

# **Water (General) Regulations 2021**

## **Statement of Reasons**

### **Introduction**

On 10 December 2020, the Department of Environment, Land, Water and Planning (DELWP) released a Regulatory Impact Statement (RIS) to facilitate public consultation on the proposed Water (General) Regulations 2021 (the proposed Regulations). The public submission period closed on 14 January 2021.

One anonymous submission was received on the proposed Regulations and the RIS, as set out in the Table below:

<b>Public consultation questions: by sub-Regulation</b>	<b>Comment Received (1 respondent replied to all questions)</b>	<b>Response</b>
<b>Register of Interests</b>		
These Regulations assist with compliance and promote good governance of water corporations and other water entities. Do you have any comment on Form 1 and Form 2 of Schedule 1 of the proposed Water (General) Regulations?	We can confirm that the removal of the witness requirement from the forms has provided for a more efficient process for board members and nominated senior officers to complete their disclosures.	Noted – no change
<b>Easements and Reserves</b>		
Please comment on whether the rights set out in these Regulations are clear and reasonable.	Yes we consider the rights set out in these Regulations are clear and reasonable.	Noted-no change
<b>Long Service Leave</b>		
Are the long service leave arrangements for water corporation employees consistent with community expectations? Please comment on any particular provisions that could be changed.	The proposed Regulations are important to retain as they will continue to provide certainty and clarity with regard to the application and management of long service leave. The proposed changes outlined appear reasonable and would not appear to be out of step with community expectations.	Noted-no change
<b>Notice of Disposition of Land</b>		
Schedule 2 (Form 1, Item 2) of the proposed Regulations refers to 'transfer' only; however, Item 16 of current Regulations refers to both 'possession' and 'transfer'. Is 'possession' required and, if so, what sort of situation does it refer to?	We consider that Possession may be useful. It could relate to a tenancy arrangement or an early possession by the purchaser.	Noted - adopted  "Possession" will be retained in item 17 of Form 4, Schedule 1 of the proposed Regulations
Should the scope of the Notice of Disposition be expanded to include property serviced by agreement (i.e. where the tariffs are not based on section 259 of the Act, but arise from other	Yes, we think that the scope should be expanded, as this is a property serviced by the water corporation.	Noted - no Change  Feedback from targeted consultation with the Water sector advised that respondents did not believe

provisions such as section 124(7))?		that it was necessary to expand the scope of the Notice of Disposition as the information in question is already available to Water Corporations through existing processes.
Would this add cost to the conveyancing process? How much (approximately) per transaction?	We do not consider that this would significantly increase costs	Noted – no change
Should the scope of the Notice of Disposition be expanded for properties that may not be customers of the relevant water corporation but for which water corporation infrastructure runs through the land?	Yes. This would be very advantageous to ensure that the water corporation has the details of the landowners that its infrastructure impacts.	Noted – no change  During targeted consultation with the Water sector, respondents did not agree that it was necessary to expand the scope and a number advised that this information is already available to Water Corporations and it may not be easily available to subsequent land-owners who purchase the property after the infrastructure is installed.
Would this add cost to the conveyancing process? How much (approximately) per transaction?	This would increase the cost by the cost of an information statement, we estimate at around \$100 per transaction. However, as this is an encumbrance an information statement may likely be already ordered.	Noted – no change  An increase in costs of around \$100 per transaction would be potentially significant if it is passed on to the community
Is there anything else you would like comment on?	A notice of acquisition is the preferred document as this provides the true information regarding the incoming purchaser who is the water corporation’s future customer.	Noted- no change  This proposal is out of scope and would require amendments to the Water Act 1989. Such amendments should be considered when the Act is next reviewed as currently it is common practice for Notices of Acquisition to be forwarded to Water Corporations.