



Water Amendment (Murray-Darling Basin Agreement) Regulations 2017

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 regulations.

Dated 18 May 2017

Peter Cosgrove
Governor-General

By His Excellency's Command

Barnaby Joyce
Deputy Prime Minister and Minister for Agriculture and Water Resources

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1 Name

This instrument is the *Water Amendment (Murray-Darling Basin Agreement) Regulations 2017*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	23 May 2017

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

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

4 Repeal of this instrument

- (1) This instrument is repealed on the day after it commences.
- (2) The repeal of this instrument by subsection (1) does not affect any amendment or repeal (however described) made by this instrument.
- (3) Subsection (2) does not limit the effect of section 7 of the *Acts Interpretation Act 1901* as it applies to the repeal of this instrument.

5 Schedules

Legislation that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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—Amendment of the Murray-Darling Basin Agreement

Part 1—Corporate plans

Water Act 2007

1 Clause 2 of Schedule 1

Insert:

“**work plan**” means a work plan approved under clause 34A and includes any amendment to that plan approved under clause 35.

2 Paragraph 9(c) of Schedule 1

Omit “and budget, and”, substitute “, the annual work plan, and the”.

3 Paragraph 9(ca) of Schedule 1

After “annual corporate plan”, insert “or the annual work plan”.

4 After paragraph 29(2)(b) of Schedule 1

Insert:

(ba) the work plan;

5 Subclauses 34(1) and (2) of Schedule 1

Repeal the subclauses, substitute:

- (1) The Authority must prepare a draft corporate plan, by the date determined by the Ministerial Council, for each reporting period of the Authority under the *Public Governance, Performance and Accountability Act 2013* (Commonwealth).
- (2) The draft corporate plan must:
 - (a) state that it is prepared for the purposes of this Agreement; and
 - (b) subject to paragraph (a), include the same matters in relation to the Authority’s functions under this Agreement as are required to be included in the corporate plan for the Authority prepared for the purposes of section 35 of the *Public Governance, Performance and Accountability Act 2013* (Commonwealth) for the reporting period; and
 - (c) cover the same period as the corporate plan mentioned in paragraph (b) is required to cover.

Note—The corporate plan prepared for section 35 of the *Public Governance, Performance and Accountability Act 2013* (Commonwealth) covers all of the Authority’s functions, not just the Authority’s functions under this Agreement. The corporate plan prepared for this clause will be included in the corporate plan prepared for that section (see section 213A of the Water Act).

6 After clause 34 of Schedule 1

Insert:

34A. Annual work plan

- (1) The Authority must prepare a draft work plan, by the date determined by the Ministerial Council, for each reporting period of the Authority under the *Public Governance, Performance and Accountability Act 2013* (Commonwealth).
- (2) The draft work plan must:
 - (a) set out the Authority's activities relating to this Agreement for the next 4 years, including the activities through which the Authority intends to achieve the outcomes and objectives—
 - (i) set by the Ministerial Council; and
 - (ii) in respect of river operations, set by the Committee; and
 - (b) set out new capital works and operational and maintenance programs to be undertaken or required under Part VIII of this Agreement, including as may be required to implement the asset management plan; and
 - (c) include the budget for the activities, works and programs, which must be developed in accordance with clause 74.
- (3) The draft work plan may include any other matters relevant to the Authority's functions under this Agreement as the Authority sees fit.
- (4) The Authority must provide the draft work plan to the Committee.
- (5) After considering the draft work plan, the Committee must submit the draft plan, and the Committee's advice in relation to it, to the Ministerial Council.
- (6) After receiving the plan and the advice of the Committee, the Ministerial Council may:
 - (a) approve the plan with or without amendment; or
 - (b) refer the plan back to the Authority for further consideration.

7 Clause 35 of Schedule 1 (heading)

Repeal the heading, substitute:

35. Amendment of Annual Corporate Plan and Annual Work Plan

8 Subclause 35(1) of Schedule 1

After "corporate plan" (first occurring), insert "or the work plan".

9 Subclause 35(1) of Schedule 1

Omit "corporate plan" (second occurring), substitute "relevant plan".

10 Subclause 35(1A) of Schedule 1

After "corporate plan", insert "or the work plan".

11 Paragraph 35(3)(a) of Schedule 1

Omit "corporate plan", substitute "relevant plan".

12 Paragraph 35A(a) of Schedule 1

Omit "corporate plan", substitute "work plan".

13 Subparagraph 52(1)(a)(ii) of Schedule 1

Omit “and”.

14 After subparagraph 52(1)(a)(ii) of Schedule 1

Insert:

(iia) the work plan; and

15 Subclause 52(2) of Schedule 1

Omit “the corporate plan”, substitute “a work plan”.

16 Subclause 56(2) of Schedule 1

Omit all the words after “emergency,”, substitute “a work or measure is authorised by the Ministerial Council if it is authorised by a work plan that includes the work or measure”.

17 Subclause 56(5) of Schedule 1

Omit “corporate plan”, substitute “work plan”.

18 Clause 57 of Schedule 1

Omit “corporate plan”, substitute “work plan”.

19 Subclause 61(1) of Schedule 1

Omit “corporate plan”, substitute “work plan”.

20 Subclauses 67(1) and (3) of Schedule 1

Omit “corporate plan”, substitute “work plan”.

21 Clause 71 of Schedule 1 (paragraph (g) of the definition of *operation and maintenance costs*)

Omit “corporate plan”, substitute “work plan”.

22 Paragraph 74(2)(c) of Schedule 1

Omit “corporate plan”, substitute “work plan”.

23 Subclause 74(3) of Schedule 1

Omit “corporate plan”, substitute “work plan”.

24 Subclause 77(1) of Schedule 1

Omit “corporate plan”, substitute “work plan”.

25 Subclause 78(1) of Schedule 1

Omit “corporate plan”, substitute “work plan”.

26 Subclause 80(1) of Schedule 1

Omit “corporate plan”, substitute “work plan”.

27 Clause 138 of Schedule 1

Omit “approved corporate plan”, substitute “work plan”.

28 Part XVII of Schedule 1 (heading)

Repeal the heading, substitute:

PART XVII—TRANSITIONAL PROVISIONS

DIVISION 1—TRANSITION TO THIS AGREEMENT

29 Clause 149 of Schedule 1

Omit “In this Part”, substitute “In this Division”.

30 Clause 149 of Schedule 1 (definition of *transitional provisions*)

Repeal the definition.

31 Clause 150 of Schedule 1 (heading)

Repeal the heading, substitute:

150. Transitional provisions relating to coming into effect of this Agreement

32 Clauses 151 and 152 of Schedule 1

Repeal the clauses, substitute:

**DIVISION 2—AMENDMENTS MADE BY THE WATER AMENDMENT
(MURRAY-DARLING BASIN AGREEMENT) REGULATIONS 2017**

151. Definitions

In this Division:

“**amending regulations**” means the *Water Amendment (Murray-Darling Basin Agreement) Regulations 2017*.

“**transition period**” means the period that:

- (a) starts at the commencement of the amending regulations; and
- (b) ends when the first work plan is approved by the Ministerial Council under clause 34A.

152. Transitional provisions relating to amendments made by the *Water Amendment (Murray-Darling Basin Agreement) Regulations 2017*

- (1) Clauses 34, 34A and 35, as in force after the commencement of the amending regulations, apply in relation to reporting periods that start on or after that commencement.
- (2) During the transition period, a reference in a provision of this Agreement (other than clause 34A or subclause 52(2) or 56(2)) to the work plan includes a reference to the corporate plan most recently approved under clause 34 before the commencement of the amending regulations (including any amendments of

Schedule 1 Amendment of the Murray-Darling Basin Agreement

Part 1 Corporate plans

that corporate plan approved under clause 35 before or after that commencement).

- (3) During and after the transition period, a reference in subclause 52(2) or 56(2) to a work plan is taken to include a reference to a corporate plan for any period that starts before the commencement of the amending regulations (including any amendments of that corporate plan approved under clause 35 before or after that commencement).

Part 2—Technical amendments

Water Act 2007

33 Subclause 5(2) of Schedule 1

Omit “*Legislative Instruments Act 2003*”, substitute “*Legislation Act 2003*”.