Water Amendment (Murray-Darling Basin Agreement) Regulations 2009 (No. 1)

Select Legislative Instrument 2009 No. 184

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the Water Act 2007.

Dated 9 July 2009

QUENTIN BRYCE
Governor-General

By Her Excellency’s Command

PETER ROBERT GARRETT
Minister for the Environment, Heritage and the Arts
1 Name of Regulations
These Regulations are the Water Amendment (Murray-Darling Basin Agreement) Regulations 2009 (No. 1).

2 Commencement
These Regulations commence on the day that they are registered.

3 Amendment of Water Regulations 2008
Schedule 1 amends the Water Regulations 2008.

Schedule 1 Amendments
(regulation 3)

[1] After Part 1
insert

Part 1A The Murray-Darling Basin Agreement

1A.01 Preliminary
This Part and Schedule 1A are made for section 18C of the Act.

1A.02 Amendments incorporated into Murray-Darling Basin Agreement
Schedule 1A amends Schedule 1 to the Act by incorporating into the Murray-Darling Basin Agreement amendments made to, and in accordance with, that Agreement.

Note 1 The Murray-Darling Basin Agreement requires the agreement of the Murray-Darling Basin Ministerial Council to any amendments of the Murray-Darling Basin Agreement.
Note 2 Amendments of the Murray-Darling Basin Agreement, made in accordance with that agreement, operate as an agreement between the parties. The text of the Agreement as set out in Schedule 1 to the Act will be amended accordingly, and as such it has further effect as provided for by the Water Act 2007 (for example, see sections 18E and 18F). The amendment of Schedule 1 to the Act by itself cannot amend the agreement between the parties.

[2] After Schedule 1

insert

Schedule 1A Amendments incorporated into Murray-Darling Basin Agreement
(regulation 1A.02)

Note Items 1 to 169 are reserved for future use.

[170] Schedule B, Appendix 2

after

| Bookpurnong Salt Interception Scheme | Eastern side of the River Murray adjacent to Lock & Weir No 4 between Berri to the North East and Loxton to the South | South Australia | Basin | Salinity Management Strategy Work |

insert

| Loxton Salt Interception Scheme | Eastern side of the River Murray between Lock & Weir No 4 to the North and Loxton to the South | South Australia | Basin | Salinity Management Strategy Work |

Note Items 171 to 179 are reserved for future use.
[180] **Schedule D, Appendix 1**

*omit*

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<tr>
<th>Natural Resources Management Act 2004 (SA)</th>
<th>Water licence</th>
<th>River Murray Prescribed Watercourse</th>
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<td>Water allocation under a water licence</td>
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*insert*

<table>
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<th>Natural Resources Management Act 2004 (SA)</th>
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<td>Water allocation</td>
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<tr>
<td>Water Resources Act 2007 (ACT)</td>
<td>Water access entitlement</td>
<td>Murrumbidgee and tributaries within the ACT</td>
</tr>
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<td>Water allocation entitlement</td>
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*Note* Items 181 to 189 are reserved for future use.

[190] **Schedule E, sub-clause 11(3)**

*substitute*

(3) The Government of South Australia must develop analytical models for determining the annual diversion target for diversions referred to in paragraphs 7(1)(a) and (d).

*Note* Items 191 to 199 are reserved for future use.

[200] **Schedule F, sub-clause 2(13), definition of “Required Annual Release”**

*substitute*

(13) “Required Annual Release” has the same meaning as in the Snowy Water Licence taken as a whole as at the Corporatisation Date, subject to sub-clauses 7A and 7B of this Schedule. For the avoidance of doubt, “Required Annual Release” is not a reference to “Agreed Annual Release” under that Licence;
[201] Schedule F, after clause 7

insert

7A Calculating Required Annual Release

(1) Subject to clause 7A and 7B of this Schedule, the Required Annual Release, and the Dry Inflow Sequence used to calculate it, must both be calculated in accordance with the Snowy Water Licence taken as a whole as at the Corporatisation Date.

(2) Subject to sub-clause 7A(3), the Required Annual Release for any Water Year, calculated in accordance with sub-clause 7A(1), must be reduced by so much of the volume of any release made in the preceding Water Year that was surplus to the Required Annual Release for that Water Year.

(3) The Required Annual Release for any Water Year must not be reduced under sub-clause 7A(2) by a volume which exceeds the Dry Inflow Sequence Volume calculated on 1 March of the preceding Water Year.

7B Calculating Dry Inflow Sequence Volume

(1) For the purpose of calculating the Dry Inflow Sequence Volume referred to in clause 7A in any month:

(a) the estimated inflows for the remainder of that Water Year must be taken to be the same as the minimum previously recorded inflows for the same period;

(b) the estimated losses for the remainder of that Water Year must be calculated by reference to:

(i) the maximum previously recorded evaporation rates for the same period; and

(ii) the expected Below Target storage volumes for that period;

(c) the volume required to supply the Jindabyne Base Passing Flows from 1 May 2006 must be added;
(d) the volume of losses attributable to storing Above Target Water from 1 May 2006 must be subtracted; and

(e) the volume of the Mowamba Borrowings Account must be added (not subtracted).

(2) The Dry Inflow Sequence Volume calculated at the beginning of any month may be lower than the Dry Inflow Sequence Volume calculated at the beginning of the preceding month, provided that the Dry Inflow Sequence Volume calculated on 1 April in any Water Year must not be less than the Dry Inflow Sequence Volume calculated on the preceding 1 March.

Note