



New South Wales

Water Management (General) Amendment (Lower Murray) Regulation 2006

under the

Water Management Act 2000

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Water Management Act 2000*.

IAN MACDONALD, M.L.C.,
Minister for Natural Resources

Explanatory note

The object of this Regulation is to modify the provisions of Schedule 10 to the *Water Management Act 2000* (Conversion of former entitlements to access licences and approvals) in relation to the access licences that arise under that Schedule as a consequence of a proclamation under section 55A of that Act that extends the operation of Part 2 of Chapter 3 of that Act to the Lower Murray Groundwater Source.

This Regulation is made under the *Water Management Act 2000*, including section 400 (the general power to make regulations) and clause 1 of Schedule 9 (the power to make regulations of a savings or transitional nature).

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Clause 1 Water Management (General) Amendment (Lower Murray) Regulation 2006

Water Management (General) Amendment (Lower Murray) Regulation 2006

under the

Water Management Act 2000

1 Name of Regulation

This Regulation is the *Water Management (General) Amendment (Lower Murray) Regulation 2006*.

2 Commencement

This Regulation commences on 1 November 2006.

3 Amendment of Water Management (General) Regulation 2004

The *Water Management (General) Regulation 2004* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Part 3, Division 5

Insert after Division 4 of Part 3:

Division 5 Replacement access licences for Part 5 entitlements for the Lower Murray (1 November 2006)**29F Application of Division**

This Division applies to and in respect of each Part 5 entitlement referred to Column 1 of in Schedule 4B, and to and in respect of each access licence arising from any such entitlement, but not to any other entitlement or access licence.

29G New share components for existing Part 5 entitlements

- (1) This clause applies for the purposes of clause 3 (1) (a), and clause 8, of Schedule 10 to the Act.
- (2) On 1 November 2006, a Part 5 entitlement (or group of Part 5 entitlements) referred to in Column 1 of Schedule 4B is taken to have been replaced:
 - (a) by an aquifer access licence with a share component of the volume specified in Column 2 of that Schedule, and
 - (b) if a volume is specified in Column 3 of that Schedule, by a supplementary water access licence with a share component of the volume so specified.
- (3) The volumes specified in Columns 2 and 3 of Schedule 4B in relation to any Part 5 entitlement (or group of Part 5 entitlements) have been calculated in accordance with the methodology set out in clauses 27 and 28 of the *Water Sharing Plan for the Lower Murray Groundwater Source 2006*.

29H Registration of security interests in replacement access licences

- (1) Pursuant to clause 1 of Schedule 9 to the Act, clause 19 of Schedule 10 to the Act is to be construed as if:
 - (a) the reference in clause 19 (5) to the commencement of Part 2 of Schedule 10 to the Act were a reference to 1 November 2006, and

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- (b) the reference in clause 19 (5) (a) to replacement access licences were a reference to replacement access licences arising under clause 29G in relation to the water sources referred to in Schedule 4B.
- (2) Pursuant to clause 1 of Schedule 9 to the Act, the following subclauses are taken to be inserted after clause 19 (10):
 - (10A) Subclause (10B) applies only to an access licence arising from an entitlement with respect to land in respect of which an interest was, immediately before 1 November 2006, registered under the *Real Property Act 1900* or under the *Corporations Act 2001* of the Commonwealth.
 - (10B) No dealing that requires the consent of the holder of a security interest may be registered in relation to an access licence until the expiry of the prescribed period unless, before the expiry of that period, the holder of the interest:
 - (a) has lodged with the Director-General a notice of the kind referred to in subclause (5) (d), or
 - (b) has notified the Director-General that the holder does not propose to seek registration of the interest in the Access Register.

29I Entitlements held by 2 or more co-holders

- (1) Pursuant to clause 1 of Schedule 9 to the Act, clause 23 of Schedule 10 to the Act is taken to have been replaced by the following clause:

23 Entitlements held by 2 or more co-holders

Two or more co-holders of a replacement access licence are taken to hold the access licence:

- (a) if the Minister has a record of the shares in which the former entitlement was held immediately before the appointed day, in the same shares as the former entitlement was so held, or

- (b) if the Minister has no such record, but within 2 months after sending a written request to the co-holders seeking information as to their shareholding the Director-General receives:
 - (i) a notice, signed by or on behalf of each of them, by which they agree as to the shares in which they hold the access licence, or
 - (ii) a notice, signed by any one of them, to the effect that legal proceedings have been commenced for the purpose of obtaining a declaration as to the shares in which they hold the access licence, in the agreed shares referred to in the notice under subparagraph (i), or in the shares determined pursuant to the legal proceedings referred to in the notice under subparagraph (ii), as the case may be, or
- (c) in any other case, as tenants in common with the entitlements conferred by the licence under section 56 apportioned equally between them.

29J Water allocations

Pursuant to clause 1 of Schedule 9 to the Act, clause 25 of Schedule 10 to the Act is to be construed as if clause 25 (4) were replaced by the following subclause:

- (4) The water allocations for a replacement access licence are to be adjusted as required by the accounting practices applicable for the time being to water allocation accounts, except that no such adjustment arising from water taken before 1 November 2006 is to be made after 30 June 2008.

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[2] Schedule 4B

Insert after Schedule 4A:

Schedule 4B Replacement access licences for Part 5 entitlements for the Lower Murray (1 November 2006)

(Clause 29F)

Column 1	Column 2	Column 3
Part 5 entitlement	Aquifer access licence	Supplementary access licence
Lower Murray Groundwater Source		
50BL198095	202	211
50BL150528, 50BL197258	524	472
50BL153307	11	
50BL198145	15	
50BL196261	20	
50BL196002	553	310
50BL196097	537	398
50BL154858	429	302
50BL196078	717	174
50BL196131	30	9
50BL131283	178	197
50BL196024	392	353
50BL196075	810	543
50BL022353, 50BL132971	805	502
50BL150085	412	179
50BL198501	71	49
50BL117650	44	46
50BL130736	65	60
50BL143318	380	143
50BL196073	565	309

Column 1	Column 2	Column 3
Part 5 entitlement	Aquifer access licence	Supplementary access licence
50BL196189	485	345
50BL196211	502	113
50BL138875	648	356
50BL198142	12	
50BL196070	591	227
50BL196015	1344	492
50BL131361	244	139
50BL108638, 50BL130547, 50BL198855	20	8
50BL130758	219	47
50BL196039	185	205
50BL142325	496	355
50BL122794, 50BL123446	404	231
50BL123472	59	66
50BL196143	219	108
50BL196185	402	166
50BL196255	265	70
50BL196054	584	380
50BL121799, 50BL123277, 50BL123278	1122	239
50BL115527	145	161
50BL196196	533	235
50BL196000	1065	781
50BL139387, 50BL150212	1628	567
50BL196190	494	165
50BL196108	280	68
50BL196184	575	249
50BL102662	361	325
50BL196176	77	83
50BL138088	103	28
50BL151265	714	294

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Schedule 1 Amendments

Column 1	Column 2	Column 3
Part 5 entitlement	Aquifer access licence	Supplementary access licence
50BL130806	518	221
50BL134537	328	141
50BL131197	202	187
50BL196005	813	374
50BL123553	226	150
50BL196087	79	40
50BL198754	19	
50BL150640	779	498
50BL196061	217	85
50BL196217	376	269
50BL196050	496	231
50BL196226	618	207
50BL140898	371	205
50BL124080	356	293
50BL127476	34	37
50BL196020	628	265
50BL150304, 50BL199267	630	380
50BL100391	102	25
50BL130723	1170	358
50BL196212, 50BL197449	706	465
50BL196194	365	310
50BL196058	156	89
50BL136097, 50BL196960	320	209
50BL124954	70	55
50BL141525	346	336
50BL130785	1123	518
50BL155180	865	628
50BL196220	687	281
50BL196151	872	438

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Amendments

Schedule 1

Column 1	Column 2	Column 3
Part 5 entitlement	Aquifer access licence	Supplementary access licence
50BL152586	397	96
50BL143639	253	208
50BL196066	392	76
50BL143638	319	79
50BL196105	335	211
50BL126358	20	12
50BL196055	1493	778
50BL196106	529	301
50BL196199	1105	829
50BL155477	253	212
50BL196227	236	223
50BL155371	669	409
50BL196146	513	247
50BL196259	20	
50BL122618	180	57
50BL196006	784	555
50BL196062	635	524
50BL196203	879	761
50BL030154	20	1
50BL133558	149	67
50BL196180	269	132
50BL196081	23	25
50BL196249	979	231
50BL196145	312	157
50BL196210	730	406
50BL133857	20	4
50BL141791	19	
50BL131017	20	
50BL136868, 50BL197037	4	

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Column 1	Column 2	Column 3
Part 5 entitlement	Aquifer access licence	Supplementary access licence
50BL196273	916	363
50BL196283	229	190
50BL196291	25	28
50BL196302	345	292
50BL196274	1302	522
50BL196297	842	630
50BL196308	10	
50BL196310	15	
50BL196318	20	
50BL196335	352	62
50BL196321	418	117
50BL196332	484	233
50BL196382	1434	400
50BL196379	568	202
50BL196353	15	
50BL196340	750	399
50BL196412	801	679
50BL196430	10	
50BL196463	458	132
50BL196447	764	630
50BL196445	523	391
50BL196419	71	37
50BL196434	620	316
50BL196442	1029	910
50BL196464	828	580
50BL196453	345	234
50BL196501	526	474
50BL196480	342	172
50BL196466	227	67

Column 1	Column 2	Column 3
Part 5 entitlement	Aquifer access licence	Supplementary access licence
50BL196571	455	246
50BL196395	52	57
50BL196478	834	484
50BL196596	197	116
50BL196500	618	233
50BL196521, 50BL196522	513	453
50BL196625	196	135
50BL196545	391	172
50BL196525	545	389
50BL196507	500	430
50BL196656	208	230
50BL196659	252	279
50BL131210	138	77
50BL196572, 50BL196573	1762	1333
50BL196763	446	402
50BL196705	276	305
50BL196724	74	82
50BL196524	564	379
50BL196471	428	135
50BL196727	74	82
50BL196726	104	115
50BL196725	134	147
50BL196847	461	257
50BL196824	315	175
50BL196707	118	70
50BL196558	252	248
50BL196765	609	218
50BL196551	311	81
50BL196755	524	432

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Column 1	Column 2	Column 3
Part 5 entitlement	Aquifer access licence	Supplementary access licence
50BL196854	16	
50BL196708	299	326
50BL196856	144	106
50BL196954	237	263
50BL196857	648	283
50BL196870	258	188
50BL196879	513	453
50BL196905	1038	926
50BL196873	355	112
50BL196869	620	315
50BL196599	315	185
50BL196964	467	415
50BL196866	199	150
50BL196452	1236	1036
50BL197051	15	
50BL196935	30	33
50BL196042	901	716
50BL196992	149	109
50BL197023	315	206
50BL197231	18	
50BL197216	430	264
50BL197116	3	
50BL196624	20	
50BL197740	5	
50BL197139, 50BL199272	156	60
50BL198060	8	
50BL196306	106	94
50BL196014	378	197
50BL198087	1	

Column 1	Column 2	Column 3
Part 5 entitlement	Aquifer access licence	Supplementary access licence
50BL197343	6	
50BL198130	19	
50BL198203	10	
50BL198204	10	
50BL198206	10	
50BL198210	19	
50BL198620	24	26
50BL198607	10	
50BL198567	212	101
50BL198582	1064	535
50BL198707	6	
50BL198752	261	169
50BL198820	4	
50BL198821	19	
50BL198822	19	
50BL198926	2	
50BL198680	577	111
50BL199133	20	
50BL124345	652	289
50BL199218	5	
50BL199246	16	
50BL199281,	134	86
50BL199318	199	95
50BL199266	20	
50BL199306	26	28
50BL199383	30	33
50BL196120	122	45
50BL199524	10	
50BL199538	10	

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Column 1	Column 2	Column 3
Part 5 entitlement	Aquifer access licence	Supplementary access licence
50BL199339	37	41
50BL199661	3	

BY AUTHORITY