



New South Wales

Access Licence Dealing Principles Amendment Order 2006

under the

Water Management Act 2000

PURSUANT to section 71Z of the *Water Management Act 2000*, I, IAN MACDONALD, MLC, Minister for Natural Resources, make the following Order.
Dated at Sydney, this 2nd day of November 2006.

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

Explanatory note

Section 71Z of the *Water Management Act 2000* provides that the Minister may, by order published in the Gazette, establish access licence dealing principles to regulate or prohibit access licence dealing rules and kinds of access licence dealings. Dealings refer to trading in water access licences and water allocations under those licences. The purpose of this Order is to amend the *Access Licence Dealing Principles Order 2004*.

2006 No 677

Clause 1 Access Licence Dealing Principles Amendment Order 2006

Access Licence Dealing Principles Amendment Order 2006

under the

Water Management Act 2000

1 Name of Order

This Order is the *Access Licence Dealing Principles Amendment Order 2006*.

2 Commencement

This Order commences on the day it is published in the *Government Gazette*.

3 Amendment of Access Licence Dealing Principles Order 2004

The *Access Licence Dealing Principles Order 2004* as published in the Government Gazette of 1 July 2004 is amended as set out in Schedule 1.

4 Effect

This Order applies to any future application for a dealing and to any current application which has not received the Minister's consent at the date this order commences.

Schedule 1 Amendments

[1] Clause 11 (2)

Omit the clause. Insert instead:

- (2) Dealings under section 71O are prohibited:
 - (a) if the licence is proposed to be converted to category regulated river (conveyance) or category estuarine or category coastal or category supplementary, or
 - (b) if the licence is suspended, or
 - (c) if the licence is a specific purpose access licence and there is provision in the regulations or the relevant water sharing plan for applications to be made under section 61 of the Act for new licences of that category/subcategory in relation to the water source to which the licence relates, or
 - (d) if the licence is a specific purpose access licence and that licence nominates a water supply work on land that gives rise to a domestic and stock right under section 52 of the Act.

[2] Clause 11 (5)

Omit the clause. Insert instead:

- (5) Except for where it is otherwise specified in access licence dealing rules in the relevant management plan water allocations remaining in the water allocation account of the cancelled licence are to be credited to the new licence provided there is a forfeiture of an amount that is equal to the difference between the share components of the cancelled licence and the new licence where the new share component is lower.

Note. The forfeiture of water from the water allocation account of the converted licence is required to minimise potential impacts on the reliability of water allocations to other licence holders in the following water year.

[3] Clause 17 (2)

Omit the clause. Insert instead:

- (2) Dealings under section 71T are prohibited:
 - (a) if the access licence from which water allocations are proposed to be assigned from is suspended, or

- (b) if either of the access licences are specific purpose access licences, excepting:
 - (i) local water utility access licences and major water utility access licences and access licences of subcategory Aboriginal commercial, or
 - (ii) where one or both licences nominates a water supply work on land that does not give rise to a domestic and stock right under section 52 of the Act, and an order under section 60 (2) of the Act and a relevant order under section 323 of the Act is in force, or
- (c) if a method of measurement of water extraction which is satisfactory to the Minister is not established for all nominated water supply works on both access licences, or
- (d) if any of the access licences has a nominated work which is a runoff harvesting dam, or
- (e) if any of the access licences is of category major utility, unless specific provision is made in access licence dealing rules to allow this, or
- (f) from a supplementary water access licence to a licence of any other category.