



Water Amendment Act 2015

No. 133, 2015

An Act to amend the *Water Act 2007* to provide for a 1,500 gigalitre limit on surface water purchases, and for the purpose of allowing more flexibility with efficiency measures

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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[Assented to 13 October 2015]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Water Amendment Act 2015*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	13 October 2015
2. Schedule 1	A single day to be fixed by Proclamation. However, if the provisions do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.	13 April 2016

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

- (1) Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.
- (2) The amendment of the *Basin Plan 2012* under subsection (1) does not prevent the Murray-Darling Basin Authority from preparing an amendment of the *Basin Plan 2012*, as so amended, under section 23B or 45 of the *Water Act 2007*.

Schedule 1—Amendments

Part 1—Amendment of the Water Act 2007

Water Act 2007

1 Section 86

Renumber as section 85A.

2 At the end of Part 2

Add:

Division 5—1,500 gigalitre limit on water purchases

85B Simplified outline of this Division

There is a 1,500 gigalitre limit on water purchased under water purchase contracts.

85C 1,500 gigalitre limit on water purchases

- (1) The Commonwealth must not enter into a water purchase contract at a particular time if doing so would result in the sum of:
- (a) the long-term annual average quantity of water that can be accessed under the water access entitlement purchased under the contract; and
 - (b) the total of the long-term annual average quantities of water that can be accessed under water access entitlements purchased under water purchase contracts entered into before that time;
- exceeding 1,500 gigalitres.

Note: For *water purchase contract*, see subsections (3) and (4).

- (2) Subsection (1) ceases to have effect on the first occasion after the commencement of this section when a report is given to the Minister under subsection 50(5).

Note: Subsection 50(5) deals with a report of the results of a review of the Basin Plan.

Water purchase contract

- (3) For the purposes of this section, a contract is a ***water purchase contract*** if:
- (a) the contract is or was entered into by, or on behalf of, the Commonwealth for the purchase by the Commonwealth of a water access entitlement; and
 - (b) the water access entitlement relates to Basin water resources that are surface water;
- and either:
- (c) the contract was entered into during the period:
 - (i) beginning at the start of 2 February 2008; and
 - (ii) ending at the end of 23 November 2012; or
 - (d) the contract is or was entered into on or after 24 November 2012 for purposes directed towards achieving the Commonwealth's share of a reduction in the long-term average sustainable diversion limit for:
 - (i) the water resources of a water resource plan area; or
 - (ii) a particular part of those water resources.

Exceptions

- (4) However, a contract is not a water purchase contract for the purposes of this section if:
- (a) both of the following conditions are satisfied:
 - (i) the contract is or was entered into as the result of, or in connection with, an agreement under which the Commonwealth provided financial assistance for the rationalisation or reconfiguration of an irrigation network;
 - (ii) the contract was entered into after the commencement of this section; or
 - (b) both of the following conditions are satisfied:
 - (i) the contract is or was for the purchase of a water access entitlement from a Basin State;
 - (ii) the contract was entered into after the commencement of this section; or
 - (c) the contract was provided for in an agreement:

- (i) under which the Commonwealth provided financial assistance for activities relating to water infrastructure; and
- (ii) that is not mentioned in subparagraph (a)(i); or
- (d) the contract is or was entered into in accordance with Part 6; or
- (e) the cost of the water access entitlement purchased under the contract is or was debited from the Water for the Environment Special Account.

85D Validity of contracts

A contravention of section 85C does not affect the validity of a contract.

Part 2—Amendment of the Basin Plan 2012

Basin Plan 2012

3 After subparagraph 7.17(2)(b)(i)

Insert:

- (ia) the participation of consumptive water users in projects that recover water through works to improve water use efficiency off-farm; or

*[Minister's second reading speech made in—
House of Representatives on 28 May 2015
Senate on 9 September 2015]*

(80/15)
