



Victoria Government Gazette

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Subordinate Legislation Act 1994

NOTICE OF PREPARATION OF REGULATORY IMPACT STATEMENT

Water (Resource Management) Regulations 2017

Notice is given in accordance with section 11 of the **Subordinate Legislation Act 1994** that a Regulatory Impact Statement (RIS) has been prepared for the proposed Water (Resource Management) Regulations 2017 (proposed Regulations).

The proposed Regulations will be made under the **Water Act 1989** (Water Act). It is intended that the proposed Regulations will replace the current Water (Resource Management) Regulations 2007 (current Regulations) which will be revoked after 10 years and 5 months of operation on 30 November 2017.

While the RIS discusses all the objectives of the proposed Regulations, it focuses primarily on the fees associated with the administration of Victoria's water register. The role of the water register is: to provide a secure and authoritative database recording the ownership of certain water rights across Victoria; to provide the platform through which all trades in these rights are recorded; and to provide the basis of an authoritative system of water accounting.

The RIS discusses possible alternatives to the proposed cost recovery arrangements and concludes that the fees will fairly recover the costs of processing applications and the operating costs of the water register and that the fees do not need to be increased.

The proposed Regulations will not increase any of the fees prescribed by the current Regulations and will not prescribe any new fees. However, the proposed Regulations will continue to prescribe –

- fees for applications to the Minister relating to water shares, water allocations and related dealings;
- fees for lodging documents with the Registrar of the water register or making recordings in the water register;
- fees for applications to amend or search the water register;
- persons who may search the water register and the prescribed classes of information or records recorded in the water register they may search for;
- the purpose for which an application for a licence under section 51(1) of the Water Act to take and use water in a declared water system may be made; and
- certain persons and classes of person to be occupiers for the purposes of water-use registration.

The proposed Regulations support the ongoing maintenance of the water register by prescribing a set of fees that will enable the recovery of –

- the costs of approving and recording dealings in water shares and allocations of water under water shares (regulated under Part 3A of the Water Act) and approving use of that water on land (regulated under Part 4B of the Water Act); and
- the administrative costs incurred by the water corporations and the water registrar in recording and allowing searches of information on a wide range of water rights including water shares, water-use licences, bulk and environmental entitlements, licences to take and use water and works licences.

The proposed Regulations differ from the current Regulations in that they do not include the requirement for a land owner to give the Minister a notice of an intention to construct or alter a small private dam not on a waterway, required under regulation 31 in Part 5 of the current Regulations.

SPECIAL

Regulation 31 was inserted into the current Regulations in 2010 to enable the government to gain a better understanding of the impacts on the environment and other water users caused by the proliferation of small farm dams being constructed or altered in peri-urban areas. The notice requirement was intended to provide a better understanding of the number and location of these dams and to inform future government decisions on whether more active management is required.

This requirement to give a notice has been reviewed and evaluated as being less effective than intended in achieving these policy objectives. With improvements in technology and data collection, there are now other viable and more efficient methods to collect data on dams.

The Department of Environment, Land, Water and Planning (DELWP) is considering this matter more broadly as committed to under Action 8.4 of the Government's Water for Victoria plan. This action requires investigation of the introduction of a reasonable use limit for domestic and stock rights under section 8 of the Water Act to ensure consistency and fairness in access to water resources in consultation with the community and relevant stakeholders.

Copies of the RIS and the proposed Regulations may be obtained from www.water.vic.gov.au/ or by phoning DELWP's customer service centre on 136 186 (between 8 am and 6 pm weekdays).

The purpose of this notice is to invite public comments on the RIS and the accompanying exposure draft of the proposed Regulations. All comments must be in writing and must be received at the following addresses by 5 pm on Monday 9 October 2017.

Post:

Proposed Water (Resource Management)
Regulations 2017
Policy, Governance and Legislation Division
Water and Catchments Group
Department of Environment, Land, Water
and Planning
PO Box 500
East Melbourne 3002

Email:

water.regulations@delwp.vic.gov.au

All comments and submissions will be treated as public documents.

Dated 4 September 2017

HON. LISA NEVILLE MP
Minister for Water

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