



# **Water Amendment (Interactions with State Laws and Water Information) Regulation 2013**

## **Select Legislative Instrument No. 245, 2013**

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I, Quentin Bryce AC CVO, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the authority in section 3.

Dated 21 November 2013

Quentin Bryce  
Governor-General

By Her Excellency's Command

Simon Birmingham  
Parliamentary Secretary to the Minister for the Environment

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No. 245, 2013      *Water Amendment (Interactions with State Laws and Water Information) Regulation 2013*      *i*

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## 1 Name of regulation

This regulation is the *Water Amendment (Interactions with State Laws and Water Information) Regulation 2013*.

## 2 Commencement

Each provision of this regulation 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
Provision(s)	Commencement	Date/Details
1. Sections 1 to 4 and anything in this regulation not elsewhere covered by this table	The day after this regulation is registered.	
2. Schedule 1	The day after this regulation is registered.	
3. Schedule 2	28 February 2014.	28 February 2014

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

### *Water Regulations 2008*

#### 1 After Part 11

Insert:

### Part 11A—Interactions with State laws

#### 11A.01 What this Part is about

For section 250E of the Act, this Part modifies the operation of the Commonwealth water legislation to deal with that legislation's interaction with the laws of referring States.

#### 11A.02 State plans that prevail over Basin Plan

- (1) The operation of section 241 of the Act is modified so that:
  - (a) a plan specified in Part 1 of Schedule 5 (the *State Plan*) as in force on the accreditation day specified for the State Plan; and
  - (b) any instrument made under or for the purposes of the State plan;is a *transitional water resource plan* for the water resource plan area specified for the State Plan.
- (2) However, subregulation (1) operates only to the extent to which:
  - (a) the State plan or instrument relates to:
    - (i) the water resources of the water resource plan area; and
    - (ii) the matters referred to in subsection 22(1) of the Act, other than water trading rules; and
  - (b) there is an inconsistency between a provision of the State plan or instrument and a provision of the Basin Plan.

Note: For the definition of *water trading rules*, see subsection 4(1) of the Act.

- (3) The operation of section 243 of the Act is modified so that the State plan is taken to have been accredited by the Minister under section 63 of the Act on the accreditation day specified in Part 1 of Schedule 5 for the plan.
- (4) To avoid doubt, all other provisions in the Act in relation to transitional water resource plans operate without modification and a reference to a transitional water resource plan is taken to be a reference to the State Plan.
- (5) This regulation applies in relation to a State plan for the period starting on the start day and ending on the end day specified in Part 1 of Schedule 5 for the plan.

### **11A.03 Water resource plans for water resource plan areas delayed**

- (1) This regulation applies to a water resource plan area, of a referring State, that is specified in Part 2 of Schedule 5 (the *State area*).
- (2) Section 54 of the Act does not apply in relation to the State area until after the end day specified in Part 2 of Schedule 5 for the State area.

## **2 At the end of the Regulations**

Add:

### **Schedule 5—Interactions with State Laws: State plans and areas**

Note: See regulations 11A.02 and 11A.03.

## **Part 1—State plans that prevail over Basin Plan**

### **1 Victoria—State plans that prevail over Basin Plan**

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

- (a) each State plan in Victoria 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 a State plan prevails over the Basin plan; and

**Schedule 1** Amendments relating to interactions with State laws

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

<b>Victoria—State plans that prevail over Basin Plan</b>					
	<b>State plan</b>	<b>Water resource plan area</b>	<b>Start day</b>	<b>End day</b>	<b>Accreditation day</b>
1	<i>Bulk Entitlement (Bullarook System - Central Highlands Water) Conversion Order 2009 (Vic.)</i>	Northern Victoria	14 January 2015	30 June 2019	14 January 2010
2	<i>Bulk Entitlement (Bullarook System - Goulburn-Murray Water) Conversion Order 2009 (Vic.)</i>	Northern Victoria	14 January 2015	30 June 2019	1 July 2011
3	<i>Bulk Entitlement (Omeo) Conversion Order 2008 (Vic.)</i>	Victorian Murray	31 December 2014	30 June 2019	12 June 2008
4	<i>Bulk Entitlement (Wimmera and Glenelg Rivers - Coliban Water) Order 2010 (Vic.)</i>	Wimmera-Mallee (surface water)	29 October 2015	30 June 2018	20 November 2012
5	<i>Bulk Entitlement (Wimmera and Glenelg Rivers - GWMWater) Order 2010 (Vic.)</i>	Wimmera-Mallee (surface water)	29 October 2015	30 June 2018	20 November 2012
6	<i>Bulk Entitlement (Wimmera and Glenelg Rivers - Wannon Water) Order 2010 (Vic.)</i>	Wimmera-Mallee (surface water)	29 October 2015	30 June 2018	20 November 2012

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<b>Victoria—State plans that prevail over Basin Plan</b>					
	<b>State plan</b>	<b>Water resource plan area</b>	<b>Start day</b>	<b>End day</b>	<b>Accreditation day</b>
7	<i>Carryover for Bulk Entitlements and Environmental Entitlements in the Broken, Loddon and Bullarook Water Systems (Declaration and Determination) 2010 (Vic.)</i>	Northern Victoria and Victorian Murray	30 June 2015	30 June 2019	30 June 2010
8	<i>Carryover for Bulk Entitlements and Environmental Entitlements in the Murray, Goulburn and Campaspe Water Systems (Declaration and Determination) 2010 (Vic.)</i>	Northern Victoria and Victorian Murray	30 June 2015	30 June 2019	30 June 2010
9	<i>Carryover for Water Shares in the Broken, Loddon and Bullarook Water Systems (Declaration and Determination) 2010 (Vic.)</i>	Northern Victoria and Victorian Murray	30 June 2015	30 June 2019	30 June 2010

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<b>Victoria—State plans that prevail over Basin Plan</b>					
	<b>State plan</b>	<b>Water resource plan area</b>	<b>Start day</b>	<b>End day</b>	<b>Accreditation day</b>
10	<i>Carryover for Water Shares in the Murray, Goulburn and Campaspe Water Systems (Declaration and Determination) 2010 (Vic.)</i>	Northern Victoria and Victorian Murray	30 June 2015	30 June 2019	30 June 2010
11	<i>Environmental Entitlement (Birch Creek - Bullarook System) 2009 (Vic.)</i>	Northern Victoria	14 January 2015	30 June 2019	1 July 2011
12	<i>Environmental Entitlement (Campaspe River - Living Murray) 2007 (Vic.)</i>	Northern Victoria	31 December 2014	30 June 2019	1 July 2011
13	<i>Environmental Entitlement (Goulburn System - Living Murray) 2007 (Vic.)</i>	Northern Victoria	31 December 2014	30 June 2019	1 July 2011
14	<i>Goulburn River Environmental Entitlement 2010 (Vic.)</i>	Northern Victoria	29 October 2015	30 June 2019	1 July 2011
15	<i>Northern Region Sustainable Water Strategy prepared under section 22B of the Water Act 1989 (Vic.)</i>	Northern Victoria and Victorian Murray	31 December 2014	30 June 2019	9 November 2009

<b>Victoria—State plans that prevail over Basin Plan</b>					
	<b>State plan</b>	<b>Water resource plan area</b>	<b>Start day</b>	<b>End day</b>	<b>Accreditation day</b>
16	<i>Order Declaring Water Systems in Northern Victoria 2007 (Vic.)</i>	Northern Victoria and Victorian Murray	31 December 2014	30 June 2019	21 June 2007
17	<i>Permissible Consumptive Volume Groundwater Order 2011 (Vic.)</i>	All water resource plan areas in Victoria that apply to groundwater resources	14 July 2016	30 June 2019	14 July 2011
18	<i>Wimmera and Glenelg Rivers Environmental Entitlement 2010 (Vic.)</i>	Wimmera-Mallee (surface water)	29 October 2015	30 June 2018	20 November 2012

## **2 South Australia—State plans that prevail over Basin Plan**

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

- (a) each State plan in South Australia 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 a State plan prevails over the Basin plan; and
- (d) the day a State plan is taken to have been accredited by the Minister.

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<b>South Australia—State plans that prevail over Basin Plan</b>					
	<b>State plan</b>	<b>Water resource plan area</b>	<b>Start day</b>	<b>End day</b>	<b>Accreditation day</b>
1	<i>Natural Resources Management Plan for the South Australian Murray-Darling Basin Natural Resources Management Region (SA)</i>	All water resource plan areas in South Australia	31 December 2014	30 June 2019	28 April 2009
2	<i>Water Allocation Plan for the Angas Bremer Prescribed Wells Area (SA)</i>	Eastern Mount Lofty Ranges	3 January 2013	30 June 2019	3 March 2008
3	<i>Water Allocation Plan for the Marne Saunders Prescribed Water Resources Area (SA)</i>	Eastern Mount Lofty Ranges	18 January 2015	30 June 2019	18 January 2010
4	<i>Water Allocation Plan for the Noora Prescribed Wells Area (SA)</i>	South Australian Murray Region	3 January 2013	31 December 2017	3 March 2008
5	<i>Water Allocation Plan for the River Murray Prescribed Watercourse (SA)</i>	South Australian River Murray	1 July 2014	30 June 2019	5 February 2011

## **Part 2—State plan areas delayed**

### **1 New South Wales—State areas delayed**

The table in this clause specifies for regulation 11A.03 each State area in New South Wales that section 54 of the Act (that deals with

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the requirement to have water resource plans) does not apply to until after the end day.

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### **New South Wales—State areas delayed**

<b>Item</b>	<b>State area</b>	<b>End day</b>
1	Barwon-Darling Watercourse	30 June 2019
2	Darling Alluvium	30 June 2019
3	Eastern Porous Rock	30 June 2019
4	Gwydir	30 June 2019
5	Gwydir Alluvium	30 June 2019
6	Intersecting Streams	30 June 2019
7	Lachlan	30 June 2017
8	Lachlan Alluvium	30 June 2019
9	Lachlan and South Western Fractured Rock	30 June 2019
10	Macquarie-Castlereagh	30 June 2019
11	Macquarie-Castlereagh Alluvium	30 June 2019
12	Murray Alluvium	30 June 2019
13	Murrumbidgee	30 June 2019
14	Murrumbidgee Alluvium	30 June 2019
15	Namoi	30 June 2019
16	Namoi Alluvium	30 June 2019
17	New England Fractured Rock and Northern Basalts	30 June 2019
18	New South Wales Border Rivers	30 June 2019
19	New South Wales Border Rivers Alluvium	30 June 2019
20	New South Wales Great Artesian Basin Shallow	30 June 2019
21	New South Wales Murray and Lower Darling	30 June 2019
22	Western Porous Rock	30 June 2019

### **2 Victoria—State areas delayed**

The table in this clause specifies for regulation 11A.03 each State area in Victoria that section 54 of the Act (that deals with the requirement to have water resource plans) does not apply to until after the end day.

**Schedule 1** Amendments relating to interactions with State laws

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**Victoria—State areas delayed**

<b>Item</b>	<b>State area</b>	<b>End day</b>
1	Goulburn-Murray	30 June 2019
2	Northern Victoria	30 June 2019
3	Victorian Murray	30 June 2019
4	Wimmera-Mallee (groundwater)	30 June 2018
5	Wimmera-Mallee (surface water)	30 June 2018

**3 Queensland—State areas delayed**

The table in this clause specifies for regulation 11A.03 each State area in Queensland that section 54 of the Act (that deals with the requirement to have water resource plans) does not apply to until after the end day.

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**Queensland—State areas delayed**

<b>Item</b>	<b>State area</b>	<b>End day</b>
1	Condamine-Balonne	30 June 2019
2	Moonie	30 June 2019
3	Queensland Border Rivers	30 June 2019
4	Warrego-Paroo-Nebine	30 June 2016

**4 South Australia—State areas delayed**

The table in this clause specifies for regulation 11A.03 each State area in South Australia that section 54 of the Act (that deals with the requirement to have water resource plans) does not apply to until after the end day.

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**South Australia—State areas delayed**

<b>Item</b>	<b>State area</b>	<b>End day</b>
1	Eastern Mount Lofty Ranges	30 June 2019
2	South Australian Murray Region	31 December 2017
3	South Australian River Murray	30 June 2019

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## Schedule 2—Amendments relating to water information

### *Water Regulations 2008*

#### **1 Subregulation 1.03(1)**

Insert:

*Category K person* means a person specified as a Category K person in the document titled *Persons and Classes of Persons*.

#### **2 At the end of regulation 7.02**

Add:

; (j) a Category K person.

#### **3 Subregulation 7.03(1)**

Omit “subregulation (2)”, substitute “subregulation (2), subject to subregulations (3) to (6)”.

#### **4 Subregulation 7.03(2) (cell at table item 2, column headed “Subcategories in category”)**

Repeal the cell, substitute:

2a-2e in Part 3 of Schedule 3

#### **5 Subregulation 7.03(3) (heading)**

Repeal the heading, substitute:

*Information that is not water information*

#### **6 Subregulation 7.03(3)**

Omit “However, the”, substitute “The”.

#### **7 At the end of regulation 7.03**

Add:

(6) However, for water information in subcategories 2d and 2e, paragraphs (3)(b) and (c) and subregulation (4) do not apply.

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## 8 Subregulations 7.06(5), (6) and (7)

Repeal the subregulations, substitute:

*How information is to be given*

- (5) A person must give a copy of water information under this regulation to the Bureau:
  - (a) in a form approved by the Director of Meteorology for this subregulation; and
  - (b) by way of the internet using FTP or web services.
- (6) Subcategory 6d information may be given to the Bureau by way of an email sent to the email address, if any, specified on the Bureau's website as being for this purpose.
- (7) The Director must ensure that approved forms are publicly available.
- (8) If a person is required to give a copy of water information in category 7 to the Bureau yearly, the information in the approved form must be expressed as volumes recorded each calendar month or more frequently.

## 9 At the end of regulation 7.07

Add:

- (3) However, subregulation (2) does not apply to water information in subcategories 2d and 2e and the water information in those subcategories must be given to the Bureau by 30 September each year.

## 10 At the end of Schedule 2

Add:

## Part 9—Category K persons

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Category K persons		
Item	Subcategories of water information	Time
1	2d and 2e	Yearly

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**11 Part 1 of Schedule 3**

Insert:

*State aquifer framework information* means any water information in the aquifer framework used by a State.

*State NGIS information* means any water information in a State's National Groundwater Information System (NGIS) database.

**12 Part 3 of Schedule 3 (at the end of the table)**

Add:

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2d State aquifer framework information

2e State NGIS information

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