

EXPLANATORY STATEMENT

Select Legislative Instrument 2012 No. 68

(Issued by the Authority of the Minister for Sustainability, Environment, Water, Population and Communities)

Subject - *Water Act 2007*

Water Amendment Regulation 2012 (No. 1)

Subsection 256(1) of the *Water Act 2007* (the Act) provides that the Governor-General may make regulations prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

Subsection 256(3) of the Act provides that regulations made for the purposes of Part 7 (Water Information) of the Act may make provision for extrinsic material to be incorporated in the regulations by reference. This material, which does not need to exist at the time that the regulations are made, may be incorporated as it is at a particular time or as it changes from time to time.

The Regulation prescribes two variations made to the Snowy Water License and prescribes a number of Victorian water resources plans as transitional water resource plans. The Murray-Darling Basin Plan must not be inconsistent with the Snowy Water License and variations to the Licence that are prescribed. A water resource plan, prescribed as a transitional water resource plan, will prevail over the Murray-Darling Basin Plan, for the prescribed life of those plans, to the extent of any inconsistency.

Part 7 of the *Water Regulations 2008* (the Principal Regulations) is made for the purposes of section 126 of the Act. Section 126 provides that persons specified in the regulations, or included in a class of persons so specified, must give particular water information to the Bureau of Meteorology (the Bureau).

The Regulation refines the requirements for water information to improve the quality and usefulness of the data the Bureau receives. The Regulation also more clearly sets out the obligations of data providers.

Likely impact and effect of the regulation

Transitional Water Resource Plans Prescription

The effect of the prescription of water resource plans, as transitional water resource plans, is to delay the application of those provisions of the Murray-Darling Basin Plan (Basin Plan) which are inconsistent with a transitional water resource plan, in areas in which a transitional water resource plan applies, until 1 July 2012.

The prescription only relates to Victorian water resource plans. Other jurisdictions' water resource plans are included in Schedule 4 of the Act. Given this, it was only necessary for the department to consult with Victoria. Extensive consultation has been undertaken with the Victorian Department of Sustainability and Environment during the assessment of their water resource plans and on the draft regulation.

Snowy Hydro License Amendment Prescription

The prescription of the variations made to the Snowy Hydro license has the effect of requiring the Basin Plan to be consistent with the varied Snowy Hydro license. The variations to the Snowy Hydro license were in place and operational prior to the

prescription of the variations through this regulation and the effect of this regulation is to allow for the Snowy Water license to operate harmoniously with the Basin Plan.

The department was consulted by NSW prior to both the variations being made to the Snowy Hydro license. The department has advised the Murray-Darling Basin Authority of the variations so that the Authority can draft the Basin Plan in a manner that is consistent with the varied Snowy Water License.

Water Information Requirements

The Water Act confers on the Bureau the role of collecting, holding, managing, interpreting and disseminating Australia's water information. Part 7 of the Act enables the Bureau to fulfil its function of collecting water information. Part 7 of the Principal Regulations supports this role. Under section 126 of the Act, a holder of water information, specified in the regulations, must provide information, specified in the *Water Regulations 2008* (Water Regulations), to the Bureau. The Water Regulations specify the types of water information and, by reference to the *Persons and Classes of Persons* document, who must provide such information.

The effect of this regulation is to refine the obligations on water information holders and the subcategories of water information that must be provided to the Bureau. The regulation specifies an additional category of person (Category J) that must provide water information to the Bureau. It is intended that Category J persons will include owners or operators of particular sites of hydrological interest, for example aquaculture operations, electricity generators, meat processors, mine sites and pulp mills. The regulation also specifies some additional subcategories of information that must be provided by particular categories of persons.

The regulation provides for the metadata and contextual information that organisations must send with their water information to be specifically identified in the regulations by reference to the document, *Metadata and Contextual Information Requirements*. By explicitly listing metadata elements, the Bureau anticipates that any uncertainty around this particular aspect of water information will be removed.

For a large proportion of persons, the changes can be expected to have minimal effect. The Bureau has spent considerable time communicating and consulting with stakeholders leading up to the amendment. The stakeholders consulted include all organisations named in the *Persons and Classes of Persons* document, the States and Territories, the mining industry via the Minerals Council of Australia (MCA), as well as other interested parties.

The nature of the consultation included meetings and correspondence with particular groups to focus on discrete aspects of the amendment proposal. For example, the Bureau conducted a series of meetings with relevant persons to discuss changes to water information requirements for Categories 6, 7 and 8. Those consulted included representatives from the National Water Commission, the Australian Bureau of Statistics and the Water Services Association of Australia in addition to state/territory Lead Water Agencies and other relevant named persons.

The Bureau also invited comment on the proposal in its entirety and held seminars in each capital city to explain the changes and elicit feedback. The Bureau amended its proposal to take account of responses received from these activities.

Documents incorporated by reference in the regulation for the purposes of Part 7

The following documents are incorporated by reference in the regulation. They are, or will be, located on the Bureau's website at: <http://www.bom.gov.au/water/regulations>:

Name of document	Purpose
<i>Persons and classes of persons</i>	Lists by Category the names of persons required to give water information to the Bureau
<i>Commercially Sensitive Sites</i>	Lists the sites owned or operated by persons in Category C (hydroelectric generators) that are considered to be commercially sensitive. Category C persons can give water information from these sites 2 months in retard and expressed as mean daily values
<i>Metadata and Contextual Information Requirements</i>	Lists the metadata elements required for each subcategory of water information. The Bureau will incrementally add metadata element lists to this document
<i>Other important sites</i>	Lists the sites from which Category J persons are required to provide specified water information. This document will not be incorporated in the regulations until the commencement day for Schedule 3 of the regulation is notified by the Minister in the <i>Gazette</i>

Regulation Impact Statement

The Office of Best Practice Regulation (OBPR) advised that a Regulation Impact Statement was not necessary for any of the amendments.

Statement of Compatibility

This Legislative Instrument does not engage any of the rights or freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Details of the Regulation

The Act does not specify any conditions that need to be satisfied before the power to make the regulation may be exercised.

The regulation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003* (LIA).

The Regulation commences as follows:

- (a) on the day after it is registered — sections 1 to 3 and Schedule 1;
- (b) on 5 July 2012 — Schedule 2
- (b) on a day notified by the Minister in the *Gazette* — Schedule 3.

Details of the regulation are set out in the Attachment.

Details of the *Water Amendment Regulation 2012 (No. 1)*

Part 1 – Preliminary

Section 1 – Name of regulation

This section provides that the title of the regulation is the *Water Amendment Regulation 2012 (No. 1)*.

Section 2 – Commencement

This section provides that the regulation commences as follows:

- (a) on the day after it is registered — sections 1 to 3 and Schedule 1;
- (b) on 5 July 2012 — Schedule 2
- (b) on a day notified by the Minister in the *Gazette* — Schedule 3.

Section 3 – Amendment of *Water Regulations 2008*

This section provides that Schedules 1, 2 and 3 amend the *Water Regulations 2008*.

Schedule 1 – Amendments to commence on the day after registration

Item [1] – After Part 1A

Under subsection 21(6) of the *Water Act 2007* (the Act), the Murray-Darling Basin Plan must not be inconsistent with the provisions of a license issued under section 22 of the *Snowy Hydro Corporatisation Act 1997* (NSW). Under subsection 21(7), in applying subsection 21(6), a variation of the license is to be disregarded unless the variation is prescribed by the regulations.

Item 1 inserts a new Part 2 ‘Management of Basin Water Resource’ into the Principal Regulations. Under this Part, new section 2.01 prescribes, for subsection 21(7) of the Act, two variations made to the Snowy Water License; one made on 20 April 2010 and one made on 4 October 2011. The specified variations to the Snowy Water License must be taken into account when applying subsection 21(6) of the Act.

Item [2] – After Part 10A

Section 241 of the Act deals with transitional water resource plans. A ‘transitional water resource plan’ is a plan that is specified in Schedule 4 to the Act, or prescribed by regulations made under paragraph 241(1)(b), together with any instruments made under or for the purposes of the plan (subsection 241(1)). However, a plan or other instrument is a transitional water resource plan only to the extent that it relates to the water resources of a water resource plan area and to the matters with which the Basin Plan must deal. These matters which are set out in subsection 22(1) include, for example, long-term average sustainable diversion limits, an environmental watering plan, and a water quality and salinity management plan.

Schedule 4 to the Act specifies transitional water resource plans for Queensland, South Australia and New South Wales. Victoria did not identify water resource plans for inclusion in Schedule 4 before the Act was passed. The note to subsection 241(1) states that ‘it is intended that the transitional water resource plans for water resource plan areas in Victoria are to be prescribed by regulations’. This does not limit the power to prescribe transitional water resource plans for other areas of the Basin.

Item 2 inserts a new Part 11 ‘Other transitional matters’ into the Principal Regulations. New regulation 11.01 inserts a new Schedule 4 specifying a number of Victorian water resource plans for the Murray-Darling Basin.

Transitional water resource plans as they were in force on 3 March 2008 (the date on which Part of the Act commenced) are deemed to have been accredited by the Minister (section 243). Any provisions of transitional water resource plans which are inconsistent with the Basin Plan will override the Basin Plan.

The department will publish a list of instruments, which have been assessed by the department as constituting instruments made under or for the purposes of a transitional water resource plan, on its website at <http://www.environment.gov.au>.

Item [3] – After Schedule 3

Item 3 inserts a new Schedule 4 ‘Transitional water resources plans’ into the Principal Regulations.

Part 1 of new Schedule 4 defines ‘all water resources plan areas’ by including a list of all the water resource plans that fall under the ‘all water resource plan areas’ umbrella.

Part 2 of new Schedule 4 lists the prescribed water resource plans, the water resource plan area to which the prescribed plans apply and the date the plan ceases to have effect. The date specified as the date the plan ceases to have effect is the date that the plan no longer has the status of a transitional water resources plan for the Act. This may not align with the expiration date of the water resources plan under State law.

Schedule 2 – Amendments to commence on 5 July 2012

Item [1] – Subregulation 1.03(1)

Item 1 inserts a new definition of category into subregulation 1.03(1) of the Principal Regulations. In relation to water information, 'category' means a category of water information specified in regulation 7.03.

Item 1 also inserts a definition of 'grace period' into subregulation 1.03(1) of the Principal Regulations. Grace period was previously defined in Part 7 of the Principal Regulations. The grace period begins on the day a person is specified in one of the categories of persons (identified in subsection 7.04(1)) in accordance with the document entitled *Persons and Classes of Persons*. The grace period ends 3 months after it has commenced.

Item [2] – Subregulation 1.03(1), definition of *major storage*

Item 2 omits the definition of 'major storage' from subregulation 1.03(1) of the Principal Regulations. Major storage is defined instead in Schedule 3 of the regulations.

Item [3] - Subregulation 1.03(1)

Item 3 inserts a new definition of 'subcategory' into subregulation 1.03(1) of the Principal Regulations. In relation to water information, a subcategory is specified in Regulation 7.03 and Schedule 3.

Item [4] – Subregulation 1.03(1), definition of *water restrictions*

Item 4 omits the definition of 'water restrictions' from subregulation 1.03(1) of the Principal Regulations. Because of the use of different terminology across Australia, the definition could create confusion in relation to water access licences.

Item [5] – Regulation 1.04, heading

Item 5 substitutes a new heading to make it clear that regulation 1.04 of the Principal Regulations is referring to the interpretation of time periods.

Item [6] – Subregulation 1.04(4) and (5)

Item 6 substitutes subregulation 1.04(4) and (5) (including the note) of the Principal Regulations with a new subregulation 1.04(4). The Principal Regulations rely on the definition of calendar month in the *Acts Interpretation Act 1901* (AIA). However, the AIA has been amended and its definitions of month and calendar month have changed. Consequently, it is necessary to amend the definitions in the Principal Regulations.

To avoid giving a contrary intention to the AIA, the definition of month would be removed from the Principal Regulations and references to months throughout the regulations have been changed to calendar month. This ensures that the interpretation of periods of time in the regulations does not change when the amendments in the AIA take effect.

New subregulation 1.04(4) would deal exclusively with years and make it clear that any reference to year in the regulations is a reference to a financial year.

Item [7] – Subregulation 1.06(1) and (2)

Item 7 replaces the URL in subregulations 1.06(1) and 1.06(2) of the Principal Regulations specifying the location on the Bureau of Meteorology's (Bureau's)

website of the documents incorporated by reference in the regulations. This is intended to improve the accessibility of the documents by providing a more direct path to them.

Item [8] – after subregulation 1.06(2)

Item 8 inserts a new subregulation 1.06(3) into the Principal Regulations to identify the document entitled *Metadata and Contextual Information Requirements* as being published from time to time by the Bureau and located on the internet at <http://www.bom.gov.au/water/regulations>. New regulation 7.11 refers to this document.

Item [9] – Part 7

Item 9 substitutes a new Part 7 ‘Water Information’. In addition to implementing amendments to the water information framework, the purpose of substituting the entire Part is to recast and restructure some of the provisions. This simplifies Part 7 and removes certain references, such as to interim periods, which no longer apply. As part of this restructure the regulation adds a new Schedule 2 so that a long table of subcategories of water information is not contained in the main body of the Principal Regulations.

New Division 7.1 – Purposes, persons and water information

This Division specifies the purposes of Part 7, the persons to give water information to the Bureau, the categories and subcategories of water information that must be given, and water information that is not required to be given.

New Regulation 7.01 – Purposes of Part

This regulation specifies that the purposes of Part 7 are for section 126 (Giving of water information to the Bureau) of the Act. It states that the Part specifies:

- (a) the persons, or classes of persons, who must give a copy of water information to the Bureau
- (b) the water information that must be given
- (c) the time within which the copy must be given
- (d) the form and manner in which the water information contained in the copy must be given.

The note to Regulation 7.01 draws attention to the fact that under subsection 126(1) of the Act, a person is required to give a copy of water information to the Bureau only if it is in the person's possession, custody or control.

New Regulation 7.02 – Persons to give water information to the Bureau

This regulation specifies the eight categories of persons (Categories A – H) to whom Part 7 applies. These categories of persons are required to give water information to the Bureau. The document titled *Persons and Classes of Persons* lists the names of the persons in each category. The specified water information that a person must give depends on the category in which the person is listed. Some persons are listed in more than one category.

New Regulation 7.03 – Categories and subcategories of water information

This regulation specifies the water information that must be given to the Bureau. Water information is defined in section 125 (Meaning of *water information* etc.) in

the Act. Regulation 7.03 also details water information that is not required to be given.

Subregulation 7.03(1) states that the water information is of a kind described in the categories specified in the table in subregulation 7.03(2). The table lists the ten categories (labelled 1 – 9 and 11).

The regulation adds Category 11 – Water information for flood warning purposes. This category separates out flood warning data that was previously given to the Bureau under subcategories 1a, 1b and 4a. Persons who give information for flood warning purposes have particular timeframes for data provision and are not required to give historical data. Including the requirements for flood warning purposes in a separate category of the regulation is intended to reduce confusion about this type of water information.

Subregulation 7.03(2) states that the water information in a category in the table is made up of the water information in the subcategories specified for the category. The table lists the subcategory numbers that comprise each category of water information. The description of the subcategory information is contained in Schedule 3 of the regulation.

Information that is not required to be given

Subregulations 7.03(3), (4) and (5) specify the information that is not water information for the purposes of Part 7 and is therefore not required to be given to the Bureau as follows:

- information that is not in an electronic format. The regulations do not impose any requirement on persons to reformat information that is not in an electronic format
- information that is publicly available on the Bureau's website
- information collected from a single site for up to 12 continuous weeks. For example, this would include information such as wind speed data collected during bush fires
- information collected solely to fulfil a contractual arrangement with another person not named in the regulations. This exemption does not apply to information that is collected as part of the regulatory role of a person named in the regulation
- information that a person reasonably believes is already in the Bureau's possession provided that they have informed the Bureau in writing of their decision not to provide the information for this reason
- information in the possession, custody or control of persons in categories C, D, E, F, G or H collected solely for a project expected to be of no more than 12 months duration (persons in Categories A and B are required to give this type of water information to the Bureau).

New Division 7.2 – Giving water information to the Bureau

This Division specifies the subcategories of water information that each category of persons must give to the Bureau and when and how they must give the water information. The Division also provides that metadata and contextual information must be given at the same time as the person gives a copy of water information.

New Regulation 7.04 – Water information held during grace period

This regulation is concerned with the giving of information stored in a person's data management system prior to the end of the grace period (historical information). The grace period is defined in subregulation 1.03(1) as 3 months from when the person is specified in a category of person that is mentioned in regulation 7.04. In practice, this occurs when the person is listed in the online document titled *Persons and Classes of Persons*.

Subregulation 7.04(1) includes, in a table, the numbers of the subcategories of water information that each specified category of persons must give.

Subregulation 7.04(2) provides that specified water information, stored in a person's data management system, must be given to the Bureau within fourteen days after the end of the grace period.

Notwithstanding this, subregulation 7.04(3) provides that specified information from commercially sensitive sites listed in the document titled *Commercially Sensitive Sites* need only be supplied by Category C persons within two calendar months after the end of the grace period and expressed as mean daily values.

Subregulation 7.04(4) stipulates that water information that has been given under this regulation, but subsequently is amended, must be given again in its amended form within 14 days of the end of the grace period.

Subregulations 7.04(5) and (6) set out how historical information is to be given to the Bureau as follows:

- by CD, DVD or external hard drive; or
- via the Internet using File Transfer Protocol (FTP) or web services;
- subcategory 8a (water use restrictions announcements) may be sent to the Bureau in an email.

If a person gives a copy of water information to the Bureau under this regulation, regulation 7.11 requires them to also give a copy of the metadata and contextual information that relates to the water information, in accordance with the document titled *Metadata and Contextual Information Requirements*.

New Regulation 7.05 – Water information held immediately before commencement of this regulation

This regulation is concerned with the giving of information that is stored in a person's data management system at the time this regulation commences (historical information). It applies to the new subcategories added by these regulations and the amended subcategories 6a and 6b (subregulations 7.05(3)). Persons that have already given the Bureau a copy of subcategories 6a and 6b water information are not required to give it again as the Bureau will already have it in its possession.

If a Part of Schedule 2 applies to a person and, immediately before this regulation commences, they have water information in any of the subcategories that are both specified in Schedule 2 and listed in subregulation 7.05(3), they must give a copy of this historical water information to the Bureau within 3 months of this regulation commencing.

Subregulation 7.05(4) stipulates that water information that has been given under this regulation, but subsequently is amended, must be given again in its amended form

within 14 days of the amended water information being entered onto a data management system.

Subregulation 7.05(5) sets out how historical information is to be given to the Bureau as follows:

- by CD, DVD or external hard drive; or
- via the Internet using File Transfer Protocol (FTP) or web services.

If a person gives a copy of water information to the Bureau under this regulation, regulation 7.11 requires them to also give a copy of the metadata and contextual information that relates to the water information in accordance with the document titled *Metadata and Contextual Information Requirements*.

New Regulation 7.06 – Continuing obligation to give water information

This regulation details the continuing obligation to give new and updated information separate from the giving of stored (historical) information under regulations 7.04 and 7.05. The timeframes i.e. hourly, daily, weekly, calendar monthly or annually for giving this water information are shown separately for each category of person and subcategory of information, in Schedule 2.

Persons who are listed in Categories A – H for whom the grace period has expired, are required to give specified information under this regulation.

Notwithstanding this, specified information from sites listed in the document titled *Commercially Sensitive Sites* need only be supplied by Category C persons within two calendar months of the information being entered onto a data management system and expressed as mean daily values.

Subregulation 7.06(4) stipulates that water information that has been given under this regulation, but subsequently is amended, must be given again in its amended form within the time specified for the water information in the relevant Part of Schedule 2.

Subregulation 7.06(5) provides that subcategories of water information in Category 7 (information about urban water management) must be expressed as volumes recorded each calendar month or more frequently. For example, under subcategory 7a (water taken from surface water) a person would meet the requirement by giving the Bureau 12 separate volumes (i.e. one volume for each month of the financial year); equally, they would meet the requirement by giving 26 separate volumes (ie one volume for each fortnight of the financial year).

This provides some flexibility about the time intervals of the water information that they provide. It allows people to give the information to the Bureau at the same frequency as their internal reporting processes.

Subregulation 7.06(6) provides that this ongoing information is to be given to the Bureau via the Internet using File Transfer Protocol (FTP) or web services. However, subregulation 7.06(7) makes the following exceptions:

- (a) subcategory 6d (formal announcements of Australian water allocations) may be emailed to the Bureau
- (b) subcategory 8a (water use restriction announcements) must be given to the Bureau using the Water Restrictions Tool on the Bureau's website. This tool has been populated with information about a person's water restrictions

regime. When persons make water use restriction announcements they must log on to this tool and update their information.

If a person gives a copy of water information to the Bureau under this regulation, regulation 7.11 requires them to also give a copy of the metadata and contextual information that relates to the water information, in accordance with the document titled *Metadata and Contextual Information Requirements*.

New Regulation 7.07 – When information is to be given to the Bureau

This regulation details the time within which persons must give water information to the Bureau, where the timeframe is denoted in Schedule 2 as hourly, daily, weekly, calendar monthly or annually.

The table in subregulation 7.07(1) sets out the following requirements:

- where information is required to be given hourly, then that information must be given within five minutes of the end of the hour in which it enters the person's data management system
- where information is required to be given daily, then that information must be given no later than midday on the next working day after the day on which it enters the person's data management system
- where information is required to be given weekly, then that information must be given no later than midday on the first working day of the week following the week in which it enters the person's data management system
- where information is required to be given calendar monthly, then that information must be given no later than midday on the second working day of the calendar month following the month in which it enters the person's data management system.

Subregulation 7.07(2) specifies the different requirements for yearly information depending in which category a person is listed, as follows:

- persons listed in categories A, B, C, D, E and G must give the yearly water information no later than midday on the 20th working day of the financial year following the financial year in which it enters the person's data management system
- persons listed in category F must give the information required under water information Category 7 by 31 August (or the next working day) of the next financial year following the financial year in which it enters the person's data management system.

New Regulation 7.08 – Water information collected during a project of up to 48 months duration

This regulation deals with the giving of information for projects that are expected to be of no more than four years in duration. Persons must give water information from these projects to the Bureau, but the timeframes for giving the information are different to those under Regulation 7.07.

This regulation does not apply to Category 11 water information (water information for flood warning purposes).

If the water information specified in Categories 1 – 9 is collected solely for the purpose of a project that the person expects to be of up to 48 months in duration and it is entered into a data management system, the person must give the Bureau a copy within three months of the end of each financial year.

If a person's grace period ends partway through a project that is expected to be of no more than 48 months in duration, that person is only required to commence giving the information from the project at the end of the first complete financial year that follows the end of the grace period.

If a project that is expected to be of no more than 48 months in duration ceases part way through a financial year, the person must give to the Bureau the specified information collected through the project in that financial year, within three months of the end of the financial year.

Subregulation 7.08(6) sets out how this project information is to be given to the Bureau as follows:

- by CD, DVD or external hard drive; or
- via the Internet using File Transfer Protocol (FTP) or web services.

If a person gives a copy of water information to the Bureau under this regulation, regulation 7.11 requires them to also give a copy of the metadata and contextual information that relates to the water information, in accordance with the document titled *Metadata and Contextual Information Requirements*.

New Regulation 7.09 – Application to first information period after grace period ends or Part commences

This regulation provides transitional timeframes for the giving of ongoing water information to the Bureau under regulation 7.07. These timeframes apply both when a person is first required to give water information after the end of their grace period and when Part 7 commences. They relate only to water information required to be given on a weekly or calendar monthly timeframe.

Subregulations 7.09(1) and (3) apply if a person's grace period ends, or if Part 7 commences, after the start of a week. In either of these cases, water information that is required to be given weekly is not due as per the time set out in the table of subregulation 7.07(1). Instead, the person must give their information to the Bureau by midday on the second Monday (or next working day) after the expiry of the grace period or commencement of Part 7.

Subregulations 7.09(2) and (4) apply if a person's grace period ends, or if Part 7 commences, after the start of a calendar month. In either of these cases, water information that is required to be given calendar monthly is not due as per the time set out in subregulation 7.07(1). Instead, the person must give their information to the Bureau by midday on the second day (or next working day) of the second month after the expiry of the grace period or commencement of Part 7.

New Regulation 7.10 – Units of measurement and time zones

Subregulation 7.10(1) specifies that if a time reference is required in the water information, the person must also include the time zone against which the time reference is made. This requirement is to enable the Bureau to accurately interpret the water information it receives.

Subregulation 7.10(2) specifies that if a person has measured the water information using a different unit of measurement from that specified in Schedule 3, they must convert their water information into the unit of measurement specified in the Schedule.

New Regulation 7.11 – Metadata and contextual information

This regulation provides that at the same time that a person gives a copy of water information to the Bureau, they must also give a copy of the metadata and contextual information, related to the water information, in accordance with the document titled *Metadata and Contextual Information Requirements*.

The Bureau is developing separate lists of metadata and contextual information elements for each subcategory of water information. The Bureau will incrementally add these to the *Metadata and Contextual Information Requirements* document.

Subregulation 7.11(2) provides that, if the Bureau notifies persons when it adds metadata elements to the document, the person then has 6 months before they must start giving the new metadata and contextual information that relates to the water information.

The note to subregulation 7.11(1) draws attention to the fact that the document will set out which metadata and contextual information must be given and which may be given. The explanatory material in the document is provided to assist persons to understand the required metadata elements.

Where the Bureau is still to develop metadata element lists, the online document will contain only a general requirement to provide all metadata and contextual information, without specifying the detail of that metadata. This accords with the previous requirements of Category 10 water information (Descriptive and reference information about water information in other categories), which, in most cases, did not detail the metadata requirements for all water information categories.

Item [10] – Schedule 1A

Item 10 omits a note at the beginning of Schedule 1A of the Principal Regulations because the note is no longer relevant. Schedule 1A relates to amendments incorporated into the Murray-Darling Basin Agreement.

Item [11] – After Schedule 1A

Item 11 inserts a new Schedule 2 – Water information to be given by persons. The parts in Schedule 2 set out the subcategories of water information that each Category of Persons must give to the Bureau, along with the timeframe in which it must be given. The subcategory descriptions and related definitions are contained in Schedule 3.

Item [12] – Schedule 3

Item 12 substitutes a new Schedule 3 – Subcategories of information. Part 1 of this schedule contains definitions for terms used in the descriptions of subcategories of water information in Part 2 of the Schedule.

Schedule 3, Part 1 contains 10 new definitions in relation to terms used in new subcategories. The definitions are:

- dewpoint temperature – this term is used in new subcategory 4j
- managed aquifer recharge – this term is used in new subcategories 7jb, 7jc, 7je, 7oc, 7pd, 7pf and 7pg
- non-potable water – this term is used in other definitions and new subcategories 7jb, 7jc, 7jd, 7je, 7k, 7kb and 7lb
- potable water – this term is used in other definitions and new subcategories 7ea, 7ja, 7k, 7ka, 7kc and 7la
- raw water – this term is used in new subcategory 7eb
- recycled water – this term is used in new subcategories 5ac, 5ga, 7d, 7e, 7eb, 7f, 7h, 7ha, 7hb, 7i, 7ia, 7ib, 7j, 7jb, 7jc, 7k, 7ka, 7kb, 7kc, 7la, 7lb, 7m, 7p, 7pa, 7pb, 7pc, 7pd, 7pe, 7pf and 7pg
- sewer mining – this term is used in the recycled water definition and new subcategory 7nd
- trade waste sewage – this term is used in new subcategories 7ng and 7nh
- urban stormwater – this term is used in other definitions and new subcategories 7e, 7eb, 7o, 7oa, 7ob, 7oc and 7od
- urban stormwater reuse – this term is used in new subcategories 7h, 7ha, 7hb, 7i, 7ia, 7ib, 7j, 7jb, 7jc, 7je, 7k, 7ka, 7kb, 7kc, 7la and 7lb.

Schedule 3, Part 1 contains a new definition for water equivalent precipitation. This term is used in amended subcategory 4a.

Schedule 3, Part 1 contains a definition for water storage. This definition is added to clarify the range of water impoundments that constitute water storages. Also, the broad definition of watercourse contained in the Act includes elements such as dams, reservoirs and lakes. It combines elements that are considered separately in the regulations (i.e. Category 1 – streamflow and Category 3 – water storages). Consequently, a definition of water storage needs to be included to prevent double counting of those elements that overlap water information categories.

Additionally, the term water storage is used in other definitions, subcategories 1a, 1b, 5aa, 5b, 5i and in the heading to Category 3.

Amended definitions used in Category 9 and included in Schedule 3 are:

- total nitrogen concentration. This term now refers to a concentration which is a more accurate representation of the parameter being measured
- total phosphorus concentration. This term now refers to a concentration which is a more accurate representation of the parameter being measured

- turbidity. The reference to a water sample is omitted to better reflect the range of measuring methods.

The definition of ‘major storage’ is added to Schedule 3. It was previously located in Regulation 1.03 of the Principal Regulations.

Schedule 3, Parts 2 – 11 contains amended descriptions of the subcategories of water information that omit much of the metadata and contextual information that was previously contained in the subcategories. Over time, these particular elements will be specified in metadata element lists in the document titled *Metadata and Contextual Information Requirements*. The exception is the units of measurement which remain in the subcategory descriptions.

The ten categories of water information in Schedule 3, Parts 2 – 11 are:

Category 1: Surface water resource information

Two subcategories in Category 1 specify watercourse level and discharge information.

Category 2: Ground water resource information

Three subcategories in Category 2 specify groundwater level, pressure and aquifer recharge information.

Category 3: Water storage information

Seven subcategories in Category 3 specify major storage level, volume, releases, deliveries and descriptions; and minor storage volume information.

Category 4: Meteorological information

Ten subcategories in Category 4 specify precipitation; wind speed; evaporation; solar exposure and irradiance; air temperature; humidity; vapour pressure deficit; and dewpoint temperature information.

Category 5: Water use information

Fifteen subcategories in Category 5 specify water taken from various sources and by self extractors; returns to watercourses; supplies to irrigators; and extractions from ground water by self extractors information.

Category 6: Information about water rights, allocations and trades

Seven subcategories in Category 6 specify water rights; trades or leases of entitlements and rights; trades and announcements of allocations; permits for minor storages; and permits to self extract from a bore and watercourse information.

Category 7: Information about urban water management

Fifty-one subcategories in Category 7 specify water taken; water supplied; sewage; urban stormwater and recycled water information.

Category 8: Information about water restrictions

One subcategory in Category 8 specifies water use restriction announcements.

Category 9: Water quality information

Nine subcategories in Category 9 specify electrical conductivity; suspended solids; turbidity; phosphorus concentration; nitrogen concentration, pH and temperature information.

Category 11: Water information for flood warning purposes

Three subcategories in Category 11 specify watercourse level and discharge; and precipitation information.

Schedule 3 – Amendments to commence on the day notified by the Minister in the Gazette

The amendments in Schedule 2 of the regulation provide for a new category of water users to be added to the Principal Regulations. These organisations which are not already captured in the Principal Regulations will own or operate particular sites of hydrological interest. They may include, for example, aquaculture operations, electricity generators, meat processors, mine sites and pulp mills.

The water information required from these water users will be restricted to particular sites that the Bureau will specify in a document titled *Other important sites* to be incorporated by reference in the Principal Regulations.

Throughout 2012, the Bureau will analyse water access entitlements and water take to determine within a water balance framework, the sites to add to the new document.

Item [1] – Subregulation 1.03(1), after definition of *Category H person*

Item 1 inserts a new definition for Category J person in Subregulation 1.03(1). Category J persons will be specified in the document titled *Persons and Classes of Persons*.

Item [2] – After subregulation 1.06(3)

Item 2 inserts new subregulation 1.06(4) to identify the document entitled *Other important sites* as being published from time to time by the Bureau and located on the internet at <http://www.bom.gov.au/water/regulations>. New subregulations 7.04(3A) and subregulation 7.06(3A) refer to this document.

Item [3] – Paragraph 7.02(h)

Item 3 adds Category J persons to the list in Regulation 7.02. This list specifies the persons to give water information to the Bureau.

Item [4] – Subparagraph 7.03(5)(b)(vi)

Item 4 adds Category J persons to the list in paragraph 7.03(5)(b). The persons listed in the paragraph are not required to give water information collected solely for a project which the person expects to be of up to 12 months duration.

Item [5] – Subregulation 7.04(1), table, after item 6

Item 5 inserts a new item in the table contained in subregulation 7.04(1). This item lists the numbers of the subcategories of historical water information for specified sites that Category J persons will be required to give to the Bureau. Historical water information is water information a person already has in their possession, custody or control during the three month grace period after they are specified as falling into a category of persons to whom the grace period applies. The water information must have been entered into a data management system.

Item [6] – After subregulation 7.04(3)

Item 6 inserts a new subregulation 7.04(3A) into the Principal Regulations to specify that Category J persons are only required to give historical water information that is collected from a site listed in the document titled *Other important sites*.

Item [7] – After subregulation 7.06(3)

Item 7 inserts new subregulation 7.06(3A) into the Principal Regulations to specify that Category J persons are only required to give new/ongoing water information that is collected from a site listed in the document titled *Other important sites*. New/ongoing water information is water information a person has in their possession, custody or control after the three month grace period has ended. Regulation 7.06 establishes the continuing obligation to give water information to the Bureau.

Item [8] – Subregulation 7.07(2), table, item 1

Item 8 adds Category J persons to item 1 of the table in subregulation 7.07(2). This item provides for persons to give their yearly water information by midday of 20 July or the next working day.

Item [9] – Schedule 2, after Part 7

Item 9 inserts a new Part 8 in Schedule 2 of the Principal Regulations. This part specifies the numbers of the subcategories of water information that Category J persons are required to give to the Bureau for particular sites, and the timeframes in which the water information must be given.