

Water Amendment (Interactions with Australian Capital Territory Water Resource Plans) Regulation 2014

Select Legislative Instrument No. 180, 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 27 November 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

 This is the *Water Amendment (Interactions with Australian Capital Territory Water Resource Plans) Regulation 2014*.

2 Commencement

 This instrument commences on 1 January 2015.

3 Authority

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

4 Schedules

 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 After regulation 2.01

Insert:

2.02 Effect of Basin Plan—exception for activities under Australian Capital Territory water resource plans

 (1) For section 38 of the Act, subsections 34(1) and 35(1) of the Act do not apply to an activity if:

 (a) the activity is undertaken in accordance with a provision (a ***relevant provision***) of an ACT interim water resource plan that, at the time the activity is undertaken, has not ceased to have effect; and

 (b) the relevant provision relates to:

 (i) surface water or ground water in a water resource plan area; and

 (ii) a matter referred to in subsection 22(1) of the Act, other than water trading rules; and

 (c) there is an inconsistency between the relevant provision and a provision of the Basin Plan.

 (2) In this regulation:

***ACT interim water resource plan*** means any of the following, as in force on the day this regulation commences:

 (a) the *Water Resources (Amounts of water reasonable for uses guidelines) Determination 2007 (No 1)* (ACT);

 (b) the *Water Resources (Water available from areas) Determination 2007 (No 1)* (ACT);

 (c) the *Water Resources (Water management areas) Determination 2007 (No 1)* (ACT)*.*

 (3) This regulation is repealed on 31 December 2015.