



The Law
Society
OF TASMANIA

Book Review

Australian Water Law
Stoeckel, Webb, Woodward and Hankinson
Thomson Reuters
610 pp \$190.00
Reviewed by Tim Tierney

*I love a sunburnt Country,
a land of sweeping plains,
of rugged mountain ranges,
of droughts and flooding rains.*

This new book of 610 pages begins with a short history of water policy before moving on to the development of the jurisprudence of Water Law in Australia.

The following chapters are structured with brief overviews, followed by a State by State analysis of the Law on:

- Water planning and management
- Rights to access and use
- Water markets dealing and trading in Water Rights
- Community water and sewerage infrastructure and services
- Access and competition
- Environmental water protection
- Water quality

Most of the text is a separate discussion of the law in the various jurisdictions. The descriptions of the laws of each State are presented without comparison, criticism or evaluation.

Reflecting the law, most of the text is statute based. Relevant statutory definitions are usefully footnoted and footnoted definitions are repeated to save flicking back to earlier footnotes.

There is significant attention to policy. The discussion of Tasmania's water planning for instance is set in the context of an explanation of the broader Resource Management and Planning System, including a statement of the principles of sustainable development and reference to the broader legislative framework implementing the Resource Management and Planning System.

The overviews which begin each chapter vary in length but are more than a mere introduction and address common concepts and National issues. They set the context across jurisdictions but without detailed comparisons, jurisdiction versus jurisdiction.

The statute based nature of the jurisprudence is exemplified in a 2 page table of cases and a 21 page table of statutes.

I found the writing style clear in expression, the book interesting and easy to read, although the topic is rather dry.

The breadth of coverage in addressing each of the Australian jurisdictions makes this book a good resource for practitioners dealing with multiple jurisdictions. Catchment management based water policy makes this critical on the mainland.

With so little interaction with the water law of other states, Tasmanian practitioners might divide the book into 8 jurisdictions and glibly conclude they are paying for something less than a 100 page summary of the Tasmanian legislation. That would be too harsh. "Australian Water Law" is a comprehensive overview and valuable introduction to Water Law across each of the Australian jurisdictions.