

WATER — SELF-SUPPLY LICENCES — BYPASS CONDITION

1093. Hon Rick Mazza to the minister representing the Minister for Water:

- (1) When was the additional three months bypass introduced as a condition on licences issued pursuant to section 5C of the *Rights in Water and Irrigation Act (1914)*?
- (2) Why was the condition for an additional three months bypass introduced?
- (3) Did the department issue the proposed extended bypass for public comment by self-supply water licence holders and other stakeholders?
- (4) Did the Minister and the department conduct a Regulatory Impact Assessment of the impact on food producers of the change?
- (5) Will the Minister table the results of any Regulatory Impact Assessment or documentation of a similar assessment?
- (6) Has the department issued guidance notes to assist self-supply water users comply with the new condition:
 - (a) will the Minister table such notes?
- (7) Many of the farm dams on winter streams do not have pipes at the base of dam wall to enable release of water prior to overflow via spillway. How does the Minister envisage water licence holders with such dams will comply with the additional three month bypass?
- (8) Dams constructed on winter streams since the 1970s often have a pipe at the base to release water stale from breakdown of organic matter. The water outflow from such pipes will generally be less than inflow from winter streams during the additional three months of bypass required. How does the Minister envisage water licence holders with such dams will comply with the condition for additional three months bypass?
- (9) When dams, either licensed or unlicensed, without outflow pipes overflow via spillways this causes large volumes of stream flow to impact the next dam downstream. How does the Minister envisage a downstream dam with an outflow pipe to comply with the new condition when the large volume of water from upstream is far more than the outflow capacity of the pipe?
- (10) Of the over 500 farm dams associated with water licences in the Warren and Donnelly River catchments:
 - (a) how many are on winter streams:
 - (i) how many of these dams cannot comply with the new condition?
- (11) Does the Minister acknowledge that the introduction of conditions for which it is not reasonably practical to comply is maladministration of law?
- (12) Does the Minister acknowledge that many farmers may accept the new condition because it is too hard to overcome ‘red tape’, but then not comply with the condition leaving themselves open to proceedings by the department?
- (13) Where else in Western Australia does the new condition for an additional three months of bypass apply?
- (14) What is intended by the statement in the condition “*or as otherwise directed by the Department of Water and Environmental Regulation*”?
- (15) Does the Minister acknowledge that such non-specific condition diminishes security of the water licence and ability to provide necessary security for bank loans to fund farm development?

Hon Alannah MacTiernan replied:

- (1) A bypass condition has not been introduced. The revised condition to which I think the Honourable Member refers specifies the period within which water can be taken from the watercourse.
- (2) The revised condition was introduced as an important step in ensuring improved water resource management as it aligns the take of the water to the science that underpins the sustainability of the water resources.
- (3) The Department consulted the Warren Donnelly Advisory Committee prior to implementation of the condition.
- (4) A Regulatory Impact Assessment is not required for changes to conditions.
- (5) Not applicable.
- (6) Examples of appropriate dam bypass structures and management strategies that allow licensees to comply with the licence condition are discussed with applicants as part of new applications where needed, and similar clarification is also provided to licensees renewing their licences.
 - (a) Not applicable.

- (7) Depending upon the infrastructure of individual dams, there are a number of different strategies available that, if implemented, would ensure licensees comply with their licence conditions. Examples are installation of syphon hoses or removal of weir boards in a spillway, where they exist.
- (8) See answer to Question 7.
- (9) See answer to Question 7.
- (10) (a) There are 367 inforce surface water licensees in the Warren River and Donnelly River catchments of which a large proportion take water through the interception of stream flows via on-stream dams. The Department of Water and Environmental Regulation does not categorise streams as ‘winter’ streams.
 - (i) A condition consistent with the Rights in Water and Irrigation Act 1914 specifying the take period has been placed on approximately 122 inforce surface water licences. It is expected that all licensees will be able to take reasonable and practical steps to comply with the licence conditions.
- (11) It is expected that all licensees will be able to take reasonable and practical steps to comply with the licence conditions.
- (12) It is expected that all licensees will be able to take reasonable and practical steps to comply with the licence conditions.
- (13) Conditions specifying periods during which surface water can be taken are applied across the State. The allowable periods when water can be taken varies for different catchments.
- (14) This condition is applied in support of unforeseen circumstances where the Department needs to further direct the take of water to meet environmental, social or other users’ requirements.
- (15) The condition provides flexibility to respond to unforeseen circumstances in managing a natural system.