

2008

The Parliament of the
Commonwealth of Australia

THE SENATE

Presented and read a first time

**Water Amendment (Saving the
Goulburn and Murray Rivers) Bill 2008**

No. , 2008

(Senator Birmingham)

**A Bill for an Act to amend the *Water Act 2007* to
save the Goulburn and Murray Rivers, and for
related purposes**

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1 **A Bill for an Act to amend the *Water Act 2007* to**
2 **save the Goulburn and Murray Rivers, and for**
3 **related purposes**

4 The Parliament of Australia enacts:

5 **1 Short title**

6 This Act may be cited as the *Water Amendment (Saving the*
7 *Goulburn and Murray Rivers) Act 2008*.

8 **2 Commencement**

9 This Act commences on the day on which it receives the Royal
10 Assent.

11 **3 Schedule(s)**

12 Each Act that is specified in a Schedule to this Act is amended or
13 repealed as set out in the applicable items in the Schedule
14 concerned, and any other item in a Schedule to this Act has effect
15 according to its terms.
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Schedule 1—Amendments to the Water Act 2007

1 Subsection 4(1)

Insert:

Water for Rivers means the entity incorporated as a public company limited by guarantee in December 2003, arising out of legal agreements by the Commonwealth, New South Wales and Victorian Governments to achieve significant improvements in environmental flows into the Snowy River and the River Murray.

2 After subsection 18H(1)

Insert:

(1A) Until the States of New South Wales, Victoria and South Australia have each achieved the objective of increasing the flow of water in the River Murray as required by the Living Murray Initiative, these States' water savings programs are to be independently audited and, as soon as the saved water becomes available, the water must be allocated to the Living Murray Initiative and must not be used for any other purpose.

3 At the end of section 21

Add:

Basin Plan not to permit taking water for additional uses outside Basin

(8) The Basin Plan must ensure that no water is taken from Basin water resources for use outside the Murray-Darling Basin unless, prior to 3 July 2008, water would have been taken from Basin water resources for that use.

Note: 3 July 2008 is the date the Commonwealth, the Basin States and the Australian Capital Territory entered into an intergovernmental agreement on Murray-Darling Basin Reform.

(9) The Basin Plan must not permit:
(a) the construction or operation of water infrastructure; or
(b) work in the nature of a river flow control work;

1 if the primary purpose of that construction, operation or work is to
2 enable water to be taken contrary to subsection (8).

3 Note 1: *water infrastructure* is defined in section 7(3).

4 Note 2: *river flow control work* is defined in section 8 but has a meaning
5 affected by subsection (10).

6 (10) For the purposes of this section, *river flow control work* has the
7 meaning it would have if paragraph 8(2)(b) were repealed.

8 (11) To avoid doubt:

9 (a) the delivery of water for the initiatives of Water for Rivers
10 was an existing use of water prior to 3 July 2008; and

11 (b) the taking of water for the initiatives of Water for Rivers is
12 not contrary to subsection 21(8); and

13 (c) the construction and operation of water infrastructure for the
14 initiatives of Water for Rivers is not contrary to subsection
15 257(1); and

16 (d) all commenced and provisionally agreed Snowy River
17 environmental flows are preserved and excluded from the
18 provisions of subsections 21(8), 21(9) and 257(1).

19 **4 At the end of Part 12**

20 Add:

21 **257 Prohibited water infrastructure operations**

22 (1) An infrastructure operator must not:

23 (a) construct or operate water infrastructure; or

24 (b) undertake work in the nature of a river flow control work;

25 if the primary purpose of that construction, operation or work is to
26 enable water to be taken from Basin water resources for use
27 outside the Murray-Darling Basin.

28 Note 1: *infrastructure operator* and *water infrastructure* are defined in
29 section 7.

30 Note 2: *river flow control work* is defined in section 8 but has a meaning
31 affected by subsection (3).

32 (2) Subsection (1) does not apply if, prior to 3 July 2008, water would
33 have been taken from Basin water resources for that use.

- 1 (3) For the purposes of this section, *river flow control work* has the
2 meaning it would have if paragraph 8(2)(b) were repealed.