



New South Wales  
Government

## **Access Licence Dealing Principles (Upper and Lower Namoi Regulated River Water Sources) Order 2019**

under the

### **Water Management Act 2000**

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

Dated 26 June 2019

**RACHEL CONNELL**  
**Executive Director, Water**  
**Department of Industry**  
**By delegation**

### **Explanatory note**

This Order prohibits the following assignments of water allocations to cope with a water shortage:

- (a) assignments of water allocations from regulated river (general security) access licences in the Upper Namoi and Lower Namoi to any other access licence in the same water source where those water allocations cannot be taken pursuant to the *Temporary Water Restriction (Upper and Lower Namoi Regulated River Water Sources) Order 2019*,
- (b) assignment of water allocations from Lower Namoi to Upper Namoi.

This Order is made under section 71Z of the *Water Management Act 2000*.

## Access Licence Dealing Principles (Upper and Lower Namoi Regulated River Water Sources) Order 2019

under the

### Water Management Act 2000

#### 1 Name of Order

This Order is the *Access Licence Dealing Principles (Upper and Lower Namoi Regulated River Water Sources) Order 2019*.

#### 2 Commencement

This Order commences on the day on which it is published on the NSW legislation website.

#### 3 Duration

This Order ceases to have effect on the expiry or repeal of the *Temporary Water Restriction (Upper and Lower Namoi Regulated River Water Sources) Order 2019* as published in the NSW Government Gazette, whichever occurs first.

#### 4 Dealings prohibited

This Order prohibits certain dealings as set out in Schedule 1.

#### 5 Interpretation

(1) In this Order:

***Lower Namoi regulated river (general security) access licence*** means a regulated river (general security) licence that permits the taking of water from the Lower Namoi Regulated River Water Source.

***Lower Namoi Regulated River Water Source*** means the Lower Namoi Regulated River Water Source as described in the *Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2016*.

***section 324 order*** means the *Temporary Water Restriction (Upper and Lower Namoi Regulated River Water Source) Order 2019* as published in the NSW Government Gazette and amended from time to time.

***Upper Namoi regulated river (general security) access licence*** means a regulated river (general security) licence that permits the taking of water from the Upper Namoi Regulated River Water Source.

***Upper Namoi Regulated River Water Source*** means the Upper Namoi Regulated River Water Source as described in the *Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2016*.

(2) 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.

## Schedule 1 Dealings prohibited

### 1 Prohibition on assignment of water allocations from Lower Namoi regulated river (general security) access licences where take is restricted

On and from 1 July 2019, an assignment of water allocations in accordance with section 71T of the Act is prohibited if:

- (a) the proposed assignment is of water allocations from a Lower Namoi regulated river (general security) access licence to any other access licence within the Lower Namoi Regulated River Water Source, or within the Upper Namoi Regulated River Water Source, and
- (b) the holder of the Lower Namoi regulated river (general security) access licence, from which the water allocations are proposed to be assigned, is prohibited from taking those water allocations under the section 324 order.

### 2 Prohibition on assignment of water allocations from Upper Namoi regulated river (general security) access licences where take is restricted

On and from 1 July 2019, an assignment of water allocations in accordance with section 71T of the Act is prohibited if:

- (a) the proposed assignment is of water allocations from an Upper Namoi regulated river (general security) access licence to any other access licence within the Upper Namoi Regulated River Water Source, or within the Lower Namoi Regulated River Water Source, and
- (b) the holder of the Upper Namoi regulated river (general security) access licence, from which the water allocations are proposed to be assigned, is restricted from taking those water allocations under the section 324 order.

### 3 Prohibition on assignment of water allocations from Lower Namoi to Upper Namoi

On and from 1 July 2019, an assignment of water allocations in accordance with section 71T of the Act is prohibited if the proposed assignment is:

- (a) from an access licence that is permitted to take water from the Lower Namoi Regulated River Water Source, and
- (b) to an access licence that is permitted to take water from the Upper Namoi Regulated River Water Source.

### 3 Interaction with Access Licence Dealing Principles Order 2004

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.