

WATER — SURFACE WATER LICENCES

1631. Hon Rick Mazza to the minister representing the Minister for Water; Fisheries; Forestry; Innovation and ICT; Science:
- (1) The Minister has said that water bypass can be achieved by siphons in situations where there is no under wall pipe or only a small pipe. Can the Minister explain how siphons could operate when a dam is low or empty in May and June at the end of the irrigation season?
  - (2) The Minister has said that water bypass can be achieved by weir boards in spillways in situations where there is no under wall pipe or only a small pipe. Can the Minister explain how weir boards in a spillway could operate when a dam is low or empty in May and June at the end of the irrigation season?
  - (3) The Minister has said he expected that all licensees will be able to take reasonable and practical steps to comply with the licence conditions. Both siphons and weir boards are impracticable, what other methods does the Minister expect licensees to use to bypass stream flows from 1 May to 15 June?
  - (4) Could renewal of a Surface Water Licence with an impracticable condition in effect be non-compliance with the *Rights in Water and Irrigation Act (1914)*, Schedule 1, Division 2, Clause 8, being, “When Minister must refuse licence. The Minister must refuse to grant a licence to a person if the Minister considers that the person would not be willing or able to comply with the terms, conditions and restrictions that would be included in the licence.” and, consequentially, such a Surface Water Licence be invalid?
  - (5) Has the Minister sought advice from the State Solicitor’s Office as to whether the Minister has issued invalid licences because the new condition for bypass is impracticable and not able to be complied with:
    - (a) if no to (5), why not?
  - (6) Will the Minister remove the impracticable condition from Surface Water Licences and re-issue the licences at no cost to licensees?

**Hon Alannah MacTiernan replied:**

- (1) Siphons can operate at any level as long as there is water present. Licensees are only required to bypass an equivalent inflow when inflow occurs.
- (2) Weir boards can be removed as a dam volume decreases. Where this is not feasible, siphons can be used to bypass flows.
- (3) Siphons and weir boards are practical. Upstream bypass sumps and pipes or channels can be employed as well. The Department of Water and Environmental Regulation also supports innovative solutions from licensees.
- (4) The water by-pass condition is practical.
- (5) No.
  - (a) The condition is consistent with the *Rights in Water and Irrigation Act 1914*.
- (6) No. There is currently no cost associated with the amendment of a water licence.