



Department of Water  
Government of Western Australia

# Legislative Reform Program

Presentation to the State Water Forum  
by  
Elizabeth Burns  
Principal Policy Officer– Water Law Reform  
28 March 2007



## **THE LEGISLATIVE REFORM PROGRAM HAS TWO PHASES:**

- **PHASE 1**

**Water Resources Legislation Amendment Bill (2006) amends various water-related statutes to create the Department of Water and transfers powers of the Water and Rivers Commission to the Minister for Water Resources**

- Currently before the Legislative Council
- Due to be passed by 30 June 2007

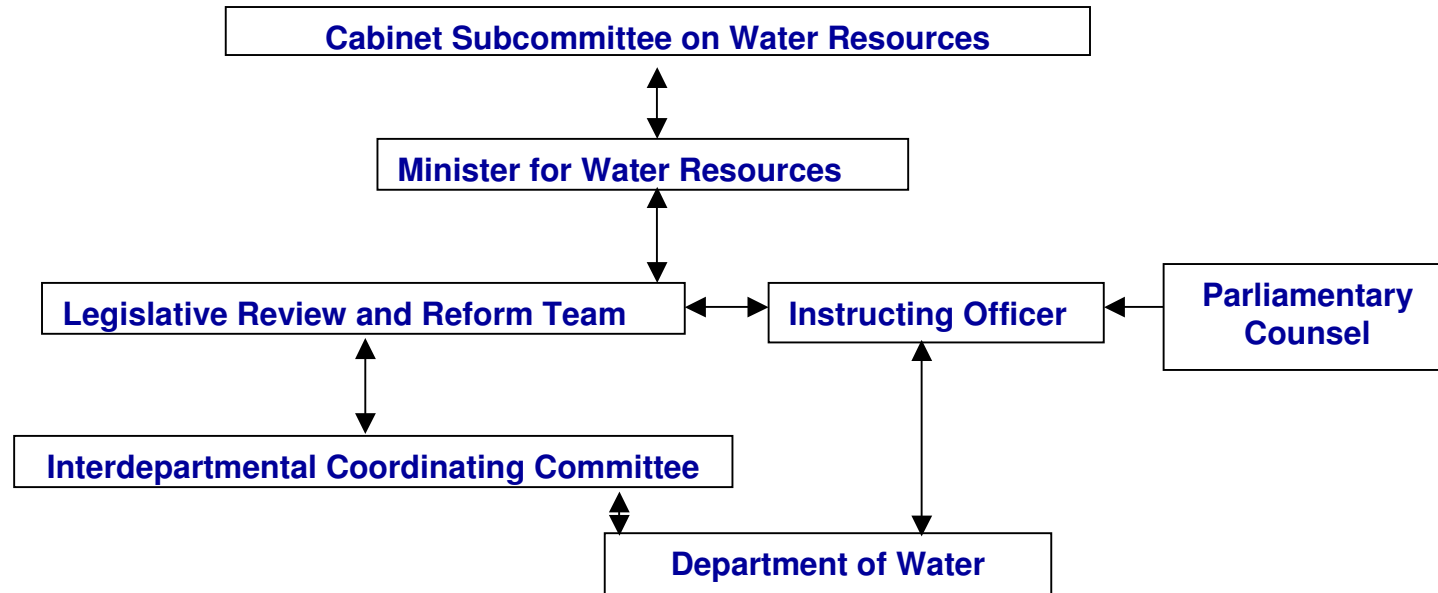
- **PHASE 2**

**Streamlining, updating and modernisation of existing water services and water resources legislation, taking into account:**

- State Water Plan
  - Blueprint for Water Reform in Western Australia
  - Western Australia's Implementation Plan for the National Water Initiative
-

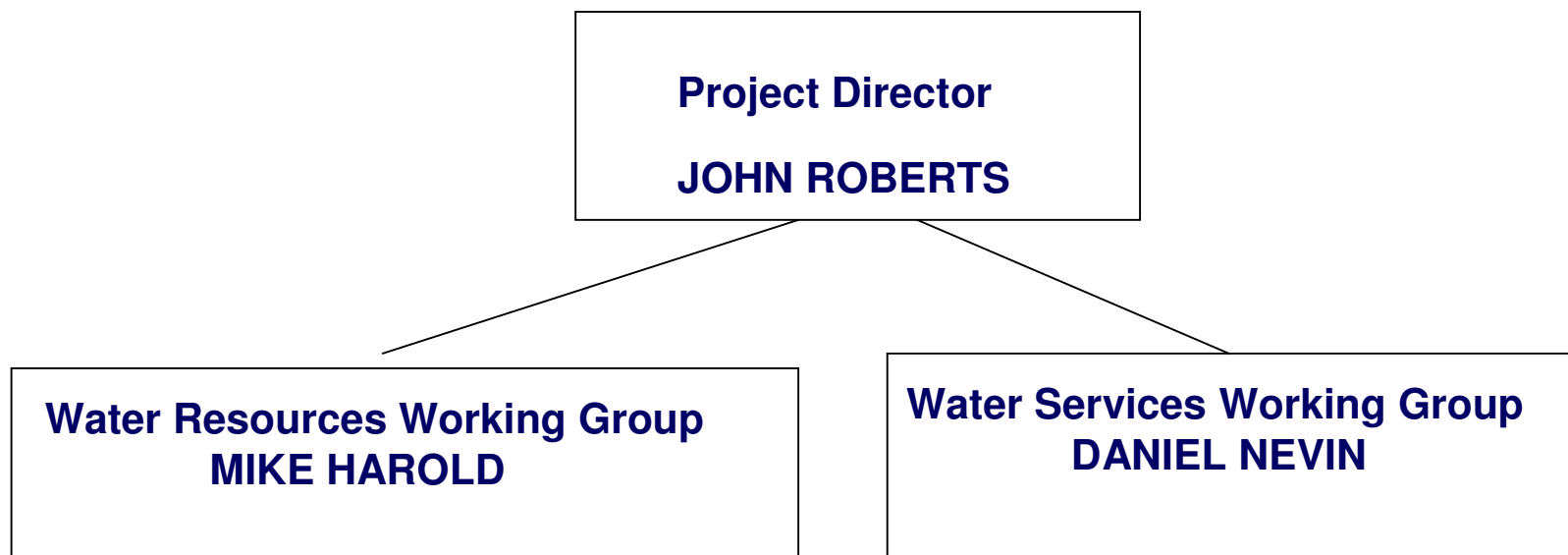


## Phase 2 - WORKING GROUPS AND COMMITTEES





## Phase 2 – DEPARTMENT OF WATER PROJECT TEAM





## Phase 2 – WATER SERVICES

- **Current situation**
    - 10 Acts
    - Outdated and complicated by amendments
    - Duplicate provisions with regard to Powers and Functions
    - Complex and costly in terms of compliance
    - Has failed to keep pace with institutional change of the past 15-20 years
-



## Phase 2 – WATER SERVICES

- **Two new pieces of legislation proposed**
  - Water Services Bill
  - Water Corporation Act Amendment Bill



## Phase 2 – WATER SERVICES

- **The following Acts will be consolidated into the Water Services Bill:**
    - *Water Agencies (Powers) Act 1984*
    - *Country Areas Water Supply Act 1947*
    - *Country Towns Sewerage Act 1948*
    - *Land Drainage Act 1925*
    - *Metropolitan Water Authority Act 1982*
    - *Metropolitan Water Supply, Sewerage and Drainage Act 1909*
    - *Rights in Water and Irrigation Act 1914*
    - *Water Corporation Act 1995*
    - *Water Boards Act 1904*
    - *Water Services Licensing Act 1995*
-



## Phase 2 - WATER SERVICES

- **Water Services Bill**
  - Will bring all these Acts together into one piece of legislation
  - Will make it easier to understand the legislation governing water services
  - Will be of benefit to water service providers, business and government



## Phase 2 – WATER SERVICES

- **Water Services Bill**
    - Will cover the powers, functions and regulation of all water service providers
    - Will improve the Government's ability to set policy
      - Minister and the ERA will have the ability to set codes to regulate and implement government policy
    - Will enable a consistent approach to Government price regulation
      - Minister will have the power to set prices and charges directly by an Order or through by-laws
-



## Phase 2 – WATER SERVICES

- **The Bill will have the following broad structure:**
  - Preliminaries
  - Regulation
  - Licensing
  - Powers and duties of water service licensees



## Phase 2 – WATER SERVICES

- **Water Corporation Act Amendment Bill**
    - The *Water Boards Act 1904* is outdated and will be repealed
    - The *Water Corporation Act 1995* will be amended to include the Bunbury and Busselton Water Boards. This will:
      - Enable the Boards to provide the same range of services as the Water Corporation
      - Bring the Boards under the same governance arrangements as the Water Corporation
-



## Phase 2 – WATER SERVICES

- **Consultation**

- Issues Paper – Review of Western Australia’s Water Service Legislation released for targeted consultation in October 2006
  - Draft Report - Review of Western Australia’s Water Service Legislation released for consultation in February 2007
  - Consultation with key stakeholders
-



## **Phase 2 – WATER SERVICES**

- **Draft outline instructions for the Water Services Bill has been completed**
  - **A Cabinet Memorandum has been sent to the Minister seeking approval to draft the Bill**
  - **A memo has also been sent to the Water Resource Cabinet Subcommittee in relation to the Bill.**
-



## Phase 2 – WATER RESOURCES

- **Consolidate water resource management into one Act**
  - **Implement the Government's water reform agenda:**
    - Western Australia's Implementation Plan for the National Water Initiative
    - The Blueprint for Water Reform in Western Australia
    - State Water Plan
    - Policy development outside the blueprint
-



## Phase 2 – WATER RESOURCES

- **The Bill will:**
    - Incorporate certain legislative amendments proposed under the Water Resources Legislation Amendment Bill
  
    - Replace water resource management provisions of:
      - *Rights in water and Irrigation Act 1914*
      - *Metropolitan water supply, Sewerage and Drainage Act 1945*
      - *Metropolitan Water Authority Act 1982*
      - *Country Areas Water Supply Act 1947*
      - *Land Drainage Act 1925*
      - *Waterways Conservation Act 1976*
      - *Water Agencies (Powers) Act 1984*
-



## Phase 2 – WATER RESOURCES

- **The Bill will have the following broad structure**
    - Preliminaries
    - The framework of water resources governance
    - Water resources assessment and planning
    - Water resources entitlements and their administration
    - Financial provisions
    - Agency powers, liabilities and enforcement
-



## Phase 2 – WATER RESOURCES

- **Consultation**

- Extensive consultation undertaken in developing the *State Water Strategy*, the *State Water Plan*, and a *Blueprint for Water Reform in Western Australia*
  - Consultation undertaken in the Irrigation Review
  - Stakeholder workshops (forthcoming)
-



## Phase 2 - TIMEFRAME

- **Bills introduced to Parliament by November 2007**
  - **Drafting instructions to Parliamentary Counsel**
    - Water Services – mid May
    - Water Resources – mid June
  - **Cabinet approval to draft**
    - Water Services – mid April
    - Water Resources – mid-May
-