



New South Wales
Government

Access Licence Dealing Principles (Upper Namoi and Lower Namoi Regulated Rivers Water Sources) Order 2018

under the

Water Management Act 2000

I, Rachel Connell, by delegation from the Minister for Regional Water, in pursuance of section 71Z of the *Water Management Act 2000*, make the following Order.

Dated 13 November 2018

RACHEL CONNELL
Executive Director, Water
Department of Industry
By delegation

Explanatory note

This Order imposes a prohibition on certain assignments of water allocations in the Upper Namoi and Lower Namoi Regulated Rivers Water Sources.

The effect of this Order, together with the *Temporary Water Restriction (Upper Namoi and Lower Namoi Regulated Rivers Water Sources) Order 2018*, is that:

- (a) with respect to the water allocation account of an Upper Namoi regulated river (general security) access licence as at 6 November 2018:
 - (i) 15% is not available for take or assignment, and
 - (ii) 85% is available for take or assignment to another access licence within the Upper Namoi regulated river water source, and
- (b) with respect to a Lower Namoi regulated river (general security) access licence:
 - (i) water cannot be taken under the access licence (except for certain water that has not yet been taken for orders made on or before 5 November 2018), and
 - (ii) water allocations cannot be assigned to any other access licence, and
- (c) the assignment of water allocations from an access licence in the Peel Regulated River Water Source to an access licence in the Lower Namoi Regulated River Water Source is prohibited.

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1 Name of Order

This Order is the *Access Licence Dealing Principles (Upper Namoi and Lower Namoi Regulated River Water Sources) Order 2018*.

2 Commencement

This Order commences on the day on which it is published on the NSW legislation website and ceases to have effect on the expiry or repeal of the Section 324 Order.

3 Dealing prohibition

- (1) Any dealing under section 71T of the Act to assign water allocations from a Lower Namoi regulated river (general security) access licence to any other access licence is prohibited.
- (2) Any dealing under section 71T of the Act to assign water allocations from an access licence in the Peel Regulated River Water Source to an access licence in the Lower Namoi Regulated River Water Source is prohibited.
- (3) Any dealing under section 71T of the Act to assign water allocations from an Upper Namoi regulated river (general security) access licence to another access licence is prohibited unless:
 - (a) the extraction component of the other access licence permits the taking of water from the Upper Namoi Regulated River Water Source, and
 - (b) the holder of the Upper Namoi regulated river (general security) access licence is permitted to take the volume of water allocations to be assigned pursuant to the Section 324 Order.
- (4) For the avoidance of doubt, this Order prevails to the extent of any inconsistency with the *Access Licence Dealing Principles Order 2004* or the access licence dealing rules.

4 Interpretation

In this Order:

- (a) unless otherwise defined, words and expressions that are defined in the *Water Management Act 2000* or in regulations made under that Act have the same meaning in this Order, and
- (b) ***Lower Namoi regulated river (general security) access licence*** means a regulated river (general security) access licence with an extraction component that permits the taking of water from the Lower Namoi Regulated River Water Source, and
- (c) ***Lower Namoi Regulated River Water Source*** has the same meaning as in the Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2016, and

- (d) ***Peel Regulated River Water Source*** has the same meaning as in the *Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Water Sources 2010*, and
- (e) ***Upper Namoi regulated river (general security) access licence*** means a regulated river (general security) access licence with an extraction component that permits the taking of water from the Upper Namoi Regulated River Water Source, and
- (f) ***Upper Namoi Regulated River Water Source*** has the same meaning as in the Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2016, and
- (g) ***Section 324 Order*** means the *Temporary Water Restriction (Upper Namoi and Lower Namoi Regulated River Water Sources) Order 2018* made under the Act on the same date as this Order.