Priority of Allocation	1	1
		Successful development	2	2
		Water management issues	2	2
		<b>5</b>	<b>6</b>	
	<b>Other control or scope issues</b>	Information on extent and nature of controls	1	6
		Legal liability for changes to existing rights	3	3
		Nature of Controls	0	1
		Statutory right -comments or suggestions	7	7
		Who owns the water?	7	13
		<b>18</b>	<b>30</b>	
		<b>Control &amp; management of water (Total)</b>	<b>310</b>	<b>526</b>
<b>Property Rights in water</b>	<b>Licensed rights - Definition of right</b>	Concern about scope of licensed activity	3	5
		Concern/questions on growth in water use needs	1	6
		Landowner rights to control entry of licence holder	2	3
		Need for clear property rights	3	4
		Need to protect Aboriginal rights on par with environmental requirements	0	1
		Question/Comment/Aside	1	5
		Separation of land and water - concern/opposed	5	5
			<b>15</b>	<b>29</b>



<b>Topic</b>	<b>Issue</b>	<b>Comment Theme</b>	<b>Written</b>	<b>Total</b>
<b>Property Rights in water</b>	<b>Licence tenure - longer duration's</b>	Alternative suggestion	2	4
		Change over to new system	3	4
		Concern over the process	3	4
		Need more information	1	1
		Preconditions	1	1
		Query	0	2
		Support	2	2
		Support- fixed term	1	2
		Support- long term	12	15
		Support- overlapping	2	2
		Support-long term (qualified)	1	2
			<b>28</b>	<b>39</b>
			<b>Who can hold licence</b>	As initially proposed
		Land owner - only	1	1
		No criteria - anybody	1	1
		Small Customer of Water Service Provider ?	0	2
		Water Leasing Business Person	0	1
			<b>3</b>	<b>6</b>
	<b>Applications &amp; Licence conditions</b>	Appeals	1	2
		Aside/Question	3	6
		Conditions list - concerns - too many/charging/purpose	8	8
		Conditions list - environmental control supported	2	3
		Conditions list - support	1	3
		Conditions list - support + additions (rec & nav)	1	2
		Conditions list - support with some exceptions	2	2
		information provided	3	5
		Investigation requirements	1	3
		Multiple licences- concern	1	2
		Priority of use in drought - Perpetual licence issue	1	1
		Process	5	9
		Setting allocation- how/what criteria	3	9
		Water quality	0	2
			<b>32</b>	<b>57</b>
	<b>Access licences</b>	Concern	2	2
		Market Transfer Preferred	3	3
		Process	2	3
		Questions	3	12
		Support	2	9
		Support - qualified	3	4
			<b>15</b>	<b>33</b>



Topic	Issue	Comment Theme	Written	Total
in water	licensing (or lack of it)	Support	2	2
		Support Implied -suggested local rule(s)	2	2
			<b>4</b>	<b>6</b>
	<b>Licensing appeals</b>	Local Management involvement	1	1
		Support	3	3
		Support for an Independent Tribunal	2	2
		Third Party Appeals - Support/Implied Support	2	4
		Third Party Appeals- Opposed	0	2
			<b>8</b>	<b>12</b>
	<b>Transferability of licences</b>	Capital gains tax	3	6
		Change to new system	1	2
		Concern over fairness of TWE's	2	7
		Concern over TWE's to specific areas	4	14
		Environmental concerns	5	9
		General statements regarding TWE's	11	25
		Implementation - suggested market rules/comments	5	11
		Land values - questions, statements, concerns	0	6
		Limits to start trade - resource knowledge to write plan	1	1
		Market Operation - Monetary concern	1	6
		Market operation - questions about possible rules/transfer process	13	38
		Market operation - statements/comments	2	10
		Market regulation - WRC's views too restrictive	6	10
		Market regulation - needed/should be strong	4	4
		Native title questions	5	5
		Not supportive of compulsory trade	1	2
		Not supportive of TWE's	13	20
		Question/Comment/More Information	0	12
		Questioning of benefits of transferability	1	9
		Questions/Opposition to speculation	2	5
		Regional /Local input to market rules - qualified support	5	6
		Register of rights, financial interests, buyers & sellers	1	6
		Separation of land and water - opposed	14	19
		Support for TWE proposal	12	21
		Support with conditions/qualifications	7	10
			<b>119</b>	<b>264</b>
	<b>Conditions before transfers can occur</b>	Administration/process - criteria	1	3
		Aside/question	1	1
		Financial	0	2
<b>Property Rights</b>	<b>Conditions before</b>	Measuring volumes	0	1



Topic	Issue	Comment Theme	Written	Total
<b>in water</b>	<b>transfers can occur</b>	Starting allocations	1	8
			<b>3</b>	<b>15</b>
<b>Property Rights in water</b>	<b>Other /General</b>	Aside/question	1	1
		Licensing should apply to Crown Agents	2	6
		Role of Commission	0	3
			<b>3</b>	<b>10</b>
	<b>Statutory Rights proposal</b>	If changed then Compensation	1	1
		Maintain Stock & Domestic Rights	2	2
		Public access - criteria to use water needed	1	2
		Question/More Information	2	4
		Support	2	2
		Support - with water harvesting added	1	1
		Support proposal for minimum stock & domestic rights	1	2
			<b>10</b>	<b>14</b>
	<b>Licence tenure - perpetual</b>	Concern with difficulty of changing conditions on a perpetual licence	4	6
		Concern/question about Crown's power to change conditions	1	1
Opposed - Difficult to review allocation		3	5	
Perpetual licence inconsistent with nature of water		5	5	
Probationary period - not always applicable		2	2	
Support - perpetual		7	10	
		<b>22</b>	<b>29</b>	
<b>Property Rights in water (Total)</b>			<b>262</b>	<b>514</b>
<b>Allocation process/Planning framework</b>	<b>Legal backing for plans</b>	Concern about WRC Powers	1	1
		Support	0	3
		<b>1</b>	<b>4</b>	
	<b>Procedures for preparing plans</b>	Better Definition - More Information	1	1
		Concern about WRC Powers	1	1
		Qualified Support	3	3
		Qualified Support (suggested improvements)	2	2
		Support (importance emphasised)	2	2
		<b>9</b>	<b>9</b>	
	<b>Approval process for plans</b>	Better Definition - More Information	0	1
			<b>0</b>	<b>1</b>
	<b>Appeals against plans</b>	A process specified in legislation	1	1
		Better Definition - More Information	6	6
		Independent Tribunal	6	7
		Local Community - Stakeholder Input	3	3
		Support Proposal	2	3
		<b>1</b>	<b>1</b>	
<b>Allocation process/Planning</b>	<b>Appeals against plans</b>	Third Party Appeals proposed	1	1

Topic	Issue	Comment Theme	Written	Total
<b>framework</b>			<b>19</b>	<b>21</b>
<b>Allocation process/Planning framework</b>	<b>Links with other Govt. Plans and agencies roles</b>	General Query	1	5
		Local Government Links - Questions & comments	2	5
		Need for NRM & other agency links/Question & comments	2	16
		Planning Agency Links	3	13
		Streamlined Integrated Reporting	1	1
			<b>9</b>	<b>40</b>
	<b>General planning issues</b>	Better Definition - More Information	2	2
		Costs of plans	0	1
		Investigation & Research Needs	2	2
		Planning System Opposed (Auction or tender)	1	1
		Support (Qualified) for Planning System	0	1
		Support for Planning System	3	3
		Support for Planning System (suggested improvements)	0	1
			<b>8</b>	<b>11</b>
		<b>Allocation process/Planning framework (Total)</b>	<b>46</b>	<b>86</b>
<b>Content of plans</b>	<b>Environmental Water Provisions</b>	Better Definition - More information	1	1
		Complexity of environmental controls/priority too high	6	6
		Concern over the priority given to the environment	5	14
		Process for EWPs and EWRs estimation	8	14
		Research, development, and extension	3	5
		Responsibility for EWPs and EWR decisions	6	13
		Support for environmental allocations	12	13
		Who pays for the environments "use"	6	8
			<b>47</b>	<b>74</b>
<b>Content of plans</b>	<b>Setting sustainable limits for divertible water</b>	General	1	1
		Determination of allocation (how)	0	2
		Determination of allocation (responsibility)	2	4
		Determination of allocation (review process)	0	1
		Investigation & research needs	5	5
		NRM Links needed	3	3
		Support for sustainable allocations	3	4
		Sustainability concept questioned	0	1
			<b>14</b>	<b>21</b>
	<b>Types of plans</b>	Links between plans	1	2
			<b>1</b>	<b>2</b>
<b>Content of plans</b>	<b>Licensing policy and local rules</b>	Better Definition - More Information	4	6
		Initial Allocations	2	6
		Initial Allocations (efficiency aspects)	2	4



<b>Topic</b>	<b>Issue</b>	<b>Comment Theme</b>	<b>Written</b>	<b>Total</b>
		Local Management Concerns (vested interests)	1	3
		Setting Market Rules - support	1	2
		Views on Allocations Priorities and Tradable	14	24
			<b>24</b>	<b>45</b>
	<b>Other planning aspects</b>	Background Question	0	3
		Better Definition - More Information	0	2
		Concern over planning for future needs	1	2
		Consistency of Plans	0	2
		Supported (suggested improvements)	3	3
			<b>4</b>	<b>12</b>
		<b>Content of plans (Total)</b>	<b>90</b>	<b>154</b>
<b>Reasonable and responsible use</b>	<b>Overall concept</b>	General questions/More information wanted	1	7
		Market Preferred	1	1
		Qualified Support	1	2
		Support for Community Empowerment/user self regulation	3	5
		Support for overall concept	1	3
		Support Implied	1	1
			<b>8</b>	<b>19</b>
	<b>Sustainable</b>	Information on sustainable practice	2	5
		Legislation questions	2	2
		Suggested Definitions	3	4
		Support for water sustainability	4	5
			<b>11</b>	<b>16</b>
	<b>Beneficial (Use it or lose it)</b>	Comments/Statements	2	7
		Concern over "use it or lose it" concept	9	18
		Definition/development of concept needed	2	13
		Disagree with concept - Monetary concerns	1	4
		Disagreement with "use it or lose it" concept	6	8
		Does not promote water efficiency	3	6
		More information regarding implementation needed	0	1
		Support - qualified by reasonable timeframes	0	2
		Support for "Use it or lose it" concept	1	3
			<b>24</b>	<b>62</b>
	<b>Harmless</b>	Concern/questions of effect of water use on others	0	4
			<b>0</b>	<b>4</b>
<b>Reasonable and responsible use</b>	<b>Efficient</b>	A Question/Suggestion	3	4
		Concern over regulatory/licensing system	1	2
		Flexibility of WRC to change	1	2





Topic	Issue	Comment Theme	Written	Total	
		Monitoring efficiency	5	6	
		Support for improved efficiency of water use	5	5	
			<b>15</b>	<b>19</b>	
		<b>Reasonable and responsible use (Total)</b>	<b>58</b>	<b>120</b>	
<b>Powers to modify licences or plans</b>	<b>Reviewing/ Updating Sust. Diversions or EWPs</b>	Change conditions - support	2	3	
		Compensation - if existing rights affected	16	19	
		Concern about ability to change conditions	2	6	
		Conditions - difficulties & suggested ways to improve	3	3	
		Questions about review of conditions	3	12	
				<b>26</b>	<b>43</b>
	<b>Cancellation/ resumption/surrender of licences</b>		Change conditions - with compensation	0	1
			Compensation if any "rights" reduced	6	10
			Criteria	3	5
			Impact on licensee	3	6
Making good			1	1	
Opposition			2	3	
Penalties			1	2	
Support			2	2	
			<b>19</b>	<b>31</b>	
<b>Emergency directions</b>		Support for temporary conditions only	1	1	
		Support subject to appeal	1	1	
		Support subject to guidelines	1	1	
		What criteria will apply?	2	2	
			<b>5</b>	<b>5</b>	
		<b>Powers to modify licences or plans (Total)</b>	<b>50</b>	<b>79</b>	
<b>Reporting and monitoring water use</b>	<b>Reporting (by the licensee) of water use</b>	Alternatives to meters	0	3	
		Better Definition - More Information	0	2	
		Concern - but implied support	0	2	
		Concern - costs & paperwork	2	3	
		Concern - costs - expertise & conflict	1	1	
		Question	0	3	
		Support	1	2	
		Support - Qualified/suggested improvements	5	5	
		<b>9</b>	<b>21</b>		
<b>Reporting and monitoring water use</b>	<b>Metering (Measuring) water use</b>	Alternatives to meters	1	1	
		Better Definition - More Information	0	3	
		Determination of allocation (how )	1	1	



<b>Topic</b>	<b>Issue</b>	<b>Comment Theme</b>	<b>Written</b>	<b>Total</b>
		Opposition	1	3
		Question/Implied Concern	0	4
		Required when TWEs are operating	0	2
		Support - Qualified	4	4
			<b>7</b>	<b>18</b>
	<b>Other reporting issues</b>	Compliance monitoring	1	1
		Monitoring Support	3	5
		Question	0	1
		Suggested Improvements	1	1
			<b>5</b>	<b>8</b>
	<b>Penalties</b>	General	2	2
			<b>2</b>	<b>2</b>
		<b>Reporting and monitoring water use (Total)</b>	<b>23</b>	<b>49</b>
<b>Paying for water resource management (User pays)</b>	<b>Existing Powers to charge</b>	Questions/comments	0	3
			<b>0</b>	<b>3</b>
	<b>Water charges for non-licensed use</b>	Opposition - to stock & domestic charges/riparian use	3	3
		Support- for riparian use charges	1	1
		Will there be fees for dams/streams/riparian use	0	4
			<b>4</b>	<b>8</b>
	<b>Fixed resource management charges</b>	General	1	1
		Concerns - Taxation issues	1	1
		Questions/Basis of Charges	7	9
		Support - if revenue was used on local management	0	2
		Views on Charging - for costs of local boards	4	6
			<b>13</b>	<b>19</b>



Topic	Issue	Comment Theme	Written	Total
<b>Paying for water resource management (User pays)</b>	<b>General charging issues</b>	Ability to pay concerns - cases for cross subsidy	12	15
		Charging increases in future - Concern	5	17
		Charging Structure - Questions on Water Quality	0	1
		Charging Structure - Views	8	15
		Charging Structure - Views - Allowance for investigation costs	6	6
		Charging Structure - Views - Promote efficient use	1	1
		Charging Structure - Views - Allowance for Infrastructure costs	19	28
		COAG Money & or Charges should support WR management	4	6
		Concern - just revenue raising	7	11
		Concern/not supported	0	1
		Concern/opposition to additional charges & user pays	28	52
		Equity issues - general concern/questions/statements	20	44
		Inequitable - Metro people/all bore owners should pay	1	12
		Make WR management costs transparent	12	18
		Opposition to Royalty charge	1	2
		Questions/Basis of Charges	9	42
		Questions/General	8	34
		Royalty Charge - support to promote reuse	1	1
		Royalty charge concerns	0	2
		Support if equitable & costs justified	14	28
Supported/no objection	7	14		
		<b>163</b>	<b>350</b>	
		<b>Paying for water resource management (User pays) (Total)</b>	<b>180</b>	<b>380</b>
<b>General comments</b>	<b>Overall proposal</b>	Clarification/definition of terms	2	3
		COAG reforms needed/supported	0	1
		Environmental issues/concerns	1	1
		Implement COAG now, other changes considered later	12	13
		Limitations/suggested improvements	1	2
		Maintain Status Quo/Current security of water	8	10
		Non supportive of proposal	13	19
		Support for proposal	13	23
		Support for reform/but qualifications with elements of proposal	9	12
		WRC will have too much power	4	5
		<b>63</b>	<b>89</b>	
<b>General comments</b>	<b>Other general comments</b>	COAG requirements	7	19
		Comparison with the Eastern States	1	4
		Current system- Comments/questions/need for change	6	10
		Environmental issues	4	5
		Fencing of water courses	1	5
		General comments/questions	41	69
<b>General</b>	<b>Other general</b>	Implementation - phasing in time	2	3
		Issues about privatisation of WRC	0	4



<b>Topic</b>	<b>Issue</b>	<b>Comment Theme</b>	<b>Written</b>	<b>Total</b>
<b>comments</b>	<b>comments (continued)</b>	Issues regarding bureaucracy	8	11
		Issues regarding the Water Corporation and/or scheme water	3	5
		Native Title/Native Rights	4	10
		Non supportive of the proposal	13	13
		Population growth	3	3
		Potable water/water quality comments	3	4
		Process issues	1	4
		Proposals need to be clearer/firmer	2	5
		Protection of commercial users	2	2
		Specific comments regarding peoples properties, regions, or introductory and concluding comments on letters	84	91
		Support for proposal	4	7
		Water reuse	2	4
		Water use by trees	2	4
		Will WRC have the resources to implement the changes	2	4
		WRC will have too much power	3	4
			<b>198</b>	<b>290</b>
		<b>General Comments (Total)</b>	<b>261</b>	<b>379</b>
		<b><u>Grand Total:</u></b>	<b><u>1488</u></b>	<b><u>2661</u></b>

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## 3. List of comments

The comments listed below are presented under the following heading structures. Each section title defines a topic area. Each sub-section title defines an issue associated with the topic. The themes identified under each issue are shown as headings within the issue sub-section.

### 3.1 Consultation

#### 3.1.1 Time frame concerns

##### General

The meeting is at a bad time particularly for people with a small business.

Need to provide industries of outstanding offers on properties so they can prepare (eg REIWA).

Will this be in the next session of parliament?

People will hold back on giving support until they have enough information to make a judgement on how they are affected.

Our committee's interpretation of the Agreement to implement the Natural Competition Policy signed off by the Premiers in April 1995 varies considerably from your WRC interpretation released to stakeholders in August 1997 for public comment.

Sustainable water resource management should include the use of legislation, but only as part of a package or rather at the end of a package that starts with a primary focus of self management and self regulation within a sustainability management model or framework. If you start with a premise that an agency is the manager, custodian/owner of a resource and that it will use legislation as a primary instrument for the allocation, management and protection of the resource, the users will opt out for an economic approach to the resource use and the resource base (water) will gradually deteriorate through cumulative impacts that the agency is not flexible enough to respond to.

Even though we are in the busiest time for water users in our district, we have participated strongly when we were informed of the proposed changes. It is also apparent that the attempt by the Commission to coerce us into making hasty decisions on WRS1 by using the threat of the State losing millions in Federal funding was foolish. After receiving the first Competition payment, the second payment due in 1999-2000 requires only an establishment of a strategic

framework for reform of water markets. So we have at least 2 years to negotiate the two COAG requirements. Before the third payment is due in 2001 (four years from now) and if we have successfully resolved the first two COAG requirements, we will then be prepared to enter into negotiations with you regarding the other water reform changes that you have been seeking

Our group comprises of water users from ours and neighbouring districts. As you may be aware we were nominated to represent water users who attended public meetings in our districts. Our members come from different fruit, vegetable, viticulture and floriculture industry groups, aquaculture and pastoralist interests and other Water Management Area Advisory Committees. We are extremely concerned by the undue haste with which the WRC has sought to introduce wholesale changes to the Rights in Water and Irrigation Act of 1914, under the guise of the COAG agreement.

The agreement that has been entered into by the State government as a part of the COAG agreements is for Tradable Water Rights to be established with supporting legislation by June 1998. The intention to make the change to a TWR has only recently been brought to the attention of fruit growers. The information that has been tendered to growers from the WRC has been to focus on the direct intention of the legislation and not to look at alternatives.

The respondent believes that this state has the opportunity of embracing a very sound environmental friendly and efficient water resource policy. It is important that this project proceed at a pace whereby all stakeholders interests are considered to enable a better understanding and acceptance by all parties.

The processes should be recommended immediately or at the very least the consultation process Stage One should be extended significantly.

##### Concern over COAG requirements

Further it was suggested that the WRC be encouraged to endeavour only to meet COAG requirements for 1998

We have been concerned with the pace at which the WRC has tried to carry out the consultation process associated with introducing changes to the Rights in Water and Irrigation Act 1914. It now appears that most of these changes are unrelated to the



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requirements of the COAG Agreement on Water Industry Reform under the National Competition Framework.

The actual timeframe and facts stated in the COAG agreement appear to conflict with the COAG requirements and timeframes quoted and implied in WRS1. This conflict, along with the apparent unnecessary rush to proceed the reform process has given rise to considerable suspicion within the community as to real agenda that is driving the reform process.

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**Dates when legislation due and to be in place**

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When are the proposals due for legislation??

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How long have we got to make submissions?

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When does this have to be ready for Parliament?

The one fundamental issue that still needs to be clarified is the timetable set by your Commission for the water reform legislation to be in place.

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**Need to extend process**

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The process should be recommenced immediately, or at the very least the consultation process (stage 1) should be extended significantly.

The complexity of this issue and the time constraints that are being applied do not allow for a full and comprehensive understanding of the WRS1 document and therefore a lot of the very important detail may be overlooked.

Water law reform is a complex area of government regulation. There is a perception that the reform process is being fast tracked, limiting the amount of time stakeholders have to assimilate and provide feedback on the information. Although the deadline for submission on the initial proposals and principles of water resource legislation has been extended to 30 November from 31 October, it is still felt by many that this is an insufficient amount of time for public discussion on these issues. It is important that for the subsequent round of discussion the public is given ample time to review and address the information on the detailed policies, impacts of the proposals and the draft legislation. It has been proposed that a draft bill may be presented to Parliament by the end of May. This time frame may be too short for adequate consultation.

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More time for discussion is necessary.

The process should be recommenced immediately, or at the very least the consultation process (stage 1) should be extended significantly.

Similarly, the overwhelming response of the meeting was that the water law reform process was destined for considerable difficulty if the water user community was not afforded a great deal more detail and the time to consider such.

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Consultation process: members agreed that due to insufficient time the consultancy process should be widened and extended.

We believe that a more realistic timetable for public comment for most of the water reform issues to be completed is September 1998 and meanwhile the drafting of legislation should be put on hold. We believe this proposal does not compromise the Governments position in relation to payments from COAG.

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The process should be recommended immediately, or at the very least the consultation process (stage 1) should be extended significantly.

Time and consultation on the proposals will need to be extended if it is to be useful and not antagonise the voters at large.

We are most disturbed about the proposals for water reforms in WA for the following reasons: There has been little or no effort put into informing landowners of these broad-reaching proposed reforms and a lack of public consultation, (which we feel we are entitled to), and the lack of time allowed for a response is quite reprehensible on the part of your department.

Also through our working group we are interested in being involved in discussions with the Commission and hopefully other Government Agencies in order to develop appropriate approach to the wider issue of water reform in WA. Clearly as this is our busiest season these negotiations need to be over a longer period.

Nobody wants political confrontation over the question of extending the timetable for achieving a final result that can be drafted into legislation, but this will be the final outcome if these negotiations come to nought.

Recommendation: that the state government delays implementation of a revised water policy until all stakeholders have the opportunity of not only addressing the principles but have access to the proposed method of implementation.

In an earlier COAG Communique dated 24th Feb.1994 it is acknowledged on page-4 para.4 that the water reforms were "extensive and far reaching in their implications, the Council considered a five to seven year implementation period would be required" and "if States needed to reform existing legislation they had until the year 2,000 for this to be in place" quote from Conditions of Payments to the States Page 201 on your files.



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Should this discussion document and its exceedingly short public review period be used as the mechanism or justification for slipping through such a fundamental change to the people's rights?

It is our belief that the WRC should provide the minimum requirement to satisfy the COAG agreement and then embark upon proper and meaningful negotiations with all water users within a reasonable timeframe.

Motion by .... to adjourn legislation for 3-6 months. Seconded by .... More input and more advertising. Carried unanimously. Timeframes are government railroading. Why has COAG taken so long to get to us?

I believe that much more education and consultation is required before the farming community endorses your proposals for Water Reform.

The overwhelming response of the meeting was that the water law reform process was destined for considerable difficulty if the water user community was not afforded a great deal more detail and the time to consider such.

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**Not enough notice given**

It was too late and too little; word of mouth was the only way knowledge of the meeting got around.

Worried because WRC being same as other government departments; haven't given people a chance to understand issues in paper before meeting; thinks this is done purposely.

COAG agreement was signed in 1994, why do we only find out about it in 1997?

There are likely to be large numbers of people at the Manjimup meeting (including people from Albany); general feeling of not enough notice - and not enough time to prepare a case.

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**Notice of completion of stages**

Need to give timing (months) for completion of each of the consultation stages.

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**Too short**

That the initial consultation period is manifestly too short

People feel cheated on timeframe.

As a water user I wish to register my protest at the way in which the WRC is seeking to rewrite the Rights in Water and Irrigation Act of 1914 without fully consulting with the water industry in WA. The WA Government became a signatory to the COAG agreement on national water reform in 1994. The WRC who are responsible for achieving certain

reforms under the agreement by 1998 have chosen to leave until the last minute to consult with and gain community support for their proposed changes, In similar cases, of water industry planning and changes, usually involving the more populated areas of the State, the WRC and its predecessor the Water Authority have undertaken much longer community consultation processes. Why is this case where water users like myself who depend on water for my livelihood, is it that the government seeks to ensure we are not fully consulted? I understand that the old water laws are difficult to administer, and do not totally object to change. It appears that the WRC is trying to achieve absolute control of water usage in the guise of the COAG without all these legislative changes to the Rights in Water and Irrigation Act. A meaningful process of public education and consultation with the whole industry will bring about an acceptable and equitable result rather than a Government Agency prescribing and dictating changes to the community, which is just not acceptable. I would appreciate your assistance in assuring me that my rights to contribute to this debate in a meaningful way will be upheld.

The consultation period for one reason or another is completely unsatisfactory. The issues concerned are too complex to be addressed properly in the timeframe and much detail has not been provided.

There are so many details in this document, and so many details on the implementation left out that it is difficult to grasp the magnitude of the changes. Many details could slip through this review process because of the small amount of time available for discussion.

Specifically payments to the State in relation to water reform are made in the second tranche commencing in 1999-2000, not 1988 as previously advised. We accept that there may be a need for water reforms in some areas outside those required by COAG, but we categorically refuse to accept your current timetable for public comment and introduction of water reform legislation. It would be appreciated if you could provide a formal response to this issue at our Manjimup meeting next week including documentation which changed the time schedules, if our information on this issue has been superseded.

Negative Aspects - Tight timeframe could lead to errors.

This Association, WA Region is critical of the consultation process adopted by the WRC. The timeframe for consultation is manifestly too short.



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Given the two year time period taken to establish the Commission's proposals for water reform which will seriously affect the rural area, ('COAG Water Allocation and Trading Initiatives' and 'Water Reform in WA'), it is inappropriate to believe that the suggested time frame for public submissions with regard to same, albeit extended for a further month to the end of November 1997, is sufficient for the community to comprehensively respond to issues of such magnitude, with their enormous implications for the future development of primary production in this area. The respondent would like to point out that the WRC's 1997 document, relating to the urban area 'Allocating Water for Perth's Future', was developed over three years with considerable input during that period from both the community and independent consultants.

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The timeframe to implement the new reforms is too short. "What if?" scenarios should be run through the proposals. This will take time, therefore the draft reforms should have 12 months in the public arena before presentation to parliament.

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**TIMING** - The decision making process for the proposed changes has been short and the industry has not been able to allocate the required resources to a full investigation of the impact of the changes. The final changes to the legislation need to be widely distributed for comment and resources made available to respond to concern areas.

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The fruit industry has not been able to undertake a full investigation for the proposed changes because of the short time frame which, in turn, has meant that scarce resources have not been able to be reallocated to fund an investigation. The industry is seeking an avenue for the relevant agencies to make people available to respond to queries quickly to prevent time wastage.

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That the initial consultation period is manifestly too short.

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We need more time.

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The view that the initial consultation period is manifestly too short.

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As a water user I wish to register my protest at the way in which the WRC is seeking to rewrite the Rights in Water and Irrigation Act of 1914 without fully consulting with the water industry in WA. The WA Government became a signatory to the COAG agreement on national water reform in 1994. The WRC who are responsible for achieving certain reforms under the agreement by 1998 have chosen to

leave until the last minute to consult with and gain community support for their proposed changes. In similar cases, of water industry planning and changes, usually involving the more populated areas of the State, the WRC and its predecessor the Water Authority have undertaken much longer community consultation processes. Why is this case where water users like myself who depend on water for my livelihood, is it that the government seeks to ensure we are not fully consulted? I understand that the old water laws are difficult to administer, and do not totally object to change. It appears that the WRC is trying to achieve absolute control of water usage in the guise of the COAG without all these legislative changes to the Rights in Water and Irrigation Act. A meaningful process of public education and consultation with the whole industry will bring about an acceptable and equitable result rather than a Government Agency prescribing and dictating changes to the community, which is just not acceptable. I would appreciate your assistance in assuring me that my rights to contribute to this debate in a meaningful way will be upheld.

---

We believe that a two month public comment period, subsequently extended to three months, from the 5-7 year period allowed for implementation, is an insult to stakeholders. Most of the stakeholders in our district are active farmers who run large agricultural business and work 12-15 hour days at this time of the year. We have neither the time nor the expertise required to sort through the issues which are so vital to our livelihood and we believe that some of the COAG funds should be earmarked for our district to employ expert advice to assist in getting the process right similar to the position taken by other State Governments eg NSW. Our understanding re the need to amend the current WA legislation to conform with the COAG agreement, is that opinion within your commission is divided. Therefore this is the one issue that should be resolved at a Commonwealth/State level before creating public debate with stakeholders.

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Asking the community to assess such a huge change in just 10 weeks is not sufficient time, especially considering no mention has been made as to how proposals will be developed and implemented. People need to be given much more opportunity to digest such huge changes.

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The grower is also concerned at the small amount of time available for discussion.

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No opposition & discussion reforms. People want to be involved. Irrigation season is now starting and people are busy until April.

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The short timeframe on this is possibly going to have unintended consequences. What will be put in place to allow for this?

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More time required - unique area, unique infrastructure put in by the farmers.

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Timeframe extremely difficult (should have been released 12 months ago).

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Don't believe users are being given enough time to respond, users don't have necessary expertise; Advisory Committees don't have enough time to deal with issues from all community members.

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Consultation over 8 weeks is completely ludicrous - should be 4-6 months and need to have more meetings in other areas - this was applauded.

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You are asking us to comment in 8 weeks on something that took 2 years to put together.

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How long did it take to put the document together?

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Timeframe a concern. Only until end of November to respond; hasn't be circulated to landowners at all - I am from a Winemakers Association and haven't received it.

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What time to look at other aspects of proposals given timeframe for consultation and legislative change?

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Where are we up to in the government processes, eg legislation? Not enough consultation time for legislation by end 1998.

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Terrible public relations exercise - please learn from these mistakes, too short a consultation time, the language in the document has been accepted as hostile and unreadable.

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We have talked about this for a year during COAG consultation which came to nothing because of changes of minister. Can't work it out in an afternoon.

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It is of some concern that you have spent four years developing proposal, and expect us to have consultation in such short time frame, although it is good to see it has been extended.

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The timeframe for consultation was an issue, with most of those who spoke unhappy about its brevity. There was some confusion over what was required by when, and how the A & T consultation fitted in with consultation over the rest of the COAG process. It was emphasised that consultation would continue past Nov '98 with regard mainly to no-legislative issues. Also, that the proposed Local Management Plans would

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have the power to pick up local details at any point after reform.

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Concern over shortness of consultation.

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### 3.1.2 Procedural issues

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#### General

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Have you asked the landholders if they want any changes? Feeling that it will go on regardless.

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Why not consult on a catchment basis?

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Officers of the agency are prepared, as previously discussed, to work closely with colleagues in the WRC to progress the reform process and to facilitate thorough consultation with interested groups in the agricultural sector in WA.

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We suggest that joining (AgWA/WRC) development/expansion of a number of existing programs might help to achieve industry involvement and commitment to improved water resource management in WA. These include Integrated Catchment Management, Property Management, Waterwise on the Farm, and Quality Assurance (ISO 9000 or SQF 2000). It is worth noting that in NSW the State Government has funded the "Waterwise on the Farm" program out of its "COAG payments", and that some industry groups in WA have expressed a wish that a similar arrangement might apply in WA.

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While the general approach of many of the proposals appears sound, some in the industry are concerned to ensure that implementation of new measures should not proceed without more intensive industry consultation.

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We therefore appreciate the opportunity of providing some input which we believe will assist with the transition and ongoing management of the amendments.

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Is the legislation currently being drafted?

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We refer to the proposed amendments with respect to the above matter and thank you for opportunity of allowing two of our members to attend the briefing at your offices.

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Given WA's commitment to COAG, the issues raised by the WRC warrant careful consideration by our two agencies. The Department would of course be pleased to discuss the important matters highlighted above, especially in relation to the suggestion that a natural resource management charge apply in future Agreement Acts.

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Timeliness is very bad in the current economic climate.

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Will there be consultation between WRC and the "company" regarding the conditions and/or management programme for the access licence? Will the conditions/programme be related to the project and its potential impacts (direct and indirect) or will the company be required to carry out excess investigations for WRC ie. data collection solely for WRC use.

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Is Rod happy with proposal for second workshop?

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What is actually going through parliament in June?

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A number of participants advised that despite completing and submitting registration forms for the Commission's mailing list they were not given further information about Commission Sponsored meetings.

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Process of meeting back to front - Discuss proposal and talk about funding and politics later.

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Had not heard anything definitive and was concerned about the increased security in water resources.

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A number of participants advised that despite completing and submitting registration forms for the Commission's mailing list they were not given any further information about Commission sponsored meetings.

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Why change at all? The carrot is in the \$300 million funding, how much community involvement has there been in all this? We are told.

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An educative process needs to take place in a proclaimed area so that landholders become willing participants in the process, rather than the current situation, whereby the landholders feel they are having to track down any authority to be heard.

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Our group does not require that this response be accepted as a submission on these matters. We do, however, request a written response addressing the issues raised above. We also request the opportunity to make a verbal input to the reform process at some time prior to March 1998

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We hope that you will give serious consideration to our submission and ensure that the environment is not the loser under the proposed changes.

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Will take this back and run past AAD to discuss how the legislation can best be formulated.

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Possibly have another discussion later.

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That all water users should be recognised as key stakeholders in water resource management and be given appropriate representation in policy and operational determinations with financial and legislative support to enable them to operate independently. Water users should be able to obtain a

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service agreement from water suppliers covering aspects such as cost, quality of service and scheduling.

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The growers are prepared, along with other water user groups, to participate in negotiations with the Commission concerning the provision of water for the environment and establishment of trading rights in water.

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There are a number of important obstacles which we believe must be overcome if these negotiations are to receive widespread community support.

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Another round to fix relationships. Restructure current legislation to bare TWE requirements and deal with other issues from bottom up.

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It would appear that the proposed changes have many desirable outcomes. Unfortunately, insufficient opportunity for the public to read and digest the proposals and fully understand their implications, means that the necessary legislative changes are likely to face a good deal of opposition, from now and through the parliamentary process.

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I suggest that you slow the process down, recontext the objectives more holistically by integrating the legislative approach with other processes, particularly a management and monitoring framework that can deal with, or adjust to cumulative impacts especially where these are looking economically, socially or environmentally unsustainable, rather than proceed along this path and risk compromising the achievement of the agency's corporate objectives.

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As a major user of water resources and one which has to work with the water legislation, particularly the Rights in Water and Irrigation Act, we welcome an updating of the administration of water in WA.

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The group wishes to be involved in the meetings of stakeholders scheduled for early 1998.

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This Group suggests that on-going education and training of users and suppliers, incentives for farmers to invest in new technologies, and the application of best practice guidelines are appropriate instruments for achieving environmental objectives.

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#### **Amount of discussions needs addressing**

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Unfortunately the answer we received in your Water Reform publication of October 1997 (issued in Nov) "improving our management of water resources" indicated that you are still not listening to or answering the question of water rights. On page 3 you state that land title confers ownership of the land, not the water. Before any endorsement or any meaningful discussion of the proposal for TWE can take place, negotiation concerning this basic difference should



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commence before there is any attempt to draft any legislation.

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We look forward to entering into meaningful discussions with the Commission on two issues.

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With regard to the wider issue of water reform in WA we are now involved with a working group for discussions with the Commission and hopefully other Government Agencies in order to develop an appropriate approach to the issue.

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Council would like further discussion.

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**How will the community give input under new system?**

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Can appeal decisions be looked at by the community first?

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What exactly do we propose for further consultation (for local plans etc.)

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If we agree in principle will we be consulted on the details?

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How will the community have input under the new system?

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As irrigators and farmers we have only two peak bodies representing us out of 14 peak bodies, we won't be heard.

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Consultation process: People are burdened by discussion documents at the moment; people find it hard to put in submissions. Would the local management consultation go through a similar process?

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What is WRC's strategy for long term consultation, how will it happen?

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It is essential that these proposals be fully developed before any support for the process can be given. Who will elect/nominate the members of the stakeholder groups? How much public consultation will be carried out in the formulation and review of the proposed rules? Who will pay for work required to fully carry out these requirements and investigations? Have the LGA's been consulted to see if they wish to be responsible? Can or will the huge range of referral processes currently being employed by LGA's around the state be changed so that similar requirements exist in all areas?

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Regulations can be made without public consultation, will this happen?

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**Level of community input needs addressing**

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Want Input - Workshop.

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Once payment is gained, government won't be interested in sorting out teething problems. Need to come to us before legislated, because we know how the water resource works locally.

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Threatening that details are worked out after the consultation process.

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Albany doesn't get to have its say.

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Finally, it is important that these substantial reforms are implemented in full consultation with industry and communities, and are in an equitable and sustainable manner.

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The more cooperation from community and the more input from community, the lower the cost is likely to be (this point should be emphasised at the next meetings).

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We feel that all these issues must be negotiated in detail with the community to ensure workable outcomes.

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Shouldn't the people involved have a major say in the proposed changes. Surely a community consultation process should be upmost in helping decide whether these changes are necessary or should be put in place?

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All water users need to be fully informed and be part of the consultation and negotiation process.

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OK, as long as there is real local input, which is quite hard to achieve.

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Firstly we express profound concern that Albany was not included on your original list of consultation meetings. All water users need to be fully informed and be part of the consultation and negotiation process.

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I strongly object to the lack of consultation with the current users of water in this area and the industry that is so reliant on fair and equitable sharing of the resource. In this area we have a well organised and highly respected Advisory Group that have been responsible for many positive initiatives in the area of water allocation and water management. This body has been totally ignored when framing the proposals which has ensured that no local concerns have been considered or input sought. It is unacceptable that we are now told that we have a very short timeframe and must accept whatever the city based "experts" dream up.

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Don't appreciate not being involved, does council get involved or residents, how are the local rules made

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**Method of consultation - committees and workshops**

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The process of change is as important as the change itself. To present the proposed changes in a glossy publication and only then seek local input does not give much weight to local opinion. Regional workshops culminating in a draft issues paper would have taken longer but created far more ownership and support for the outcome. We now have a document



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that has little public support and so is not likely to be implemented. More importantly, the Commission has created negative relations in the Region which can only hinder the effectiveness of the Regions work. The Region has a good record of working with the local community and apart from the bar has sound two way relationships with most groups, including farmers. These relationships should be used, protected and enhanced. The changes to the RIWAIA have been progressed with little regard for these objectives.

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**Workshop for farmers.**

Those in associations have at least some avenue of communication with bureaucracy, but how are you going to consult with individual landowners? Want decision-making bodies, not seminars.

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**Request for a second meeting with this community.**

WAWA workshop on sewerage - experts with farmers locally, plus facilitates, 1 day. Was very useful and good consultation.

Motion by .... to hold a workshop within 6 weeks for a representative committee, conducted by a private facilitator, Shire of MR, Busselton and West ward of Nannup. Objective to give WRC a submission for changes to the proposals. Seconded by .... Carried unanimously.

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**Workshop with farmers.**

Many stakeholders would not disagree that the Rights in Water and Irrigations Act needs to be amended, given the level of growth in demand for water resources since the act was promulgated in 1914. However, there is concern over the appearance of a 'top down' approach being taken by the WRC regrading the amendment process. There is the perception that rather than amending the Act for sustainable resource management objectives, a primary reason for wanting to amend the Act is to meet the requirements of the Council on Australian Governments' (COAG) agreement on water reform. It has been expressed that WRC should achieve the minimum required to satisfy the COAG requirements and then seek to identify the most appropriate changes to the Act. This group understands that one outcome of the Albany workshop on 18 November 97 was agreement that a working party comprised of key stakeholders would be formed to assess the water law reforms. This type of 'bottom-up' approach would appear to be a more effective way of identifying relevant issues and getting stakeholders on side.

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Would like to see a representative group elected by interested people (people of the district) to respond to

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proposal and let them decide how much time they need to respond.

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**Need to publicly review modified proposal/Bill**

When do we need to get back to you by? Do we get to see the details before it goes into legislation? Concerned when there are short time frames.

We are happy to enter further discussions and/or negotiations to explore any enhancement of existing legislation, if deemed appropriate, to cover any further areas within the two COAG requirements, ie "Environmental Water Allocation and Tradable Water Entitlement System".

There remains a tremendous amount of uncertainty and lack of authoritative knowledge regarding the proposals. I would like to be informed of developments. I would be prepared to be involved in the development of these proposals and their dissemination, if that would be useful.

I look forward to further discussions on this issue and to offer any help in providing our industries point of view to the drafting of new water legislation. As a member of the WRC stakeholder Council I will be actively seeking information on water reform and see it as an opportunity to provide a new working environment for both industry and government.

We thank you for your consideration of these concerns and await your advise as to when the next stage of the proposed Legislation will be available for public comment.

When is this document going to be rewritten and can we comment again on firm guidelines?

The stakeholders will need to be consulted in formulating all these aspects of the legislation.

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**Is there room for discussion on the Bill?**

Concern with the speed this process is taking. Could there not be a second review process before we move into the Parliamentary stage? There was much good discussion today, however a second review process would allow clarification of many of these issues.

The penultimate draft of the Act should be circulated to all local Committees and Local Authorities for comment prior to final Parliamentary endorsement.

Who will see the modified proposal before it goes to parliament?

Are you going to come back to us with the modified proposal, please?

Will we get to see the detail of the legislation before it is submitted to Parliament?

We wish to be advised of all draft documents with reasonable time for comment, before they enter parliament.



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Meeting would like to see a draft of the legislation and be involved in further consultation.

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#### **Positive opportunities to respond**

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The Department appreciates the opportunity to provide input to the WRC in its process to reform matters associated with the management of water and related matters in WA. The comments in this submission relate to Discussion Paper No.1 entitled "Allocation and Transfer Rights to Use Water: Proposal for Discussions". The Department endorses the consultative approach adopted by WRC with regard to soliciting comments from key agencies, WRC stakeholders and relevant sections of the community interested in the water industry. The Department understands that a more detailed discussion paper will be released shortly by the WRC entitled "A Water Allocation Planning System and Tradable Water Entitlements Structure for WA". Comments on this paper will provide the substantive input from the Department to the important task being undertaken by the WRC. However, Discussion Paper No.1 contains important principles and options and the Department welcomes the opportunity to provide comment under the following headings.

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Thankyou for your diligence in calling for submissions.

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We are prepared to enter into negotiations with you between now and before any draft legislation is written regarding the two COAG requirements, those being a Tradable Water Entitlement System and an allocation for Formal Environmental Water Provisions. We stress that negotiations on these two issues will be based on our group gaining an understanding of the COAG requirements and not just being informed by the Commission at the end of the process. In fact it is a requirement of the COAG agreement that the Commission undertake to establish a process for more education and consultation on COAG with water users such as those in our group.

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The Department appreciates the opportunity to respond to the discussion paper and has established an internal working group to provide input to the WRC reform exercise. In that regard, the Department will continue to liaise with the WRC in the lead up to providing formal comment on the key discussion paper to be released shortly on water allocation planning systems and tradeable entitlements.

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#### **Special group - needs involvement prior to public**

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Document came out suddenly, insufficient notice given to the AC's, AC set up a bit as they don't know about the proposal and "people" expect them to - this alarms the community.

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Why weren't the advisory body and stakeholder council involved earlier?

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#### **Weighting of input - questions and suggestions**

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How do we choose peak interest groups and how do we weight their relative importance in making up the final proposal?

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How much weight are growers being given in the consultation process and consideration in the legislation?

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Input of community should be weighted because agricultural community is proportionately smaller.

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With consultation won't the rural sector be overwhelmed by the urban?

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#### **What is the programme for the process of reform?**

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Another round of consultation in second phase, re new proposal?

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What is the next step in this process of changing the legislation.

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Water and rivers constitution - can't be changed without a referendum. So how can things be pushed through without that?

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We endorse the motions passed at the meeting on November 18th, namely that the Commission proceed with only those parts of the reform process directly required under the COAG Agreement, and enter into meaningful discussions with our working group elected that evening, on the reform package you have proposed.

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What exactly do we propose? for further consultation (for local plans etc.)

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### **3.1.3 Trust**

#### **General**

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The processes appears weighted against agricultural irrigators who are arguably the single largest users of water for commercial purposes in this state.

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Situation currently seen as "us against them" therefore people are jumping to conclusions.

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The premiers didn't tell us when they signed the COAG agreement.

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It is apparent to us that the document, Allocation and Transfer of Rights to Use Water - WRS1 and the subsequent meetings and workshops regarding it, have raised more questions than they have answered. The issues raised at our workshop were not resolved because of the complexity of the issues and the time constraints. As a result there were many areas of WRS1 of extreme importance in detail which were missed.

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Comment that minds had been put at rest by this meeting. There had been rumours about the water reforms that were unsettling.

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When we discuss this issue with water users in other areas it is apparent that the Commission's representatives are not telling a consistent story when presenting details about the existing situation, the

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requirements under the COAG Agreement or the details about the Commission's proposals.

Publication WRS 1 & 2 provide much detail in many other areas of water resource use where a number of studies and scientific investigation and data is available. QUESTION: have any studies, scientific investigations or opinions been sought in the Hills use of bores drawing from underground streams?, as these are the major source of water usage.

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**More commitment from Commission needed**

Wants a commitment from WRC that WRC are going to be open and honest with us.

WRC are just here to sell this thing.

Considerably more work is required on behalf of WRC to provide the stakeholders with more details before they can support anything other than the concept of reform.

No commitment from the Commission in answering the questions.

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**Process led to distrust**

We do not believe that we have been given the whole truth on the subject of water reform and therefore will not offer any type of endorsement to the fundamentally flawed process. By your approach to this matter you have succeeded in building up a great deal of distrust in your motives and seriously damaged the reform process. As the story has unfolded water users have begun to believe that you have deliberately misrepresented your position, our rights and your intentions so as to obtain more power for the Commission through false representation.

That the Commission is attempting to steer the principles outlined in the discussion paper on "Allocation and Transfer of Rights to Use Water," through the consultation period with a minimum of community discussion.

The communities feeling of distrust in the Commission's motives, fuelled by the inconsistent details being provided by the Commission representatives in different forums throughout the State. this applies to the information given regarding the existing laws, the COAG requirements and the details of the Commission's proposals.

This time of year is our busiest and we do not have the time to try and understand all the ramifications of your proposals. With the existing level of distrust in the community you would be most unwise to attempt to proceed with this process at this time. After the irrigation season you should again begin to discuss matters with the industry.

That the Commission is attempting to steer the principles outlined in the discussion paper on "Allocation and Transfer of Rights to Use Water",

through the consultation period with a minimum of community discussion.

The lack of detail provided engendered distrust in the process and has made it difficult for the community to endorse the proposals.

That the Commission is attempting to steer the principles outlined in the discussion paper on "Allocation and Transfer of Rights to Use Water", through the consultation period with a minimum of community discussion.

We were pleased when the Commission agreed at the meeting in Albany on November 18th to embark upon a process of public education, consultation and negotiation. We are represented on the Albany Working Group elected at that meeting to enter into that process with you and welcome the opportunity to discuss the format of that process. With the State receiving M\$500 for meeting it's COAG Agreements it is appropriate that the water users, who will after all be most affected by the water law reform, be fully involved. It is essential that the State ensure that the renewed process is adequately resourced financially. The COAG requirement for full and open education, consultation and negotiation must be carried out with no artificial time limits. The group hopes that the Commission is fully aware of the level of disquiet in the community about the way in which this reform process has been attempted. Unfortunately the process has led to a considerable amount of distrust as to the Commission's motives. The level of misinformation which is circulating is not helpful and must be corrected.

As you are no doubt aware from the responses you and Mr ..... received at the public meetings in Albany there is a considerable level of disquiet in the community about the way in which this reform process has been attempted. Unfortunately the process has led to a considerable amount of distrust as to the Commission's motives.

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**Will our input make a difference?**

In reality once legislation has been presented to Parliament what chance do the public have to query or make comment at this stage?

To what extent will our voice make a difference, very distrustful of the process, people just go through the motions of public consultation.

I trust our comments will provide the basis for ongoing discussions between our agencies concerning the continued reform of the water industry in WA.

We trust that you will include our concerns and our proposed solutions to them, in your submissions to the Water Reform process. We would be happy to meet with the local committee to further explain our situation if the committee so desires.

The comments we make in this submission are CONFIDENTIAL. We trust that these and other



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community comments will be taken into account and that full consultation will take place as these proposals are progressed by the Commission.

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How can we be sure our views will be taken into account?

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You (the government) can do what you want anyway.

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Are we consulting over something the government has already agreed to then?

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Concern about genuineness of consultation process. WC's 3-year consultation about a water board for the area ended in a letter being sent to us saying something different was being done, with no explanation other than it was the Ministers decision.

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What guarantee have we got that you won't go ahead with the dead opposite to what we say, as with so many other consultative processes we have been involved in? Pleased to hear that.

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Recently put in public submission about water board and it seemed to make no difference although we put in a lot of effort.

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Previously, we have recommended changes and public servants have gone away and just done what they wanted to anyway.

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I trust the contents will receive your full attention and that you will advise the respondent of any outcomes resulting from the submissions received as we are vitally interested in all future developments.

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### 3.1.4 Publicity

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#### **Incorporate other interest groups**

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Comment that WAFF is limited. Another organisation was formed precisely because it wasn't representative. Pig producers, abattoirs and beef feed lotters.

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Mention of an agreement with need to have horticulturalists on peak interests list.

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Do you plan to take consultation to rural areas such as Jerramungup, as they are very concerned about it?

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Why wasn't Albany considered in the initial consultation?

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Include market gardeners.

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Beware of peak groups; they are not always representative.

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Aboriginal Housing Commission/ WA Native Title Working Group would have an interest ; may provide a forum for you to come along.

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The consultation seems to have concentrated on areas with current licensing, it should have concentrated on those areas without licensing as they would be most affected.

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ADIA to represent drilling industry.

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#### **More publicity**

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Some people are only just finding out about the problem.

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The number of people (22) means public didn't know about the meeting.

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Poor advertising.

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Consultation process has been poorly promoted, advertisements have been too small and too few and in many cases inserted too late. Participants also believe that no sincere attempt has been made by the Commission to involve the media in promoting the process, or the issues.

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#### **More specific publicity**

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It has come to my notice that your organisation is intending to licence property owners who have access to water. I do not receive the daily newspaper due to the fact that papers arrive either 2 or 3 days late when sent to this area by mail, so I was unaware of your intentions. I would have thought that you would have had some obligation to ensure that all property owners with access to streams would be notified of these measures.

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Also the document was very poorly advertised and I would suggest that a second draft be written and circulated state wide - specifically Land Conservation District Committees, Catchment Groups and Farmers Groups, especially in the prime irrigation areas (even if this means delaying the legislation).

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It is also recommended that the proposed reforms should be further advertised for public comment once the finite details of the proposed changes and resultant effects have been confirmed.

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Need to mail out to all licensees

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Need to mail every landowner.

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#### **Too late**

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Meeting should have been more organised because I only found out about it last night. Every grower should be invited to the meetings. You are going to destroy us not help us.

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The consultation process has been poorly promoted. Advertisements have been too small and too few and in many cases inserted too late. Furthermore, there has been no sincere attempts by the Commission to involve the media in promoting the processes or the issues.



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Consultation process has been poorly promoted, advertisements have been too small and too few and in many cases inserted too late. Participants also believe that no sincere attempt has been made by the Commission to involve the media in promoting the process, or the issues.

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Advertising for open seminars should be 2 weeks before and then again a week before.

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It was too late and too little; word of mouth was the only way knowledge of the meeting got around.

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Serious concerns re: lack of publicity of consultation programme especially with regard to farmers not receiving newspapers until after the Harvey meeting has taken place.

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### 3.1.5 Presentation of proposal/discussion papers

#### General

The Commission needs to provide a great deal more detail about the proposal outlined in the draft before shareholders can draw any conclusion or make meaningful comments. Failure of the Commission to supply detail may mean that the proposed reforms will become a political lobbying issue long before they are detailed to the minister. **THE COAG AGREEMENT WAS SIGNED IN FEBRUARY 1994, 4 YEARS AGO.**

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Finally, we note Page 2, final paragraph of the discussion paper, which refers to a proposal to widen the scope for making water charges for water use to equitably share the costs of management among the beneficiaries. We believe this is a little open ended and owners may not agree to this without being further quantified.

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One of our main concerns is that the delivery of the allocation and trading reforms by December 1998 is a legally binding agreement which is being forced through legislation to gain Federal Government payments as per the COAG agreement. Because of this we feel that the implementations ARE NOT open for proper discussion. If the State defaults in any way, it misses out on very substantial annual payments.

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In addition the information contained in those documents appears ambiguous and often inconsistent with information provided by the Commission to individuals or stakeholder groups.

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The following is a brief summary outlining the background to the enclosed submission on the above mentioned report. Following circulation of the Waters & Rivers Commission Report WRS1 by the WA Farmers Federation and our local Land Conservation District Committee, a public meeting was held to discuss the report. 41 interested landowners attended, from Walpole, Nornalup, Bow Bridge, Tingledale, Kent River and Denmark. A representative from the WAFF attended the meeting and presented the

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document, outlining questions from previous workshops held throughout the South West. Questions that had been forwarded to the Commission and answered were shared with us.. This enabled our meeting to get down to the issues effecting our area. Those attending the meeting felt that the report had not been widely enough circulated or advertised, also a lot of the points were not well enough explained and left a lot of people unsure of the implications of the suggested changes. To follow the public meeting a smaller group of landowners, met had further discussions and now submit the following comments.

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process appears weighted against agricultural irrigators, who are arguably the single largest users of water for commercial purposes in this State

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Need an overhead of the page in the report you're talking about.

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Need an overhead of the hydrological cycle.

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Talks should be directed to the questionnaire or vice versa.

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Introduce the panel at the start.

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Rod needs to sum up Rods stuff and how it relates to proposal.

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Perhaps provide maps showing areas where advisory committees operate.

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Is/has the document been released for private/public comment?

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Changes to the management of water resources in WA proposed in the discussion papers may have a significant impact on the way in which agricultural businesses in WA plan and manage their operations. Clients of the respondent will be affected, and have expressed some concern to our officers regarding the lack of detail provided in the discussion papers.

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#### Ability to review

Give a copy of agenda to everyone.

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#### Definitions need to be provided

The category of local (water use) rights is frequently referred to, yet not clearly defined. Other important terms that are not defined in the paper include "Board", for local water management, and "common activities", that can seek licence exemptions.

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However the legal jargon in the discussion papers makes comment difficult:

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There doesn't seem to be anybody arguing about the environmental part, however the wording doesn't really say that the environment comes first, need to say that clearly.

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P16 "Water is a vital resource; it must be available to those who want to use it." versus P19 glossary definition of ecologically sustainable development - these are not compatible.

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**Hard to understand the discussion paper**

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P7 overriding statutory rights - this whole section is not clear.

.....it was considered very vague and hard to understand how its principles may be applied in practice.....

**SIMPLIFY**

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The reports are not easy to understand, for somebody like me let alone a member of the general public. For consultation an easier to read version would have been preferable. Ideally this should be written by somebody who has no knowledge of the issue-honestly this works extremely well (I speak from experience). It is essential that the key changes to the Act are highlighted. People want to know what will it mean-what will change. The present documents contain 90% context, which is excessive.

The proposal needs to be more concise, should be restructured.

Need to use practical easy to understand language and be very up front and open in discussing these issues.

The document is rather confusing and it is hard to find issues which may be specific to "me", cannot object or support the proposal when we don't know exactly what the impact will be.

The document is very hard to understand.

**More detail needed (principles & proposals)**

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Need further information on all principles to be able to give comment - details.

If the legislation is to go ahead you need to spell out under what circumstances you will change our rights (especially riparian rights and springs).

That insufficient detail has been provided by the Commission for those present to be able to endorse the proposed principles.

There are many concerns with this proposal document. The WRC is asking the community to endorse a series of broad principles and proposals without giving any real details on how they will be implemented. There is little attempt to provide stakeholders with details on the proposed legislation or how it will work. The stakeholders are being asked as a matter of faith to accept that the WRC will establish a workable and efficient system of management without knowing the details, ramifications or costs.

The presentation needs more run down on the proposal/legislation before talking about the consultation process.

Considerably more work is required on behalf of WRC to provide the stakeholders with more details before they can support anything other than the concept of reform.

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The proposal indicates what may be done, but is limited on information on how the legislative changes will be put into effect.

The document needs to be up front (in the principles) in pointing out the importance of the linkage between quality and quantity.

The commission needs to provide a great deal more detail about the proposals outlined in the draft, before stakeholders can draw any conclusions, or make meaningful comments. Failure of the Commission to supply detail may well mean that the proposed reforms will become a political lobbying issue long before they are delivered to the minister.

The proposal needs to explain the level of financial impacts that the legislative changes would have on all classes of water users.

Under "we value your views" I wish to disagree most strongly with our statement that the Commission has received encouraging support for their general thrust to the proposals. This was certainly not the case at a recent meeting of the Hills orchardists. Furthermore our soliciting of information that other Shires and the agricultural community have on these issues indicate a major lack of information and understanding of the implications of the proposals. Even State politicians contacted by us all profess to have no knowledge of the proposals or the pending legislation.

Unfortunately the answer we received in your Water Reform publication of October 1997 (issued in Nov) :improving our management of water resources" indicated that you are still not listening to or answering the question of water rights. On page 3 you state that land title confers ownership of the land, not the water. Before any endorsement or any meaningful discussion of the proposal for TWE can take place, negotiation concerning this basic difference should commence before there is any attempt to draft any legislation.

Because water rights are a major factor in sustainability of horticultural production any changes that affect the rights of landowners must be done very cautiously with input from all parties. The various papers circulated by the WRC contain many "motherhood" statements and principles. However, producers may support the principle but oppose changes due to the lack of detail on how they will be implemented.

The Commission needs to provide a great deal more detail about the proposals outlined in the draft, before stakeholders can draw any conclusions, or make meaningful comments. Failure of the Commission to supply detail may well mean that the proposed reforms will become a political lobbying issue long before they are delivered to the Minister.

That insufficient detail has been provided by the Commission for those present to be able to endorse the proposed principles.

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The Commission needs to provide a great deal more detail about the proposals outlined in the draft, before stakeholders can draw any conclusions, or make meaningful comments. Failure of the Commission to supply detail may well mean that the proposed reforms will become a political lobbying issue long before they are delivered to the Minister.

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That insufficient detail has been provided by the Commission for those present to be able to endorse the proposed principles.

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Many of the topics lack clear definition leaving it open to unacceptably wide interpretation.

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No defined rules for proper discussion

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The proposed process of water rights and their exchange remains unclear in the information I presently hold.

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In the Bedforddale/Armadale area there are many people drawing water from the Brook. These users fall broadly into the following categories: a) riparian users who have paid the premium for their land to have access to the Brook and use the water only on their riparian title, both domestic and commercial; b) users who claim to be riparian by way of owning a lease or small title (typically 1/8 acre) on the brook and permanently divert up to 1/3 of the brooks water via pipe work to other non-riparian titles for a variety of uses, both domestic and commercial; c) ordinary public non-riparian users who pump large quantities of water from the brook at public access points, primarily for domestic use.

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While the intention of the discussion paper Allocation and Transfer Rights to Use Water - Proposal for Discussion is to foster comment on the proposed changes to the Water Act, its lack of detail and the implication that WRC management of water resources could be all encompassing is disturbing to many stakeholders whose operations could be potentially impacted by the proposed changes. For example, on page 6 of the section title "What activities should be controlled?" if taken at face value, suggests that there is potentially no source of water exempt from WRC regulation. It is important that in the subsequent round of discussion stakeholders are given detailed information on exactly what is being proposed and how specific groups of water users could be impacted.

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There are many concerns with this proposal document. The WRC is asking the community to endorse a series of broad principles and proposals without giving any real details on how they will be implemented.

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The community expressed a lot of concern about the lack of detail contained in the proposal. It is

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impossible for the community to properly evaluate and give approval or otherwise on such important issues when there are no specifics given. The community did not seem to feel that the "trust us" idea is the way to go. They feel that the problems which have arisen in the past have been due to a lack of detail/specific wording in the Act and that this is what is required in the new Act.

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Specific comment and suggestions, without more detailed information is therefore very difficult.

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#### **Need better contextual information**

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Need to explain the COAG context and rationale better, especially in terms that are understood by Members and by their constituents.

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WRC needs to be more specific in talking about these issues eg the intent of the reforms.

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The proposal concentrates on the use of potable water. In the Goldfields-Esperance region extensive use is made of hyper-saline groundwater for mineral processing.

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Needs section contexting where this fits in with other projects/programmes that are going on in WRC and other government departments.

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Trying to avoid mistakes made in past re: water management - we need this to stop similar problems. Should have explained deficiencies of old system and problems if we continue along old path.

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Sources of potable water appear to be in decline due to growing populations and increasing industry requirements. Therefore, the proposal should address the issue of maintaining water quality and desalinating water.

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Discussion of Californian model. People need info about other models before they can make decisions about the proposals.

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#### **Need contacts to discuss issues raised**

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Provide contacts for peak bodies.

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Let people unload earlier in the piece.

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More issues are raised by reading the document than are answered

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#### **Other issues involved that were not stated**

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I am sure that there are other equally serious issues hidden within the proposed legislation that as yet is not available.

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#### **Paper should be withdrawn**

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We understand that the Commission has withdrawn from the public the discussion paper WRS3. We suggest that the Commission also withdraw WRS1 and its proposals.



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### Positive outcomes for readers

I acknowledge the very great deal of care and effort that has obviously been applied by the WRC to produce their varied documents.

We express disappointment with the preparation of the WRS1 proposal. It is a complicated document, produced without any consultation with the users of this resource.

Workshop process left Helena with a good understanding of issues where she knew nothing beforehand.

### Practical information is needed

As growers we want to see specifics/cause and effect examples. eg I dislike my neighbour and I have excess water so I am told to trade it. I want big bucks and he won't pay so I'm going to keep my water.

### Tone of the discussion paper - fait accompli

Farmers have the impression that the proposal is concrete, and not for discussion.

Concern in community that there is not room for consultation - presented in a way that represents a *fait accompli*.

Glossy documents look like final rather than draft proposals - expense.

The way the document reads - it seems that there will be a lot of paperwork and monitoring required.

Threatening tone of WRS1; Big Brotherish. Rules onerous and so again the OIC may as well go back to WC.

Terrible public relations exercise - please learn from these mistakes, too short a consultation time, the language in the document has been accepted as hostile and unreadable.

### Too vague

Generally the group felt comfortable with the proposal at this time (although it was considered very vague and hard to understand how its principles may be applied in practice) with the proviso that the detail must be subject to their review. Many people (30) registered their interest in being added to the mailing list.

It is my concern that perhaps the details of your proposal have not been sufficiently identified or explained to meet the requirements and understanding of residents who have considerable ongoing and long term investment in the area. For the purpose of this discussion I have assumed, as any legal advice would require, that if you are to legislate powers of control over surface water, you will be deemed to have exercised them to the maximum.

I'm writing this submission (re WRC of Allocation to Use Water, Proposal for Discussion), and after reading this proposal I should with regret say that I have

concerns with the private farms in my district. The area around which I live happens to be Bow Bridge which is on the south coast, in the Denmark Shire. It has a 45inch rainfall. My concerns are that this WRC report WRS1 1997 which has no signatory to it, lacks credibility, contradictory and hidden aspects in its self for private farming.

The property rights to the use of water in the statutory rights is very unclear where it is written, "stock drinking water, but not irrigation of pasture or water for feedlots", this needs defining and thought thoroughly through. Other areas to be defined and want careful consideration are drainage, draining operations, on farm laneway systems where roads are to be utilised and stock handling yards, planting of trees (plantations), water logging, paddock dams, paddock springs, creek dams, spring creeks, the use and monitoring of the water resource. The compensation aspect is unclear to the extent of this proposal on the water rights that have been in place in the past.

I feel that the WRC document is written in very general terms and lacks definition in many of its proposals. Thus allowing mis-interpretation of those proposals.

The current documents are too vague. Too many would, could and may's in it.

### 3.1.6 Other

Another problem we see is the water user attitude towards the WRC. This is because the Commission does not have a good record in acting with a good customer interface. The WRC will need to adopt a positive and pro-active approach to customer services.

The respondent is aware that there are serious concerns within the community over the consultation process and the content and intent of the proposals.

Submissions and written questions for Swamp Road Catchment Group.

Mr .... will continue to liaise with you on this issue as our representative on the WRC stakeholder Council.

Perhaps contact Mr...M ATSIIC State Manager, Mr...L, Mr...N, I will send a fax with these peoples details.

The following is a brief summary outlining the background to the enclosed submission on the above mentioned report. Following circulation of the Waters & Rivers Commission Report WRS1 by the WA Farmers Federation and our local District Committee, a public meeting was held to discuss the report. 41 interested landowners attended, from Walpole, Nornalup, Bow Bridge, Tingledale, Kent River and Denmark. Mr...M from the WAFF attended the meeting and presented the document, outlining questions from previous workshops held throughout



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the South West. Questions that had been forwarded to the Commission and answered were shared with us. This enabled our meeting to get down to the issues affecting our area. Those attending the meeting felt that the report had not been widely enough circulated or advertised, also a lot of the points were not well enough explained and left a lot of people unsure of the implications of the suggested changes. To follow the public meeting a smaller group of landowners met, had further discussions and now submit the following comments.

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We hope this submission will be taken into consideration when legislation relating to water is drafted and we certainly hope that the farmers in our area can be treated with the respect they deserve.

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Please find attached comments from us on the proposal to reform the administration of water in WA. We would be happy to discuss these comments with you should you wish.

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I would be happy to discuss these ideas with you to enlarge on any aspects if you so wish.

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On a general note, I think that the proposed legislation does not give enough attention to those that depend on the waterways for agricultural use. I agree that some sort of policing is required where conflicts arise and where these can not be solved in a neighbourly way. The Neerigen Brook currently has a committee that is made up of local people that runs and gives advice on a PR basis. As a member of this committee, I would be greatly interested in your positive response to these issues. It would be highly appreciated if I could be included on the mailing list for any developments made in the generation of this legislation.

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This meeting is not able to make submissions on behalf of people who are not here.

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#### **Concern over decision making**

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"Local Scene" - people in favour don't understand what it means. Carnarvon not good for TWE's (written letter to Roger). Already Carnarvon does many of these things - worried about people who don't know the local situation making decisions.

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#### **Concern over implementation of principals and proposal**

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And ...it has to be in place by NEXT year, not because the community embraces it BUT because a COAG Framework Agreement on Water Resource Policy from 25/2/1994 says so! It is called a "central binding commitment" The cat is being let out of the bag on page 7 WRS2 1997 "...which is open to discussion but not the basic fact of implementation".

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Whilst the principals and proposals are sound the grower is concerned about how they will be implemented.

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#### **Disclose and consult more with different parties**

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Therefore we respectfully request that you urgently arrange a meeting with Growers in the Hills area and make FULL DISCLOSURE OF ANY PROPOSALS and consult more closely with the people on the Land without further delay.

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THE ACT - Prior to Parliamentary endorsement the penultimate draft should be circulated to all local Associations and Committees for their comments.

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#### **Ensure COAG requirements are met**

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Concern over the possibility of irrigation coming out badly from the consultation process if environmental interests saw it as "development". Desire to "enshrine the rights of irrigators" in the new legislation, as long as it was environmentally sustainable.

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To assist the community in preparing a submission on the very sensitive issues addressed in the Allocation and Transfer of Rights to Use Water" discussion proposal, your response to each of the above questions would be appreciated. As you are aware, the submission closing date has been extended until the end of November 1997, and to that end an early response on your part is requested to ensure that we have adequate time to prepare a submission on the identified critical issues.

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Thankyou for the opportunity to provide these comments. I would be grateful if you could keep this group informed of new reports and discussion papers that are published during your consultation process.

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The growers believe that the Commission should begin the Water Reform process again, with our industry's involvement, to ensure that the COAG requirements of WA can be met with minimum disruption, confusion and litigation.

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We were pleased when the Commission agreed at the meeting on November 18th to embark upon a process of public education, consultation and negotiation. We are represented on the group elected at that meeting to enter into that process with you and welcome the opportunity to discuss the format of that process. With the State receiving M\$500 for meeting its COAG Agreements it is appropriate that the water users, who will after all be most affected by the water law reform, be fully involved. It is essential that the State ensure that the renewed process is adequately resourced financially. The COAG requirement for full and open education, consultation and negotiation must be carried out with no artificial time limits. The group hopes that the Commission is fully aware of the level of disquiet in the community about the way in which this reform process has been attempted. Unfortunately the process has led to a considerable amount of distrust as to the Commission's motives. The level of misinformation which is circulating is not helpful and must be corrected.

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Further to our discussion would you please place on record and take into account our situation and concerns relating to the water reform proposals.

What we are prepared to do is to enter into negotiations with you between now and April 1998 regarding the two elements of your proposals which are in fact COAG requirements. We will then be prepared to enter into negotiations with you regarding the other aspects of water reforms you wish to see occur, to determine whether we can offer support. We trust that future discussions will be on a more open and honest basis. With regard to the COAG requirements, a Tradable Water Entitlement system and allocations of water to the environment, there are differing opinions in this district as to their relevance, applicability and implementation details. For that reason we can not offer endorsement of the proposals but will negotiate these different aspects with you. We believe the Commission should acknowledge publicly the fact that the process was at best ill-informed and poorly constructed, and then approach the industry to develop a more meaningful process. Unfortunately anything less will undoubtedly result in this becoming a political confrontation which will undoubtedly result in the Commission losing the opportunity to achieve the reforms they seek, and for the water users to explore the proposals to determine whether they support them.

The COAG requirement for full and open education, consultation and negotiation must be carried out. Water users throughout the State must be involved in determining whether changes are needed to the Rights in Water and Irrigation Act of 1914, and what are the appropriate changes and methods of implementation.

#### **Monetary concerns**

The apparent lack of financial resources available for the present negotiation process. Clearly if the State is to receive M\$500 for fulfilling it's COAG Agreements it is appropriate that the negotiation process is adequately resourced financially.

Some of the money could go to processes like Waterwise on the farm and law reform conservation.

#### **More access to detail needed**

An informed decision on the value of the proposals can really only be made when those groups and individuals affected by them can see clearly how they will work.

Similarly, the overwhelming response of the meeting was that the water law reform process was destined for considerable difficulty if the water user community was not afforded a great deal more detail and the time to consider such. Participants agreed that without access to the legislative detail which will underpin the reforms they could not signify assent to the proposals.

#### **More information on consultation (plans and completions)**

Has there been any consultation to determine how many people may be affected by the spring issue?

Later, will there be consultation over the details of charging?

#### **Negative consultation process**

We are most disturbed about the proposals for water reforms in WA for the following reasons: There has been little or no effort put into informing landowners of these broad-reaching proposed reforms and a lack of public consultation, (which we feel we are entitled to), and the lack of time allowed for a response is quite reprehensible on the part of your department.

Those present were unanimous in their condemnation of the process adopted by the Commission.

We believe the Commission should acknowledge publicly the fact that the process was at best ill-informed and poorly constructed, and then approach the industry to develop a more meaningful process. Unfortunately anything less will undoubtedly result in this becoming a political confrontation which will undoubtedly result in the Commission losing the opportunity to achieve the reforms they seek, and for the water users to explore the proposals to determine whether they support them.

Can't we just tell you what local management plan we would like and then you can see if it will fit into your proposed legislation?

Those present were unanimous in their condemnation of the process adopted by the Commission.

For us to offer any comments on these principles may be misconstrued by the Commission as part of the negotiation process. Clearly you have already responded to some questions put to you. Unfortunately the answers we have seen in correspondence by you to WAFF, and in your Water Reform publication of October 1997 "Improving our management of water resources" are incomplete and raise many more questions than they answer. We do not believe that you providing answers to questions constitutes a process of consultation and negotiation. We require that the Commission embark upon a substantial education, consultation and negotiation process with us, as required by the COAG agreement.

We believe that this water reform discussion process is a failure and the document should be rejected outright until there is a genuine attempt to approach industry to discuss the requirements of COAG.

Furthermore we do not wish our earlier submission which included a number of questions regarding specific issues to be viewed in any way to be an endorsement of your "consultation process". We are concerned that the Commission may consider that by



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providing an answer to a specific question that the consultation process is completed. That is not the case.

Those present were unanimous in their condemnation of the process adopted by the Commission.

I will therefore vigorously oppose any attempts to introduce new legislation based on the information currently being provided because I see this programme as a defacto source of taxes skilfully dressed up as "reform"

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#### **Positive consultation process**

I would like to thank and commend Rod Banyard along with supporting officers of the WRC for their efforts and role to bring this daunting task to the forefront of the community for early negotiation and input. I look forward to the challenge to lobby the necessary support to ensure that any concerns raised that may affect an individual holder are treated equitably throughout the process until implementation of any new from.

Thank you for the opportunity of participating in this review.

The Department is appreciative of the opportunity to provide input and as mentioned in the submission, an internal working group has been established to facilitate input over the coming months.

It is this Association's view that we have become well informed on the proposals and the rationale which underlies them. Through our involvement with the public consultation process and with grower groups and industry associations, we have been able to gauge public opinion and concerns. The following submissions highlight many of the concerns these organisations have and no doubt many of the other submissions received by the Commission will reflect these issues also.

The WA Region of this Association of Australia is pleased to have had the opportunity to be involved in the consultation stage of the proposed reforms to WA water laws.

We wish to thank you for giving us this opportunity to comment on the current papers and look forward to seeing your next draft.

The Department appreciates the opportunity to provide input to the WRC in its process to reform matters associated with the management of water and related matters in WA. The comments in this submission relate to Discussion Paper No.1 entitled "Allocation and Transfer Rights to Use Water: Proposal for Discussions". The Department endorses the consultative approach adopted by WRC with regard to soliciting comments from key agencies, WRC stakeholders and relevant sections of the community interested in the water industry. The Department understands that a more detailed discussion paper will be released shortly by the WRC entitled "A Water Allocation Planning System and Tradable Water

Entitlements Structure for WA". Comments on this paper will provide the substantive input from The Department to the important task being undertaken by the WRC. However, Discussion Paper No.1 contains important principles and options and the Department welcomes the opportunity to provide comment under the following headings.

I would like to thank and commend Rod Banyard along with supporting officers of the WRC for their efforts and role to bring this daunting task to the forefront of the community for early negotiation and input. I look forward to the challenge to lobby the necessary support to ensure that any concerns raised that may affect an individual holder are treated equitably throughout the process until implementation of any new reform.

WRC has changed it's tack significantly since the Manjimup meeting.

We would be pleased to participate further in the consultative process.

Thank you for the opportunity to take part in a direct consultation process regarding the water reform proposals. Your attendance and briefing in our Office was most helpful and informative.

20 and 30 years ago had same meetings in Murray-Darling. Now have opportunity to manage problems before too severe.

Feel less alarmed and more happy having talked about the changes today.

We were pleased when the Commission agreed at the meeting in Albany on November 18th to embark upon a process of public education, consultation and negotiation. We are represented on the Albany Working Group elected at that meeting to enter into that process with you and welcome the opportunity to discuss the format of that process. With the State receiving M\$500 for meeting it's COAG Agreements it is appropriate that the water users, who will after all be most affected by the water law reform, be fully involved. It is essential that the State ensure that the renewed process is adequately resourced financially. The COAG requirement for full and open education, consultation and negotiation must be carried out with no artificial time limits. The group hopes that the Commission is fully aware of the level of disquiet in the community about the way in which this reform process has been attempted. Unfortunately the process has led to a considerable amount of distrust as to the Commission's motives. The level of misinformation which is circulating is not helpful and must be corrected.

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#### **Possibility to have to go between different groups**

Suggested that they (AAD) perhaps can be the go between the Aboriginal Interest Groups and WRC.

Would be able to pass information to community for feedback. Would handle the flow there and back



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### **Should not construe submissions as positive**

We are told that: water reform commitments must be met by December 1998 or heavy economical sanctions may be applied by the Federal Government; consultation is to concentrate on the resource management principles and legislative changes necessary to meet the requirements of COAG Water Reform Policy Management; although the fact of COAG reforms in Section 3.1 are NOT NEGOTIABLE, the detail of implementation is open for discussion. Therefore, any reading of this or any other submissions should not be construed as being in favour of proposed reforms, simply by virtue of the fact that such a submission did not openly express opposition to proposed reforms which we stated as "not negotiable".

Because we are told that: water reform commitments must be met by December 1998 or heavy economic sanctions may be applied by the Government; consultation is to concentrate on the resource management principles and legislative changes necessary to meet the requirements of the COAG water reforms policy framework; although the fact of COAG reforms in section 3.1 ARE NOT NEGOTIABLE the detail of implementation is open for discussion. Therefore any reading of this or any other submission/s should not be construed as being in favour of proposed reforms, simply by virtue of the fact that such a submission did not openly express opposition to proposed reforms.

NOT NEGOTIABLE CONSULTATION - To discuss COAG reforms in section 3.1 when we are told they are not negotiable would be a deterrent for many not to comment on. Therefore any reading of this or any other submissions should not be construed as being in favour of proposed reforms simply by virtue of the fact that such submission/s did not openly express opposition to proposed reforms.

### **Unequal process in use of groups**

Process appears weighted against agricultural irrigators, who are arguably the single largest users of water for commercial purposes in this State.

Process appears weighted against agricultural irrigators, who are arguably the single largest users of water for commercial purposes in this State.

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## **3.2 Control and management of water (Scope of Act)**

### **3.2.1 Objectives of the Act**

#### **Further definition of objective required in Bill**

Objectives for water resource management. The respondent has concerns over the proposed definition of sustainable development, and its application to water resource management in WA through the objectives for water resource management proposed in WRS 1. The definition proposed is the generic ESD definition as defined by Brundtland in 1987 to apply broadly and at a very high policy level to the management and use of all natural resources. As such the objectives proposed in WRS 1 do not adequately take into account the nature of water resources development, and the specific water resource issues facing Western Australia: many of the State's water resources have become degraded over time by inappropriate land use and management. The proposed definition makes neither allowance, nor provides positive policy support, for remediation of degraded water resources as a desirable policy direction for Western Australia within the framework of 'sustainable development' of its water resources. This flies in the face of the State Government's commitment to salinity remediation, and fails to acknowledge the broad community acceptance for remediating the State's degraded water resources. • the major water resource issue for Western Australia is maintaining and enhancing water quality. This needs to be explicitly stated in the definition of sustainable development of water resources. • where new sources are developed, it is not possible to completely protect the biological diversity of ecosystems. The development of surface water sources for example inevitably results in significant local changes in ecosystems, with associated impacts at least on part of local gene pools. The respondent is not arguing that extinction of species is acceptable in the name of water resource development; but rather recognising the realities of developing water resources, that a major objective in water resource development and management should be to ensure that basic ecosystem functioning is maintained and biodiversity impacts are minimised. This will allow water resources to be developed which meet the community's social and economic needs, with changes to the environment which are socially acceptable and do not compromise essential ecological processes. In a number of situations, unsustainable uses of water resources have been allowed because of their economic and social acceptability and minimal impact on the natural environment, such as mining the saline groundwater for dust suppression of gold mines and waste dumps at Kalgoorlie. The sustainable development approach needs to provide for unsustainable use of water resources to be permitted in specific circumstances,



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usually for limited periods. • a number of surface water resources have historically been developed with no allowances for environmental water flows, reflecting community values at the time. The respondent has concerns over how existing surface water storage's will be treated under the proposed definition of sustainable development of water resources. The respondent supports the COAG principles for the Provision of Water for Ecosystems for new water resource developments, but considers that existing, developed water assets cannot generally be viewed as if they were undeveloped in terms of meeting environmental water provisions. Rather the respondent considers that the environmental management objectives for existing water assets should be to re-establish a new ecosystem which is in equilibrium with the new water regime, which retains as much of the former biological elements as is practical to achieve, establishes a self perpetuating vegetation community, and does not compromise basic ecosystem processes. The respondent considers that the concerns listed above relating to the application of sustainable development principles arise because a generic definition and generic principles dealing with processes for water resource management are proposed for the legislation, which do not provide clear, unambiguous directions for water resource management and development. While it is probably useful to include generic references to adoption of sustainable development principles in legislation, it is essential that these are explicitly interpreted in the legislation, to provide clear positive statements about the intent and outcomes for water resource management and development to be achieved in the State. This is necessary to provide predictability and natural justice for all parties, and to minimise conflicts of interpretation. Objectives for water resource management should include: -management of water resources to protect and enhance water quality; -management of water resources to protect those in good condition, and where possible to restore those which have become degraded; -the development of water resources to ensure that basic ecosystem processes are maintained and adverse environmental impacts are minimised and localised; -support for the principle of 'highest beneficial use' of water resources; -collaborative approaches involving all major stakeholders in planning and decision-making processes for the protection and development of water resources; -ensuring predictability, transparency, accountability and natural justice in decision-making processes, for all stakeholders; and -clear definition of the rights and obligations of all parties.

Does amending only the Rights in Water and Irrigation Act to include objectives and a statement of purpose go far enough to include all water management? The proposal to include an objects clause, with a clear environmental bottom line which must be complied with by all persons exercising

powers and functions under the legislation as well as persons exercising rights received there under is great. However, the use of the phrase "always provided that" in the proposed definition of "ecologically sustainable development" must be carefully considered, to ensure that it does communicate the existence of an environmental bottom line.

The objectives need to be developed in more detail and the actual wording of the legislation proposed. One view is that the current wording plays down the ESD objective, another that the wording is too green for the Government to support.

More specific sustainability objectives needed, databases needed.

In the definition of sustainable development it should be noted that unbridled population growth will eventually lead to water unsustainability.

Objectives for water resource management should recognise the importance of maintaining and enhancing water quality, ameliorating degraded water resources, and maintaining essential ecological processes.

The objectives of the Act - is of concern when the resource is so complex in WA, proposing sustainability but allowing free enterprise in the water services, how do you establish sustainability without predicability.

#### **Question over definition/need for objectives**

Sustainable use objective- farmers have responsibility to keep farms sustainable. Water table rising, farms unsustainable, farmers using water and government paying farmers to use water.

Sustainability assessed in process of applications to EPA; support for use of EPP's and other agencies processes which are already in place.

Are you actually able to put objectives into the Act?

#### **Support the inclusion of environmental objectives**

Objectives of water resource management - SUPPORTED.

Objectives of Water Resource Management - Agree

The resource (water) needs to be controlled, we need good legislation and clear laws particularly with the increases in population in Broome.

The committee believes the Act requires a purpose which is a combination and balance between people and the environment. Inclusive, in the purpose, the Commission must sell their role as managers.

There is a real need for management of water resources.

Putting the objective of environmentally sustainable development in the Act is a big issue.





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Agree with the sustainability definition but should be stronger - proposed definition is wishy washy/namby pamby, it also needs to be reviewed all the time eg lets not allow any more animals to die (numbers/specifics).

### 3.2.2 Scope of water controlled

#### Concern/question about Crown owning all water

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Who owns & Controls water? - The water must be tied to the land

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Who owns the water, or the rights to the water, in dams? Who owns the water, rights to water, that falls on to a persons' property? Who owns river water where the river is identified in a title of land ownership?

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The nature of Water and its Control, especially who owns and controls water if the water belongs to the Crown on private property, this could have great ramification to the farmer as the Native Title could claim this water under the Crown Act, this is very concerning to me.

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On page 5 you claim that the Crown (the community) owns or controls most of the water in this state. Obviously this is not good, since on page 3 somebody wishes to "more formally define PRIVATE property rights in water use". So, who then wants those changes and reforms?

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The proposal to allow one set of rules to apply throughout the State implies that the whole state is to become the equivalent of a proclaimed area and ownership of the beds of watercourses will, in main, pass to the Crown. This impacts the Register, under the Transfer of Land Act 1893, because of the significant number of Certificates of Title that extend to the centre line of watercourses.

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Who will decide, and how will it be determined which waters should be subject to control?

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The serious differences in legal opinion regarding the ownership of the water resources on private land between the Commission and private solicitors.

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We believe the premise that the ownership of water is vested with the crown is untested. Until this is clarified, it is difficult to determine who owns the water and who has the right to license and control water use.

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In the Kalgoorlie area, with its hypersaline groundwater, the pastoral industry is sustained by the harvesting of runoff water into earth dams. such dams may have a catchment of some 100ha. The average size of a pastoral station is 200,000ha, within which there may be 30 dams, collecting water from some 3000ha. Where the area of water catchment is demonstrated to be relatively small in comparison to the total property size, and where the majority of runoff flows to salt lakes, it is questionable whether the costs of administering the Crown ownership of runoff water would provide a worthwhile return.

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Who will decide, and how will it be determined ownership of the water in question?

#### Consultation needed for local details

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P6 What activities should be controlled? Effectively all water uses in the state are to be controlled. The local resource manager will decide whether to exempt some works if it is felt that controls are not necessary. Taken to its logical extent that means that any collection of water either on farms or from backyard bores in Perth will fall under these controls. While that may already be the case if an area is proclaimed for control purposes the ramifications to water users outside existing proclaimed areas are unclear. The potential exists for all dams in the state to be licensed, with the associated management plans and costs discussed later. Will the local resource manager consult with stakeholders in determining exempted uses, how, and who pays? What system will be set in place to ensure that this process is carried out equitably and efficiently?

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P5 What water should be subject to control? The statement is made that "the people affected will have the right to be consulted during the preparation of the policies and rules". That is a lot different to involving the stakeholders in the process of developing rules etc. It is essential that changes are not prescribed by WRC and the stakeholders then informed. This proposal means that stakeholders can be consulted if they know about the process in the first place. What guarantees will we be given that in this and other instances in the proposed changes that stakeholder will be fully involved?

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The only reason that water rising on a property or that which falls on a property should be monitored and/or controlled in any way is to provide an "environmental flow". This needs to be determined for individual catchments.

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Similarly, the proposal to control the building and operation of drainage systems has a potentially significant impact on Local Government's operations and budgets. We stress the importance of Local Government's involvement in the consultation process with respect to control of drainage water.

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That ownership of water and liability for infrastructure be clearly defined in any proposed regulations both for proclaimed and unproclaimed areas and that the Crown be held as accountable for water under its ownership as are all other landholders. This Group agrees that water should be controlled if there are problems over sharing the available water or if there is a threat of damage to the environment with the Commission retaining the power to judge whether a water use warranted an allocation but this should be done in consultation with a local advisory committee.



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### **Don't revoke/scared about losing existing rights**

At present some riparian landowners have the right to irrigate 2 hectares of garden. The monetary value placed on land has always included the availability of water on that land. The proposals as stated on page 7 of document WRS1 drastically alter the assumptions and expectations of the land that people have paid for in good faith. If you take the water from them you will devalue their investment. You will also alter the social fabric of a district. For example the small landholders in Nannup, those between 5 & 20 hectares. Growing plants either to supplement income or as an interest has a high value in the lives of many people. It gives satisfaction, self sufficiently and enhances self esteem.

The other obvious example is existing user. Changes to any Act normally do not affect existing users who have gained, through the appropriate channels, the necessary approvals for the use or activity eg marron farm, orchard etc. Presumably this will be same for the proposed changes to the Act? Anything else would not be politically acceptable. Again, this should be made clear in the documents. Without this assurance landowners and commercial operators would never be satisfied.

Scared about having statutory rights taken away.

Under "will I be forced to trade my water allocation?" I strongly object to the fact that the new proposals wish to make natural water resources a tradeable commodity. To my mind water like the air we breathe is a fundamental requirement of society and as such cannot and should not become a tradeable commodity.

Before we refer to the detail of the paper, however, we wish to state very firmly that no right to water usage that currently exists should be removed from its current owner without just compensation. This is our attitude whether the right in question is one granted by statute or custom. At the meeting with Mr Payne and yourself I understood this to be the attitude of the WRC. However, this principle is not as clearly established as the association would like to see. Further, following your discussions with water rights holders in the South West there is now widespread disquiet among them that they may unjustly lose their rights. It is widely believed that the consultation procedures have been ill-timed, rushed and ultimately unsatisfactory. the principle that existing rights will be respected needs to be stated unequivocally.

As you can see, this water supply is our livelihood and our access to its use is a necessity, not just a right. I believe some consideration must be given to people such as ourselves to retain their right to access this water supply. Maybe the rights of most of the public

to access these water supply's can be withdrawn, because they have not been using them, but please consider our plight.

This groups believes that there should not be a statutory right to non artesian groundwater. This resource is essential to the maintenance of terrestrial and riparian ecosystems and should be managed responsibly within the jurisdiction of the water resource manage.

### **Environmental issues**

We agree that ultimate responsibility for all environmental aspects should remain with the WRC in conjunction with other relevant State Government instrumentalities. Implementation of environmental controls should be executed in consultation and co-operation with Local Authorities and Local Boards, particularly in relation to drainage into lakes, salinity and nutrient levels. For the protection of fringing vegetation, water level in wetlands needs to be maintained at a natural level.

Where this proposal entails removal of ownership of spring water, this group believes that protection must be given to persons currently utilising spring rights where that use is not deleteriously affecting the environment. The right should cease with any change in ownership.

Is it not true that pesticide and ecoli and other bacterial levels in the Brook are so high especially during summer, that the Shire of Armadale classifies the water as unfit for human consumption?

A landowner must be responsible for preserving river banks and natural vegetation along the sides of flowing stream when the water passes through and out of a property. Likewise the landowner must be responsible for ensuring that no waste or toxic matter enters a stream which leaves the property. In the case of large manufactures or industry the owner should take water below stream from the site of the factory or work area by law so as to reap the effects of any pollution themselves.

### **More information on proposal needed**

What do you determine as water - what water will be regulated?

Include definitions of water course, swamp etc. in next draft for public consultation.

Are you talking about controlling all types of water, how will the transition occur?

Does it cover watering holes for Aboriginal use, would they have to be licensed?

This Group is concerned that many of its members do not have a clear understanding of the ownership of water within their land boundaries and the legal and maintenance responsibilities for infrastructures that contain that water.



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If the proposal intends for the ownership of watercourse beds to pass to the Crown, what Act will control and administer the tenure? Will it automatically re-vest (if alienated) and become the responsibility of ours?

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The proposed legislation should allow for affected Certificates of Title to be amended in some way (a deficiency in the current Act). Our Department would need to be able to record any change in ownership of watercourse beds.

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Further we are aware that a number of questions have arisen regarding to the accuracy of the information presented, especially relating to the communities' existing rights. It is suggested that these fundamental questions should be resolved in order to allow the reform process to continue, with community acceptance of the likely outcomes.

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This group does not believe that the considerable benefits to be obtained by modifying the existing riparian right has been demonstrated by the proponent.

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At a public seminar, it was clearly stated that catchment water or land flow is not under the control of the Commission. It is not considered a water resource. How will the Commission differentiate between the conservation of winter run off in privately owned dams along natural water courses and the water stored in purely catchment dams???

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Would the use of artesian bores for non commercial use to be exempt?

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Will controls be applied if stream originates on the property?

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Is there (or will there be) a mechanism in the Act for handling cross border issues?

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Please explain springs, do I need to have my springs licensed?

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Is industrial use of water (from rivers) and discharge back into rivers or bores controlled by WRC?

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On page 4 last line it states that "non artesian groundwater may be used for reasonable purpose". On page 7 (top line right hand side) it states that statutory right will be extended to non-artesian groundwater. Does this mean non-artesian groundwater will be left as it is or will it be licensed and hence charged for?

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I feel it is imperative that the issue of farm dams be clarified. The discussion paper does not clearly define the difference between water conserved in private farm dams, to water in main river systems and irrigation schemes, incorporating public built dams. Privately built dams on private property away from main river systems and irrigation schemes, incorporating public built dams.

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What right have the landowners over their own property?

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Dams on watercourses - Does this mean permission would be required for minor dams and water-holes dug for stock water?

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Who owns dams or other infrastructure which exist on private property and contain water? Who has the right to manage, by way of ownership, water-related infrastructure on private land eg dams? How will the building and maintenance of dams be controlled?

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**OWNERSHIP OF WATER** - The government ownership of water needs to be clearly defined and included into the legislation to ensure the rights of members of the community are not affected.

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Does dam licensing cover safety issues?

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Under the new law will people who presently own water have to apply for a licence?

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Could I catch water from winter flows in dam? Who would decide on the size of the dam? What would the role of local government be in this situation?

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How do you define the impacts of spring use?

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What is a spring - define by volume?

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Currently need to go to WRC if want to build dam on gully or whatever. When? Shouldn't be a problem if abide by riparian rights.

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WRC needs to be extremely specific particularly with regard to springs and dams.

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Watercourse interference - Would this include building a causeway for access, a culvert or revegetating a stream (thus interfering with water flow)?

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### **Overall support for change to assist improved management**

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As the population of WA expands more into southern agricultural and horticultural areas there will be more competition for water resources. Protection of this state's limited water resources is therefore a very high priority in planning the future population and growth of this state. Producers believe that our water resources should be controlled and monitored.

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**LOCAL CONTROL - SELECTION COMMITTEE** - The committee has been overly successful since inception and any attempt to have this changed would be tampering with the unknown.

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Who owns and controls the water - the Crown - **SUPPORTED.**

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I urge your authority to introduce controls as quickly as possible because we are already 'missing the boat'

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Water is a scarce and valuable resource. It is clear that the 1914 Act was drafted in a different era and it is appropriate that it be reviewed to reflect the situations which confront our society nearly a hundred years later with respect to the increasing pressure on and competition for scarce water resources. We note that WRC have drawn on a wide range of sources in

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presenting these proposals and that to some degree they might be said to represent best practice in water management. We have also had some exposure to water management practice in other states and countries and acknowledges the trends towards very much tighter control over use. It is one of the objectives of our strategic plan to promote much better appreciation of the true value of water to its shareholders. We are also a “living example” of the outcomes envisaged in the COAG.

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Some basic principles to which we hold are stated at the outset: We recognise that water is a valuable and increasingly scarce resource; secure access to water is a fundamental and non-negotiable requirement of our shareholders; long term access to water is dependent upon consumers making the best possible use of it and adding more value to it than competitors, for the benefit of society as a whole; the price paid for water should bear some relation to its value and scarcity; the efficient use of water is enhanced by the opportunity for it to move between alternative users; the efficient use of the water resource should not result in environmental degradation or reduction in the security of the resource; some form of coherent and overarching administrative framework for water resource management is necessary.

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What activities should be controlled - SUPPORTED with addition: works should never be exempted from controls, local rules allow for modification subject to oversight from WRC.

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Water subject to control. The respondent agrees in principle that waters subject to control and management by the Commission should include watercourses, groundwater, drainage, overland flow and wetlands, including springs, but only for those resources where use pressures warrant a higher level of management, as demonstrated by establishing a proclaimed area for the water resources in question (or using some other statutory means of designating areas) (see above). However the extent of the role of the WRC in ‘controlling and managing’ water resources needs to be clarified. In terms of overland flows, the respondent considers that roaded catchments for rural water supply should not be brought under the control and management of the WRC. The respondent also considers that it is appropriate for the Commission to have control over the management of riparian rights. A major issue associated with the management and control of drainage waters still to be resolved is to allocate responsibility(s) for the quality of drainage

waters entering receiving waters. As previously agreed between the WRC and the respondent, the respondent owns, operates and provides drainage assets and services, but is not responsible for the quality of water in its drains. However, the respondent supports the WRC’s continuing efforts to introduce a framework of policy and guidelines which will help to manage the potential adverse downstream impacts of drainage waters.

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We concur with the centralisation of control in relation to water management and agrees that the portfolio should be managed under the auspices of one Minister.

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**Query and comments on  
springs/dams/drainage/overland flow**

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Will the water in contour banks be controlled?

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Where do broadacre farmers stand, re: water harvesting and conservation and drainage?

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What is the definition of a spring that may be considered for inclusion in the Water Law (what minimum flow or flow to where etc). Also will the criteria for determining eligibility for that spring to be included in the Water Law be defined in the Water Law?

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The controls on farm dams in water ways in this area would in my opinion be unable to be policed . As all water flow in the wet season flows a short distance into the rivers. It is necessary to have water storage in the water flow. Who is going to estimate evaporation or how much silt is in the storage.

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There is currently a case of dam building on Clark Brook which SWIMCO is concerned about, but because of dam safety.

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P5, C2 para 4 - Rather than “have the power to exempt any use or interference with waters that does not affect other users or the resource”, we believe that WRC “should be required to ...etc”.

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Will there be some form of drain safety requirements?

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What about dam pondings and burrowing with regard to removing administrative differences between ground and surface water? Sand dams WRC built; holding up river flow; community restoration fund; 100 meters down flow still carrying on.

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And now you propose to classify the drain, or is it a Brook, and restrict its water use. As you can clearly see, there is a serious lack of conceptual coordination at the governmental level, which must be rationalised before any water usage proposals are considered.



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Need to take things steady in developing legislation. Will we be developing new rules for drainage? Shouldn't defy precedents set around the country.

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Are we aware of how large the problem really is - specifically springs and dams and shouldn't we be approaching it with a much wider scope?

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Concern about transitional arrangement for current users, specifically those of spring water eg Araluen Country Club who have their own spring at present.

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Licensing springs - What kind of a campaign will inform people this change will occur? What kind of compensation will be given? Lag times? Have to be very careful when you are taking away someone's existing right.

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Is currently no right by any government department over spring water?

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After legislation, will you have power to remove my spring on my land because I don't want them and you will own them then?

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Springs are not directly relevant to SWIMCO, but owners of hill properties with winter springs running into rivers may be concerned.

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### **Reject control of dams**

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With reference to WRC proposed water reforms, we wish to voice our complete disapproval to any alterations to riparian rights or to controls over agricultural farmers constructed dams or soaks which may be on their properties. Farmers do not waste water and have enough problems endeavouring to conduct a viable business without having to endure further bureaucratic controls. It is our belief that no controls of surface water or groundwater should be implemented in agricultural areas of WA unless more than two hectares of irrigation are undertaken.

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Further to the above comment I would like to give one example for you to consider - We operate an orchard comprising of approximately 40.8 hectares of mixed Pome & stone fruit. Over the years we have developed this orchard in a way that we have adequate water for growing crops in high and low rainfall years. To achieve this we have had to borrow and spend a great deal of money in constructing farm dams which are built at the start of the river catchment area. The question is, under the new water laws will we have full rights to the water collected in these dams or are we going to lose control of water which we have already paid for?

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When a flowing stream enters a property from outside of the property, it must be allowed to continue to flow out of the property at the same rate as it enters, however, the landowner should be allowed in the wet season to store some of the excess water, providing

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that he/she does not reduce the flow leaving the property.

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The government should not legally be allowed to raise a tax on our infrastructure. If dams are owned by the Government water can be charged for but not if the infrastructure is privately owned.

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Will control of water resources be extended to dams, streams and springs to impinge on current landowners riparian rights? What are the ground rules?

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Water stored in dams should have no restrictions at all because it makes good environmental sense to store runoff water for your own use rather than draw from groundwater courses.

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Farm dams: It is desirable that farmers should be able to locate and construct dams on their own properties free from bureaucratic control.

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Against extending scope of management to include all significant water resources such as soaks, private dams and springs.

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At the recent meeting of this Association on November 6th 1997 the subject of changes to the regulations for farm dams under the WRC were discussed. Members of this Association are seriously concerned that the WRC is working its way towards the licensing of farm dams. Given that farm dams in the Great Southern collect rainfall that falls on the farm, members consider that any threat to licenses this collection of rainfall is totally unacceptable. We would appreciate your confirmation in writing that there are no future plans, either now or in the future, to licence the collection of water on farm dams in the Great Southern.

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Farm dams need to be excluded because over past years farmers have been actively encouraged by the Government to drought proof their farms. We believe the licensing of dams would have a very detrimental effect on this initiative.

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Recommendation: Leave the dams alone. This is a very dry continent; by preventing run off from cleared farming areas we are making progress. Licenses will be counter productive and inhibit this good work. In the absence of a comprehensive drainage system throughout the whole land dams are making a very important contribution.

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Will the arrangement regarding dams on private property change?

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We don't want WRC involved in farm dams and springs.

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What about where dams are made for tourism and recreation uses in the hills?



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Why is the large amount of water running through drains in winter allowed to go out to sea instead of capturing it?

New proposals, will all dams have to be licensed?

All feel strongly about having paid to put in dam & now WRC going to tell how they can/have to use.

Will farm dams be controlled?

**Reject control of on-farm collection (overland flow)**

Why would WRC control catchment dams?

Substantial streams and rivers are already controlled by pumping rights. Commercial use of water for factories, plantations and orchards I agree should be monitored and an equal supply guaranteed with the minimum environmental impact. Domestic usage or use of winter drainage gullies and use of rainwater in general would be difficult to control and restrictions expensive to enforce without any guarantee of providing real benefits for Perth's water supply, or individual pockets such as the Canns Road Valley.

This group believes that water subject to the Commissions control should include water flowing in channels as this water is not separated from the environment and in many instances are/could be valuable ecosystems and would be better managed as such.

Will rainfall collection and usage be included in the proposal?

Water rising or falling on agricultural land should not come under monitoring or control due to downstream urbanisation. Agricultural resources need to be protected from all forms of encroachment. If water is required for urbanisation then greater emphasis needs to be placed on the recycling of grey water and the allocation to individual landholders in urban areas (regardless of user pays).

Restrictions only on Dams if it is on a creek and effects only person below you.

Don't agree that WRC should have control of catchment dams.

P5 "Water not subject" - WRC should not have control of all these things, there is little left that is not under WRC control (the catchment dam issue again).

OK to apply controls to dams on streams but leave "turkey nest" farm dams alone.

Will we need permission P6 to collect rainwater?

Water in the form of rain needs to be used where it falls as very poor drainage is part of the WA hinter

landscape. Run off needs to be controlled by growth of efficient crops, pastures, trees and shrubs. These measures need to be complimented with better drainage, contour absorption and gradient banks coupled with strategically placed earth dams for conservation of water for stock and irrigation. Indeed dams are a very important adjunct to prevent run off and water logging in low lying areas adjacent to and comprising the old lake systems. Underground water is more of an imponderable, a lot of it in the wheat belt is saline naturally. However, artesian water and fresh underground supplies are available in large in WA and some control over their use may be justifiable for the benefit of society and industry in general. Over the years farmers have been encouraged to drought proof their properties by various incentives and loans to increase water conservation for stock purposes. Enormous numbers of dams and key supplies have been excavated away from naturally occurring fresh groundwater potential in suitable clay soils. These dams have contributed to preventing run off into the low lands.

Landholders should retain control of any lakes and swamps included on their land title as these were purchased in good faith as an integral part of the property enterprise.

What will WRCs ability be to control dams (now and in the future) - dams not on watercourses ie. overland flow?

Licences - I may have missed the point - does this apply to a property harvesting its own rainfall, for use only on that property?

In this area many properties have surface water bodies with sole access. The changes should not prevent this use by the landowners.

The negative response to the document is not surprising, as the proposed changes have no limits in terms of charging, subject or geographical area. People are bound to be concerned and speculate. This creates unnecessary concern and bad feeling. I would strongly recommend that a list of activities/areas/waterways be included in the documents that do not and will not require licensing under the proposed changes to the Act. The obvious examples for this includes farm dams away from watercourses. If there is no intention to ever charge for taking water from these sources then this should be stated.

If the rainfall causes a run off or begins a small stream in the property in winter or wet season, the landowner



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must have ownership of that water to use as he/she decides.

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Underground water: Underground water from bores, wells, etc should be freely available to the landholder.

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In this area it is environmentally positive to utilise all water that falls on individual properties to assist in salinity control, therefore the property owners should have the right to utilise that water as they see fit.

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Farm dam - What is defined as a farm dam. eg catchment etc?

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Any rain that falls on a property must belong to the landowner of that property to use as he/she sees fit, either for storage or to soak into the ground. If a stream or winter run-off originates on a property the landowner must have the right to use this water as he chooses.

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I suggest that "water not subject to control" be extended to include roaded catchments and water held in storage dams that are not on watercourses.

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The controls over statutory rights should not apply to stored water and water falling on artificial surfaces.

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Landowners must be given basic rights which cannot be challenged for the control of all water which arrives on their property from natural rainfall. The landowner must be allowed to store this water or allow it to soak into soil as he/she chooses. No licence required.

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### **Reject control of springs**

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Freehold title to land embraces rights to water that exist on that land in the form of springs and soaks and reasonable rights to water stock & irrigation from rivers adjacent to the land.

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Comment "3" should apply to owners of springs except that such owners should have the right to modify the surrounds of the spring and the watercourse to the boundary of this property.

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Springs and soaks arising on the land you own should also be exempt from any control.

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Will spring water be controlled? From my statements above I do not agree with any control of springs. However if water controls are inevitable why should springs be different?

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P5, C2 para 2 - Where a spring does not result in a flow that goes beyond a property, the owner would, at least in most cases, have the right to exploit its total yield for any lawful purpose. Where exploitation clearly affects others' rights, such as when the spring does result in an external flow or draws on an underground aquifer that is shared with others, then the right would, in the absence and only in the absence

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of a statutory right, seem to be that of traditional usage.

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My major concern is the impact these proposals will have on me personally. My water supply is a large irrigation dam that is spring fed. Recognising the future value of water in this area I carefully chose this property because under the Rights in Water and Irrigation Act 1914 I own this water until it leaves my property. (This has been confirmed in writing by your office.) Under this proposal you seem to intend to remove this ownership with no consultation or negotiation with me. I serve notice on you that I regard this action as the state compulsorily acquiring an asset of mine and I wish to immediately discuss the issue of compensation with your office.

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We don't want WRC involved in farm dams and springs.

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Spring water which emerges on a property should belong or at least partly to landowner at a rate of no less than 80% to landowner.

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We also believe that water from springs, lakes, swamps and lagoons and rainwater run-off on private land remains part of the land and the rights to the water belong to the landowner. Internal drainage within a private property should also not be controlled by the commission.

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To conclude, we are totally opposed to the licensing or bureaucratic management of springs and feel that even the loss of riparian rights should involve some sort of compensation.

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As you are no doubt aware, to take away peoples riparian and spring water rights will diminish the value of properties by a considerable amount, particularly where the water can be put to good use. In our case we only purchased the land because it has an abundance of spring water, which as the law stands we may use as we see fit. This was checked before purchase and consequently induced us to spend more on the property.

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Just because a property has bores, wells and springs does not mean that there is a net decrease in the groundwater. In some water applications there is no net effect on the overall water availability, therefore, there is no need for these to be included in legislative controls. Pick on the important areas such as rivers & streams.

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We are writing re: the proposed reforms to the allocations of water rights. We have attended two of your discussion meetings and would like to advise that we would like to have our springs left without management. Our commercial orchard, which is our total livelihood, is dependent on spring water for irrigation. If, for some reason, this water is not available our orchard would die, thus putting us out of business, therefore, we would prefer the laws regarding the taking of spring water be left as they are,



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for supplying water to our property, We are in the Darling Range.

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**SPRINGS ARISING ON A PROPERTY** - The property owner must retain first use of spring water arising on his property whatever use that may be.

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We believe that water sourced from springs (natural and developed), lakes, swamps and lagoons and rain water run-off on private land remains part of the land and rights to that water belong to the owner of the land. This difference between the Commission and our group was raised repeatedly at the workshop and not resolved.

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As low-flow springs occur in a diverse manner throughout high-rainfall areas, and homesteads have frequently been built close by, I believe it is overwhelmingly in the best interests of everyone that their flow continues to be used as at the moment, without any formalised management. Common Law is always available in any unlikely case of a dispute over spring flows.

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Land with spring water supplies has a higher value than other land (for obvious reasons), if the law is changed this land will be devalued - will compensation be paid?

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Springs - WRC currently has no control over them and why should they?

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Spring water which originated on privately owned land should always be the property of the legal owner of that land giving them total control of the water.

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My comments are in relation to the Canns Road Valley in Bedforddale. The stream is a winter stream only, drying up every December/January. Legal control of water usage will not have significant effect on the period of running time of the stream but would create disputes between neighbours and complaints to the WRC. Similarly, the groundwater comes from a localised catchment and is not part of the Perth Basin. I feel to control insignificant pockets of Water Resources will cost more without providing sufficient benefit to warrant the extra expense.

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You are effectively proposing the confiscation of creeks and springs on my property and then you ask me to obtain a annual licence to use what is mine. The separation of creeks and springs from land title is too draconian and gives you absolute control of the farm. I'll be offering you a proposal through our member of Parliament.

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The needs of spring water users should be considered and the effect such changes may have on them.

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Springs - to change the legislation means to take away a right that people have, will compensation be paid? Compensation should be paid for taking away that right.

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Why do I need a licence for spring use if it is within the 60m of soil under the land that I own?

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When a natural spring opens on a property the landowner should have at least 80% ownership of the water. If a flowing stream enters a property from an outside source, the stream should continue to flow out of the property at the same rate. The landowner must be allowed to use the water in any way that he chooses providing that the water flow is not reduced or the water is not polluted in any way when it leaves the property.

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**Support (for dewatering controls)**

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What if a big company wants to dewater in our area and takes groundwater we are using. How will you help us then?

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Re: dewatering/mines. Will we have some developmental control powers and how will we be aware?

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**Support control of on-farm collection (overland flow)**

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Extend Crown control over all water resources with exemptions seems eminently desirable. Avoid declarations of Crown ownership as contributing little to the objects of the legislation.

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Will there be some interim measures to control people from damming creeks? Some problems with this occurring in Shire of Swan and believe some interim measure is very important.

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Positive Aspect - State responsibility for Water Resource Management and Planning.

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The Commission to have control over all natural water.

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Drainage and overland flow proposal was supported.

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The committee supports the inclusion of overland flow and drainage water in the Act.

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I understand from discussions at the The.....Group meeting of 2/12/97 that the proposal to control overland flow is likely to be dropped. I have reservations about this where building or operating a dam could potentially impact upon nature conservation values of wetlands on CALM-managed land.

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Would New Act would allow better management of streams up and down the scarp?

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**Support control of springs**

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We support the identification and environmental responsible management of springs. Springs are an important part of the environment and require effective management. We agree that the Commission should have the power to control and licence the use of all springs, as is the case with watercourses.

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More interest in artesian than surface water. Need to reserve water, structural controls to limit run to waste.

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The committee supports the management of springs, but believes the criteria for WRC to become involved must be reflected within the purpose of the Act.

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The Commission should have control over consumption of spring water but the owner should have the right to modify the spring area and the watercourse to the boundary of the property.

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Supports the issue of springs.

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#### **Support controls to reduce waste water**

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Waste water is a major water resource that is very poorly used in WA. It would be of value for this document to address who is responsible for this resource, and why it is not being taken on as a responsibility of the WRC.

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#### **Support for/question about control of drainage**

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More consideration and compensation should be directed towards controlling water runoff at times of the year when drainage is not required so as to allow recharging of underground reserves. The drainage systems on the coastal areas of the south west sees early heavy rains transported to the sea within a few hours, as with rainfall late in winter, therefore it must have a long term effect on water reserves and groundwater salinity.

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How do you define drainage water? Is a river a drain? Will WRC develop a role for itself in managing drains?

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Contour drains: Farmers should be free to construct contour drains as they see fit. NOTE: For many years, the farming community has acquired a vast body of knowledge and experience which they use in this work and rules governing discharge of water onto public or private property are already in place.

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There is still much confusion over the delineation of the groundwater from springs, spring fed dams and soaks and who should use and control this source of water. It is recognised that natural river systems and creeks need to be protected. However, it must be realised that drains built over the years by Water Authorities have significantly changed the natural flow and levels. Many ecosystems have already been changed by government controlled drainage allowing the free flow of useable water to the ocean.

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Drainage - To what level would a person require permission for drainage operations? Would this include shallow paddock drains, roadside drains on driveways or drainage of waterlogged areas (eg with a combination of shallow drains and tree planting)?

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The reform process should recognise drainage water as a resource.

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As a farmer of .... years plus in the Capel-Busselton area the major effect on groundwater has occurred since the construction of a large number of drains dug in the 1950-60 years, with no flow control on the

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drains, we are now experiencing more salinity problems and in some cases lower shallow water tables.

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The committee supports the inclusion of overland flow and drainage water in the Act.

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Drainage management should be defined, with the strategic issues of water quality and quantity within lakes also clearly defined. The committee also wanted definition of Agencies who had the ultimate responsibility for specific management issues and made financial provision for implementation. (eg drainage problems with Bibra Lake increasing water and nutrient levels and works to correct these issues).

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Is the use of our rivers as saline drainage channels covered/controlled in the proposal? Has this issue been raised? The Soil and Land Conservation Act may help out here. At present this problem is slipping through the net, no one seems to be dealing with it.

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Is drainage included in the proposal?

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Support was given for drainage water controls.

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Flood drains - who is to manage them and who is to pay for this?

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Drainage might be relevant to the rural community, it might be a concern in the wheatbelt, and is a major issue on the coastal plain.

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Drainage water control (P5) is a great idea.

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Drainage not mentioned eg drainage from wetlands?

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Will the new Act have any control on storm water? Concerned about the uncontrolled storm water problem which has caused damage to his property, with no interest from his Shire to rectify?

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P5 drainage water?

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Drainage and overland flow proposal was supported.

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Is this drainage question a valid area of comment on these reforms?

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Levels of lakes, eg drainage, under Commissions control? Must be able to make someone responsible in legislation. User pays won't deal with it because it is a non-consumptive use.

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#### **Support no control of stock and domestic use**

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There is no need to have licences for domestic and stock water use. The total amount of water used for these purposes is small.

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We believe it is imperative that stock and domestic bores should be exempt from licensing both now and in the future for urban and rural areas.

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I do not believe domestic consumption is excessive enough to warrant individual monitoring, particularly in areas where water supplies are only seasonal.

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Want to be sure dams on streams for domestic or stock use will be exempt from licensing.



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**Too many controls proposed (unless use grossly harming others)**

We do believe that the deep bores need monitoring as they use the aquifer but not natural springs and surface dams.

Having an ample supply of water on a farming property is a valuable asset. Farming land having an ample supply of water is in general more valuable than dry land and it is likely that the owner paid more in order to acquire the water supply that went with the land. In all probability the owner has also spent considerable money on dams and/or development of the water supply. To lose the right to make use of some or all of the water would be unjust as it would devalue a landowner's asset and no doubt curtail his income, so a case for compensation would appear to be a possibility. It would also appear to be unjust to be required to pay a charge for the use of a water supply for which the property owner has already paid a high price to acquire.

When you purchase land the title owner should have exclusive rights to use the water on that land for normal farm practices. There should be no interference from the WRC unless there is an infringement on the rights of downstream users of the same stream or river.

Under this proposal the crown takes control of all groundwater yet at the moment it seems to be a free for all as to who can use the water. Total ownership but no control anybody with the inclination and access can pump

Bores should be subject to controls because of their potential impact on water table levels there by affecting overall plant growth and flow of water in watercourses.

The only areas where water needs to be managed are in areas where there is the threat of over allocation of groundwater because there is not the available resource for supply and demand for the industry (Carnarvon, Wanneroo, Manjimup). Also, where there are multi dams on creek lines there needs to be a management system in place, but this is already in existence (Lefroy Brook) so WA is already addressing the situations as they occur so no more regulations need to be in place otherwise we will end up with more situations like Scott River where bore licences are used as blackmail for environmental rights instead of negotiated outcomes.

Under these proposals the Crown can take control of all groundwater, yet at the moment it seems to be a free for all as to who can use the water, ie total ownership but no control - anybody with the inclination and access can pump.

What water should be subject to control? - Groundwater only

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Basically all water not collected on a roof is affected, this includes the following, relevant to many South West farms: 1. They wish to separate creeks and springs from land title so we effectively loose control of these assets from our land; 2. We will pay an annual licence fee for the use of the water when watering stock; 3. The right to the use, flow and control of water in watercourses, lakes, lagoons and swamps is vested in the crown; and 4. Also law changes to enable the Commission to control and licence the use of springs as if they were watercourses. Basically, they are taking ownership of all creeks, springs and watercourses in WA and leasing them back to us. I find this unacceptable, to loose ownership of creeks, swamps and springs on my own land is just another of series of attacks on private property currently under way. To then turn around and ask me to obtain a licence is completely unacceptable.

We would support the licensing of irrigation supplies, ie deep bores, as the enormously increasing Viticulture industry will, in the future, place a heavy drain on the natural water resources, but would like to see such things as springs, dams and wells on farm land not included as a source of revenue. Any other costs re management of water should come from general revenue as every individual has a need for water to survive.

We wish to indicate our objection to the new water reform ideas for bores, springs, dams and creeks. These new licences will be very hard on those already on the land and using it for a number of different purposes.

I am concerned that over-regulation of drainage and water conservation may in fact lead to land and water degradation, in other words - the more barriers - the less action.

The controls on water uses already in place in WA (allocations to amount of reserves), should be all the controls needed for the geographical and climatic conditions in WA.

I have read with interest the two papers your office forwarded to me, "Water Reform in WA" and "COAG Water Allocation and Trading Initiatives". My position is that I own and operate a commercial orchard on the Neerigen Brook, and as such am a riparian water user, and because of the number of springs on our property am a net contributor of water to the brook. Over the last 4 years I have invested in the order of \$1.5M in the orchard. The documents above are scant in detail, but the essence seems to be that your department proposes it assumes control of all rivers and springs, including the ability to deprive or restrict the use of water by landholders with current riparian water rights, without any commercial consideration for their requirements. The "well being" of the water course seemed to be paramount.



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People feel that they are being told what to do ie. controls placed on surface water users.

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My family farm has been operating successfully for over ... years. Every year costs rise in every area but our basic income stays the same. It is enough of a struggle to continue on the land without having to constantly watch necessities such as our water rights being removed from our control.

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#### **Use by trees**

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Blue gum plantations be classed as water users - need to be monitored for affects on water tables.

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What will be the effect on people planting bluegums? How do WRC intend to control their effect on downstream users? Will they be charged per tree harvested?

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#### **What needs licensing (includes in-stream aspects)**

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The Commission may need power to issue a licence to the WC in relation to Stirling Dam requiring the Corporation to release water in a way that supports the white water canoeing activity downstream. Similarly the Ord management plan may require the release of water from Lake Argyle in a way that provides adequate depth to float a tourism boat.

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No mention of any control over the 120 000 known water users in Perth or any of the golf courses, who as well as using large amounts of water have all exposed large areas of groundwater.

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#### **Who manages infrastructure on private land?**

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This Group is concerned that many of its members do not have a clear understanding of the ownership of water within their land boundaries and the legal and maintenance responsibilities for infrastructures that contain that water.

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### **3.2.3 Management Areas/Proclaimed Areas**

#### **Maintain proclamations - but improve powers over unproclaimed areas**

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The proclaimed status of important water resource areas should be retained, and a set of basic management rules should be developed for areas outside proclaimed areas.

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Discussion and consequent legislation needs to recognise that both ends of the scale are valid. There are two risks to be considered: 1. That more water might be extracted from a water source than is sustainable; and 2. That not enough water is being used and the water table is rising and causing land degradation. At the moment with areas being proscribed and the rest not proclaimed recognises that there are two conditions to be considered. We believe that this form of recognition of the two ends of the same scale should be retained.

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There is need to clear up the grey area of unproclaimed areas.

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It should be clearly stated out that all water belong to the State and this situation is not going to be changed.

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#### **Might be negative effects on water or soil quality**

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It is proposed that the current distinction between proclaimed and unproclaimed areas be removed. Does the proclamation of these areas at present guide other processes of importance for water quality protection, such as the planning processes in a manner which may be harmed if the distinctions are removed?

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Several of the activities mentioned in WRS1 are the tools by which land is rehabilitated. If the entire state were proclaimed with the assumption that the risk to be managed was taking too much water, land conservation which required the lowering of the water table might become illegal or become subject to some form of exemption procedure.

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#### **More information is needed/general comments**

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Will the differentiation between gazetted and non-gazetted streams be changed?

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Declaring districts is different from the proposed system where the WRC will decide what conditions to put on licences.

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Will there be changes to proclaimed and priority areas?

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Does WRC thing the Big Brother approach to having all areas proclaimed will get through?

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Is this area, or property specific?

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It is stated in WRS1 that the difference between proclaimed and unproclaimed should be abandoned, or that the whole state should be proclaimed.

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What will prompt the proclamation of additional areas to those currently defined and will specific criteria for determination of a proclaimed area be defined in the Water Law?

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#### **Must consult community**

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The process for proclamation should involve consulting with the community.

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In the event of an area being considered for proclamation local consultation should be a priority and every landholder be notified in writing.

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Proclaimed and unproclaimed areas, far reaching. Need more negotiation on district management.

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#### **Reject idea of doing away with proclamation system**

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Won't proclaiming the whole state create bureaucracy and create more work for WRC?

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Proclamation of Management Areas. Document WRS 1 proposes abandoning the proclamation of specific

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surface and groundwater resource areas, establishing a common set of basic controls for water resource management across the State, and establishing enforceable policies and rules suited to local conditions. The respondent considers this proposal to be a retrograde step which will ultimately impact adversely on the management and protection of important water resource areas for public supply purposes. This proposal also appears to contradict the findings of the Select Committee on Metropolitan Development and Groundwater Supplies, which 7 recommended that priority area boundaries be reviewed, not that the designation of priority areas be removed, or replaced by alternative protection and management mechanisms. The respondent considers that the major benefit of having important water resource areas delineated by proclamation, is the widespread recognition and community acceptance this has achieved for implementing a high level of management for the 'community good', particularly to protect water quality. Significant effort has been needed over the last 2-3 decades to identify and to legally establish proclaimed areas, to achieve community acceptance of the importance of dual planning systems for protecting water resources, and to establish the land use planning requirements to protect the quality of water resources within the boundaries of the proclaimed areas. A likely outcome of removing the distinction between proclaimed areas and adjacent unproclaimed areas, is that there will be considerable pressure on land use decision-makers to allow inappropriate land uses to be developed within the former proclaimed areas, based on the community perception that removing the proclamation means that the strict land use requirements are no longer necessary. This will inevitably degrade the quality of water resources, sterilising those water resources for future consumptive uses, or significantly increasing treatment costs. The respondent also considers that the proposal will create significant confusion in the community and is an unnecessarily complicated process for achieving improved water resource management across the State. The respondent agrees with the proposal to implement a set of basic rules for water resource management across the State, but this can be more easily achieved by adopting a set of rules to apply to all water resources outside existing proclaimed areas and retaining proclaimed areas, rather than through the WRC's proposal. Having said this, the respondent is unclear about the usefulness of having a set of basic rules for water resources management, as they would need to be extremely general and broad to be applicable across the State. The WRC also proposes to establish local rules to apply to former proclaimed areas with specific needs, which require greater levels of management over and above the basic rules. Again the respondent considers that this will be better achieved through reviewing and revising the management requirements of existing

proclaimed areas; and where specific areas which are unproclaimed need improved management: - proclaiming them through water resource legislation; or - delineating them through other statutory means such as Local Government Town Planning Schemes or Land Conservation Districts under the Soil and Land Conservation Act; and/or -developing local rules to suit them.

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**Support for original proposal**

Management Areas/Proclaimed Areas - SUPPORTED.

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**What is the current situation?**

Under "who owns the water that falls on my property?" it is stated here that in proclaimed groundwater and surface water areas licences would be required. It seems to me that the areas of the Hills orchardists are all in catchment areas of the Hills for the Perth metro area. If this is so then all areas will have to be licensed. Why can't this be stated explicitly from the outset in order that the Hills orchardists understand these implications from the outset? The above is of particular importance in terms of perceived fairness when Perth urban users are currently being solicited to put down bores to help retain a rising water table. It makes no sense to people dependent on water resources to earn a living to allow another section of the community to be encouraged to use underground water resources while they are being charged to use water under the guise of water conservation.

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What is the distinction between current licence areas and outside those areas?

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Would groundwater licences in Broome be different from Carnarvon situation?

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What is the basis for current proclamation?

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In Margaret river area, will all places need licences, how will you decide?

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Where are the proclaimed areas?

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Management Areas - Proclaimed / Unproclaimed - Need more information

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### 3.2.4 Local rules that modify rights

**Concern over local management (local vested interests)**

We must express concern at the proposed devolution of water resource management to local bodies. Without further detail, it must be stated that Local Government has neither the resources nor expertise to undertake water resource management. With respect to local rules, there is a need for the WRC to clarify who will be involved in their determination. It might be considered that there would be a lack of expertise at the local level and, dependent on who is involved at the local level, there is the potential for conflict



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between the interests of the community and self-interest.

My second concern is that the discussion paper is unclear on aspects of the institutional responsibility and process for making the rules and policies. For example, some of the rules are to be "local" and there is reference at P16 to the promotion of devolution of management to local bodies. Who will be the responsible local institution? At P16, the steps for formulating policies and rules do not say who will prepare a proposal or how ultimately the resultant policy/rule will be published or promulgated. Is there to be a real distinction between policies and rules? Has consideration been given to the rules being made as regulations and subject to parliamentary disallowance?

The discussion paper quite properly devotes considerable attention to discussing water management regimes and highlights a range of underpinning "management principles". In addition, it is advocated that along with abandoning the distinction between proclaimed and unproclaimed areas to foster common control, a "planning system that establishes enforceable policies and rules suited to local conditions and needs" be adopted. P14 It is suggested that at a regional and local level, plans will establish "local policies and rules" that would range from "assigning water resources to particular uses" to "defining rules for the transfer of water use entitlements" PP 14-15. Whilst it is certainly important to provide for and formulate local or community input in the water planning and management process, it is imperative that decision-making not become parochial, thereby potentially ignoring regional, State and national needs. The "boundaries" associated with any devolved management should reflect catchment areas rather than, for example, municipal borders. Indeed under no circumstances should management be devolved to local government which does not have the required extent of in-depth water expertise. There is significant role envisaged for "water resource managers", although decision making is to be subject to review. P14 More information is needed as to how such a position is to be determined and, just as importantly, the process for agencies like the Department to input and interact. Again, to avoid potential parochialism, it is critical that recognition of "whole of government" needs is reflected in the stance of any management regime established.

We have concerns about the creation of 'local rights' and the application at a local level, of rules (although these rules would be made by the commission). Inevitably self interest would be the motivating force in the application of the rules, leading to cumulative damage to the environment.

Leave local government out of it; bad for planning; people with little expertise.

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#### **Local rules for springs would be acceptable.**

Looks like springs should be licensed, but if there is a local problem local rules could be made to bring them under management.

Looks like springs should be licensed, but if there is a local problem local rules could be made to bring them under management.

I submit that springs and dams on private property should in almost all cases remain without any management. In the event that it can be proved that serious problems are being caused to other users or the environment a local rule would be negotiated or if negotiations fail a local rule could be imposed.

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#### **Makeup of LMG's needs careful consideration**

Parties with a vested interest in water allocation & licenses should not be allowed to sit on bodies who determine applications & appeals for those licenses.

A concern is who should be on the group, and should there be a percentage of power representation. Possibly a formula based on usage of water in each region should be adopted. For example, where irrigation agriculturists use 65% of available water they should have a commensurate representation on the management group. Likewise, how would these local management groups be selected?

The local boards of management will be a necessary extra layer of bureaucracy if the proposal is passed into law. Yet this may be the fairest and most transparent method to review local conditions and to formulate local rules. A problem will be to chose board members who know enough about the subject area, yet who can claim genuine impartiality.

Areas of concern include the following:- local management group composition, selection criteria, power and management guidelines. Need for groups to be represented on a local aquifer or groundwater catchment area.

Local management plans through local groups is great idea. Sometimes, however, their composition is lopsided.

In the Harvey area, would the SW Irrigation Management Co-operative operate as a local management group, or would it simply be a member of a group?

How would local management groups be selected?

Who would be on the group? There should be a percentage of grower representation, suggestion was made that perhaps to a formula based on usage of water in each region. For example, where irrigating agriculturists use 65% of available water they should have a commensurate representation on the management group.



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How will our committee's representation be determined?

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P15 "enforceable policies..." - is BWB considered a management group or does this apply to "others" (such as LGA's)?

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Concern over makeup LM groups eg number of users vs environmentalists.

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With regard to local management plans, who would constitute the local group, WRC group or what?

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Concern was raised that current WRC advisory committees would be co-opted to act as Local Management Groups. The occurrence of such a move was seen as totally unacceptable, participants argued that water user community involvement in Local Management Groups was imperative.

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#### **Minister shouldn't have power over local rules**

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Minister doesn't take notice of us so wouldn't want him to be responsible for passing local rules. Plus, it is mainly his department who provides advice.

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Ministers shouldn't have the power to overturn local rules.

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#### **More detail regarding local management groups**

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Local Management Groups - again, a great deal more detail required.

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How would local management groups be selected?

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Local Management Groups - again, a great deal more detail required.

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LOCAL MANAGEMENT GROUPS - again a great deal more detail is required, however general issues canvassed on this topic included:

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P14 Reasonable & responsible use - Once again the principles are sound but the method of implementation not described. Who will determine the general or local rules and by what process will they be reviewed or

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appealed? Who will examine water user's activities and determine whether they meet the rules? Is the Minister the most appropriate authority to conduct appeals?

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Any models on the board for local management? What about precedents established at local level that go against regulations?

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#### **Opposition**

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Local rules are not appropriate in Broome.

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#### **Process of local management needs refining**

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P14 Fine tuning rights; policies & rules - The concepts are agreed but again no details on how they will be achieved is given. These proposals need to be developed more fully before they can be endorsed.

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P15 Who makes policies & rules - This is a fundamental concern with these proposals. Unless the stakeholders are convinced of the transparency of the referral, review and appeal processes they are unlikely to endorse the proposals. This needs much more development.

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Will there be some protection for local groups or should they get some? - eg become incorporated, need to set out conditions in the legislation as to how they will/should be managed, guidelines for them, should have a point of reference within the Commission, would like to see a representative from the Commission on the local groups.

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P12 local rules - please explain. Won't that system be very "messy"?

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Local community management - what happens if the communities views conflict with WRC, with each other (within the community)?

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Who and how will local policies, rules, regulations and directions be made.

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Will there be opportunity for the community to start any of these local management processes off by coming to the Commission with their concerns?

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How will users approach our committee?

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P5 Keeping the rules appropriate. When will the statewide rules be developed and by whom? When will the local rules be developed and by whom? It is suggested later in the document and in the WRC Draft Policy and Principles for the Protection of Waters from Pollution in WA (WRC document WRP27) that some form of stakeholder groups will be formed to assist with these processes. It is also suggested that the onus of regulation and enforcement may be devolved to the Local Government Authorities. It is essential that these proposals be fully developed before any support for the process can be given. Who will elect/nominate the members of the stakeholder groups? How much



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public consultation will be carried out in the formulation and review of the proposed rules? Who will pay for work required to fully carry out these requirements and investigations? Have the LGA's been consulted to see if they wish to be responsible? Can or will the huge range of referral processes currently being employed by LGA's around the state be changed so that similar requirements exist in all areas?

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Recommendation: that due to the large variation in the type of water supply and the differing aquifers throughout the state, the local committees be structured within a common boundary.

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What powers and structure will our committee operate under?

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I refer to your request for submissions on the discussion paper for the allocation and transfer of rights to use water and provide the following comments. Council is generally supportive of the direction being proposed for water reform in WA, as detailed in the discussion papers.

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How are local control groups to be elected? will defined agendas be provided and who do the groups report to? (What authorities will be held) Will these groups be defined in the Water Law?

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**PROTECTION FOR LOCAL MANAGEMENT GROUPS** - If local groups are to be required to manage the local use of water and make rules which the community is expected to abide by, then protection would be required for those local bodies from prosecution and harassment. Considerable support would also be required for those groups from the WRC to make the plan workable.

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A local management group could perhaps be run on the same basis as our local Land Conservation District Committee with majority local landowner representation. Guidelines for this group need to be clearly defined to avoid confusion

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### Questions regarding local rules

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Re: the review process mentioned on P15, must these by-laws go to the Minister and will this mean changes to the present system?

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What is a local group?

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Would the impetus for local rules (content of) be from the local community?

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Regulations and rules - until all in writing doesn't mean much.

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Allocation process - local rules: Requires definition of powers and monitoring responsibility of the resource manager over local rules.

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In assessing the need to apply controls including local rules, water managers must first follow a procedure designed to protect peoples privacy. The procedure should require a reasonable degree of communication prior to any arbitrary entering of private property.

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In the Harvey area, would the SW Irrigation Management Co-operative operate as a local management group, or would it simply be a member of a group?

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How would local management groups be selected?

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Would local rules include TWE's?

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Will local plans delegate responsibility eg LGA?

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What is next process, when will local rules happen??

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Would you give any skiing lessons before pushing them down the slope?

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In the Harvey area, would the SW Irrigation Management Co-operative operate as a local management group, or would it simply be a member of a group?

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Cross-subsidies: Will domestic charges and allocations take into account local conditions, eg high evaporation rate in Kununurra?

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Can't we just tell you what local management plan we would like and then you can see if it will fit into your proposed legislation?

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In the local rules - what is defined as a water source? Will we link into existing programs, local management plans, catchment groups etc.?

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Who rules (local rules) would they be LGA or WRC?

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Who would manage the local rules?

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Would never get total agreement in Carnarvon re local rules. What level of agreement would be required? Would need some kind of arbitrator. How would we pull the stakeholders together? Process important. That is the very essence of our problem because their decisions often go against our recommendations. We realise department can't do everything we want them to do, but last time we were left high and dry without any explanation other than it was the Ministers decision.

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P14 local rules - will there be monitoring?

Who would regulate the local areas once they were going?

Local rules: Vested interests from traditional ways of doing things might make it difficult to change local rules. In planning it is already a problem for us that there are many different rules in different areas on the coastal plain.

Local rules - in this area agreements between farmers already exist, how will the government interfere with this system, how will the government make a better system?

What about all amendments not written up, why treat Dandaragan separately, already have rules on artesian rivers, why have another bureaucracy?

#### **Reject local rules and management groups**

Water resource management should be a State not local responsibility (if local the responsibility may be abused).

Don't appreciate local rules because they won't be subject to the scrutiny of Parliament.

Negative Aspects - Local Boards of Management abrogation of State responsibility.

As yet undefined committees will make decisions on the distribution of water usage in defined areas, this to include the closing down of water supplies. This type of decision making is open to abuse either through ignorance or local power broking.

The WRC as experts in the field of water resources management, should set the overall water conservation and project construction goals in a global supervisory role to local and regional governments. It is not adequate to leave water resources management to local governments. Much of the problems of finding money for projects and efficient management would decrease if you could demonstrate the benefits. Your expert in mathematical modelling of groundwater level raising as suggested in section 11 above should be able to convince any government of the need for more financial resources.

Under "will water trading work in every area of the?" I believe that the so-called safeguard of allowing local control of these matters to ensure that all is above board is absolutely naive. There will always be power brokers and controlling interests, even at local level that will in many instances prevent honest dealings in water resources. I therefore disagree in total with any suggestions of trading in water.

#### **Responsibility of LMG**

If the decision making process is to be passed on the Community Groups it is important to ensure an equitable system is in place. Issues relating to our

industry should be decided by consultation with our Industry.

What responsibility would local management groups have for monitoring of water and assessment of water quality? Would local groups be able to contract to conduct monitoring in their areas? Question arose as to whether the Commission would have to demonstrate best practice in relation to monitoring and assessment, particularly as growers are being asked to pay for these services.

This Association also endorses a devolution of responsibility for water management to properly resourced local management groups, so long as these groups are subject to the legislative framework established at a state level.

What responsibility would local management groups have for monitoring of water and assessment of water quality? Would local groups be able to contract to conduct monitoring in their areas? Question arose as to whether the Commission would have to demonstrate best practice in relation to monitoring and assessment, particularly as growers are being asked to pay for these services.

#### **Right to have say**

Will local people say what the local rules will be - metering, licensing etc?

Concern that they won't get to have a say and be involved in the planning process.

There is serious concern regarding who will eventually have the say as to what happens in the Swan Valley Grape Growing area. WILL IT BE GRAPE GROWERS? No Government in the world wants its people to have a say. However, every Government would like to make it appear as though the people do have a say.

#### **Role of Advisory Committees needs defining**

We agree that the role of the local Advisory Committees requires upgrading to that of a Local Board with increased and defined responsibilities to facilitate the management of water resources in concert with Local Government. The role of the Local Board should be defined in Legislation.

The role of the advisory committees has not been addressed.

The committee felt that the Bill should define the role of Advisory Committees. The appointment of members to those committees could then be defined in the "local rules".

Concern was raised that current WRC advisory committees would be co-opted to act as Local Management Groups. The occurrence of such a move was seen as totally unacceptable, participants argued that water user community involvement in Local Management Groups was imperative.





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This Group considers that local advisory committees should be established for each catchment or aquifer that requires resource management, other than for some regions or areas that do not have water resource use pressure and can obviously be exempted.

That any decisions affecting re-allocation of water supply be made in consultation with local advisory committees.

That the Commission continue to decide licensing issues, particularly in relation to allocation of volume, in consultation with local advisory committees.

This paper attempts to establish the broad principles necessary to be addressed in Water Reform Proposals. Specific detail should be developed by regional/local advisory groups.

Whilst others agree to a supply and demand principle, everyone agrees that such a scheme would need proper supervision and input from neighbouring producers who may be affected and the local committee. It is therefore important that local advisory groups be appointed in each catchment or aquifer area that presents a risk or already serviced by a committee. These committees are better able to access local requirements or resolve disputes.

#### **Support local rules and management groups**

**ADVISORY COMMITTEES** - It is agreed that the role of the local Advisory Committees requires upgrading. A Local Board with defined, increased responsibilities is necessary. The local board would manage the use of water resources in conjunction with Local Government. The role of the local board should be defined in Legislation.

**MANAGEMENT OF AREAS** - The selected management of an area carried out with local area Management Groups having the ultimate decision based on correct information and research. There is a lot of antidotal evidence the WRC does not have a good customer interface. This has led to growers being wretched of the decisions that are made - often on their behalf but without consultation. The local area Management Groups will be made up of local people who are major stakeholders in the impact of decisions made and will be best placed to make correct decisions. The difference in water management and allocation, that exist between regions, will need local management expertise to ensure the local environment is catered for. The Management Groups also need to have control over when an area becomes a control area.

We would like to see our local seasonal Advisory Committee or the Shire take over the responsibility and attend to any conflicts that may occur. Why after spending thousands of dollars of our own must we sacrifice our most precious commodity.

The committee supports the formalisation of public groups to be identified, established and recognised

within the Act. The local group being the appropriate level of public consultation.

The Commission indicated that it wants to devolve as much as possible to local groups. Our district has many water users with different water sources. There are private irrigators using water from springs, rivers, streams, soaks and runoff dams. Others are using proclaimed groundwater from identified aquifers. There are also dams and groundwater bores built with public money managed by the WC providing water for urban use. We believe, rather than the Commission using planning controls and regulation to manage our water resources, that we the local groups be empowered and assisted in developing strategies for establishing the framework to deal with our local water management issues in our catchment sub areas. We will then be able to ensure that large, arbitrary increases in water prices and charges does not take place without consultation and phased in adjustment. This requires the recognition of existing water rights and provision for full compensation where water rights are affected.

The regulations will need to be more guidelines at least initially, as the diversity of local situations, problems & their solutions will be numerous. The whole organisation would seem to need LOCAL GROUPS controlling their area under the general guidance of the COMMISSION via the Regulations. The system should be administered in a fair and unbiased way at all levels.

Planning and regulation should be done by local groups with in each locality and not by the commission. This gives a more local knowledge to our supply and use and stops large price increases and charges by governments.

The statutory rights and any controls over those rights should be fairly and equally applied to all users in any given management area.

Our local advisory group is an appropriate local group to input into management of local water supplies under proper guidelines. A paid WRC officer would be required to oversee this and check licenses, adherence to guidelines and levy rates according to a formula. The reasons are that users vary greatly in their level of impact on the waterway, eg an organic vineyard has much less impact than a large potato grower with no soil and stream protection.

A local management group enables local rules to be implemented with a sound knowledge of local conditions. Both the community needs and the needs of the local environment can be better addressed locally, than from a centralised body.

Fine tuning rights - policies and rules - Agree

Suggest local community monitoring. Water licensing depends on use of land, local government control use



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of water, why should WRC calculate use? Do "we" need water licence if local government has a licence.

Further, this Association supports a legislated framework for Local Management Groups, incorporating clear guidelines as to their establishment and operation.

Concern over the actions of bureaucrats and politicians with local people strongly preparing to manage their own water resources. The options for co-operative/voluntary management by a local group are discussed and the support that the Commission would give such a group. The process for developing local rules and delegating powers was also explored.

The approach taken in the Proposal focuses largely on the higher rainfall areas of the State. The new legislation must make equal recognition of the arid parts of the State, since it is in these areas that a significant part of the State's wealth is generated in industries which require assuredness of water supply. There is a need for a common legal framework for the State, but with specific practices identified for districts and regions which have unique water requirements or supply problems.

This will ensure that local issues are being identified and addressed through local control mechanisms.

In conclusion the differences in water management and allocation that exist between regions will need local management expertise to ensure the local environment is catered for. The Management Groups also need to have control over when an area becomes a control area.

P14-15 - Shouldn't WRC allocate the water to local bodies imposing only the COAG rules and those relating to just dealing? There is a remarkable reluctance of the various arms of government to trust those with smaller jurisdictions.

The need for local rules is important as our area has unique qualities differing from other parts of the state: high rainfall - falling mainly from April to September with 90% of rainfall reaching the sea; landowners need to be able to harness enough water to drought proof their properties; large areas are subject to waterlogging during the high rainfall months a consideration when planning drainage. A local management group enables local rules to be implemented with a sound knowledge of local conditions. Both the community needs and the needs of the local environment can be better addressed locally, than from a centralised body.

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The need for local rules is important as our area has unique qualities differing from other parts of the state: \* high rainfall - falling mainly from April to September with 90% of rainfall reaching the sea \* landowners need to be able to harness enough water to drought proof their properties. \* large areas are subject to waterlogging during the high rainfall months a consideration when planning drainage.

Would like to see different sections eg Coconut Wells, with their own rules taken on their merits. Must set out rules locally before trading is introduced.

Regional and local community input a very big factor and vital for fair and balanced planning.

Local management groups and plans are a good idea and make a lot of sense, can see the benefits in that.

A blanket law for the whole State won't work, eg police force currently changing law by region because doesn't work as whole State law.

Need different rules for each water system.

Local groups should organise to become local management planners for the WRC. Support local rules and management groups. Local management plans through local groups is great idea. Sometimes, however, their composition is lop-sided.

Will you really give power back to the community? Lots of misunderstanding of our local environment by agency officers. Local management would deal with that, if given the power.

Each area and individual case is different; hope WRC will assess them as such.

Support of local rules because they suit everyone's purpose. It increases security because we haven't been operating with licences until now.

The concept of local management plans was well accepted, although there was some concern that it might put additional administrative pressure on both WRC and the community where both were already stretched.

What happens to all the inequitable use in unproclaimed streams when everything becomes proclaimed, to determine who gets what? What is the bottom line when it all doesn't work out, you adjudicate or have to take to court? So if community came up with good plan, you would back them? To what extent?

Local rules proposal was supported.

Need to emphasise local rules/local management input at Manjimup meeting - very important.



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Local rules very important; need to explain this is the way to get the issue past MPs and their constituents.

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Many small creeks in the Margaret River area run west to the Indian Ocean. These include Yallingup Brook; Gonyulgup Brook; Wyadup Brook; Quininup brook; Wilyutrup Brook; Cowaramup Brook; Ellen Brook; Boodjidup Brook; Calgandup Brook and Turner Brook. I farm at the top end of the Boodjidup Creek and water 3.5ha of vines about, about 50 cattle and two houses and gardens from two soaks, one 2000m<sup>3</sup> and the other 160m<sup>3</sup>. Every winter and spring thousands of cubic meters of high quality water run past my soaks and go to waste in the ocean. Most downstream primary producers have dams and soaks off the main river channel. They include the large wineries and vineyards at Leeuwin Estate, Voyager and Redgate. The proposed water reforms would seem to be inappropriate to the situation in Boodjidup brook where such a high proportion of the winter/spring run-off is not utilised. We already have the considerable costs of dam construction and equipping them with pumps, pipelines, storage tanks and trickle irrigation systems. Unlike wheatbelt farms there are not water conservation grant schemes as incentives to conserve water for agricultural production. If the proposed reforms involve costs which will be passed on to us as farmers and grape growers, this would be an unnecessary addition to our already high costs of production and would adversely effect our viability in the future. In summary, in our 1200mm rainfall zone huge quantities of high quality water is running to waste. Rather than restrict, licence and charge us for conserving water, the state Government through your Commission might well consider a totally different approach; that of encouraging landholders to conserve more of the annual run-off through grant schemes similar to those used in the WA wheatbelt for establishment of well-designed water conservation works. Implementation of a "blanket" approach to water regulations might be attractive to your organisation to simplify administration, but unfortunately would lead to anomalous and inappropriate restriction in some catchments such as ours. Each catchment's requirements should be based on accurate surveys of the water resource and its current and possible future utilisation by landholders. This would lead to a "tailor-made" and more acceptable solution for each catchment.

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### **What level of power would local management groups have?**

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Can we actually legislate our local rules?

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What responsibility would local management groups have for monitoring of water and assessment of water quality? Would local groups be able to contract to conduct monitoring in their area? The Commission would have to demonstrate best practice in relation to monitoring and assessment, particularly as water users are being asked to pay for these services.

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What autonomy would the local management groups have? Would they have the authority (within the constraints of the Act) to determine local licence conditions and allocations?

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What power/autonomy would local management groups have? For example would they have authority (within the constraints of the Act) to determine local licence conditions and allocations?

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What power/autonomy would local management groups have? For example would they have authority (within the constraints of the Act) to determine local licence conditions and allocations.

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Will local committees have a "right" to resolve issues within their boundaries without the threat of an appeal process?

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Local management by rules or regulations? Who could change the local rules, especially in conflicts?

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Who gives local groups legislative bite?

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Make the legislation so local rules are very hard to change.

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Role Advisory Committees needs to be formalised in document; should be in place all the time, not just when the Commission thinks there should be one. Supported by another Advisory Committee member.

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How much autonomy will local people actually be given in managing local area? Probably don't want to

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run water supply themselves, but want WRC to run it how they want, including pricing structure. The split into WRC, WC and OWR makes it harder for us to make our voices heard.

If local management group affected a downstream user, what would happen then? Local groups need to know how much power they (will) have and when they can be overturned.

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**What would determine a management area?**

How would you define a local area?

Area to match hydrological area?

If local groundwater group in Karnet, would it have to cover whole area?

Legislation should say that Water Acts are made and controlled by local authorities.

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**3.2.5 Activities to be controlled**

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**Definitions & information needed for clarity in proposal**

P9 What activities should be controlled? - The activities contemplated in this section deal with those which directly affect water. Is there scope to consider controlling activities which have indirect effects, such as the clearing of vegetation in catchment areas, or particular land uses or sensitive groundwater areas or are such activities best left to other pieces of legislation or to other regulators?

We seek definition, before being able to comment on: \* inferring with the bed or banks of a watercourse or wetland \* damaging an aquifer

The definition of a water course, wetland, swamp (fresh or salt, permanent or seasonal)?

Is it not also true that at a recent public meeting concerning the widening of Albany Highway, it was proposed to redesignate the Brook a drain, west of Bedforddale Hill Road so that the road effluent could be dumped into the Brook at that point?

We seek definition, before being able to comment on: interfering with the bed or banks of a watercourse or wetland and damaging an aquifer.

The committee suggests caution with the definition of terms such as "common activity" and "severe effects".

P6 permission may be required for the following - discharging water into a watercourse, does this include drainage?

P8 What water should be subject to control? - This section contemplates providing the Commission some control of overland flow, drainage flows and statutory entitlements through the preparation of policies and rules that prescribe the level and means of control. It is not clear whether there will be a legislative basis for these policies and rules and what sort of enforcement

options will be available to ensure that they are effective.

The committee believes that clarification of the term "diminished flow" is required. (P4)

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**Permission not needed for all activities**

We do not see the need to seek permission for: collecting and storing water; construction of dams less than 1000 cubic metres on a watercourse; building or altering a well or bore or other means to take or obtain access to groundwater for general farm purposes; all paddock dams; minor drainage and dewatering that does not impact on the environment or downstream users of water, as this is already covered by state clearing guidelines administered by Agriculture WA

Large dams should be licensed as they have enough water to be of use to others in dry periods, smaller dams should only be registered not licensed.

We do not see the need to seek permission for: \* collecting and storing water. \* construction of dams less than 1000 cubic metres on a watercourse \* building or altering a well or bore or other means to take or obtain access to groundwater for general farm purposes. \* all paddock dams \* minor drainage and dewatering that does not impact on the environment or downstream users of water, as this is already covered by state clearing guidelines administered by agriculture WA

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**Support for control over a specific activity/or proposal**

We agree that permission maybe required for activities effecting: \* obstruction of a permanent watercourse. \* diverting the course of a creek, stream or river.

We agree that permission maybe required for activities effecting: obstruction of a permanent watercourse; diverting the course of a creek, stream or river.

We also agree that the following activities should be subject to regulation to ensure that further degradation of wetlands and watercourses does not occur - \* taking water \* collecting or storing water \* diverting water \* obstructing a watercourse or modifying the flow of a watercourse. \* discharging water into a watercourse, wetland or well. \* interfering with the bed or banks of a watercourse or wetland \* building and operating dam or other works on a watercourse. \* building or altering a well or bore or other means to take or obtain access to groundwater. \* damaging and aquifer. \* building or operating drainage or dewatering works. If these activities are not regulated by the Commission, the COAG commitments could not be met.

We support the environmental protection aspects of the proposal to control dewatering, but urges and seeks clarification as to the degree and type of control proposed. It must be recognised that Local Government engineering works involve dewatering in



may cases, and that this proposed control may impose unexpected burdens on these operations. It is imperative that Local Government is involved in discussions on this issue with a view to achieving practical, cost-effective and workable control and implementation procedures.

What activities should be controlled? - Local rules

We also support that there needs to be restrictions during summer, with this to be flexible depending on the seasonal conditions, availability of water, etc.

Taking water from intermittent wetlands on a property.

Stock do a lot of damage to vegetation. Will there be any controls on that, like make people pump the water and restrict stock access to the stream?

This proposal is about water allocation and it doesn't matter where the water is allocated to (trees, environment, pumping) it still has an effect/impact. The right to control all these activities should fall within the scope of the new legislation (and be WRC responsibility).

**Who has liability for and control over water quality?**

Where the Commission takes control of a water source/supply by the issue of licence and charges, will the commission then be liable for the on going water purity?

The Commission states that if it "must have the ability to manage all water use or interference with water according to need" (page 5) and that license conditions may involve "works or measures to be undertaken for the protection of the aquifer or for the maintenance of water pressures", (page 11). Given that current agricultural practice is broad scale cropping and annual pastures which have increased the amount of recharge, (in the high rainfall areas of the Perth Basin by considerable amounts, eg 100 fold), current practice is enhancing groundwater aquifers. However, the State Salinity Strategy aims to reduce recharge by increasing perennial vegetation, eg pine plantations etc. Will the Commission be undertaking to limit land management for recharge enhancement purposes, eg like the conditions that now exist for pine plantation densities on the Gngangara Mound?

If a licence is granted and then the quality of the water declines, who has liability?

Why aren't you dealing with water quality?

Is protection of water quality covered in this proposal?

Is WRC going to intervene in the quality of water transferred?

### 3.2.6 Riparian Rights

**Comments implying support for local management/proposal**

RIPARIAN RIGHTS - The meeting considered that local management groups should have the power to determine the amount of land able to be irrigated under riparian rights, but questioned the power of overriding riparian rights. It was also considered that livestock watering from watercourses should be subject to the discretion of the Local Management Group.

Statutory Rights: Existing riparian right to be maintained (in terms of a pre-change to RIWI title) unless deleterious environmental effects result in which case local rules can be utilised to manage the situation. It is untrue to claim that riparian rights will result in the taking of large quantities of water, causing damage to the watercourses. Given that the peak number of riparian users has probably been reached, as: in most cases a reserve will revert to the crown on subdivision and with it will go the riparian right, thereby reducing the number of riparian right holders; given the proposal to proclaim all water resources no further riparian rights will come into existence.

Where this proposal entails change to riparian right this group feels protection must be given to persons currently utilising riparian rights where their use is not affecting deleteriously the environment/resource.

Would like riparian rights to be extinguished in designated irrigation area. Would be no riparian right if not for .... because dried in summer.

**General comments/issues raised**

Proposal for annual fee when more and more people take their 0.2ha domestic right?

Who is responsible for the fencing and other stuff to do with rivers?

Riparian rights are linked to catchment management. Rivers run dry in the summer anyway, and that has always been WRC's position. Feels WRC is changing its position. Riparian rights can only be exercised when water is in the river, so the environment is by definition receiving flow. Just warning WRC that this may be an issue for people because it looks like the WRC is changing its position.

We believe few small landholders understand the threat to them that your proposals have because of your lack of notification to them.

It will be a political risk to the whole reform to reduce or restrict riparian rights to use of water.

**Issues to do with stock use**

P7 Statutory rights - water for feedlots not covered, why not, is this not stock anyway?

Access to water for stock and domestic use is a fundamental entitlement without which Australia's



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pastoral land would not be viable. This entitlement is therefore an as-of-right use for landholders and security must be provided for this use. Stock and domestic access does not apply to intensive stock use, for example feed lot operations. Water rights for stock and domestic use should be the first allocation made when defining allocation rights across a catchment or aquifer and should remain tied to the land.

The meeting considered that local management groups should have the power to determine the amount of land able to be irrigated under riparian rights, but questioned the power of overriding riparian rights. It was also considered that livestock watering from watercourses should be subject to the discretion of the Local Management Group.

Is Commercial stock allowed in riparian right?

We live on a creek. Our paddocks go across the creek. Will we be told we need a fence and to take our stock only down to one point in each paddock to water?

The meeting considered that local management groups should have the power to determine the amount of land able to be irrigated under riparian rights, but questioned the power of overriding riparian rights. It was also considered that livestock watering from watercourses should be subject to the discretion of the Local Management Group.

What scale are we talking about when talking about "for stock and domestic purposes", there is a need to define stocking rates, if a licence is given for a certain amount and then I become more efficient I can't expand.

#### **Need to protect those not on mains**

In relation to Neerigen Brook, and our orchard, will it be possible to be granted a permanent unrestricted and irrevocable right of access to use water for the Brook for our orchard? If not, then what restrictions will be placed on our operation and what compensation will be available for new restrictions placed on our title?

I purchased the above property in July 1996. Prior to purchase I was informed by the vendors and their agent that the property had access to Neerigen Brook water drawn from the Reserve at Bedforddale Hill Road. This was a decisive factor in my purchase. Subsequent to purchase I sought, and received, formal acknowledgment of my continued use of the Neerigen Brook water. Mr K's letter of December 4, 1996 refers. I am aware that I enjoy a statutory right to draw water from the Reserve at Bedforddale Hill Road. This right has been exercised by all previous owners of the property. Any change which might limit this right has the potential to adversely affect occupancy of the property. In the absence of scheme water the brook remains the sole reliable source of water. I have spent a considerable sum of money on the development of

the existing bore. The bore provides a very limited source of water. Regrettably, with 1440 units of dissolved solids, it is too saline for any use other than livestock watering. I have installed extensive rainwater collection, pumping and storage facilities. It is now evident that even these facilities are not adequate for year-round domestic use. Without the admixture of brook water the supply would not have lasted through the dry mouths. The construction and occupation of properties in this location has been predicated upon the historical right of access to water drawn from the Neerigen Brook. The only viable alternative to such practices is the provision of scheme water. In conclusion I would point out that, at very considerable expense, I have attempted to be self-sufficient. Experience has shown that this is not possible. An external water source is essential and I therefore request that no limitations be placed upon my continued exercise of my statutory rights.

The statutory right to take water of all people should be curtailed to those who do not have scheme water.

I understand that the Commission is presently in the process of preparing new legislation for the controlling of the use of water in streams and rivers etc. As we are directly affected by any legislation, I request that you consider our situation. We live in Bedforddale and are dependent on the Neerigen Brook for our domestic water supply. There is no WC Main along the Highway in Bedforddale and, we are told, it is not likely to be installed in the near future either. We acquired the property some 5 years ago. We were told at the time of purchase by the real estate agent and by the previous owner that the Neerigen Brook was the permanent source of water to the property. We were told by him that this had been the case since the early fifties. And were also informed that according to law, we were entitled to draw water from this stream. As you can understand any legislation put in place to restrict us in the use of water from the brook will affect us greatly. I therefore request you consider us in your preparations for this legislation (and a lot of other residents living in Bedforddale).

As we are about to enter the 21st century, I find it appalling that approx 2% of the metropolitan area are still without scheme water. By all means reform the water law that states 100% of the population can draw water from our rivers, streams, brooks, etc. But for goodness sake please consider and allow the 2% not connected to scheme to continue by licence rule a right to draw from these sources. Our property was purchased 21 years ago, we were given to understand that we had the right to draw water from the Neerigen Brook. On our time here we have sunk a bore, yet only for outside reticulation, and installed 2 more storage tanks. Being "down dwellers" to the Brook, I might add in-between two scheme water connection points, we have over the years had our water shortage problems. However these were resolved one way or

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another. I do sincerely appreciate water is our most vital resource and respect the current law must be amended to safeguard this, but until our government sees fit to connect all the metro area to scheme water, I appeal to you to please ensure the 2% of the population who are non-scheme water users still have the right to draw from these other sources. Thank you.

#### **Please clarify current and proposed system**

Riparian rights: "What is good for the environment" references to protecting environment, but then you say DEP is mainly responsible - Who makes environmental assessment if not DEP? Wouldn't it be DEP's role, though, because they are responsible for environmental protection?

Which river is under the threat of overuse by riparian rights?

Riparian rights were discussed, particularly with regard to those downstream of a storage facility as it can be a source of community conflict.

So, if you see fit, you will arbitrarily extinguish riparian rights? What system would you have?

Riparian rights - Will rights be equal rather than there being different levels?

Please explain alterations to riparian rights. Document doesn't explain what area would be covered. Wouldn't separation of titles extinguish riparian rights? How would you stop water being taken from system even though we have riparian rights? Done by board or WRC?

A substantial modification of riparian rights re: irrigation - a return to the common law ambit. Clarity would suggest the utility of a provision which explicitly declared the abolition of any common law right and substitution of the statutory rights (Vic.)

When do you have a riparian right?

There is confusion over riparian rights; need to explain these better and that these won't be caught up in the trading issue.

This proposal is for a fundamental change to the Common Law Rights of Western Australians. The proposal is to extinguish riparian rights and replace them with statutory rights. What are the constitutional ramifications of extinguishing this fundamental right of landowners? It is also stated that the proposed statutory right is not necessarily superior to a licensed right. These changes are fundamental to our existing concepts of water laws. Should they be allowed without full and open public debate? The reasons for the proposals are understood but the legality and morality of sweeping away peoples fundamental rights through this process are not so clear. Should this discussion document and it's exceedingly short public review period be used as the mechanism or

justification for slipping through such a fundamental change to the people's rights?

Are Riparian rights to be withdrawn from properties in non proclaimed areas?

Can you explain what will happen to riparian rights?

What is a riparian right?

What has happened with riparian rights?

Please clarify the access of the owner to land, if riparian rights change does that change access?

Will there be any redefinition of riparian rights, eg a reduction from 2 ha?

Why need a licence for a spring that doesn't interfere with any other water course?

Please clarify riparian rights, how many landholders have riparian rights, isn't this lost on subdivision anyway, why take away a right that's being taken away anyway?

#### **Reject changes to riparian rights**

Significantly higher prices were paid in the majority of cases for properties along the water courses with Riparian Rights. The government has also received additional benefit (money) in the form of stamp duty, rates etc due to the higher prices paid for the properties. Will compensation be paid to owners of properties that have the Riparian Rights removed or reduced as the property will be immediately devalued??? Alternatively will it be left to the individual or a group class action to recover the losses by legal action from the Commission???

So a farmer who has farmed a piece of land for 10 years might have to give up their riparian rights because the public thinks they should have to?

The Serpentine River has a large dam, those people downstream with riparian rights should always have water before supplying other people.

I am writing to you regarding my personal feelings and family circumstances regarding the formulation of possible new revised legislation currently being proposed by WRC with could affect Brook and spring water users. This also concerns my riparian rights which I hold on my land title for my property. Firstly I wish to state that this letter be regarded as my personal submission regarding the proposed new legislation which has to be submitted before 31st October 1997. A copy of my submission will be sent to the Bedforddale Brook Advisory Group for their records. I wish to serve notice that whilst I agree that the existing laws are outdated and do need to be brought up to date with the world we live in. I also am concerned for our ecological and conservation needs of the future, however I wish to strongly state that existing riparian rights should not be forgotten, and that they should remain unchallenged and cannot be extinguished. You



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should not be taking away a right that we have held for all these past years. I, like many Bedfordale residents purchased my property based on the sound knowledge and security of knowing that I was able to source an essential daily living requirement - WATER. I purchased the property in the sound knowledge that I was acquiring riparian rights and could legally source water, for as long as the brook/spring kept providing a source of supply. As this was all legal all on my one title I was confident in the acquisition. If the property had no water supply and no riparian rights then we would have not gone ahead with the purchase of the property. Also quite clearly the property had a higher sell value because of the riparian rights - so, will WRC pay compensation? You take away riparian rights, you then take away my 100% source of water supply. As I understand today's law no one can be deprived of a human daily necessity, water provides us with the source to live, you take that away how does my wife and children live. We are domestic users only. We do not irrigate, nor reticulate. We do not water livestock, we are not market gardeners. We use only the water for daily needs, washing and showers and cleaning and toilet requirements. We do care about our neighbours and other peoples needs and we only take what we need and only pump once every 7 to 10 days, or as we require. We share the Brook with others and consider everyone's needs. We do not take more than we need nor do we diminish the flow of the brook in any way. We do not have a dam, and we do not have any other source of supply, nor storage tanks. Therefore I ask the WRC to show some real compassion and understanding and urge you to consider that if the riparian rights are taken away from me, how would I source water for my family. Because we live on a 3 acre property does not mean we have lots of money and are rich enough to go out and buy large capacity storage tanks, or can pay someone \$1,000 to put a bore down. We actually live here because we love the lifestyle and the environment, it has nothing to do with whether we have a lot of money or not. And we come to choose to live here because the property could offer us a natural water supply, and a legal right to tap into that source. All we request is that you allow us to retain our riparian rights based on no more than we do now, just taking enough for our own daily needs. We ask for no more than that, please consider our request.

I feel very strongly that current riparian rights cannot and should not be removed by change to legislation. These rights were acquired along with the property. To remove them is to take away something that has been legally acquired. I accept that limiting the application of riparian rights could be reasonable where such rights when exercised affect the rights of others, but that is my only concession.

With regards to riparian rights, particularly on small acreages, these properties have been purchased at top

market prices mainly because of this privilege. Natural soil conditions or catchment conditions may prevent the construction of a dam or other means of obtaining water. In these instances properties which come into this category would have their asset values reduced to half or less of present values. If the proposed alterations to existing water rights are implemented property holders whose farms fall within the above situation must surely be compensated. Our own property of approx 22 acres falls within the above conditions. We purchased it in 1980 and were assured that we had unrestricted use of water from the Blackwood River, which forms two sides of our boundary. At the time of purchase we were told by the Shire Council that damming or interfering with the water course were the only restrictions. Many owners of small farms no doubt will find themselves in the same predicament. Owners of larger holdings, where dams can be excavated do not even make use of their riparian rights except for stock watering use. It is our firm belief that it is essential that any restructuring of water reform must take consideration for farmers who do not use irrigation as a major source for production on the land. Broad spectrum laws to cover large irrigation or industrial users would severely penalise most agricultural farmers.

We currently take water from Neerigen Brook under Section 20 of the Rights in Water and Irrigation Act 1914. This is our only source of water. If the taking of water from the Brook was to be denied to us this would have a detrimental effect on the value of our property.

It would also be an abrogation of the common law doctrine *ad medium filum aquae* where the beds of all non-tidal rivers and streams are *prima facie* owned by adjacent riparian landowners.

**DOWNGRADING AND POSSIBLE EXTINCTION OR OVERRIDING OF RIPARIAN RIGHTS** - While the community feels that some reduction in Riparian Rights may be understandable in certain circumstances, the removal or radical reduction of this statutory right should not be possible other than for serious misuse of the Right. People have bought properties (often developing business on them) and paid a premium for the property due to the Riparian Rights attached to the property and a person's statutory rights under the law should not be able to be removed or severely reduced unless some serious abuse is taking place. Riparian Right should not be able to be displaced.

Scared that riparian rights will disappear, it is very confusing when government agencies don't agree on anything and tell us different stories.

Taking away our statutory rights.

There is a danger with handing back "our power" re: riparian rights, then you can abolish our rights.





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WRC suggesting to remove riparian rights and replace with licences, taking away the common law right.

#### **Support changes to riparian/statutory rights**

I understand you are also looking into the situations where residents, who do have Mains water connected to their properties, but who also draw water from streams as well, that they are to be restricted in access to this water. I would support you in this. It is quite evident that this does affect the flow of water, as there are residents living along the Neerigen Brook, who do draw water from the brook, they do have mains water connected, but (apparently for purely financial reasons) draw water from the brook. I would support you in setting some form of restriction in place, as especially in the middle of summer, when the water flow is already down, their use of this water effects the flow of water in the brook greatly, and in turn effects the environment, as well as preventing residents such as us, who are totally dependent on the brook from getting water.

We are disappointed that riparian rights are to continue. The 1992 Water Bill proposed that riparian rights would lapse upon sale of the property. The council approved of this moderate approach, which accommodated current owners, but eventually returned the control of sensitive river systems to the Crown, giving the Crown an opportunity to co-ordinate the rehabilitation of water courses. If riparian rights are to continue, we support the volume reduction of these rights to allow for irrigation of .2 of a hectare only.

Need to change the amount of land allowed for watering from riparian owners eg water can be taken to water 2ha from "their" stream, this is commercial only (alternatively charge \$\$ for first 2ha and then decrease dramatically).

The concept of limiting riparian users to 0.2 hectares of irrigation, stock watering and household use is supported. The committee agrees that the WRC should have the ability to manage riparian users, in particular, in regards to environmental issues.

The statutory rights and set of controls over statutory rights should be as set out on P7 of the discussion booklet.

Like the idea of the ability to repeal riparian rights.

The general principle of riverine rights ensures that landowners release off their property an equivalent amount of water to that which flows on, saving to themselves the benefit of rainfall. This I agree with. My problem is that the proposal wants to manage the rainfall on the property. Our property is at the top of a hill. Under the general principle of riverine rights we can use our water or release it downstream as we like - now we will be licensed, have to justify, be regulated and pay for rainwater. I see very little possibility my

situation will be safeguarded. The future horticultural development of my farm is in some jeopardy or subject to uncertainty. You should forget very specific disaster systems (rivers) and develop specific plans to handle their problems. These plans should not be generalised to penalise those in river systems that do not have these problems.

#### **What's the situation where river banks are reserved?**

Sleeman River - riparian rights, what is WRC's scenario for managing the Sleeman River and our water use from it?

What about the situation where river reserve is lost when a property is sold?

Town planning is now pushing for 50 m along the banks of any river that landowners have to give up; what effect would this have on riparian right?

The proposal to introduce "Statutory Rights" to allow people to take water in certain situations (report page 7), together with the proposal to extend the scope of licensing to any person who can meet the criteria listed (at report page 10), changes the current situation, as it applies to watercourses, because non-riparian owners will be able to apply to hold water licenses provided they have legal access to the water source.

### **3.2.7 Special Agreement Act rights**

#### **NCP review**

We are currently reviewing three agreement acts for anti-competitiveness as a basis for moving into other agreement acts depending on what is found.

#### **Priority of allocation**

No action to compromise the statutory company rights should be contemplated without the clear understanding that mutual consent is essential. To be realistic, such an agreed outcome to make water allocations available to potential competitors is unlikely even though the resource is not currently being utilised. Whilst an immediate response to that situation is that such a State Agreement places the signatory companies in a favoured position, it must be remembered that those and other proponents invested significant risk capital to establish relevant projects and associated infrastructure in the first place. However, this does not mean that consideration can not be given in future Agreements to implement the "use it or lose it" principle as advocated by the WRC.

#### **Successful development**

The treatment of water supply provision, security of proponent access, third party access, price, new source investigation and responsible management represents an important component within the Agreement Act



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process that The Department pursues. A transparent, standard, consistent and non-discriminatory approach to incorporating State and proponent rights and obligations has been successfully developed and implemented over many years to the satisfaction and mutual benefit of all parties concerned. It must also be stressed that under Agreement Acts, relevant water resource areas have been responsibly managed. This fortunate situation is in stark contrast to projects in jurisdictions outside WA where statutory agreements to oversee water usage and quality and ensure responsible management have not been in place.

From a resource development perspective, it is most important to note that under the State Agreement Act process, water resource management and use has, without exception, been responsibly addressed. Agreement Acts have successfully met a range of (often competing) complex criteria such as security of water supply provision and proponent access, third party access, price, new source investigation and water quality and environmental considerations. A transparent, consistent and non-discriminatory approach to incorporating State and proponent rights and obligations has been successfully developed and implemented over many years. This fortunate situation is in stark contrast to projects in jurisdictions outside WA where statutory agreements to oversee water usage and quality and ensure responsible management have not been in place either statutory or administratively.

#### **Water management issues**

Would it be more effective to pursue management issues outside the Agreement Act process?

An analysis of relevant provisions in Agreement Acts over the past several years reveals a consistent and responsible approach to the ways in which water issues have been addressed. (This consistency will be reflected in the water clause of the draft Direct Reduced Iron/Hot Briquetted Iron (Mt Gibson) Agreement, a final version of which should be forwarded to you later this month). The key principles underpinning that approach are: The management of water (and de-watering) usage as evidenced by the statutory obligation for proponents and the State to agree to maximum amounts of water usage and water quality considerations. Where the proponent seeks to meet further water needs through either surface or underground water schemes (within areas it can already lawfully access), the agreement of the State, Company and WC is required. Water charged by the WC to the proponent is to be mutually agreed; thereby ensuring such charges are set in a commercial environment and not over-riden in the Agreement Act. clarity as to the State not being financially responsible for investigation of alternate water resources that may be required by the proponent. Provision for third party access on an equitable basis

subject to availability. Provisions within existing legislation to apply (eg the Rights in Water and Irrigation Act) unless specifically and clearly exempted. Reference to proponents being obligated to plan, construct and operate plants/mines to ensure efficient re-use of water resources (and mine de-watering). Non-discriminatory third party access (given adequate availability) to water supplies.

### **3.2.8 Other control or scope issues**

#### **Information on extent and nature of controls**

You have responsibility to the high water mark?

Will any controls be put on drillers? To stop people drilling too far into groundwater in Perth.

P2 from "extended scope..." is (for instance) desalination of seawater included in this?

P6 what activities can be controlled - will new legislation be able to control developments such as the Moore River?

Given the nature of water and control of water, can't control be restructured more progressively?

Fire, weeds and vermin. Who is responsible?

#### **Legal liability for changes to existing rights**

Who will assume liability for clarifying the rights associated with existing water usage from dams, springs and bores?

A summary of our key suggestions and comments are as follows:- We understand there will be a reduction or removal of statutory and riparian water rights. These rights are, in general, considered to add value to existing property values. Therefore we believe these rights should be compensated for by one of the following:- Monetary compensation; Provision of an equivalent licence under the new provision. We also submit that some of the above rights should be attached to the land. We believe they form part of the natural or physical features of the land and are not easily separated.

Who will assume liability for addressing the legal issues of existing Title and ownership of streams, rivers and springs?

#### **Nature of controls**

Need to restrict opportunities for corruption in terms of government overturning local rules.

#### **Statutory right - comments or suggestions**

Statutory rights in section 21 of the act kept by current users

Corporation meddles with Statutory Rights.

The Commission advocates the elimination of statutory rights to riparian water, arguing that all water rights should be brought under their jurisdiction,



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as the body charged with water management in WA. The discussion paper refers to riparian rights (the right of landowners, whose property adjoins a watercourse, to take water for the purpose of irrigating up to 2 hectares of domestic garden) as a statutory right which should be ceded to the Commission. In its stead, the Commission proposes that conditional statutory rights be established, where applicable for domestic needs, including a household garden, stock watering and fire fighting purposes and that this statutory right be extended to non-artesian groundwater. At the same time, the Commission is reserving the right to control over the use of riparian water at times when continued use may have an adverse impact on stream flow. The purpose of watering 2 hectares of garden stems from the days when landowners were charged with the responsibility of feeding servants and employees and is seen by this association as no longer applicable to the contemporary farm situation. It is appropriate that landowners should continue to have a right to a limited use of riparian water, but only when it is unlikely to impact on the environment or other users. However, proposals for change should be negotiated with local communities.

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The statutory right to take water under section 21 of the Act should be retained by all people who are currently exercising that right. This right should only be modified to the extent of any modification to the statutory rights under section 20 of the Act. The right to use water is just as important to users under either section 20 or section 21 of the Act.

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The exercise of the statutory rights under section 21 of the Act has in many cases been facilitated by legal agreements between adjoining landowners. Government departments have also facilitated the taking of water. Real Estate agents have advertised properties for sale as having rights to water. These users should therefore not be discriminated against compared with section 20 users.

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I have been using my statutory rights to take water from the Neerigen Brook since we moved here 8 years ago. The real estate agents told us we had the rights to pump water. As far as Armadale councils reports go back the householder on the land has pumped from the creek for domestic purposes.

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The statutory rights to take water under section 21 of the Act should be removed from all people who are not currently exercising that right, except for emergency situations such as fighting fires etc.

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### **Who owns the water?**

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If this proposal becomes law without the ownership issue being addressed to my satisfaction I wish to notify you that it is my intention to immediately instigate legal action against your Department.

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It has become apparent through the efforts of one of our members, and others in the SW, that there are serious differences in legal opinion regarding the ownership of the water resources on private land between the Commission and several different solicitors.

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Is groundwater on farms owned by the owner?

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Under the old titles, you owned everything under your property to the centre of the earth (pre-1914).

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Issue: springs and change of "ownership".

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Who does the water belong to in this area?

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Is it true that the Crown owns all the water?

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Who owns the water?

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**OWNERSHIP OF WATER** - The clear definition of ownership needs to be inserted into the legislation to overcome any other claims to ownership of water resources.

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The government ownership of water needs to be clearly defined and included into the legislation to ensure the rights of members of the community are not effected.

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The clear definition of ownership needs to be inserted into the legislation to overcome any other claims to ownership of water resources.

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**OWNERSHIP OF WATER** - The threat of environmental damage does not only come from the mismanagement of water resources by the private sector. In the event of problems arising from damage caused by improper use of water by the crown, a clear set of guidelines need to be inserted into the legislation. This would eliminate any ambiguities caused by crossovers between legislation and regulation.

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Our officers have observed that there is a lack of understanding in the community on basic issues such as who owns the water on private land, and title issues about water in rivers on private land, bores, springs, swamps and lakes. Only further consultation with affected communities is likely to resolve opposition to these elements of the WRC proposals.

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### 3.3 Property rights in water

#### 3.3.1 Licensed rights - definition of right

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##### Concern about scope of licensed activity

We do not agree with total licensing of all farm water usage, provided there is no significant impact on the environment, other people, the water body or receiving waters so as normal farm practice can be carried out without restriction. We see irrigation as a different issue.

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Why is hydro licensed?

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No more water being allocated here now, so why licence us to stop more water being used?

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We do not agree with total licensing of all farm water usage, provided there is no significant impact on the environment, other people, the water body or receiving waters so as normal farm practice can be carried out without restriction. We see irrigation as a different issue.

---

There should be no licensing required for normal farming practices.

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##### Concern/questions on growth in water use needs

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What happens if we need full allocation before the project is complete?

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Want a guarantee will be able to farm whole farm in 20 years - able to use all water I have (but don't use at moment).

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What happens if we want to expand our irrigation business/water allocation?

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In the water authority booklet it does not make it clear for the producer who has an existing allocation for a crop which he is at present irrigating, but because of lack of funds, is slow to increase his crop therefore would require more water to bring the crop into a viable income area which would give him a reasonable living. The point I am making is, a farmer has an allocation of water for existing crop but it has to expand to make a reasonable income therefore does the WRC look at the proposed extended area or income of the crop and allocate him water?, or does the farmer have the extra expense of going into the market place to purchase more water bearing in mind that the farmer is slowly building up to an area of crop as he can afford it?

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Who predicts the amount of water for a full grown tree, what happens with my current licence when trees grow and use more water - will I have to buy more water for them?

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Want assurance we will be able to get increase in water after farm relocation or steep (4 to 5 year planning)?

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##### Landowner rights to control entry of licence holder

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For legal access to exist, the landowner would either need to be a riparian or presumably there would need to be a registered easement over the riparian property leading to the licensee's property. The easement may need to traverse other non-riparian properties to reach the licensee's property.

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Can water be taken from anywhere?

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I asked the question of Mr Banyard as follows "according to the Discussion Paper, the applicant for the license need not be the landowner, therefore the landholder needs some ability to comment within the process". The reply was that the landholder had the right to refuse access to the groundwater beneath his/her property. Will this be the case?

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##### Need for clear property rights

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Will a licence pertain to a person, length of river frontage, amount of land, amount of water?

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Property rights are legally defined and enforceable rights relating to the ownership and the use of a resource or commodity. Without clear property rights, existing owners have little incentive to manage or use the resource in a way that maximises its longer term value. (p. 92 ESLM 97) Farmers in this district have invested millions of dollars into irrigation infrastructure. They have done so under the Rights in Water and Irrigation Act of 1914 purely for agricultural purposes.

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We are in an area which is proclaimed and have been subjected to licensing and usage restrictions for many years. This has been generally accepted because of the need for a sustainable water supply from the Leederville aquifer.

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The definition of allocation entitlements should identify the different components of the entitlement, ie the non-tradeable right, the tradeable component and the environmental allocation. For example, distinction should be made between guaranteed high security allocations and allocations that are subject to seasonal availability.

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##### Need to protect Aboriginal rights on par with environmental requirements

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Unclear what rights/control Aboriginal communities have to water. As yet undefined rights. Would like to see principle that we are protecting the rights of Aboriginal people specifically. List on par with environmental rights.

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##### Question/Comment/Aside

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If sold land no guarantee water goes with it.

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Re: P17, strengthening of property rights and increase in value of licences - what does it mean?

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How would the ownership licence rights influence access rights (drinking/washing) for the Aboriginal communities.?

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Definition of well - Concrete or wood lined for windmill or surface pump, usually no more than 30ft deep; bore.

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Who has absolute ownership of the resource? How do you create a right?

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#### **Separation of land and water - concern/opposed**

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The rights of property owners should not be compromised if water is separated from the ownership of land.

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The proposal to separate water rights from property rights may well be appropriate for some areas of Australia, however we remain unconvinced that it is needed or wanted in this area and any further proposals of this nature would need to be introduced only after detailed discussion and explanation by the Commission to local groups from the regions involved.

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Many producers believe that if underground water supply was tied to the land there would be no need for water restrictions.

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We do not believe that the Crown owns water rights on private property. It goes with the title.

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The water and land have traditionally been tied, but the proposals intend to separate the rights to land and water. The impact on rural regions may be dramatic, as the value of much land is based in its productive capacity. The impact of separating water from the land may mean that supply cannot be guaranteed and the business may fail.

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### **3.3.2 Licence Tenure - longer duration's**

#### **Alternative suggestion**

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Build into the Act a choice in the licence tenure.

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Transition - Possible compromise of maintaining short-term licences with option of application for perpetual licence.

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Consider requiring people to bid financially for perpetual licence.

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Licence period: With the perpetual licences, would there be a review of practice and conditions every say, 5 years? If there is a definite period for review, then practices and conditions would definitely be looked at. Renewal should help users know where they stand and feel like they have some control. That is, licences should be perpetual but you need a definite review period. "Water in Perpetuity" is SWIMCO's catchcry because they are selling horticulture which requires security because some investments are 20-30 year investments.

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#### **Change over to new system**

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Concern over giving existing licence holders perpetual rights without opening up allocation to all people.

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It is proposed that those persons with existing short term water licences will automatically transfer to indefinite water use licences, or will this be an option when such licences come up for renewal?

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Transition - Rights of existing statutory rights holders and licensees. Will they have a right to perpetual licence or must they apply along with competing applicants?

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When did all this deal start, does my 10 year licence apply after the new system comes in?

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#### **Concern over the process**

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The proposed legislation should allow for affected Certificates of Title to be amended in some way (a deficiency in the current Act). We would need to be able to record any change in ownership of watercourse beds.

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Who decides the type of licence imposed (perpetual or fixed)??

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The proposal is to allow the WRC to change allocation and licence conditions as needed. This proposal is no different to the existing licence arrangements whereby licensees have their existing licences renewed providing there are no problems. Unless there are very clearly defined rules, procedures and appeal processes this proposal leaves the licensee once more at the mercy of the commission. The proposal "that a licensing system that allows early renewal of fixed term licences and the issue of perpetual licences" leaves it up to the discretion of the WRC to decide which licensees get which type of licence. This is unacceptable and contrary to the objectives of this reform process. How will the decisions be made? What rules will apply? What appeal mechanisms will be put into place?

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Is this proposal suggesting that an interim license will be given and fixed term or perpetual one granted after that if the WRC is happy with the outcomes? Again mechanisms and rules need to be developed up front, especially with reference to monitoring the effect of the activity on the environment. Will all existing users need to apply for a licence under the new system?

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#### **Need more information**

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If the proposal intends for the ownership of watercourse beds to pass to the Crown, what Act will control and administer the tenure? Will it automatically revert (if alienated) and become the responsibility of ours?

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#### **Preconditions**

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Grants of tenure under the Land Administration Act and the Rights in Water and Irrigation Act would be subject to the Native Title Act 1993. Where such

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interests are being granted over Crown land which was formerly freehold (eg watercourse beds vesting under the Rights in Water and Irrigation Act), there would be no impediment to tenures being granted, as native title rights would normally have been extinguished by the former freehold tenure.

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**Query**

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Longer term licence?

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What kind of term do you have in mind for non-perpetual licences?

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**Support**

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Licences - Tenure proposals - Agree

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Positive Aspect - Security of basic resource rights for users.

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**Support - fixed term**

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Extraction licences better (for Aqwest) if shorter and more robust.

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Positive Aspect - Fixed extraction licence provisions - medium term preference.

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**Support - long term**

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However, this Association does support the need for greater security of entitlement or licence for irrigators, as this would greatly assist them from a financial planning and management perspective.

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Many growers have expressed concern that the current licensing system presents many uncertainties in terms of licence period and the conditions that can be placed on the licence. The Commission proposes to move towards a system where licences will be issued under a broad set of guidelines and be subject to an expanded range of conditions. It is suggested that under the new system of licensing, growers will receive licences, either in perpetuity or for longer periods than is presently the case.

---

As the WRC is aware, the Ord Development Project Stage Two and the proposed West Kimberley (ie Fitzroy River system) development are two projects over which the Department has carriage. Responsible management of a sustainable water supply is fundamental and accordingly comment on the provision of licences is warranted. The primary issue concerning licences relates to their length of tenure and conditions associated with renewal. If for example, tenure is limited to 5 to 10 years, proponents of major water dependent projects such as the two mentioned above, will experience difficulty in raising required capital. Indeed in the case of irrigation on the Ord, farmers may not be able to raise the necessary capital via loan funds. Recognition of this project funding situation is addressed in the discussion paper through the proposal to institute perpetual licences. This would see certainty and security of investment enhanced. However it could be argued that subjecting

a perpetual licence to a probationary period of 5 years in order that the licensee demonstrates the bonafides of the application is both bureaucratic and restrictive. In resource developments of the scale of the West Kimberley Project, it can be confidently stated that in order to have received Government endorsement for such a project (eg by way of an Agreement Act) all project criteria have been met thus obviating the need for a "probationary" period. Further, a key purpose of a statutory agreement, which is considerably stronger than a probationary approach, is to clearly package the obligations (and rights) of the proponent and the State so that all commitments and undertakings are codified and regularly reported upon. The Department appreciates that due to the scale of developments with which it deals, the above comments may not be relevant to small to medium size developers. Differing arrangements for clients that fall within those categories may therefore be appropriate.

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Recommendation: that rural producers be given long term security of supply to ensure sustainability and protection of the large capital investment in their industry.

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**LONG TERM CONTRACTS OF SUPPLY** - The need for long term contracts of supply is paramount to ensure the capital investment made by the industry can be justified. The long term nature of the industry means that much security comes from a guaranteed supply of inputs. Water is the most significant input. If there is not long term contracts for supply of water, many businesses may consider other less productive short term uses for the water.

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If a licence is for a fixed period then it should be for a significant length of time to give stability to the landowner.

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Secure long term tenure to water. We recognise that ultimately water is owned by all Australian citizens but emphasise that long term prior and ongoing use of water for agricultural production of national significance endows a right to continuing use of that water. We wish to also emphasise that competition for water from urban users results in a use of water which is essentially of basic social benefit and right but is non-productive, although there may be significant capacity to pay for it. Agricultural use, and particularly the potential for higher value production from irrigation areas, adds value to water with considerable multiplier effects through the whole community. The single most destabilising thing which any reform to water could do would be to reduce or weaken the security of tenure to water which underpins any investment to add value to water in an agricultural enterprise, with the proviso that the efficiency of water use in the enterprise was acceptable or actively improving. In agricultural investment terms 10 years is a short time frame and about the minimum which could be considered, depending on enterprise. It is argued that security of tenure must be long term,



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including options for continuation at the decision of the user. We would be very concerned if “management of allocation” became a rationale to make frequent and intrusive changes to security of water tenure. We emphasise that it would not support any changes in the legislation which substantially weakened the security of water tenure for our shareholders. Security under a licence would not limit that licensee from trading, either temporarily or permanently, any extra water that may result from efficiency gains.

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Licences: Medium term fixed extraction licence provisions; Long term flexible access licence provisions.

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Licences need to be on a long term as possible to assist with financing, capital investment etc.

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General agreement with longer licence issue.

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Wait 10-20 years to make licences perpetual.

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It is reasonable to recognise the needs of past and future long-term water users, giving them security.

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Security of tenure: The grower is very concerned that there will be no long term guarantees for water. WRS1 states that plans and licences can be amended as required. Table grapes are a perennial crop that require considerable resources to establish and maintain. It takes at least three years before a return is realised on capital. Table grape growers enter the industry as a long term investment. Table grapes require water to be viable and applying less water than the optimum or applying no water reduces fruit quality and warrants the crop unmarketable. The grower demands that if water is allocated to a table grape producer then that allocation is guaranteed and if it cannot be then compensation should be made for the changes.

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Concern about high frequency of changing of licence rules. Licences should be longer so they don't change as much, and your conditions only change if it is proven your activities are detrimental.

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That within the proposed water reform regime, a water property rights scheme is developed that prioritises sustainable water management, is clearly defined and provides security of supply. Long term tenures are necessary if farmers are to gain a return on significant capital investments on their properties to ensure their future productivity.

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#### **Support - overlapping**

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Whilst licensing water use it will be important that the licensing system does not create uncertainty and lack of investment by the industrial or commercial sectors. For that reason the overlapping of current licenses with applications for future licenses is important. The

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granting of long term (15 years) and perpetual licenses will assist in providing certainty to industry.

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Indefinite tenure: an alternative would be a long term (20 years) licence renewable every 10 years.

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#### **Support - long term (qualified)**

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Need for long-term security of licences. Concern there will be other users who could better afford to buy water than irrigators can.

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Negative Aspects - Potential differences between Operating and Extraction Licence periods.

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### **3.3.3 Who can hold licence**

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#### **As initially proposed**

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Legal access should mean owner of land - Most important that no “outsiders” have access to private property, only by consent.

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#### **Land owner - only**

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I support - a licence holder must own land or the water allocation to be tied to the land in some form being one or overall titles.

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#### **No criteria - anybody**

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P10, C1 - The Crown will inevitably be a poor judge of whether a purpose is “worthwhile” and if a process is “efficient”. The discovery function of markets has no effective command substitute.

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#### **Small customer of Water Service Provider ?**

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Here, do property rights apply to OIC or the irrigator?

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Can you issue one licence to OIC in a trust kind of arrangement, with collective rights?

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#### **Water leasing/business person**

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Situation needs clarification - licence goes with owner or property? Someone buys water (who has no property) and runs a business to lease water to users.

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### **3.3.4 Applications & licence conditions**

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#### **Appeals**

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Application process should specify rights to object and form of submission/hearing.

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Are conditions on licences negotiable?

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#### **Aside/Question**

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Retrospectivity, would existing practices need to change? This issue was raised in respect of all aspects of the proposal and in the view of the meeting requires clarification.

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How do you get a licence. What is a licence?

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In any area where bores are permitted, they must only be to a depth above sea level.

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Why do some licences restrict users to a certain type of crop?



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Historic use: If the rivers run dry what happens to allocations?

To advertise your intentions of production prior to planting to gain a water licence is another strange request. In a competitive market place advising your competitors is not a forward step.

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**Conditions list - concerns - too many/charging/purpose**

Conditions on licences. The respondent considers that conditions placed on licences should be the minimum required to ensure effective compliance with legal, environmental and administrative requirements. The respondent has concerns with a number of the conditions contained in WRS 1 and 3: -concern that licence conditions are likely to be far too prescriptive, and extend far beyond those required to ensure compliance with legal requirements; -concerns with using licence conditions to achieve water use efficiency (see below); -while the respondent recognises the need for restrictions to be applied during drought or water shortages, the converse should also apply, that is during high flow/recharge years, licence holders should be able to take greater quantities of water; -concerns with imposing conditions which are likely to unduly and unnecessarily restrict the market for trading and transferring water, including conditions which specify arrangements under which the water may be sold or disposed of, and prohibitions, restrictions or arrangements relating to the transfer of licences; and -of most concern to the respondent is the proposal to include in licences, conditions relating to achieving/implementing environmental requirements. As previously stated the respondent recognises the legally constituted role of the EPA and DEP to impose environmental conditions on all developments, including water resource developments.

Too many "grey" areas and controls. Costs of meeting some conditions could be beyond control.

P10 & 11 - These should not include: the purpose for which water may be used; the efficient use of water and water resources; arrangements under which water may be sold or disposed of; prohibitions, restrictions or arrangements related to transfer of the license. Markets are better able to determine optimum outcomes if not so constrained. The other dot points should result in sufficient powers to deal with the externalises.

List of conditions - too encompassing not in every case land and water title separated.

The list of licence conditions proposed is extremely large and all embracing. Unfortunately no details on their content, rules, review appeals etc. are given. To what public scrutiny will the full details of these proposals be put? Will they be imposed on existing users?

---

With respect to the Commission having a right to impose conditions regarding the "standard of construction, dimensions, and any other feature" of any group works is considered unfair. The group believes that it has the ability to design and construct its "works" to its own requirements. Similarly the maintenance and operation of the works can be provided and achieved in accordance with the group's Asset Management Plan and in accordance with its current Operating Licence.

With respect to the "maintenance of the drainage regime" the group's backflow and flushing etc. is operated efficiently and no restrictions etc. should be placed on the group's operations in this regard through licensing conditions.

Licences Conditions Imposed - Payment of fees and charges not supported, and some local rules apply

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**Conditions list - environmental control supported**

Scott River - as a result of this proposal will you be able to knock back large scale horticultural developments to avoid nutrient enrichment.

Conditions relating to implementing environmental requirements - supported.

I agree with the proposal to send projects with serious environmental impact to the EPA for formal assessment.

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**Conditions list - support**

Best centrefold he's (Charlie) ever seen in a government publication.

There were no issues with the centre dot points.

When privately owned dams are constructed, overflow channels must be properly sited and built to cause least erosion or effect on other properties or state forests.

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**Conditions list - support & additions (recreation and navigation)**

Will there be allocation for recreational purposes, eg Karri Valley Resort dam?

From the point of view of sustainability, it is seen as appropriate that the Commission, or other authority charged with management of the resource, has the power to put in place strict conditions, prior to granting a licence, such as the purpose for which the water is to be used, the qualifications of persons undertaking construction and maintenance work and the requirement for meters or measuring devices. Conditions imposed should be developed with the Local Management Group and reflect irrigation best practice. It is suggested that in the interests of water efficiency best practice, consideration be given to conditions being imposed, where appropriate, on the quality of irrigation equipment being installed. In a similar vein, it is suggested that agricultural water users be encouraged to adopt the use of soil moisture





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monitoring equipment/appropriate scheduling technology.

#### **Conditions list - support with some exceptions**

All proposed "conditions to be imposed" are acceptable except the provision for payment of fees and charges with which we do not agree. At a time when water industry providers who have served the Communities well without any financial assistance from Government are being pursued to contribute sales tax, taxation equivalent, divided on value of infrastructure assets etc., added financial burdens such as charges, royalties are placing extremely heavy burdens which can only be passed on to the consumer.

Regarding the maintenance of water pressures, such is covered by the group's Operating Licence issued by the Officer of Water Regulation and therefore does not need to be a condition of the Bore Licence.

#### **Information provided**

A production plan for a property applying for licence issue, showing projected usage & water conservation & monitoring plans should be mandatory.

P11 Applications - Given that future applications will be made for licences which are of indefinite terms, it seems that the information required from the applicant could be more substantial, taking some of the onus off the Commission to obtain this information. For example, matters such as an assessment of the environmental effects arising from the proposed water use; and a list of the persons who are likely to be affected and potentially a consultation process with those people most directly effected, may be required in the application process.

How do you know that the information on the licence application is true? (probationary period)

Concern was expressed that developers undertake investigations/research; an independent assessor should be required as the developer may be biased.

The onus is on the applicant to provide "any additional, relevant information" required by the Commission. Some rules etc. as discussed before need to be determined before this type of proposal can be supported. How can an applicant for a license measure the volumes taken and monitor the effect of the activity before they have a licence?

#### **Investigation requirements**

What new steps may be required if BWB wanted to put down a new bore (P11 column 2, "The Commission will ..."). Under the new legislation what information would be required for application for a new bore?

Concern was expressed that developers undertake investigations/research; an independent assessor should be required as the developer may be biased.

The proposal is made that "... the Commission may delay the application or require the applicant to

undertake studies to obtain the information that it must have before it can deal with the application" P8. This needs to be spelt out in much greater detail. Open-ended is unacceptable. The need for the WRC to have information on which assessments can be founded is appreciated, however, it should be made clear what information applications will need to provide, as is the case with the environmental assessment process.

#### **Multiple licences - concern**

Concern about having many agencies needing applications etc., rather than just WRC.

In my case we source water from the Capel River at two sites and from Windmills & Dams at some 28 sites. I would need 30 licences while my neighbour sources his stock water from one site on the river and pumps it all over his property. He would need one licence.

#### **Priority of use in drought - perpetual licence issue**

P10-11 Licence tenure and conditions - Similarly, if moving to a licensing process which contemplates "worthwhile purposes", are those purposes relevant to considering priorities among licensees of indefinite terms in times of shortage? (Scott's new hospital versus established vineyard example). If priority, alternatively, is simply based on date the right was acquired, water users with "worthwhile purposes" will have to stand in the market place and purchase the security they require from potentially less "worthwhile purposes".

#### **Process**

Licensing of water allocations. The respondent's view is that licences for consumptive uses should be determined by the WRC in an open accountable manner, and in ways which treat all parties equitably and consistently, and which supports an efficient water market. The respondent considers that this can be achieved by: -providing that water allocations available for consumptive uses are advertised by the WRC, ensuring all potential water users and service providers are able to register their interest, and facilitating competition for water resources where several registrations are lodged: -requiring registrations to be accompanied by a submission outlining the need for the water, the intended use of the water, the licence period (perpetual, long term, short term), proposed development/management works, staging of the development of the water resources, and relevant technical and business background of the applicant; -establishing a process to enable local community feedback on the major, community interest aspects of registrations received; - the WRC developing a process for assessing registrations for water allocations which ensure all registrations are dealt with equitably, consistency, and on their merits in terms of supporting licensing and



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trading rules and guidelines set by the WRC; - requiring the WRC's decisions in terms of licences approved and the conditions set on licences, and the reasons for its decisions, to be made public.

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When do you give a person a licence; like does the dam get built before or after? How can we stop a dam that is not good for the environment?

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What new steps may be required if BWB wanted to put down a new bore (P11 column 2, "The Commission will ...") Under the new legislation what information would be required for application for a new bore?

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If BWB suddenly needed to increase their offtake, how quickly is WRC going to be able to respond?

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In the first instance, licences to be allocated only where environmental requirements are not compromised and where existing rights to water will not be adversely affected. The licence to include conditions which if not met result in the loss of rights and or penalties.

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Licences for consumptive uses should be determined by the WRC in an open accountable manner, and in ways which treat all parties equitably and consistently, and which supports an efficient water market.

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The Discussion paper outlines the procedure that must be followed for application for a license. This includes advertising within the paper. However there is no notification to the landholder. This should also be included in this section.

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How do you get a licence. What is a licence?

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Licensing - Seen as an efficient low cost system. The meeting concluded that the system of allocations requires considerably more information. Who decides the type of licence imposed (perpetual or fixed)? Change of licence conditions must be negotiated with licence holder and Local Management Group.

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#### **Setting allocation - how/what criteria**

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What about drought years and implications for people downstream re: salt levels?

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If a claim is made by a person for rights to water and thus the grant of a licence will the Water Law define specific minimum criteria to be met to determine eligibility (other sources, actual need, effect on other users etc).

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Who will decide, and how will it be determined usage rights?

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When you assess an irrigation area, do you make an allowance for people with tanks?

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How do you work out how much a property uses?

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Allocation - Very little detailing of factors - suggest need more, rather than in the conditions, especially impact on other users, local area and public interest, and compensation.

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If a resource is already fully allocated, no further licensing to a currently unlicensed user?

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How would licence be structured - quantity?

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What if I want to increase use after getting licence when there is plenty of water?

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#### **Water quality**

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Is water quality part of the conditions the WRC can impose?

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Would WRC have say over quality of water flowing into creeks, especially overground? Who would?

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### **3.3.5 Access licences**

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#### **Concern**

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Given that all sources of water should be assessed for environmental allocation prior to "defining the (upper limits of) water available for consumptive uses", future growth should be seen as reducing from that point according to environmental changes and increased usage. That portion of the source available for consumptive use should never be fully allocated to future growth.

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The respondent has some concerns with access licences as proposed. The issue for the respondent is whether the proposals outlined in WRS 1 will achieve the aim of providing sufficient security to water users/providers to invest significant funding in proving water resources, planning the necessary infrastructure, etc, with confidence that they will be able to develop the resources in the longer term and realise their investment. Major industrial and urban developments need to have assured access to future water resources to ensure developments proceed in an orderly manner, consistent with whole of Government planning requirements. In the case of providing water supplies for new urban developments as an example, decisions made by land use planning authorities - not by water service providers - will determine exactly when the provision of water services will be needed. Stipulating a specified date some 5-25 years hence, which commonly occurs in granting access licences, is not a useful approach.

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#### **Market transfer preferred**

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With respect to the transfer price of the access licence, I would suggest rather than restricting it, allow the market to dictate the price, with a specified rate of return to the transferee and any surplus going back to the Commission.

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P11 para 4 - Changing demand can be better satisfied by trade in permanent rights with the Crown entering the market.

---

One way of achieving return on investigation costs ... could possibly be achieved via the granting of tradeable water rights over the entire yield of the Lower Fortescue field. Refusal for the "awarding" of

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such rights could result in the considerable investment being uneconomic and thereby jeopardising the entire ... project.

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### Process

The access licence should require a developer to make his DEVELOPMENT PROGRAM available to the landowner as well as the Commission.

P13 Providing for future growth - Rather than relying solely on advertising to alert interested persons, the applicant could be required to notify directly those persons who are likely to be directly affected. It appears to be implicit that "any interested person" will be able to raise an objection if they wish to do so regarding the use or development of the water source. I would encourage a very broad right of objection, to allow the community a voice in the allocation decision process.

You wouldn't want the hassle of getting an access licence to put people off.

---

### Questions

Length of access licences; some Agreement Acts run for 40-60 years can they fit into this, OR can there be guaranteed renewal with the only condition on renewal being that the proponent/licence holder has met all the previous conditions.

Does the above point (can water locked up for future public needs be used in the meantime) apply only for future public use, what about future private use?

Can water locked up for future use ie. for public needs, be used in the meantime?

Is the access licence going away from "first in best dressed"?

Does an access licence equal a retention licence?

Access licences - What if SWIMCO finds itself competing with the WC which is providing water for the city?

These were not discussed at the evening. What rights will this license entitle? These licenses require an investigation to be undertaken. What detail will be required by this investigation?

P11 Providing for future growth - The position of Water Services Coordinator is mentioned here and later in the document. What are the duties, powers etc. of this person?

What if someone comes along 5 years after an access licence is issued and has a better plan than the original licensee?

Third Party Access (as mentioned in Page 12 of the proposal). Does this imply another person can share an already allocated resource? What protection does this

provide to a licensee who has developed an enterprise based on an allocated license?

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Will water be "reserved" for public utilities?

Access licence case studies: 1. WC has access to water into the long term future (in Kemerton area) this water cannot be used by others. 2. Use of the Lower Fortescue water for mineralogy.

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### Support

Access licences - allow for long term planning?

P11 access licences - Supported.

P11 access licences - SUPPORTED.

Access licences would be better (for ...) longer and more flexible.

Access licences SUPPORTED for long term planning.

Positive Aspect - Flexible access licence provisions - long term preference.

Licences - proving for future growth - Agree

Problem for industry is that of not being able to reserve water.

Access licences being untradeable was supported.

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### Support - qualified

P12 Compensation: it would be better to declare this as a matter of statutory duty rather than a licence condition. Also, will compensation be payable for damage to the public as well as private interest, how will it be determined and who may enforce the claim for compensation for public interest damage?

P12, C1 last para - This is acceptable as far as it goes, but doesn't it also require some comment about the Crown's obligations to compensate?

Access licences - useful for public good but not for development necessarily; example given by Mr...B about dam for viticulture proposal which may be staged development over 10 years even though the dam holds sufficient water for the entire property.

For this reason also, the respondent is also opposed to the WRC being able to issue temporary licences to a third party for water resources subject to an access licence. The respondent considers that the conditions under which access licences will be issued and operated must be modified to take account of the uncertainties inherent in developing major long term, water-dependent projects. This will involve: -ensuring that water can be taken when required by the project, rather than from a stipulated date; -removing the ability of the WRC to issue temporary licences to a third party, or at least requiring the approval of the access licensee to any issuing of a temporary licence; and -ensuring where access licences are issued, that licensees' expectations of conditions of use including volumes that can be taken, are reasonably met, or



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where 10 EWP's preclude this, that fair compensation will be payable.

### **3.3.6 Local rules on licensing (or lack of them)**

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Will all bores need to be licensed?

Currently need to go to WRC if want to build dam or gully or whatever, when? Shouldn't be a problem if abide by riparian rights.

#### **Support**

Allocation process with local rule - Agree

LICENSING OF WATER SOURCES - The licensing of water sources (bores & dams) not to be undertaken until the local area Management Group declare the area as a control area. The need for licensing and monitoring of bores is not required in areas where the bores are only able to take advantages of small catchments and do not impinge on any other operations. Under such circumstances there is no need for licensing system as the impact is very localised and the production of water in many cases is not enough to be saleable quantities.

#### **Support implied -suggested local rule(s)**

The Capel River currently has more water flowing down it in summer that it does 20-30 years ago when the river would form pools for short periods after heavy use from irrigation for pasture and orchards. Two things have happened - There are less orchards and no pasture irrigated. The orchards that are left are using trickle instead of overhead sprinklers. The river at our property has not stopped running for about 10 years. Until this situation changes I see no need for licensing water use out of the Capel river.

As stonefruit growers in the Perth hills in a catchment area we are only too aware of the need to operate our orchard in a sustainable manner. Using up to date methods and practices is essential in orcharding today. With regard to water usage we are seriously disadvantaged in the volume of water available to us in the summer. After the winter creek dries up our only option for water supply is from relatively low-yielding bores which are costly to install and require careful management to ensure their efficiency. The prospect of interference in this most important area of our business is disturbing and unnecessary. Unlike many areas of Australia our industry does not draw its life-blood from a large aquifer or dam/river or scheme. We are self sufficient and neither our situation or the situation of the surrounding bush can be improved by outside interference. The licensing of bores dams and creeks in the Perth hills will be an unnecessary imposition on the growers and has serious

implications for an industry which has co-existed with the surrounding bush in harmony for over a hundred years. A more practical approach to the water problem would be to pipe water back from the Perth basin up to the hills where it could be put to some good use. We would whole heartedly support a scheme and any licences or restrictions necessary to run it. After all the water in the Perth basin probably originated from the Perth hills which does mean it belonged to this area in the first place. Should piping the excess water back from the Perth basin be a non-option we recommend that the Perth hills at least be exempt from the blanket reform proposal due to our shortage at critical times of the year which are the months of December to March.

### **3.3.7 Licensing appeals**

#### **Local management involvement**

Appeals and disputes between the Commission and members of the public are currently decided by the Minister administering the Rights in Water and Irrigation Act, that is the Minister for Water Resources. Disputes between members of the public are resolved by the Commission if the matter is within the power of the Commission. That where possible, disputes should be dealt with by the local advisory committee or by the Commission taking account of the advice of the committee.

#### **Support**

Licences - appeals - SUPPORTED.

The proposed appeal process is considered acceptable by us.

Licences - Appeals - Agree

#### **Support for an independent tribunal**

DISPUTATION IN ALL LEVELS - In the event of disputation between any parties, all direction for appeal and conciliation be clearly defined within the legislation. The allocation of water will become harder as the water resource becomes more valuable due to supply shortages. This may lead to incorrect decisions and even corruption of the decision making process. The use of an independent appeals process will allow all parties to receive a fair hearing. The process needs to be in isolation from the minister unless in relation to impropriety in the relevant agency. P12 "Appeals" - The association opposes appeals to the Minister on the grounds that these tend not to be open and substitute the rule of man for the rule of law. They corrupt political processes. If the courts cannot handle the conflicts, then an appeals board or similar mechanism is called for (why not use the Agricultural Practices Board - established in 1996 by Minister Monty House)?

#### **Third Party Appeals - support/implied support**

By objectors (with private or public interest).



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Why is there no third party appeal in process?

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The Act does not seem to be moving towards third party appeals, why not?

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Appeals. To protect all parties and to ensure accountability for all decisions made, the respondent considers that the right of appeal should be extended to appeals against the decisions of the WRC concerning the major issues in allocation of water for consumptive uses: allocation of water, licence approval/rejection, licence conditions, and revocation of licences and the implementation of other forms of penalties. The respondent also considers that provision should be made for third party appeal rights. The respondent considers that appeals should be heard by a professionally constituted and independent appeals tribunal, for the following reasons: -appeals to an independent appeals tribunal, rather than Ministerial appeals are generally the industry standard in Australia; -appeals to the Minister are particularly unsatisfactory in the case where the Minister is responsible both for the State's water regulator and the major water service provider. It is likely that at some stage, the respondent and the WRC will be opposite parties to appeals, and these appeals are likely to concern significant water resource allocation and development matters. The Minister will inevitably be placed in the politically difficult position of having to determine appeals supporting or rejecting the views of the respondent or the WRC -An independent appeal process is important where appeal decisions are likely to have significant commercial implications, given an effective operating water market.

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#### **Third Party Appeals - opposed**

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Support no 3rd-party appeals.

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Support no 3rd-party appeals.

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### **3.3.8 Transferability of licences**

#### **Capital gains tax**

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Tax to capital gains. Does separation create a new asset subject to capital gains?

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Tradable water and separating water title from land title will change the land title and the value of land at sale. If I bought my land before capital gains tax became payable but get a water title now, do I pay capital gains tax on my new water title when I would not have to under the old system?

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Capital gains, can you look into it and get an answer in the next document?

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There is a serious concern regarding Capital Gains Tax implications being: the land in question attracting Capital Gains Tax upon being sold (irrespective of whether purchased before or after 1985) due to their Title Deed to include water resource entitlements; Capital Gains Tax implications regarding the sale or transfer of water entitlements; assessment of land value where price paid included both assessment of value for water and assessment of value for land.

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There could be serious Capital Gains Tax implications with these reforms. Answers and assurances would need to be given (one way or another) to all growers regarding this very real concern relating to both the land and transferable water allocations.

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**CAPITAL GAINS TAX** - Any alterations to land title could have implications. Before any reforms can take place, assurances need to be given to all concerned parties that proposed reforms will NOT affect any bore holder in any way.

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#### **Change to new system**

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Transferable licences, if I am allocated 3000MI/ha and am using 6000MI/ha I would have to buy some. We need a reassessment before the new system comes in to see how much we are using.

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Negative Aspects - Rush to secure excess capacity for future tradeability.

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#### **Concern over fairness of TWE's**

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If you introduce TWE's do people get a licence based on their historic use, and behaviour?

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Concern was expressed over access of third parties onto private land to use water resources on that land.

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Equitable distribution of water: Some table grape growers in the South West of WA have in the past had trouble gaining access to water. In some cases water has been allocated to other users where the allocated amount has not been used in full. This has led some table grape growers not being issued an allocation that can be relied upon in the long term. Speculative deals on land with a water allocation have occurred tying up water resources. The grower would like to see procedures in place to ensure equitable distribution of water and transferable water rights on a volume per area basis.

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TWE's may make it easier for certain uses to stay in an area at the expense of other uses.

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If everyone had the same allocation of water to begin with then TWE's would be fair, in the current situation they are not supported.

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Isn't that a windfall for those who currently have a lot of water and aren't using it (TWE's).

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There seems to be problems of a practical nature not considered within the proposal, with respect to transfer of water and dam placement. Equity of access to water may be denied within the context of the present proposal.

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### Concern over TWE's to specific areas

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Water Trade Entitlements not relevant to all regions, ie. regional input.

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TWE's not appropriate in Broome - not agreed with other than one person who thought they were a good idea.

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TWE's will get out of control in Broome, will not work in Broome.

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Why were the people in Kununurra against TWE's?

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If majority in Carnarvon decided didn't want TWE's, what would happen?

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We need a lot of water security so we can take up mega-expansion when opportunities arise. Could we put a moratorium on tradeability for 20-30 years to allow Ord to grow and settle? We can't farm here at all if there is no irrigation.

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What happens if WRC breaks the agreement to have transferable licences? Don't want it on the Ord. How do we restrict trading in this area? Would there be pressure to change that restriction in the future.

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TWE limited in Manjimup area due to spatial constraints/geography of the area.

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Does transfer of water rights contribute to urbanisation?

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Issue for SWIMCO of whether supply channels can actually deal with water transfer.

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How will TWE's affect the vegetable growing industry, will good land be left to fallow because there's no water? Need to specify in the TWE's that a certain amount of water is left behind to manage the land.

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Highest & best use of the resource. This is a dangerous requirement. Twenty years ago, growers were encouraged to pull up their apple trees in Bridgetown (their water entitlement therefore would not be considered "highest and best use") Today the same trees are being planted (now considered highest & best use"). Twenty years is not a long time to establish and invest your life savings into a project with the uncertainty of your future water allocations. For the highest and best use idea to work the man on the land must not be inhibited by future uncertainties. Current uncertainties are bad enough.

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IN SUMMARY - The change in water resource management will mean significant changes to the way many fruit growers go about their business. The impact of a pure market approach to water allocation may effect the fruit industry in the longer term because of the long delays between planting and full

production. This leads to long periods of input with little return and if only the immediate value of water is taken into account, then fruit may not be grown.

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Small waterways such as Neerigen Brook should be used for the purpose of the landowners and the water should not be tradeable.

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### Environmental concerns

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Transferable water entitlements should not be permitted in high risk areas such as those where regulations are already in place to control salinity.

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The council also supports an integrated approach to natural resource management which would protect biodiversity and the integrity of the water resource. It is not our view however, that the trading in water entitlements would achieve greater protection for the water resource and the environment. Turning water into a marketable commodity may provide economic benefits for some members of the community, but it is likely to disadvantage others, and put enormous pressure on WA's environments, which is already under threat. Although the proposed change to the rights to use water would produce an income from 'licensed' and 'local rights' which would be used by the Commission to manage the resource, it would also put in jeopardy the more vulnerable parts of the environment. Currently the Commission does not have the resources to adequately meet its charter and obligations. Placing additional responsibilities on the Commission even though there would be some income from licenses to offset the costs of Administration, would only worsen the situation. We also believe that the Commission would be vulnerable to local pressure groups which have a strong economic interest in water allocation. Such groups could influence the Commission (probably through their political representatives) to facilitate water trading arrangements despite the effects on the environment.

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Some growers in high salinity risk areas are concerned that any mistakes made in the allocation or transfer of rights within a catchment or aquifer, places their property at risk.

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The actual water supply available generally dictates the size of an orchard and its production. To draw water (Transferable Licence Proposals) could create a number of problems one of which would be over clearing.

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Shouldn't be transferable water licence on the coast because it will stuff up good water in the places it's transferred to. It is a money-making scam because it will always stuff the water up in this situation.

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How can we transfer water onto my property where salinity would then be a problem?

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TWE's cause problems for wetlands and wetland vegetation.

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The environment and the resource will suffer from TWE's.

Whilst wetlands, including watercourses and groundwater would be under the control of the Commission, it is unlikely that the Commission would have the on ground staff to monitor the impacts of water trading on wetland systems. This could lead to a deterioration of wetland systems and native vegetation dependent on the groundwater.

#### **General statements regarding TWE's**

Concern has also been expressed by many people over the forcing through of legislation to gain Federal Government payments as per the COAG agreements. There is also concern that changes to other areas of trade have reduced the international competitiveness of industry sectors. The concepts of free trade work well when an insular approach to local trade is considered but can often fall down when put into an international market place.

Speculation by keeping unused resources not allowed therefore controlled rather than free market.

In workshops and discussions the fundamental differences/difficulties in applying TWE's to groundwater and surface water should be recognised and dealt with separately. Give some theoretical or real examples how the TWE's may be applied so that people can see and discuss the process. Make the point that for groundwater it is pre-supposed that adequate knowledge is available.

I support - leasing while the licensee is in a development stage or changing water use or holding over for a family member in the future.

Without changing the law small scale trading of water is already a possibility between adjoining properties where water availability and goodwill are appropriate.

The traditional perception of ownership of the right to use water is that the right is tied closely to ownership of land and should therefore be sold with the land. The proposed approaches to water property rights which are being developed separate the water right from ownership of the land. This approach is intended to encourage greater efficiency in water use through facilitating trading of water from low yield uses to high value uses. The Group is concerned that while this may have the effect of relocating some volumes of water, the maintenance of mechanisms that allow for continued access for water needs is critical. Intensive and extensive agriculture is dependent on a secure, reliable water resource. Many farmers have made considerable investments in water supply infrastructure such as bores, dams and piping in order to provide this security of supply. Such investments has led to an increase in the value of properties.

That a market in water should provide a price discovery mechanism which puts a value on additional entitlements to water, and also has the flexibility to

reflect the reality of differences in the value of water between regions and production types. Some regions don't fully utilise the water resource therefore values should reflect whether the resource has the capacity to be fully utilised.

Is it necessary to have separate titles for water and land in order to establish a TWE system?

OIC prefers transferability of volumes rather than licences.

Market mechanisms should be used to drive water use efficiency.

Our conditions are different from over east. Transfer and environment not such big issues over here.

Transfer of water entitlements: there has been mixed reactions to the transfer of water rights. Whilst some producers support the principle others oppose as they believe it should be tied to the land. From the WRC report of October 1997 it has been stated that not all water will be available for transfer. Stock and domestic water needs will be retained on each property. Concern has been expressed that with transferable rights water resources may not be directed to the most efficient use. For example, many properties in horticultural areas are being sold to people with large incomes, other than agriculture, and are therefore able to pay an inflated price for this resource. If the state is to benefit from increased horticultural production there is a need to keep the cost of water resources within reason. Transferability of water resource may maximise the cost of water resources with individuals suffering from the lack of ability to obtain additional supplies. Like any other industry with fluctuating incomes producers could be pressured by financial institutions to sell their water rights to satisfy a short term debt or downturn in the market.

Retrospectivity, would existing practices need to change? This issue was raised in respect of all aspects of the proposal and in the view of the meeting requires clarification.

In NSW and VIC before a transfer takes place the applicant must show proof that anyone interested has given consent - third party interests must be dealt with before transfer eg sharefarmers, partners in a business relationship.

Value of land decreases if you sell your water.

There will be a one off impact on land values.

Need to learn about transfers from California - Transfer has been very detrimental to primary production in some cases.

In VIC a transfer does not occur until the applicant provides searches of the current titles. The department checks the searches against their records. They must provide statutory declarations that other interests have been satisfied. In NSW the same searches are required



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with solicitors certificate to show that searches have been done and are correct and up to date. In Qld they will probably follow VIC's approach as the farming lobby do not want solicitors involved.

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TWE's - if someone uses my water and I sell up and move, my neighbour loses access to the water.

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I just heard you say you didn't want TWE's in Carnarvon. Thought you were here to solve complaint that trading will result in allocation reductions due to competition. Want to see progress in the State. Will the TWE's all come off the scheme?

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I thought the government or service providers would act as brokers.

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A property holder could sell off his saline water.

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TWE's - a case of public use versus private good, the public good will always lose.

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Is it necessary to have separate titles for water and land in order to establish a TWE system?

---

Value of land declines if sold allocation.

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**Implementation - suggested market rules/comments**

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Should only transfer to same use; if it isn't going to be, it should revert back to original nominal allocation (for that land).

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Before TWE's are possible you need to have meters.

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Can't transfer from some areas to others.

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Transferability - distance should be defined; should be linked to the suitability of the area for the proposed development.

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There should be capacity for groups of users to opt out of any new system but be able to opt in at a later stage subject to more than 50% of the landholding being in agreement.

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Stock and domestic and environmental requirement should stay with the property.

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The meeting proposed that separate agreements made with water supply companies be subject to the same conditions as apply to individual irrigators.

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P13 5th dot point - "Tradable portions" are probably best left to sort themselves out. They are not an issue until there is a very sophisticated market with derivatives. Millions of sheep change hands without the necessity of imposed "tradeable portions".

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Family run enterprises: Many table grape enterprises are small family run businesses. Quality of fruit is paramount and small family run enterprises are able to produce good quality fruit consistently mainly for export to South East Asia. The grower is concerned

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that these reforms may be detrimental to small producers with bigger players being able to buy large allocations of water to the detriment of the smaller family run enterprises. The grower is keen to see that small operators are not disadvantaged by the changes.

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The meeting proposed that separate agreements made with water supply companies be subject to the same conditions as apply to individual irrigators.

---

The meeting proposed that separate agreements made with water supply companies be subject to the same conditions as apply to individual irrigators.

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**Land values -questions, statements, concerns**

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Any compensation of valuations?

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What happens to the value of the land when the water is sold?

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Land values high because of water licence going with it. You are now telling us the licences are short-term. Would WRC handle allocation transfers? Don't like proposed system.

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What happens to land value if I die half way through a lease that I've leased out to someone?

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In the example of old people selling allocation off, what happens to the land when the old people die?

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Could these changes affect property values and would there be any compensation?

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**Limits to start trade - resource knowledge to write plan**

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It is felt there is a lack of knowledge by authorities on the availability of water, recharge levels of aquifers and other sources of water that may be available. The resources has not been accurately quantified. This will lead to problems with TWE and the distance they may be able to be transferred. WRS1 does not address this issue and the effects of the transfer on other users.

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**Market operation - monetary concern**

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Transfer and selling of water allocation not to be seen as creating an asset of high worth therefore justifying a large license fee.

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Will there be charges (stamp duty and the like) to be paid to WRC for transfer of licences?

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That means I have to pay you if I want to buy more water? Water rates are already transferable.

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Transfers and "use it or lose it" just methods to get more revenue.

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Who sets the price on licences (trading), will WRC have transfer charges as well?





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On transfer of water rights if they are sold are we liable to pay stamp duty, inquiry fees, fees for two licences? Are they for 5 or 10 years?

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**Market operation - questions about possible rules/transfer process**

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Could we definitely get our leased water back after leasing for many years? Government may change the rules because the leasee has put so many financial resources into development and it will be jeopardised by giving water back.

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If the owner has the licence, why is there a need to go back to the WRC?

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Wouldn't a lease system be better than selling?

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Trading of licences - do they stay on the property, how do they relate to existing licences, are they open to other uses apart from the present use?

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How do you propose to auction off my water (rights)?

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Can you allow transfers as a once-off or does it have to be applied throughout a region?

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How would the process of unused water transfers work?

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Will changes mean that you can go through a watercourse in someone's property?

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A second issue related to this is as follows. Should I decide to sell my land but retain my water license, how will this interest be registered? The reply on the night was that no license could be maintained during the exchange of property owners. What will be the case? The proposal suggest that there is no need for this to happen.

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Will the WRC vet every transfer of licence?

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If a licence holder leased some of his allocation could the WRC take back some of the allocation?

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How long would a transfer last for?

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If a person who is leasing defaults, is there a comeback on the owner or the lessee?

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TWE's, would they give WRC the right to buy water back for the environment?

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Can a person with a licence use water on another property?

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What if you have sold your water, someone who buys your land doesn't have any.

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Location/piping of water; how does that fit in?

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Who would coordinate the sale of TWE's?

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Leasing/selling surplus?

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What will happen if: In the event of sale of the land, the original owner retains the water right? Can that water right be on-leased to a separate user?

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Meeting required clarification of differences (if any) between groundwater and dam TWE allocations. View was put forward that if implemented the TWE/allocation process must be transparent.

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Meeting queried how the value of water is to be determined for the TWE process.

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In the event of urbanisation pressuring an existing horticultural area what will happen to water allocations, could they be sold, or would they be resumed for urban use?

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With regard to the trading of water licenses, this needs to be considered very carefully to avoid such things as individuals using this resource for monetary gain, especially if it affects other surrounding farmers.

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What will happen if: Through good water resource management a licensee utilises less than their allocated amount? Will there be a "water bank"? If so, who will determine the terms and what are the expected pricing implications?

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If agricultural water is sold to industry, how will we get it back when demands change?

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What's to stop "you" (the government) taking my water eg Gingin?

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Meeting queried how the value of water is to be determined for the TWE process?

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When there is intense competition who makes the decision to commence trading?

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How will I know if someone takes a licence for water under my property, if I have no water can I get it from a neighbour????

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How will TWE's be bought and sold (actual mechanism)?

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Concern was raised over the "use it or lose it" principle, participants believed that in such situations compensation should apply. What would happen in the case where crop rotation requirements dictate that a farmer lease another parcel of land, while letting his own land lie fallow? Would the farmer be able to "transport" his allocation?

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How do you manage the transition from one use to another?

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Meeting required clarification of differences (if any) between groundwater and dam TWE allocations. View was put forward that if implemented the TWE/allocation process must be transparent.

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In the event of urbanisation pressuring an existing horticultural area what will happen to water allocations, could they be sold, or would they be resumed for urban use?

Meeting queried how the value of water is to be determined for the TWE process?

Meeting required clarification of differences (if any) between groundwater and dam TWE allocations. View was put forward that if implemented the TWE/allocation process must be transparent.

What's to stop overseas buyers buying all the water rights?

#### **Market operation - statements/comments**

People see TWE's as taking away their rights.

Transfer of licensed water sources cannot be left to local bargaining if they want to leave or sell their allocation. The notion of the "hidden hand" of economic forces creating an equilibrium in the market is an outdated 18th Century concept. It is foolish to expect local people involved in competitive situations for water resources should be left to handle licence transfer. It is inappropriate of WRC to try to impose legislation and then abdicate responsibility for its full implementation on the ground.

Water for public/potable consumption should not be included in tradeable water.

Pricing and availability would be managed/controlled by WRC (a controlled rather than a free market).

Transfers can be mediated by the local management committee.

Accountability of WRC and WC is a problem and makes us nervous about TWE's even if we agree with it. Should be going and finding the extra pipes people are using to pipe more than their allocation. Need enforcement of rules, but not from local organisations - we are not prepared to wear flack jackets. Need more accountability from WRC and WC, not buck-passing.

Registration should be easily accessible by the public eg REVS.

The Department of Natural Resources and Water Management notify the Valuer Generals Office upon transfer.

Groundwater license's should become tradeable on the open market within a given time frame. All bores not just new ones should be fitted with tamper proof meters.

Who will set prices if buying or selling water? If someone is desperate for water and their neighbour

has heaps, what is to stop them pushing the price right up?

#### **Market regulation - WRC's views too restrictive**

The respondent believes that market mechanisms have a significant role in terms of achieving the COAG outcomes in all aspects of water resource management, including fully valuing water resources, ensuring water is allocated to its highest and best use, improving water use efficiency, maximising reuse and recycling of water resources, and increasing competition for water resources. However the respondent is concerned that the WRC seems to be leaning too much towards regulatory approaches to achieve these outcomes. The processes for allocating water resources and transferring entitlements outlined in the WRC proposals place the WRC central to all decisions concerning all aspects of, and steps in, allocating water resources, licensing water allocation, monitoring compliance with licence conditions, and selling and transferring water entitlements. The respondent is concerned that such an approach will increase the administrative workload of both the water resource manager and water service providers/users, and place unnecessary constraints on the water market. This also runs counter to the COAG principle "that water entitlements and institutional arrangements be structured so as not to impede the effective operation of water markets and such that, as far as practicable, trading options associated with property rights in water reside with the individual end users of water". The respondent considers that the WRC should review its proposed processes for allocating and transferring water entitlements towards fostering the development and operation of effective and efficient water markets, rather than focussing heavily on regulating/controlling water licences. This can be achieved by redirecting the WRC's responsibilities and resources towards: developing technically, environmentally, and socially sound Regional and Subregional Allocation Plans as a first priority; defining and administering the rules for trading/transferring water entitlements; monitoring and auditing the performance of water users and water service providers in terms of implementing environmental and other licence requirements, and ensuring water markets operate fairly, efficiently and effectively; and establishing rules for dealing with conflicts between parties concerning trading of water allocations.

What business is it of WRC if people are speculating?

Entitlements are now specific to a source therefore it is not possible to sell to someone in another area or source area; WRC therefore creating a limiting market.

WRC will be manipulating the economic market.



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Appears to be a very managed market.

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Negative Aspects - Market proposal highly regulated and considerable discretionary powers.

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P13, C1 para 2 - For similar reasons to the above, the water resource manager is a poor person "to ensure" although he should have the ability to take cases before courts or tribunals with the necessary jurisdiction.

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The goal to maximise water's "contribution to national income and welfare" P3, has the potential to be contentious and subjective. Providing that the environment is protected and the community's basic needs are met, then it is preferred that the market be the judge of which commercial application the state's water resources are put to. The statement is made that these changes build on systems developed in other states and countries. It would be relevant to identify what systems and countries and how the success of these has been established.

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P13 para 1 - If you want a market, then you have to trust it. The relevant rules should be the only issue.

---

The WRC should review and redirect its policy approach for allocating and transferring water entitlements, to foster effective and efficient operation of water markets, rather than relying heavily on regulating/controlling water licences.

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#### **Market regulation - needed/should be strong**

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Concern was raised over the possibility of speculation. How much emphasis would be placed on market forces?

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Market rules - SUPPORTED.

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Concern was raised over the possibility of speculation. How much emphasis would be placed on market forces?

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Concern was raised over the possibility of speculation. How much emphasis would be placed on market forces?

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#### **Native title questions**

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What are the implications of native title claims in TWE's

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What are the implications of native title claims on TWE's?

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Firstly the proposal to separate water and property rights. If the crown considers it already has the right to use, flow and control of most water, why the need for such a whole scale reform as required by the COAG agreement which requires the implementation of a comprehensive system of cleverly specified water allocations or entitlements separate from land title. If they must have to bring in proposals to separate the

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two then water rights must go with land title, the WRC state that they do not. This point must be cleared up as the also state that legislation has already previously separated the two but have omitted to state that relevant legislation to back up there claims on the proposal. Many titles state the "natural surface and so much of the land as is below the natural surface to a depth of 'so' many feet or metres" - from one to thousands of feet. There is no mention of crown rights to water, but mentions crown rights to the gold, minerals, oil, precious gems, silver, copper, tin and gravel on freehold title. If the crown has the right to own control of water then water must come under Native Title. Native Title has as yet not had any impact on the freehold land. This proposal exposes water on all areas of WA to Native Title Claim.

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If the land and water titles are separated does the water on Freehold land become subject to Native Title Claim.

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If the land and water titles are separated does the water on Freehold land become subject to Native Title Claim.

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#### **Not supportive of compulsory trade**

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We are against the compulsory transfer of water rights.

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Our land is worth nothing (re-sale) if it has only half an allocation. Trading would ruin this area. How can we make sure trading won't be allowed here in say 20 years?

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#### **Not supportive of TWE's**

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We also believe that water rights should remain with privately owned property and not be transferable.

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Water is to become a saleable commodity in that water surplus from a landowner's allocation and perceived needs at any one time will become saleable to other consumers. Water is a primary essential of life, similar to air, and as such should not be considered to be a tradeable commodity. This becomes even more unacceptable if the new legislation is designed for water resource conservation. Water surplus to needs should remain available to the environment or in underground storage pools for the future.

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Negative Aspects - Little value to responsible managers (no spare capacity).

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While there is a need to upgrade and reform water usage to meet growing population needs and the existing Rights in Water and Irrigation Act of 1914 in an environmentally friendly manner, the trading in water entitlements would not achieve greater protection for this precious resource, nor would it in any way benefit our already badly depleted and degraded wetland areas.

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Don't want licences; don't want transferability.

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The discussion parameters have already been established by those above. Those discussions are only

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possible within a prescribed framework and are based on the need to commercialise, compete and add monetary value at every level of community activity. As land has been artificially priced out of reach of ordinary people, so do you proposals aim to do the same with H2O.

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TWE's not supported - the obvious parts of the environment will be acknowledged, the less obvious will be overlooked.

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Definition of productive use may change over time, so insecure future.

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To move water away from irrigation areas where canals and the like have been constructed will waste infrastructure and land which is suitable for flood irrigation.

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We are second & third generation orchardists with a view to continue in the primary producing industry on this property. We are deeply disturbed by the proposed transferable water entitlements and user pays scheme due to the following points: 1. Within the Kalamunda Hills area there are no natural bodies of water or man-made reservoirs for residents or primary producers to access or allow flexibility. 2. Water demands are highest November to March for growers. All water accessed is within the property, it is vital that growers are self-sufficient, therefore growers a) rely on low volume bores b) manage available water proficiently c) have a responsible attitude to water usage. Consequences of the water proposals would severely impact on the already depressed state of the fruit industry. We strongly recommend that the Kalamunda Hills area is excluded from the transferable water entitlements and user pays scheme and primary producers in this area are left to manage the water available on their properties.

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This Group considers that trade in water should not be permitted if it will have a significant impact on water quality or threaten minimum user requirements or environmental conditions.

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We are completely opposed to tradeable water allocations. This will not work in our area as valuable horticultural land could be left without water and unproductive. If growers 'sell off' unused water allocation to growers who will use the water, increased demand will be put on the resource, causing water shortages to occur much sooner.

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Very much against transfer of water rights.

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TWE's have no practical application in this area.

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No transfer, keep water use down.

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**CHOICE TO TRADE WATER** - The tradeable component of water to be traded at the discretion of the owner or licensee. Many operations utilise stored water as a recreational and aesthetic enhancement of the living environment. The need to trade unused portions of water is unacceptable if the water is stored for other than purely productive uses. The storage of water in many instances is for usage in extreme situations such as drought due to the long term nature of maintaining full production from a fruit tree.

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We oppose the setting up of water trading arrangements as we believe that this practice will add to the current problems rather than solve them, with WA's river systems and wetlands continuing to degrade. However if trading is allowed it should be proceeded by a small scale trial in a surface water reservoir first. eg Harvey. If this is successful, a small scale trial on groundwater could be considered. We do not believe it is acceptable to transfer continuous reallocation tasks from the Government domain to the market place as proposed under 2.6 (administration and regulation)

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Market Rules - Disagree (water not to be tradeable)

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Tradable and Non Tradable licences - Disagree ( water not to be tradeable)

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Setting Market Rules in plans - Disagree ( water not to be tradeable )

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#### **Question/comment/more information**

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If trade is introduced, how do you determine the market price?

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What would happen with the water rights in the case of the death of a retired couple who have sold off their allocation.

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Please run through transferable water rights.

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Is TWE's just for irrigation areas?

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Why are TWE's a concern to the Commonwealth?

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Please expand on what you mentioned about the sale of water from bores (separation of land and water titles)?

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TWE's - what does that mean?

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TWE's - can you trade from one location to another?

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How long between licensing and TWE introduction?

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This only applies to people with issues regarding allocation, other users may get confused.

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Does the proposal include the Harvey Waroona irrigation areas? It is very difficult to separate the land and water titles in irrigation areas.

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Which areas will have the first transfers?

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### **Questioning of benefits of transferability**

Where will tradeable water licences make a difference ie. different to what is happening now?

Why is transferability beneficial?

A lot of farmers have put in dams in an effort to drought proof their property in some years there may be a surplus of water. It cannot be traded for instance, you spend a lot of money to put in a dam and your neighbour says why should I spend money on dams when I can get water from my neighbour if he does not use the water.

Please give an example of where it would be of use and beneficial to all (TWE's).

What does TWE achieve?

If you get older and take it easier and want to sell some water it might affect your pension.

What is the use of a tradeable licence if the Minister has control over it?

How many people would sell water, we all want water and need it, who would sell it?

What happens if somebody doesn't use half their water for a few years and sells it? When they want to use the water again there may not be any available.

### **Questions/opposition to speculation**

Is our water going to be sold to "outsiders"?

The granting of a licence should be for the use of the landowner and it should not be for the purpose of selling.

What if someone applies for a licence and doesn't use the water? They may just want to sell it.

Will we have to buy bore licences to operate public parks?

Recommendation: that transferability of license be monitored to ensure that water resources are being used to maximum efficiency and not being influenced by water traders or financial institutions seeking a quick recovery of debt.

### **Regional/local input to market rules - qualified support**

Of prime concern was possible effects of TWE's on quality of land and water supplies, particularly if TWE's are allowed to operate unchecked. It was proposed that Local Management Groups be given the power to set rules regarding TWE's.

Must set out rules locally before trading is introduced.

TRADABLE WATER ENTITLEMENTS - Of prime concern was possible effects of TWE's on quality of

land and water supplies, particularly if TWE's are allowed to operate unchecked. It was proposed that Local Management Groups be given the power to set rules regarding TWE's

In the case of the water industry it is thought that trading entitlements and pricing changes should encourage the transfer of water to the most efficient and higher value use. We are concerned that in many regions this could lead to profound changes in regional economies, property values and community and industry viability unless sufficient flexibility is provided to take all regional/local factors into account. The move toward a market in water may lead to the development of approaches to property rights which separate the water right from ownership of land.

Of prime concern was possible effects of TWE's on quality of land and water supplies, particularly if TWE's are allowed to operate unchecked. It was proposed that Local Management Groups be given the power to set rules regarding TWE's.

Recommendation: that transferability of water rights include the means whereby local committees have a strong input into the decision making process.

### **Register of rights, financial interests, buyers & sellers etc**

Land titles must show if water entitlement has been sold or leased.

The water license information should also be added to the WALIS data set and be available through spatial interrogation.

Can local rules change. What do you think about that?

Need registry of water as an asset.

The water allocation & right needs to be very clear on the title so the land buyer knows whether or not water is available on the property.

Do you get two titles when you buy the land, is the allocation reviewed, is DOLA happy to put water entitlement on the title?

### **Separation of land and water - opposed**

I am totally against the sale of water allocation licences, since land without water is useless. Any transfers of water allocation licences should not be permanent but automatically up for review either at set down periods or definitely on the sale of any land so that renegotiation can take place with automatic right for allocations to be returned to the landowner. Land without water use rights is artificial and damaging both to the environment and land prices.

We believe that licences should be allocated to the registered proprietors of the land and should thereafter



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automatically transfer to new proprietors in the event of a land transaction.

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With respect to groundwater allocations, these rights should only be transferable when the land to which it is allocated is transferred to another proprietor. Groundwater is inextricably linked to the land to which it is allocated and should remain with the registered proprietor of the land in question.

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Transferable Water Entitlements (TWE) are a very contentious area and not adequately addressed in WRS1. Consensus was that water should be tied to the land, especially in areas with limited and clearly defined water resources. This would stop one body controlling all the water and using it themselves, or selling it to future users. The highest bidder may not be the most efficient users of water.

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We totally oppose separation of land and water title. Freehold title should enable you to use the water on the property including spring water, without licensing.

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We opposed the proposal to separate land ownership and water use rights. We believe that in other countries where land and water rights were separated the rights to water have ended up in the hands of large corporations which means that the production potential of land isn't fully utilised and the land without water is devalued. In Australia and in particular WA the majority of farming enterprises are still an extended family level. This has worked well and is financially and socially rewarding for Australian society.

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Totally against any move to remove water rights from the land title. The very reason many others and we paid so much for land was because we had the water right. We have already paid the Crown in stamp duty, transfer fees, etc.

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Water right should be attached to a title - they can sell and lease for a time but the right should remain with the title - must be a caveat on the title.

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Our growers historically have a water allocation (water right) that is tied to the land. We believe this must continue, to give growers financial security with their land title. In relations to the questionnaire "Initial Views on Proposals", we make the following comments on each key proposal and principle from our view point.

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Land and water titles should not be separated but be part of the land title as I believe it is now.

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We totally oppose separation of land and water title. Freehold title should enable you to use the water on the property including spring water, without licensing.

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However, in regards to the COAG requirement for a Tradable Water Entitlement system, there is a fundamental difference in the opinions regarding the separation of water rights from property rights between the commission and private property landholders. On this point, we are also poles apart in interpretation and philosophy.

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LICENSES- In the event of land sale the license should automatically transfer to the new land holder. Only registered proprietors of land should hold a licence. We believe that a Water Bank may be necessary so that licenses may be re-allocated.

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Separating property rights from water rights a problem - people may be encouraged to speculate and hold water by "fooling" WRC.

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Key binding elements of COAG - Why do they want to separate water from land entitlement?

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People will sell water anyway & leave land without water.

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Who has the right when the right to land and water are separated? A golf course has no value when you have land with no water. People currently assume when they buy land that the right to the water is there.

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If a farm is sold the water rights stays with the land.

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PROPERTY RIGHTS - The rights of property owners is not compromised if water is separated from the ownership of the land. The water and land have traditionally been tied but the proposals intend to separate the rights to land and water. The impact on rural regions may be dramatic as the value of much land is based on its productive capacity. The impact of separating the water from the land may mean that supply cannot be guaranteed and the business may fail.

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#### **Support for TWE proposal**

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P11 last sentence - A license holder should be able to lease his license, thereby providing for temporary use by a market means.

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TWE's are okay.

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The concept of licence transfer is one way of ensuring that water is a resource the community accurately values.

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Transferability, that is the trading and selling of Water Rights for other than groundwater resources is acceptable to us.

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The statement that "water....must be available to those that want it" P16, ignores the fact that it will be an increasingly limited resource. WRC should recognise that water should be available to those that need it, and beyond this the market should play a major role in its allocation.

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The proposal seeks to differentiate between tradeable and non-tradeable water allocations, with the aim of creating a market for water. With a market system water rights which are not fully utilised, or where efficient use creates a surplus, may be sold or leased. The present approach to water usage is inflexible and does not easily allow for water to be put to its highest

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value use. The implementation of a system of TWE's in WA will allow for economic factors to weigh more heavily in water use patterns. Growers will, where possible, move towards the more efficient use of water, as well as the production of higher commodities, ensuring a greater return to the industry as well as the state. This Association endorses the Commission's proposals to allow LMG's to establish local rules for TWE's.

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Trade in water is intended to lead to the optimal use of water by industry.

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Tradable and non tradeable - SUPPORTED.

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P12, C2 "Local Rules" 4th dot point - There would seem to be a case (sometimes) for not allowing the rights to be transferred outside the catchment area, jurisdiction or whatever. However, transferability within the area should improve allocation.

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Value of Water & Transfer of water. We have had a years experience with Transferable Water Entitlements (TWE) for temporary transfer and can report that by and large the concept was well accepted with few problems in its implementation. It is clear to us that as the water moved almost exclusively to larger dairy farmers from beef farmers that TWE is a positive force for structural adjustment and the more efficient use of water resources. The price paid for water was related to supply and the average price was less than the holding cost. We are experiencing some difficulties with developing the right to permanently transfer water because of the peculiarities of our distribution system. We further believe that the proper and most relevant way to get consumers to appreciate the true value of water is to allow an open market process to develop with transfers without undue interference from regulators. Transparent auction and tender processes provide a suitable means to make extra water available to consumers. However this process should not be coercive to extract water from a licensee at the end of a licence period, (but it could perhaps to be voluntarily available).

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TWE's will probably be the way to go; don't see any great dangers, sounds fair and logical.

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TWE would increase value of licences here a lot, because Basin A water use would be regulated and the water stealing would stop. This would make more water available for all.

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I support - Tradable water allocations being that they are perpetual or long term licences

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Can become more efficient and sell the surplus.

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Positive Aspect - Tradable (sale or lease) rights of spare capacity.

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People could sell their allocation and still use that water anyway.

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Applied for a licence, but was given one for small amount of water which is not enough to do anything with the land.

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The real issue is: 1. If new technology is sought which alters (reduces) water usage then the "industry" can sell the excess water created to pay for the new technology. 2. If an irrigator puts in new technology which reduces water usage they can sell the excess to pay for the technology.

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Biggest single benefit out of proposal is transferable rights. At least you don't actually lose your water if you can't use it because of sickness or whatever. Make a profit rather than not getting anything.

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The committee supported, Transferable Water Entitlements and encouraged prompt implementation.

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Generally nothing against trading.

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#### **Support with conditions/qualifications**

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System managers need to be able to impose limitations on water transfer to avoid over commitment or under utilisation of water resources. Constraints to trade may include: a)where significant infrastructure is involved in water delivery, there will be engineering limitations to the tradeability of water (eg incapacity of a system to supply demands); b)environmental implications (eg transfer from A to B may lead to salinity concerns, but a transfer from B to A may deliver environmental advantages); or c)matter of equity and social justice (eg ensure the benefit to one party does not jeopardise the interests of a third party).

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That the concept of transferable water entitlements should only occur after full consultation and under strict conditions, agreed both within the region and Government. tradeability conditions must take into account the social, economic and environmental impacts that may result from these policies. Transfer within catchments and aquifers should be subject to physical and environmental constraints. It is important to bear in mind however, the possible adverse impact on the viability of some areas.

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There is a problem with permanent sale although for short term transfers it is OK.

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Objective of TWE is to stop statutory rights to water being tied to the land - discussion paper. Makes him scared. If there is a drought, then no one on the river system has water, so no point in TWE's; same if a lot of water. What is the point? People will just speculate, like in California. Support principle but want to know how it will affect Carnarvon.

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Is it possible to put a redemption clause in? General agreement for this.

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The committee supports the idea of tradeable water entitlements, but has grave concerns with the assessment of licenses and the compensation process.

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P12, C1 para 3 - Why shouldn't people make profits trading in water licenses? We thought the pursuit of profit was to be employed in achieving efficiency. What is your attitude to losses?

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Trading and transfer of water entitlements. The respondent strongly supports the concept of owners of water allocations being able to freely trade and transfer a part or the whole of their entitlement to another party, on terms and conditions which are mutually satisfactory, but within clear, minimal constraints. The scope and intent of establishing tradeable rights as agreed by COAG are: -Principle 2: "that water entitlements and institutional arrangements be structured so as not to impede the effective operation of water markets and such that, as far as practicable, trading options associated with property rights in water reside with the individual end users of water"; and -in the Key issues: "constraints to trading should be as few as possible, predominantly associated with ecological sustainability and preservation of the property rights of others". The respondent is concerned that the proposals and processes outlined in WRS 1 and 3 represent a significant departure from the principles and directions agreed by COAG. This is demonstrated by the intention to concentrate on regulating and controlling trading activities through the licence process, rather than 'stepping back' and focusing on promoting the development and operation of effective and efficient water markets, to encourage licences to be freely traded within those necessary but limited constraints identified by COAG. The respondent considers that the transfer and trading of part or all of water allocations is essentially a commercial business decision of interest only to the two parties concerned, and hence should not be regulated, except in terms of meeting the requirements identified by COAG. The respondent therefore considers that the WRC has an important function to ensure water markets operate effectively, sustainably and fairly by: -setting the market rules in which trading activities can take place; -establishing self regulatory mechanisms for licence compliance; -auditing the performance of the previous and new licence holders in terms of complying with conditions on licences and requirements for ecological sustainability and ensuring the preservation of property rights of third parties are not detrimentally impacted by the transfer and trading of water licences; and -prosecuting and addressing breaches of licence conditions. The respondent endorses the list of proposed market rules for trading and transferring water entitlements, but only on the basis that the rules are clearly defined within the scope and intent of the

principles and directions agreed by COAG; and with the exception of reference to fees and charges for application and evaluation of transfers, which are redundant in a model where transfers and trading are free from institutional interference.

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We generally support the transfer of irrigation licences, which will create a separation from the land and some notation on title should be made where this has occurred, in order to protect incoming purchasers, financiers, valuers and others.

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Stock and domestic rights should be included in the non-tradeable right of a property, as without basic access rights to water the property is not viable. In some regions it will not be feasible or practical to transfer rights. A successful property regime would be either: a)Exclusive-the rights to use, or not use, or trade, water rights must be the exclusive preserve of the owner; or b)Transferable-rights must be transferable to others in an open and effective market and be consistent with locally developed management arrangements. Allocations entitlements should be able to be licensed when they: a)specify quantity along with reliability, transferability and, where relevant and possible, quality; b)are as consistent as possible, especially within regions; c)specify any commercial service agreements and bench marking requirements; d)are able to be separated from land, where practical or feasible.

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### 3.3.9 Conditions before transfers can occur

#### Administration/process - criteria

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When licenses are traded where access to the water is through Crown Land, we would probably need to be involved in the trade.

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Will there be a criteria for allowing a transfer to take place, will this criteria be obvious?

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How long will it take to get a licence title changed if we are selling?

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#### Aside/question

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If a farm is sold for a use other than what it was used for it should have to be approved by the boards.

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#### Financial

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What about sale of water rights while there is an outstanding offers on properties?

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Need ability to put a caveat on title to protect lenders.

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#### Measuring volumes

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Before TWE's are possible you need to have meters.

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#### Starting allocations

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How will the initial water rights be given; will they have to be bought?

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There should be a new start to allocations if moving to TWE to prevent the users getting large profits.

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Who will give initial allocations. How do we get an allocation?

Allocation - Competitive bidding? First in time? Cash tendering?

Will have to give initial licences for trading as people in this area will not be willing to pay twice.

What happens to current base licences (will they be given away gratis in 1998) when new system introduced?

On what basis will allocation be issued? - needs extensive research which is impossible in the COAG timeframe.

Initial access/starting up the market, how will this happen?

### 3.3.10 Other/general

#### Aside/question

This threat of environmental damage does not only come from mismanagement of a water resource by the private sector. In the event of problems arising from damage caused by improper use of water by the crown, a clear set of guidelines needs to be inserted into the legislation. This would eliminate any ambiguities by crossovers between legislation and regulation.

#### Licensing should apply to Crown agents

Needed to have a licence for a bore we were told we had to have in the past.

My licence is due for renewal next year, should I bother?

P9 new licensees vs new licences - needs clarification.

How will these changes effect farmers who presently have suitable water on their properties.? They could be frightened by licensing regulations. Where do they stand?

I wish to make the following comments on the Allocation and Transfer of Rights to Use Water Proposal for Discussion and in particular the section relating to Property Rights to Use Water. We understand current licences are issued to people with no rights of automatic extension or transfer, therefore are also not attached to the land. We would welcome a simple public register which buyers, sellers, property valuers, selling agents, and other parties with need can easily pursue to assess. Due to the capital investment required to make irrigation a success we submit that these licences should also be attached to the land, with an ability to be separated where needed.

#### Role of Commission

Are you going to issue a drainage licence to the OIC?

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Some confusion expressed as to where the different licences fit together (especially the OWR licences with WRC licences).

Confusion over who is responsible for licensing.

### 3.3.11 Statutory Rights proposal

#### If changed then compensation

P7, particularly C2 paras 2&3 - The document does not clearly state that pastoralists' and farmers' stock and domestic water sources should remain their private property. Justice requires that when the Crown, whether by State or local action, removes a right, the Crown should be the ultimate guarantor of compensation. On the other hand, when it creates a new private right, the right is best allocated when sold by the Crown in a competitive market. The net revenue consequences for the government are likely to be small.

#### Maintain stock & domestic rights

Those people who have exercised their statutory rights to take water found on other sites should continue to take water by statutory rights and not by local rule or licence. Such peoples need for water is no different to the Riparian need for water. To follow the principle of "fairness" the conditions of their right to take water should be the same Riparian conditions.

P5 Domestic groundwater use is usually exempt from licensing. I'd vote for this being retained.

#### Public access - criteria to use water needed

Who will decide, and how will criteria be determined for use of domestic and stock water from publicly accessible water courses or wetlands?

It is a nightmare to manage private use of public waters - free access should be constrained.

#### Question/more information

Prior use rights, common law - How does these fit into the proposal? Has previously been no legislative imposition on those rights eg pastoral.

Retrospectively, would existing practises need to change?? This issue was raised in respect of all aspects of the proposal and in the view of the meeting requires clarification.

P9 Statutory Rights - This section indicates that the Commission must have regard to the use of water under a statutory right when considering an application for a licence but should not be bound to protect the right. I cannot see an explicit statement of priorities in the current legislation. In the event of a water shortage or over allocation of a resource, who has priority, a user with a statutory right or a licensee?

Please define a publicly accessible water course and what rights relate to them?



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**Support****Statutory Rights - Agree, statutory rights**

Statutory rights and the control thereof to be set out as page 7 of booklet titled "Allocation and Transfer of Rights to use Water Proposal for Discussion"

**Support - with water harvesting added**

P7 The proposal to establish Statutory Rights makes sense but consideration needs to be extended to the viability of a property harvesting its own water for crop irrigation, which makes it economically possible to 'stay on the land'. This may necessitate re-wording the second item which begins 'stock drinking water etc.'

**Support proposal for minimum stock & domestic rights**

LICENSING OF DOMESTIC AND STOCK BORES - We believe that stock and domestic bores should be exempt from licensing in urban and rural areas.

Agree with minimum water allocation right for everyone (P7).

**3.3.12 Licence tenure - perpetual****Concern with difficulty of changing conditions on a perpetual licence**

Fixed term licences better for resource management, perpetual licences no good for the environment and will result in perpetual battles when WRC wants to change conditions.

Duration of licences - Does it deny possibility of royalties and accords economic rent to holder?

Would it be difficult in a court of law to cancel a licence when it is perpetual?

My principle concern is that the discussion of rules and policies seems to suggest that they will follow the introduction of water rights of indefinite tenure rather than be a pre-condition to it as required by principle 1 of the National Framework for the Implementation of Property Rights in Water. This is apparent from the location of the discussion of policies and rules under the heading Changing Needs and Continuing Responsibilities which follows the discussion of Property Rights to Use Water. The significance of this emphasis becomes clearer when one considers the concerns raised by S... and R... about allocating indefinite tenure; such as: determining an environmental allocation before the allocation of consumptive rights; terms and conditions of the initial allocation of indefinite licence rights: automatic conversion versus competitive bidding; priorities between statutory riparian rights holders and licence holders; priority between competing licence holders with different uses. It seems to me that these sorts of questions should be sorted out before the allocation of indefinite tenure. I suggest that: 1. having a

policy/plan in place should be a precondition of the allocation of indefinite tenure; 2. indefinite tenures should be allocated on a competitive basis; 3. the application for indefinite tenure should be an alternative to the normal/current application for a new short term licence.

The authors of WRS1 intend to follow the same path with water. In the summary, page 2 the proposals mention the granting of PERPETUAL licensed rights. This perpetual right is also transferable via a sale or a lease. A government agency will retain jurisdiction. Nobody can foresee whether in twenty years time the commission still exists, whether the act will not be many times amended or even continuity of service be assured? Who will be monitoring the many conditions proposed? It did not work in Agriculture. They do not even know how much is being clear felled pa at the end of the 20th century.

We also believe these licenses should not be issued in perpetuity. If the resource availability diminishes resulting in the need for a government buy back scheme, then a similar cost to the government as the current buy back of fishing licenses could occur.

**Concern/question about Crown's power to change conditions**

page 9 of the WRS1 describes licence tenure and renewal. However if the conditions can be changed at any time the viability of the resource can be threatened. Capital investment and human resource investment are then dependent on the attitude and competence of the "Water Resource Manager" whether their licence is on a yearly or perpetual basis. The duration of the licence is irrelevant if "the water resource manager has clear continuing authority to amend the licence".

**Opposed - difficult to review allocation**

For those properties that are absolutely dependent on water from the waterways for their livelihood, perpetual licences should be granted on a long timeframe. A management plan would be required to ensure that water consumption will not be increased and that maintenance of the waterway and surrounding environment be kept at an acceptable level.

Not 100% in favour of indefinite licences. If water won't be used for originally nominated use, should be reassessed, otherwise not fair for my neighbour who wants it, nor for the community.

Major question is the duration of licences. A "freehold grant" without royalty levy is a major grant of property gratis which may severely limit future action by government. It seems unnecessary. At least initially longer term licences might suffice until new system has been in operation for several years.



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If perpetual licences are introduced, possible changes to the supply of the water resource, such as decreasing rainfall, will need to be closely monitored.

Perpetual licences OK but with a condition review period at set times (similar to current licence renewal), depending on the area and the circumstances therefore there is still some security of tenure.

#### **Perpetual licence inconsistent with nature of water**

Duration of licences - Why indefinite? Renders accountability and changes in conditions more difficult. Equivalent to a freehold grant - seems unnecessary. Leasing system with (advance) renewal of 20 year terms would provide sufficient security of tenure. Can make leases or indefinite grants subject to compliance with changes in regulations as to all or specified conditions.

Not entirely happy with changing fixed term licensed rights to perpetual licensed rights.

This group believes that license tenure should be for a fixed term and continue to be managed as at present. No environmental benefit can be seen in changing to either of the two proposals presented.

I disagree with the issuing of perpetual licences under any circumstances. Although I agree with providing resource security wherever possible, I believe this can be done through long term licences rather than perpetual licences (eg CALM does this with timber resource allocations). Land use is too dynamic to allow for perpetual licensing, which would reduce future flexibility. For example, if water use efficiency increases, what would be done with the excess water allocated against the perpetual licence?

If perpetual licensing is permitted, could licenses be traded or sold? I would disagree with this.

#### **Probationary period - not always applicable**

The respondent does not support the proposal that new licences, particularly for perpetual licences, be issued subject to a probationary period.

Negative Aspects - Probationary issue of new licenses - application to us?.

#### **Support - perpetual**

Our group feels that water licenses should be issued in perpetuity, subject to review of the health of the aquifer.

The respondent agrees with the concept of perpetual licences and access licences (with appropriate modifications), but disagrees with the concept of temporary licences, and probationary periods on new licences.

Term of licences. The respondent is concerned that the licensing proposals in WRS 1 are too complex and will be administratively top heavy and cumbersome to manage. Most importantly the respondent considers that the proposals do not adequately reflect the COAG

principle of structuring water entitlements and institutional arrangements so as not to impede the effective operation of water markets'. The respondent considers that perpetual licences are essential for a water market to operate, or at least the establishment of long term licences beyond the period of economic return for major developments so that licences develop a commercial value which can be traded.

Water availability is crucial to all forms of agriculture. Without a reasonable degree of certainty of water supply, the volume and value of agricultural production can be adversely affected. This Group believes that farmers need security in their water entitlements (in terms of volume and frequency of supply), to enable them to manage their properties in a sustainable manner. Competition for water resources not only occurs between agriculture, urban users, other industries and the environment, but also increasingly between different agricultural sectors. With current proposed Government policy favouring the transfer of water to higher value uses, it is important that the impacts on downstream users, such as other agricultural enterprises in a region, are also recognised.

P9 - You do not discuss what seems to the association to be the best alternative, namely, that the Crown issue permanent rights, however circumscribed to meet local or temporal conditions, and control aggregate usage by buying and selling the rights. If there is the power to amend licenses, the benefits of security and flexibility will not be achieved; the fear of bureaucratic whim will not be allayed; critical decisions will still be taken by people of assumed greater wisdom but little relevant knowledge; and what the paper refers to as "true value" will not be achieved.

SWIMCO's allocation looks vulnerable sitting in the dam not being used. So, perpetual licences are desirable. Can't push for efficiency if resource is not being completely used.

That certainty and security of investment in agriculture be provided through perpetual or long term water rights and licences. Many landholders have made significant infrastructure investments on the basis of a long term water right, it is therefore unfair and inequitable for Government to remove those rights without compensation. It is essential for some sectors that water rights and licences are granted in perpetuity to allow for long term investment. Any re-allocation of water entitlements by Government, should be undertaken within the market place.

Our group considers that Perpetual Licences should only be issued to Water Industry providers.

Is there opportunity for BWB to have a perpetual licence?

Should be guaranteed renewal on licences.



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### 3.4 Allocation process/planning framework

#### 3.4.1 Legal backing for plans

##### Concern about WRC powers

It is clear that the WRC wishes to enshrine in legislation its position of total control over water users. It wishes to be given complete power to change licence conditions apparently with little review. If the WRC is given this power then the implications to water users are clear. Far from being given any long term guarantee to the water, users will remain at the Commission's discretion. What checks and balances will be built into the process? It may be quite inequitable to require that a licence applicant carries out full environmental studies in an area when that proponent is only one part of the picture. Should a mechanism to fairly determine the level of commitment required by the proponent be developed? The only acceptable reason for reducing the licence quantities or imposing management requirements would be due to an adverse affect on the environment. In that case the changes are for the good of the community so should the licence be compensated as part of the WRC's community service obligations?

##### Support

Management plans should be legally binding eg buffer zones.

It is reasonable and good to have these things (allocation process) in the legislation.

Needs a simple regime in the legislation with complex management plans.

#### 3.4.2 Procedures for preparing plans

##### Better definition - more information

Licences are to be issued according to a Regional or Local Allocation Plan. How big are the regions proposed? There is no mention of the mechanism for issuing licenses. Would it be by public auction or by offering water directly to interested parties in the immediate vicinity.

##### Concern about WRC powers

Partnering approaches to planning and allocating water resources. The respondent is concerned that the planning processes outlined in WRS1 and 3 for the development of Regional and Subregional Allocation Plans are highly prescriptive and again place the WRC in a central, controlling position in developing and determining these plans, albeit while also implementing a process for consulting with and receiving submissions from interested parties.

##### Qualified support

Regional and Subregional Allocation Plans should be developed prior to determining allocation and licensing decisions which may preclude other options.

The WRC should review its proposed planning approaches to ensure all major stakeholders in the water industry participate in multi-disciplinary planning teams to develop regional, subregional and local water allocation plans.

Water allocation plans. The respondent agrees with the COAG direction that all consumptive and non-consumptive water entitlements be allocated and managed in accordance with comprehensive planning systems and based on full basin-wide hydrologic assessment of the resource. The respondent agrees in principle with the planning processes outlined for the development of Regional and Subregional Allocation Plans, but considers that they are too prescriptive in their detail.

##### Qualified support (suggested improvements)

COAG principle 12 that "all relevant environmental, social, and economic stakeholders will be involved in water allocation planning and decision-making on environmental water provisions", provides clear direction that major water service providers such as the WC, community and sectoral interest groups, Local Governments, etc, will participate collaboratively in planning activities, rather than the more limited approach of consulting these groups. The benefits of such a participative approach are many: developing integrated and comprehensive plans, greater understanding and awareness of the respective positions of the participants, maximising 'win-win' solutions, ensuring difficult decisions are made with sensitivity and transparently, and ensuring greater ownership and accountability for the implementation of the mutually agreed plans between the participants. The respondent considers that WRC should revise its proposed planning approaches to ensure all major stakeholders in the water industry participate in multi-disciplinary planning teams to develop regional, subregional and local water allocation plans. It is clearly understood that the WRC will have the final decision-making role in relation to approving water allocation plans.

Planning and environmental reporting and management processes must be streamlined to avoid possible duplication and financial burden to the private sector.

##### Support (importance emphasised)

The process by which Regional Allocation Plans are developed is critical. It is imperative key agencies such as the Department, along with industry and the community, have the opportunity to make considered input at the earliest of stages and that decision-making is open and transparent. The WRC's role in meeting



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the challenge of implementing National Competition Policy requirements and adopting the principle of sustainable development is both difficult and open to criticism from a wide range of conflicting interests. Hence the need for openness and transparency as mentioned. The key to successfully addressing these challenges revolves around formally determining water allocations, and balancing immediate and short term economic needs with sustainability and environmental allocation. It has been suggested that essentially this involves partitioning water resource allocation between environmental and non-environmental uses.

The development of a sustainable industry is based in the correct approach to the environment and all users. The need to maximise the economic benefit of a water resource can impinge on this process and other water users may be ignored. The recreational or environmental use of water is an important consideration.

### 3.4.3 Approval process for plans

#### Better definition - more information

What is the likely scenario they would have to go through to develop this?, would WRC have an ongoing role in this?

### 3.4.4 Appeals against plans

#### A process specified in legislation

In the event of disputation between parties, all direction of appeal and conciliation must be clearly defined within the legislation.

#### Better definition - more information

More detail of the proposed appeal process is needed. Later in the document the WRC proposes a system whereby Ministerial approval is all that they require to implement new rules or regulations. Is it therefore appropriate that the same Minister be asked to adjudicate in the appeal process? A system of stakeholder based review may be more appropriate.

Further information was required on the Minister's or Parliament's role in any appeal process.

Meeting considered that appeals process needs to be better defined and .....

Who will decide, and how will it be determined appeals/disputes?

Appeals process should be defined more clearly and.....

APPEALS - Meeting considered that appeals process needs to be better defined and that the process should include local management group. Further information was required on the Minister's or Parliament's role in any appeal process. Preferred option was for the establishment of an independent appeal tribunal or

commission with the relevant Minister being obligated to accept the tribunals decision.

#### Independent tribunal

The allocation of water will become harder as the water resource becomes more valuable due to supply shortages. A primary concern is that this may lead to incorrect decisions and even corruption of the decision making process. The use of an independent appeals process will allow all parties to receive a fair hearing. The process needs to be an isolation from the Minister unless in relation to impropriety in the relevant agency.

.....appeal rights should be instituted, to be heard by an independent appeals tribunal.

Meeting considered that appeals process needs to be better defined and that the process should include local management group. Preferred option was for the establishment of an independent appeal tribunal or commission with the relevant Minister being obligated to accept the tribunal's decision.

DISPUTATION IN ALL LEVELS - In the event of disputation between any parties, all direction for appeal and conciliation be clearly defined within the legislation. The allocation of water will become harder as the water resource becomes more valuable due to supply shortages. This may lead to incorrect decisions and even corruption of the decision making process. The use of an independent appeals process will allow all parties to receive a fair hearing. The process needs to be in isolation from the minister unless in relation to impropriety in the relevant agency.

Appeals - the Town Planning Appeal Tribunal may be a useful start for reforming the appeals process, a single appeal body is needed.

P14 the box - Again, the appeal is to the Minister.

#### Local community - stakeholder input

Appeals and disputes between the Commission and members of the public are currently decided by the Minister administering the Rights in Water and Irrigation Act, that is the Minister for Water Resources. Disputes between members of the public are resolved by the Commission if the matter is within the power of the Commission. That where possible, disputes should be dealt with by the local advisory committee or by the Commission taking account of the advice of the committee.

An appropriate appeal system must be negotiated with the community.

Appeals process should.....include input from a local committee.

#### Support proposal

Want right to appeal to Minister to remain.

The committee supports an appeals process.



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The committee emphasised that the appeals process should remain as the status quo.

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### **Third Party Appeals proposed**

Appeals. To protect all parties and to ensure accountability for all decisions made, the respondent considers that the right of appeal should be extended to appeals against the decisions of the WRC concerning the major issues in allocation of water for consumptive uses: allocation of water, licence approval/rejection, licence conditions, and revocation of licences and the implementation of other forms of penalties. The respondent also considers that provision should be made for third party appeal rights. The respondent considers that appeals should be heard by a professionally constituted and independent appeals tribunal, for the following reasons: -appeals to an independent appeals tribunal, rather than Ministerial appeals are generally the industry standard in Australia; -appeals to the Minister are particularly unsatisfactory in the case where the Minister is responsible both for the State's water regulator and the major water service provider. It is likely that at some stage, the respondent and the WRC will be opposite parties to appeals, and these appeals are likely to concern significant water resource allocation and development matters. The Minister will inevitably be placed in the politically difficult position of having to determine appeals supporting or rejecting the views of the respondent or the WRC -An independent appeal process is important where appeal decisions are likely to have significant commercial implications, given an effective operating water market.

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### **3.4.5 Links with other Govt. plans & agencies roles**

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#### **General Query**

What will happen if: Due to climatic or economic influences there is a need to change the agricultural production base? What usage prediction models will be utilised?

If I were the chairman of a mineral sand mining company would you tell me to go away if the area was over-allocated?

What is the difference between WRC and OWR?

Are there any areas WRC simply won't allow any development because of the sensitivity of the area to pollution?

Would WRC get involved in land acquisition, eg for foreshores?

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#### **Local Government links- questions & comments**

Document talks about LGA's becoming involved in the management through the planning process. Does this mean the LGA's will enforce the rules? Will we

provide resources to the LGA's for them to carry out this work? What response have we had from LGA's regarding this idea?

Will there be any flexibility associated with allocated rights in the event that there is a change in land use?

Do local government authorities wish to be involved in the management of water resources?

Local government town planning schemes need to be taken into account.

Planing and zoning are in place because the current markets do not work; the new/proposed system may hinder development of industry in market garden areas.

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#### **Need for NRM & other agency links/question & comments**

SPP's/EPP's can be prepared by other agencies (other than MfP and DEP), this power can be delegated. Other plans cannot override it. Not absolute statutory power unless incorporated into Regional Schemes. As the environmental custodian, it is important that the EPA assesses and approves both Regional and Subregional Allocation Plans, in terms of the environmental acceptability of assigned beneficial uses, EWP's, and management requirements for the sources to protect their long term water quality.

Re: DEP and WRC; see nothing from today which indicates the two are talking to each other. What steps have been taken to ensure these two bodies will not be at loggerheads with each other? Will they have different requirements?

Currently is proposal to pipe water alongside a stream which has the potential to create a salinity problem downstream?

Management schedules between various agencies. Concern about the liaising process with all other agencies. All 3 agencies have different criteria; hence necessity for some arrangement to be set up between agencies so we are dealing with one set of criteria.

Need to link this legislation with EP Act, need to make sure that management plans are in line with the EPA's notion of beneficial use.

Now, are times when things are referred to EPA and they say they don't want to comment. Would proposal change this? Can we have it referred to you?

Statutory Region Schemes of EPA/DEP cover allocation of land in a catchment sense (rather than water allocation), catchments defined by LG boundaries, resource plans are part of these schemes. If you want a more integrated approach how do you bring all the NRM agencies together?

Catchment Management Strategies can be written by "other" agencies other than DEP, not statutory - guidelines and principles.



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CALM has their Minister sign off on Management Plans which they are usually happy with.

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And now you propose to classify the drain, or is it a Brook, and restrict its water use. As you can clearly see, there is a serious lack of conceptual coordination at the governmental level, which must be rationalised before any water usage proposals are considered.

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Appears WRC is triggering involvement of other agencies.

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WRC's duty of care extends to outside organisations as well and should be in the legislation.

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Would it interfere with other Acts, like bushfires, etc?

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DEP would like to work with WRC on SPP's and help WRC prepare them.

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Sustainability assessed in process of applications to EPA; support for use of EPP's and other agencies processes which are already in place.

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#### **Planning agency links**

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Are subdivisions monitored? They are dewatered during construction and in a dry summer can affect water users.

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Future demand for water services and threats to the security and quality of water supplies are determined by land use planning decisions. This is a major area of risk to the respondent in terms of achieving its aim of contributing to the future development of the State. While the WRC recognises the need to integrate land and water planning decisions, and suggests that this may be achieved through the new statutory regional planning processes under the WAPC Act, no firm proposals are provided to indicate how the two regional planning processes will dovetail to enable water (and drainage and sewerage) service providers to efficiently meet long term demands. This is a crucial gap which must be urgently addressed, particularly to enable water users and service providers to make commercial judgements about investigating and developing water resources only required in the long term.

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Water Demand Projection and Determination of Future Allocations - Consideration of water planning, allocation of rights and ability to transfer allocations must be addressed in the context of established principles (which is part of the rationale behind this WRC exercise) and having first determined future demand. This could include demand and supply planning under a range of scenarios within set timeframes. Clearly agencies such as The Department are in a position to provide the strategic information to assist such forecasting, but responsibility for initiating the gathering, co-ordination and analysis of such water data must rest with the WRC. Based upon the demand projections, water allocations can be set aside by way of an allocation plan which, depending upon catchment conditions, caters for a range of existing

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and future needs. The Department and other agencies charged with the planning, promotion and co-ordination of the State's natural resources are then in a position to meet the expectations of government for responsible development. The need for WRC to be pro-active in regularly soliciting strategic water demand needs can not be over emphasised. AS mentioned above, The Department believes it has a key role to play in assisting WRC in that regard.

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You have an "allocation plan" specifying the needs of resources to be met. The water licence issue will be in line with the "allocation plan". An application of these rules show there is shortcomings, "..... Fruits" are South Western Australia's largest orange & mango growers on a single plantation. Unfortunately - if they applied for a water licence from scratch today - they would not get one because of the "allocation Plan". The "overlay planning system" used to assess the suitability of the site for a licence approval shows the land (situated in Gingin) is far too steep for horticulture. Its new rezoning is "rural use". The output figures, low soil erosion, magnificent fruit, 30 staff members, unique market break for sub-tropical fruits due to its location make an absolute mockery of the present zoning selection criteria. This is by no means an isolated case. Mangoes & many other sub-tropical fruit grow and need to be grown in the steeper non frost areas of Gin Gin. Our vine plantations are the same. Requires higher land areas - out of the frost planes. Houghton's "Moondah Brook" on Moolialeence Road Gingin - a huge success story boasting award winning products on the world market. Once again your new zoning would treat this site as suitable for non horticulturalist use - Rural. Please do not stifle the future of an industry by implementing water allocation plans as a pre-requisite for a licence. This will only compound your existing mistakes.

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Influence over land management processes?

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Best to use SPP's rather than Model Scheme Text ie. come in before the planning stage and let the LG do the actual planning so that they are involved.

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WRC needs input earlier in planning.

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There are currently planning process problems - WRC is being advised/consulted last; need to be guidelines/policies for developers/LGA's, should be more inter-agency decision making and long term forward thinking regarding large proposals.

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WRC should comment on water availability and quality before new proposals are approved.

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Need to be conscious of future proposals/developments in managements plans; need a system for WRC to look at the whole picture (ICM and planning).

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WRC requirements are being incorporated into Ministry for Planning schemes.

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Is there anything in place to survey water availability/sustainability before land release, no land should be released unless surveys are carried out to make sure there is enough water.

WRC needs more input into the planning and development process, local groups should be involved in this.

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#### **Streamlined integrated reporting**

Planning and environmental reporting and management processes must be streamlined to avoid possible duplication and financial burden to the private sector.

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### **3.4.6 General planning issues**

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#### **Better definition - more information**

The meeting concluded that the system of allocations requires considerably more information.

Meeting suggested that information / benchmarks on which water allocations are currently made are inadequate and that considerably more research needs to be done on this area, particularly in regard to crop factors. If this is the case when would the research be done, who would carry it out, how much would it cost and who would foot the bill

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#### **Costs of plans**

If WRC publishes sub-regional plans and feasibility studies - who pays for these? What will the developer get out of doing feasibility studies when they may not get a licence?

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#### **Investigation & research needs**

A further area where WRC must be pro-active, and one perhaps under-emphasised in the discussion paper, relates to the WRC comprehensively measuring the surface and groundwater resources of the State. Although the steps behind the drafting of a Regional Allocation Plan as outlined at page 8 are noted, the WRC should be pro-active in supply analysis and estimation so that the inherent difficulties in having insufficient information upon which to base decision-making (as stressed in the paper) are minimised. By way of example, there are supply problems in the West Pilbara scheme which means there is insufficient water for high demand new industrial developments eg a DRI plant which could require up to 8 Gl/a - is \$70 to \$100 million. If a private infrastructure developer is expected to invest money of this scale, a "reasonable" economic return should be expected. This could possibly be achieved via the granting of tradeable water rights over the entire yield of the Lower fortescue field. Refusal for the "awarding" of such rights could result in the considerable investment being uneconomic and thereby jeopardising the entire ... project.

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What research will the WRC be undertaking to ensure an adequate understanding, particularly of groundwater systems? I question this because I have some concerns that the WRC has limited knowledge of groundwater processes, particularly in the Perth Basin. (I realise that considerable drilling and geological investigation has occurred through out his region, however, none of the reports clearly indicate recharge processes, groundwater movement etc these are only outlined in a general manner). As a consequence, the Commission, as a responsible Groundwater Manager, needs to undertake work to investigate groundwater processes.

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#### **Planning system opposed (auction or tender supported)**

P8 point 2 - The association has no confidence in the ability of authorities to allocate water to beneficial uses. Auction or tender processes have better records.

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#### **Support (qualified) for planning system**

Small developments and existing operations will fit into the proposed planning timeframe: large developments with high potential to impact and high water use will not - the process will take too long.

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#### **Support for planning system**

Fine tuning - SUPPORTED.

Positive Aspect - Management and allocation planning activities.

Positive Aspect - Improved allocation effectiveness and efficiency.

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#### **Support for planning system (suggested improvements)**

Allocation process, "In an ideal world the Commission", this is too flippant (P8), what exists within WRC to "understand the water resource". - this wording needs tightening up.

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### **3.5 Content of plans**

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#### **3.5.1 Environmental Water Provisions**

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#### **Better definition - more information**

How much water will you require to be in the creek at all times and at what points and times will the measurements be taken?

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#### **Complexity of environmental controls/priority too high**

I also question the notion of the well being of the water course, as it applies to Neerigen Brook. Which areas of Neerigen Brook are considered worthy of maintaining a flow of water at all times, and why? What fauna and flora are involved?





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The desirability of a blanket exemption from making an environmental allocation if the resource can not meet sustainability criteria.

Water for the environment is already controlled by a myriad of agencies. Do we need another level of bureaucracy to administer use of water in this area?

**DEFINITIONS OF AFFECTING A RESOURCE** In various parts of WRS1 there is stated a need to protect the water resource and also the environment. The degree to which an area is effected by people using it is a value judgement, which will be perceived according to the background and personal views of the individual. Using water for agricultural whether from dams, artesian basins or streams relocates water from one place to another. If as a society we value the food thus grown we have to expect some cost in the alteration of the environment.

I also question the notion of the well being of the water course, as it applies to Neerigen Brook. Which areas of Neerigen Brook are considered worthy of maintaining a flow of water at all times, and why? What fauna and flora are involved?

Your document appears to us to have the philosophy that water is a finite resource and that the environment needs to be preserved as it is forever. If this is so you'd best advertise that West Australia wants no more population growth. Urbanisation itself is placing ever increasing demands on water resources as well as encroaching on traditional growing and hence water using land

**Concern over the priority given to the environment**

Proposed reforms hint that there is concern for the environment. Environmental experts have already alluded us to the fact that proposed extraction's by the WC for the Gngara Lexia Bores would be: not sustainable; an environmental disaster. If the WC is not going to take heed of environmental concerns, then any rhetoric on environment concerns is going to sound very hollow indeed.

How much water will you require to be in the creek at all times and at what points and times will the measurements be taken?

The COAG requirements contemplate the allocation of water for the environment as a legitimate user. This is not addressed further in the Proposal but it seems important that this issue be addressed before fixed term allocations are replaced with indefinite allocations. This is particularly important in areas where water in is great demand and may be fully allocated. These are likely to be the areas where there is the most pressing need for allocation to the environment.

So, if community wants more wetlands, you would have to change your allocations?

A tendency remains in proposal documents to continue to view water primarily as a resource and not primarily

as an environmental medium. Priority at all levels of allocation should be to understand the water system in its environmental context and from that deduce available resource for allocation to non environmental beneficial use. The summary of features of sub regional allocation (WRS3) continues to place planning for consumptive use ahead of provision of water for the environment, despite reference to COAG water reform framework. There is no definition of intent with regard to assessment of existing works, including development of sub regional plans defining their environmental effect, and where necessary action to ameliorate any deleterious effects that are occurring. No new works should be planned for such water sources until the required studies have been carried out.

There doesn't seem to be anybody arguing about the environmental part, however the wording doesn't really say that the environment comes first, need to say that clearly.

**ENVIRONMENT** - The environment is the concern of all Australians, not just individual landholders, therefore it would be inequitable in the extreme to expect individuals to contribute or be disadvantaged in any form in the regard. If the environment was such an issue, why are new bores being constructed in unsuitable areas by the WC, especially after the disaster in Whiteman Park.

Concern from Canning Advisory Committee about environment's position on list on page 4 of proposal. Does it imply it is second in importance? Would prefer to see it first.

Environmental water requirements are a problem.

If you alter river flow then you alter seasonal regime which alters the environment especially in a flooding/drying regime; also storing of water in dams changes the nutrients and temperature of the water released.

I have riparian rights and a water licence, if there isn't enough water for the environment which one will be taken first?

In the Swan Valley how much impact would the environmental requirements have?

Environmental requirements - do we need to "reinstate" environmental water requirements?, so there will be huge problems (no one will have any drinking water eg Canning & Serpentine Dams).

Water for the environment is to be number one according to what you said, will it exclude private bores?

**Process for EWPs and EWRs estimation**

Will the environmental reviews be a public process similar to the EPA/DEP?



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The issue of environmental allocations raised the following questions: How would the allocation be determined?

What input would Local Management Groups have into the determination of environmental allocations?

In areas such as the South West, where water sources are concentrated on crown land such as state forest and where private (rateable) land is as little as 15% of total shire areas (viz: Manjimup), the question of "allocations to the environment" may be inappropriate. Many water courses which previously flowed only a few months of the year, now flow all-year-round due to clearing - thereby further clouding the "allocations to environment" issue. Who would determine the allocation?

The issue of environmental allocations raised the following questions: How would the allocation be determined?

What system of review (if any) would be put in place?

How would the allocations be determined?

Is the allocation of water for environmental purposes?, does it only apply to where WRC can sustain it - some streams dry up before they get to the sea.

What input would Local Management Groups have into the determination of environmental allocations?

The percentage for the environment - will this be different in different parts of the state and different zoning's?

Have you set environmental flows?

How do you work out what sustainable use is? How do you determine your base level when the environment has already been modified?

How would you work out the environmental water requirements? Concern of irrigators.

#### **Research, development, and extension**

As environmental benefits, such as improvements to water quality, can be best achieved through improved extension and education, appropriate funding must be made available for these activities.

That ongoing research, into aquatic ecosystems be carried out to enable prediction of the ecosystems response to changes in land and water use and to help find a sustainable balance between the needs of agriculture and the needs of our rivers.

ONGOING RESEARCH - There is to be ongoing research to ensure allocations or water are not impacting negatively on the environment. The depletion of water reserves and environmental flows may eventuate as the water resource become more available. The use of monitoring processes and ongoing evaluation needs to be carried out by an independent body to ensure sustainable and

environmental approach to water allocation. There will then be concern that enterprises may be disadvantaged if poor allocations are made and supply is reduced.

Why can't we leave allocation for environment until a stage when WRC knows more about the environmental requirements?

Environmental water provisions - need more data and more money to implement.

#### **Responsibility for EWPs and EWR decisions**

This process, EWR's, hangs on the "special" bits of the environment and identifying their beneficial uses, who has the responsibility, who is fundamentally responsible for "picking" the "special bits" of the environment? NPWPA?

Presumably the EPA would have background to the EWP's so that they can assess them.

who would determine it?

Legal ramifications, who is responsible for enforcing the rules of EWP's?

what system of review if any would be put in place

The first statement WRS1 page 11 and (f) page 11 WRS2 are so broad that if they were taken literally they would stop any water use. Who is to be the judge and will it change with political whim???

Roles of the WRC and EPA - The respondent is concerned that the WRC's assessment and decision-making processes as proposed in WRS1 and 3, do not sufficiently clarify and separate the roles of the WRC and the EPA with respect to addressing environmental issues in water allocation. The respondent's concerns arise from the extent of involvement proposed by the WRC in environmental assessment and decision-making processes for determining water allocations and licence conditions. The respondent supports the WRC being responsible for managing water resources in the State, including determining objectives and criteria for sustainable use and management of water resources to ensure environmental performance criteria are met. However it is strongly opposed to the Commission assuming or subsuming decision-making powers for conservation and protection of the aquatic environment, which are the rightful powers vested in the EPA. The respondent's reasons are as follows: as the proponent for Regional and Subregional Allocation Plans which define the waters needed for meeting EWP's and waters available for consumptive uses, it is inappropriate for the WRC to determine the environmental acceptability of its own recommendations; the WRC does not have environmental decision-making powers vested in it



through its parent legislation, and to implement some of the processes outlined in the proposals would mean that it will be acting *ultra vires*; COAG principle 7 requires that accountabilities in all aspects of management of environmental water provisions should be transparent and clearly defined. The overlap or duplication of accountabilities which is likely to result from the WRC taking on environmental decision-making powers runs counter to this COAG principle. The respondent is concerned that as a proponent, it will be required to be accountable, and to report, to both or either of the WRC and the EPA. This is unnecessary over regulation, and is unacceptable because of the additional costs and delays which will be incurred. The respondent considers that the WRC proposals should include a clear statement of the separate roles and responsibilities of the WRC and the EPA, demonstrating their complementarity to achieve effective and efficient environmental decision-making for water resource management. In addition the respondent considers that the processes outlined in WRS1 and 3 need to be rewritten to clearly include the EPA in its decision-making capacity: in decision making loops at appropriate stages of setting beneficial uses and EWP's for water resources, setting environmental conditions on licences, and developing Regional and Subregional Allocation Plans; and as the responsible authority to whom proponents report and are accountable for meeting environmental conditions on water licences and approvals for major water resource infrastructure projects. The respondent does not support separating the powers of the EPA into sectoral components, with the WRC taking on environmental decision-making powers in the new water legislation. The respondent's objections are based on the clear conflict of interest in the Commission acting as both proponent and decision-maker in relation to EWP's in Regional and Subregional Allocation Plans (see above); and from a practical point of view in terms of the respondent and other proponents for major water resource infrastructure developments having to be accountable to different agencies for environmental approvals for separate but interrelated parts of the environment.

The roles of the WRC should be to manage water resources to meet economic, environmental and social objectives, but the respondent is opposed to the WRC having decision-making powers which are the proper responsibility of the EPA/DEP.

**ENVIRONMENTAL CONCERNS** - Any environmental management decisions should be made in consultation with the above mentioned Local Board and Local Authorities. The ultimate responsibility for environmental aspects should however remain with The Water and Rivers Commission.

Who decides how much the environment gets?

Who decides on amount needed for environmental flow? Scared if "greenies" come along and without understanding insist on reducing allocations.

How does environmental water provisions (EWP's) relate to environmental water requirements; who determines these?

Will we take precedent over mining claims and who will have control at the end of the day?

#### **Support for environmental allocations**

Positive Aspect - State responsibility for social and environmental benefits.

Environmental use must be a prime objective and satisfactory methods of allocating water for this use must be established and be transparent.

Recommendation: that the environmental requirements of water resources be fully transparent and have the support of the local committee.

The "environmental water allocations" specified in the paper, which are not transferable, need to be carefully thought through before they are allocated. This will ensure that the highest priority water resource areas are protected (as with nature reserves), but others are available as beneficial uses for the community. All such assessments should be conducted in a coordinated manner with other environmental agencies, such as CALM and the DEP, so that an integrated approach is attained.

The meeting endorsed the concept of sustainable development and in general agreed that an environmental allocation was appropriate.

That for every defined water system there should be clearly defined allocations to satisfy minimum environmental conditions (or minimum recharge requirements in the case of groundwater) to protect basic water quality and system health. This allocation should be based on sound scientific assessment. This Group considers that Government should own this entitlement on behalf of the community and should take into account water property rights and bulk entitlements. The complexity of allocation of water to environmental flows is further compounded by the fact that to maximise agricultural production, water allocations must be reliable and predictable. However, ecosystems require variable flow regimes that reflect the natural state of the water system.



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In light of the above comments the council supports some elements of the COAG Agreement: The council supports the - \* use of best science for setting sustainable environmental provision. \* adjustment of water allocation in stressed and/or over allocated rivers to meet environmental need. \* precautionary measure of establishing environmental contingency provisions.

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It is clear that the Government has already made a decision to allow the trading in water rights, and that changes to this proposal will only be superficial. There is a real danger, because of opposition to this proposal within the farming community, that the proposed safeguards which are apart of the COAG Agreement would be weakened or made unworkable. We therefore seek your assurance that the COAG Agreements requirements as listed below will be fully met - \* to formally make an allocation to the environment a legitimate user of water. \* to ensure that environmental requirements will be determined on the best scientific information available. \* to make appropriate allocations to the environment. \* to restore the health of river systems. \* to establish environmental contingency allocations including a review after 5 years. \* to undertake assessments to satisfy environmental requirements of the river systems before harvesting of the resource. \* to be subjected to physical and ecological constraints of the catchment. \* to ensure ecological sustainability. If these commitments are encapsulated in the legislation, it will provide some protection for the environment against opportunistic exploitation of a valuable public resource.

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We also consider that your move to allow an allocation of water for the environment and environmental uses is heading in the right direction, and we believe that people using water for everyday use, as we do, will tend to be more environmentally conscious of the brook and its water quality and so will help preserve its quality and pleasure.

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#### SUSTAINABLE

#### DEVELOPMENT/ENVIRONMENTAL

ALLOCATION - The meeting endorsed .....and in general agreed that an environmental allocation was appropriate.

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The natural environment requires water, both surface and underground.

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Have no problem with the environmental part.

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Environment Issues. We accept the need for environmental responsibility. We also believe that where environmental damage is said to be occurring such charges need to be based on sound scientific information and not be lead by emotive, media oriented campaigns designed to provoke unreasonable public responses to situations which are not

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unreasonable when measured in objective and comparative terms.

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#### Who pays for the environment's "use"?

who would pay for bench marking of environmental allocations?

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Whilst it is admirable that consideration be given to environmental water needs as a priority, if the option for user pays principal is to be followed, environmental concerns clearly fall on the community as a whole and water users should not also be expected to subsidise environmental concerns ie. EPA or Government to directly fund. It is perceived that environmental demands may be great, however, properties without water allocation may not be commercially viable, thus assurances would need to be given that existing allocation will not be affected. A safeguard needs to be implemented so that those growers with extensive investment are protected.

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Who pays for the environmental, social, community use of water?

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Who would pay for bench marking of environment allocations?

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DEP (and other environmental management agencies) should pay for the environmental allocation.

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Given the importance of water allocations to the environment, is it proposed to levy the "environmental estate" with a management fee?

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Would allocations for environmental benefit have to paid for?

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Negative Aspects - Possible cross subsidy of social and environmental requirements.

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### 3.5.2 Setting sustainable limits for divertible water

#### Importance

The sustainability of the water resources is of paramount importance and decisions for supply need to be based on well researched advice that will benefit the whole community.

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#### Determination of allocation (how)

What are (or will be) the sustainability criteria; data to be used to determine sustainability?

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Sustainability and environmental water - how will these issues be dealt with specifically?

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Setting sustainable limits for divertible water [Determination of allocation (responsibility)]. Who would determine the allocation?

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In relation to environmental issues, SWI prefers to develop a self managed approach with its customers rather than feel the heavy hand of government regulation. Pro-active support from the relevant agencies to help set standards and meet objectives is a better way to limit environmental problems.

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Who will decide, and how will it be determined the percentage of water permitted to be drawn from streams in proclaimed areas?

Re: sustainable yield etc. - is WRC going to be responsible? Who exactly is going to take responsibility for scientific investigation?

#### **Determination of allocation (review process)**

What happens if the 100% sustainability level is wrong?

#### **Investigation & research needs**

Allocations of water resources through the development of management plans and policies should be based on sound, rigorous scientific advice and seek input from all stakeholders and farmers to ensure long-term security and viability of supply.

RESEARCH - We believe that research will be necessary in order to develop an understanding of water sources and their sustainability. This will ensure that allocation of licenses will be fair and equitable.

There should be a study done by the WRC, Agriculture WA, CALM, Farmers, Shires and the WC on the effect of irrigation on the surrounding land by use of water from bores. Irrigation from dams to be limited to up to 10 hectare and over that should be approved by the above board.

Recommendation: that groundwater reserves be continually monitored and surveyed to ensure sustainability and freedom from salinity.

Ensuring the continual quality of the water resource is an area of great concern to all Australians. Providing support services to water users would go a long way to ensuring good water for the future. Services such as: Government funded research into identification of groundwater and its' movements. Research into fixing of chemicals in soil and/or movement in water. Tax incentives to encourage water use monitoring equipment eg gypsum blocks, enviro-scan water monitors pH and salt recorders. Farmers must act responsibly with water. Irresponsible use of water or pollution of water with sprays or surplus fertiliser cost the environment but firstly the cost the farmer financially. Supply them with reliable information and they will use it.

#### **NRM links needed**

As far as the COAG requirements for Formal Environmental Provisions in our district, we agree with R. Banyard's comment during the workshop (p.5 transcript), "in Western Australia we already have in place, I think, very good by Australian standards environmental water provisions." Farmers have been financing and building dams and bores and managing the area's water resources for 50 years, with very few environmental problems. Under our current law the

DEP can allocate water to the environment and, in the Scott Coastal Plain, has required a formal CER before groundwater license could be issued to a farmer by the Commission. On this COAG requirement we have some information and practical cases from which we can start a discussion with you in relation to our district's needs.

The focus of the discussion so far has been directed at managing the risk of taking more water from a water source than is sustainable. However correct or necessary this may be, from the point of view of a land conservation group such as ours, it ignores the fact that much of our work is directed at the opposite. Land degradation occurs where not enough water is being taken from a water source or because of clearing. Water tables are rising. The form land degradation takes is water logging which frequently is saline.

It is frequently the case that stressed river systems are the result of land use. We trust that the WRC will work with the state's leading environmental agency, the DEP and other agencies, such as CALM and the Department of Agriculture, to ensure that an integrated approach is taken at all times.

#### **Support for sustainable allocations**

There is no guarantee of sustainability, if the water runs out the growers have no recourse to sue anyone.

Recommendation: every grower recognises the need for proper environmental planning and sustainability of our resources.

The meeting endorsed the concept of sustainable development and .....

Sustainable development decisions must always include riparian rights and best practices. Setting sustainable limits for divertible water.

#### **Sustainability concept questioned**

Sustainable water use is not possible when WA does not have sustainable population, the report is irresponsible in this regard, the report does not take into account El Nino. WRC has not accounted for any of these things.

### **3.5.3 Types of plans**

#### **Links between plans**

How does WRC allocate resources to regional planning from one region to another?

Allocation - No specification of priorities or hierarchy of factors.

### **3.5.4 Licensing policy & local rules**

#### **Better definition - more information**

During the peak of summer, when Neerigen Brook slows to a fraction of its winter flow, please detail precisely: a) When and under what conditions you will act to restrict the use of water from the brook? b) Who



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will have their water usage restricted and in what priority will the restrictions be imposed? If these restrictions are applied against commercial orchardists, naturally you and your department will be liable for compensation. c) How much water will you require to be in the creek at all times and at what points and times will the measurements be taken?

How do you decide what is a worthwhile use of water?

What sort of rules would be made in plans formulated under the proposal?

Who will decide, and how will it be determined the criteria for prioritising different uses and availability?

Allocation - Very little detailing of factors - suggest need more, rather than in the conditions, especially impact on other users, local area and public interest, and compensation.

Who will decide, and how will it be determined licensing issues, particularly in relation to allocation volume, number of licences, licence duration, infrastructure maintenance, equity and retrospectivity?

#### **Initial allocations**

Sleeper and dozer licences - are those water entitlements held by landholders that have rarely (in the case of dozer licences) or not (in the case of sleeper licences) been used. Development of a market in water will encourage the full use of trade of sleeper, dozer or any other unused water. Landholders may purchase these licences to increase the security of existing water licences which are being used. Where river and groundwater systems are already over allocated, some sleeper/dozer licences may be required to protect minimum environmental conditions. Sleeper/dozer licences should be controlled by the Government in consultation with Local Management Bodies, through purchase of the licences or by payment of compensation to licence owners, before unused water licences are actively developed.

How do you determine the water needs of large stands of marri and restoration (irrigating them initially)?

Just give us water according to how much land we have and leave us alone rather than us needing to apply every 5 years.

How will allocations be determined?

If a proponent in the South West looks for water for a project in an area where there is little water for human use and finds a water source will it be taken away for general community use?

Meeting suggested that information/benchmarks on which water allocations are currently made are inadequate and that considerably more research needs to be done in this area, particularly in regard to crop factors. If this is the case when would the research be

done, who would carry it out, how much would it cost and who would foot the bill?

#### **Initial allocations (efficiency aspects)**

Water use numbers for grapes seem far too low at 3000m/ha for wine and 6000m/ha for table. I reckon I use twice that and every one uses more.

In the initial allocation of water the excessive water user should not be allocated more water than the conservative user. Such persons should either have to buy from the conservative user or use less water. In the large commercial operations the allocations should be based on crop requirements and area of land. In the domestic situation, with only very small commercial activity, the allocation should be per household.

If the Department of Agriculture is wrong with the numbers will we all get an increase in allocations to compensate?

In making local rules in the case of Statutory rights, or in determining water allocations in respect of licenses, the person with a good conservationist approach to water use should not be penalised in the initial water allocation. The water allocation should be made fairly and without bias to the excessive user of water. (eg The person with an extensive grass lawn should not be allocated more water than a person with little or no lawn.) The conservationist can then donate any surplus water to the environment, or sell the balance not needed.

#### **Local management concerns (vested interests)**

Local rules: Vested interests from traditional ways of doing things might make it difficult to change local rules. In planning it is already a problem for us that there are many different rules in different areas on the coastal plain.

Who makes the decisions on who gets a licence in a land use planning situation eg land use changes created by water use changes, will these decisions be politically or economically based?

There is also the added risk of influential local pressure groups, with vested interests to compromise water trading arrangements leading to adverse environmental impacts.

#### **Setting market rules - support**

It is important that the legislation disallows people from buying up all the water.

Setting market rules - SUPPORTED.

#### **Views on allocations priorities and tradable allocations**

Horticulture producers are the main users of groundwater supply. However, the domestic market is using an increasing percentage from groundwater sources.



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Are they looking at beneficial use eg compare aesthetics, horticulture, recreation? It must be remembered that the State has in place statutory agreements with several companies that relate to the provision of water. For example, the Government has "water agreements" with Hamersley Iron, Robe River and Woodside which reserve significant quantities of water for future project expansion. Under those agreements, which were entered into by both parties in good faith, the State is obliged to provide the water entitlement at reasonably short notice. Therefore water can not be (automatically) allocated to other parties even though it is located in the West Pilbara where supply is difficult.

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Obviously properties that generate water via springs, creeks, dams etc. require a lot of upkeep. Maintenance is also required to maintain the condition of waterways within a property. Given these costs it would only be reasonable to give these properties first right to pumping licences.

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Is there going to be any priority uses for water, lawns versus vineyards and orchards?

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Horse stud priority of vineyard.

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Percentage land allowed to be watered has been inequitable in current licences. Initial allocation in new system needs to be equitable from the very first.

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Need to at least in part detail beneficial uses.

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In E. Wanneroo, horticulture gets only what is left over from other uses.

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Need to tie water allocation to the number of hectares on a farm.

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If government allows further farming in an area, it needs to increase the bulk allocation to that area rather than put the burden on the existing allocation.

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Albany region - licences, horticultural land is currently being lost as the WC is taking the water.

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Golf courses should not be given precedence over horticulture.

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Domestic households and orchards that do not have access to scheme water must have first right to a licence because their livelihood depends upon it. In the Neerigen Brook area it would be critical that no licence be granted to those on scheme water and to those that would sell water rights. Water access must not be able to be commercialised.

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Will the new legislation state priorities of competing activities to the access of water eg in a drought who loses their entitlement first, see South Australian legislation. Need rules (rather than legislation) for this.

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The Water Resource should consist of: A non-tradeable RIGHT; A managed licence ALLOCATION which may be traded; X FACTOR sleeper or unused water which may be traded dependant on seasonal availability; An allocation for the ENVIRONMENT which is non-tradeable.

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Current water users should not be disadvantaged in any way by any changes and prior use should be recognised when licences are issued for the first time in an area.

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No mention of protection of commercial users, eg if crisis arises, do commercial users have to sacrifice their crops while others, riparian and non riparian, could satisfy their need in other ways with tanks or trucking in etc...

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Under these proposals would non riparian users take precedence over commercial users in times of crisis?

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Agricultural water should be a number 1 priority over urban water. It should be compulsory for urban dwellers to have a rain water tank if there is this perceived shortage of water.

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Although we believe that water must be retained for everyone, the priority must be to ensure the future viability of those growers that already have substantial investments in place.

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No mention of protection of commercial users: eg if a crisis arises do we have to sacrifice our crops while other, riparian and non-riparian who could satisfy their need in other ways with tanks on trucking in are able to meet their needs. Under these proposals would non riparian users take precedence over commercial users in times of crisis.

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It is wrong to impose restrictions on primary producers without similar controls on urban and industrial water users, who are notoriously wasteful due to their lack of awareness.

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That a clearly defined, tradeable water property rights regime that provides security of supply, which is fundamental to the future viability of WA agriculture, be developed. This Group considers that water resources should be shared equitable within a catchment and recognise the needs of all users.

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### 3.5.5 Other planning aspects

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#### Background question

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Golf complex - how important is it in Swan water, why can't it use grey water, it had one artesian bore and 19 others, how deep are the wells at the Vines?

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Has the use of grey water started?



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There seems to be (from a management point of view) a requirement to “get it right now” ie. predictions of future needs, if WRC does not get it right will they be liable for compensation payments in the future and will it not take a lot of WRC resources to “predict accurately”?

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**Better definition - more information**

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Where do developers go to get water for new developments?

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Will the management plans be written by the advisory committee?

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Other planning aspects - concern over planning for future needs. Where demands for water precede the finalisation of plans, WRS 1 proposes that the WRC will take a conservative approach in making decisions about licensing water allocations where there is insufficient information about the impacts on water resources. Clearly the WRC will frequently find itself in this position in the short term, and it is important that the WRC not make allocation and licensing decisions which may preclude other options arising from the planning process.

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We are short of water, what are we doing about planning for future needs?

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**Consistency of plans**

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Want to make sure this and other draft might end up in two sets of local rules. Want to ensure they will be merged.

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What if management plans are contradictory? eg priority 1 and Gingin area.

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**Supported (suggested improvements)**

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That Management Plans provide for the needs of all water users within a catchment and include consideration of environmental factors such as beneficial allocation for flood plains, wetlands and in-stream needs. If there is an aim by government to sustain aquatic ecosystems and protect river systems health, clearly defined environmental allocations of water are required. These allocations should be owned and management by Government on behalf of the community.

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The needs and requirements for the maintenance and development of a management system would follow from consideration of present and projected use of water in the horticulture industry. This information would be obtained through the Australian Bureau of Statistics.

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Finally, the discussion paper would be improved by enhanced discussion and differentiation between potable and industrial or lower grade water supplies. Greater clarity is warranted as to whether allocations should be based on potable water (only) or whether industrial grade water (within the same region) is included in the resource's quantification. This is

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important, especially in areas such as the Goldfields where there are sizeable non-potable reserves. Further, it should be remembered that certain industrial grade water can still have environmental benefit.

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**3.6 Reasonable and responsible use**

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**3.6.1 Overall concept**

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**General questions/more information wanted**

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Should a Third Party license be issued, what “Duty of Care” responsibilities will become relevant to protect both the landholder and the licensee?

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If you don't use you lose, does that mean that with improving use of water or using less your licence gets smaller?

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Use it or lose it, can you explain that?

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Mention of making water users use efficiently - under new system can WRC make them change the way they do things; every 5 years?

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Would people with 3 horses over a 5 acre property, watering the pasture to keep it green, contravene your scheme in any way?

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WRC are custodians I understand?

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**Market preferred**

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P16, C2 para 1 - “Want to use it” is not the point which is “make best use of the finite resource”, and that is best sorted out by the market.

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**Qualified support**

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What are the safeguards for water supply for later expansion? eg if I want to expand my horticultural development in 10 years but not now therefore I'm not at present using all of my allocated water.

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P14 dot points - “Sustainable” and “Harmless” are the only reasons for a resource manager to intervene. He will not be the best judge of what is “Beneficial”, “Necessary” or “Efficient”.

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**Support for community empowerment/user self regulation**

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Support for wider responsibilities on the user, P14 (WRS1).

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Support for self-regulation and principles that will support it.

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The whole approach of the WRC to its corporate objectives of sustainable water resource management are fundamentally flawed because the Commission has no credible game plan for sustainability. To do this, it needs to embrace a process that integrates the social, economic and environmental facets of resource management, and to adopt tangible policies that empower communities to do the same.

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Confidence in the use of voluntary and incentive based approaches is increasing. The Australian Landcare





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Movement is now recognised worldwide as an innovative and effective response organisation dealing with land and water management issues. Landcare has shown that by using cooperation, education, incentives and community commitment, lasting results can be achieved. This Group considers that water quality has improved indirectly as a result of improved land management practices targeted specifically toward sustainable agriculture and salinity control. The community is addressing these issues without regulation or policy pushed by Government. A sense of community ownership of water resources helps to improve people's understanding of the nature of problems and their solutions. This in turn leads to more effective land and water use practices. To support communities, attention must be directed toward improving research and extension programs.

Communities should be empowered and assisted in developing their own strategies, rather than being informed at the end of a process of principles and philosophies that have already been developed by others. This Group considers that industry and the wider community should be involved in the decision making process on regional water management issues. To ensure community input is of value, Government must provide regional community committees with financial and legislative resources as well as facilitation and technical expertise.

#### **Support for overall concept**

Principle of reasonable & responsible use - Agree

Reasonable and responsible use was totally agreed with.

People need to be aware of the value of water and manage it with a long-term view for the interests of everyone.

#### **Support implied**

This Association subscribes to the notion that the water manager should have the authority 'to intervene if water use is inappropriate or inconsistent with the legislative objectives' and that there should be an obligation for water users to utilise, where practicable, best practice in relation to irrigation technology and methodology.

### **3.6.2 Sustainable**

#### **Information on sustainable practice**

At the beginning of the meeting (Dandaragan 8/12/97) Mr Banyard showed an overhead which stated that the Commission would manage water supplies so that usage would not exceed 100% of the sustainable yield. How will the Commission be defining what volume 100% is? Will this relate to the original groundwater levels pre clearing, in 1997 or expected levels in 2010? Given that monitoring within the Perth Basin, (which will provide most of the fresh groundwater supplies),

are showing rising groundwater trends, what will be used as the sustainable yield and what process will be used to determine this account? Will the sustainable yield be adjusted as land management practices change?

How close are we here to our sustainable limit?

Surely the 1000's of Perth bore users are having an impact on the environment and horticultural development?

Is the new Act taking notice of the unsustainable "mining" of groundwater by the mining industries in the goldfields? Is somebody suggesting that salt water may be useless and not a "marketable" commodity?

See Industry Commission report on Ecologically Sustainable Land Development for "duty of care", also Resource Management Act of New Zealand and the Catchment and Land Management Act Victoria. Issues: local rules giving content; voluntary codes of practice drawn up locally; see OH & S Legislation.

#### **Legislation questions**

Will the bill include measures or regulation to stop the waste of ancient water from the artesian basin via those countless bores in our pastoral range lands?

The Commission is right in that the previous legislation has been a failure in protecting water resources and that reform is needed, however, now legislation alone will not protect water resources either.

#### **Suggested definitions**

Need to allow 33% water in a stream run free.

Overhead stated that the Commission would manage water supplies so that usage would not exceed 100% of the sustainable yield. How will the Commission be defining what volume 100% is?

Recommendation: methods of sustainability be established within each region.

The Proposal suggests several management principles. Particularly, that the use of water must be sustainable, so that renewable water resources are not "unacceptably depleted". A line may have to be drawn to define when it is that a water resource becomes "unacceptably depleted". This may link back into the state object and the environmental bottom line.

#### **Support for water sustainability**

SUSTAINABILITY OF SYSTEMS - The sustainability of the water resources is of paramount importance and decisions for supply need to be based on well researched advice that will benefit the whole community. The development of a sustainable industry is based on the correct approach to the



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environment and all users. The need to maximise the economic benefit of a water resource can hoping on this process and other water uses may be ignored. The recreational or environmental use of water is an important consideration.

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Positive Aspect - Sustainability of water resources.

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Conclusions: Drought is a condition Australians must be prepared to counter. Rainfall is the greatest resource, water conservation is vitally necessary for people, agriculture, aquaculture and Industry. Run off should be minimised by productive corps, pastures and trees. Trees of course are an environmental must and can also be used for timber, pulp etc. Wetlands must be preserved unsaturated, and remnant vegetation schemes continued. Saline areas must be fenced off and improved with suitable species to enable them to be more judiciously productive. Farmers are already aware of these facts and their livelihood depends on their management of the land. Indeed the Australian farmers are world renowned for their initiative, ingenuity and ability to cope with a harsh and remote environment.

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The importance of protecting the quality of groundwater is not underestimated however, the very nature of groundwater imposes severe limitations on the effectiveness and practicality of Government implementing regulatory and market-based controls. The extent of a groundwater resource, its yield, sustainability, and causes of degradation can be difficult to identify over extensive areas. Groundwater users should be educated and given the technical support to take responsibility for managing the resource sustainably and addressing causes of degradation.

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Growers acknowledge need for sustainability. Happy to work with WRC but want to emphasise there are issues which require a lot of discussion.

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### 3.6.3 Beneficial (use it or lose it)

#### Comments/statements

Use it or lose it - in planning for long-term industries in areas where there is water but it is not currently being used - what step should we take to ensure this water is allocated to industry in the future (especially if they carry out the studies that find the water source)?

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The "use it or lose it" principle should be modified to allow the option of unused water to go to the environment.

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If you go on holiday or away for a while will you lose your licence.

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Is export of the crop a factor related to present allocations?

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The term beneficial use (and pollution) needs to be consistent with the EP Act definition.

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S. California does not have the "USE IT OR LOSE IT" Principle and Ord is more like that than N. California.

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You might give the water to someone else, eg mining company, if an irrigator is not using say 25% of water in any one year.

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Use it or lose it - need to be very flexible.

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#### Concern over "use it or lose it" concept

Our specific concern is that the so called "use it or lose it principle" contained within the proposals could discriminate retrospectively against small operators like ourselves who have purchased and are developing properties under the current regulatory arrangements. Accordingly, we seek protection from this potential injustice, and propose that the way to achieve such protection would be to restrict the application of this principle to properties purchased after the introduction of the legislation.

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Sees a problem with the "use it or lose it" principle and questions how this can work?

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"USE IT OR LOSE IT" is a worry. Had a drought not long ago and allocations were cut in half; if you were diligent you would be left without any water in that situation.

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Will "USE IT OR LOSE IT" principle mean you lose half your allocation if you don't use it?

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Water use can change depending on produce demand.

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Concern about "use it or lose it" principle from an irrigation/salinity point of view, eg if you have an unusual rain one year so they don't use the water and lose it. Most water users would plan to have enough water for the driest year possible, for risk management purposes (1 in 10). Need some way of determining what a reasonable amount of water to be held is in a given area, and the time scale over which this will be assessed.

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Licence duration's - When my licence is taken away from me, my land becomes valueless to sell. Worry about having water taken away if not using it due to age or going on holiday for 18 months.

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The extra water we have and are not using is our insurance, but with these proposals you can take it off us.

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Concern was raised over the "use it or lose it" principle, participants believed that in such situations compensation should apply.

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Will it be the law that I have to give up my water (in my expensive dam) because I'm not currently using it?

Concern was raised over the use of "use it or lose it" principle, participants believed that in such situations compensation should apply.

P11 Considering the application - private rights and public trust - For those applications which will lead to tradeable licences, are matters such as the need for the water necessary when ultimately they may be traded for a different use, with an effective market optimally resulting in the water being "put to its highest and best use".

Concern was raised over the "use it or lose it" principle, participants believed that in such situations compensation should apply. What would happen in the case where crop rotation requirements dictate that a farmer lease another parcel of land, while letting his own land lie fallow? Would the farmer be able to "transport" his allocation?

Farmers often need to adapt to changed circumstances such as weather, economic crop price downturns, inappropriate cash crop or land use. Therefore the water use will vary as the land use varies and with such restrictions it could mean that there is insufficient water allocated to the 'crop'. In some circumstances it can be envisaged that dire financial circumstances would result if farmers are prevented from adapting.

Not happy with "use it or lose it" arrangement. Licence holder will have medium to long term plans, which must be catered for. It may encourage over use of water in attempt to prevent losing it.

Concern was raised over the "use if or lose it" principle, participants believed that in such situations compensation should apply. What would happen in the case where crop rotation requirements dictate that a farmer lease another parcel of land, while letting his own land lie fallow? Would the farmer be able to "transport" his allocation?

Could you please reassure us in our concern: That the so called "use it or lose it principle" contained within the proposals, could discriminate retrospectively against small operators like ourselves who have purchased and are developing properties under the current regulatory arrangements. Our suggested solution to the overall proposal is: That in order to protect operators like ourselves from this potential injustice, the application of this principle be restricted to properties purchased after the introduction of the legislation.

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If I use water efficiently the new system will take my water off me because I am not using my allocation.

#### **Definition/development of concept needed**

Have rights to use all water on horticulture property, but only using half now because trees young. Will we lose it?

P9 progressive water users vs use it or lose it (the mixed meaning again).

Please explain the use it or lose it principle, what is in the document encourages people to overuse water, this part needs rewording.

What does "use it or lose it" mean?

Can we have two rules so that we are assured our base allocation, but the "USE IT OR LOSE IT" rule stands for further bought allocations? Want to stop speculation.

If you couldn't work for a couple of years, what would happen to your allocation?

Use it or lose it principle?

What is a greater need?

Use it or lose it will be another issue, eg if they are in a "resting phase of development/production" can they use it later?

Will there be room for staged implementation of "use it or lose it" concept, for example staged horticultural development?

When a new farm dam is constructed, the entire water yield may not be used in the first few years as the farm infrastructure and piping, etc. are installed to distribute water to irrigation areas. The "use it or lose it" principle may force a farmer to trade water simply because it cannot yet be used, whereas the long-term plan may be to use it all. What opportunity exists, under the proposed water reform, for maintaining a farmers right to water from a dam he has constructed for the purpose of using all of the water in the long term?

Beneficial P14. The goal that management systems should encourage the transfer of water to more valuable use is another principle that will be fraught with problems in reality. Who evaluates "valuable", what are the criteria and is there a system of review? For example is power generation or bluegum irrigation more valuable? To Whom?

Need a code of practice; change "use it or lose it" to "use it or help out".

#### **Disagree with concept -monetary concerns**

Take or pay rather than use it or lose it philosophy.



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Is there a value on the water that is taken off a person because they are not using it? Do they get compensated?

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Use it or lose it again - huge dam that cost lost of money - you can now take the water away if we aren't using it, surely if you spent \$\$ on the dam to hold the water then the water is yours?

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Infrastructure costs - who pays the cost of the infrastructure if WRC takes the water and gives it to someone else.

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#### **Disagreement with "use it or lose it" concept**

Irrigator view - general disagreement with the use it or lose it principle.

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Transfers and "USE IT OR LOSE IT" just methods to get more revenue.

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Negative Aspects - Overstatement of Use it or Lose it philosophy.

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P2, C2 para 6 - We do not understand why the Commission should wish to "limit speculation". Speculation can, when driven by herd behaviour, cause markets to overreact, but the more common effect is that of reasonably well-informed speculators thickening and smoothing markets. In any case, since the general tendency is that of over-use of water supplies (because of the inadequately specified property rights) action which takes water out of use against anticipated greater future demand should yield social benefits.

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This is NOT fair. Many growers have worked hard all their lives - only to find that in their old age they are forced to either: carry on working hard until they drop dead, so as to use their allocation, OR; sell their allocation and thereby increases their assessable assets and maybe lose their pension OR; lease their allocation and thereby increase their assessable income and maybe therefore lose their pension. Yet another case of minority groups being discriminated against and disadvantaged.

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IF YOU DON'T USE IT YOU LOSE IT - The principle should not apply unless legitimate reasons can be substantiated. eg \* It is deterrent to forward planning. \* Properties on market should hold existing licence allocations until sold. At the same time, granting of tradeable rights over an entire field could promote anti-competitive behaviour, although the "use it or lose it" concept promoted in the discussion paper would appear to address that scenario.

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The concept of Use it or Lose it is quite unacceptable.

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#### **Does not promote water efficiency**

The summary states that in order to ensure that limited supplies of water are used and to limit speculation, a "use it or lose it" arrangement is proposed. While I understand the need for this type of provision, it must be implemented very carefully. The concept runs contrary to the concept of sustainable use, in that people may not take steps to exercise efficiencies if the result is that they are forced to transfer outstanding entitlement while other licensees not exercising the same efficiencies hold onto their entitlement and better protect themselves in times of need. In areas where there are sufficient users to create a market, presumably there will be economic incentives to reduce use and transfer surplus entitlement for profit. However, the market will presumably not operate to provide this incentive in every instance.

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"USE IT OR LOSE IT" must be revised or you will discourage efficiency. Do need to stop speculation, but not growers efficiency - need two sections. Don't want to see drought-proofing allocations being sold off.

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"Use it or lose it" doesn't encourage demand management therefore encourages "punters" to use as much water as possible; has a mixed meaning.

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The "use it or lose it" principle must not lead to using water for the sake of it. The more water left in the natural environment the better and this should be provided as an alternative.

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We can also see problems in the requirement to use or have plans to use, all excess water, so as to avoid water rights being lost. This approach may guard against the accumulation of large allocations of water but it would also encourage thousands of small to medium water users to be wasteful. It would not be possible for the commission to adequately monitor and prevent such irresponsible behaviour.

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Use it or lose it principle doesn't seem to be any incentive for efficiency.

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#### **More information regarding implementation needed**

What happens if OIC doesn't use all its allocation?

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#### **Support -qualified by reasonable timeframes**

Use it or lose it - need to better explain intentions; need to specify time allowed for non use.

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If "USE IT OR LOSE IT" relates to the specific licence, then fair enough, given a time frame.

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#### **Support for "use it or lose it" concept**

Support for "USE IT OR LOSE IT", plus the higher cost of water here because it encourages efficiency.

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SWIMCO has factored in the Use It or Lose It principle. Agree with it although they know individuals who wouldn't. Time frame would be of interest for SWIMCO.

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Also, the group would not agree to any arrangement whereby ownership of water rights could enable private organisations to “tie up” water resources which could be required for future development or expansion of a Water Industry providers resource.

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### 3.6.4 Harmless

#### Concern/questions of effect of water use on others

Who gets precedence over water when it is found that someone else’s offtake is affecting BWB’s eg the Shire bore?

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If had a crested weir that showed the same amount coming into your property was also going out, how would that go with WRC?

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If someone upstream affects my water what are WRC going to do about it?

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If I am using a spring from upstream and someone moves onto the property with the spring and dams it - what happens to my water?

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### 3.6.5 Efficient

#### A Question/suggestion

With regard to private users, shouldn’t there be an opportunity to make use of efficiencies to expand; for example sprinklers, trickle irrigation etc?

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The rate per volume of allocation, and the volume of allocation should vary depending on the users level of adherence to best management practice, eg drains and waterways fenced and vegetated; sediment traps installed; aquaculture practice; types of pesticide used and practices of use; best soil management practice in the catchments. The reasons are that users vary greatly in their level of impact on the waterway, eg an organic vineyard has much less impact than a large potato grower with no soil and stream protection.

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The committee believes that the same restrictions should be applied to surface and groundwater users as to that of scheme water users.

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Who will decide on transferable rights and use within a catchment area? Is maximum efficiency a criteria or purely resolved by pricing mechanism?

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#### Concern over regulatory/licensing system

P14 efficiency OWR/WRC double up.

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As such the respondent is concerned with the WRC’s proposal to use the regulatory/licensing system to improve water use efficiency.

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#### Flexibility of WRC to change

P14 changing needs and responsibilities - efficiency, how strict will WRC be?

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The question arises whether WRC will have the resources to keep up with these sorts of changes, particularly if someone wants to expand or neighbours want to use the same sorts of techniques.

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#### Monitoring efficiency

How is saved water measured? What water use benchmarks exist? If these exist would they be used???

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Improved efficiency of water use. We support the increased efficiency of water use and note that it is included as one of the objectives of our strategic plan. Within our sphere of influence we are promoting the value of on-farm measures such as improved drainage (sub-surface and district) and soil water monitoring as well as continuing to increase distribution efficiency and reduce system losses. However the need for monitoring of efficiency should be ongoing and not brought up only at the end of the licence period. For example for a 10 year licence an interim review at 5 years followed by 2 yearly follow ups would provide plenty of opportunity for improvement before the end of the 10 year period. The criteria for the review would need to be closely specified and jointly agreed upon at the start of the licence. We also note that whenever issues of water use efficiency are raised it always seems it is agriculture which is used to provide negative examples. We would like to see some balance with justification and efficiency measures placed on many urban beautification projects, for example. management areas - there are a range of grey areas such as By-Law type situations where it is not clear who has control. For example, we are meeting our obligations to reduce losses and increase efficiency in the Collie River. The by-product of this is that users, some of whom have substantial horticultural investments based on a non-guaranteed water supply, are affected. The issue is who has the right and/or responsibility for the water supply to those people. Similar problems occur on the Brunswick River, Harvey River and Henty Brook. It is not clear how the use of Statutory Rights, Licences or Local Rules will apply in those cases. The allocation process is an area which seems fraught with problems because of information deficiencies. If efficiency programs take hold for example, a rapidly changing situation will develop in terms of need and therefore, allocation. For example a licence which is based on sprinkler irrigation would not have anywhere near the same requirement if it changes to trickle irrigation. The question arises whether WRC will have the resources to keep up with these sorts of changes, particularly if someone wants to expand or neighbours want to use the same sorts of techniques. The question is whether the rate of change can be accommodated and how- if the measures that are intended to be introduced are successful. How intrusive does the WRC intend to be in a situation where rapid changes “free up” water resources? We do not see where water use options such as By- Law 11 users in particular are covered by the review. These are a particular problem for us in that they present about 3% of our business in terms of income but about 30% of customers and 90% of our



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problems. Most By-Law water becomes available as a result of inefficiencies in the use of water. As we improve distribution and water use efficiency there will be much less water for By-Law users to take opportunistically. We are already handling queries from people who are not getting the water they are used to having and are demanding as their “right”. We cannot see that these users fit into any of the categories of Statutory users, Licensed users or under local rules. We would welcome your explanation of how they are to be handled.

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How is saved water measured? What water use benchmarks exist? If these exist would they be used?

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How is saved water measured? What water use benchmarks exist? If these exist would they be used?

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We support the increased efficiency of water use and notes that it is included as one of the objectives of our strategic plan.

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Travelling irrigators, throw water everywhere, one still in the Leederville, rest on drip, not equitable to have one throwing water everywhere every time you go past.

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#### **Support for improved efficiency of water use**

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The proposed legislation does not have enough incentives to use water wisely but only uses expensive manipulating controls. A better approach would be to encourage land used to store rainwater by offsetting dam and water course building costs against any licence fees or water rates. Discount should apply to any fees if scheme water is used as above ground collected rainwater prevents over usage of groundwater.

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Water use efficiency. The respondent recognises that improved efficiency of water use is an important objective for all water users, in the drive to achieve more sustainable water use. The respondent supports COAG’s view that market mechanisms are effective means to achieve this. As such the respondent is concerned with the WRC’s proposal to use the regulatory/licensing system to improve water use efficiency. The respondent is concerned that industrial and agricultural water users should also be encouraged to achieve more efficient water use, not just domestic users. As an example the respondent considers that industry should be encouraged to use waste water ahead of other water resources, where the lesser water quality does not constrain their activities. The problem is that waste water is often far more expensive to use than existing sources. Market mechanisms such as financial incentives should be seriously considered as a means of increasing water recycling and reuse and reducing water demand.

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Producers are very conscious of the need to adopt “best practices” in irrigation as the quality and yield of tubers can be adversely affected by over or under watering. Proper and efficient management of our water resources therefore is critical in the ability of

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WA to be self-sufficient in fresh food production whilst meeting increased public demand and changing environmental and social expectations.

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Recommendation: that industry and the public be continually educated on the need to maximise the efficient use of water resources.

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Recommendation: that it is in the interest of all parties that our water resources are used in a sustainable and most efficient manner.

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### **3.7 Powers to modify licences or plans**

#### **3.7.1 Reviewing/updating sustainable diversions or EWPs**

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##### **Change conditions- support**

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The ability to change licence conditions is fine and understandably needed.

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There should be provision for directly changing the conditions.

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No system of licensing can provide an unconditional supply of water to the grower, and therefore the water manager must be able to accommodate unforeseen changes, such as climatic variations, changing community needs and a host of other factors.

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##### **Compensation - if existing rights affected**

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If the WRC take back some of the volume or scale would compensation be paid?

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The WRC should not be exempt from legal and financial liability for incorrect and incompetent decisions which result in significant damage or loss.

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What happens when the Commission makes a mistake, will it pay compensations or be liable?

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The guarantee of certainty that we require for the ongoing viability of our orchard, must survive the test of your department using all its powers to the legislated maximum. The only other option is for you to compensate us in full for the value of our investment and subsequent losses.

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Where private interests in land, water or natural resource use are deleteriously affected in the “community interest”, will compensation be paid to effected parties?

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Of utmost importance is to ensure that adequate compensation mechanisms are built in where a water owner is prevented from exercising an existing right established by law or custom. For instance - if existing water rights are to be diminished for bio-diversity of the environment as the public good then the benefactors of the public goods must be willing to compensate.

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Of utmost importance is to ensure that adequate compensation mechanisms are built in where a water owner is prevented from exercising an existing right established by law or custom. For instance - if



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existing water rights are to be diminished for biodiversity of the environment as the public good then the benefactors of the public good must be willing to compensate.

We understand the need in some cases, where the public good overrides that of the individual, for the government or their servants to repossess or resume land and property, but not without due compensation. This proposed alteration to peoples water rights up until now would appear to have been carried out with a certain amount of stealth.

Under what conditions will compensation be paid to another water user. Will this occur when the Commission make a mistake?

Changes to water entitlements to accommodate environmental flows need to recognise existing water rights and be made with full compensation where water rights and land values are affected.

P12, C1 para 2 - "fair compensation" should also apply in cases of imposed sharing.

Recommendation: no one should be disadvantaged by the proposed scheme and if this happens, adequate compensation must be paid to the individual affected by this policy.

The compensation referred to in the proposal would not solve this problem. Compensation in kind (eg dam digging, aquifer recharge schemes) might be more appropriate.

We agree that compensation issues need to be thoroughly researched, given the very sensitive nature of compensation. Compensation should only be made where changes occur through no direct or indirect cause attributable to the licence holder, and actual financial loss or diminution of property value can be proven.

Finally, will any compensation be paid to a landowner, whose financial income may be limited by regulations imposed by the Commission?

Compensation must be allocated to any business adversely effected in the long term for the changes to water allocation and management.

A summary of our key suggestions and comments are as follows:- We understand there will be a reduction or removal of statutory and riparian water rights. These rights are, in general, considered to add value to existing property values. Therefore we believe these rights should be compensated for by one of the following:- Monetary compensation; Provision of an equivalent licence under the new provision. We also submit that some of the above rights should be attached to the land. We believe they form part of the natural or physical features of the land and are not easily separated.

**COMPENSATION FROM CONSEQUENCE** - The compensation of any business adversely effected in the long term for the changes to water allocation and

management. The COAG payments are to assist the process of change and a system of compensation needs to be established from those payment to ensure no one is disadvantaged.

The Government should not attempt to claw back water entitlements without providing appropriate compensation.

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### **Concern about ability to change conditions**

If you change the conditions of the licence you are changing the conditions, but it is the grower who is paying the price.

Licence tenure and changing of licence conditions - objection to changing of licence conditions whenever and however WRC like, problem with threats to livelihood.

Concern expressed that the "catch" to having a perpetual licence was that WRC could change the conditions at any time.

Large power on WRC to vary licence conditions at will.

P8 point 6 - A right that may be changed is no right at all, although you probably mean only that certain defined aspects of the license may be changed.

Recently we have seen a major problem with the application to renew licences. In the intervening period between the granting of a licence and its time for renewal the various government departments have changed the criteria that applications need to meet. It costs many thousands of dollars in planning strategies and nearly the same again in requirements and conditions before renewal would be granted.

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### **Conditions - difficulties & suggested ways to improve proposal**

Changing needs - precludes "royalties".

Limited control in changing circumstances - a "freehold grant".

Reductions in Licensed Allocations caused by water management decisions were to be equitable and uniform across the management area.

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### **Questions about review of conditions**

Which parties will be included in involvement of changing conditions?

The farmer can have met the criteria, been granted a licence, set up the infrastructure of his business and then when he needs to renew his licence his business and his income have to be put on hold while he meets the changed criteria and while the wheels of government turn very slowly.

Change of licence conditions must be negotiated with licence holder and Local Management Group.

Who will decide, and how will it be determined environmental impact assessment of all water



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resources following allocation and subsequent utilisation?

How will the decision be made as to how much water will be allocated and who will make the decision? When user applies for water will they apply for an allocated amount of water? How will we resolve potential conflicts?

Will a licensee have an opportunity to be involved?

The process for varying licences should be specified in the Act. ie. OWR Act.

Would we have the opportunity to negotiate over the conditions on a longer licence?

Do new laws mean reviewing the figures on my licence?

What happens if found that environment needs more water than now allocated?

If we use more anyway the WRC numbers are wrong and the licences can be changed.

If current allocation is unsustainable will the conditions be changed?

### 3.7.2 Cancellation/resumption/surrender of licences

#### Change conditions- with compensation

P8 Right to change licences without compensation - WRC should be made to pay compensation when they have made errors.

#### Compensation if any "rights" reduced

Finally if the WRC decides at a later date to reduce the licensed quantities, or to impose other adverse changes to licence conditions then should the licensee be compensated?

Where licences are resumed this should occur under the provisions of the Public Works and Land Resumption Act, with fair compensation which includes all development costs borne by the licence holder, and payment to enable the licence holder to access alternative water supplies or to re-establish into an activity which is not water dependent.

Compensation. The respondent has concerns about aspects of the proposals in WRS 1 and 3 dealing with compensation. The proposals are: -licensed water allocations may be changed if necessary for good resource management ('to satisfy the evolving requirements of good water resource management'), without compensation; -where available water is redirected to another use, and it results in diminution of existing licensed use, then compensation to all affected parties will be required; and -where the WRC decides to issue a licence that will result in injury to another party it may specify compensation payable by the licensee for injury. The respondent is concerned that the term 'good resource management' needs to be

clearly defined in terms of the specific circumstances under which compensation will and will not be payable, as a matter of natural justice, and to ensure accountability and transparency of decision-making. For example in the case of the first two points above, it is unclear if compensation is payable if 'good resource management' includes redirecting water to another, higher use, which may include providing water for environmental flows. The respondent strongly opposes any suggestion that compensation would not be payable where the respondent or any other service provider, suffers a diminution of existing licensed allocation as a result of being required to provide environmental water flows from existing water assets, which were not previously required. The WRC's proposals indicate that water allocations for consumptive purposes will be determined through Regional and Subregional plans, and allocations will be conservative where information to fully understand the water resource is lacking. As the responsible decision-making authority for both planning and licensing activities, it is inevitable that the WRC will make poor decisions from time to time. Hence the WRC must be accountable and financially liable for incorrect and incompetent advice and decisions resulting in significant financial loss and damage to water service providers and users, where they have complied with WRC licence conditions and other approvals, and to downstream landholders unacceptably impacted by such decisions.

Got so far without consulting WRC, bought farm with water, if you come and take water - need to pay compensation.

The only acceptable reason for reducing the licence quantities or imposing management requirements would be due to an adverse affect on the environment. In that case the changes are for the good of the community so should the licence be compensated as part of the WRC's community service obligations?

The committee requested that under the subheading of Licence cancellation, resumption and surrender P16 a detailed, fair and equitable proposal be submitted to address compensation.

Will there be compensation for resumption of licences for public/environmental use?

What is our compensation when government eventually takes our water away from us? There will be effects on the community if a big water user but low employer is given an allocation.

Resumption of licences - Any compensation?

Any taking away these rights must be compensated first then id deemed necessary re-licensed to the proprietor.

#### Criteria

The possible grounds of licence resumption should be provided as soon as possible to assist debate.





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Regarding licence cancellations by a Court of Law, the group respectfully suggests that there should be more means of independent arbitration before such action is implemented.

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Who will set the terms and conditions associated with licence revocation?

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How are the public to be convinced that rules will be consistent eg for revoking rights?

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If you are selling your rights to water how long can you spend over negotiating before you lose your licence?

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#### **Impact on licensee**

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How can you revoke my licence after 5 years when I have a 25 year bank loan?

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That where water reform policy impinges on the ownership of a property right, compensation should be available. Compensation should reflect the owner's true loss, including its market value and any consequential losses such as severance, disturbance and injurious effect.

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If the grower pays for water then the WRC takes some back, might pay for enough for 10 acres and then the WRC take some back and we only have enough for 8 acres.

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If the Crown still retains ownership what are we compensating and are flawed management decisions subject to compensation?

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The Commission must recognise existing water rights and be in a position to provide full compensation to those whose rights are affected.

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What compensation is available if a farmer loses title to water?

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#### **Making good**

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The proposal that the Commission determines compensation payable if a water allocation decision causes injury to another licensee P12 is problematic. For example, if the licence to the new user is subsequently cancelled and that business of the original licensee, will the WRC pay the outstanding compensation? We have serious reservations about this concept.

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#### **Opposition**

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P16, C1 last sentence - Why "Unused"? [relates to unused wells being removed if the licence is surrendered]

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Licence cancellation, resumption & surrender - Disagree, too heavy handed

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The right of WRC to take back licences was "dangerous".

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#### **Penalties**

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However, the respondent is concerned that revocation/cancellation is the only penalty proposed for breaches of licence conditions. In the

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respondent's view this is not appropriate for minor to moderate breaches of licence conditions, which are better dealt with by a system of financial penalties, similar to that proposed for breaches of environmental conditions described in the Environmental Protection Amendment Bill 1997.

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Why not take the licences away from people who are rorting the system? Can't bring in TWE's here unless have that level of control/integrity of system is clear. Up to 23% goes missing. Same with other aspects of enforcing the proposal. Ag WA has information about our cropping so you could figure out how much water to charge us.

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#### **Support**

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Licence cancellation - SUPPORTED.

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The committee supports the increases in penalties, with ability to revoke licenses.

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#### **Support qualified to substantial breaches**

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In order to minimise speculation in the water market and to achieve maximum economic use of water resources available for consumptive uses, the Water respondent recognises that licences should be able to be revoked where licence holders have not substantially complied with their legal obligations detailed in their licences.

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### **3.7.3 Emergency directions**

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#### **Support for temporary conditions only**

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P16, C1 para 1 - This power is, no doubt, useful for dealing with crises. However, there ought to be restrictions on its use to prevent permanent reductions in the volumes or shares that the relevant licenses define. These are best controlled by buying and cancelling water rights.

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#### **Support subject to appeal**

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#### **Support subject to guidelines**

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Competing demands for water necessitate that in times of emergency, the Commission, as the state's water manager, must have the authority to make variations to licence conditions. However, guidelines as to what constitutes an emergency should be developed.

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#### **What criteria will apply?**

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In the event of an emergency, will directions apply equally to all licensees and statutory users in the affected area or will there be some sort of priority system operating?

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During the peak of summer, when Neerigen Brook slows to a fraction of its winter flow, please detail precisely: a) When and under what conditions you will act to restrict the use of water from the brook? b) Who will their water usage restricted and in what priority will the restrictions be imposed? If these restrictions are applied against commercial orchardists, naturally



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you and your department will be liable for compensation. c) How much water will you require to be in the creek at all times and at what points and times will the measurements be taken?

### **3.8 Reporting and monitoring water use**

#### **3.8.1 Reporting (by the licensee) of water use**

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##### **Alternatives to meters**

How does WRC plan to establish whether water is being effectively or efficiently used? Can we effectively monitor water usage without the use of meters?

Will WRC review large allocations especially of those who aren't using the water - can't aerial surveys pick this up?

How does WRC check on WC that they take the amount of water they are meant to? Market Gardeners?

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##### **Better definition - more information**

Annual reporting - what is required/how far will this go?

Annual monitoring to protect user and resource (proposal) - Please explain?

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##### **Concern - but implied support**

Need the ombudsman to make sure WRC is doing the right thing.

Need an independent agency to make sure WRC don't go overboard.

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##### **Concern - costs & paperwork**

Negative Aspects - Compliance/Reporting impacts and cost.

Monitoring - This is a large task to ask of most farmers. Would they be required to report on water use from dams or streams for domestic and stock use or only for licensed use?

The way the document reads - it seems that there will be a lot of paperwork and monitoring required.

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##### **Concern - costs - expertise & conflict**

Negative Aspects - Monitoring responsibilities transferred to operators (expertise, costs, conflict).

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##### **Questions**

How are you going to monitor it all?

P14 local rules - will there be monitoring?

Better management, how do we monitor bores to know what is pumped?

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##### **Support**

Unlicensed/unmonitored use of ground and surface water in the Eastern States has contributed

significantly to problems with water, both in terms of quality and available quantity. Similarly, it is seen as inappropriate for companies and individuals to be using water without having to account for how and when it is used. It is the view of this Association that a more accurate system of monitoring will identify inefficient users of water and put pressure on them to redress their ways. This in turn will free up water to be put to other, more profitable uses.

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Monitoring should be law.

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##### **Support - qualified/ suggested improvements**

Whether the data obtained from the proposed system of annual reporting P16 will improve the understanding of the resource, or simply be another bureaucratic process, needs to be considered. Users of large quantities of water, such as us, have a responsibility to closely monitor any impacts. However for smaller businesses and individuals, this could be onerous and costly, and still not improve their attitude or behaviour towards protection of our water resources.

I would like to suggest that for orcharding areas a very great deal of information could be obtained using existing processes already in place through the Australian Bureau of Statistics. Each year orchardists complete statistical returns that include information such as: tree numbers and varieties; tree age; area of planting; yields of varieties. Growers complete these statistics and are familiar with this process. I suggest that the WRC could negotiate with the ABS to obtain information relating to water such as: area and volume of stored water on each property; number of bores; rainfall; volume of water used (m3) and amount of water applied (mm); technique used for estimating water requirement (eg None, evaporation, gypsum block, tensiometer, sentek etc); water quality at say beginning, middle and end of season; drainage system used; new planting's and proposed planting's requiring water and how much water would be budgeted to be applied. Using this process the WRC could have an annual audit of water storage and use for the horticultural industry. This approach would: use existing processes that primary producers would not find threatening with which they could comply; provide a register of the water resource in substantial areas of the state; form a basis from which informed decisions could be made with respect to matters related to water management and use; not require the establishment of a further bureaucracy or administration to obtain such information

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The committee agreed with the concept of monitoring reports, but believes there may be a need to variation in the level of reporting required. A standard form or format has been suggested.

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The mechanisms for the reporting process, and the content of the reports need to be carefully considered.



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This aspect of the proposals needs much more development.

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The mechanisms for the reporting process, and the content of the reports need to be carefully considered. This aspect of the proposals needs much more development.

### 3.8.2 Metering (measuring) water use

#### Alternatives to meters

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METERING OF WATER SUPPLIES - The cost of installing and maintaining water measuring equipment is another expense that must be avoided if at all possible. The use of measurement should not impact on the viability of an enterprise.

#### Better definition - more information

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Sustainability, does that mean in viticulture we should meter bores?

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Meters are not mentioned in the document.

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How is WRC going to monitor how much we are using? What about non-crop uses?

#### Determination of allocation (how)

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At the beginning of the meeting (Dandaragan 8/12/97) Mr Banyard showed an overhead which stated that the Commission would manage water supplies so that usage would not exceed 100% of the sustainable yield. How will the Commission be defining what volume 100% is? Will this relate to the original groundwater levels pre clearing, in 1997 or expected levels in 2010? Given that monitoring within the Perth Basin, (which will provide most of the fresh groundwater supplies), are showing rising groundwater trends, what will be used as the sustainable yield and what process will be used to determine this account? Will the sustainable yield be adjusted as land management practices change?

#### Opposition

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METERING OF WATER SUPPLIES - The use of water measuring is only to be justified for environmental control reasons.

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T2 - No difference in amount of water pumped when restricted and unrestricted pumping. Metering won't make any difference and they are unreliable in many ways.

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Meters are useless and disliked.

#### Question/IMPLIED concern

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Will meters be introduced?

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Will bore metering be required for everyone?

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So you are not going to physically put a meter on any bore?

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Are allocations metered? How do you know then if people are using their allocated amount?

#### Required when TWEs are operating

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When do you propose to put meters on bores? Required for on-selling.

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Before TWE's are possible you need to have meters.

#### Support - qualified

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The installation of meters on bores should only occur where it is justified, economically feasible and offers groundwater management benefits.

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Groundwater should not be managed in isolation since it is linked with all land and surface water resources. The Management of one resource will impact to varying degrees on others. It has been suggested that meters should be installed to monitor water use. These would be of most benefit where the resource is limited and has the potential to be under stress. Metering of stock and domestic water, since the usage is generally low, is not economically feasible in many regions (such as some agricultural and the extensive rangelands) and an unnecessary cost to landholders where the resource is plentiful or only for stock and domestic use. However, there are regions where metering of stock and domestic water may be necessary due to increased competition for access to water and where large volumes of stock and domestic water are delivered by Authorities. This is particularly the case in areas where rural residential subdivision has significantly increased the number of riparian landholders. In these areas the water resource may be under great pressure from landholders exercising their riparian rights and metering may be necessary to manage water resources sustainably.

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I recognise that a metering system may well be required to police any excessive demands put on the water table by some vigneron, but I believe that this metering system should allow for comfortable margin for good farming practice.

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Water users could be encouraged by proper pricing structures to have water meters incorporated on their properties, then there is no need for 'average use' assumptions but payment for what you use. Urban users would eventually waste less water. Self sufficiency in water use should be rewarded not penalised.

### 3.8.3 Other reporting issues

#### Compliance monitoring

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Following the anticipated changes to the Water Laws will the Commission then monitor all water courses/supplies for illegal use, and how will requirements be enforced?

#### Monitoring Support

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The monitoring that happens now is good and necessary.

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Agree monitoring has to be done, the "grower" benefits.



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Surface water and groundwater should be monitored separately.

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Monitoring - SUPPORTED.

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Monitoring the use to protect water user and resource - Salinity testing only , local rules to apply.

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#### Question

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What about the people who sort their water allocations?

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#### Suggested improvements

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Planning and environmental reporting and management processes must be streamlined to avoid possible duplication and financial burden to the private sector.

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### 3.8.4 Penalties

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#### General

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Clearly licence holders will be required to comply with conditions placed on licences to ensure they operate in an environmentally and socially responsible manner. If licence holders breach licence conditions then they should be subject to a range of penalties - formal warnings followed by an increasing scale of financial penalties for slight to moderate breaches, through to revocation of licences for serious breaches. The respondent considers that all licence holders should be subject to the same set of sanctions and should be regarded as responsible stakeholders in the water industry, until they demonstrate otherwise.

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The statement on penalties needs to be far more detailed. The complex changes to the Environmental Protection Act underline the need that, to deal fairly with people, there are many aspects to consider. If the issue is environmental damage, then any legal action should be taken under the auspices of the Environmental Protection Act.

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### 3.9 Paying for water resource management (user pays)

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#### 3.9.1 Existing powers to charge

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##### Questions/comments

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User pays - does this mean water from the Commission or private water? Does the current licence charge not cover the current services?

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Do shires pay water fees?

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Currently no licence charges therefore WRC input greater than WRC "gain".

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#### 3.9.2 Water charges for non-licensed use

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##### Opposition -to stock & domestic charges/riparian use charges

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No charges at all should be levied for domestic of stock water.

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Usage of water for domestic purposes not to be charged as users incur all their own costs

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No charges at all should be levied for domestic of stock water.

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#### Support- for riparian use charges

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Paying the cost of water resource management. The respondent agrees with the WRC's intent to cover its cost of managing water resources through charges on licence applications, royalties based on the value of water, and charges for services provided by the Commission; and the additional sources of cost recovery identified in the proposal. The respondent recognises that a consistent approach to charges needs to be implemented across all users, not just the major water service providers. Hence it is also appropriate for riparian users to contribute to the costs of managing the resources and protecting their rights. In determining the charges for licence applications and services provided by the WRC, the respondent considers that the Commission will need to demonstrate that it is undertaking these functions efficiently.

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#### Will there be fees for dams/streams/riparian use

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Politicians letting this slip should be congratulated. Will stock and domestic be charged on top of licence fees?

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Will there be fees for streams and riparian access?

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Rates for water in dams (surface flow).?

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Licence fees - stock and domestic not rated in legislation, will we be charged in years to come for stock and domestic?

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### 3.9.3 Fixed resource management charges

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#### General

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What would represent the criteria by which such a charge would be applied (eg would it relate to area, extent of extraction or special environmental issues)?

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#### Concerns - taxation issues

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Concern that management cost will become a de-facto form of taxation.

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#### Questions/basis of charges

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Before being in a position to make considered comment on any WRC proposal, a range of issues would need to be clarified. Some of these are as follows: What nature of costs would be covered by a natural resource management charge?

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Will there be different accounting systems for different areas (depending on services provided) or a blanket charge?

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How would the significant costs incurred by proponents in searching for and actually finding water, and potentially realising a valuable strategic and



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economic State asset, be factored into any potential management impost?

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Based on the officer discussions subsequent to your approach, it is understood that the WRC wishes to pursue the possibility for there to be a "natural resource management charge" in relevant future State Agreements. Such a charge would entail (certain) proponents being obliged to contribute to the State's cost associated with managing on a sustainable basis the ecosystem that provides the water upon which their project may rely. It would appear that (much of) the impetus for such a new fee apparently relates to the COAG agreement on water reform and is based on principles including: beneficiaries should "pay" for the sustainable management of the ecosystem that provides the water resource; inter-generational equity between users; the desire to be fully transparent with regard to the allocation of water management costs. With regard to inter-generational use, it is important to note the argument that today's users should not be compelled to bear full management costs associated with restricting access in favour of tomorrow's users. The rationale behind this argument is such an approach penalises contemporary users and benefits some "future generation". In addition, cost transparency does not mean levying of charges, but rather full cost disclosure. Whether the state then levies a charge to recover costs is another matter altogether.

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A fixed resource management fee charge seems to me to be a resurrection of drainage rates with the same inequities that this rate entailed.

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Management costs incurred should be justifiable and fully itemised, with Local Management Groups having the opportunity to out-source them.

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Fixed resource management charge or rate on landowners. What is the actual cost involved for the use of water?

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Last dot point P17 - resource management charge or rate?

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Is it intended that a natural resource management charge be applied consistently across all industries - eg farming, horticulture, aquaculture, recreational and tourism - where there is a commercial reliance on a water resource(s) which the WRC is obliged to manage?

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#### **Support - if revenue was used on local management**

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Fees should be specific to the management that occurs in that area.

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Good if proportion of fees went back into catchment, eg fencing or salinity.

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#### **Views on charging - for costs of local boards**

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The meeting believed that management costs, where possible, should be determined on a catchment by catchment basis.

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Fixed Resource Management Charge or Rate on Landowners - The mention of this being suitable for financing local 'Boards' of management is cause for concern. Will this mean adding another strata to the existing Local, State & Federal authorities? We do not support the blanket introduction of a series of Fees & Charges relating to water use & water licences without further consultation. These charges would be an imposition in people who have already paid higher land prices for properties with water & paid to develop their water source. They may also pay mainstream Water Rates. Many marginal businesses would be severely disadvantaged if such charges were introduced. How would charges be determined? A fee per bore/pump/soak is not fair in the case where water produced from 3 separate bores and pumps on a property does not equal another landowners production from 1 bore with only 1 pump & 1 fee..

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**COST RECOVERY** - The meeting believed that management costs, where possible, should be determined on a catchment by catchment basis.

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Costs: Fixed resources costs and boards of management P17. Is the OIC a board? Many small charges adding up.

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The meeting believed that management costs, where possible, should be determined on a catchment by catchment basis.

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Can't we make a local rule that there is a fixed price and a central office to administer licences?

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### **3.9.4 General charging issues**

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#### **Ability to pay concerns - cases for cross subsidy**

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Pay as you use and for how much you use works in irrigation but doesn't work like that for marron farms - the only "use" is evaporation.

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Recommendation: due consideration be given to the importance of the horticultural industry in providing low cost fresh food in a very competitive market with financial returns well below the average weekly pay. That we do not price our horticultural produce out of the export market by loading this sector with additional cost.

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Recommendation: that the cost of protecting this state's water resources be a community or public expense or spread across all users and beneficiaries including domestic bores.

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Most efficient use: studies in the eastern states have shown that horticultural production is the most efficient user of water resources. Both state and federal governments have recognised the potential to increase horticultural exports. However, with asian markets being very competitive, profit margins are very low. In fact, this state's biggest exporter of vegetables has recorded a loss of \$6 million last year and an anticipated loss of \$5 million dollars this year. If the industry is to absorb increased water costs this results in the industry being less competitive. The low



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cost of vegetables in this state and our ability to produce for the export market shows a gross public benefit from our low cost production and valuable export earnings of \$80 million per annum. There is a very fine line of profitability and it would only take a slight uplift in costs before our export returns would be too low to encourage continued production.

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Will there be charging exemptions?

In our area water is a very precious commodity and we use it with great care. Fruit growing which is our industry requires a large amount of water, especially from January to the end of March. We have difficulty in finding enough water for our requirements, as there are NO large streams of water in our area here in Carmel. Over the last 20 years we have SPENT in the vicinity of \$10 000 in search of water, and we still DO NOT have enough water for our orchard. I do not object to being registered as a commercial water user, but NOT on consumption of water, as this would put us out of business. Following is a little of history of where we are today on our orchard. My father bought this property in 1951. The following year he wanted to plant fruit trees. In January 1952, the creek running alongside was dry, so they had the first dam dug out with a dragline, as water boring plants were not heard of in this area until the mid 1960's. In 1970 onwards we put approximately 50 bore holes, and only three of these are giving us a reasonable amount of water today. The belief that bore holes drain out the Creek is definitely not true.

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Both of these classes of statutory right users have saved the community at large the cost of infrastructure for providing water. They have incurred infrastructure costs in providing dams, storage tanks, pumps and pipe work, and have on going maintenance and pumping costs. Large commercial operators can offset these costs on their product. However the small domestic user with very little commercial activity is at a disadvantage and should attract a Government subsidy to offset management costs.

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Negative Aspects - Impact of cost recovery on consumers.

Because it is highly competitive, growers net returns are very low. Table 1 shows that despite long hours of work, 75% of producers have an income of less than \$500.00 per week. Many properties have a number of bores, therefore, the cost of bore licensing fees will impact severely on this section of the community.

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The problems associated with the water in Western Australia cannot be attributed to any one section of the

community. Farmers, graziers, government departments, miners and manufacturers have all contributed to the current position. The costs involved in rectifying short comings should be borne by the community at large. Substantial Federal funding is being provided to the States to tackle identified problems. Your suggestion to levy land holds is inequitable. It cannot be supported

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Water contribution to maximise national income and welfare. If the person value adding water into fruit, veg, beef etc is not already adding to the national income - something is wrong. To say to this person "pay more for your water because of the national income" I would suggest that your people handling skills require more work than the commission you have set up to implement it.

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Payments "royalty charge" to water users. Royalty charges based on the value of the resource rather than the cost of management. The commission must understand that the more pressure place on production costs will restrict many low equity farmers and growers not to participate. Many of our tomatoes & another fruit & veg will no longer be produced due to the complexity & costs to many growers that may not even speak English - let alone their understanding of the equitable share crises of management among beneficiaries or "licences transferable if re distribution amongst water users via sale or lease" or "water pricing strategies to be used to assist in sustaining water resources". That's enough to scare off some of our most promising producers. Please realise that if these people had the legal skills you ask of them - they would be lawyers - not growers.

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Cost recovery by cross subsidy, eg licence swimming pools; meter private bores. Costs should be kept to a minimum for agricultural producers. Cost structure reviewed annually. Certain sectors of agriculture may not have the capacity to pay or the ability to pass on costs.

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This state's vegetable production is expanding at a rapid rate. The Australian bureau of statistics shows gross value increasing from \$139 million in 1993/94 to \$193 million in 1995/96. Despite this uplift the following figures show that 1623 out of 2770 horticulture and fruit growers in the Perth statistical division had an average income of less than \$400.00 per week. With 58.6% of producers returns being so low this clearly shows that producers are unable to pay the \$250.00 bore licensing fee. Table 1: hort. & fruit growing \$1- - \$199 522 \$200 - \$299 516 \$300 - \$399



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585 \$400 - \$499 415 4 \$500 - \$599 229 \$600 - \$699 125 \$700 - \$799 73 \$800 - \$899 83 \$1000 & over 76 other 146 total 2770

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St Georges Terrace cocky will pay for water and doesn't care about costs, he will beat the grape grower every day.

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#### **Charging increases in future - concern**

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Need some protection that WRC won't start charging ridiculously.

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How long would a rate be set for?; don't want a small rate which increases dramatically each year ( like council rates).

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No licence fees - small fees will increase dramatically in a short time.

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Worried about increases over a 10-20 year period such as dramatic increases in Shire rates.

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Assuming a grower has water allocations, if charges are introduced how are costs going to change?

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Rates used to be small amount 20 years ago and now they are astronomical. Same with bore charges.

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WRC as manager will be monopoly; no check/control on costs.

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Under full cost recovery what protection have we got against the agency growing bigger and the level of fees rising?

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Even if intentions now are honourable, opening the way for further fees; revenue raising. Can work out amount of water used by crop area and evaporation rates.

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This is just a foot in the door with charges - they will increase dramatically later.

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The water rates levied should also depend on the amount of administration recorded, eg disputes; trading of water rights etc should be user pays, increases in allocation should not be granted to those not using best management practices.

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Negative Aspects - Non competitive nature of WRC services and charges.

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The current Rights and Water Entitlements, and Land Titles and Council By-Laws have served us very well and provided free enjoyment of water from our own properties with negligible legal problems and one can only be apprehensive with any licensing system as those that set the guidelines today can not guarantee that CHARGES will not increase out of hand in the future.

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Many people are concerned that if an agency has the sole right to set its own management fees, then the level of fee may rise at an unjustified rate. The fruit industry is a long term industry and can not afford to be placed in a position of uncertainty because of extreme cost for water harvesting licenses.

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The meeting requests that the Commission provide detailed information about monitoring costs for

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irrigated agriculture, including projected costs for bore licensing. Meeting raised the concern that monitoring costs may "snowball" under the proposed system.

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Cost will increase with licence values?

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Don't want rates to go up exorbitantly and out of control.

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#### **Charging structure - questions on water quality**

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Leederville or shallow aquifer, if have to pay for water and water varies in quality and the fee is the same for poor as good quality, is that equitable?

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#### **Charging structure - views**

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Conversely, given the massive amount of scientific data that shows that current agricultural practices have increased recharge and hence are increasing groundwater aquifers, will some form of recharge rebate be given to those farmers who maintain a suitable management strategy?

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Licensing: Part of our charge is paying for maintenance of dams. Pay same even if leave areas fallow. However, people downstream who make their whole livelihood from it don't pay at all (because they don't have licences), eg tour operators and fishing companies.

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Finally, we note Page 2, final paragraph of the discussion paper, which refers to a proposal to widen the scope for making water charges for water use to equitably share the costs of management among the beneficiaries. We believe this is a little open ended and owners may not agree to this without being further quantified.

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All FEES should be based on the financial return of the water use

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This Group is concerned that large, arbitrary increase in water prices and charges will adversely affect input costs of agriculture. Any charges need to be made in consultation with water users and phased in to facilitate adjustment.

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Distinguishing commercial/domestic in terms of cost structures.

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Why not implement as in Carnarvon ie: water authority puts in bore at their cost then the grower can connect and pay licence fee. The proposed system is not fair ie: we pay capital expenditure and fee.

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If no services are supplied, no charges should be made.

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Although we strongly oppose any new taxes or costs to our growers from our meeting we were advised that some items were "not negotiable". If therefore \$20m must be seen to be raised we would like you to note the following: 1. License Fees - to be a minimal charge; 2. Multiple Bores - no extra charge for multiple bores; any collection of fees must directly relate to the service provided, to ensure that any funds raised are not used for any cross-subsidisation; fees must relate to water

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allocation. We would not want the implementation of a metering system or associated costs which we believe would be expensive to install, maintain and monitor.

Costs of administration of social and environmental aspects not to be subsidised by utility operators.

Need value for money; "users" have little say in where the money goes; what is been done for the money (what services are provided); trouble makers should pay more eg \$/hr for dispute resolution: some irrigators are struggling as is.

Need for By-Laws for differential rates for primary producers.

Horticulture more efficient than stock, so users should be charged in designated irrigation area.

Management obviously needs to be paid for somehow, wouldn't it be easier to charge more on scheme water.

Areas that funding should go to need to be defined.

#### **Charging structure - views - allowance for investigation costs**

Relative to the costs of Water Resource Management, the group re-emphasises that if there are sound reasons for establishing user-pays funding by raising water licence fees and water use charges these should be offset against contributions towards resource management which water industry "players" such as the group make through monitoring etc. This section of the report (P17) mentions both a "royalty" and a "charge for services", which begs the question - is the "royalty" a replication of the "charge"? The contribution to the overall scheme of things through riparian use, should in setting fees, give consideration to the fact that such action does help recharge the source of supply and assist in "run-off".

The group wish to make it very clear that in providing for future growth, they have always been willing to undertake investigations to determine the yield and operating conditions of future sources. A recent example was the sinking of a hydrostratigraphic hole in February 1996 at a cost in excess of \$150,000 provided valuable data to Government regarding water sources West of the Busselton Fault line. No Government financial contribution was available for this research - sufficient then to say that in all future investigations by the group, some financial contribution should be forthcoming from the Government (through WRC) or alternatively the group should be absolved from charges or royalties.

Licensee's work. There should be some form of compensation to the Access Licensee for information that the Commission and other licensees stand to gain income. (Particularly when costs are significant eg \$1000 - \$10,000/hole)

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The proposal mentions that applicants may be required to undertake studies to obtain information that the Commission must have before it can rule on an application. There is no mention of compensating unsuccessful applicants for the cost of the studies they have undertaken. Page 12, para 3 of the proposals deals with fair compensation for the resumption of access licenses. Claims for compensation could be larger than the Commission anticipate if a new industry has outlaid significant expenditure in planning and financing arrangements only to have its application for a water license rejected.

What recognition should be made as to existing and potential water management responsibilities and functions that are/could be undertaken by proponents?

It is noted in the report that the WRC has "proposed to widen the scope for making water charges for water use to equitably share the costs of management among the beneficiaries" and that the Commission may impose license conditions including payment of fees and charges. Because the mining industry is critically dependent on water supplies, often in arid areas it has been responsible for all costs incurred in the exploration, development and utilisation of water supplies that are not provided by a WC scheme. Specifically this involves substantial cost for: planning and marking out areas for water exploration; negotiation with existing property or tenement holders, including settling any differences between various parties. Disagreements over access rights in the Goldfields are rarely brought to Government or Courts; exploring for groundwater resources or undertaking surface water catchment studies including design of bore fields and catchment dams; establishing producing bores and associated reticulation, pumps, instrumentation and water holding ponds and tanks; treatment of water supply; monitoring of water supplies, aquifer yields, water quality and other environmental parameters. This includes producing management plans, audits and annual or tri-annual aquifer performance reports for the WRC; education of the workforce and company managed town communities on water conservation issues; rehabilitation of aquifers and surface water bodies; all costs associated with water disposal. The mining industry pays for its own water resource protection, investigation, monitoring and management and does not see why it should have to also pay the government for something it already does itself. We note that the concluding sentence of the report recognises "discounts should be made to fees and charges to recognise a licensee's contributions to water resource management, investigations and monitoring". We would be interested in seeing how this would be determined and could contend that in most circumstances, no fees or charges should be paid by the mining industry.





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### **Charging structure - views - promote efficient use**

Since watering by reticulation systems returns water back to the ground, it is unjustifiable to charge for water which is not lost. In efficient overhead spray water systems used by most farmers for watering crops are often left running during the hottest times of the day and are therefore wasteful by evaporation. Surely if any legislation were needed it should only apply to cases where inefficient watering methods are used, rather than penalising water users who are already using efficient methods. Give discounts to efficient water users. Select criteria for increased discounts to encourage industry to be water wise.

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### **Charging structure - views - allowance for infrastructure costs**

If the Crown owns the water and "we" build the dams to store the water shouldn't the farmer be charging "the Crown (WRC)" for storage?

Will the charges take costs of infrastructure into account, or just resource management?

To further burden a sector of the growers will lead to the consumer paying for your infrastructure costs (as usual).

User pay principle: it is the current policy of government to adopt a "user pay" philosophy. Horticultural producers however, believe that water rights have always been associated with the land. Producers have borne the cost of utilising this resource. Such expenditure can vary from \$30,000 to \$500,000 plus ongoing running and maintenance costs. In the Perth statistical division, restrictions on bore licenses apply only to commercial growers. The WC are using an increasing amount of groundwater to supplement dam water supply. Despite this policy, there is no restriction on domestic bores or suggestion that a license fee be paid for water use. The cost of protecting our water resources in the above situation clearly is a community cost as it embraces public, environmental, social and commercial use.

Allocation & Transfer of Rights to use Water. Discussion Proposal. P2 last paragraph - I disagree with this proposal if it means that a primary producer, having invested money to provide water storage, is then required to pay further for having drought-proofed his enterprise.

Recognition needs to be given to privately financed infrastructure/concessions provided.

Recognition needs to be given to privately financed infrastructure/concessions provided. The meeting proposed that in the interests of equity, landowners who had taken steps to ensure a water supply for their property should not be disadvantaged. Further to this, participants viewed this situation as analogous to the use of domestic bores in the Perth metropolitan area, where monitoring costs are not met by the bore owners, but rather by the general community. As a

result, it was suggested that the cost of groundwater monitoring in Perth be divided by the number of bores to provide a per bore monitoring cost which should be credited to irrigated agriculturists.

Many farmers will feel that the Water Resources Manager will be unsympathetic to proposed water usage. The approval channels may be too costly for the small producer. An example of this is the CER as requested by the EPA - they can cost up to \$10 000, and it is part of the water usage proposal to commence any new farming ventures. The farmer has a great outlay to access water now, boring costs, windmills, storage, pumps etc. The extra costs placed on the producer has only one outcome. That is to stifle development, removing the resourcefulness nature of Australian producers as they are placed under more and more controls from government departments - from the WRC, Ag WA, EPA & DEP. All one combining to dictate the future of farming in WA.

Purchasers of freehold title have paid for the right to use water in the purchase price of their property. ie. property with no water resources are lower in value (price paid) than those with.

I spent \$25,000 on equipment to minimise water use and you talk of rights and licences.

There has been no recognition or acknowledgment that the cost of the water storage facility, reticulation water, cost of reticulation and maintenance of the whole system is met by each grower. This is quite unlike other water users where public monies contribute to this process.

Situation here is that we have built own dams for our use - concerned that use of that water will be charged for and/or lost, this will be an unnecessary burden.

Payment of water scheme costs based on channel irrigation is fair enough. It would be unfair to levy the same level of fees to a user that draws water from his own constructed well. As there is no direct cost to the government, it would have to be seen as a revenue gaining programme for the government.

The high cost of developing a bore ie. which includes submersible pump, three phase powerlines, water lines and usually storage tanks. Add this to the many bores that are drilled without striking water, the costing of our bores is already significant in comparison to a single bore on the coastal plain.

Most water users in the South West, will agree that we need to maintain our water resource and environment in a sustainable way for future generations. We need to maintain clear, clean water which is highly valued and actively promoted when our horticulture products are marketed. However, we are strongly opposed to paying twice for our water.

Should the Commission ultimately levy a charge for water against farmers in our area? we believe this would cause the farmer to withdraw from the cost of building a dam and seek water directly from the



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Crown. How will the state then fund the building of huge reservoirs in the South West to meet the demand for water????

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We spent money creating the water source now we will have to pay for it.

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Infrastructure costs - who pays the cost of the infrastructure if WRC takes the water and gives it to someone else.

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The very great cost involved in accessing and distributing water (designing, building, running and maintenance costs of irrigation systems) all born by us negates any need for further contributions.

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Charging for water use in the Lower South West area would seem inappropriate because the farmers own finances are used to harvest winter run off for summer use and do not expect the Government to provide this water. The harvested water which supposedly belongs to the Crown, would not have existed if the farmer had not financed the run off of water. Which otherwise would have been loss to the land.

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Spent a lot of money on earthmoving, dams etc., now I'm going to be charged for licences.

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Is the WRC going to charge us for the water we have already paid to get out of the ground (bores)? \$19,500 per bore currently, so what we were told 10 years ago about spreading out bores now disadvantages us?

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More costs on top of the cost of building the dam.

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Government bodies State and Federal have been telling farmers over the past years, especially from the early eighties, to drought proof their farms for the use of stock water and other farming customary professions, and now WRS1 propose to share that water after the farmer has spent thousands of dollars.

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Individual stakeholders in our district have invested sums of money ranging from \$30,000 to \$50,000 on farm water storage facilities and fixed underground water infrastructure. We believe the ramifications for our water supplies are enormous and will vitally affect our livelihood if we get it wrong.

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We have very strong feelings about the report as in the recent published papers. This is a young area and the farmers have spent thousands of dollars in water conservation for drought proofing farms and drainage for the wetter years. We have a major project in place at the moment whereby 52 kilometres of fencing has been erected to protect a waterway and prevent salt encroaching on all the pristine swamps on the down side of the Gairdner Hills. This was partly funded by the Government but the farmer input has been tremendous. Not only fencing but laser drainage lines, tree planting, direct seeding and grasses have been, or about to be, planted. There are some very enterprising

farmers in our area that have started Vignerons, Seed potato growing and a very strong wildflower industry along with general crops and pastures. Aquaculture is another very strong income on some properties. Yabbies, marron, black bream and trout have been put into dams and swamps. Feedlotting of stock is another form of income to this area. All of these need water and we have done this at our own expense. People have purchased properties with the swamps etc, in mind and have paid for them on a per hectare basis. What has to be kept in mind is that the farmers money has already been spent in these areas.

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Water used primarily for domestic purposes with no major commercial gain should not attract charges. The users have already incurred capital expenses and ongoing pumping and maintenance costs. Taxpayers have therefore not had to fund scheme water so the community has been saved such expense.

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Recognition needs to be given to privately financed infrastructure/concessions provided. The meeting proposed that in the interests of equity, landowners who had taken steps to ensure a water supply for their property should not be disadvantaged. Further to this, participants viewed this situation as analogous to the use of domestic bores in Perth metropolitan area, where monitoring costs are not met by the bore owners, but rather by the general community. As a result it was suggested that the cost of groundwater monitoring in Perth be divided by the number of bores to provide a per bore monitoring cost which should be credited to irrigated agriculturalists.

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### **COAG money &/or charges should support water resource management**

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The COAG payments are to assist the process of change and a system of compensation needs to be established from those payments to ensure no one is disadvantaged during the implementation of the water reform.

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Chair - sees that the environmental dollars will eventually all be covered by WRC as the water resource manager.

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I would trust that the licence fee would not be a major charge and I take up the point made by my colleagues about the concept that there should be transfer and selling of water allocation being seen as an asset of high worth ie: not to get a circumstance a lot like the Taxi licence situation. Any fees collected should of course be employed primarily with respect to the matter of allocation of water and its fair distribution.

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Will money obtained from licence issue and water usage be used specifically for control of water or will the money be included in Consolidated Revenue.

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Revenue from resource management should be channelled directly back to the resource (not the environment).

That any payments under COAG, resulting from the initial water reforms, should provide the funding necessary for water resource management and the stakeholder consultation process necessary for further implementation of water reforms. This Group is concerned that water reforms should lead to sustainable management regimes which are sufficiently flexible to accommodate the dynamic needs of all stakeholders while also meeting the needs of communities dependent on the resource and the environment. Proposed Government policy on allocation of scarce natural resources has moved toward policies which use price signals to bring about changes in use.

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**Concern - just revenue raising**

This proposal appears to be yet another example of governmental empire building and a further attempt to raise taxes and lower living standards in the rural community.

Over the last 10 years Agriculture WA has been encouraging the development of all types of water resources on rural properties, it now seen with the ulterior motive of generating more taxes and broadening the bureaucracy.

The restructure of the former Water Authority of WA in three separate agencies did not alter the major function - to provide the community with adequate clean water. The restructure should be focusing the attention of each agency on particular aspects of water management and improving the overall efficiency. it should not be used as justification for an increase in charges.

Currently your proposal for reform are perceived by landowners in our district as an excuse to charge a fee for services which will add just one more cost to a financially strained farming system and very few tangible benefits.

The proposed Rights to Use Water legislation would be a cost to the farming sector that cannot be recovered and is seen by many farmers as the Drainage Rate Revisited.

Shouldn't use this as a revenue raising exercise.

Transfers and "USE IT OR LOSE IT" just methods to get more revenue.

WRC must tell people that the proposal is not merely a fund raising exercise.

Are licences just a revenue raising exercise?

Concern that management cost will become a defacto form of taxation

This is just another way to get revenue now that drainage rates were abolished. The way government is

heading we won't be able to farm for food soon it will be out priced.

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**Concern/not supported**

Users pays, if you charge for water and we pay for everything else and pay for taxes, what's left, how do we live? it won't work.

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**Concern/opposition to additional charges & user pays**

Your plan to licence landowners is a grave cause for concern as small orchardists are already battling against rising costs and cheap imports from interstate and overseas in an endeavour to remain viable. Licence fees for the use of water will be the last straw in driving some orchardists out of the business. In a recent appeal against a high property valuation my property was assessed by the Valuer Generals Department as being worth \$17778/Hectare compared with the adjoining property's \$4481/Hectare BECAUSE IT HAD A PERMANENT STREAM RUNNING THROUGH. A licence fee in addition to the high rates payable due to the high unimproved vale would be ruinous.

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**Annual fees and taxes for water are unacceptable**

The proposed changes are many and varied but the overall biggest, and from a growers point of view, the most important change is to make growers pay for the management of the resource. We are opposed to license fees or any other form of cost recovery except perhaps a one off minimal charge when a new bore is being approved, because this is when the Commission is required to make important decisions that may affect other growers and the water resource.

Considerable concern was expressed about the future cost of water requirements over and above Riparian Rights when a premium was paid at the time of purchase of the land for the water.

We strongly oppose water charges for Riparian use and a fixed resource management charge or rate on landowners.

Against paying any fee of any description for the right to use our water.

It has been policy for many years to encourage collection and storage of water on farms, thus saving water for regulated services for the metropolitan area and country towns as far as possible. Any form of control and licensing would only increase costs to farmers and create dissatisfaction with authority.

We have seen in recent years in this state that when rules pertaining to particular parcels of land are changed the value of the land is changed. For



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example: when restrictions are placed on the use of land and the government then resumes the land the government has eliminated market competition for the land and can offer a low amount for the land because it is useless to anyone else. The landowner who bought it in good faith, calculating the return on investment according to the laws and regulations in place at the time of purchase. Your proposals do not deal with this situation however you are asking for the power to change the rules and regulation on land already purchased.

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It appears that both water bores and the water used will have to be paid for at levels sufficient for the WRC to be able to pay staff required to implement the legislation. Another so called government initiative where everyone but government accepts the costs.

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I strongly object to suggestions that landowners pay a fixed charge or rate, or pay for using water they have stored or water coming from springs on their own land.

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As to the "paying the cost of water resource management" paying for the use of this water is out of the question. I object to this suggestion. I also object strongly that (acting in the community interest) water on private property is their assets, which is what this is all about.

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We are deeply disturbed by the proposed transferable water entitlements and user pays scheme.

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This legislation generally applies to those property's or property owners that do not have access to scheme water and thus do not pay water rates to the WC. As the scheme water is not supplied to these property's a lot of extra expense is incurred by these property owners to pump water. Typical costs would include: Pump; annual power cost to run pump; maintenance of pump; maintenance of watercourse. The value of each property that does not have scheme water would be closely regulated by the access water. What I am saying is that people like myself have paid extra money for my property and extra money to pump water, and it would be unreasonable and unjust for these property owners to pay extra for a pumping licence.

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**USER PAYS PRINCIPLE** - We are absolutely opposed to the imposition of License Fees for groundwater and surface waters. If a user pays system were to be imposed it should only fund the cost of running the local board.

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The "user pays" and "full cost recovery" approaches adopted by COAG are simplistic, inequitable and need qualification. Such policies are inconsistent with the national objective of minimising production costs, of becoming more competitive in international markets, of increasing Australian exports or reducing the balance of payments deficit. Water beneficiaries include towns, tourism, recreational users and industrial users, as well as the environment. This is why it is appropriate to apply "beneficiary pays: rather than "user pays".

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We are philosophically opposed to the imposition of licence fees for groundwater and surface waters. In the event that the user pays principle is to be applied, it shall be restricted such that if funds the cost of running the local board, such costs to be apportioned on a pro-rata basis to the landowners with licensed allocations.

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With Asia experiencing a currency crisis, producers are reeling from severe cuts of up to 30% in overseas prices. It will be difficult for this state to maintain exports without increasing growers costs by the imposition of bore licensing fees. This may be the final straw to encourage growers to get out of the industry and seek a more rewarding financial return in another field.

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Cost recovery: growers are naturally concerned over the COAG recommendation for a "full cost recovery". How such a cost will be recovered in a fair and equitable manner has not been addressed by the commission.

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**Concern over changes and how they (costs) might rise.**

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In particular, we would like to reinforce the comment that in most circumstances no fees or charges should be applied to the industry irrespective of whether the water is extracted for use or simply for de-watering.

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Community services at large shrouded by government at large, softening up so will eventually pay for water where now don't pay.

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**NEW TAX** - Although the government has promised no new taxes, it is quite obvious that proposed reforms will in fact create new taxes and new costs to all growers in the Swan Valley.

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Licence would not be fair, not able to pass on cost on.

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For the very great benefits the crown receives from water use the crown should pay for the cost of running the WRC.

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We find it unacceptable that license charges be implemented. Much of the information gained by the

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Water Authority was given to them by users who pioneered the exploration and development of the resources. Getting water from the deep aquifer is already very expensive without any other added charges. The statement that 'a license to irrigate 6 hectares will cost a few hundred dollars' (Water Reform in WA) is shockingly vague. There is no accounting for any efficiency of use, quantity and quality of use. There is no indication of how this vague rate has been costed and whether any of the funds collected are spent in their area of collection. Who knows where this open ended charge will end. It must be remembered that users have already borne the costs of developing this resource without any contribution of information or finance from the Water Authority.

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I cannot believe that you and your party are going to charge farmers for water, a god given gift from the sky. Everywhere I've travelled in the last month or so farmers are getting the message from the coalition that they don't want to govern after the next election. I am 63 years of age and during my voting life have voted coalition. But I am sorry to say you won't be getting my vote next time.

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We strongly oppose water changes for Riparian use and a fixed resource management charge or rate on landowners.

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While growers with which I have spoken, are not against the concept of a water register, there is a general disquiet and concern over the first obvious step of the clear need to establish a substantial bureaucracy to achieve elements of the present proposal. Of greater concern is that it seems (P17) that resourcing this will come from primary producers licence fees.

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I wish to reject your plans for placing further imposts on the growers of the Swan Valley, by charging for irrigation water. Most growers have gone to considerable expense to develop a water supply for grape growing. We are not in a position to pay further Government Charges for a resource which is on our property which we have developed and maintained. Our family have been growers in the Swan Valley since 1923 and think the idea of further charges is a Government Agenda to squeeze the Swan Valley growers out of the area so more housing can be built.

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It should however be noted that the our group does not support additional costs being levied on rural landowners in regard to the use of dam water.

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New increase stink, where do you draw the line on big users making big money?

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Have looked at user pays - not necessarily right thing. Hospitals don't work that way; when they do I will pay.

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Paying the cost of water resource management - **STRONGLY DISAGREE !!!!!!!**

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People subsidise someone else. A farmer with three properties pays domestic rates for one and commercial rates for two others. Two blocks pay \$800 and do not use all the water.

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Primary producers feel as if this is another slug from the government.

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Why should I pay more when I'm paying taxes already, what are my taxes for?

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We are a marginal industry - extra costs worry us, extra WRC control worries us.

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Still not convinced things will be cheaper. We see no benefit from that.

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P17 costs - non-licensed users and fixed resource management cost - concern over these proposals.

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Proposal to introduce a yearly management fee on licences? Profit of m\$23 back to government from WC in past 3 months. Many rural people have already paid their own way - rural communities are the golden egg the urban areas live on.

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Why consider charging now for what WRC currently do for nothing? - this needs to be justified.

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We are already funding it through our taxes, so full cost recovery would be a bit much.

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Growers with their own infrastructure will have a different view (they have already paid, why should they pay again).

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People will want to know where the \$300/10ha figure came from; why should they have to pay for something they have never paid for before; people have a general feeling of getting squeezed from other parts of government.

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Impact on export industry. - Concern

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Last paragraph P2 - application to Aqwest a problem.

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State responsibility; should be broadly collected.

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Re: "user pays" what is your Policy on this? It could be quite a disadvantage to the public, particularly in the case of irrigators in the South West. It may make the dairy industry unprofitable.

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There is a public benefit of water use so should come out of public versus private purse. Charges appear to be a triple whammy. Please explain that page in document substantially more.

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Situation here is that we have built own dams for our use - concerned that use of that water will be charged for and/or lost, this will be an unnecessary burden.

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P17 dot points on charging - this is a real worry.

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Transperth is a case in point. Can't there be cross-subsidies?

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**Equity issues - general concern/questions/statements**

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Will Perth bore owners have a specific allocation?

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The section on paying the cost of water resource management P17, raises many questions that need to be answered before we can provide considered comment. The proposed fixed charge "suited to financing 'Boards' of local management", is of particular concern, as no further detail is provided.

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Charges - How would you work out how to charge a town water scheme?

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Any discount of WC rates when their role was reduced? So, licensees should seek WC discount when new WRC fees brought in?

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I believe it is important to avoid focussing on a "cost-recovery" agenda for water use by a project without considering the inter-relationship of all rights and obligations that are "packaged" via Agreement Acts.

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This Group considers that water pricing is a blunt and inappropriate instrument for achieving environmental objectives and could have serious consequences for the viability of some rural communities. We are concerned that the link between water pricing and encouragement of farmers to adopt sustainable natural resource management practices is tenuous. For example, salinity may impact some farmers on-site, but others off-site. Increased pricing regimes would not in this case lead to a reduction in degradation.

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That the Government when establishing water reform policy recognises that higher water costs and loss of security in supply adversely affect agricultural competitiveness and regional development.

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Effects of costs on growers etc. need to be determined.

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Where benefits are widespread across the community and costs are not directly associated with only supplying water services, the relevant share of these costs should be charged to all beneficiaries. This Group is concerned about the implications of the COAG assumption that water, at higher marginal costs, will attract higher yielding uses. This needs to

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be carefully monitored. In fact, such uses may reduce product variety or industry diversification and jeopardise sustainability of the natural resource base, while also raising market risk. Structural adjustment in agriculture, global market changes and technological innovation underline the need for water users to be fully consulted in decisions about asset replacement. In this regard, it should be assumed that previous infrastructure development will remain relevant to future water users.

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If I have paid a licence fee can the WRC guarantee me water for my fee?

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How many commercial bores and how many suburban bores?

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Have to say in legislation what charges would be for so it doesn't just become a revenue-raising exercise for government.

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What about urban?

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Industry wants an assurance won't get "slugged to the hilt" because they need to be competitive.

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No consideration has been given to the fact that proper control of water resources is in the best interests of all concerned and not confined to user only. There is much public, environment and social benefits that arise by having in place an efficient and manageable scheme.

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When the average weekly male wage in WA is \$775.70 and overall average is \$708.70 per week, the cost of managing this state's water resources should be spread more equitably over the community.

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However, they are strongly opposed to being the only sector of the community that is paying for this service. If all domestic bores, environmental, social and public use of groundwater were incorporated into the "user pay" principle, the small cost of registering bores would most likely be supported by the horticultural industry. If this is not possible, then the cost should be spread over the whole community from Commonwealth funds granted to the state for water resource purposes.

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The WRC is now actively encouraging people in urban areas to put down bores for domestic use and the water use from these bores is unregulated. A primary producer must go through a system to put down a bore to become an economic benefit to the country and now he is faced with extreme paperwork and costs and Government agencies regulating everything. Bore water is underground water that is a resource that all sections of the community should be regulated not just

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primary producer, please let go our government agencies play fair to all users.

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Big problem with user pays when not everyone is paying. Domestic bores in Perth are not costed. We get picked on because we are easy to target conceptually and administratively.

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Water is everyone's concern so a cross subsidy is fair. We all pay rates, as do Perth residents.

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Small users will end up paying the most.

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Why would it be "political suicide" to impose licence fees for bores in Perth, as said earlier in the meeting it would? I find your logic seriously flawed. I have no choice except to get water from a bore. Why should I pay whereas people with bores in Perth don't have to?

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User pays gets to the wrong user at the end of the day. Should be the consumer (who eats the beef or whatever).

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The document doesn't address domestic water, ie. domestic bores already costly - would these rights change or be charged for?

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Are farmers being targeted and been "made" to pay for whole of community costs?

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Surely the 1000's of Perth bore users are having an impact on the environment and horticultural development?

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Benefit to the community of the use of water - horticulture \$4/kL vs WC .26/kL.

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Is the COAG agreement shifting control from state to federal? Does it have to be self funded? Then how can we justify charging? It's impossible to justify for what we've stored and developed.

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How would you deal with equity issues in unlicensed areas, like if first in takes a lot of water and therefore affects future residents?

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Is it correct that the reforms will not be binding on water users within the Metropolitan Region?

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Food growing benefits whole community, so growers shouldn't have to bear whole cost.

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P17 - Landholders should be required to finance only those services that provide them with benefits. These proposals might be interpreted as requiring them to finance all of a water board's activities.

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The principle of equity also must be considered. If commercial water users are to be required to contribute to this process should the domestic bore water users? Is it fair or reasonable to expect commercial users to contribute while domestic users are subsidised? Licensing and metering of all bores would appear to be

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an inevitable consequence of these proposals. Does WRC offer any guarantees to the contrary?

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Cost recovery should be based on services provided.

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The water level in the river in summer stays fairly constant partly because of Fry's releasing water from their dam. It would seem to be an anomaly to charge Fry's a licence fee for their dam when they are helping the Capel River system. The reason my grandfather settled this property last century was because of the reliable source of water.

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To impose restrictions as primary producers is not a productive approach to preserving our groundwater reserves. Since there is such heavy leisure usage by the urban population who do nothing towards collection of their own supply, it appears that you are penalising our food producers with this legislation.

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The government should not legally be allowed to raise a tax on our infrastructure. If dams are owned by the Government water can be charged for but not if the infrastructure is privately owned.

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The guarantee of certainty that we require for the ongoing viability of our orchard must survive the test of your department using all its powers to the legislated maximum. The only other option is for you to compensate us in full for the value of our investment and subsequent losses.

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Growers should NOT pay to pump their own water, and if any licence fee was applied it should be imposed on all bores in WA, including the residential areas of Perth.

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The cost of running WRC should be paid by all the people as it will benefit the whole community.

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No government would have the political will to implement "USER PAYS" to all parties ie: Water Corp, Private Bores, Public Bores, Environment, Agricultural & Industrial Users. The recent backdown on the nursing home issue is a classic example. Therefore, to apply the "USER PAYS" principle only to a selective minority groups such as farmers, would be totally inequitable and a total cop out. It would be a complete cop out to suggest that only some paid a "USER PAYS" system and the WC pay on a Royalty system. Likewise it would be unfair that private bodies would be exempt on the grounds that the demands on WC would be greater if private bores were reduced. This is a flawed argument, and could equally be used for the agricultural sector.

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People around are just watering lawns, but I won't be allowed to have more water when I need it (for irrigation) because of their use.

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What will the charges for the average person be in the long term, how are we going to be charged?

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**Inequitable - metropolitan people, or all bore owners should pay**

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120,000 groundwater users benefit in Perth from bores, why are Swan Valley users licences and not the Perth Bores?

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Important issues which can substantially affect Hills orchardists: Bores are to be licensed for commercial users but not for metropolitan small household users. This seems to be entirely a wrong decision if the main idea of the new legislation is to encourage water conservation. For the Hills orchardists this means that an essential component of their livelihood will become "taxed" and as such adds a further government price increase to the running of their businesses. It can only be considered equitable if all users of underground bores or rivers are charged equally. This goes for all primary industry and heavy industry as well.

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Should increase charges on the metro water users, and exempt country people.

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Bore users in Perth should pay.

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WRC should licence all swimming pools in the metro area and increase our income that way.

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Will the person in Mirrabooka with a quarter acre block have to pay for their bore?

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Make domestic bores etc. pay too.

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Metropolitan backyard bore users should be licensed and pay, I put in my own bore etc., why should I pay?

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As urbanisation creeps in the rural influence is diminished and the urban can outvote the growers.

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The water authority should contribute to costs, they have the most bores.

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125,000 urban bores are too many votes to do anything about them.

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Urban people have relative luxury when compared to the food producers who are getting squeezed.

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**Make water resource management costs transparent**

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The COAG agreement does not appear to require the recovery of costs for management of water resources. The state is required to determine the extent of costs, but does not have to recover those costs. The state can fund these costs as a Community Service Obligation (CSO) under 'beneficiary pays' as opposed to 'user pays' regime.

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Fees on services will not be accepted at Manjimup meeting; WRC must show what services will be provided (and what are currently provided); WRC must justify fees (and themselves) as well as possible.

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Monitoring of the System: The grower is concerned at the costs and management of the proposed system. It is essential that the monitoring of the system and the costs be detailed before this grower can give any support for the processes. The costs should be in direct proportion to the service provided and should not be at a level that will encourage people to try and cheat the system. The costs should be indexed. Spreading the cost over the greatest number of users, including domestic users, could help reduce the cost to individual primary producers.

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SETTING OF COSTS FOR MANAGEMENT - The setting of costs of license fees be set by a body other than the governing agency and be open to public scrutiny through an open and transparent process.

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The WRC must become more transparent particularly with regards to costs and efficiency.

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If we are forced to pay such charges and/or royalties, it is respectfully suggested that we should be entitled to some input as to what these costs should be.

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The growers feel that these proposals have been brought about by the Commission chasing dollars by proposing to introduce water license fees and charges. While the Commission has embraced the concept of user pay, it is not clearly identified the true costs and effectiveness of its current water management programs. We need this information to provide a basis to plan any further costs to our inputs. Furthermore, under the COAG requirements it is not necessary for the user pay regime to be introduced for the management of water resources. The State can fund these costs under the beneficiary pays method as it currently does.

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The meeting requests that the Commission provide detailed information about monitoring costs for irrigated agriculture, including projected costs for bore licensing. Meeting raised concern that monitoring costs may snowball under the proposed system.

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Want to see hard figures of water management in Carnarvon region written down somewhere.

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**Negative Aspects - Accountability for WRC costs.**

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You said in your speech that the Commission was trying to raise resources for its services, and that the principle of user pays would be used to obtain these resources. The obvious point raised by the people at the meeting was that farmers did not receive much in the way of services from the Commission. This is an important point. The Region's present services are based on a number of duties and Acts, of which the RIWI Act is but one small part. I would estimate only 10% of our work is due to this Act. The Waterways

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Conservation Act and the Country Areas Water Supply Act are major parts. If we are serious about the user pay principle then we must do the following: establish firstly what our services are; work out who benefits from these services; work out the cost of these services; come up with a fair and practical means of obtaining this cost from those that benefit. This system must be fair and equitable. Changes to just one Act, or charging just one type of customer is neither.

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The sting in the tail of the proposals. While the government has embraced the concept of user pay, that concept brings with it the requirement for the WRC to clearly identify the true costs and effectiveness of its monitoring and management. The area of cost recovery also needs to be fully developed to determine the most appropriate means for achieving the required monitoring and management.

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When setting up SWIMCO, WAWA opened their books to the public. WRC envisage doing something similar for charging people to show them what they are paying for?

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What are "they" going to get for "their" money (they currently don't know what services are provided for peanuts)?

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Management costs incurred should be justifiable and fully itemised, with Local Management Groups having the opportunity to out-source them.

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What scrutiny can be implemented to present to public the "user pays" concept?

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Should be some form of accountability on WRC P17 with regard to charging for services.

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Accountability provisions need to be highly transparent and include input from those paying the cost.

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### **Opposition to royalty charge**

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P17 payment a concern. We took over from the WC because we couldn't afford them. Thought possibility of water royalty had been squashed.

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The discussion paper notes that there is already the legislative capacity to levy a "royalty charge" P17. It should be quite clearly understood that under no circumstances would the Department accept the concept of a royalty charge for water applying to major resource developers. This point had been the subject of separate recent correspondence to WRC (copy attached). The paper does canvass moving to a "user pays" approach to transparently meet the impost currently borne by the WRC for resource management. This reflects COAG and NCC requirements and as mentioned in the correspondence referred to above, the Department has indicated its agreement to discuss this

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matter further with the WRC. The Department notes and agrees with the comment that part of any potential charging proposal must include recognition of the contribution made by a licensee to water resource management, investigation and monitoring. It is this kind of contribution that is facilitated under Agreements Acts by signatory companies.

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### **Questions/basis of charges**

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Will we get charged for having water run past our property on top of being charged for using a bore (domestically)?

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Will I be charged? At a recent meeting of orchardists in the Hills area east of Perth, Commission representatives led the meeting to believe that charges if any would be small. Your statements now indicate that the licence fees could be in the hundreds of dollars (or whatever is required to police the new proposed policies of water management by the Commission). However this remains extremely vague and is of little use in soliciting useful responses other than to say that it is so vague as to be suspicious and that there is no indication of whether these charges are to be one up or on an annual basis. This is of great concern to orchardists who are currently having their dam rentals increased by hundreds of percentage points by CALM, if they have dams in forestry sites leased from CALM. This means that we will now have two additional charges place on our water usage on which our livelihood is totally dependent.

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Have you come up with a scenario for how the user pays?

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We really want to have a figure for how much we are likely to pay for our water when we have provided the infrastructure.

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Would there be any opportunity for negotiation over charges, fees and royalties?

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What extras (if any) will they get for "their" money?

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Can the user get other contractors in to do the work rather than WRC if "cheaper"?

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Will there be metered charges ie. \$/1 for consumption?

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Charges for licences and/or consumption?

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Will it be user pay and are we going to discriminate against different uses?

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Charging everywhere?

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What sort of charges are we talking about here, like how much? If we are looking at \$10 each we might as well go home now, but if it is \$1000 you will have a fire on your hands.

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If a licence system is to be introduced it should be at a realistic costs to the landowner. When the property is sold the licence should automatically change to the new owner.

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We would like financial details relating to our Industry which could demonstrate income received from growers and the service provided.

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Buying a bore in Dandaragan and is concerned about licensing fees. If the fee based on bore capacity, may not reflect ability to use as much, energy restrictions may reduce consumption

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The community also benefits from the careful use of water. Keeping the cost of production down benefits everybody. Economic enterprises can offer sustainable production and long term employment. The cost of managing this resource should not be borne by a few, when the state derives many benefits from this management. We believe, with proper consultation and education, a policy on water, that is understandable and relevant to WA water users should be produced.

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Our farm relies on two dams, what would we be up for on our farm.

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The WRC should provide some indication as to the possible level of any fees or cost recovery charges which it may wish to promote.

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Would charges represent full or partial cost recovery by the WRC, and would they have a statutory basis?

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User pays - does this mean water from the Commission or private water? Does the current licence charge not cover the current services?

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When bore licensing fees were previously proposed to the industry the cost recovery was projected to be \$3 million. The current proposal estimate that these costs have escalated to \$5 million. The WRC believe that this cost should be spread across the 20,000 licensed bores in WA. This would result in a charge of \$250.00 for each bore.

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How much \$ will the new charges be?

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Cost recovery was a point of concern. Would it eventually lead to full cost recovery? There was a desire to be consulted over this issue, particularly in regard to groundwater.

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The details and costs of the proposed changes have not been explained or elaborated upon.

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What is bore licence and what charges will be associated?

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If it belongs to no one then how can WRC charge?

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How would you figure out how to charge us and what for?

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Will initial licences be free or charged? Renewal of licences be free or paid?

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What are the levels of charges in place in other states/countries?

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Would you charge on a volumetric licence?

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How much money for a licence?

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Have to notify WRC every time I change crop. Object to having to pay a licence fee for someone to come and reduce the amount of water I can use. How big will the fee be? You'll send everyone broke.

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Broadacre farming - clearing increased runoff, the runoff is stored and used in farmers dams, will you charge for using this water eg dams, contour banks. Will you charge for water that is stored for drought/risk management?

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Dairy farming - if farmer wants to increase stock and therefore dams creeks to increase supply, what would be the process required and the costs involved - charges per litre, per cow?

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Will I have to pay for water out of my own creek, dam etc?

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Will I, a horticulturist, have to pay for my bore?

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A prime cost is meters on Basin A, which don't work. Should do it with salinity monitoring. Would support monitoring if monitored all Basin A, but only covers some of it. Where are all the ongoing costs?, not in writing out licences once every 5 years.

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How is cost determined, number of bores; amount of water?

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If with open discussion it may not be accepted the WRC will have to raise \$40m.

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What would licence cost?

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Would you charge on a volumetric licence?

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Proposal to match licence fee to amount water used?

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### Questions/general

Those who have access to the Leederville are OK, if you don't have access you're doomed, is that justice.

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Doesn't this work in reverse? As growers who export to other countries this is another charge we cannot afford.

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How will this be funded. Can we continue to give water freely to people?

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Will charges be based on the quality of water?

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Details of charging won't be in the legislation then?

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Water pricing may distort land uses.

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Does the funding have to be spent on water, or general State funding?

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Food producers will always suffer from voting powers of urban centres.

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When the government privatises all the essential services where does all the tax money go?

Lots of money mentioned at the beginning of the presentation and then charges also mentioned.

People with better quality water can get a better price for it. Do I get compensation if I have lower quality water?

As the WC pumps out water how will that affect the viticulture?

\$40 million to run the Commission, how much of that is spent in the Valley. The Swan should pay only the Swan costs. How does that fit with user pays?

What is the relationship between fees and the use of water. What about transporting water from surplus areas to shortage areas?

Would money go to consolidated revenue or back to water management?

Kalgoorlie - the hypersaline aquifer is running dry, there is a proposal to recharge them including underground damming, what charges would there be?

Are these charges been brought about because water rates for drainage have been stopped, is this a replacement?

I realise that Government Departments have been instructed to become self funding and hence the push to provide "services" in all localities whether they are really required or not.

Transparency, the meeting queried exactly what this term meant.

Human resources to manage \$\$ to satisfy licence - appeal to Minister for, need resources to deal with appeals.

Normally stock and domestic (unreadable) everyone happy.

Licence - standard fee - would there be a fee

Will the shire be able to charge us for use of water rights on top of our normal rates?

Transparency - what does it mean?

Where is the money coming from and where is it all going to?

Cost recovery should recognise the quality of the resource accessed (treatment cost).

Do people moving onto undeveloped land pay for the use of the water eg Canning Basin?

Groundwater is currently worth 40c/kL to industry.

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So in areas where you have to get licences for bores, like where I reside, some bores would be exempt from licensing?

Shouldn't the government take into account "downstream" employment our industry creates? We already create revenue from exports.

That means I have to pay you if I want to buy more water? Water rates are already transferable.

Are the meetings going to add to the expense of the running of the Commission?

Transparency, the meeting queried exactly what this term meant.

We will need to directly pass on costs as no previous allowance made for them.

#### **Royalty charge - support to promote reuse**

People won't reuse water without a royalty discouraging use of free groundwater.

#### **Royalty charge concerns**

It would be easy to put a royalty charge on the water later. I have water underneath my property that is saline and has come from elsewhere. I would like to have WRC get rid of it if I am paying them for management to do with effects of actions of water users on other people.

Will there be royalties for the Crown over and above the management costs?

#### **Support if equitable & costs justified**

It was the view of the meeting that equity should apply to the concept of cost recovery, growers should contribute only for commercial use and that taxpayers should pay environmental costs. For example, in Manjimup approximately 80% of available water goes to the environment and growers use the remainder, therefore, growers should only contribute 20% of the management costs.

Management costs incurred should be justifiable and fully itemised, with Local Management Groups having the opportunity to out-source them.

Positive Aspect - Rewards and sanctions on management performance.

Any fees and charges should be transparently determined and reported on. Any fees should require a rigorous process of determination and should be reported on by the WRC.

Environmental monitoring is critical to the maintenance and long term sustainability of irrigated agriculture in this State. Accurate monitoring allows the resource manager to determine the amount of water required for the environment and, having been assured this has been met, allocate the remaining water to the community. The COAG Water Reform



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Agreement specifies that the cost of monitoring should be identified and that beneficiaries of the resource must contribute to the cost of monitoring where appropriate. This Association supports this view and believes that the cost of monitoring must be determined relative to the percentage of water utilised. For example, if in a given area irrigators are apportioned 20% of the available water and the remainder goes to the environment, then the irrigators proportion should be 20% of the monitoring cost and the community/state, the other 80%.

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Private bore owners, as users of a community resource which also requires monitoring and protection should contribute to management costs.

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It was the view of the meeting that equity should apply to the concept of cost recovery, growers should contribute only for commercial use and that taxpayers should pay environmental costs. For example, in Manjimup approximately 80% of available water goes to the environment and growers use the remainder, therefore, growers should only contribute 20% of the management costs.

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**COST RECOVERY MANAGEMENT** - The cost recovery approach include all users in an area. The licensing of only commercial enterprises is not equitable and all users should pay for the management of the resource. The users are not to be subject to license management fees until the area is gazetted as a control area by the Management Group. When an area becomes a control area then all users are licensed.

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**USER PAYS SYSTEM** - All users should pay on the same basis rather than , for instance, the Water Corp paying on a Royalties System and yet another group paying at all, ie; private bores. Likewise it would be unfair if private bores would be exempt on the grounds that the demands on the Water Corp would be greater if private bores were reduced. This is a flawed argument and could equally be used for the Agricultural sector.

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The committee supported a User Pays scheme provided it implementation was equitable and indiscriminate (ie all users pay. WC, domestic users etc.)

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It was the view of the meeting that equity should apply to the concept of cost recovery, growers should contribute only for commercial use and that taxpayers should pay environmental costs. For example, in Manjimup approximately 80% of available water goes to the environment and growers use the remainder, therefore growers should only contribute 20 of the management costs.

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\$100 - \$500 per year for a licence would be negligible for most people but a cost/litre AS WELL may be too much and put people out of business.

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The committee supports the principle of equitable associated charges.

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Cost recovery on a user pays basis would only be acceptable if ALL USERS, direct and indirect paid on this basis: ie WC; Private Bore; Public Bore; Environment; Agriculture and Industrial Users. It would seem more a political decision than a common sense decision to suggest that only some pay on a user pays system and the WC pay on a royalty system. Likewise it would be unfair that private bores would be exempt on the grounds that the demands on the WC would be greater if private bores were reduced. This is a flawed argument and could equally be used for the Agricultural section. If certain groups are going to be given preferential treatment then Commercial Users creating economical benefits for the State eg growing of food produce, should be given preferential consideration against other users.

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Don't have a problem with cost recovery, it's just a matter of: How much? and what are the benefits users receive?

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General feeling on fees - must be equitable and justified.

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General feeling on fees - must be equitable and justified.

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User pays - must be statewide eg everyone with a bore should pay.

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Feel that people don't mind paying as long as they are getting something for it.

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Charges OK, but discrimination in charging is not, eg domestic. In Wanneroo, WC takes our water off us, therefore they are the ones who cause all the problems.

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What about charging private dams, some of which are big?

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Charges make people think more about efficiency and water reuse but it can't be too expensive or people will go out business.

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Fees are OK so water resources are well managed but I don't trust the government to put in a reasonable fee, therefore have no objection in principle.

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Administrative Control. We accept the need for overall administrative coordination and that it should be logically paid for by beneficiaries but is concerned at the prospect of a heavily bureaucratic situation with the spectre of the "water police" calling the shots. We accept that reasonable licence fees are a mechanism to provide funding and to allow collection of data and interpretation of information needed for resource management. There is no doubt that some control is needed but we believe that a much better approach is to educate users in the true importance, value and scarcity of water to develop more responsible use of the resource.

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Some observations from dealing with horticulturalists, most people agree that it is fair enough to pay for use but they are concerned about the fairness, they are concerned it will become another indirect service, need to continue to see what the money pays for. There is a

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fear that we've got the water now but around the corner we won't have any (due to large developments etc.), WRC needs to write into the law that this cannot happen. Also need to put in a legislation that WRC cannot steal all the water and increase the size of the Commission ridiculously.

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Some observations from dealing with horticulturalists, most people agree that it is fair enough to pay for use but they are concerned about the fairness, they are concerned it will become another indirect service, need to continue to see what the money pays for. There is a fear that we've got the water now but around the corner we won't have any (due to large developments etc.), WRC needs to write into the law that this cannot happen. Also need to put in a legislation that WRC cannot steal all the water and increase the size of the Commission ridiculously.

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Should be all equal in the Swan, if one uses too much we all have to pay.

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Domestic water use from private bores in urban Busselton; agree they need to be licensed.

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#### **Supported/no objection**

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Proposed charges don't look exorbitant.

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Everybody with a bore will eventually be asked to pay and that is reasonable.

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Support for "USE IT OR LOSE IT", plus the higher cost of water here because encourages efficiency.

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Don't mind paying just don't threaten my livelihood.

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No objection in principle.

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Water is a valuable resource and we should pay for its use.

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Positive Aspect - Recognition of the true value of water resources.

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Private bore owners, as users of a community resource which also requires monitoring and protection, should contribute to management costs.

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LICENSING - Seen as an efficient low cost system.

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I have no objection to the user pays principle, but I think the charge should be a nominal charge to the point of what is regarded as good farming practice level. If water is then used excessively beyond that without there being severe climatic conditions, that a charge at a premium rate could well be employed. I am only one grower, not a large grower, but I hope these points will meet your considerations.

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licences - all have to pay, no licences with dams unless affecting others.

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Paying the cost - SUPPORTED.

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These reform proposals are of particular interest to us because of the likely impact on its operations and costs

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to the consumers. It is considered that Water Resource Management is a whole of Government responsibility and that any charges passed on to water supply utilities should be based on user pays principles and the COAG Competition Principles. The provision of potable water supplies is considered an essential community service and should be recognised as such in the reform process.

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The respondent agrees with the WRC's proposals to cover its costs of managing water resources through the mechanisms proposed, including charges on riparian users.

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### **3.10 General comments**

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#### **3.10.1 Overall proposal**

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##### **Clarification/definition of terms**

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This proposal seems to deal with allocation and transfer only, is this the case?

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I refer to your document received by our group on 13 August 1997 advising of the proposed water law reforms for the state of WA. I wish to advise that this matter was considered by our group at its 11 September 1997 meeting whereby it resolved to advise that whilst the need for the review is recognised, our group is not prepared to comment on the proposed changes until such time as the finite details of the recommendations are complete. Our group considers it difficult to comment on the principles of the proposed changes when the effect of such changes is not known.

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The document Allocation and Transfer of Rights to Use Water has many undefined definitions, such as wells, is this a water bore or a dug out concrete lined water well as used on many farms in the south west?

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##### **COAG reforms needed/supported**

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Many people in our organisations, growers, agree with the COAG Agreements.

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##### **Environmental issues/concerns**

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The Government has already ridden roughshod over environmental concerns in its haste to exploit our life support systems, and the proposed safeguards, which are part of the COAG Agreement, could be weakened or made unworkable. I implore therefore for your organisation to meet present standards adequately and adhere to the requirements of the COAG Agreement

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##### **Implement COAG now, other changes considered later**

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My understanding of the COAG Agreement for water reform is that your proposals go way beyond the requirements necessary to qualify for full COAG funding. In fact none of the farming practices or problems associated with water in this locality (ie.



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excess groundwater and drainage), will affect your access to the full tranche of COAG funds.

This minimalist approach would mean that only legislation relating to the implementation of Transferable Water Entitlements (TWE'S) and allocations of water for environmental needs would be required, and that all other proposals from the Waters and Rivers Commission would be set aside. This approach would provide the water user community with a significantly greater amount of time to look at and make comment in the bulk of the proposed reforms, including the conscientious issue of cost recovery for management of the resource.

In relation to Neerigen Brook, and our orchard, will it be possible to be granted a permanent unrestricted and irrevocable right of access to use water for the Brook for our orchard? If not, then what restrictions will be placed on our operation and what compensation will be available for new restrictions placed on our title?

People would like to COAG now and reform later.

PAYMENTS UNDER COAG - Significant expenses may be incurred in the development of management and allocation systems and will need capital inputs in the implementation stages. The payments made under COAG should be utilised for to fund the change process.

Further, it was suggested that the WRC be encouraged to endeavour only to meet COAG requirements for 1998. This minimalist approach would mean that only legislation relating to the implementation of TWE's and allocations of water for environmental needs would be required, and that all other proposals from the WRC would be set aside. This approach would provide the water user community with a significantly greater amount of time to look at and make comment on the bulk of the proposed reforms, including the contentious issue of cost recovery for management of the resource.

That any non-urgent changes to the present allocation of water or other water reforms be phased in to ensure that adequate information and data is available to make informed decisions. Due to the short timeframe given for public comment and discussion, initial reforms should be the minimum necessary to not compromise the Government's position in relation to payments for meeting COAG agreements. This would then provide adequate time for all proposals to be thoroughly discussed and evaluated.

The 1914 act has served the community well and changes to this act may have far reaching implications, not yet foreseen. The argument that these major legislative changes are needed to satisfy the

COAG agreement is misleading. Only minor changes are needed to satisfy to first level of the COAG requirements. This would leave plenty of time for users and the WRC to consult on other charges that may be necessary.

We believe that the Commission should publicly acknowledge that the Water Reform Process to this stage is a failure and then approach the industry to discuss, as we indicated above, the requirements of COAG. Unless this is done the process will undoubtedly become entangled in legal disputes and wind up as a political "hot potato". As a result, both the commission and those in support of local water resource management will not be able to discuss the reforms sought by the Commission and COAG.

It has become apparent to us that most of the changes discussed in your WRS1 paper Allocation and Transfer of Rights to Use Water are not required under the COAG agreement. There is a belief in our community that the Commission has been less than honest with the water using industry in WA by trying to coerce us into endorsing changes using the threat of the State losing many millions of dollars if the changes were not implemented. We now understand that the State should be able to comply with the COAG requirements and qualify for the grants with minimal changes to the legislation and without introducing the whole package of changes discussed in WRS1. We are unanimous in our condemnation of the WRC for its approach to the water users in the State and have no option other than to reject your "consultation process" and its "principles". We believe that the factual and legal basis upon which you have proposed these changes is questionable and open to different interpretations. It is impossible therefore for us to offer support for any of the principles which you have proposed as we believe that we do not have sufficient understanding of them.

What in the Commission's view are the minimum requirements of the COAG Agreement in order for the State to be eligible for the National Competition Policy payments? The respondent recommends that the minimum requirements to cooperate with the COAG Agreement, if they are not already in place, be negotiated at this time, and that the remaining issues be dealt with at a later date, after comprehensive consultation with the community.

Further the group understands that in order that suitable equitable reforms can be negotiated in NSW, government there has made available a substantial



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percentage of the funds allocated for the implementation of the '...strategic framework for the efficient and sustainable reform of the Australian water industry and the future processes...' in accordance with the National Competition Policy, for the community consultation process. The respondent recommends that similar action by the WA state government would demonstrate their commitment to a just decision-making procedure and equitable result for the benefit of both users and the State.

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An effort to address the most frequently asked questions has already been attempted in the WRC's WATER REFORM in WA October 1997 publication. However this also raises as many queries as it answers. It is totally unrealistic to suppose that stakeholder groups can offer informed comment on the ill defined and conflicting information which has been provided to date.

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Thank you for an opportunity to comment on the proposed changes to the allocation and transfer of rights to use water with WA. While we support in principle the responsible & judicious use of water, and the protection of waterways, wetlands & groundwater sources, on reading the Proposal, we have a number of concerns. We are also concerned that new legislation should simplify transaction dealing with water not simply add another layer of approvals required in an already time consuming and confusing process.

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Further more changes in legislation should not penalise land holders, who in most cases have paid higher prices for their land with water sources with continuing & potentially escalating charges for Licences, 'management' costs, royalties etc.

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**SPRINGS** - Control of & assessment of springs is likely to be extremely subjective. We believe if a spring is small & is not the source of a regular flow into a stream etc, but is confined to a particular area, (in the case of a constructed dam with no overflow) then it should be left to the landowner to manage. in most cases land with such springs arising will be more expensive to buy and if dams are constructed these are done at the landowners expense - it is not reasonable that others should then have the rights over water collected.

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**OVERLAND FLOW** - Does this mean that people who have constructed dams in valleys or on slopes will not have the right to use the water collected without permission? We do not support this.

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**RIPARIAN RIGHTS FOR DOMESTIC PURPOSE** - The current right to irrigate 2 hectares of garden may

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be unrealistic in some situations, however would compensation be payable to landowners who have paid premium prices for their land with these pumping rights from a stream which flow through the property. What constitutes a 'domestic garden'?

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In the case of issuing new licences - while there is a good argument for a first come first serve system - will all existing licences at the time of the new legislation be assessed and reviewed? Will properties with a tradition of certain water rights - which may be excessive or inappropriate have all their allocations reduced?

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We support the notion of transferable and perpetual licences. The present system does not provide security for users who may have a large investments dependent upon water rights. Obviously there must be provision for re-assessment and possibly temporary (or permanent) reallocation - in the case of drought or over/under use of water. Transferable licenses would also improve the value of the property and security of the landholder where substantial investment may have been made to develop water sources etc so that the sale of the property would not be encumbered by the purchasers need to secure their own new water license.

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**Payment of Fees & Charges:** Fees & Charges should not be calculated on the basis of how many water sources are on each property. For example an orchard or horticultural property with multiple bores should not be required to pay an equal Fee for each bore. In most cases the land holder will have already spent considerable sums installing the bores & usually premium prices for land with available water - either underground or from creeks, springs etc..

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**Restrictions During Drought or Water Shortages:** How would restrictions on individuals be assessed? Would commercial users whose livelihoods were at stake be given any consideration in allocations over domestic garden etc?

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**Providing for Future Growth - Resumption Compensation:** The access licence holder must be able to substantiate costs claimed. Who will determine what is a reasonable return? What happens in the case of aging landowners who may decrease use of their water (and land) to the point where their license is resumed? How would they or their beneficiaries be compensated & in the case of a farm or market garden if younger members of the family later wished to resume the full production of the property how would they go about reclaiming the water license? If they were successful in their claim, would they be expected

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to repay any compensation that had been previously made? We support the voluntary trading in surplus water under an arrangement which gives the option of resuming unused portions of an allocation at a later date. For example - if a land holder does not require all of his allocations until his business has expanded to certain point, he may 'lease' portion of his allocation until that time arises. We do not support the concept to an individual being able to 'buy up' surplus water from a number of sources & then trading in water rights for profits. Any trade should be directed from the lease holder to the prospective user.

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How will 'necessary' be determined? Does this mean that someone who is using water on their domestic garden or horse paddock could have their entitlement cut or cancelled & the water reallocated to some other user? Would users be given the opportunity to demonstrate either their own 'need' or to improve the efficiency of their water use?

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We support the concept of a provision for emergency conditions. We also support the notion that ( in the case of an extreme water shortage) those affected by a temporary direction from the Commissioner should have the right to appeal.

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Fixed Resource Management Charge or Rate on Landowners - The mention of this being suitable for financing local 'Boards' of management is cause for concern. Will this mean adding another strata to the existing Local, State & Federal authorities? We do not support the blanket introduction of a series of Fees & Charges relating to water use & water licences without further consultation. These charges would be an imposition in people who have already paid higher land prices for properties with water & paid to develop their water source. They may also pay mainstream Water Rates. Many marginal businesses would be severely disadvantaged if such charges were introduced. How would charges be determined? A fee per bore/pump/soak is not fair in the case where water produced from 3 separate bores and pumps on a property does not equal another landowners production from 1 bore with only 1 pump & 1 fee..

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I have read with interest the two papers your office forwarded to me, Water Reform in WA and COAG Water Allocation and Trading Initiatives. My position is that I own and operate a commercial orchard on the Neerigen Brook, and as such am a riparian water user, and because of the number of springs on our property am a net contributor of water to the brook. Over the last 4 years I have invested in the order of \$1.5M in

the orchard. The documents above are scant in detail, but the essence seems to be that your department proposes it assumes control of all rivers and springs, including the ability to deprive or restrict the use of water by landholders with current riparian water rights, without any commercial consideration for their requirements. The well being of the water course seemed to be paramount.

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The WRC should provide the minimum requirement to satisfy the COAG Agreement and then embark upon proper and meaningful negotiations with all water users within a reasonable timeframe.

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The WRC have stated that competition payments under the COAG agreement are contingent on reforms to water pricing, and that this is the reason that the reforms must be pushed through. A cursory examination of the COAG agreement (the document signed by the Premiers) reveals that these 'competition payments' will come in 3 'tranches'. \* The 1st tranche of payments will commence in 1997-1998 and is contingent on effective implementation of COAG reforms to electricity pricing, gas pricing and observance of transport reforms. \* The 2nd tranche will commence in 1999-2000 and is dependent on continued implementation of COAG reforms as above PLUS establishment of a framework for water reform. It appears that by simply beginning the consultation process by June 1999 will ensure the state is eligible for the tranche of payments. \* The 3rd tranche of payments is dependent on full implementation of all COAG reforms by 2001 (ie 4 years hence). Farmers groups have sought an assurance from the WRC that this agreement has not been superceded. There is a strong local opinion that, having rushed through electricity and gas reform, the government is attempting to put water reform in place of transport reform, in order to be eligible for the first tranche of payments. Most farmers agree that the 1914 Act requires updating, but request identification of the minimum COAG requirements to enable them to assess the timeliness of the reform process. A general consensus is that the minimum COAG requirements should be met, and then a more thorough public consultation undertaken to establish details.

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#### **Limitations/suggested improvements**

In saying this however, it must be clearly borne in mind that the discussion paper which this submission refers to is simply a blueprint for the future. It contains very little detail on the implementation process and for that matter water users cannot be guaranteed that the





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proposals themselves will not be changed considerably during the parliamentary process. This lack of detail gives rise to serious concern and from this Association's viewpoint necessitates that the proposals, whilst viewed as critical to the future well-being of WA's water resources, cannot be given unconditional support.

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Heavy emphasis on allocation and use, doesn't cross over into rights and duties and legislation related to use and management of water going through property to elsewhere eg drainage. No ethic or established guidelines and principles about management of the water resource.

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#### **Maintain status quo/current security of water**

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We believe that if the proposals are to be implemented properly and equitably, they must protect people like us who have invested in good faith under current regulatory arrangements.

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If the government values farmers growing agricultural products for either local market or export production then it needs to secure water for this purpose. The proposals contained in the documentation threaten farmers but give little security.

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We strongly oppose any changes which will create increased financial burden to our growers/members. We do however, appreciate that water is a limited resource that requires careful management for future sustainability. We believe the system that we have currently been operating under in the Swan Valley has worked well and question the reason for change. It would be very disappointing to see a situation arise where we are incurring greater costs for no added benefits. Given all the points as aforementioned we trust that every effort will be made to keep costs to our industry to an absolute minimum.

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In summing up our position we feel that the current system is fine and if it needs minor improvement they can be done without the total change as is being proposed. We are also opposed to license fees and other forms of cost recovery except as previously mentioned.

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I make this submission following a meeting held on Wednesday 8/10/97 at which spokespersons were present representing the WRC. I am also the owner of a stone fruit orchard in the Hills area. The spokespersons led the meeting to believe that the printed documents available at the time were only suggestions for the possibility of licensing water usage in some way in the future. It was not until it was pointed out from the floor that COAG had made a National decision in Sept of 1994 that they admitted that the new legislation was inevitable. However there was still no real discussion on how the regulations proposed would be implemented. The meeting did however raise some issues of major concern to water users whose livelihood depends on the use of water

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from above ground rivers, streams, dams or from bores.

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Horticulturalists in the far north, Carnarvon, the South West, in Wanneroo or along the Darling Range. Small interest groups who up to now seem to have managed quite well even under the old act. Mining Industry in various parts of the state. Again an interest group which has undisputed power to use, recycle and waste water under the existing act. It managed to survive good and bad times over a hundred years. Its influence will in no way be diminished through new legislation. Dairy Industry, food processors are becoming smaller all the time because of our small market. Some entrepreneurs are still banking on the southeast Asian To get, or rather Paper Economies. Does one need a new act for irrigation schemes in the southwest or at the Ord river scheme stage two, after the drain waters in scheme have been satisfactorily polluted?

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Does the Water Authority & WRC realise how much it has cost us to provide water to domestic & Agriculture use? Pumps, tanks - \$125,000 and 4 dams - \$130,000. Does it also realise that we paid more than double for land value because of its water supply, will there be compensation? We think it to be totally unfair if the WRC make us pay licence fees when we paid all the costs to maintain pumps. Also in regard to primary produces it is hard enough to survive already. Our land is zoned Agriculture Protection, does the Commission know what the Zoning means? We have never had any disputes on the Carradine Brook, so why the changes to the water Law? Leave everything as it is because I believe there will be more sadness than joy for all of us including you if you propose licences.

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Existing users need security that things won't change in the future and impact on their existing activities and livelihood.

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Things should stay as they are. Will be retiring soon and want to stay there, and have kids who might want to work plantation again in 10 years.

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**CONCLUSION** - We are quite happy with the existing system, without the proposed reforms.

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#### **Non supportive of proposal**

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I am concerned at the ramifications of the proposed changes to the use of water regulation.

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The potential of the reforms in WRS1 to bring about any significant benefits or improvements to the existing arrangements is strongly questioned. The proposals may however create enormous administrative, legal and regulatory demands that will require significant resource allocations - and we ask for what purpose?

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We find little to recommend the WRS1 document and believe it should be withdrawn and rewritten, after consultation, on a time frame that allow users to be provided with all the available information, not just the opinion of a Water and Rivers representative.



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Without this users are hindered in putting together a detailed submission.

**OBJECTION TO REFORM** - We strongly oppose the proposed reforms especially considering the considerable capital involved in establishing a viticultural industry of significance. The proposed reforms do not intend to create any new water sources. However a significant cost will be burdened on all growers, ie Bore licences, Water meters, water usage.

**WRC 1997 PROPOSAL: "ALLOCATION AND TRANSFER OF RIGHTS TO USE WATER"** I respectfully urge you to consider the above proposal. I believe its impetus is bureaucratic and that its implementation would reduce already minimal incentives for rural landholders and is economically damaging. A copy of submission is enclosed.

I am strongly opposed to the proposed changes (reforms). We have a system in place that has served us well for many years. Under existing systems we already have controlled allocations in the Swan Valley. The proposed reforms cannot create any new sources of water - but can and will create new sources of cost to every grower in the Swan Valley.

It seems unfortunate that the genesis of this proposed reform may have as its initiator COAG decisions and substantial commonwealth funds if the state applies conditions that have come from COAG. It seems unwise to apply solutions that might be appropriate for the Murray-Darling system to our state. Our state has it's own peculiar needs. I acknowledge however that we may need to respond in ways that do not exclude our access to funds. Perhaps this process has complicated the process with which we are now becoming engaged.

Should make all farmers exempt from the proposal - they manage the water wisely.

The growers fully agree with the submission which was the result of the workshop which has been sent to you. It is impossible for us to offer support for any of the principles which you have proposed as we do not understand them. The growers understand that only minimum changes are required to qualify WA for the first Federal grants under COAG and that the second and third reform stages are two and four years away.

Seems that the whole exercise is based on an Eastern States problem of too many people using too much water (over allocation) whereas in WA the problem is the opposite (under allocation).

Your proposals include: separation of water entitlement from land title; perpetual licensed rights; compulsory transfer of rights to unneeded or unused water to people with current needs; water service providers other than the Water Authority. These alterations to existing arrangements would facilitate the passing of control of a vital community asset viz. water from public to private hands. At present much of the readily available water reserves in the South

West of this state are being used by a few larger operators. It is conceivable that in time a small number of financially strong groups will control most of the States water reserves. Clean water is already a scarce resource in some parts of the world. Global warming is predicted to reduce water supplies in Australia in the not too distant future. In this situation it is truly astounding to find a Government agency promoting schemes that would assist the transfer of one of the most essential community resources out of public stewardship. Your proposals need to be subjected to extremely close scrutiny - particularly from the point of view of the community's long term best interest.

We have no alternative than to reject the "Principles" discussed in the document WRS1. We cannot offer any support for the principles which you have proposed as we do not believe we have a clear understanding of what it is you really want to achieve. It is incumbent upon the Commission to start from the basic requirements of COAG, ascertain "how relevant is the whole question of water rights and in particular the separation of those rights from property rights, in the South West?"

I submit that the WRC 1997 proposal for the "Allocation and Transfer of Rights to Use Water" is untenable. Since the inception of agriculture in this State, private landholders have been responsible for soil and water conservation of their land and have effectively discharged that responsibility. The viability of farming, horticulture, viticultural and tourist ventures hinges on their continuing initiative and investment. The consciousness of environmental issues and the response to those issues among rural landholders has never been higher and is growing. This proposal for the allocation and transfer of rights to use water is based on a false premise. The State can neither guarantee rural rainfall, compensate for an inadequate supply, nor sustain the infrastructure for on-farm water conservation and use. I submit that this proposal to commercialise the use of water in this State is, at best, cynical and counter-productive.

I see the current proposal if implemented as being the start of bureaucracy interfering with every aspect of our farming operations. Ultimately it will strangle us with red tape and regulation and be one more factor forcing families off farms.

Don't really agree with the document; National Competition Policy is the real issue.

This system is proposing to overlay rules from another area to this area which won't work.

Don't like any of it - should throw the whole proposal.

The model that this proposal is based on is difficult to apply in WA, slow aquifers etc., need to minimise the amount of water that is used, and the amount that is added back to the system, eg through irrigation,



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proposal will result in using all the water that is allocated and ensure that the environment has a minimum allocation.

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While the respondent understands the prime importance of good water management in the state to achieve more effective and equitable management of water resources, and recognises the necessity to amend or replace the outdated Rights in Water and Irrigation Act of 1914, its members, as significant water users in this area, are gravely concerned by the proposed reforms, the methods and time frame allocated for public participation offered by same.

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#### **Support for proposal**

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The respondent endorses the general intent of WRC's proposals with respect to: the need for sustainable use of the water resource; removal of barriers to water trading; increased security of water entitlements for irrigators; devolution of responsibility for management to local groups.

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Basic agreement from one man on the proposal so far.

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SWIMCO feels they are basically aware of all the COAG stuff and the issues. WRC is bringing in the mechanism to put it in place. Agree with principles as long as it doesn't become too administratively bureaucratic and Big Brother-like. WRC is being genuine in that it is managing the resource. OK, as long as there is real local input, which is quite hard to achieve. Also, on the side of more efficient and productive uses, as long as security of allocation is there, they support it.

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Haven't got anything to add to proposal.

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There is broad acceptance to the principles of the proposed changes. Let's get it right when we make the new Act; make it more defined, no matter how long it takes.

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There was general agreement with the basic principles of the water reform proposal.

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K.. & E.. - ... Advisory Committee support the principles (not the short timeframe).

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Agree with the principles in general.

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The following are my comments arising from the Draft Proposal for Discussion. I have made comment under the headings from the Proposal, with reference to the page number. Overall, the proposal is a very substantial step forward for water management in Western Australia.

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There is support for the thrust of the proposals.

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Positive Aspect - State responsibility for regulating resource allocation.

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However, this Association lends its support to any range of proposals such as these which have a sustainable water use outcome.

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Generally the group felt comfortable with the proposal at this time (although it was considered very vague and hard to understand how it's principles may be applied in practice) with the proviso that the detail must be subject to their review. Many people (30) registered their interest in being added to the mailing list.

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In theory water is a vital resource and this is a great proposal; we need to begin to value water.

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The proposals from the WRC will, as they stand and if implemented correctly, go a long way to ensuring that the state's limited water resources will be used to the community's greatest benefit.

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I support intended amendments to the act

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This Group supports a national set of water management reforms, which should lead to the efficient operation of water markets and effective, more productive use of water resources. Government must ensure that water reforms provide a consistent approach to allocation of water rights, trading of water entitlements, water pricing and environmental flows.

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Principles - SUPPORTED.

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In general, we support sustainable use, sensible management, and protection of our water resource in the Gascoyne.

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Most of the proposed guidelines I agree with but there are some areas I feel go too far by infringing on the rights of landowners.

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Australians have far too many rules & regulations to cope with already, but a better management of our WATER resources is essential. The proposals put forward so far seem reasonable as long as they are flexible enough to be modified as local circumstances become evident.

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The grower believes that the objectives of the reform process, principally to promote the sustainable and efficient use of water in Australia are useful and should be implemented.

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#### **Support for reform/but qualifications with elements of proposal**

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The proposal is a good idea with bores but difficult for irrigation.

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However, if the detail of implementation is not agreed to by all stakeholders, there will be less acceptance and conjecture on the motivating reason for changes to our current policies.

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The council recognises there is a need for water reform in WA, and strongly supports legislation which would provide a framework for environmentally sound management of WA's water resources. We agree that the existing Rights in Water and Irrigation Act no longer meet the needs of a population which has grown substantially since it was enacted in 1914.

There appears to be a unanimous agreement in the South West that some reform to the Rights in Water & Irrigation Act of 1914 is warranted, particularly in matters of water allocation. The extent of proposed reforms is questioned, however, on a number of grounds. The uniform regulations proposed appear to apply to crisis areas such as Gingin and other irrigation districts just north of Perth and following from regulations appropriate to the Murray-Darling Basin, where water has been over-allocated. The South West is a long way from being in such a crisis situation, and the proposed regulations are not appropriate to the local situation.

I thank you for the opportunity to comment on the above document. Whilst we endorse the general approach to water reform as outlined in the document, points of concern to us are listed below.

The committee acknowledged that the current legislation, the Rights in Water and Irrigation Act 1914 was out of date and required urgent attention to address today's water issues.

Principles and policies being proposed are long overdue, however we are concerned how any of them are going to be implemented.

The Act definitely needs changing.

Having said this, the respondent agrees with many of the proposals put forward in the documents.

IN SUMMARY - The association does not categorically oppose the establishment of tradeable water rights and other proposed changes to the water resource management. What the Assoc is opposed to is the implementation of a system of regulation that ignores the economic social and environmental needs of our society.

The respondent endorses the objective of the discussion documents, that is, to improve the sustainable management of the water resource and to meet the requirements of the COAG Agreement under the national Competition Framework. The respondent has however a number of concerns about the consultation process and the way in which the reform package has been presented to the community.

It is difficult at this time to support anything other than the concept of reform.

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### **WRC will have too much power**

I wish to record concern with the WRC proposals for Water reform in WA. Your publication WRS 1997 states that the council of Australian Governments (COAG) agreement on water reforms necessitated changes to the water resource management in Western Australia. The COAG emphases appears to be largely directed to rectifying problems that have developed in major river systems of Eastern Australia. Your proposed reforms go well beyond these types of situation. You appear to be intent on assuming control over all water in the Western Australian landscape. You have also attempted to build a case to levy landholders to support an expanded bureaucracy.

When analysing the situation however, it can be seen that this threat (of losing COAG payments) has provided the WRC the opportunity of reviewing and changing the act to give itself far more control.

New laws will not create more water only more lawyers.

In summary I am opposed to more and more government control, the subsequent expansion of government departments, the unexcitable revenue raising necessary to support those departments, all in the name of achieving a theoretical benefit.

Motion moved that any more power be given to the community, not to WRC. Seconded by ..... Many for, 2 opposed.

### **3.10.2 Other general comments**

#### **COAG requirements**

In reality, the only COAG requirements that are not clearly defined in the old act are: environmental and social planning transferability of water entitlements. It may be argued that amendments could be made to current legislation to satisfy COAG requirements.

Considering the above comments and reading the full extent of relevant papers however one is bound to come up with a differing view about the need for a review. It seems that we are following the leader, namely the COAG and ARMCANZ groups. They insist due to their advisers ideas that we must introduce competition for a life support system, not to increase a conservation ethic, but rather its commercial value. The terminology used throughout the publications does not allow any other conclusion.

COAG requirements can be met from existing legislation to enable payments to be made to the state.

The respondent understands that the agreement (signed by the Premiers) between the Commonwealth Government, and the States and Territories of Australia in 1995 to arrange the terms of the National Competition Policy and related reforms, clearly states that "Payments under the second tranche of the Competition Payments will commence in 1999-2000 and be made to each participating State as at the date



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of the payment and depending upon: effective implementation of all COAG agreements on: "...the strategic framework for the efficient and sustainable reform of the Australian water industry..." The agreement further sets down the conditions under which payment will be made to the States: "...implementation of the strategic framework for the efficient and sustainable reform of the Australian water industry and the future processes as endorsed at the February 1994 COAG meeting and embodied in the Report of the Expert Group on Asset Valuation Methods and Cost-recovery Definitions, February 1995."

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The state should be able to comply with COAG requirements and qualify for the first payment in 1997-98 with minimal or no legislative changes.

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Achieve the COAG Agreement requirements on TWE and environmental water allocations with minimal legislative changes. We also wish to help develop appropriate implementation details for our area before the deadlines set for having them in place.

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Need to explain the consequences of complying with COAG in terms farmers will understand, eg money to states would be used to build hospitals and schools in country towns.

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COAG Agreements are not a statutory demand, are they?

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Is the break-up of stage one: COAG first, then the rest. It is almost impossible to implement COAG without the other, need local management plans before TWE's can be implemented.

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COAG payments, are these a form of bribery and where do they come from?

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Do government get paid on principle or detail of law reform?

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What was the initial payment made?

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COAG is a "turn off" and is irrelevant to farmers.

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Need to bring people up to speed with COAG.

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Why hasn't the cost of groundwater management been considered (with regard to COAG requirements)?

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P6 COAG requirements: is there a reference to the statement of these?

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What are the implications of COAG if you don't make the changes?

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To what extent are WRC bound by the COAG agreement, how much freedom do WRC have?

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What are the chances of something being forced on us by COAG?

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#### **Comparison with the Eastern States**

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WRC is trying to push this through for the same reasons as in the Eastern states but WA is totally different.

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No connection seen with Murray Darling Basin; this is the feds telling the state what to do and then the state forcing it on the farmers.

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Will these changes prevent such problems as the Murray-Darling blue-green algal problem?

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As a group of people involved in a vegetable cool storage and packaging facility, also individually involved in horticulture, we are making a submission to the WRC regarding some of the alterations proposed to the Act. We agreed that some changes be made to the Act to make it more workable, enabling local rules and regulations to be administered. However, we are concerned that such documents are often based on research relating to overseas or Eastern States examples, such as the Murray Darling River System, which is totally unrelated to the unique system which exists in the Lower South West of WA. Even within our own state of Western Australia, the system is quite different. We have the irrigation schemes in Carnarvon, the Ord and around the Harvey district where the Government is involved in providing huge infrastructure to conserve water in these areas. In our lower South West area, the farmers themselves outlay large amounts of money to harvest and utilise winter runoff. These farmers often service the debt incurred for this water provision over a 10 year period. It is a fact, in most instances, the storage of water helps to make more water by increasing summer flow and the health of water ways.

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#### **Current system - comments/questions/need for change**

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The current water law is based on the Rights in Water and Irrigation Act of 1914. This Act was established primarily for the development of large scale irrigation projects such as the Harvey irrigation system. At the time of its drafting nobody could envisage the growth of agricultural irrigation, brought about by a combination of demand for high quality and new variety horticultural products world wide, increasingly efficient transport systems and the rapid development of irrigation technology. As a consequence, the Act is seen as out of date and in many respects unable to deal with current demands on surface and groundwater.

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We offer the following comments in respect to the above document. As a general comment, it is not made evident what the specific problems are with the current system, so as to justify such wholesale changes. We, in-principle endorse an integrated approach to natural resource management.

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Our family grows grapes on approx 25 hectares of land in the Swan Valley and whilst we agree that the groundwater which we use to irrigate our vines needs proper management, we do not have any problems with the current system of management. It seems from my own situation and from the point of view of the many growers with whom I have regular contact that

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our industry is very happy with the present system.  
**WHY FIX SOMETHING THAT ISN'T BROKEN.**

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Is it possible to amend the current law?

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This council believes that water resources in the South West of WA are currently managed very well. There is no need for any radical change to the existing system. Existing controls by the DEP and the WRC provide adequate management controls on water use and a high standard of protection for the environment.

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Are we going to correct past anomalies existing in the current system?

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Need for legislative change: potato growers are satisfied with current water legislation. These policies have provided protection to producers and the public and ensured that our water resources are being managed in an efficient manner. Our state government should be complemented on their management of water resources. From statements at meetings of the WRC, it appears that the water reform review has been undertaken to enable WA to conform to COAG recommendations. If WA fails to adopt these recommendations this would result in a loss of substantial commonwealth funding.

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So current legislation and its provisions are from the 1914 Act?

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You say that this is being done for the benefit of the majority of the people, but our present system has worked well for many years now and it appears to be the vineyards and irrigation systems which you are targeting.

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1914 Act had no provision for long-term consumptive users.

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#### **Environmental issues**

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Proposal shows that WRC is planning for tomorrow not next week.

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Pastoral leaseholders all over the country lobby ruthlessly for their leases to be changed into freehold title. The community would lose all control over another life support system, sometimes called soil. Already now, after only a hundred years of leasehold their practices of land management are unsustainable despite the presence of generations of agricultural experts and political Ministries!

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The trends are clear. How do they sit with the "sustainable resource management objectives that balance economic development, biodiversity, resource stability and social needs"? Who will be the winner in this act? The paper proposes three "WATER USE RIGHTS", but the authors omitted to include the principle of caution, there is no possibility of climate change, population increase, the ecological integrity of

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a waterway and any catastrophic events. Why should they. On page 16 the reader is told that "water is vital resource and must be available to those who want to use it" and to pacify us "the users have to report annually on their use".

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Farming land and water has brought about considerable wealth to the general economy. Research which has been encouraged by successive governments and combined with the energy and enterprise of our farmers has contributed to the wealth and livelihood of every Australian in this island continent. In fact, in spite of the perceived deterioration of the landscape grain production in WA continues to rise as do the yields of crops and livestock generally. Farmers in recent times have become even more environmentally conscious. Considerable effort and research has gone into land care, tree planting, salt tolerant species and fencing off affected areas to exclude livestock and enable natural revegetation. Government assisted "Remnant Vegetation Plans" are a part of many farms today and a lot is being done both privately and through LCDC's. All this work is critical and is happening. The last thing needed is the creation of a bureaucracy to issue and charge for licenses for all these farm dams. They are contributing enormously to prevent saturating lowlands and swamp areas.

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There is a plethora of Acts which now address aspects of environmental concerns. It is not clear from the proposal where the new Act would be placed, and how it would inter-Act with existing legislation. It will be important that any new Act does not cause an increase of 'red tape' that industry and developers have to fight their way through.

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#### **Fencing of water courses**

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Should be encouraging people where possible to use runoff water. It is now cheaper to use scheme water which is bad because the runoff water will take nutrients into the river if not used on farm.

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Fencing, access, maintenance and liability?

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Council point of view on fencing off water bodies - weed problem; who is responsible? Especially with the 50m zone at side of river. It is not the farmer's land any more.

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Mention in press last week of fencing off all water courses. Who pays?

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Responsibility for works in a river. Who owns it? (By-law 11 on his property).

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#### **General comments/questions**

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Government is to promote competition to attempt to INCREASE the value of water use. The government must adopt a less stringent approach. Pressuring the small number of individuals in private enterprise by more bureaucracy will further reduce employment. Action must be taken to assist & enhance private



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enterprise which in turn increases Australian productivity.

No more nails in the coffin please

In case of a swamp - how large an area constitutes a swamp? How long does an area have to be wet in a given time to constitute a swamp?

Blanket Legislation: This needs to be avoided because of large climatic and geographical differences. We recommend areas be controlled by local committees eg Seasonal Advisory Council or Shires. In an event of a dispute local representation should be present in an appeals process.

We are concerned with rational development of all industries in the South West, and the development of a strong and well supported enterprise culture among businesses (including farm business) in the region. The Commission has assisted in resourcing farmers groups in the South West to address the issues raised by the WRC. The SWDC has not participated in framing any individual group responses. The views outlined in this response have been arrived at by independent analysis by the Board of the commission, and not in conjunction with any submissions.

In some areas there is a lot of small winter creek which does not cause any erosion (unreadable) to the (unreadable) that they are grassed by perennial grasses.

Irrigation a limit to the number of hectares per 40 hectares. If a farm is subdivided into farmlets there should be no more water used than when it was a farm.

The Crown benefits from our water use. The employment of local people and the flow on effect through the state. In addition, the large amount of foreign capital we bring into Australia immensely benefits the country.

In the water policy it is important that the Government recognises the major and widespread contribution agriculture makes to the economy. Water is a major national resource and is a significant factor to Australia's agricultural competitive advantage.

It is my concern that perhaps the details of your proposal have not been sufficiently identified or explained to meet the requirements and understanding of residents who have considerable ongoing and long term investment in the area. For the purpose of this discussion I have assumed, as any legal advice would require, that if you are legislated powers of control

over surface water, you will be deemed to have exercised them to the maximum.

Will you consider to put those provisions in the legislation? Need to know where we draw the line/concept of distinction. How far from arriving at any decisions to make those distinctions? We have to tell the community, would be a point of interest.

Enhance the Australian economy by the presence of the WRC.

There is still a reliable source of water without licensing and without any outlay by the Waters & Rivers Commission.

However, if these changes are introduced it will effect all people on the land from dairy farmers to viticulturists in many ways. From experience when new reforms are brought in and we are told it will not really change things for us it always seems to end up affecting us in untold ways.

The committee requests that consideration be given to artificial wetlands in urban areas ie relating to ongoing responsibilities and charges.

The implementation of the proposals will see yet further erosion of farmers rights; it will affect their ability to get on with the job, create bureaucratic interference, and add another cost burden to many of those who are already struggling to make a living.

Define high or low water mark? Who is to determine?

As a participant of a public meeting 17th September and the follow on workshop on 24 October both held in Margaret River on the subject of Water Reform I support the submission regarding COAG and WRS1 proposals outlined by the submission team.

In the past we have granted permission to license holders to enter Crown Land to draw water. Due to native title complications, such permission is no longer granted. If perpetual licenses are issued by the WRC it may be more appropriate, where Crown Land is involved, to protect the interests of license holders with Crown Leases, Easements or Licenses (proposed Section 91 of LAA).

WRC prepared a blanket proposal for discussion for WA without taking into consideration the requirements and Geographical aspects of different areas.

There are a number of specific areas in which the respondent believes it is well placed to assist with development of detail. These include: conditions to be placed on licences for water use in different areas; structure of local management groups; guidelines to



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assist with the implementation of water trading; monitoring and auditing of non-farm performance; use of existing allocation. The respondent will network to assist the education and negotiation process.

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The submission includes a number of suggestions as to how the reform process may be progressed in partnership between natural resource management agencies and the community. Following contact on this matter with other agencies, it is apparent that the proposals should be discussed in more detail to ensure that issues of inter-agency responsibility are addressed before the detail of the proposals is developed further. It is hoped that further discussions between agencies may lead to the development of a more widely acceptable package of reforms. This process should assist the WRC in its role as the manager of the State's important water resources, a role which the respondent acknowledges has, to date, been managed extremely effectively.

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These discussion documents were released by the WRC to introduce the requirements of the COAG sponsored agreement on water reform to the water industry in WA. Significant financial incentives were attached to the original agreement, in order to encourage State and Territory Governments to meet the agreed deadlines for reform. The discussion documents WRS1 and WRS2 addressed aspects of the water law reform process in WA as required under the COAG Agreement. They also introduced many proposals for reform not directly required by that Agreement, but designed to improve the sustainable management of the water resources in WA. A third paper, WRP27 "Draft Policy and Principles for the Protection of Water from Pollution in WA", although part of a different series also contains material significant to this process.

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The response to: Discussion Documents WRS1 "Water Reform in Western Australia - Allocation and Transfer of Rights to Use Water - Proposal for Discussion" and WRS2 "COAG Water Allocation and Trading Initiatives - A Context Paper for Western Australian Reform Proposals" - WRC. This submission is the formal response from our group to the above-named documents.

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What is National Income?

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The proposals in WRS1 are very broad in nature and could ultimately bring about anything from very minor reforms to drastic changes in the way we manage water.

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We are of the opinion that there should be a Water Bank, this Water Bank being available for re-allocation by the Local Board.

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We are of the opinion that to ensure the licensing and allocation process is fair and equitable, and the resource is sustainable, a significant research effort is required to assist in developing an understanding of perched and deep aquifers and the extent of the groundwater resource.

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The report indicates that the WRC are proposing a system that can give exclusive rights to water to a license holder (report page 7). The WRC will need to incorporate rights under native title into such a system.

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What are the implications of native title? In the long term this could now raise new issues, which if it led to orchardists having to pay compensation in terms of native titles, would send many of them out of business.

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Although the proposed change to the rights to use water would produce an income from "licensed and local rights" which would be used by the Commission to manage this natural resource, it would also put at risk the more vulnerable areas of our eco-systems and have a detrimental effect on long term water availability with a serious impact on native wildlife and their habitat. As the Commission does not have the resources to adequately meet its environmental obligations, added responsibilities would be impossible to police and increase its already heavy burden of administration.

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We endorse the statement that any system of water allocation and restrictions should be extremely well defined, consistent and fair to all concerned.

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What tangible benefits will be received by proponents that are currently not being realised?

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Given that obviously proponents also have a vested interest in responsibly managing water resources, to what extent could such management be (further) undertaken by proponents on behalf of the WRC?

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Further to discussion papers issued regarding Water Reform in Western Australia, I now forward a written submission compiled for council by this committee.

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Need "hard-nosed" review programme on these schemes/policies. Need to know if/or how well they are implemented.

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Document is strong in rhetoric, low on conclusions.

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Keeping the water table level constant is water management.

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When does surface water become groundwater? How deep can I dig the hole?

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WRC's attitude to people saving water? Any incentive to on-farm surface storage?

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Will new legislation recognise the role of water management of non-consumptive uses? Should be in preamble of legislation.

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We are an independent valuation and property advisory body providing independent, qualified advice to a range of financiers, purchasers, vendors, solicitors, government departments and others.

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Document raises more questions than it answers.

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Where are we up to in the reforms?

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How many changes will be implemented here before legislation happens?

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What is happening here may set in concrete what can happen elsewhere, we are at the cutting edge.

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The principles in the document are right but they have only been applied to the extraction and use of water not what happens after the use or before the use.

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20 and 30 years ago had same meetings in Murray-Darling. Now have opportunity to manage problems before too severe.

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Can COAG tax sunken funds?

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Taxation laws which will be implemented?

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All bores should be sunk only to a level above sea level.

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Did you look further than WA, Australia, New Zealand and California when researching for the proposal?

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The discussion paper requests us that we specify our concerns or support clearly. This is difficult.

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Detailed dispute resolution process required in legislation.

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How open will you be about the above (transparency)? We haven't been able to see the hydro contract yet.

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This disregard for the people forestalls any specifics. The establishment wants no binding agreements on Greenhouse emissions but has no inhibitions to demand from its own electorate binding agreements. In the name of creating another market for wheelers and dealers it has to be dressed up as benefiting the community and the environment. Other examples for this are already in the pipeline with the commercialisation of wildlife.

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This is a very emotive issue.

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How are you managing BHP in respect to mining an ore body below the water table? Have they a right, how do they manage it, is it sustainable?

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The relationship between this present discussion document and the recently reviewed, WRC Draft Policy and Principles for the Protection of Waters from Pollution in WA (WRC document WRP27), is also not addressed. There are so many aspects of the WRP27 document which directly relate to how the allocation and transfer system will work that it is remiss of the author(s) of WRS1 not to draw the stakeholders attention to the existence of the other document and proposals. Certain proposals in this discussion paper are more fully addressed in WRP27 such that the importance of one to the other is apparent, even though the Project Leader and Chief Author of WRP27 Mr R Claudius denied any connection.

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There was a map at the Margaret River meeting that showed big areas of farm where water use would not be permitted, what was this?

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People in SW see the reforms as a "land grab" with the Conservation Council on side.

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What if people jump in front of the legislation by damming lots of water now?

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Who do you see as "being affected" and therefore being able to influence decisions for this area - people from the city?

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Services from WRC - what could we expect?

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RAMSAR wetlands guidelines for wise use should be used.

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Will the Act be retrospective?

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Is it the intention of the Act to force people to change or is it intended it will take its course?

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We are scared of the unknown future.

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Who will be responsible for maintaining both existing and future water-related infrastructure on private property?

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#### **Implementation - phasing in time**

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REDUCTION OF IMPACT ON INDIVIDUAL BUSINESS - That the change process not impinge on private business, that has made decisions based on the current legislation, and the profitability of any business affected in the short term is regarded in the change process. The ongoing harvesting of meagre water supplies has meant that many businesses have invested significant amounts of money in capital to ensure the ongoing nature of the orchard. The time frame for change needs to be agreed to by all parties to ensure an effective transition.

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How will the principles be applied and how long will it take? Concerned about the principle of adjustment. Farming properties have complied with the best practices at the time; now there is change which will impact on the properties. There is a conflict - not just spring water but drains also and control of water in general.

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**TIMING OF IMPLEMENTATION** - The implementation of the changes to water allocation or other reforms will need reasonable timeframes for implementation because of the need to have decision making based on fully developed information. The industry has operated under the current system for many years and with significantly different systems in different areas. The impact of change will be that many fruit growing enterprises will need reasonable periods of time to implement changes.

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#### **Issues about privatisation of WRC**

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Want an assurance that an entity within the Commission won't be set up for privatisation as a water agent.

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Why government gone down the path of privatisation if they thought COAG Agreements were a good idea in 1994? This reform is administrative to gain money, not about water.

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Does the government provide any money now for the management of water resources, if WRC run as a private enterprise the service will fall, we want the system to run as it is with the funding as is - no privatisation - this leads to greed and corner cutting on services.

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Privatisation of scheme water only would work best here.

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#### **Issues regarding bureaucracy**

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Finally, why the original Water Authority has to be expanded into three new bureaucratic bodies presumably on the basis of the proposals to some degree, seems nothing more than a further example of typical over government that we have today.

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Legislation which provides for greater complexity in the project facilitation process needs to be avoided.

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A massive, inefficient and costly department should not be the goal.

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The agency suggesting these far reaching changes is a mere 18 months old. Its own legislation had to be rushed through in 1995. It was created in the wake of a movement to introduce commercialism into every aspect of what was known for many years as a public SERVICE. Smaller government and less regulations and supposedly reduced costs are the catchcry, yet more laws and regulations are the order of the day. The WRC is supposed to be the steward of all our waters or as environmentally concerned citizens would call it, one of three LIFE SUPPORT SYSTEMS.

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We see most of the changes, particularly increased management as simply empire building and therefore unacceptable.

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Negative Aspects - Overlap of OWR and WRC responsibilities and costs.

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Getting different messages from WRC and AgWA officers.

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How would the two levels of management, OIC and Region, interact?

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Frustrated with different agendas of different government departments. How will new rules make it simpler to know how, when, where, for how long, under what conditions we have allocations?

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There is a need for management in relation to the preservation of our water resources. Unfortunately as usual, the government of our land is setting up the infrastructure - so complex and geared for revenue raising - that once again the people hoping to make a living off the land lose a little more of their foothold.

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The cynics amongst us could suggest that this is another case of an ill informed Government decision, by a person or persons totally out of touch with main stream Australian farming and farmers; job creation for job creations' sake; another form of tax; and possibly a clandestine scheme to create employment for the many unemployed post graduate university and college students who have degrees and certificates in Environmental Science and Land Management - in other words - bureaucracy gone mad. It is most insulting to the majority of farmers that "Government" perceives itself to be the only one with the ability and means of preventing the wholesale degradation of this country, and the only ones capable of understanding environmental issues and concerns. Education is the key, and the Big Stick approach will never work.

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#### **Issues regarding the Water Corporation and/or scheme water**

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The committee believed that the WRC and the WC should have separate Ministerial accountability.

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All urban and rural water users should be encouraged to fit water storage tanks to hold water collected from roof as is common in other states. Costs of installation should be offset against water rates or licence fees, on a permanent discount basis. The discount would be highest initially and gradually decrease to still leave an incentive and to allow for maintenance costs.

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Will the WRC make WC release more water from their dams to make sure the users are covered?

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Scenario: Lots of summer use on stream that diminishes flow - but not that far away from town water scheme: could you make them connect to scheme?

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At the present time main roads are changing Albany Highway, Bedforddale into a four lane highway. On the highway plans it shows a scheme water pipe crossing



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Albany Highway at the Bedfordale Hill Road intersection. Could someone please explain to me why the properties adjacent to the pipe cannot be connected while the road works are in progress?

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**Native Title/Native Rights**

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What implications, if any, does existing Native Title legislation have on the proposed water reforms?

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How would the proposal impact on Native Title Act?

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Attention should be given as to how the two separate issues of native title and Greenhouse could impact upon potential water management regimes.

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How do you see your proposed changes affecting the Fitzroy River people?

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To what extent might it protect the indigenous people, where do the rights/conflicts sit?

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Are there connections with Native title issues currently?

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It is not clear to the association the extent to which native title affects water rights, but one possible interpretation suggests that the effects could be profound. The WRC should clarify the situation. Preserving current rights or compensating for their loss is essential. Where water rights and native title rights may appear to conflict, the WRC should explicitly define the process by which the conflict may be resolved with minimal injustice. Any changes to the current legislation need to ensure that water rights are in fact made legally certain, and that these changes do not defeat the intended water law reforms.

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Native Title - There is uncertainty with respect to the payment of compensation with respect to the issuance of licences. The uncertainty may be resolved by amendments to the Native Title Act under the Ten Point Plan.

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Have WRC considered the Native Title Act?

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Concerns about Aboriginal Native rights.

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**Non supportive of the proposal**

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I write on behalf of this group regarding the proposed reforms to water rights irrigation act of 1914. This group is a state government agency whose core business is regional economic development. This group has reviewed copies of the WRC discussion papers and subsequent newsletters on the proposed reforms. The water reforms currently under discussion have the potential to impact the manner in which water is collected and used and as such has raised the concern of a number of business operators, particularly in the farming sector. While it is not my intention to comment on specific aspects of the proposals *per se*, I would like to relate general concerns that this group

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has received from some of its clients and stakeholder groups over the proposed reforms and the consultation process.

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Please find a submission from me concerning the proposed legislation which I believe will add severe restrictions to water usage for Hills orchardists. My concerns involve proposals which I believe will be counter to water conservation and sustainability of water supplies in the Hills areas.

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We are making a submission on the Allocation and Transfer of Rights to Use Water proposal for discussion as many of the proposals are unacceptable to us and our farming operations and the implications for all other water users.

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NO REFORMS - This is a solid case for the status quo.

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In all the proposed changes there is not one that will help us directly or indirectly in the operation of our business.

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My submission is made from a number of perspective's: Not being informed as I should about the whole proposal; Involved with an orcharding business; Concern over the proper care of our states most important resource. In a brief statement I am unable to embrace all of the issues related to the important proposed legislation.

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As members of the rural community we would like to voice our concerns re: the proposals put forward to change the water law in WA. We are landholders who have put in a lifetime of hard labour developing our family property which was originally taken up in 1922, and like a lot of other farmers spent the earlier years with only an axe and mattock, the help of a horse and no such things as modern conveniences. We learnt the hard way how to conserve water and look after our environment - to fail to do so resulted in failure and deprivation. We have also learned that water is not to be taken for granted and it is most certainly not a free commodity as far as farming is concerned. There are costs involved in storage and access which are unavoidable if this is to be utilised wisely and conservatively and we feel, at this stage, it would be detrimental to the Dairy and Beef industries if restrictions and charges are placed on this resource.

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At stake for us is our FUNDAMENTAL PROPERTY RIGHTS, LIVELIHOODS AND THE FUTURE OF OUR FAMILIES. The land with its water are the basis for our way of life and represent an investment accumulated over generations. We find it TOTALLY UNACCEPTABLE that the continued free enjoyment of our property should have been brought into question



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without the relevant knowledge of our water source. One can only be apprehensive with any licensing system as those that set the guidelines today cannot guarantee that charges will not increase out of hand in the future and the long term effect will be less food production. It is noted from the proposals the many conditions and regulations and find it difficult to substantiate these proposals and therefore REJECT any licensing and proposal towards restricting our current water rights.

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However, we now clearly understand that the State should be able to comply with the COAG requirements and qualify for the first payment for 1997-98 with minimal or no legislative changes. The motives of the Commission to link the proposed massive changes to the Rights in Water and Irrigation Act of 1914 as a requirement of the COAG agreement must be questioned. We believe that the facts and legal basis on which the Commission is proposing changes are not true and will not protect the rights of the private water users in our district.

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In relation to your Water Reform Discussion Paper "Allocation and Transfer of Rights to Use Water", please find enclosed a submission prepared by our committee. We are a group of citizens living in the Gingin area. Concerns have been made by our members in relation to proposed changes by Water and Rivers, hence the committee has prepared this submission after extensive deliberation on the issues raised in the Water and Rivers Commission Report WRS1 of 1997 are the issues which most concern us. Your informed consideration of the following concerns is very much appreciated.

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There appears to have been no consideration to the fact that WA has a Mediterranean type climate with very restricted times for water catchment while its usage comes at the hottest time of the year. The orchardists already have major monetary commitments to water storage and circulation around storage areas and have to cope with very large evaporative losses. How can they possibly be asked to pay for water that will be lost to the environment due to climatic conditions.

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The introduction of this legislation also carries with it the right of entry by personnel from the WRC to properties at any time. This represents a further infringement on individual privacy.

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We as landowners (farmers) object strongly to the proposals put forward. Not only do we see this as another source of revenue 'hunting' but also a loss of

our rights. We believe if water rights are taken from the farmers then the land loses much of it's value.

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### **Population growth**

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Changes are required because of the increasing population putting pressures on the water resources.

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I find it inexcusable though that the WRC has a similar short sighted view to that of the State Government who is only addressing the symptoms, not the causes of chronic water shortages that will put the lives of future generations and that of our diminishing flora and fauna at risk and that is the fact that our growing human population is not sustainable. Even the draft State of the Environment Report 1997 recognises that on P8 and P9 "Fundamental Pressures", Population and Resource Consumption" and it is high time that WA has a population stabilisation policy and lobbies the Federal Government to stop immigration and aim for zero population growth by decreasing natural increases as well.

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BUT it must be sustainable development and there is an element of inter-generational equity mentioned on page 4. This is very recommendable. We can only hope that the strategists, planners and managers know how many people there will be in WA in two generations and what their requirements will be. Some additional advise from science trained commission staff would not go amiss. We might even get rid of some obvious textual contradictions. I cannot believe that a miner or farmer or gardener has a right to water unless the communities agrees to it and he/she uses this resource in a beneficial and sustainable way. Is the production of radioactive waste water, stored in an open dam, beneficial and sustainable?

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### **Potable water/water quality comments**

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Negative Aspects - Potable water sources not specifically recognised.

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Potable resources to be secured as regulatory requirements.

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All effort must be made to eliminate pollution of water and inspectors will be needed to test water in all situations.

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Is this proposal dealing with potable water resources or ALL water eg Exmouth - pressure on the water resources, where do WRC sit in the creation of water resources such as desalination?

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### **Process issues**

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Diversification on pastoral leases, what process would be followed with this framework?

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Through unity and cooperation of all concerned parties, I feel that the problems can be resolved to the benefit of all involved. Furthermore, our resource will be managed in a proper and fair way, which will leave



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a valuable asset for future generations. It is imperative that the WRC look to the long term situation, rather than the short term monetary gain offered by the Federal Government.

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In terms of administration of process, what are you going to do with all the input?

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Do you have any data that shows the process of looking at different conflicting interests, deciding who has what rights?

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**Proposals need to be clearer/firmer**

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Farmers want details not principles.

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The proposals should be firmed up.

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Participants agreed that without access to the legislative detail which will underpin the reforms they could not signify assent to the proposals

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No defined rule for proper discussion

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Is the Water Act withdrawn and are problems now to be tackled through different acts? Please put the proposal in context?

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**Protection of commercial users**

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MAINTENANCE OF FOOD SUPPLY - The supply of water is secure for the production of food. The ongoing supply of food is based on an adequate allocation of water at a reasonable price. Due to fruit trees being a long term investment, the lack of allocated water, even for the short term, will impact negatively on production for a long time following the event. An example is apple trees which have a lead time to full production of 6 years and a shortage of water for even one week at a critical time may mean no production for up to 6 years. The production of reasonably priced food is vital to ensure the well being of all Australians. The guarantee of water supply is vital to this process.

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IN SUMMARY - The impact of the price of water on food will take a long time to reach the full impact and a system of management needs to be developed to ensure the supply of fruit is maintained without significant increases in costs and consumer prices. The association seeks that the needs of fruit growers are not ignored to the detriment of the whole community

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**Specific comments regarding peoples properties, regions, or introductory and concluding comments on letters**

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The fruit industry covered by the respondent is located from Carnarvon on the north to Albany in the south of the state. The fruit industry is an expanding industry that has a history of being conservative and able to operate in harmony with the local communities and the environment. The towns in the major fruit growing areas have an infrastructure that is built around the fruit industry. Much of the seasonal employment is in

fruit handling and the tourist industries receive a significant boost because of the "gentle" nature of the industry and the work that can be provided to itinerant workers. The fruit industry is, in effect, a part of the socioeconomic fabric of the communities in the major growing regions. The industry is proud of its high health status which means the fruit produced is some of the cleanest and safest in the world. This not only allows the local consumer to enjoy high quality safe fruit but opens opportunities for new export markets. Expansion will be a feature of the industry over the next few years due to expanded planting's that will be coming into production. Water usage has traditionally been monitored closely in Western Australia because of the high cost of harvesting the water resource. There are areas that are serviced by government operated water schemes but the majority of fruit comes from orchards that source their own water resource. The harvesting of water has often meant that significant amounts of capital have been expended for water collection and storage on many orchards. The industry is also focused on the rational usage the orchards productive capability can be expanded. These systems utilise the latest technology to monitor waste usage and measure ground moisture levels allowing the least amount of water to be used for the maximum benefit in production. The fruit industry is no longer just family orchards but is rapidly becoming a series of business enterprises that are focused on maximising production with inputs fully utilised. The sustainability of the industry is undergoing constant improvement as the industry understands the need for environmentally sound and sustainable production systems. Although there is a business approach to growing fruit, many growers live on the land with their families and are the greatest stakeholders for environmentally sound production practices. The attitude of many fruit growers toward the WRC is not as positive as it should be. This is because the Commission does not have a good record in acting with a good customer interface. The concern of many growers is that with the proposed changes, the WRC will need to adopt a positive and pro-active approach to customer service to overcome many of the negative attitudes within the fruit industry. WA fruit growers are proud of their product which is competing well on world markets in both quality and price. The fruit growers fully recognise their role as responsible citizens to provide quality food that is safe at reasonable prices. The industry is concerned about the reform of water usage and allocation with the following recommendations coming from a responsible approach to the real situation in WA.

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Local farmers have invested sums ranging from \$30 000 to \$500 000 on farm water storage facilities and fixed underground water infrastructure. The regulations appear to be designed for areas, which feature predominantly public investment and over allocation by government agencies. Management of



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the water resources has been successfully undertaken by private means for over 40 years.

As a group we do not think that we are justified in commenting on large scale drawing of groundwater as our area is not dependent on irrigation.

The report has not addressed the requirements of aquaculture.

SWAN VALLEY LEGISLATION - \* One arm of Govt has legislated to retain the rural aspect of the Valley allowing only certain activities to be pursued. \* WRC has informed us that there would not be enough allocations to go around. Therefore which ever way we look at it, there will be a large proportion of properties without the prospect of receiving an allocation. This is a serious anomaly, bordering on negligence that this problem has not been addressed.

Advice from your office that this late submission will be included for consideration is appreciated. We are keen to ensure the sensible and realistic development of land based industries in the Shire.

This council supports the submission by Margaret River Water Reform Workshop Submission team (17/11/97) and express the response by the South West Development Commission.

This is a young area and the farmers have spent thousands of dollars in water conservation for drought proofing farms and drainage for the wetter years. We have a major project in place at the moment whereby 52 kilometres of fencing has been erected to protect a waterway and prevent salt encroaching on all the pristine swamps on the down site of the Gairdner Hills. This was partly funded by the Government but the farmer input has been tremendous. Not only fencing but laser drainage lines, tree planting, direct seeding and perennial grasses have been or are about to be planted. There are some very enterprising farmers in our area that have started vineyards, seed potato growing and a very strong wildflower industry along with general crops and pastures. Yabbies, marron, black bream and trout have been put into dams and swamps. Feedlotting of stock is another form of income to this area. All of these need water and we have done this at our own expense. We would like to express our concerns regarding the following points.

This grower association is an umbrella organisation which manages 3 commodity councils. All of the councils are self governing and are able to cover the differing needs of each industry sector. The Chair from each of the commodity councils sits on the Management Committee for this association. Because the organisation has a truly representative system, this association has the authority to act on the growers' behalf in matters that effect the whole industry. The growers have had a lot of input into this report and it has been fully vetted during its development.

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Following the deep concerns expressed by many people within the industry, this association undertook to investigate the problems expressed by industry sectors. This has resulted in the following submission, which focuses on the need for a holistic approach to the problem and not a quick fix Federal grant monies.

Once again, I thank you for the opportunity to comment on this important step in water reform in WA.

Local Council's operations in the abstraction and use of groundwater may be regarded in more recent developments as state-of-the-art in terms of technology application (automatic reticulation using water-efficient sprinkler devices). In terms of older developments using manually operated pumps and aluminium piping which is physically moved to water the larger area, there will likely be a requirement for Council to incur substantial costs to bring these areas up to a standard similar to newer developments in order to meet licence requirements in the area of efficiency of resource use. It must be recognised that broad scale groundwater resource users such as Local Government will need to be recognised in the proposed amendments as special cases requiring a phase-in period to meet proposed changes to licensing conditions, particularly in terms of efficiency of resource use.

This Group has pleasure in attaching its Position Paper on Proposed Water Reforms. This Group recognises the need for water reform and the significance of water to the agricultural sector, and provides recommendations that take into account the vast regional differences in the supply and use of water resources in this State. We would be pleased to provide further clarification if required.

Our organisation, having been represented in the workshops and the submission team, wishes to support, endorse and add to the submission tendered by that group which represented 17 organisations in the South West.

The response by this Association (WA Region) to the Water Law Reform proposals outlined in the WRC's (hereafter the Commission) document Allocation and Transfer of Rights to Use Water (WRS1), is premised on this Association's concept of viability, efficiency and sustainability for the irrigation industry. This Association is a national body comprising members from all sectors of the irrigation industry, including irrigators, regulators, government agencies, equipment manufacturers and suppliers. This Association was identified by the Commission as a peak stakeholder to represent horticultural interests in this process. This response has been framed in the light of several meetings organised by the association and following association attendance at many of the information days and workshops presented by the Commission and grower groups (list attached). In a very real sense, efficiency in irrigation practices coupled with



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appropriate allocations will lead to economic viability in the short term and sustainability in the long term. The world experience has been that an unfettered approach to water usage rapidly leads to harvesting of existing water resources, with the result that demand outstrips supply. This in turn leads to a "blow-out" in the cost of water, economic uncertainty for growers, environmental stress and a largely unsustainable future. The key therefore is sustainability, which the World Commission on the Environment defined in 1987 as the "management of the environment and its resources in such a way that present needs are met without compromising the ability of future generations to meet their own needs". Already in WA some of our water resources have come under considerable pressure from all types of water users. In addition, it is clear that large amounts of potable water are being used on domestic gardens. Water, in general, appears to be regarded by the broader community as a low value resource which is in plentiful supply. In the words of the classic blues song "you don't miss your water 'til your well runs dry". The WA community has a responsibility to ensure that not only do the wells remain full, but that future generations have the opportunity to meet their own needs for water.

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No waterway should be dammed to fill a dam or lake. A system of filling and storage should be evolved by pipework and sluice gates which allow the storage to be filled but the main stream maintained. Water from the waterway network should pass through to Fremantle thus flushing the entire system. Every household should be encouraged to install a water tank of say 10,000 litres to collect rain water from the roofs throughout this entire state. 400,000 houses with such a tank would release 4,000,000,000 litres with one filling per annum. Each would be filled many more times thus creating another form of reservoir. We take great pains to provide each building with electricity, telephone and water going inwards and take out sewerage but we do not take out storm water. This I believe is becoming a necessity. All bores should be the subject of application through the Shires to your authority for control and to protect the environment from drying up. No trees or bush will amount to further salinity and land degradation problems.

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Without a doubt water has become a most precious commodity and requires a very sensitive approach in its management. Everyone in WA should be affected in one way or another. Every attempt should be made to bring our waterways back to the pristine quality in the early 1800s when settlement began. That means that the banks of the waterways were protected by trees and scrub. We can do that again by extensive planting with some trees being planted for a future timber source to be replaced after felling. All waterways should be plotted on computer programs to enable careful planning of land use. Water catchment can be

calculated to control its use. Farming chemicals can be spread without harm to the waterways. All dams lakes and bores must be the subject of application to the local shire by landowners to prevent bad siting and use. Several landowners in my local Shire have constructed very large lakes which serve no other purpose than to add an attraction to their properties. The largest is 12Ha and another 3Ha. These lakes being clay lined prevent water from reaching the water table and have been constructed by damming streams. The other adverse feature is that water in such areas is subjected to summer sun which causes evaporation of at minimum a meter in water depth.

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The WRC is not managing the river systems properly in a practical way. Water flowing down rivers to the sea is often a waste of water, instead of retaining the water further inland. Greater resources should be made available to put in adjustable height weirs in rivers and tributaries in order to hold back water for as long as possible without creating problems by holding back too much. As the winter rains diminish so at regular intervals the arteries have their weirs reduced for example by 15 cm every two months. The effect of 15 cm extra groundwater is an increase of 15 million litres per sq km for 10 porosity of soil. Much of the soil erosion due to water surface runoff would decrease as the soil maintains it's moisture and wetting power with elevated groundwater, so reducing the amount wasted down rivers. Obviously rivers still need some water to maintain the flora and fauna. Delayed groundwater loss would mean that the growing season is extended and plant growth would be better and the livestock would be healthier and more abundant. Livestock prices would probably increase as quality improved, so boosting the rural economy. The amount of extra water stored would be far greater than any increased legislative controls could possibly save. In short, increase the size of the cake before squabbling over who gets which slice.

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The WRC legislation is far too narrow to address the real problem which is to manage the total water resource, which is both water availability and water use.

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As requested by Roger Payne, WRC CEO and yourself on the occasion of the briefing provided to this association on 24/09/97, the following comment is provided on the Commission's proposed response to the COAG requirements. For convenience that we trust is mutual we do so in the form of a page by page criticism of the Commission's paper "Allocation and Transfer of Rights to Use Water : Proposal for discussion" (WRS1). We have only concentrated on those points with which we disagree or doubt their wisdom.

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Please consider the following comments on the "Context Paper for West Australian Water Reforms".

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If any of these proposals do proceed, they should be subject to mandatory review, to assess whether the new



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approach to water resource management is working as intended. While we appreciate that this paper aims to improve water resource management, we have reservations that the goal to protect the state's water resources, in an efficient and equitable way, will be achieved through these proposed changes.

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Recharging aquifers may be a method to maintain water supplies in a number of situations. Funds should be provided for research into this option. Also it is suggested that the new legislation include a system of credits for private organisations which install aquifer recharge schemes. (Such schemes would require professional design and location.) Evaporation losses of water stored in dams are enormous. In the Kalgoorlie area the loss from an open water surface can be 2.4 metres of evaporation per year. As the proposal aims to safeguard water supplies it should contain incentives for evaporation control.

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Mining is of major importance to the State's economy. In the Goldfields it is predicted that the aquifers in the paleochannels will supply hypersaline process water for another 15-20 years only. In the face of the need to maintain industry now and into the future it is suggested that the new legislation provide incentives for: improving the efficiency of water use in ore processing; maintaining water levels in aquifers by active recharge or water injection; increasing water reuse (eg industrial, sewerage treatment, grey water reuse); research into developing alternative water sources (eg desalinated sea water). There is a need for safeguards for multiple use of aquifers. For example there are concerns in the pastoral industry that large scale extraction of water from aquifers in paleochannels in the North Eastern Goldfields may lead to a loss of water in the shallower aquifers used for livestock watering.

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The WRC is well aware that during 1994 one of the richest men in Australia was lured, by the State Government of WA to the Albany/Mt Barker region to build an abattoir with the promise of a free groundwater supply. This free groundwater supply requirement has been estimated at 210,000 cubic metres per year. (Consultative Environmental Review, Benale Pty Ltd, Narrakup Export Abattoir October 1995). Assurances by the abattoir proponent and his agents have been given on numerous occasions that ..."if the water supply (ie free groundwater) is not available the abattoir will not be built". One of these assurances was given to the Environmental Protection Authority Board at a meeting in their head office on 11th January 1996. This meeting was attended by WRC personnel. Irrespective of the water supply source the promise that 210,000 cubic metres of water per year may be obtained FREE must still stand because the abattoir is under construction. By raising no objection to this benevolence from the State Government the WRC have abrogated their right to contemplate any form of revenue raising from

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individual users. At least not until those users have exceeded 210,000 cubic metres of water per annum

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Exports of fresh vegetables from WA currently total \$80 million per annum. The horticultural industry is very labour intensive and employs many thousands of casual and full-time workers.

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Production of potatoes and vegetables in WA due to climatic restraints, is dependent on sustainable water resources. There are very limited crops grown under natural rainfall conditions, therefore, producers rely on irrigation to maintain production.

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Please find enclosed the respondent's submission on the above. Documents WRS1 and 2 contain many proposals dealing with significant issues which are of direct interest to the respondent. The respondent's submission is in two parts: part one highlights three key issues which are pivotal to the success of the restructuring of the water industry in the State, while part two deals with specific issues and concerns of the respondent.

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Some constriction over the water supply to feedlot in the Bremer Bay SW area.

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Our situation is as follows: We are the owners of the above 40ha property which we purchased in 1996. The property was purchased with a water development licence issued under the current South West Coastal policy being an area based policy (4,000 kilolitres per hectare). This was a critical factor in the purchase of the property. We advised your office that while we would be unlikely to take up the development of the licence within the licence period, our intention was to do so in the medium to longer term when sufficient capital becomes available. We were advised that the South West Coastal policy, being an area based policy, was a sustainable policy which would accommodate our situation. From our perspective, the optimum use for the property is to put the high ground (approximately 23 ha) to a commercial scale (20ha+) plantation of *pinus radiata*. We completed the planting in July this year and are pleased to say it is going well so far. Please note that this is not a CALM joint venture. For reasons of business flexibility, the plantation is owned by us and managed under our direction by a contract forester. The low ground (approximately 12ha) is more suitable for annual cropping of vegetables or fruit. While the groundwater development license will allow for up to 10ha (150,000 kilolitres) for vegetables, the most intensive use, we have to undertake a drilling programme to determine the exact capacity of the groundwater resource before we commit to the type of crop. We also intend to live on the property to support the farming activity in the longer term. As you can see, we are small operators in the development phase. However, having outlaid over \$260,000 in the property so far, we do not believe we should be dismissed as hobby farmers, and are in for the long term. The plantation is of commercial scale and has been accepted by the





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individual farmers including wool producers, grain growers, meat producers, horticulturalists, dairy farmers, beekeepers and members from other areas of primary industry. Affiliated members cover a range of diverse agricultural industries such as poultry farmers, pig producers, cashmere growers and potato growers. This Group works to protect the interests, and gains benefits for its members and all policies across general and commodity areas are determined by its members.

Key issues identified by the meeting were: Consultation process, Tradable water entitlements, Licensing, Cost recovery, Transparency, Local management groups, Riparian rights, Environmental issues, Appeal procedure, Sustainable development.

Almost all the people at the meeting had attended at least one of the information sessions held by the WRC. Only one person had not had the opportunity to attend a meeting, although he had spent a considerable amount of time reading the discussion paper and other related documents. Participants were given the opportunity to identify the issues of most concern to them, or their sector. These were then listed and discussed individually as the meeting progressed. During the course of the identification of issues process and the meeting in general a number of these became clear.

It is understood that a further Discussion Paper to be entitled "A Water Allocation Planning System and Tradable Water Entitlement Structure for Western Australia" will be released shortly and the Department will prepare a response to that document.

Attached is the submission prepared by the Department to the above mentioned water reform discussion paper released by the WRC.

As an organisation which has responsibilities not only towards the water user industry, but the broader community as well, this Association will provide support towards any measures which it sees as providing better management of the community's water resources.

The association appreciates that it has not had the benefit of the argument that led to the discussion paper's preferred attitude or wording. Nevertheless, we hope that our comments are helpful.

Attendees at the Workshop included representatives from the WA Potato Growers Assoc, Vegetable Growers Assoc, Greenhouse Rose Growers Assoc, Agriculture WA and this Association. All participants had read the discussion paper "Allocation and Transfer of Rights to Use Water Proposal for Discussion". This document was then circulated to the following grower groups and associations for comment and ratification: Avocado Growers Assoc; Nursery Industry Assoc; Market Gardeners Assoc; Strawberry Growers Assoc; Wildflower Growers Assoc. As means of saving time, the submission resulting from this Association's organised meeting in Donnybrook 8/9/97 was used as

the basis for discussion, with participants' comments being noted for inclusion in this submission. This submission therefore resembles the Donnybrook submission, but does contain some noteworthy differences.

These are only a few comments but I trust you will take them into consideration when formulating a final draft of guidelines for the WRC.

This paper outlines this Group's position on water resource management issues. A set of water management reforms that ensure a consistent approach to allocation of water rights, trading of water entitlements, water pricing and environmental flows is acknowledged as being necessary to maintain and protect this State's Water Resource. Water is a precious resource, with a variety of ever increasing and competing demands being placed on it. In recent years Federal and State Governments and research institutions have produced numerous documents advocating a range of policies and strategies for future water management. In the national context the most significant of these to farmers, is the COAG's Water Policy Reform (1994) package. The WRC discussion papers about Water Reform Allocation and Tradable Water Allocations are aimed at meeting both the requirements of the COAG Water Policy Reform Package and the principles of the National Competition Policy.

The grower is somewhat overwhelmed at the task of presenting a submission because there are so many issues. The grower offers a few comments pertinent to table grape growers in the South West of WA.

As we are a participant and component of the submission from another South West group we do not feel it necessary to further elaborate in this submission other than to reaffirm our endorsement of the matters contained within.

In response to your invitation to submit comments on Water Resource Management and with reference to Waters and Rivers Commission Report WRS1 and WRS2 and on the basis of comments made at a well attended meeting held in the Lesmurdie Club on Wednesday the 8th October 97 - I have the following information and comments to offer: Brief Background Information: As you may be aware, the Hills Fruit Growing Area is an important factor in providing fundamental requirements of fresh produce required by the people of Perth as well as for export markets. It has been well documented in various publications quoting Agricultural Department views of the importance of the Hills Fruit Growing areas and the fact that consumers today are extremely conscious of buying "local/Australian" as well as the inherent need to have low pesticide and herbicides, in other words the consumer and growers are extremely aware of health and the low rate of herbicide/pesticide compared to other countries. Approximately two thirds of the State's stone fruit is supplied by Hills Orchards. Most



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orchards and many family orchards have been in existence for around 100 years. During this period of time there has been considerable advancement and changes in all aspects of orcharding, including water management. With the substantial increase in tree planting's, production and continued investment it is evident that water management strategies have been successful and responsible.

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As a means of saving time, the submission resulting from the respondents organised meeting on 8.9.97 was used as the basis for discussion. This submission therefore resembles their submission, but does contain some noteworthy differences.

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This paper is the submission on the water reform proposals as a result of our meeting. The submission team as listed above was selected by the participants at the October water reform workshop. The participants at the workshop were nominated by groups which were identified as being present at a public meeting on water reform held on 17th September in Margaret River. They were from the districts surrounding Busselton, Margaret River, Augusta and Nannup and the groups comprised of irrigators, local shires, environmentalists and landholders.

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The committee met on 25 September, 1997 to discuss the issues associated with the proposed changes to the "allocation and transfer of rights to use water".

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Reform of the WRC is just as important as reform of the legislation as an inappropriately structured agency with a bodgy culture attempting resource allocation and management with hastily concocted and poorly contexted legislation is a recipe for disaster. If the agency look on reform as part of the package mentioned above it could bring to fruition the exceptional talents which some of its staff possess rather than see them gradually eroded as a result of frustration's, as is, (expressed in resignation) now a problem.

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A farmer at Lake King since 1959. Farmers Federation member since 1960, a past member of the WAFF WA. I believe the WA wheat belt has considerable environmental difference to the big river systems particularly the Murray-Darling and Snowy systems of the eastern states. The lake systems here are ancient river beds which have dried with the climate change resulting from earth movement over a very long period. The salt has come in from the Indian ocean with wind and rain over millions of years as it is still accumulating. Indeed it as natural as the air we breathe, the difference being the balance has changed in recent years with land development for farming. This of course has netted the economy with considerable wealth but has enabled a rise in the water table with subsequent evaporation leaving behind the salinity problem.

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This submission is on behalf of a group of landowners.

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We have given the matter further consideration and provide the following response on what are considered both the positive and negative aspects of the proposal. These are provided in dot point form and can be expanded upon if required.

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Is the legislation ensuring the wise use or redirection of ore pit water in Hamersley National Park?

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As a group we do not think that we are justified in commenting on large scale drawing of groundwater as our area is not dependent on irrigation.

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It is suggested that an old existing Act is totally inadequate for today's water users. WRS1 talks about a changing world (in WA?), a semiarid state of 1.8 million residents, significant developments occurring here and people wanting more power and responsibility. All this is hard to comprehend for an ordinary citizen who observes the mess in the Swan-Avon system, the secondary treated sewerage being put into the ocean, suburbia being built over aquifers and every conceivable freshwater river being dammed for an insatiable capital city. I do not require any rights, neither do I ask for an allocation nor do I want to sell any of this.

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Indeed will the proposed legislation ensure that the new cotton plantation investor John Logan needing 25% flow capacity and avoiding any questions on environmental impacts and his dam and channel builders in the Fitzroy river valley pay their share for usage, wastage and flow restrictions of the water flow?

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Is it not true that pesticide and ecoli and other bacterial levels in the Brook are so high especially during summer, that the Shire of Armadale classifies the water as unfit for human consumption?

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In the Bedforddale/Armadale area there are many people drawing water from the Brook. These users fall broadly into the following categories: a) riparian users who have paid the premium for their land to have access to the Brook and use the water only on their riparian title, both domestic and commercial; b) users who claim to be riparian by way of owning an easement or small title (typically 1/8 acre) on the brook and permanently divert up to 1/3 of the brooks water via pipe work to other non-riparian titles for a variety of uses, both domestic and commercial; c) ordinary public non-riparian users who pump large quantities of water from the brook at public access points, primarily for domestic use.

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If anyone, or all of the committee, that were at the Harvey RSL hall on the 29th August, would like to call

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in at ...(our property)... and look at our model of irrigation, out of interest to yourselves. You are very welcome to do so, anytime that suits you people.

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Who decides on the viability of the Collie River and that the flora and fauna dependent on it are protected?

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Nominate a number of (water resource management) difficulties in this area (Manjimup) and indicate where the document provides solutions.

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Do you have accurate records of water table levels in this area?

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Give us an example of how the proposal affects us, and to what extent it affects us, specifically in Albany.

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Explain what WRC does, specifically for Albany?

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Our submissions wouldn't be any different from what we have said today.

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My husband and myself have been farming in the Tingledale and Walpole districts for over 30 years. There are a few points that I wish to comment on about the proposed water law reforms. Our area has a very high rainfall with most of the rain that falls not being used but flowing unimpeded to the southern ocean.

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Regarding water quantity, currently we have a lot of immature trees, which only require a portion of the available water, also to enable us to stay viable, we plan to plant more trees, so we will require all the water available on our properties - four blocks.

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Is it not also true that at a recent public meeting concerning the widening of Albany Highway, it was proposed to redesignate the Brook a drain, west of Bedforddale Hill Road so that the road effluent could be dumped into the Brook at that point?

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The report has not addressed the requirements of aquaculture.

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The Swan Valley Policy was a Government initiative to encourage horticultural pursuits in an area where costs are greater compared to other comparable regions and constraints on management practices are greater. Therefore due to the stated Government Policy on the Swan Valley the Government needs to demonstrate a commitment to our area and to our "Rights to Farm", it is imperative that with any potential changes to the availability of water, growers be given special consideration.

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In relation to the "Allocation and Transfer of Rights to Use Water Proposal" we hereby enclose the following submission on behalf of the respondent. Our main areas of concern are as follows

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The Fisheries Department of WA actively encourages growth of the aquaculture industry in this high rainfall area of the south-west of WA, with the result that the industry (principally marron farmers) has grown enormously over the last few years. Marron are endemic to this area, and therefore actively breed in both purpose built marron ponds as well as farm dams, and can be harvested for economic purposes from both. Aquaculture, with marron farming in particular, is expected to continue increasing in this area. This is a growth industry which offers a significant opportunity to contribute to the export market for WA. Our association, established in the area in 1996, already markets aquaculture produce for local, national and export markets. As a consequence of local interest in this industry, the association was incorporated in 1996 with a committed membership, representing considerable capital investment, indicating a continued concern and interest for the future of the industry.

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In reference to the discussion paper on allocation and transfer of rights to use water proposal I would like to make the following points.

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This submission is a result of having read your proposal for Allocation & Transfer of rights to use water WRS1. As irrigators and users of groundwater we have first hand knowledge of our particular area - Scott River. There is not a management problem or shortage of water in the South West of Western Australia. Where problems have occurred, rules and management have been put in place and the problems curtailed before substantial impacts have occurred. We do not have a huge environmental problem except where there are concentrations of population eg the Swan River - sewerage and excess fertiliser on urban gardens once the Avon river reaches city limits and the Peel Harvey Inlet where the Murray River has been damned in numerous places and water taken from the river so that there is only a winter flushing every few years.

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With respect to proposed changes in the legislation pertaining to users rights to water from rivers, natural waterways etc. I would like known to you some facts that we feel are very important. We use the water from Neerigen brook, Armadale, as our SOLE water supply. That is all our domestic water, animal water and garden/outdoor water comes from the Brook. We have used this water supply for the last 5 years that we have been on this property, as did the previous owners for approximately 30 years before that. We NEED to have

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access to this water supply as there is no scheme water nearby, and it appears there is very little underground water beneath our property - 7 bores sunk and No potable water. The property was originally sold to us with the proviso of water being obtainable from the Brook, providing that we did not significantly diminish the Brooks flow.

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Please find attached a letter of concern relating to the proposed water reforms submitted on behalf of the respondent.

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We welcome the chance to comment on possible changes to water law as outlined in the WRC report WRS1. Water is an integral part of the mining industry, not only for processing of ore, but for environmental rehabilitation and for support of communities, often in remote areas. Our industry recognises the need to conserve this precious resource and to carry out its activities with due regard to the surface and groundwater environments. Each year many millions are spent by our industry in the search for water, in environmental protection and water treatment, in designing and building water control structures and in reticulation. Some companies are responsible for the supply of domestic water to remote towns and have actively promoted water conservation schemes.

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As a participant of a public meeting 17th September and the follow on workshop on 24 October both held in Margaret River on the subject of Water Reform I support the submission regarding COAG and WRS1 proposals outlined by the submission team.

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What consideration has the WRC given to these developments within the Bremer area.

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The caravan park is in operation and draws water from licensed bores to comply with the protection plan. Over \$150 000 spent.

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The test plots for Viticulture are in the tree lines. Planned fence's at a cost of \$25 000 and some of the preparation for the winery has been done at a further cost. All to comply with the Protection Plan.

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The Viticulture Development to be developed on Bremer Road will the water flow areas to revegetate trees.

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This paper is a submission regarding the water reform proposals. It has come about as a result of discussions held between members of our group. Members of our group have read the discussion papers WRS1 and WRS2 and attended the public meeting on water reform held on 17th September. We also nominated a local cauliflower grower as our participant in the water

reform workshop held with the Commission on October 24th.

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The proposed P1 and "Figure 6" allowed the Caravan Park to be developed and a proposed winery to be outside P1.

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Completely disregarded the Water Authority Draft Groundwater Plan. This plan, 12 months work by Mr H, consulting Farmers and Shire Council and people affected in the Bremer area - Disregarded.

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Following the release of the discussion paper relating to the proposed changes to the Rights in Water Irrigation Act, the Committee called a public meeting for all interested parties in our local community. The meeting was very well attended and we therefore feel confident that we are speaking for the majority of the community in passing on to the WRC the concerns raised at and following that meeting

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This is a revised submission from us. Several facts have arisen during the WRC's public consultation process which makes it imperative that we withdraw our earlier submission.

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I believe the creek committee (made up of local residents) have set realistic guidelines for the use of water in our community.

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I was unfortunately unable to attend the meeting of the Grape Growers of WA with respect to proposed changes to water law. Firstly I recognise that there are various soil types with different drainage situations in the Swan Valley and I believe allocation should be made appropriately with respect to those allocations. I am in fact in a fairly comfortable position in as much as my block is primarily loam and clay. I do accept that those on sandier soils may have greater requirement for water, particularly at times of great stress on the vines.

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As a peak horticulture industry body established by the Minister for Primary Industries and Fisheries the Hon. MG House JP MLA, we comprise of nominees representing different horticultural commodity groups from the Gt Southern and South Coast areas and aims to promote the industry in all appropriate forums.

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#### **Support for proposal**

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Whilst being fully supportive of the need to upgrade the present system of water control, it must be recognised that Agriculture landholders are a valuable source of food production, the need for which is increasing rapidly world wide. Agriculture should also be recognised for its economic contribution and employment opportunities, its export potential and



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value adding, and we feel that this section of the community should not be penalised.

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Following our meeting yesterday to discuss the Commission's Water Reform Proposals, I have drafted the following points for your consideration. In general terms the department is supportive of the stance you have taken in updating antiquated legislation and our comments are offered in the spirit of improvement rather than criticism.

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The respondent supports the COAG Principles for Water Allocations and Entitlements, and the Provision of Water for Ecosystems. The respondent recognises the importance of these reforms for the continued restructuring of the water industry in WA, to address water allocation and tradeable rights to water. The respondent has a number of specific comments to make on the WRC's proposals for allocating and transferring water entitlements, and these are contained in section two of this submission below. In this section, the respondent highlights three key issues which it considers are pivotal to the success of the restructuring of the water industry in WA. These issues are: ensuring clear separation of roles between the WRC and the EPA/DEP for environmental decisions; ensuring implementation of effective market-based, rather than regulatory, mechanisms for improving the performance of the water industry; and implementing partnering approaches to planning and allocating of water resources.

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It is essential that we have management.

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Management needs to be there.

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Agrees we are heading in the right direction and endorses some changes.

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We support the intention to amend the Rights in Water and Irrigation Act because of increasing demand on a limited resource.

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#### **Water reuse**

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Trying to drain saline water off property and don't really have anywhere to put it because it affects the river if you put it in there.

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Pork producers should be encouraged to use saline water for washing down troughs etc, and that the Commission should take this (water quality) into account when deciding how much water to allow them to use.

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The use of 'grey water' from households should be encouraged with the provision of well thought out information on 'grey water' plumbing systems to offer to the public. Conversion of 'grey' household used water for garden use should be encouraged financially.

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Toilet systems are very large users of household water, so in new housing in particular users should be encouraged to install dry composting types, which can also create another kind of fertiliser industry.

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#### **Water use by trees**

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As water salinity is a major problem generally, a greater emphasis on the planting of trees is needed. Methods exist which enable trees to require no watering during summer so the groundwater is not needlessly used to support this activity.

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Trees are very efficient water evaporative pumps using mainly the upper groundwater levels. Why legislate (licence) groundwater users such as orchardists and plantation growers when they are contributing to the benefit of the environment? We need billions of more trees in the country to help reduce the effects of global warming. This kind of legislation provides yet further disincentives to solve our environmental problems and to improve investment in the rural sector. Once again I say you are attacking the wrong end of the water availability equation. You need to look at total water usage and water wasters as well as the provision of water resources. Incentives are the key to success, not transferable licence fees.

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Trees still use water, so even if you are not irrigating the land but have a tree farm, you are still using a lot of water.

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What will be the effect on people planting bluegums? How do WRC intend to control their effect on downstream users? Will they be charged per tree harvested?

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#### **Will WRC have the resources to implement the changes**

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Will there be some guarantees that WRC will have adequate staff to administer the management and implementation of the Act considering there will be large new proposals?

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Congratulations on your presentation to staff at the Hyatt on 20/8/97. My concern is that although the WRC has dedicated very senior staff to the process of drafting and selling a new Bill for water allocation, have we considered the on-ground impact administration of the new Act will entail? Assuming that the Bill becomes law, and this seems inevitable, will the WRC have the regional resources to properly fulfil its role in monitoring, advice, surveillance and management that is implied? If the whole state becomes proclaimed, the public expectation will be high that the WRC will have trained officers to satisfy all the legislative requirements that come with it. The issue of licensees properly utilising their allocation seems to add a degree of monitoring that must be catered for in our workforce plan. I doubt whether a new Act could be successfully imposed upon the WRC in the regions without further trained resources and this should be catered for in the longer term.

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Another level of administration is required to deal with that multitude of conditions as per page 11. And of course the well known ministerial discretionary powers

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must not be forgotten and rules of exemptions included (pages 5,12,14,15) providing the necessary loopholes?

WRC seems to be responsible for too many things (re: introduction/summary of discussion paper).

**WRC will have too much power**

Existing system is clearly inadequate, how do we stop you getting any more power? We are inundated with agencies with too much power.

Negative Aspects - Opt out discretionary powers weakness (two bob each way).

Negative Aspects - Discretionary powers of the Regulator in a highly regulated environment.

Negative Aspects - WRC involvement in assessing technical capacity of users.

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