UNIT CONVENOR AND LECTURER:
Associate Professor Alex Gardner
Telephone: (08) 6488 2483   Facsimile: (08) 6488 1045
Email address: agardner@law.uwa.edu.au
Consultation: During intensive class period or at any other time by email, phone or fax.

AIMS AND OBJECTIVES:
Water is a vital resource for Australian industry and the environment. The Australian law of terrestrial water resources management was founded on the often unsuitable common law principles inherited from England. It has undergone two major transitions through State legislative reforms; the first at the end of the nineteenth century and the second in the past ten years through the ongoing implementation of national water reform policy agreed by the Council of Australian Governments (“CoAG”). The initial policy agreement, the 1994 Water Reform Framework Agreement, was followed in June 2004 by the “National Water Initiative”, which the Western Australian Government signed up to in April 2006. In 2007, Prime Minister Howard’s National Water Security Plan led to the enactment of the Water Act 2007 (Cth), the first significant Commonwealth water resources legislation with substantive effect.

Although water resources law is largely State based, there are common streams of legal principle that flow through the various legal regimes. The objectives of this unit are:

- To explain the main legal principles governing the management of water resources;
- To ascertain the legal effect of the national water policy reforms agreed by CoAG and the Water Act 2007 (Cth); and
- To familiarize candidates with the principal legal and policy materials applied in the management of water resources.

UNIT CONTENT:
The unit will be taught principally in a workshop of six half-day sessions on the following topics:

1. The Institutional Framework of water resources management, including the national water policy reforms of the Council of Australian Governments, key constitutional principles and administrative agencies, and the objectives of water resources management;
2. Property Rights to Water, including the historical basis in the common law and current statutory public and private rights to the use and flow and control of surface and ground water;
3. Water Allocation Planning, including allocation of environmental water provisions;
4. Administration of statutory water entitlements, including transfer of entitlements;
5. Catchment management, including the National Water Quality Management Strategy, and State and Commonwealth policy and statutory bases of catchment management for the conservation of water resources and protection of water quality; and

6. Public Water Supply, including service licences, common law liabilities, and the statutory framework for managing public water supply source areas

**METHOD OF TEACHING:**

The course will mainly be taught using a combination of interactive lecturing and seminar discussion conducted at a workshop to be held from Wednesday 18th to Friday 20th June. Candidates will be expected to have read a good selection of the reading materials and be willing to participate in seminar discussion.

The workshop will be attended by non-degree registrants from the public and private sectors, both lawyers and non-lawyers. Details about the workshop can be obtained from the website of the Centre for Mining, Energy and Natural Resources Law: [http://www.cmenrl.law.uwa.edu.au/welcome/water_resources_law](http://www.cmenrl.law.uwa.edu.au/welcome/water_resources_law).

Degree candidates are automatically registered for the workshop by enrolment in this unit.

**Assessment:**

There are two assessment exercises proposed for the unit.

1. Each candidate must prepare, before the workshop, two essays of 1,000 words each: worth 10% each. Candidates should choose their two essay topics from the questions listed for each session in the Unit Synopsis, when that becomes available on 28th April. The two assignments should be submitted to the WebCT assignment tool for this unit.

2. Also, each candidate will be required to complete a maximum 5,000 word essay on a prescribed topic or topic submitted by the student and approved by the lecturer: worth 80%. Details below.

**Type:** Essay

**Topic:** A prescribed topic or topic to be submitted by the student and approved by the lecturer. *This should be negotiated with the lecturer before or shortly after the conclusion of the workshop.*

**Word Length:** Max. 5,000 words

**Due Date:** Friday 1st August, 5:00pm, submitted to the WebCT assignment tool for this unit.

**Extension of time to submit:** By agreement with course co-ordinator for sufficient cause, eg, illness or other circumstances which would justify a special examination under the Faculty's usual procedures.

I will also discuss with students whether you would like to vary this assessment by having a seminar in mid-July to make presentations on your essay topics. The seminar would be a good opportunity to test your ideas before finalising your essays. The presentations could be made assessable, say 10%, which would lead to the final essay being worth 70%.

Associate Professor Alex Gardner, 19 March 2008