



New South Wales

Water Management (General) Amendment (Water Sharing Plans) Regulation 2008

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*.

NATHAN REES, M.P.,
Minister for Water

Explanatory note

The object of this Regulation is to amend the *Water Management (General) Regulation 2004* so as:

- (a) to make provision as a consequence of the extension of Parts 2 and 3 of Chapter 3 of the *Water Management Act 2000* to the Bellinger River Area Unregulated and Alluvial Water Sources and the NSW Great Artesian Basin Groundwater Sources, and
- (b) to enable available water determinations to be published on the Department of Water and Energy's internet website rather than in a local newspaper, and
- (c) to extend the time within which security interests for certain access licences must be notified to the Department, and
- (d) to make provision with respect to other matters of a minor, consequential or ancillary nature.

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).

2008 No 265

Water Management (General) Amendment (Water Sharing Plans)
Clause 1 Regulation 2008

Water Management (General) Amendment (Water Sharing Plans) Regulation 2008

under the

Water Management Act 2000

1 Name of Regulation

This Regulation is the *Water Management (General) Amendment (Water Sharing Plans) Regulation 2008*.

2 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 2)

[1] Clause 8 Categories of access licence

Insert after clause 8 (1) (c):

- (d) domestic and stock (conveyance) access licence,
- (e) unregulated river (high flow) access licence.

[2] Clause 8A

Insert after clause 8:

8A Specific purpose access licences

A domestic and stock (conveyance) access licence is declared to be a specific purpose access licence.

Note. See paragraph (e) of the definition of *specific purpose access licence* in the Dictionary to the Act.

[3] Clause 10

Omit the clause. Insert instead:

10 Available water determinations

- (1) For the purposes of section 59 (2) of the Act, an available water determination referred to in section 59 (1) (a) of the Act is to be published on the Department's website.
- (2) An available water determination so published must be retained on the Department's website until the end of the water year to which it relates.

Note. Section 367 (1) (e) of the Act enables the Ministerial Corporation to issue an evidentiary certificate as to the terms of any particular available water determination.

[4] Clause 29AA Extension of time for registration of security interests

Insert "or, in the case of an access licence arising from an entitlement referred to in Schedule 4AA, 60 months" after "48 months" in clause 29AA (3).

2008 No 265

Water Management (General) Amendment (Water Sharing Plans)
Regulation 2008

Schedule 1 Amendments

[5] Part 3, Division 9

Insert after Division 8 of Part 3:

Division 9 Replacement access licences for entitlements for Bellinger River Area and Great Artesian Basin (1 July 2008)

29V Application of Division

This Division applies to and in respect of each entitlement with respect to:

- (a) the Bellinger River Area Unregulated and Alluvial Water Sources (identified in the *Water Sharing Plan for the Bellinger River Area Unregulated and Alluvial Water Sources 2008*), or
- (b) the Great Artesian Basin Groundwater Sources (identified in the *Water Sharing Plan for the NSW Great Artesian Basin Groundwater Sources 2008*),

and to and in respect of each access licence arising from any such entitlement.

29W 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 the reference in clause 19 (5) to the commencement of Part 2 of Schedule 10 to the Act were a reference to 1 July 2008, and
- (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 July 2008, 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.

29X Entitlements held by 2 or more co-holders

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.

2008 No 265

Water Management (General) Amendment (Water Sharing Plans)
Regulation 2008

Schedule 1 Amendments

[6] Part 4, Division 3

Insert after Division 2 of Part 4:

Division 3 Approvals for formerly unlicensed water bores in the Great Artesian Basin

40A Unlicensed water bores in the Great Artesian Basin

Any unlicensed water bore:

- (a) that was lawfully constructed before 1 July 2008, and
- (b) that, immediately before 1 July 2008, was not the subject of a licence under Part 5 of the former 1912 Act, and
- (c) that takes water from the Great Artesian Basin Groundwater Sources (identified in the *Water Sharing Plan for the NSW Great Artesian Basin Groundwater Sources 2008*), and

is taken to be the subject of a water supply work approval granted on 1 July 2008.

[7] Clause 107A Exemption relating to taking over works—Anabranch Water

Omit “2008” from clause 107A (1). Insert instead “2009”.

[8] Schedule 3 Categories and subcategories of licences

Insert the following matter in alphabetical order in Column 2 of Schedule 3 opposite the categories Regulated river (high security), Regulated river (general security), Unregulated river and Aquifer referred to in Column 1 of that Schedule:

Aboriginal community development

[9] Schedule 4AA

Insert after Schedule 4:

**Schedule 4AA Unrecorded 1 July 2004 access
licences**

(Clause 29AA)

Licence No	Licence No	Licence No	Licence No	Licence No
10SL033072	20SL060147	30SL066374	50SA00625	80SA010623
10SL035223	20SL060513	30SL066452	50SA006542	80SA010628
20PT910084	20SL060581	30SL066727	50SL011087	80SL018204
20PT910123	20SL060609	30SL066945	50SL017870	80SL034094
20PT910294	20SL060862	40SA000896H	50SL022424	80SL042121
20PT910306	20SL060966	40SA001957	50SL036309	80SL051821
20PT910612	20SL061020	40SA005535	50SL044005	80SL051933
20PT910721	20SL061054	40SA005573	50SL048132	80SL051957
20PT910968	20SL061146	40SA005584	50SL075116	80SL095017
20PT911027	20SL061230	40SA005606	50SL075582	80SL095035
20PT911029	20SL061258	40SA005611	50SL075621	80SL095265
20PT911034	20SL061316	40SA005618	57SL040493	90SA000941
20PT911043	20SL061374	40SL025182H	57SL080016	90SA001402
20PT911081	20SL061425	40SL027337	60SA000231	90SA002166H
20PT911093	20SL061426	40SL029672	60SA008558	90SA011551
20PT911232	30PT921450	40SL029715	60SL033440	90SA011607
20PT911413	30PT921498	40SL029934	60SL048204	90SA011691
20SA001341	30PT921530	40SL038621	60SL085247	90SA011728
20SL008819	30PT921549	40SL039350	60SL085389	90SA011731H
20SL016631	30SA004518	40SL041734	60SL085425	90SA011735
20SL024780	30SL029974	40SL042441	60SL085440	90SL014317
20SL026834	30SL065349	40SL047735	70SA009598	90SL022298
20SL029791	30SL065399	40SL048186	70SL023078	90SL023520
20SL032124	30SL065433	40SL070133	70SL034363	90SL026132
20SL033466	30SL065527	40SL070608	70SL034701	90SL030623
20SL034204	30SL065696	40SL070739	70SL040102	90SL034239
20SL036681	30SL065801	40SL070764	70SL049476	90SL034936
20SL037512	30SL065804	40SL070882	70SL091057	90SL037329
20SL038338	30SL065806	40SL070917	80SA000790H	90SL037401
20SL040349	30SL065811	40SL070958	80SA000962	90SL040871
20SL041469	30SL065875	40SL070959	80SA000982	90SL041724
20SL043894	30SL065897	50SA000207	80SA002149	90SL042200
20SL043950	30SL065978	50SA001406	80SA010538	90SL048581
20SL045304	30SL066083	50SA001874	80SA010581	90SL051364
20SL050288	30SL066260	50SA001881	80SA010605	90SL100420
20SL050687				

[10] Schedule 7 Savings and transitional provisions

Omit “34,400” from clause 4 (a) of Schedule 7. Insert instead “37,414”.

BY AUTHORITY