



Water Amendment (Water Information) Regulations 2017

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 23 March 2017

Peter Cosgrove
Governor-General

By His Excellency's Command

Barnaby Joyce
Deputy Prime Minister and Minister for Agriculture and Water Resources

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1 Name

This instrument is the *Water Amendment (Water Information) Regulations 2017*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	28 March 2017

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Water Act 2007*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Part 1—Main amendments

Water Regulations 2008

1 Regulation 1.03 (after the heading)

Insert:

Note: For the definitions of the following terms, see subsection 4(1) of the Act:

- (a) Agreement;
- (b) Basin Plan;
- (c) Basin State;
- (d) Murray-Darling Basin;
- (e) water information;
- (f) water resource.

2 Subregulation 1.03(1)

Insert:

Category L person means a person specified as a Category L person in the document titled *Persons and Classes of Persons* (see regulation 1.06).

Category M person means a person specified as a Category M person in the document titled *Persons and Classes of Persons* (see regulation 1.06).

3 Subregulation 1.03(1) (definition of *grace period*)

Repeal the definition, substitute:

grace period, for a person: see subregulation 7.04(1A).

4 At the end of regulation 1.06

Add:

- (4) A reference in these Regulations to the document titled *Urban Water Management Information Requirements* is a reference to the document by that name published from time to time by the Bureau and available at www.bom.gov.au/water/regulations.

5 Paragraph 7.02(j)

Omit “person.”, substitute “person;”.

6 At the end of regulation 7.02

Add:

- (k) a Category L person;
- (l) a Category M person.

7 Subregulation 7.03(2) (table item 5)

Omit “5a-5i”, substitute “5a-5h”.

8 Subregulation 7.03(2) (table item 7)

Omit “7a-7pg”, substitute “7a-7d”.

9 Subparagraph 7.03(5)(b)(vi)

Omit “person.”, substitute “person;”.

10 At the end of paragraph 7.03(5)(b)

Add:

- (vii) a Category L person;
- (viii) a Category M person.

11 Regulation 7.04 (heading)

Repeal the heading, substitute:

7.04 Initial obligation to give water information held during grace period

12 Subregulation 7.04(1)

Repeal the subregulation, substitute:

- (1) This regulation applies to a person if:
- (a) on or after the commencement of this regulation, the person is specified as a person in a category (the *new category*) mentioned in an item of the table; and
 - (b) during the grace period for the person in respect of the new category, the person has in the person’s possession, custody or control water information in a subcategory that:
 - (i) is specified in the item; and
 - (ii) has been entered into a data management system.

Item	Category of persons	Subcategories of water information
1	A and B	1a, 1b, 2a, 2b, 3e, 3f, 4a to 4j, 6a to 6g, 8a and 9a to 9h
2	C	1a, 1b, 3a to 3da, 3f and 4a to 4j
3	D	3a to 3da and 3f
4	E	6b to 6d
5	F	1a, 1b, 2a, 2b, 3e, 3f, 4a to 4j, 8a and 9a to 9h
6	G	1a, 1b, 2a, 2b, 4a to 4j, 9a to 9g and 9h
7	L	1a, 1b, 2a, 2b, 3e, 3f, 4a to 4j, 8a and 9a to 9h

- (1A) The *grace period* for the person in respect of the new category is the period:
- (a) beginning on the day the person is specified in the new category; and
 - (b) ending 3 months after that day.

- (1B) However, subregulation (1) does not apply to a subcategory of water information if, immediately before the grace period for the person in respect of the new category, the person:
- (a) was specified as a person in another category; and
 - (b) was required to give water information in that subcategory as a result of being specified as a person in the other category.

13 Regulation 7.05

Repeal the regulation, substitute:

7.05 Initial obligation to give category 5 and category 7 water information

- (1) This regulation applies to a person if:
- (a) the person starts (at the *start time*) in a particular year (the *initial year*) to be specified in a category of persons that is required to give water information in category 5 or category 7 (the *new category*); and
 - (b) immediately before the start time, the person was not required to give water information in the new category; and
 - (c) the person has in the person's possession, custody or control water information in the new category that relates to the initial year (whether the information relates to times before or after the start time); and
 - (d) that information has been entered into a data management system:
 - (i) during the initial year (whether before or after the start time); or
 - (ii) during the period beginning on the day after the end of the initial year and ending at the time the information is to be given to the Bureau.

Note 1: References to a year in these Regulations are to a financial year, starting on 1 July. See regulation 1.04 and the definition of *financial year* in section 2B of the *Acts Interpretation Act 1901*, as applied by section 13 of the *Legislation Act 2003*.

Note 2: Water information in category 5 and category 7 is required to be given yearly (see regulation 7.06 and the relevant Parts of Schedule 2).

When category 5 and category 7 water information for the initial year is to be given

- (2) The person must give a copy of the water information to the Bureau, in the next year following the initial year, by the time provided under subregulation 7.07(2) in relation to persons in that category for that water information.

How water information is to be given

- (3) A person must give a copy of water information under this regulation to the Bureau:
- (a) in a form approved by the Director of Meteorology for this subregulation; and
 - (b) for water information in category 5—by way of the internet, including by email or a database application; and
 - (c) for water information in category 7—by way of the internet using a database application.

14 Subregulation 7.06(1)

Repeal the subregulation, substitute:

- (1) This regulation applies to a person in relation to water information if:
- (a) a Part of Schedule 2 applies to the person; and
 - (b) neither regulation 7.04 or 7.05 apply in relation to the water information.

15 Paragraph 7.06(2)(b)

Omit "and".

16 Paragraph 7.06(2)(c)

Repeal the paragraph.

17 Subregulation 7.06(4)

Repeal the subregulation, substitute:

Amended information

- (4) If a person amends water information that is entered into a data management system and given to the Bureau under this regulation or regulation 7.05, the person must give a copy of the amended information to the Bureau:
- (a) if the person is in category L and the information is in Category 7—within 1 month after the time (the *amendment time*) the amendment of the water information is entered into the system; or
 - (b) in any other case—within the time that would be specified for the water information in the item in the Part of Schedule 2 that applies to the person if the water information, as amended, were entered into the system at the amendment time.

Note: See also regulation 7.07 for the time when water information must be given to the Bureau.

18 Paragraph 7.06(5)(b)

Repeal the paragraph, substitute:

- (b) for water information in category 5—by way of the internet, including by email or a database application; and
- (c) for water information in category 7—by way of the internet using a database application; and
- (d) for water information in any other category—by way of the internet using FTP or web services.

19 Subregulation 7.06(8)

Repeal the subregulation.

20 Before subregulation 7.07(1)

Insert:

Non-yearly requirements

21 Subregulations 7.07(2) and (3)

Repeal the subregulations, substitute:

Yearly requirements

- (2) The following table applies if:
- (a) the time for giving particular water information is yearly; and
 - (b) for a person in Category K—the water information the person is required to give was entered into a data management system before the time the information is to be given to the Bureau in relation to a particular year; and
 - (c) for a person in any other category—the water information the person is required to give in relation to a particular year was entered into a data management system:

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- (i) during the particular year; or
- (ii) during the period beginning on the day after the end of the particular year and ending at the time the information is to be given to the Bureau.

Yearly requirements		
Item	If the person is in this category ...	the person must give the water information to the Bureau by the following time in the next year following the particular year ...
1	A	(a) for category 5 water information—the end of 31 October; (b) for any other water information—midday on 20 July.
2	B, C or D	midday on 20 July.
3	E	the end of 31 October.
4	F	(a) for category 7 water information—the end of 31 October; (b) for any other water information—the end of 31 August.
5	G	midday on 20 July.
6	K	the end of 30 September.
7	L	(a) for category 7 water information—the end of 31 October; (b) for any other water information—the end of 31 August.
8	M	the end of 31 October.

Note: References to a year in these Regulations are to a financial year, starting on 1 July. See regulation 1.04 and the definition of *financial year* in section 2B of the *Acts Interpretation Act 1901*, as applied by section 13 of the *Legislation Act 2003*.

22 Subregulations 7.09(3) and (4)

Repeal the subregulations.

23 Subregulation 7.11(1)

Repeal the subregulation, substitute:

- (1) If a person gives a copy of water information to the Bureau under this Division, the person must, at the same time, also give to the Bureau a copy of the metadata and contextual information that relates to the water information being given, in accordance with:
 - (a) for category 7 water information—the document titled *Urban Water Management Information Requirements* (see regulation 1.06); or
 - (b) for any other water information—the document titled *Metadata and contextual information requirements* (see regulation 1.06).

24 At the end of Part 11

Add:

Division 11.3—Amendments made by the Water Amendment (Water Information) Regulations 2017

11.03 Amendments made by the *Water Amendment (Water Information) Regulations 2017*

The amendments made by the *Water Amendment (Water Information) Regulations 2017* in relation to water information in category 5 or category 7 apply in relation to any such information that relates to the year starting on 1 July 2016 and later years.

25 Part 1 of Schedule 2

Repeal the Part, substitute:

Part 1—Category A persons

Item	Subcategories of water information	Time
1	1a, 1b, 3e, 4a, 4b, 4c, 4d, 4e, 4f, 4g, 4h, 4i, 4j, 9a	Daily
2	6b, 6c	Weekly
3	2a, 2b	Calendar monthly
4	3f, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 6a, 6e, 6f, 6g, 9b, 9c, 9d, 9e, 9f, 9g, 9ga, 9h	Yearly
5	6d, 8a	When the announcement is made

Part 1A—Category B persons

Item	Subcategories of water information	Time
1	1a, 1b, 3e, 4a, 4b, 4c, 4d, 4e, 4f, 4g, 4h, 4i, 4j, 9a	Daily
2	6b, 6c	Weekly
3	2a, 2b	Calendar monthly
4	3f, 6a, 6e, 6f, 6g, 9b, 9c, 9d, 9e, 9f, 9g, 9ga, 9h	Yearly
5	6d, 8a	When the announcement is made

26 Part 4 of Schedule 2 (table item 2)

Repeal the item, substitute:

2	5b, 5c, 5d, 5e	Yearly
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27 Part 5 of Schedule 2 (table item 3)

Repeal the item, substitute:

3	3f, 7a, 7b, 7c, 7d, 9b, 9c, 9d, 9e, 9f, 9g, 9ga, 9h	Yearly
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28 Part 6 of Schedule 2 (table item 3)

Omit “2c”.

29 At the end of Schedule 2

Add:

Part 10—Category L persons

Item	Subcategories of water information	Time
1	1a, 1b, 3e, 4a, 4b, 4c, 4d, 4e, 4f, 4g, 4h, 4i, 4j, 9a	Daily
2	2a, 2b	Calendar monthly
3	3f, 7a, 7b, 7c, 7d, 9b, 9c, 9d, 9e, 9f, 9g, 9ga, 9h	Yearly
4	8a	When the announcement is made

Part 11—Category M persons

Item	Subcategories of water information	Time
1	7a, 7b, 7c, 7d	Yearly

30 Part 1 of Schedule 3

Repeal the following definitions:

- (a) definition of *commercial water*;
- (b) definition of *industrial water*;
- (c) definition of *managed aquifer recharge*;
- (d) definition of *municipal water*;
- (e) definition of *non-potable water*;
- (f) definition of *potable water*;
- (g) definition of *raw water*;
- (h) definition of *recycled water*;
- (i) definition of *residential water*;
- (j) definition of *sewer mining*;
- (k) definition of *trade waste sewage*.

31 Part 1 of Schedule 3

Insert:

urban recycled water information means information about the treatment and reuse of urban wastewater.

32 Part 1 of Schedule 3 (definition of *urban stormwater*)

Repeal the definition.

33 Part 1 of Schedule 3

Insert:

urban stormwater information means information about water in the urban stormwater drainage system.

34 Part 1 of Schedule 3

Repeal the following definitions:

- (a) definition of *urban stormwater reuse*;
- (b) definition of *urban water*.

35 Part 1 of Schedule 3

Insert:

urban wastewater information means information about wastewater that is disposed of through a sewerage system.

urban water supply information means information about water supplied by urban water utilities.

36 Part 1 of Schedule 3 (definition of *water management area*)

Repeal the definition, substitute:

water management area means an area (however described) used by an agency of the Commonwealth or an agency of a State for the purposes of managing surface water or ground water.

Note: The following are examples of water management areas:

- (a) river basins;
- (b) catchments;
- (c) aquifers;
- (d) water sources;
- (e) sustainable diversion limit resource units.

37 Part 3 of Schedule 3 (table item 2c)

Repeal the item.

38 Part 6 of Schedule 3

Repeal the Part, substitute:

Part 6—Subcategories in category 5—water use information

Subcategory number	Description of subcategory information
5a	Total volume of surface water take in each water management area, expressed in megalitres
5b	Volume of surface water take for irrigation networks in each water management area, expressed in megalitres
5c	Volume of surface water returned from irrigation networks to a watercourse in each water management area, expressed in megalitres
5d	Volume of surface water take (excluding take for irrigation networks) in each

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Subcategory number	Description of subcategory information
	water management area, expressed in megalitres
5e	Volume of water delivered to a surface water resource through inter-basin transfer (excluding transfers relating to water trades) in each water management area, expressed in megalitres
5f	Volume of ground water extracted under each ground water licence, expressed in megalitres
5g	Volume of ground water extracted in each water management area, otherwise than under a ground water licence, expressed in megalitres
5h	Volume of water delivered to a ground water resource for aquifer replenishment in each water management area, expressed in megalitres

Note: For the definition of *irrigation network*, see section 7 of the Act.

39 Part 8 of Schedule 3

Repeal the Part, substitute:

Part 8—Subcategories in category 7—information about urban water management

Subcategory number	Description of subcategory information
7a	Urban water supply information, provided as volumes and expressed in megalitres, of a kind specified for the purposes of this item in the document titled <i>Urban Water Management Information Requirements</i> (see regulation 1.06).
7b	Urban wastewater information, provided as volumes and expressed in megalitres, of a kind specified for the purposes of this item in the document titled <i>Urban Water Management Information Requirements</i> (see regulation 1.06).
7c	Urban recycled water information, provided as volumes and expressed in megalitres, of a kind specified for the purposes of this item in the document titled <i>Urban Water Management Information Requirements</i> (see regulation 1.06).
7d	Urban stormwater information, provided as volumes and expressed in megalitres, of a kind specified for the purposes of this item in the document titled <i>Urban Water Management Information Requirements</i> (see regulation 1.06).

Part 2—Other amendments

Water Regulations 2008

40 Subregulation 1.03(1) (definitions of *Category A person*, *Category B person*, *Category C person*, *Category D person*, *Category E person*, *Category F person*, *Category G person*, *Category H person* and *Category K person*)

After “*Persons*” (second occurring), insert “(see regulation 1.06)”.

41 Paragraphs 7.04(3)(b) and 7.06(3)(b)

After “*Sites*”, insert “(see regulation 1.06)”.