

IN THE MATTER OF a Board of Inquiry into the McCrae Landslide

STATEMENT OF SIMON WILKINSON

On behalf of Gippsland and Southern Rural Water Corporation

1. On 23 April 2025 Gippsland and Southern Rural Water Corporation (**SRW**) received correspondence from the Board of Inquiry into the McCrae Landslide (**Inquiry**) requesting a witness statement from SRW to describe the responsibilities, powers, duties and functions of SRW in relation to the prevention and management of landslides and landslips in Victoria.
2. I, Simon Wilkinson, General Manager Service Delivery at SRW make this statement on behalf of SRW in response to the request made by the Inquiry. I make it having regard to my knowledge and expertise acquired in my role managing the delivery of services to customers and as a member of the SRW executive team.

Water Act 1989 (Vic) generally

3. The *Water Act 1989* (Vic) (**Water Act**) sets out the fundamental framework for water resource management in Victoria. The Water Act sets out to provide for integrated management of water resources (surface water and groundwater) and it covers all the functions of authorities: water supply, sewerage, regional drainage, floodplain management, waterway management and irrigation.
4. Part 6 of the Water Act establishes water corporations, with Division 2 of Part 6 conferring functions, powers and duties of water corporations:

Functions, powers and duties of water corporations

- (1) Each water corporation has the functions, powers and duties conferred on it by or under this or any other Act.
- (2) In addition to any other functions conferred on a water corporation by or under this or any other Act, a water corporation has the functions of—
 - (a) investigating, promoting and conducting research into any matter relating to its other functions, its powers and its duties; and
 - (b) educating the community about its functions.
5. Part 7 of the Water Act confers general powers. Specifically, section 123 provides that a water corporation may do all things that are necessary or convenient to be done for or in



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connection with, or as incidental to, the performance of its functions, including any function delegated to it.

6. Water corporations are further conferred functions under the Water Act as are relevant to each water corporation. For example, the Water Act confers functions to manage a water supply district (Part 8), a sewerage district (Part 9), a waterway management district (Part 10) and an irrigation district (Part 11), where a water corporation has that district.
7. There are no express responsibilities, powers, duties nor functions in the Water Act in relation to the prevention and management of landslides and landslips. There are also no relevant regulations.
8. All water corporations are required to follow the Statement of Obligations, as issued by the responsible minister under the *Water Industry Act 1994* (Vic). Statements of Obligations inform strategic goals and policy development, outline pricing submissions and procedures, responsibilities of the Board, customer communications and access to information, community engagement and education, risk management, dam safety, blue green algae management and responses, water services standards and operations, and compliance management. As of 2024, the most recent statement was issued 20 December 2015. An additional Statement of Obligations for Emissions Reduction was issued 23 May 2022 giving corporations a target of net-zero reportable emissions by 2035.

Gippsland and Southern Rural Water Corporation (SRW)

9. SRW is a 'rural water corporation' established under section 85 of the Water Act. At the time of constitution in 1994, all functions, land, liabilities, obligations, powers, property, rights, and employees of the predecessor Rural Water Corporation became the responsibility of the new SRW.
10. Further to the Part 6 and 7 general functions, powers and duties of water corporations in the Water Act, as a rural water corporation, SRW is also responsible for managing irrigation districts, licencing surface water, groundwater and dams, and managing the bulk entitlements for environmental water, power generation companies and the raw water for some regional and urban water corporations to treat for drinking water.
11. SRW manages a service area south of the great dividing range that extends from South Australia border to the New South Wales border. This service area includes McCrae. As noted above, the functions, powers and duties of water corporations in the Water Act vary based on geographical area, depending upon whether an area forms part of a 'district', enlivening the relevant functions, powers and duties associated with that district.



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SRW and McCrae

12. The area of McCrae is *not* part of a water supply district (Part 8) or an irrigation district (Part 11). Within the McCrae area, SRW is responsible for the management of groundwater and for the licenced extraction of surface water from unregulated waterways as well as the management of dams.
13. Groundwater in Victoria is managed geographically through a number of Groundwater Management Units (which can be either Water Supply Protection Areas or Groundwater Management Areas, or where there is very little water extraction which aligns with poor yield or quality, an unincorporated area). The groundwater resources, being aquifers and aquitards, supply water for licensed use and for domestic and stock use. Groundwater Management Units have permissible consumptive volumes, which are caps set by the Minister for Water, being the maximum volume of water that can be licensed for use in an area over a specific time period. Groundwater Management Units, for this reason, will usually have a local management plan which sets out the permissible consumptive volumes, and the rules relating to water entitlements, restrictions, trading, licences, and metering.
14. Groundwater is managed by a licensing framework. Licences are required to drill bores (section 67) and to take and use the water (section 51), except for stock and domestic use which is a legislated private right under section 8 of the Water Act. Licences have fixed annual volumes, and where they are located within a Groundwater Management Unit, must fit within the permissible consumptive volume of that unit.
15. SRW holds a number of specific functions in relation to the management of groundwater as detailed above including:
 - 15.1.1 issuing works licences (bore construction);
 - 15.1.2 issuing new 'take and use' licences;
 - 15.1.3 temporary transfer of a licence (trading);
 - 15.1.4 permanent transfer of a licence (trading);
 - 15.1.5 amendment, surrender or amalgamation of a licence;
 - 15.1.6 approval to dispose of matter underground;
 - 15.1.7 setting allocation caps; and
 - 15.1.8 setting trading rules and other restrictions on the 'take and use' of groundwater.



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16. SRW's role is to assess licence applications, issue licences where appropriate, and undertake compliance activities to ensure licences are being complied with and are in line with any relevant Groundwater Management Plans.
17. McCrae sits within the East Port Phillip Bay Groundwater Catchment area, which is managed by SRW. However, McCrae sits within an unincorporated area, not within a Water Supply Protection Area or Groundwater Management Area. As such, the groundwater management is of a more general nature and there are no specific management requirements or management plans for the area.
18. In relation to McCrae, SRW has not issued any licences for groundwater extraction in the immediate area of the landslide site. The closest licence issued by SRW is located at 721 Point Nepean Road, around 1 kilometre from the landslide site. That licence is a small volume licence allowing a daily max extraction rate of 0.180ML, and it is not metered.
19. There are a small number of monitoring bores not owned or managed by SRW located within the McCrae area. A review of our records indicates that a number of bores have been sunk following the date of the landslide at McCrae. These bores are located at 10 to 12 View Point Road, and were sunk between 25 and 27 February 2025. SRW has no management functions in relation to the bores. This is because there is no water take (as they are monitoring bores only).

Other matters

Ministerial policies

20. Ministerial Policies exist for managing take and use licences and works licences. Specifically, the *Policies for Managing Take and Use Licences* issued by the Minister for Water pursuant to the Water Act sets out requirements that SRW must follow when issuing take and use licences. Clause 9A of the Policies for Managing Take and Use Licences issued by the Minister for Water pursuant to the Water Act provides that a delegate, being SRW, may issue a licence to extract stormwater. Clause 18 of that policy provides that a delegate must require an irrigation and drainage plan to be prepared where an application is made for the issue or renewal or transfer of a licence. There is nothing in the policies that specify management of landslides or landslips.
21. These policies make reference to referral to external agencies that have ministerially delegated powers to comment and make submissions for SRW to consider in relation to licence applications. There is nothing in these policies that specifies management of landslides or landslips.



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Internal policies

22. SRW also has internal policies to support statutory functions and powers. SRW's responsibilities, powers, duties and functions in relation to McCrae are limited to those related to the management of groundwater, the licenced extraction of surface water from unregulated waterways and the management of dams. Accordingly, SRW has not been conferred specific responsibilities in relation to landslide management.
23. Noting the above, there are no policies of SRW that respond specifically to landslides and landslips. SRW has a general environmental policy. For completeness and to respond to the specific matters raised in the request, please note the following policies current as at the date of the statement.

Erosion Management

24. SRW has no specific erosion management policy.

Stormwater Management

25. SRW has no specific stormwater management policy.

Maintenance of infrastructure and assets

26. SRW does not have any assets located within the McCrae area.
27. Nonetheless, clause 7.1 Managing Assets of the of the Statement of Obligations (General) provides at 7-1.1 that SRW must develop and implement plans, systems and processes to manage its assets, having regard to the ISO 55000 series.
28. SRW's Asset Management policy came into effect on 3 December 2024. Generally, it provides that SRW will manage assets in accordance with objectives identified in its Strategic Asset Management Plan (SAMP) 2024.

Responding to complaints and concerns

29. SRW published its Customer Charter in July 2023, which sets out a complaint management procedure. Clause 12 of the Customer Charter deals with complaints and disputes. Clause 12.2 sets out a dispute resolution mechanism. There is no mention of landslides or landslips.
30. SRW has not received any complaints from the community in McCrae.



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Risk assessments

31. Clause 5-1.1 of the Statement of Obligations (General) requires SRW to develop and implement plans, systems and processes having regard to ISO 31000 Risk Management.
32. To this end, SRW developed its Risk Management Policy, which came into effect from 7 February 2018. The Risk Management Policy does not specifically refer to landslides and landslips.
33. Clause 5-1 of the Statement of Obligations (General) requires SRW to develop an emergency management plan for incidents and emergencies. There are several examples given. Landslips or landslides are not specified.

Dated: 1 May 2025

Personal Information

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 Southern Rural Water Corporation