

2004-2005-2006-2007

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

**WATER BILL 2007**

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendments to be Moved on Behalf of the Government

(Circulated by authority of the Minister for the Environment and Water Resources,  
the Honourable Malcolm Turnbull, MP)

**EXPLANATION OF AMENDMENTS (1) TO (26)**

1. Clauses 77 and 83 provide for payments to water access entitlement holders in certain circumstances where the value of the entitlement is reduced as a result of a reduction in allocations or the reliability of allocations.
2. Amendments (1) to (26) modify all references to the terms 'granted or issued' in clauses 77 and 83 to 'granted, issued or authorised'. The purpose of these amendments is to clarify that water access entitlements may be created by authorisation, as well as by grant or issue, and to provide for payments where entitlements are so authorised. This change is consistent with the initial intent of the drafting but is included to recognise the different ways in which entitlements may be created in the different jurisdictions of the Murray Darling Basin.
3. The term 'water access entitlements' in these clauses, as for elsewhere in the Bill, has the meaning provided for in clause 4 of the Bill (Definitions). This definition is consistent with the National Water Initiative and provides that a water access entitlement is a perpetual or ongoing entitlement, by or under a law of a State, to exclusive access to a share of the water resources of a water resource plan area.
4. An ongoing entitlement includes for example an entitlement that has no defined expiry date, or an entitlement that is granted in accordance with a water resource plan with a defined term, but where there is a right of renewal or an understanding that the entitlement will be renewed under subsequent water resource plans.