



Water Amendment (Water Resource Plan Accreditation) Regulations 2018

I, the Honourable Paul de Jersey AC, Administrator of the Government of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 06 December 2018

Paul de Jersey AC
Administrator of the Government of the Commonwealth of Australia

By His Excellency's Command

David Littleproud
Minister for Agriculture and Water Resources

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1 Name

This instrument is the *Water Amendment (Water Resource Plan Accreditation) Regulations 2018*.

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. | 8 December 2018 |

Note: This table relates only to the provisions of this instrument as originally made.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 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 Division 2.1 of Part 2

Insert:

Division 2.1A—Water resource plans

2.11 Timeframe and process for giving proposed water resource plans to the Authority

Authority

- (1) This regulation is made for the purposes of paragraphs 63(9)(a) and (b) of the Act.

Date for giving proposed water resource plan to Authority

- (2) For a Basin State to give the Authority a proposed water resource plan under paragraph 63(1)(a) of the Act, the plan must be given to the Authority no later than 28 February 2019.

Extension of up to 2 months

- (3) The Minister may, by written notice, extend the period within which a Basin State may give a proposed water resource plan under paragraph 63(1)(a) of the Act by a specified period ending no later than 30 April 2019.
- (4) The Minister may only grant the extension on request by the Basin State made, in writing, no later than 28 February 2019. The Minister may grant the extension before, on or after that date.

Extension of up to 10 months

- (5) Subject to subregulations (6) and (7), the Minister may, by written notice, extend the period within which a Basin State may give a proposed water resource plan under paragraph 63(1)(a) of the Act by a specified period ending no later than 31 December 2019.
- (6) In considering whether to grant an extension under subregulation (5) for a particular period, the Minister must have regard to:
 - (a) whether, in the Minister's opinion, the plan is likely to be given to the Authority within that period; and
 - (b) any other matters the Minister considers to be relevant to the water resource plan area to be covered by the plan.
- (7) The Minister may only grant an extension under subregulation (5) on request by the Basin State made, in writing, no later than:
 - (a) if an extension has been granted to the Basin State under subregulation (3)—the end of the extended period under that subregulation; or
 - (b) otherwise—28 February 2019.

The Minister may grant the extension before, on or after the date by which the request must be made.

Authority may request information about a proposed water resource plan

- (8) The Authority may, in writing, request information from a Basin State relating to a proposed water resource plan for the purpose of:
 - (a) considering the plan under paragraph 63(3)(a) of the Act; or
 - (b) preparing recommendations under paragraph 63(3)(b) of the Act on whether the plan should be accredited.
- (9) The Authority is not required to consider information given in response to a request under subregulation (8) unless the information is given:
 - (a) in writing; and
 - (b) within the period of 14 days beginning on the day the request is made.
- (10) The Authority may, in writing, extend or further extend the period referred to in paragraph (9)(b).

2.12 Process for preparation of water resource plans by Authority

- (1) This regulation is made for the purposes of paragraph 68(6)(a) of the Act.
- (2) In preparing a water resource plan for a water resource plan area, the Authority must:
 - (a) undertake consultations with each Basin State within which that area, or another water resource plan area adjacent to that area, is located; and
 - (b) undertake any other consultations in relation to the plan the Authority considers necessary or appropriate; and
 - (c) consider the results of the consultations undertaken under paragraphs (a) and (b).
- (3) In addition, the Authority must consider the results of consultations undertaken by a Basin State in respect of the water resource plan area if:
 - (a) that area is:
 - (i) located in the Basin State; or
 - (ii) adjacent to another water resource plan area located in the Basin State; and
 - (b) the Basin State has consulted persons or bodies in relation to a water resource plan, or amendments of such a plan, proposed or prepared by the Basin State for that area or the adjacent water resource plan area; and
 - (c) the Basin State gives the results of the consultations to the Authority.