

Water Amendment (Interactions with State Laws) Regulation 2014 (No. 1)

Select Legislative Instrument No. 97, 2014

I, General the Honourable Sir Peter Cosgrove AK MC (Ret’d), Governor‑General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation.

Dated 26 June 2014

Peter Cosgrove

Governor‑General

By His Excellency’s Command

Simon Birmingham

Parliamentary Secretary to the Minister for the Environment

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1 Name of regulation

 This regulation is the *Water Amendment (Interactions with State Laws) Regulation 2014 (No. 1)*.

2 Commencement

 This regulation commences on the day after it is registered.

3 Authority

 This regulation is made under the *Water Act 2007.*

4 Schedule(s)

 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Water Regulations 2008

1 Part 2 of Schedule 4 (table items 121 and 123 to 125)

Repeal the items.

2 Before clause 1 of Part 1 of Schedule 5

Insert:

1AA New South Wales—State plans that prevail over Basin Plan

 The table in this clause specifies for regulation 11A.02:

 (a) each State plan in New South Wales that prevails over the Basin Plan; and

 (b) the water resource plan area for a State plan; and

 (c) the period, starting on the start day and ending on the end day, during which a State plan prevails over the Basin plan; and

 (d) the day a State plan is taken to have been accredited by the Minister.

| New South Wales—State plans that prevail over Basin Plan |
| --- |
|  | State plan | Water resource plan area | Start day | End day | Accreditation day |
| 1 | *Adelong Creek Water Source 2003 ‑ Water Sharing Plan* (New South Wales) | Murrumbidgee | The day the *Water Amendment (Interactions with State Laws) Regulation 2014 (No. 1)* commences | 30June 2015 | 1 January 2014 |
| 2 | *Castlereagh River above Binnaway Water Source 2003 ‑ Water Sharing Plan* (New South Wales) | Macquarie‑Castlereagh | 1 July 2014 | 30June 2015 | 1 January 2014 |
| 3 | *Gwydir Regulated River Water Source 2002 ‑ Water Sharing Plan* (New South Wales) | Gwydir | 1 July 2014 | 30June 2015 | 1 January 2014 |
| 4 | *Lachlan Regulated River Water Source 2003 ‑ Water Sharing Plan* (New South Wales) | Lachlan | 1 July 2014 | 30 June 2015 | 1 January 2014 |
| 5 | *Macquarie and Cudgegong Regulated Rivers Water Source 2003 ‑ Water Sharing Plan* (New South Wales) | Macquarie‑Castlereagh | 1 July 2014 | 30June 2015 | 1 January 2014 |
| 6 | *Mandagery Creek Water Source 2003 ‑ Water Sharing Plan* (New South Wales) | Lachlan | 1 July 2014 | 30June 2015 | 1 January 2014 |
| 7 | *Murrumbidgee Regulated River Water Source 2003 ‑ Water Sharing Plan* (New South Wales) | Murrumbidgee | The day the *Water Amendment (Interactions with State Laws) Regulation 2014 (No. 1)* commences | 30June 2015 | 1 July 2011 |
| 8 | *NSW Border Rivers Regulated River Water Source 2009 ‑ Water Sharing Plan* (New South Wales) | New South Wales Border Rivers | 1 January 2015 | 30June 2019 | 22 February 2013 |
| 9 | *New South Wales Murray and Lower Darling Regulated Rivers Water Sources 2003 ‑ Water Sharing Plan* (New South Wales) | New South Wales Murray and Lower Darling | 1 July 2014 | 30June 2015 | 1 January 2014 |
| 10 | *Phillips Creek, Mooki River, Quirindi Creek and Warrah Creek Water Sources 2003 ‑ Water Sharing Plan* (New South Wales) | Namoi | 1 July 2014 | 30June 2015 | 1 January 2014 |
| 11 | *Rocky Creek, Coobbadah, Upper Horton and Lower Horton Water Source 2003 ‑ Water Sharing Plan* (New South Wales) | Gwydir | 1 July 2014 | 30June 2015 | 1 January 2014 |
| 12 | *Tarcutta Creek Water Source 2003 ‑ Water Sharing Plan* (New South Wales) | Murrumbidgee | 1 July 2014 | 30June 2015 | 1 January 2014 |
| 13 | *Tenterfield Creek Water Source 2003 ‑ Water Sharing Plan* (New South Wales) | New South Wales Border Rivers | 1 July 2014 | 30June 2015 | 1 January 2014 |
| 14 | *Upper Billabong Water Source 2003 ‑ Water Sharing Plan* (New South Wales) | Murrumbidgee | 1 July 2014 | 30June 2015 | 1 January 2014 |
| 15 | *Upper Namoi and Lower Namoi Regulated River Water Sources 2003 ‑ Water Sharing Plan* (New South Wales) | Namoi | 1 July 2014 | 30June 2015 | 1 January 2014 |

3 Paragraph 1(c) of Part 1 of Schedule 5

Repeal the paragraph, substitute:

 (c) the period, starting on the start day and ending on the end day, during which a State plan prevails over the Basin plan; and

4 Clause 1 of Part 1 of Schedule 5 (before table item 1)

Insert:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 1AA | *2013‑19 North Central Regional Catchment Strategy* (Victoria) | Northern Victoria and Victorian Murray | The day the *Water Amendment (Interactions with State Laws) Regulation 2014 (No. 1)* commences | 30 June 2019 | 16 May 2013 |

5 Clause 1 of Part 1 of Schedule 5 (after table item 2)

Insert:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 2A | *Bulk Entitlement (Goulburn Channel System—Coliban Water) Order 2012* (Victoria) | Northern Victoria | 12 July 2017 | 30 June 2019 | 12 July 2012 |
| 2B | *Bulk Entitlement (Goulburn Channel System—Goulburn Valley Water) Order 2012* (Victoria) | Northern Victoria | 12 July 2017 | 30 June 2019 | 12 July 2012 |
| 2C | *Bulk Entitlement (Goulburn River and Eildon—Goulburn Valley Water) Order 2012* (Victoria) | Northern Victoria | 12 July 2017 | 30 June 2019 | 12 July 2012 |
| 2D | *Bulk Entitlement (Goulburn System‑ City West Water) Order 2012* (Victoria) | Northern Victoria | 2 July 2017 | 30 June 2019 | 2 July 2012 |
| 2E | *Bulk Entitlement (Goulburn System‑South East Water) Order 2012* (Victoria) | Northern Victoria | 2 July 2017 | 30 June 2019 | 2 July 2012 |
| 2F | *Bulk Entitlement (Goulburn System—Yarra Valley Water) Order 2012* (Victoria) | Northern Victoria | 2 July 2017 | 30 June 2019 | 2 July 2012 |

6 Clause 1 of Part 1 of Schedule 5 (after table item 3)

Insert:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 3A | *Bulk Entitlement (River Murray—City West Water) Order 2012* (Victoria) | Northern Victoria and Victorian Murray | 2 July 2017 | 30 June 2019 | 2 July 2012 |
| 3B | *Bulk Entitlement (River Murray—South East Water) Order 2012* (Victoria) | Northern Victoria and Victorian Murray | 2 July 2017 | 30 June 2019 | 2 July 2012 |
| 3C | *Bulk Entitlement (River Murray—Yarra Valley Water) Order 2012* (Victoria) | Northern Victoria and Victorian Murray | 2 July 2017 | 30 June 2019 | 2 July 2012 |
| 3D | *Bulk Entitlement (Strathbogie) Conversion Order 2012* (Victoria) | Northern Victoria | 3 May 2017 | 30 June 2019 | 3 May 2012 |
| 3E | *Bulk Entitlement (Trentham) Conversion Order 2012* (Victoria) | Northern Victoria | 5 April 2017 | 30 June 2019 | 5 April 2012 |
| 3F | *Bulk Entitlement (Willaura Elmhurst and Buangor Systems—GWM Water) Conversion Order 2012* (Victoria) | Wimmera‑Mallee (surface water) | 3 May 2017 | 30 June 2018 | 3 May 2012 |
| 3G | *Bulk Entitlement (Willaura system—Wannon Water) Conversion Order 2012* (Victoria) | Wimmera‑Mallee (surface water) | 3 May 2017 | 30 June 2018 | 3 May 2012 |

7 Clause 1 of Part 1 of Schedule 5 (after table item 6)

Insert:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 6A | *Carryover Declaration for Loddon Highlands Water Supply Protection Area 2012* (Victoria) | Goulburn‑Murray | 21 November 2017 | 30 June 2019 | 21 November 2012 |
| 6B | *Carryover Declaration for Lower Campaspe Valley Water Supply Protection Area 2012* (Victoria) | Goulburn‑Murray | 25 October 2017 | 30 June 2019 | 25 October 2012 |
| 6C | *Carryover Declaration for Mid‑Loddon Groundwater Management Area 2012* (Victoria) | Goulburn‑Murray | 22 March 2017 | 30 June 2019 | 22 March 2012 |

8 Clause 1 of Part 1 of Schedule 5 (after table item 10)

Insert:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 10A | *Declaration of Loddon Highlands Water Supply Protection Area (Groundwater) Order 2010* (Victoria) | Goulburn‑Murray | 8 July 2015 | 30 June 2019 | 8 July 2010 |
| 10B | *Determination of water use objectives* (Victoria) | All water resource plan areas in Victoria (surface water) | 31 December 2014 | 30 June 2019 | 20 June 2007 |
| 10C | *Directions on delivery entitlements* (Victoria) | All water resource plan areas in Victoria (surface water) | 31 December 2014 | 30 June 2019 | 20 June 2007 |

9 Clause 1 of Part 1 of Schedule 5 (after table item 13)

Insert:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 13A | *Environmental Entitlement (Goulburn System—NVIRP Stage 1) 2012* (Victoria) | Northern Victoria | 2 July 2017 | 30 June 2019 | 2 July 2012 |
| 13B | *Environmental Entitlement (River Murray—NVIRP Stage 1) 2012* (Victoria) | Northern Victoria | 2 July 2017 | 30 June 2019 | 2 July 2012 |
| 13C | *Goulburn Broken Regional Catchment Strategy 2013‑2019* (Victoria) | Northern Victoria and Victorian Murray | The day the *Water Amendment (Interactions with State Laws) Regulation 2014 (No. 1)* commences | 30 June 2019 | 16 May 2013 |
| 13D | *Goulburn Broken Regional River Health Strategy 2005‑2015* (Victoria) | Northern Victoria and Victorian Murray | 31 December 2015 | 30 June 2019 | 11 May 2012 |

10 Clause 1 of Part 1 of Schedule 5 (after table item 14)

Insert:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 14A | *Loddon Highlands Water Supply Protection Area Groundwater Management Plan* (Victoria) | Goulburn‑Murray | 21 November 2017 | 30June 2019 | 21 November 2012 |
| 14B | *Lower Campaspe Valley Water Supply Protection Area Groundwater Management Plan* (Victoria) | Goulburn‑Murray | 17 October 2017 | 30June 2019 | 17 October 2012 |
| 14C | *Lower Campaspe Valley Water Supply Protection Area (Groundwater) Order 2010* (Victoria) | Goulburn‑Murray | 1 July 2015 | 30June 2019 | 1 July 2010 |
| 14D | *Lower Ovens Groundwater Management Area Local Management Plan* (Victoria) | Goulburn‑Murray | 20 August 2017 | 30June 2019 | 20 August 2012 |
| 14E | *Mallee Regional Catchment Strategy 2013‑19* (Victoria) | Wimmera‑Mallee (surface water), Wimmera‑Mallee (groundwater) and Victorian Murray | The day the *Water Amendment (Interactions with State Laws) Regulation 2014 (No. 1)* commences | 30June 2019 | 16 May 2013 |
| 14F | *Manual for Victoria’s Salinity Accountability in the Murray‑Darling Basin* (Victoria) | All water resource plan areas in Victoria | 1 April 2016 | 30June 2019 | 1 April 2011 |
| 14G | *North East Regional Catchment Strategy* (Victoria) | Northern Victoria and Victorian Murray | The day the *Water Amendment (Interactions with State Laws) Regulation 2014 (No. 1)* commences | 30June 2019 | 16 May 2013 |
| 14H | *North East Sustainable Irrigation Action Plan* (Victoria) | Northern Victoria and Victorian Murray | 19 May 2015 | 30June 2019 | 19 May 2010 |

11 Clause 1 of Part 1 of Schedule 5 (after table item 17)

Insert:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 17A | *Policies for Managing Section 76 Approvals* (Victoria) | All water resource plan areas in Victoria | 21 September 2015 | 30 June 2019 | 27 August 2013 |
| 17B | *Policies for Managing Take and Use Licences* (Victoria) | All water resource plan areas in Victoria | 31 December 2014 | 30 June 2019 | 2 February 2014 |
| 17C | *Policies for Managing Works Licences* (Victoria) | All water resource plan areas in Victoria | 19 October 2015 | 30 June 2019 | 19 October 2010 |
| 17D | *Standard Water‑Use Conditions* (Victoria) | All water resource plan areas in Victoria (surface water) | 31 December 2014 | 30 June 2019 | 20 June 2007 |
| 17E | *Upper Ovens River Water Supply Protection Area Water Management Plan* (Victoria) | Goulburn‑Murray and Northern Victoria | 11 January 2017 | 30 June 2019 | 11 January 2012 |
| 17F | *Western Region Sustainable Water Strategy* (Victoria) | Wimmera‑Mallee (groundwater) and Wimmera‑Mallee (surface water) | 10 November 2016 | 30 June 2018 | 10 November 2011 |

12 After clause 1 of Part 1 of Schedule 5

Insert:

1A Queensland—State plans that prevail over Basin Plan

 The table in this clause specifies for regulation 11A.02:

 (a) each State plan in Queensland that prevails over the Basin Plan; and

 (b) the water resource plan area for a State plan; and

 (c) the period, starting on the start day and ending on the end day, during which a State plan prevails over the Basin plan; and

 (d) the day a State plan is taken to have been accredited by the Minister.

| Queensland—State plans that prevail over Basin Plan |
| --- |
|  | State plan | Water resource plan area | Start day | End day | Accreditation day |
| 1 | *Water Management Plan for the Upper Condamine Alluvium Sustainable Diversion Limit Area 2012*(Queensland) | Condamine‑Balonne | 10 August 2017 | 30 June 2019 | 10 August 2012 |
| 2 | *Water Resource (Border Rivers) Plan 2003* (Queensland) | Queensland Border Rivers | 1 September 2014 | 30 June 2019 | 27 September 2013 |
| 3 | *Water Resource (Condamine and Balonne) Plan 2004* (Queensland) | Condamine‑Balonne | 1 September 2014 | 30 June 2019 | 27 September 2013 |
| 4 | *Water Resource (Moonie) Plan 2003* (Queensland) | Moonie | 1 September 2014 | 30 June 2019 | 27 September 2013 |
| 5 | *Water Resource (Warrego, Paroo, Bulloo and Nebine) Plan 2003* (Queensland) | Warrego‑Paroo‑Nebine | 1 September 2014 | 30 June 2016 | 27 September 2013 |

13 Paragraph 2(c) of Part 1 of Schedule 5

Repeal the paragraph, substitute:

 (c) the period, starting on the start day and ending on the end day, during which a State plan prevails over the Basin plan; and

14 Clause 2 of Part 1 of Schedule 5 (before table item 1)

Insert:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 1AA | *Mallee Prescribed Wells Area Water Allocation Plan* (South Australia) | South Australian Murray Region | 2 May 2017 | 31 December 2017 | 2 May 2012 |

15 Clause 2 of Part 1 of Schedule 5 (table item 2)

Repeal the item, substitute:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 2 | *Peake, Roby and Sherlock Prescribed Wells Area Water Allocation Plan* (South Australia) | South Australian Murray Region | 2 March 2016 | 31December 2017 | 2 March 2011 |
| 2A | *Water Allocation Plan for the Eastern Mount Lofty Ranges* (South Australia) | Eastern Mount Lofty Ranges | The day the *Water Amendment (Interactions with State Laws) Regulation 2014 (No. 1)* commences | 30 June 2019 | 17December 2013 |