

I introduced this bill on 13 March 2019 and the Assembly subsequently referred it to the Economic Policy Scrutiny Committee for inquiry. The report of the committee was tabled in the Assembly on 20 June 2019 and I take this opportunity to acknowledge the members of our community, the industry and special interest groups for taking the time to prepare submissions on the bill.

The report from the committee recommended that the Assembly pass the bill with three proposed recommendations. As we move to consider it in detail I now refer us to the amendments tabled today.

This addresses a minor amendment recommended by the committee and a further minor amendment identified by my department and the office and the Office of the Parliamentary Counsel after the bill was introduced on 13 March 2019.

The Assembly amendment includes:

1. redrafting of the regulations relating to the qualifications and experience of the members of the Driller Qualification Advisory Committee, to make it clearer which members of the committee are required to have qualifications, as opposed to which members are representative of the community, as users of drilling services who are not in the drilling industry or employed in the public sector.
2. amendments to two or more licences as a result of a trade, or licences arising from subdivision or consolidation of land which does not result in an overall increase in the volume of water that can be taken are not subject to part 6A and may be undertaken in accordance with section 93 of the act.

The Economic Policy Scrutiny Committee made further recommendations which have been addressed as a matter of procedure by department. These include:

1. that the department has amended its standard operating procedures to provide that letters of notification to owners include a request that the owner notify any tenants of the licence applicant
2. that the department undertakes publishing notices relating to water extraction licence decisions on its website, a practice that has been undertaken since mid-2017.

I must say that we talked broadly today around water issues in the rural area and across the Territory. Water is a complex issue that, as a government, I am proud of the work being done by the department. In the short time we have been in government this term we have done more to improve the *Water Act 1992* than any government previously.

The Western Australian government took about six years to work through improvements, new ways of doing things and clarification of their water act. We will continue to work comprehensively and thoroughly to make sure we have a contemporary *Water Act* which delivers and meets the expectations of Territorians, fair and transparent.

There has been a large amount of work done by the department—we are bringing in more legislation next week. I thank the department for the amazing job they continue to do; it will take time to get to where we need to be.

I thank my colleagues, the Leader of the Opposition and the Member for Nelson for speaking to this bill and the scrutiny committee, organisations and individuals who have commented. I reiterate, when we start to have conversations on trading licensed water entitlements, I hope people have a say. We want to hear peoples' voices.

Motion agreed to; bill read a second time.

#### **Consideration in detail.**

**Mr DEPUTY SPEAKER:** The Assembly will now consider the Water Legislation Miscellaneous Amendments Bill 2019 (Serial 81) together with Amendment Schedule No 81 circulated by the Minister for Environment and Natural Resources.

Clauses 1 to 3, by leave, taken together and agreed to.

Clause 4:

**Ms LAWLER:** I move amendment 1 to clause 4. Clause 4 amends the scope of section 71A. Assembly amendment 1 omits and replaces clause 4 with streamlined drafting to capture the intention of the proposed amendments. This amendment reduces red tape by providing that new licences or amended licences required as a result of a trade or subdivision can occur independently of Part 6A and in a timely manner.

Specifically the Assembly amendment proposes a new section 71A(2). This clarifies the application of Part 6A to the granting of a water extraction licence and any amendment or modification of one or more extraction licences where the total licence entitlements granted represents a net increase in the total quantity of water taken.

It further proposes a new section 71A(2)(a) that removes the application of Part 6A to the grant of water extraction licences arising from the subdivision or consolidation of land under the *Planning Act 1999* and those resulting from a trade between two parties that have existing water extraction licences. In both cases, the resulting water extraction licences must not result in a net increase in licensed water entitlements.

Assembly amendment 1 also amends subsection 71A(3) by removing the words 'or used' which are considered superfluous to the section and provides for consistencies with other recently amended sections of the *Water Act 1992* which now refer only to the 'take' of water.

**Mr WOOD:** Having just received this amendment, I am trying to get my head around whether there have been any changes to what was put forward in the bill.

You mentioned the word 'streamlined', that is a new one. You normally have 'contemporary modernised', now we have streamlined. If it is streamlined, is it the same as is already there? The Parliamentary Counsel has twiddled the words or should I be concerned. In the short time I have had to take it in. I believe that this is more or less the same as what is on page 44 of the bill before us.

**Ms LAWLER:** It was the drafting that has been streamlined by the Office of the Parliamentary Counsel.

**Mr WOOD:** Is it basically the same as what we were discussing before?

**Ms LAWLER:** Yes. Modernised drafting practice, I have been told.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clause 5:

**Mr DEPUTY SPEAKER:** I take note that there is a new clause 5A, but we will deal with clause 5 first.

Clause 5, agreed to.

Clause 5A:

**Ms LAWLER (Environment and Natural Resources):** Mr Deputy Speaker, I move Assembly amendment 2 to insert new clause 5A.

Assembly amendment 2 inserts a new clause 5A after clause 5 to amend section 93, power to amend, modify or revoke a licence.

Under Assembly amendment 2, subsection 93 (4) is amended to provide clarification that the controller of water resources must not amend the terms and conditions of a licence under subsection 93 (1) in a manner that will result in an increase to the total quantity of water permitted to be taken.

This is done to clarify that the volume of a licence can be amended as a result of a trade or subdivision or consolidation when there is no net change in the volume of water that may be taken from a water resource. The inclusion of the word total is consistent with other amendments.

Furthermore, the words or used have been deleted which are considered superfluous to the section and provides consistency with other recent amended sections of the *Water Act 1992* which refers only to take of water.

**Mr HIGGINS:** Mr Deputy Speaker, can I ask one question on that and I hope this is the right place to ask where you talk about the subdivision and you talk about licences?

What about the instance where someone has, say, two stock and domestic bores on the one property which do not actually have a licence as such—they have a permit to have the bore, but where you actually want to subdivide that land and have one of those bores on the two sections that are subdivided?

**Ms LAWLER:** I am not sure what the question is. If it is stock and domestic and it is on a five acre or a 20 acre lot, are you talking about subdividing a 20 acre lot in to four fives or something like that and the bores are on those blocks—that continues—there is no additional quantity of water. That is the water that is taken and they can take that amount. I am not sure what your questions is.

**Mr HIGGINS:** Mine is in regard to a block of two or three hundred acres that has multiple stock and domestic bores, so there is no water allocation. I am aware of some that have currently been knocked back on the basis that there is no water available yet there is already stock and domestic bores there.

Is this going to overcome that problem where someone wants to subdivide a 200 acre block in to two 100 acres and there is a stock and domestic bore on each one?

**Ms LAWLER:** No. I have been advised that that is not in this bill. That is not an issue in this bill.

Amendment agreed to.

Clause 5A, agreed to.

Clauses 6 to 11, by leave, taken together and agreed to.

Clause 12:

**Ms LAWLER:** Mr Deputy Speaker, I move amendment 3 to clause 12. Clause 12 amends the regulations prescribing the functions and membership of the Drillers' Qualification Advisory Committee. Assembly amendment 3 omits and replaces proposed regulations 13(2) and (3).

This Assembly amendment in part addresses recommendation 4 of the Economic Policy Scrutiny Committee to make it clear that the criteria for members to have technical qualifications in either hydrology, groundwater engineering, or planning and conduct of drilling operations does not apply to the users of drilling services identified in regulation 13(3). It only applies to other members of the Drillers' Qualification Advisory Committee.

The proposed new regulation 13(2) prescribes that at least four members must have technical qualifications but makes it clear that users of drilling services members as prescribed in regulation 13(3), of which there must be at least two, are not required to have technical qualifications. The construct of the new proposed regulation 13(2) and (3) provides for flexibility in composition of membership.

**Mr WOOD:** The concerns raised were about the deletion of the existing requirement to have two people from the Australian Drilling Industry Association. You mentioned that there were discussions with them in bringing forward these changes.

Would the new subsection (2)(c), 'planning and conduct of drilling operations', allow private drilling operators to be a member of the Drillers' Qualification Advisory Committee?

**Ms LAWLER:** Yes, it would.

Amendment agreed to.

Clause 12, as amended, agreed to.

Clauses 13 to 16, by leave, taken together and agreed to.

Schedule 1:

**Ms LAWLER:** Mr Deputy Speaker, I move amendment 4 to Schedule 1. Schedule 1, act further amended, lists the instances in the *Water Act 1992* where groundwater is amended to a single term, 'groundwater'.

Assembly amendment 4 omits the proposed provision in Schedule 1 and proposes a new provision that adds section 17A(7)(b) and section 60A to this list. This amendment provides for consistency and is consequential to the passing of the Water Amendment Bill.

**Mr WOOD:** Which dictionary did they say whether groundwater was 'ground water' or 'groundwater'? Macquarie says 'ground water', but the Oxford and Collins say 'groundwater'. I think the groundwater association regards it as one word, correct?

**Ms LAWLER:** That is correct. Christine, my very capable assistant, knows more about groundwater than anyone else. We are happy to have a legacy of 'groundwater'.

Amendment agreed to.

Schedule 1, as amended, agreed to.

Remainder of the bill, by leave, taken together and agreed to.

**Ms LAWLER (Environment and Natural Resources):** Madam Speaker, I move that the bill be now read a third time.

Motion agreed to; bill read a third time.

The Assembly suspended.

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