

c2026-006C
OPP--Opposition

LEGISLATIVE COUNCIL

Water Management Amendment (Easements for Inundation) Bill 2025

First print

Proposed amendment

No. 1 **Deeds of release for inundation**

Page 3, Schedule 1, line 3. Insert before line 3—

[1A] Section 399AA

Insert after section 399—

399AA Deeds of release for inundation for environmental purposes

- (1) This section applies despite another provision of this Act or another Act.
- (2) A relevant authority must not acquire land, including an easement, by compulsory process in relation to the inundation of land for or in connection with an environmental purpose.
- (3) An inundation easement must not be created over land unless the owner and occupier of the land agree to the easement after having been offered a deed of release that—
 - (a) is offered by a relevant authority, and
 - (b) is in relation to the inundation for which the inundation easement is to be created.
- (4) A deed of release offered by a relevant authority for the purposes of this section must be negotiated in good faith by the relevant authority.
- (5) The deed of release offered must specify the following—
 - (a) the extent of inundation to the land,
 - (b) the compensation for the inundation,
 - (c) the circumstances in which the owner or occupier of the land must be notified of releases of water from water supply works for the inundation,
 - (d) the circumstances in which the agreement may be renegotiated,
 - (e) the process for resolving disputes.
- (6) An owner or occupier of land may apply to the Land and Environment Court for an order—
 - (a) directing a relevant authority to negotiate in good faith a deed of release offered for the purposes of this section, or

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- (b) enforcing a deed of release made for the purposes of this section.
- (7) In addition to the orders referred to in subsection (6), the Court may make other orders the Court considers appropriate in the circumstances.

(8) In this section—

inundation easement means an easement created in favour of, or assured to, a river operator that is for or incidental to the inundation of land and the inundation is for or in connection with an environmental purpose.

relevant authority means the following—

- (a) the Minister,
- (b) the Ministerial Corporation,
- (c) a river operator.

river operator has the same meaning as in section 399C.