

Title: Water Regulation: The Laws of Australia
Author: Juliet Lucy BA (Hons), LLB (Hons), and PhD (Syd)
ISBN: 9780455 226248
Binding: Softcover
Pages: 254
Price: \$129.00

Book Review:

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Thompson Reuters has provided the water industry with a valuable legal reference work at a reasonable price by publishing Dr Juliet Lucy's *Water Regulation: The Laws of Australia*.

Dr Lucy is a Solicitor in the Crown Solicitor's Office of New South Wales and an Honorary Research Adviser at the University of Queensland.

In this work, Dr Lucy has undertaken a task of daunting proportions. The book aims to bridge the gap between the volume of water law which has been produced in the last decade and the resources available to help legal practitioners and lay people alike to find their way through the regulatory maze that has been created across the nation.

The material published in *Water Regulation: The Laws of Australia* is part of a much larger work, an encyclopaedia of *The Laws of Australia*. A commentary on water law was first included in the Encyclopaedia in 1995 and that commentary has now been updated by Dr Lucy to include developments to 1 September 2008.

Of the thirty-six Titles which make up the Encyclopaedia, Dr Lucy's book reproduces one of 13 Subtitles of Title 14. *Water Regulation: The Laws of Australia* is Subtitle 14.9. Numbered paragraphs in the text provide information on legal principles which form the basis of water regulation for each of the States and Territories in Australia. References to legislation and leading case law relating to the legal principles are given in footnotes to the numbered paragraphs. Dr Lucy addresses the entry of the Commonwealth into the regulatory fray, in particular through the introduction of the *Water Act 2007* (Cth) and the *Intergovernmental Agreement on Murray-Darling Basin Reform*.

The substance of the book is set out in eight parts covering four broad themes. The first three sections deal with the contextual, constitutional and institutional framework which supports water regulation in Australia. Two sections set out detailed provisions in the various jurisdictions relating to access to, and management of, water resources – who has the right to the control, use and flow of water and how those rights are exercised. The creation and regulation of rights to access and use water under the licensing provisions of the legislation, and the preservation and exercise of certain special individual and community rights to water, are covered in two sections. Finally, the book explores the

ways in which water rights may be infringed, and what remedies might be available for an infringement. The mechanisms by which transparency of process and accountability of resource managers can be guaranteed are also explored.

A User's Guide at the front of the book ensures effective navigation of the text and intelligent use of the Table of Contents for the book and the Table of Contents for the commentary. There is also a comprehensive Index at the end of the publication. However, it is somewhat disheartening to be told at the outset that the work actually cross-references to the content of other Subtitles of the Encyclopaedia in an endeavour to guide us to 'related areas of law in the entire encyclopaedic work.' Unfortunately, access to the entire encyclopaedic work is not included in the purchase price of the book.

Water Regulation: The Laws of Australia is not holiday reading for everyone, nor is it an easy reference guide for all users. The 'soft law' developing in relation to the water industry, the guidelines, policy statements and plans which are becoming increasingly persuasive in the management and use of the 'new' water resources through the processes of desalination and recycling, is not dealt with. Nor is the book a quick 'how to' guide to navigate the intricate approvals processes in place to regulate activities in the water sector in each Australian jurisdiction.

Nevertheless, the book is a must as a reference for members of the legal profession and would be a valuable addition to corporate libraries in the water sector. It could be very useful for those working in and about the water industry. Sadly its sales may be limited by the fact that it is already available for those who have access to the complete Encyclopaedia, either in hard copy or on-line. In addition, Dr Lucy does not have the field entirely to herself. *Halsbury's Laws of Australia* published by Butterworths includes in its Title 440 a not dissimilar discourse on water law, again as part of an encyclopaedic whole, although not as a discrete publication.

Water Regulation: The Laws of Australia stands alone as a valuable contribution to the evolving legal literature relating to the complex mechanisms of water regulation in Australia.

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