



Water Amendment (Murray-Darling Basin Agreement—Basin Salinity Management) 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 (Murray-Darling Basin Agreement—Basin Salinity Management) 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 this instrument is registered.	7 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Note: This table relates only to the provisions of this instrument as originally made.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 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- (1) This instrument is repealed on the day after it commences.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Legislation that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Water Act 2007

1 Clause 1 of Schedule B to Schedule 1

Omit “The purpose”, substitute “(1) The purpose”.

2 Clause 1 of Schedule B to Schedule 1

Omit “*Basin Salinity Management Strategy 2001-2015*”, substitute “*Basin Salinity Management 2030*”.

3 Clause 1 of Schedule B to Schedule 1

After “manage salinity”, insert “, as follows”.

4 Paragraph 1(a) of Schedule B to Schedule 1

Omit “joint”.

5 At the end of paragraph 1(b) of Schedule B to Schedule 1

Add:

Note—Targets adopted under this Schedule also apply for some purposes under the Basin Plan.

6 Paragraph 1(c) of Schedule B to Schedule 1

Repeal the paragraph, substitute:

- (c) by providing accountability arrangements for all actions (including environmental water recovery, delivery and use) that result in significant salinity impacts;

7 Paragraph 1(d) of Schedule B to Schedule 1

Omit “Strategy”, substitute “*Basin Salinity Management 2030*”.

8 At the end of clause 1 of Schedule B to Schedule 1

Add:

- (2) The accountability arrangements mentioned in paragraph 1(1)(c) include maintaining Registers to:
 - (a) record salinity impacts; and
 - (b) allocate salinity credits and salinity debits to Contracting Governments.

9 Before subclause 2(1) of Schedule B to Schedule 1

Insert:

Note—A number of expressions used in this Schedule are defined in clause 2 of the Agreement, including the following:

- (a) Authority;
- (b) Basin Plan;
- (c) Committee;

(d) Ministerial Council.

10 Paragraph 2(1)(a) of Schedule B to Schedule 1 (definitions of “average salinity” and “average salinity costs”)

Omit “protocols made by the Authority under clause 40”, substitute “BSM procedures”.

11 Paragraph 2(1)(a) of Schedule B to Schedule 1 (definition of “Baseline Conditions”)

Repeal the definition, substitute:

“**Baseline Conditions**” means the conditions that contributed to the movement of salt through land and water within the Murray-Darling Basin on 1 January 2000.

12 Paragraph 2(1)(a) of Schedule B to Schedule 1

Insert:

“**Basin Plan Water**” means Commonwealth environmental water holdings or other held environmental water that is held by a State Contracting Government to offset the reduction in the long-term average sustainable diversion limit.

Note—For reductions in the long-term average sustainable diversion limit, see section 75 of the Act and subsection 6.13(3) of the Basin Plan.

“**Basin Salinity Management 2030**” means the strategy of that name adopted by the Ministerial Council on 27 November 2015, as amended from time to time.

“**Basin Salinity Management Strategy**” means:

- (i) before the replacement of the former Agreement on 15 December 2008—Schedule C to that former Agreement as in force on and after 1 November 2002 until immediately before the replacement of the former Agreement; and
- (ii) on and after the replacement of the former Agreement—Schedule B to the Agreement as in force immediately before the commencement of the *Water Amendment (Murray-Darling Basin Agreement—Basin Salinity Management) Regulations 2018*.

13 Paragraph 2(1)(a) of Schedule B to Schedule 1 (definition of “Benchmark Period”)

After “Authority”, insert “, on the advice of the Committee,”.

14 Paragraph 2(1)(a) of Schedule B to Schedule 1

Insert:

“**BSM procedures**” has the meaning given by subclause 40A(1).

“**BSMS works or measures**” means works or measures entered on a Register maintained under the Basin Salinity Management Strategy as BSMS works or measures.

“**Collective Account**” means information included in Register A under the heading Collective Account.

“Commonwealth Account” means information included in Register A under the heading Commonwealth Account.

15 Paragraph 2(1)(a) of Schedule B to Schedule 1 (definition of “End-of-Valley Target”)

Omit “the site at which the degree to which the relevant Government achieves that target is to be measured”, substitute “the relevant End-of-Valley Target site”.

16 Paragraph 2(1)(a) of Schedule B to Schedule 1

Insert:

“End-of-Valley Target site” means a site specified in Appendix 1 for an End-of-Valley Target.

17 Paragraph 2(1)(a) of Schedule B to Schedule 1 (definition of “Former salinity and drainage work”)

Repeal the definition.

18 Paragraph 2(1)(a) of Schedule B to Schedule 1 (definition of “Joint work or measure”)

Repeal the definition, substitute:

“Joint work or measure” means either of the following:

- (i) a work or measure authorised under clause 56 of the Agreement for the purposes of the Basin Salinity Management Strategy;
- (ii) a work or measure authorised under clause 56 of the Agreement for the purposes of this Schedule on and after the commencement of the *Water Amendment (Murray-Darling Basin Agreement—Basin Salinity Management) Regulations 2018*.

19 Paragraph 2(1)(a) of Schedule B to Schedule 1 (definition of “Program of actions”)

Repeal the definition.

20 Paragraph 2(1)(a) of Schedule B to Schedule 1

Insert:

“protocol” means a protocol made under subclause 40(1).

“provisional entry” has the meaning given by subclause 20A(2).

21 Paragraph 2(1)(a) of Schedule B to Schedule 1

Insert:

“Review Plan” has the meaning given by subclause 32(1).

“S&DS works or measures” means works or measures entered on the Register maintained under the Salinity and Drainage Strategy and includes the works or measures referred to in Appendix 2 as Waikerie Phase 2A SIS.

22 Paragraph 2(1)(a) of Schedule B to Schedule 1 (definition of “Salinity and Drainage Strategy”)

Repeal the definition, substitute:

“**Salinity and Drainage Strategy**” means Schedule C to the former Agreement as in force immediately before 1 November 2002.

23 Paragraph 2(1)(a) of Schedule B to Schedule 1 (definition of “State Action”)

Omit “not a Joint work or measure”, substitute “designated wholly or partly as a State Action by the Authority in accordance with paragraph 20(1)(b) or 24(2)(a)”.

24 Paragraph 2(1)(a) of Schedule B to Schedule 1 (definition of “Strategy”)

Repeal the definition.

25 Subclause 2(2) of Schedule B to Schedule 1

Omit “17(1)”, substitute “17A(1)”.

26 At the end of clause 2 of Schedule B to Schedule 1

Add:

(3) Expressions used in this Schedule and in:

(a) the Water Act; or

(b) the Agreement;

that are not defined in this Schedule have the same meanings as in that Act or Agreement.

27 Paragraph 3(4)(a) of Schedule B to Schedule 1

Omit “Committee”, substitute “Ministerial Council”.

28 Subclause 4(1) of Schedule B to Schedule 1

Omit “(1)”.

29 Subclause 4(1) of Schedule B to Schedule 1

Omit “undertake,”, substitute “, undertake,”.

30 Subclause 4(2) of Schedule B to Schedule 1

Repeal the subclause.

31 Clause 5 of Schedule B to Schedule 1 (heading)

Repeal the heading, substitute:

5. Estimates of salinity and salt load under Baseline Conditions

32 Subclauses 5(1), (2), (3) and (4) of Schedule B to Schedule 1

Repeal the subclauses, substitute:

(1) Estimates of salinity and salt loads under Baseline Conditions:

- (a) at each End-of-Valley Target site; and
 - (b) at the Basin Salinity Target site at Morgan;
- are set out in Appendix 1 for those sites.

33 Subclause 5(5) of Schedule B to Schedule 1

Omit “of a baseline condition”.

34 Subclause 5(6) of Schedule B to Schedule 1

After “representative from”, insert “the Authority and”.

35 Subclause 5(6) of Schedule B to Schedule 1

Omit “of baseline conditions”.

36 Subclause 5(7) of Schedule B to Schedule 1

Omit “After”, substitute “On the advice of the Committee and after”.

37 Paragraphs 5(7)(a), (b) and (c) of Schedule B to Schedule 1

Omit “approve”, substitute “endorse”.

38 After subclause 5(7) of Schedule B to Schedule 1

Insert:

- (7A) If the Authority endorses a proposed amendment to an estimate under paragraph 5(7)(a):
 - (a) the Authority must recommend to the Ministerial Council that Appendix 1 be amended in accordance with the endorsed amendment; and
 - (b) the relevant Government may, for the purposes of this Schedule, use the estimate from the day the Authority endorses the proposed amendment.

39 Subclause 5(9) of Schedule B to Schedule 1

Repeal the subclause, substitute:

- (9) If the Authority, under paragraph 5(7)(b), endorses a proposed amendment to an estimate subject to the relevant Government modifying it in any way agreed between the Authority and the relevant Government, the following apply:
 - (a) the relevant Government may, for the purposes of this Schedule, use the estimate originally proposed under subclause 5(5) until the relevant Government:
 - (i) modifies the estimate in accordance with that agreement; and
 - (ii) gives the Authority a copy of the modified estimate;
 - (b) as soon as practicable after receiving the modified estimate, the Authority must recommend to the Ministerial Council that Appendix 1 be amended in accordance with the modified estimate;
 - (c) the relevant Government may, for the purposes of this Schedule, use the modified estimate from the day it gives the Authority a copy of the modified estimate.

40 Clause 6 of Schedule B to Schedule 1

Repeal the clause.

41 Subclause 7(1) of Schedule B to Schedule 1

Omit “during”, substitute “under the hydrologic conditions of”.

42 At the end of subclause 7(1) of Schedule B to Schedule 1

Add:

Note: E.C. stands for Electrical Conductivity, measured in $\mu\text{S}/\text{cm}$.

43 Clause 8 of Schedule B to Schedule 1

Repeal the clause.

44 Clause 9 of Schedule B to Schedule 1 (heading)

Repeal the heading, substitute:

9. Amending End-of-Valley Targets

45 Subclause 9(1) of Schedule B to Schedule 1

Repeal the subclause.

46 Subclause 9(2) of Schedule B to Schedule 1

After “may”, insert “, following a review under clause 33 or at any other time,”.

47 Subclause 9(5) of Schedule B to Schedule 1

After “set out”, insert “the following”.

48 Paragraph 9(5)(b) of Schedule B to Schedule 1

Omit “Strategy”, substitute “*Basin Salinity Management 2030*”.

49 Paragraph 9(5)(c) of Schedule B to Schedule 1

Repeal the paragraph.

50 Paragraph 9(5)(d) of Schedule B to Schedule 1

Omit “due to”, substitute “as a result of”.

51 Part IV of Schedule B to Schedule 1 (heading)

Repeal the heading, substitute:

PART IV—AUTHORISED WORKS OR MEASURES

52 Paragraph 10(1)(a) of Schedule B to Schedule 1

Omit “maintain the quality of the upper River Murray and the River Murray in South Australia”, substitute “ensure that salinity levels of the upper River Murray and the River Murray in South Australia are appropriate”.

53 Paragraph 10(1)(b) of Schedule B to Schedule 1

Omit “2007”, substitute “2014”.

54 Subclause 10(2) of Schedule B to Schedule 1

Omit “2007”, substitute “2014”.

55 Clause 11 of Schedule B to Schedule 1

Omit “Subject to clause 13”, substitute “(1) Subject to subclause 11(2) and clause 13”.

56 At the end of clause 11 of Schedule B to Schedule 1

Add:

- (2) Any salinity credits or salinity debits arising from any Joint work or measure undertaken under clause 10 must, if required by the Committee or BSM procedures, be attributed to all Contracting Governments in the Collective Account.

57 Clause 12 of Schedule B to Schedule 1 (heading)

Repeal the heading, substitute:

12. Authorised works or measures

58 Paragraphs 12(1)(a) and (b) of Schedule B to Schedule 1

Repeal the paragraphs, substitute:

- (a) set out in Appendix 2 a list of Joint works or measures and a list of S&DS works or measures; and
- (b) amend Appendix 2 whenever a new Joint work or measure:
 - (i) is authorised; or
 - (ii) is designated in accordance with paragraph 24(2)(b).

59 Paragraph 12(2)(b) of Schedule B to Schedule 1

Omit “Agreement; and”, substitute “Agreement.”.

60 Paragraph 12(2)(c) of Schedule B to Schedule 1

Repeal the paragraph.

61 Subclause 12(3) of Schedule B to Schedule 1

Repeal the subclause.

62 Subclause 12(4) of Schedule B to Schedule 1

After “measures”, insert “or any S&DS works or measures”.

63 Paragraph 13(1)(a) of Schedule B to Schedule 1

Omit “joint”, substitute “Joint”.

64 Paragraph 13(1)(b) of Schedule B to Schedule 1

Omit “Former salinity and drainage work”, substitute “S&DS works or measures”.

65 Subclause 13(2) of Schedule B to Schedule 1

Omit “2008”, substitute “2015”.

66 Clause 14 of Schedule B to Schedule 1 (heading)

Repeal the heading, substitute:

14. Co-ordinating authorised works or measures

67 Clause 14 of Schedule B to Schedule 1

Omit “State”.

68 At the end of clause 14 of Schedule B to Schedule 1

Add “or an S&DS work or measure”.

69 Clause 15 of Schedule B to Schedule 1 (heading)

Repeal the heading, substitute:

15. Registers A and B

70 Subclause 15(2) of Schedule B to Schedule 1

Omit “protocols made by the Authority under clause 40”, substitute “BSM procedures”.

71 Paragraph 15(3)(a) of Schedule B to Schedule 1

Repeal the paragraph, substitute:

(a) all S&DS works or measures; and

72 Subclause 15(4) of Schedule B to Schedule 1

Omit “The”, substitute “Subject to any transfer under clause 23, the”.

73 Paragraph 15(4)(b) of Schedule B to Schedule 1

After “undertaken under”, insert “the former Schedule or”.

74 Paragraph 15(4)(b) of Schedule B to Schedule 1

Omit “protocols made by the Authority under clause 40”, substitute “BSM procedures”.

75 Subclause 16(2) of Schedule B to Schedule 1

After “Authority”, insert “, in accordance with any BSM procedures,”.

76 Subclause 16(4) of Schedule B to Schedule 1

Omit “protocols made by the Authority under clause 40”, substitute “BSM procedures”.

77 After clause 16 of Schedule B to Schedule 1

Insert:

16A. Obligations of Contracting Governments jointly

The Contracting Governments jointly must ensure that:

- (a) salinity credits are not transferred from the Commonwealth Account to the Collective Account or to a Contracting Government unless salinity credits are available in the Commonwealth Account; and
- (b) the Collective Account has salinity credits equal to or greater than its salinity debits.

Note—For transfers of salinity credits, see clause 23.

78 Subclause 17(1) of Schedule B to Schedule 1

Repeal the subclause, substitute:

- (1) This clause provides a simplified outline of the operation of the Registers under this Part.
- (1A) A Contracting Government must, and the Committee may, inform the Authority of any Proposal which may have a Significant Effect.

79 Subclause 17(2) of Schedule B to Schedule 1

Omit “, in accordance with any protocols made by the Authority under clause 40,”.

80 Subclause 17(3) of Schedule B to Schedule 1

Omit “The”, substitute “Subject to subclause 17(4), the”.

81 Paragraph 17(3)(c) of Schedule B to Schedule 1

Repeal the paragraph, substitute:

- (c) attribute those salinity credits or salinity debits in accordance with clause 21 or 21A.

82 Subclause 17(4) of Schedule B to Schedule 1

Repeal the subclause, substitute:

- (4) If the Authority is unable to confidently estimate the salinity impacts of an Accountable Action, the Authority must make a provisional entry in the relevant Register.
- (5) The Authority must, in accordance with clause 23, amend Register A or Register B to give effect to trading or transfer of salinity credits and salinity debits.
- (6) The Authority must re-estimate the salinity impacts of each item on Register A and Register B in accordance with clause 24.
- (7) The Authority may, in accordance with clause 24, make amendments to Register A or Register B.

83 After clause 17 of Schedule B to Schedule 1

Insert:

17A Informing the Authority of Proposals

- (1) A Contracting Government must inform the Authority of any Proposal which the Government, acting reasonably, considers is likely to have a Significant Effect.

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- (2) The Committee may inform the Authority of any Proposal if the Committee, acting reasonably, considers that:
 - (a) the Proposal is likely to have a Significant Effect; and
 - (b) any salinity credits or salinity debits arising from the Proposal will be attributable to the Collective Account.

84 Clause 18 of Schedule B to Schedule 1 (heading)

Repeal the heading, substitute:

18. Determining whether a Proposal or action has a Significant Effect

85 Subclause 18(1) of Schedule B to Schedule 1

After “informs the Authority”, insert “under subclause 17A(1)”.

86 Paragraph 18(1)(a) of Schedule B to Schedule 1

Repeal the paragraph, substitute:

- (a) assess that Proposal on the basis of information provided to the Authority by the Contracting Government; and

87 After subclause 18(1) of Schedule B to Schedule 1

Insert:

- (1A) If the Committee informs the Authority of a Proposal under subclause 17A(2), the Authority must:
 - (a) assess the Proposal on the basis of information provided to the Authority by the Contracting Government nominated by the Committee for the purposes of this paragraph; and
 - (b) decide whether the Proposal, either on its own or cumulatively with similar past actions or projected similar future actions, may have a Significant Effect.

88 Subclause 18(2) of Schedule B to Schedule 1

Omit “17(1)”, substitute “17A(1)”.

89 Paragraph 18(3)(a) of Schedule B to Schedule 1

Omit “within 100 years after the estimate is made”, substitute “by the year 2100”.

90 Subclause 18(4) of Schedule B to Schedule 1

Omit “protocols made by the Authority under clause 40”, substitute “BSM procedures”.

91 Clause 19 of Schedule B to Schedule 1

Repeal the clause, substitute:

19. Assessing Salinity Impacts of Accountable Actions

- (1) If the Authority decides that:
 - (a) a Proposal referred to in subclause 18(1) or (1A); or

- (b) an action referred to in subclause 18(2);
has or may have a Significant Effect, the Authority:
 - (c) must declare the Proposal or action to be an Accountable Action; and
 - (d) if the Accountable Action is not the delivery of Basin Plan Water—must, as an interim measure, designate the Accountable Action to be in whole or in part either or both of the following:
 - (i) a Joint work or measure;
 - (ii) a State Action; and
- Note**—If the delivery of Basin Plan Water has been declared an Accountable Action, it is not designated as either a State Action or a Joint work or measure: see subclause 20(2).
- (e) if the Proposal is the delivery of Basin Plan Water—must not so designate the Accountable Action; and
 - (f) must either:
 - (i) estimate the salinity impacts of the Accountable Action, using a relevant method for assessing salinity impacts set out in any BSM procedures; or
 - (ii) if the Authority is unable to confidently estimate the salinity impacts of the Accountable Action—prepare a provisional entry.
- (2) Subject to subclause 19(4), if the Authority declares a Proposal or action to be an Accountable Action, the relevant Contracting Government must give to the Authority, in accordance with any BSM procedures, all relevant information about the Accountable Action which may assist the Authority accurately to assess its salinity impacts.
- (3) For the purposes of subclause 19(2), the relevant Contracting Government for an Accountable Action is as follows:
- (a) if the Accountable Action is wholly or partly a Joint work or measure—the Contracting Government nominated by the Ministerial Council in accordance with subclause 56(5) of the Agreement;
 - (b) if the Accountable Action is wholly or partly a State Action—the relevant State or States;
 - (c) if the Accountable Action is wholly or partly a State Action in respect of which salinity credits or debits will be attributed to the Collective Account—the Contracting Government determined by the Committee in accordance with paragraph 21A(3)(a).
- (4) If the Accountable Action is the delivery of Basin Plan Water, a Contracting Government that has information in its possession that may assist the Authority accurately to assess the salinity impacts of the Accountable Action must, if requested in writing by the Authority, give the information to the Authority.

92 Subclause 20(1) of Schedule B to Schedule 1

Omit “After”, substitute “Subject to subclause 20(2), after”.

93 Paragraph 20(1)(a) of Schedule B to Schedule 1

Omit “subject to sub-clause 20(2),”.

94 Paragraph 20(1)(b) of Schedule B to Schedule 1

Repeal the paragraph, substitute:

- (b) designate, in accordance with any BSM procedures, that action to be in whole or in part either or both of the following:
 - (i) a Joint work or measure;
 - (ii) a State Action; and

95 At the end of paragraph 20(1)(b) of Schedule B to Schedule 1

Add:

Note—Paragraph 20(1)(b) does not empower the Authority to authorise a Joint work or measure or a State Action.

96 Subclauses 20(2) and (3) of Schedule B to Schedule 1

Repeal the subclauses, substitute:

- (2) If the action is the delivery of Basin Plan Water, the Authority:
 - (a) must estimate the prospective salinity credits arising from that action; and
 - (b) must not designate the action to be in whole or in part either or both of the following:
 - (i) a Joint work or measure;
 - (ii) a State Action; and
 - (c) must enter the action in Register A.
- (3) Subject to clause 20A, the Authority must make an estimate referred to in paragraph 20(1)(a) or 20(2)(a) in accordance with a relevant method for assessing salinity impacts set out in any BSM procedures.

97 After clause 20 of Schedule B to Schedule 1

Insert:

20A. Provisional entries in Registers

- (1) This clause applies if the Authority is unable to confidently estimate the salinity impacts of an Accountable Action, or a Delayed salinity impact, in accordance with any relevant method for assessing salinity impacts set out in any BSM procedures.
- (2) The Authority may, in accordance with any reasonable method for assessing salinity effects, make a **provisional entry** in Register A or Register B of the Authority's estimate of the salinity effects of the Accountable Action or Delayed salinity impact.
- (3) If the Authority makes a provisional entry in a Register in accordance with subclause 20A(2), the Authority must, as soon as practicable:
 - (a) estimate the salinity credits or salinity debits of the Accountable Action or Delayed salinity impact; and
 - (b) amend the relevant Register accordingly.
- (4) Each relevant Contracting Government must give to the Authority all relevant information to assist the Authority to make an estimate under paragraph 20A(3)(a).

98 Subclause 21(1) of Schedule B to Schedule 1

Omit “The Authority must”, substitute “Subject to subclause 21(2) and clause 21A, the Authority must, in accordance with any BSM procedures,”.

99 Paragraph 21(1)(b) of Schedule B to Schedule 1

Omit “action, subject to sub-clause 21(2).”, substitute “action; or”.

100 At the end of subclause 21(1) of Schedule B to Schedule 1

Add:

- (c) arising from the delivery of Basin Plan Water, to the Commonwealth Account.

101 Paragraph 21(2)(a) of Schedule B to Schedule 1

After “Authority must”, insert “, in accordance with any BSM procedures,”.

102 At the end of paragraph 21(2)(a) of Schedule B to Schedule 1

Add “and”.

103 Paragraph 21(2)(b) of Schedule B to Schedule 1

After “Authority must”, insert “, in accordance with any BSM procedures,”.

104 Paragraph 21(2)(b) of Schedule B to Schedule 1

Omit “Governments;”, substitute “Governments.”.

105 Paragraph 21(2)(c) of Schedule B to Schedule 1

Repeal the paragraph.

106 After clause 21 of Schedule B to Schedule 1

Insert:

21A. Attributing certain salinity credits or salinity debits to the Collective Account

- (1) The Authority must, in accordance with any BSM procedures, attribute salinity credits and salinity debits to the Collective Account if the credits or debits arise from an Accountable Action that is designated for the purposes of this subclause by:
 - (a) any BSM procedures; or
 - (b) the Committee.
- (2) For the purposes of subclause 21A(1), an Accountable Action does not include the delivery of Basin Plan Water.
- (3) If subclause 21A(1) applies, the Committee must determine which Contracting Government is to be responsible for the following:
 - (a) providing all relevant information about the Accountable Action to the Authority for the purposes of subclause 19(2);
 - (b) monitoring and reviewing the Accountable Action for the purposes of clauses 27, 28 and 33.

21B. Establishing and maintaining a record of the proportions in which salinity credits and salinity debits are attributed

The Authority must, in accordance with any BSM procedures, establish and maintain a record of the proportions in which salinity credits and salinity debits were attributed for Joint works or measures or S&DS works or measures under the following:

- (a) the Salinity and Drainage Strategy;
- (b) the Basin Salinity Management Strategy;
- (c) this Schedule as in force on and after the commencement of the *Water Amendment (Murray-Darling Basin Agreement—Basin Salinity Management) Regulations 2018*.

107 Paragraph 22(1)(c) of Schedule B to Schedule 1

Omit “to one or more Contracting Government, in accordance with clause 21”, substitute “in accordance with clause 21 or 21A”.

108 Subclause 22(1) of Schedule B to Schedule 1

Omit “protocols made by the Authority under clause 40”, substitute “BSM procedures”.

109 Paragraph 22(2)(c) of Schedule B to Schedule 1

Omit “to one or more Contracting Governments in accordance with clause 21”, substitute “in accordance with clause 21 or 21A”.

110 Subclause 22(2) of Schedule B to Schedule 1

Omit “protocols made by the Authority under clause 40”, substitute “BSM procedures”.

111 Subclause 22(3) of Schedule B to Schedule 1

Omit all the words after “if an Accountable Action”, substitute:

is a State Action that is not required to be declared effective under clause 64 of the Agreement, the Authority must, in accordance with any BSM procedures:

- (a) attribute any salinity credits arising from that State Action at the time when the Authority considers that the Accountable Action is substantially complete; and
- (b) enter the salinity credits on the relevant Register.

112 Clause 23 of Schedule B to Schedule 1 (heading)

Repeal the heading, substitute:

23. Trading and transfers of salinity credits and salinity debits

113 After subclause 23(2) of Schedule B to Schedule 1

Insert:

- (2A) Unless the Committee directs otherwise, a Contracting Government may, if any BSM procedures permit and in accordance with any such procedures, assign to

the Collective Account any or all of the salinity credits or salinity debits attributed to that Government on Register A. If a Contracting Government does so, the Authority must amend Register A accordingly.

- (2B) The Authority must, if required by any BSM procedures, transfer any salinity credits attributed to the Commonwealth Account to the Collective Account and amend Register A accordingly.
- (2C) The Authority must, at the request of a State Contracting Government, and in accordance with any BSM procedures:
 - (a) transfer a State Contracting Government's share of salinity credits in the Collective Account to that State Contracting Government; and
 - (b) amend Register A accordingly.

114 Subclause 23(3) of Schedule B to Schedule 1

Omit "Authority", substitute "Committee".

115 Paragraph 23(4)(a) of Schedule B to Schedule 1

Omit "Authority", substitute "Committee".

116 Subclause 23(5) of Schedule B to Schedule 1

Repeal the subclause, substitute:

- (5) The Authority may, in accordance with BSM procedures, give effect to any written request by a Contracting Government to transfer a salinity credit attributed to that Government:
 - (a) in Register A, to Register B; or
 - (b) in Register B, to Register A.

117 Clause 24 of Schedule B to Schedule 1 (heading)

Repeal the heading, substitute:

24. Re-estimating salinity impacts and amendment of Register entries

118 Paragraph 24(1)(a) of Schedule B to Schedule 1

Repeal the paragraph, substitute:

- (a) must re-estimate the salinity impacts of an Accountable Action or a Delayed salinity impact following a review of the Accountable Action or Delayed salinity impact in accordance with a Review Plan under clause 32; and
- (aa) may, at any other time, re-estimate the salinity impacts of an Accountable Action or Delayed salinity impact; and

119 After subclause 24(1) of Schedule B to Schedule 1

Insert:

- (1A) If the Authority considers that an estimate of the salinity cost effect on which a salinity credit or salinity debit of an Accountable Action or Delayed salinity impact was determined is not reliable, the Authority:

- (a) may, in accordance with the advice of the Committee, remove the salinity credit or salinity debit and replace it with a provisional entry; and
- (b) must, as soon as practicable, use its best efforts to make a reliable estimate and make a consequential amendment of the Register to reflect the re-estimated salinity impacts.

120 Subclause 24(2) of Schedule B to Schedule 1

Omit “at any time”, substitute “on the advice of the Committee”.

121 Paragraph 24(2)(b) of Schedule B to Schedule 1

After “be”, insert “a”.

122 Paragraph 24(3)(a) of Schedule B to Schedule 1

After “Accountable Action”, insert “or Delayed salinity impact, as the case requires”.

123 Subclause 24(3) of Schedule B to Schedule 1

Omit “protocols made by the Authority under clause 40”, substitute “BSM procedures”.

124 Subclause 25(1) of Schedule B to Schedule 1

Omit “protocols made by the Authority under clause 40”, substitute “BSM procedures”.

125 Clause 26 of Schedule B to Schedule 1

Repeal the clause, substitute:

26. Monitoring at End-of-Valley Target sites

A State Contracting Government must, in accordance with any BSM procedures, undertake continuous flow and salinity monitoring in respect of relevant End-of-Valley Target sites for which it is responsible.

126 Clause 27 of Schedule B to Schedule 1 (heading)

Repeal the heading, substitute:

27. Monitoring programs in relation to Accountable Actions and Delayed salinity impacts

127 Subclause 27(2) of Schedule B to Schedule 1

Repeal the subclause, substitute:

- (2) A State Contracting Government must, within 3 months after a State Action undertaken by the Government has been completed, give to the Authority a proposed program:
 - (a) to monitor the salinity impacts of that State Action; and
 - (b) to monitor for Delayed salinity impacts in that State.
- (2A) A State Contracting Government must give to the Authority a proposed program to monitor the salinity impacts of a Joint work or measure that is designated to be

a State Action for that State in accordance with paragraph 24(2)(a) within 3 months after such designation.

- (2B) If salinity credits or salinity debits arising from an Accountable Action are attributed to the Collective Account in accordance with clause 21A, then the Contracting Government that the Committee, under paragraph 21A(3)(b), determines is responsible for monitoring the Accountable Action must give the Authority a proposed monitoring program to monitor the salinity impacts of the Accountable Action.

128 Subclause 27(3) of Schedule B to Schedule 1

After “Authority may”, insert “, in accordance with any BSM procedures”.

129 Paragraph 27(3)(a) of Schedule B to Schedule 1

Omit “or 27(2)”, substitute “, 27(2) or 27(2A)”.

130 Subclause 27(4) of Schedule B to Schedule 1

Repeal the subclause, substitute:

- (4) The Authority may, from time to time, give directions to a Constructing Authority under paragraph 61(1)(a) of the Agreement to ensure that any Joint work or measure or any S&DS work or measure is monitored efficiently and effectively.
- (5) The Committee may make BSM procedures to ensure that any Accountable Action or Delayed salinity impact is monitored efficiently and effectively.

131 Clause 28 of Schedule B to Schedule 1 (heading)

Repeal the heading, substitute:

28. Monitoring Accountable Actions and monitoring for Delayed salinity impacts

132 Subclause 28(2) of Schedule B to Schedule 1

Repeal the subclause, substitute:

- (2) A State Contracting Government must, in accordance with a program accepted by the Authority under clause 27:
- (a) monitor the salinity impacts of a State Action in the State; and
- (b) monitor for Delayed salinity impacts in that State.
- (3) A Contracting Government mentioned in subclause 27(2B) must, in accordance with a program accepted by the Authority under clause 27, monitor the salinity impacts of an Accountable Action which the Committee determines it is responsible for monitoring.
- (4) A Contracting Government nominated under subclause 56(5) of the Agreement in respect of an S&DS work or measure must monitor the salinity impacts of that S&DS work or measure in accordance with a program approved under clause 12 of the former Schedule, unless and until the Authority alters it, and thereafter in accordance with the altered program.

133 Clauses 29 to 33 of Schedule B to Schedule 1

Repeal the clauses, substitute:

29. Reports by State Contracting Governments

- (1) A State Contracting Government must, in accordance with any BSM procedures, prepare:
 - (a) a status report for the financial year commencing on 1 July 2017 and every second financial year; and
 - (b) a comprehensive report for the financial year commencing on 1 July 2018 and every second financial year.
- (2) A State Contracting Government must give the report to the Authority as soon as practicable after the end of the financial year to which the report relates and, in any case, by 30 November in the following financial year.

30. Annual report by Commonwealth Government

- (1) The Commonwealth Government must, after the end of each financial year, prepare a report in respect of that financial year in accordance with any BSM procedures.
- (2) The Commonwealth Government must give the report to the Authority as soon as practicable after the end of the financial year to which the report relates and, in any case, by 30 November in the following financial year.

31. Reports by the Authority

- (1) The Authority must, in accordance with this clause and any BSM procedures, prepare the following:
 - (a) for the financial year commencing on 1 July 2017 and every second financial year:
 - (i) a status report; and
 - (ii) a summary report;
 - (b) for the financial year commencing on 1 July 2018 and every second financial year—a comprehensive report.

Status report

- (2) The Authority must give the status report to the Committee as soon as practicable after the end of the financial year to which the report relates and, in any case, by 31 December in the following financial year.
- (3) When the Authority gives the status report to the Committee, the Authority must also give to the Committee the following:
 - (a) a copy of each State Contracting Government's report prepared under paragraph 29(1)(a) for that financial year;
 - (b) a copy of the Commonwealth Government's annual report prepared under subclause 30(1) for that financial year.

Comprehensive report

- (4) The Authority must give the comprehensive report to the Ministerial Council as soon as practicable after the end of the financial year to which the report relates and, in any case, by 31 March in the following financial year.

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- (5) A comprehensive report must, for the financial year to which it relates, include the following:
- (a) a summary of each State Contracting Government's report prepared under paragraph 29(1)(b) for that financial year;
 - (b) a summary of the Commonwealth Government's annual report prepared under subclause 30(1) for that financial year;
 - (c) the executive summary and recommendations of the audit report prepared in relation to the financial year under subclause 34(5).

Summary report

- (6) The Authority must give each summary report to the Ministerial Council as soon as practicable after the end of the financial year to which the summary report relates and, in any case, by 31 March in the following financial year.
- (7) A summary report must include a summary of the information included in the reports prepared under paragraph 29(1)(a), subclause 30(1) and subparagraph 31(1)(a)(i) for the financial year.

Publication of reports

- (8) The Authority must publish each status report, comprehensive report and summary report prepared under this clause on its website.

32. Review Plan

- (1) The Authority must prepare and approve a plan (the **Review Plan**) in accordance with this clause and any relevant BSM procedures.
- (2) The Review Plan must be:
- (a) prepared on the basis of information and advice provided to the Authority by the Contracting Governments; and
 - (b) approved by the Authority on the advice of the Committee.
- (3) The Review Plan must provide for the review of the following matters:
- (a) Register entries (including provisional entries);
 - (b) models or assessment methods associated with Register entries;
 - (c) End-of-Valley Targets, including, for each valley, a review of associated models and baseline data;
 - (d) any other model used or approved by the Authority under clause 38 to estimate salinity impacts.
- (4) Unless otherwise determined by the Committee, the matters to be reviewed under subclause 32(3) are to be reviewed as follows:
- (a) for Register entries (including provisional entries):
 - (i) for Joint works or measures and S&DS works or measures—by the Authority; and
 - (ii) for State Actions—by the relevant State Contracting Government or, if the action is shared between States, by the relevant State Contracting Governments; and

- (iii) for salinity credits or salinity debits that are attributed to the Collective Account—as determined by the Committee in accordance with paragraph 21A(3)(b); and
 - (iv) for delivery of Basin Plan Water—by the Authority; and
 - (v) for Delayed salinity impacts—by the relevant State Contracting Government;
- (b) for models or assessment methods associated with register entries—by the Authority or the Contracting Government responsible for reviewing the relevant register entry;
- (c) for End-of-Valley Targets—by the State Contracting Government responsible for the relevant valley;
- (d) for any other model used or approved by the Authority—by the Authority.
- (5) Each matter specified in the Review Plan must be reviewed at least once during the 10 year period commencing on 1 January 2016 and must be reviewed within 10 years of the previous review.
- (6) The Authority must review the Review Plan on an annual basis and may, in accordance with any BSM procedures, amend the Review Plan by changing the frequency of review of any matter specified in the Review Plan.
- (7) The Authority or a Contracting Government may, but is not required to, review a model underpinning one or more register entries at the same time as the Authority or the Government, as the case may be, reviews the relevant register entry or entries.

33. Review of matters in Review Plan by Contracting Governments and Authority

- (1) Each Contracting Government and the Authority must review, and report on, matters for which the Contracting Government or the Authority is responsible under the Review Plan, in accordance with the Review Plan and any relevant BSM procedures.
- (2) A report arising from a review of matters under paragraph 32(4)(a) must include the Authority’s estimate (based on the best information available to the Authority at the time the report is prepared) of the cumulative effect of the Accountable Actions or Delayed salinity impacts on the salinity, salt load and, where relevant, the flow regime in the upper River Murray and the River Murray in South Australia in the current year and in each of 2000, 2015, 2030, 2050 and 2100.
- (3) A report arising from a review of matters under paragraph 32(4)(c) in relation to End-of-Valley Targets must include information about salinity trends, predictions and risk profile for the relevant valley.

134 Clause 34 of Schedule B to Schedule 1 (heading)

Repeal the heading, substitute:

34. Audit and assessment

135 Subclause 34(1) of Schedule B to Schedule 1

Omit “annual audit under this clause”, substitute “audit and assessment under this clause”.

136 Paragraph 34(2)(b) of Schedule B to Schedule 1

Omit “President”, substitute “Authority”.

137 Paragraph 34(2)(c) of Schedule B to Schedule 1

Omit “Ministerial Council”, substitute “Committee”.

138 After subclause 34(2)

Insert:

- (2A) An audit and assessment is to commence by November after the end of the financial year mentioned in paragraph 31(1)(b).

139 Subclause 34(3) of Schedule B to Schedule 1

Repeal the subclause, substitute:

- (3) The independent auditors must together carry out the following:
- (a) an audit under this clause of the following:
 - (i) the report of each review conducted in the preceding 2 financial years by each Contracting Government and by the Authority under clause 33;
 - (ii) Register A and Register B;
 - (b) an assessment of the following:
 - (i) the implementation of the *Basin Salinity Management 2030*;
 - (ii) the implementation of the Review Plan, including the appropriateness of review periods.
- (3A) The Authority may, at any time, in consultation with the Contracting Governments, amend the terms of reference for an audit or assessment to include additional matters to be covered by the audit or assessment.

140 Paragraph 34(4)(a) of Schedule B to Schedule 1

Omit “State”.

141 Paragraph 34(4)(a) of Schedule B to Schedule 1

Omit “in the relevant year”, substitute “since the previous audit”.

142 Paragraph 34(4)(b) of Schedule B to Schedule 1

Omit “during the relevant year”.

143 Paragraph 34(5)(a) of Schedule B to Schedule 1

After “audit”, insert “and assessment”.

144 Paragraph 34(5)(b) of Schedule B to Schedule 1

After “audit”, insert “or assessment”.

145 Subclause 35(1) of Schedule B to Schedule 1

Repeal the subclause, substitute:

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- (1) The Authority must prepare and give to the Ministerial Council a report on the operation of this Schedule as follows:
 - (a) at such times as the Committee directs;
 - (b) at any time the Authority considers appropriate.

146 Subclause 35(2) of Schedule B to Schedule 1

Omit “must include”, substitute “may include in a report”.

147 Paragraph 35(2)(a) of Schedule B to Schedule 1

Omit “the reports prepared under clause 33 during the preceding 5 years”, substitute “the reports prepared under clause 33 since the last report prepared under subclause 35(1)”.

148 Subclause 35(3) of Schedule B to Schedule 1

Omit “State”.

149 At the end of Part VII of Schedule B to Schedule 1

Add:

35A. Review of the *Basin Salinity Management 2030*

- (1) The Authority must:
 - (a) by 31 December 2025—prepare, in consultation with Contracting Governments, a plan to review the *Basin Salinity Management 2030*; and
 - (b) by 31 December 2026—commence a review of the *Basin Salinity Management 2030* in accordance with the plan.
- (2) The review must include a review of the following matters:
 - (a) matters required by any BSM procedures;
 - (b) matters mentioned in the *Basin Salinity Management 2030* as matters to be considered in the review;
 - (c) the operation of this Schedule.

150 Subclause 36(1) of Schedule B to Schedule 1

Omit “relevant”.

151 Subclause 36(1) of Schedule B to Schedule 1

After “develop”, insert “and maintain”.

152 Paragraphs 36(1)(a) and (b) of Schedule B to Schedule 1

Omit “regime”.

153 Subclauses 36(2) and (3) of Schedule B to Schedule 1

Repeal the subclauses, substitute:

- (2) Any model or models developed under subclause 36(1) must be capable of estimating, or supporting the estimation of, the following:
 - (a) any salinity impacts of Accountable Actions;

- (b) any Delayed salinity impacts;
at Morgan and such other relevant locations as the Authority may determine, for each of the years 2000, 2015, 2030, 2050, 2100 and for such other years as the Authority may determine.
- (3) A Contracting Government must give the Authority information about the matters referred to in paragraphs 36(2)(a) and (b) that is in the possession of the Contracting Government in order to assist the Authority to develop and maintain a model referred to in subclause 36(1).

154 Clause 37 of Schedule B to Schedule 1

Repeal the clause, substitute:

37. Models developed by State Contracting Governments

- (1) Each State Contracting Government must develop and maintain:
 - (a) subject to subclause (3), one or more models to simulate, under Baseline Conditions, the daily salinity, salt load and flow, over the Benchmark Period, for each Valley specified in Appendix 1 for which the State Contracting Government is responsible; and
 - (b) one or more groundwater models to simulate, under Baseline Conditions, salt water accessions to the surface waters, where required for the assessment of Accountable Actions or Delayed salinity impacts for which the State Contracting Government is responsible.
- (2) Any model or models developed under subclause 37(1) must be capable of estimating or, in the case of groundwater, supporting the estimation of, the following:
 - (a) any salinity impacts of Accountable Actions;
 - (b) any Delayed salinity impacts;for each Valley and each End-of-Valley Target site specified in Appendix 1 for each of the years 2000, 2015, 2030, 2050, 2100 and for such other years as the Authority determines.
- (3) A State Contracting Government is not required to develop and maintain a model for the purposes of paragraph 37(1)(a) if a model developed by the Authority under clause 36 is capable of simulating the matters required by a model under paragraph 37(1)(a).
- (4) A State Contracting Government may, from time to time, alter a model developed under subclause 37(1).

155 Subclause 38(1) of Schedule B to Schedule 1

Omit “protocols made by the Authority under clause 40”, substitute “BSM procedures”.

156 Subclause 38(4) of Schedule B to Schedule 1

Repeal the subclause, substitute:

- (4) An assessment of any alteration to a model must include any matter required by any BSM procedures, and must set out the assessor’s estimation of the consequences of the alteration on salinity, salt load and flow, each on a daily

basis, for each Valley and at each End-of-Valley Target site which may be affected by the alteration.

157 Subclause 38(5) of Schedule B to Schedule 1

Omit “After considering the assessment made by the panel”, substitute “After completing the assessment of a model or alteration under subclause 38(2) or considering the assessment made by the panel under subclause 38(3)”.

158 Subclause 38(6) of Schedule B to Schedule 1

Omit “3 months”, substitute “6 months (or such longer period agreed by the Committee)”.

159 At the end of paragraph 38(6)(b) of Schedule B to Schedule 1

Add “, if the Authority, in writing, requests the State Contracting Government to do so”.

160 Clause 39 of Schedule B to Schedule 1

Repeal the clause.

161 Part IX of Schedule B to Schedule 1 (heading)

Repeal the heading, substitute:

PART IX—PROTOCOLS AND BSM PROCEDURES

162 Subclause 40(6) of Schedule B to Schedule 1

Omit “or clause 41”.

163 After clause 40 of Schedule B to Schedule 1

Insert:

40A. BSM procedures

- (1) The Committee may, from time to time, make, amend or revoke such procedures (*BSM procedures*) as it considers necessary, desirable or convenient to give effect to this Schedule.
- (2) BSM procedures must not be inconsistent with any provision of the Agreement (including its Schedules) and are of no effect to the extent of any inconsistency.
- (3) The Authority must publish BSM procedures on its website.

164 Clause 41 of Schedule B to Schedule 1 (heading)

Repeal the heading, substitute:

41. Matters that may be dealt with in BSM procedures

165 Clause 41 of Schedule B to Schedule 1

Omit “sub-clause 40(1), the Authority may make protocols”, substitute “subclause 40A(1), the Committee may make any BSM procedures as follows”.

166 Subparagraph 41(f)(ii) of Schedule B to Schedule 1

Omit “, for the purposes of Register B”.

167 At the end of paragraph 41(f) of Schedule B to Schedule 1

Add:

- (iv) about the purpose and operation of the Collective Account, and the attribution of salinity credits or salinity debits to the Collective Account;
- (v) about the attribution or transfer of salinity credits to or from the Commonwealth Account;
- (vi) about a Contracting Government accessing its share of salinity credits attributed to the Collective Account;
- (vii) about provisional entries (including rules about the use of provisional entries);

168 Subparagraphs 41(g)(ii) and (iii) of Schedule B to Schedule 1

Repeal the subparagraphs, substitute:

- (ii) Delayed salinity impacts;
- (iii) at End-of-Valley Target sites;

169 After paragraph 41(g) of Schedule B to Schedule 1

Insert:

- (ga) about the form and content of reports under clauses 29, 30 and 31;
- (gb) about the form and content of the Review Plan (including any operational review undertaken as part of a register entry review);
- (gc) about the conduct of a review, and the content of a review report, under clause 33;
- (gd) about matters to be included in a review under clause 35 or 35A;

170 Paragraphs 41(i) and (j) of Schedule B to Schedule 1

Repeal the paragraphs.

171 Paragraph 41(k) of Schedule B to Schedule 1

Omit “other national or regional resource management strategies relevant to the Strategy”, substitute “the Basin Plan, land and water management plans and relevant statutory requirements”.

172 After subclause 43(1) of Schedule B to Schedule 1

Insert:

- (1A) The Authority must not make a determination under subclause 43(1) unless, before making the determination, it has, in accordance with any BSM procedures:
 - (a) made an assessment of risk to achieving the Basin Salinity Target; and
 - (b) consulted Contracting Governments.

173 Paragraph 44(1)(b) of Schedule B to Schedule 1

Repeal the paragraph.

174 Paragraph 44(1)(c) of Schedule B to Schedule 1

Omit “State”.

175 Clause 45 of Schedule B to Schedule 1

Before “The”, insert “(1)”.

176 Paragraph 45(a) of Schedule B to Schedule 1

Omit “State”.

177 At the end of clause 45 of Schedule B to Schedule 1

Add:

- (2) The Authority must not act under subclause 45(1) unless it has first consulted the Committee.

178 Clause 46 of Schedule B to Schedule 1 (heading)

Repeal the heading, substitute:

46. Action by a Contracting Government

179 Clause 46 of Schedule B to Schedule 1

Omit “State”.

180 Subclause 47(1) of Schedule B to Schedule 1

Omit “sub-clause 47(2)”, substitute “subclauses 47(2) and (3)”.

181 At the end of clause 47 of Schedule B to Schedule 1

Add:

- (3) The costs of undertaking, monitoring and reviewing State Actions whose salinity credits and salinity debits will be attributed to the Collective Account are to be shared between Contracting Governments in accordance with a determination of the Committee.

182 Clause 48 of Schedule B to Schedule 1

Repeal the clause, substitute:

48. Joint works or measures and S&DS works or measures

- (1) Subject to subclause 48(2), the provisions of clause 72 of the Agreement apply to every Joint work or measure and every S&DS work or measure.
- (2) The share of the cost of any Joint work or measure or any S&DS work or measure attributable to a Contracting Government under subclause 48(1) may be varied by an agreement made under clause 23.

183 Part XII of Schedule B to Schedule 1 (heading)

Repeal the heading, substitute:

PART XII—TRANSITIONAL PROVISIONS

DIVISION 1—AMENDMENTS MADE BY THE WATER AMENDMENT (MURRAY—DARLING BASIN AGREEMENT—BASIN SALINITY MANAGEMENT) REGULATIONS 2018

184 Clause 49 of Schedule B to Schedule 1

Repeal the clause, substitute:

50. Application of Division

This Division applies in relation to amendments of this Schedule made by Schedule 1 to the amending regulations.

51. Definitions

In this Division:

“**amending regulations**” means the *Water Amendment (Murray-Darling Basin Agreement—Basin Salinity Management) Regulations 2018*.

“**commencement day**” means the day on which this Division commences.

“**new Schedule B**” means this Schedule as in force on and after the commencement of this Division.

“**old Schedule B**” means this Schedule as in force immediately before the commencement of this Division.

52. Things started but not finished before commencement day

- (1) This clause applies if:
 - (a) before the commencement day a Contracting Government, the Committee, the Authority or an auditor appointed under clause 34 of old Schedule B started doing a thing in accordance with old Schedule B; and
 - (b) immediately before that day the Contracting Government, Committee, Authority or auditor had not finished doing that thing.
- (2) The Contracting Government, Committee, Authority or auditor, as the case requires, must, on and after the commencement day, finish doing the thing in accordance with old Schedule B, unless the Contracting Government, Committee, Authority or auditor considers it more appropriate to finish doing the thing in accordance with new Schedule B.

53. Things done in anticipation of new Schedule B

Acts or things consistent with new Schedule B done by or on behalf of a Contracting Government, the Committee, the Authority or an auditor appointed under clause 34 of old Schedule B, before the commencement day in anticipation of new Schedule B are, on and after the commencement day, taken to have been done under and in accordance with new Schedule B.

54. Things done by, or in relation to, the Committee or Authority

If, before the commencement day, a thing was done by, or in relation to, the Committee or the Authority under old Schedule B, then the thing is taken, on and after that day, to have been done by, or in relation to, the Committee or the Authority, as the case requires, under new Schedule B.

55. Things done under old Schedule B for particular purpose

(1) If:

- (a) a thing was done for a particular purpose under old Schedule B; and
- (b) the thing could be done for that purpose under new Schedule B;

the thing has effect for the purposes of new Schedule B as if it had been done under new Schedule B.

- (2) Without limiting subclause 55(1), a reference in that subclause to a thing being done includes a reference to an attribution, notice, report, plan or other instrument being given or made.

56. Amendments have no effect on previous operation of old Schedule B

The amendment of a provision (the *affected provision*) of this Schedule by Schedule 1 to the amending regulations does not:

- (a) affect the previous operation of the affected provision or anything duly done or suffered under the affected provision; or
- (b) affect any right, privilege, obligation or liability acquired, accrued or incurred by a Contracting Government, the Committee or the Authority under the affected provision.

57. Saving of protocols

Protocols made by the Authority under clause 40 of old Schedule B and in force immediately before the commencement day continue to have effect on and after that day as if they were BSM procedures made by the Committee under clause 40A and may be amended or revoked by the Committee in accordance with clause 40A.

58. Provisional entries

An entry made by the Authority in Register A or Register B before the commencement day purporting to be a provisional entry is, on and after the commencement day, taken to be a provisional entry made by the Authority in accordance with clause 20A.

185 Appendix 1 to Schedule B to Schedule 1 (table)

Repeal the table, substitute:

Murray-Darling Basin Agreement - Schedule B, Appendix 1 Basin Salinity Management 2030 - End-of-Valley Salinity Targets												
Valley	Baseline Conditions (1 Jan 2000)				End-of-Valley Targets (as percentage of Baseline)				End-of-Valley Targets (as absolute value)			
	Salinity (EC µS/cm)		Salt Load (t/yr)		Salinity (EC µS/cm)		Salt Load (t/yr)		Salinity (EC µS/cm)		Salt Load (t/yr)	
	Median (50%ile)	Peak (80%ile)	Mean	Peak (80%ile)	Median (50%ile)	Peak (80%ile)	Mean	Peak (80%ile)	Median (50%ile)	Peak (80%ile)	Mean	Peak (80%ile)
ALL PARTNER GOVERNMENTS												
Murray-Darling Basin	570	920 (95%ile)	1,600,000	110%	87% (95%ile)	627	800 [^] (95%ile)	1,760,000	Murray R @ Morgan (Salinity)	426554	426902	96
SOUTH AUSTRALIA												
SA Border	380	470	1,300,000	-	88%	-	-	-	Murray R @ Lock 4 (Flow)	426200	426514	92
Lock 6 to Berri	450	600	1,500,000	-	91%	-	-	-	Berri Pumping Station (Salinity)	426537	426537	94
Below Morgan	600	820	1,600,000	-	94%	-	-	-	Murray R @ Murray Bridge	426522	426522	98
NEW SOUTH WALES												
Murrumbidgee	150	230	160,000	108%	112%	162	258	169,600	Murrumbidgee R d/s Bafanald Weir	410130	410130	58
Lachlan	430	660	250,000	107%	105%	460	693	257,500	Lachlan R @ Forbes (Cottons Weir)	412004	412004	55
Bogan	440	490	27,000	104%	119%	456	581	34,830	Bogan R @ Gonsoloon	421023	421023	78
Macquarie	480	610	23,000	105%	122%	504	744	25,760	Macquarie R @ Caminda (Bells Bridge)	421012	421012	77
Castlereagh	350	390	9,000	105%	-	368	-	8,910	Castlereagh R @ Gungahlin Bridge	420020	420020	76
Namoi	440	650	110,000	108%	110%	475	715	127,600	Namoi R @ Gungahlin	419026	419026	75
Cavendish	400	540	7,000	103%	101%	412	545	7,000	Meli R @ Bronte	418058	418058	74
NSW Border Rivers	250	330	50,000	100%	100%	250	330	50,000	Macintyre R @ Mungindi	416001	416001	70
Barwon-Darling	330	440	440,000	118%	103%	389	453	576,400	Darling R @ Wilcannia Main Channel	425008	425008	90
NSW Upper Murray	54	59	150,000	-	-	-	-	-	Murray R @ Heywoods	409016	409016	10
NSW Riverine Plains	310	390	1,100,000	-	-	-	-	-	Murray R @ Redcliffs	414204	414204	60
NSW Mallee Zone	380	470	1,300,000	-	-	-	-	-	Flow to SA	426200	426200	92
VICTORIA												
Wimmera	1380	1720	31,000	100%	100%	1380	1720	31,000	Wimmera R @ Horsham Weir	415200	415200	34
Avoca	2060	5290	37,000	102%	-	2,096	-	-	Avoca R @ Ombabook	408203	408203	32
Loddon	750	1,090	88,000	95%	-	711	-	-	Loddon R @ Laanecoorie	407203	407203	24
Campaspe	530	670	54,000	78%	-	412	-	-	Campaspe R @ Campaspe Weir	406218	406218	22
Goulburn	100	152	166,000	99%	-	99	-	-	Goulburn R @ Goulburn Weir	405259	405259	18
Broken	100	130	15,000	141%	-	141	-	-	Broken Ck @ Casey's Weir	404217	404217	16
Ovens	72	100	54,000	100%	100%	72	100	54,540	Ovens R @ Peechee Pt-East	405241	405241	14
Kiewa	47	55	19,000	100%	100%	47	55	19,000	Kiewa R @ Bandiana	402205	402205	12
Pic Upper Murray	54	59	150,000	-	-	-	-	-	Murray R @ Heywoods	409016	409016	10
Pic Riverine Plains	270	380	630,000	-	-	-	-	-	Murray R @ Swan Hill	409204	409204	30
Pic Mallee Zone	380	470	1,300,000	-	-	-	-	-	Flow to SA	426200	426200	92
QUEENSLAND												
Old Border Rivers	250	330	50,000	100%	100%	250	330	50,000	Barwon R @ Mungindi#	416001 #	416001 #	70
Moone	140	150	8,700	100%	100%	140	150	8,700	Moone R @ Fenton	417204A	417204A	71
Condamine-Balonne	170	210	4,200	100%	100%	170	210	4,200	Balcondool R @ Hebel-Bollon Rd	422207A	422207A	83
	170	210	5,000	100%	100%	170	210	5,000	Bohkara R @ Hebel	422209A	422209A	82
	150	280	6,500	100%	100%	150	280	6,500	Briarie Ck @ Woolerilla-Hebel Rd	422211A	422211A	84
	170	210	29,000	100%	100%	170	210	29,000	Culgosa R @ Brenda #	422015 #	422015 #	85
	160	210	10,000	100%	100%	160	210	10,000	Narran R @ New Angledool #	422030 #	422030 #	81
Paroo	90	100	24,000	100%	100%	90	100	24,000	Paroo R @ New Angledool #	424201A	424201A	88
Warrego	101	110	4,800	100%	100%	101	110	4,800	Warrego R @ Barrington No.2 #	423004 #	423004 #	86
	100	130	5,500	100%	100%	100	130	5,500	Cuttaburra Ck @ Turra #	423005 #	423005 #	87
AUSTRALIAN CAPITAL TERRITORY												
ACT	224	283	32,700	100%	100%	224	283	32,700	Murrumbidgee R @ Hall's Crossing	41077* #	41077* #	52
Notes												
[^] 95th percentile target. Clause 7 of this schedule describes the Basin Salinity Target at this location.												
# - These sites are operated by New South Wales on behalf of Queensland.												
* - The mean value for salt load (t/yr) exported from the ACT is the net difference between exports and imports												

186 Appendix 2 to Schedule B to Schedule 1

Repeal the Appendix, substitute:

SCHEDULE B—APPENDIX 2—AUTHORISED WORKS OR MEASURES

Description of works	Location	Nominated Government	Status
Barr Creek Drainage Diversion Scheme Saline water diversion from Barr Creek with disposal to the Tutchewop Lakes	Northern Victoria approximately 20 km north of the township of Kerang	Victoria	S&DS works or measures
Buronga Salt Interception Scheme (part) Groundwater pumping with disposal to Mourquong basin	Southwest New South Wales on the River Murray between Mildura Weir and Mourquong	New South Wales	S&DS works or measures
Mallee Cliffs Salt Interception Scheme Groundwater pumping with disposal to Mallee Cliffs evaporation basin	Southwest New South Wales on the River Murray approximately 30 km east of Mildura opposite Lambert Island in Victoria	New South Wales	S&DS works or measures
Mildura-Merbein Salt Interception Scheme (part) Groundwater pumping with disposal to Wargan evaporation basins	Northwest Victoria on the Southern side of the River Murray between Mildura and Merbein	Victoria	S&DS works or measures
Rufus River Groundwater Interception Scheme Groundwater pumping with disposal to evaporation basins on the western side of lake Victoria	On both sides of Rufus River between the outlet from Lake Victoria and the River Murray	South Australia	S&DS works or measures
Waikerie Salt Interception Scheme Groundwater pumping with disposal to Stockyard Plain evaporation basin. The Waikerie Salt Interception Scheme consists of the following: (a) Waikerie SIS (b) Waikerie Phase 2A SIS (c) Waikerie Lock 2 SIS	Southern side of the River Murray from Holder Bend (River distance 392 km) to Hogwash Bend (River distance 351 km)	South Australia	(a) S&DS works or measures (b) S&DS works or measures (c) BSMS works or measures
Woolpunda Salt Interception Scheme Groundwater pumping with disposal to Stockyard Plain evaporation basin	Both sides of the River Murray from Overland Corner to Holder Bend in South Australia	South Australia	S&DS works or measures

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Description of works	Location	Nominated Government	Status
Pyramid Creek Salt Interception Scheme Groundwater pumping with disposal to a salt harvesting pond complex	Along Pyramid Creek for 12 km from Flannery's Bridge to the Box Creek Regulator	Victoria	BSMS works or measures
Bookpurnong Salt Interception Scheme Groundwater pumping with disposal to Noora evaporation basin	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	BSMS works or measures
Loxton Salt Interception Scheme Groundwater pumping with disposal to Noora evaporation basin	Eastern side of the River Murray between Lock & Weir No 4 to the North and Loxton to the South	South Australia	BSMS works or measures
Upper Darling Salt Interception Scheme Groundwater pumping with disposal to Upper Darling SIS evaporation basin	Northern New South Wales on the eastern side of the Darling River approximately 30 km downstream of the township of Bourke	New South Wales	BSMS works or measures
Murtho Salt Interception Scheme Groundwater pumping with disposal to the Noora disposal basin	Eastern side of the River Murray between Lock and Weir 6 and the township of Paringa	South Australia	BSMS works or measures