

*Water Resources Act 2007***GENERAL INFORMATION FOR WATER USERS**

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**WHAT IS THE WATER RESOURCES ACT?**

The *Water Resources Act 2007* (the Act) is a law that controls how we can use water directly from waterbodies including groundwater in the ACT. It provides a framework for the sustainable management of the Territory's water resources.

It aims to:

- Ensure that management and use of the water resources of the Territory sustain the physical, economic and social wellbeing of the people of the ACT while protecting the ecosystems that depend on those resources;
- Protects aquatic ecosystems and aquifers from damage and, where practicable, to reverse damage that has already happened; and
- Ensure that the water resources are able to meet the reasonably foreseeable needs of future generations.

**WHAT DOES IT APPLY TO?**

All water use from Territory water bodies including streams, dams or groundwater is controlled by the Act.

This covers:

- The allocation of water and the licensing of use;
- Licensing of drillers; and
- Licences for the construction of bores and waterway works (including farm dams and weirs).

While the Act applies to water that ACTEW takes from rivers and streams, it does not apply to the use of water by ACTEW's mains supply customers, water collected in rainwater tanks, or the on-site use of wastewater.

The Act makes it clear that ownership of all waters on or under Territory land is vested in the Territory.

This means that licences are needed to use groundwater and surface water and application and administration fees apply for Water Access Entitlements and Licences to take Water, regardless of lease dates. A water abstraction charge will be required for all water extracted.

**HOW DOES IT WORK?**

The *Water Resources Act 2007* requires that water needed to maintain river systems and associated ecosystems is identified and reserved for that purpose. These requirements are generally referred to as environmental flows. Environmental flow requirements apply to all Territory water resources including water in rivers, streams, dams, lakes and groundwater aquifers.

The Act also requires that all the Territory's water resources, and arrangements for their management, be set out in a Water Sharing Plan. The Water Sharing Plan identifies, for each water management area in the ACT, how much water is required to maintain river systems and associated ecosystems and how much is available for entitlements for off-stream use. The Water Sharing Plan is divided into two Disallowable Instruments under the Act. *Water Resources (Water management areas) Determination 2007 (No 1)* details the water management areas which can include one or more of the previously recognised sub-catchment areas, as provided for by the former water resources management plan (see Volume 3 *Think water, act water*). *Water Resources (Water available from areas) Determination 2007 (No 1)* details the surface water and groundwater available for taking from each water management area and includes water reserved for future use.



**Water Resources Act 2007**

Under the new Act you are required to hold a Water Access Entitlement (WAE) before a Licence to take Water can be issued. A WAE is a right to an amount of surface water or groundwater within a Water Management Area (WMA). A Licence to take Water is required to extract water authorised under a WAE. The Licence to take Water, which is based on a WAE, states the location from which water can be taken and used.

**REGISTER**

Section 66 of the *Water Resources Act 2007* instructs the Environment Protection Authority (EPA) to create and maintain a register that includes details of the following:

- Water access entitlements granted;
- Surviving allocations in force;
- Licences to take water issued;
- Driller's licences issued;
- Bore work licences issued;
- Waterway work licences issued;
- Recharge licences issued; and
- Any transfers of water access entitlements.

The register may also include other information provided to, or collected by the EPA.

The register is available for inspection by appointment, and is located at the Department of Territory and Municipal Services, 12 Wattle Street, Lyneham ACT. EPA officers can make some electronic searches of the register upon request; however fees are applicable for such searches.

Further information can be obtained by calling Canberra Connect on 13 22 81 and asking to speak with the Water Resources area.

**WATER RESOURCES REGULATION**

Section 109 of the *Water Resources Act 2007* enables the Environment Protection Authority to create a regulation.

The *Water Resources Regulation 2007* (the Regulation) contains a number of more detailed items that are not listed within the Act. The reason they are listed in a regulation is that it is easier to amend the contents of a regulation to ensure that it sufficiently supports the administration of the Act.

The current regulation contains the following:

- A list of conditions that a water access entitlement (WAE) is subject to;
- A list of person(s) who are exempt from the requirement to hold a licence to take water;
- A list of person(s) who are exempt from the requirements to hold a WAE for reuse schemes or in the case of transferred water;
- The water management areas that are prescribed; and
- A list of exemptions for the requirement to hold a bore work licence.

The Act and its subordinate legislation can be found on the ACT Legislation Register website at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

