



New South Wales

# Water Management (General) Amendment (Miscellaneous) Regulation 2024

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*.

ROSE JACKSON, MLC  
Minister for Water

## Explanatory note

The object of this regulation is to amend the *Water Management (General) Regulation 2018* to—

- (a) replace the methodology that must be used to determine the value of water taken from a water source in contravention of *Water Management Act 2000*, Chapter 3, Part 2, Division 1A, and
- (b) increase the amounts payable for penalty notices issued for certain offences against the Act.

## **Water Management (General) Amendment (Miscellaneous) Regulation 2024**

under the

Water Management Act 2000

### **1 Name of regulation**

This regulation is the *Water Management (General) Amendment (Miscellaneous) Regulation 2024*.

### **2 Commencement**

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

## Schedule 1 Amendment of Water Management (General) Regulation 2018

[1] **Clause 20 Determining value of water illegally taken**

Omit the clause.

[2] **Part 2, Division 1A**

Insert after Part 2, Division 1—

### **Division 1A Illegally taken water—the Act, s 60G(1)(a)**

#### **20 Definitions**

(1) In this division—

**eligible dealing** means the following dealings, other than in relation to a supplementary water access licence or an unregulated river (C class) access licence—

- (a) an assignment of water allocations to or from the water allocation account for an access licence in accordance with the Act, section 71T,
- (b) the debiting of water allocations from the water allocation account for an access licence, in accordance with the Act, section 71V, to give effect to an interstate assignment of water allocations by an assignor who resides, or is otherwise located, in New South Wales.

**eligible dealing unit price** means the amount per ML paid by the assignee for an eligible dealing.

**gross margin value**, for a water region, means the amount specified for the water region in Schedule 11, Part 2.

**illegally taken** means taken in contravention of the Act, Chapter 3, Part 2, Division 1A.

**relevant dealing**, in relation to a water year, means an eligible dealing within the water year with an eligible dealing unit price that is—

- (a) \$2 or more per ML, and
- (b) less than the sum of the following—
  - (i) the average eligible dealing unit price of all eligible dealings in the water year,
  - (ii) three times the standard deviation of the eligible dealing unit price of all eligible dealings in the water year.

**relevant water year**, in relation to illegally taken water, means the water year in which the water is illegally taken.

**VWAP**, in relation to relevant dealings, means the volume-weighted average price of the relevant dealings as determined by—

- (a) calculating the aggregate amount paid by the assignees in relation to the dealings, and
- (b) dividing the result by the aggregate volume of the water allocations the subject of the dealings.

**water region**, for a water source, means—

- (a) for a groundwater source for clause 20A(4)—the water region specified in Schedule 11, Part 1, Column 2 for the water sharing plan that applies to the water source, and

- (b) otherwise—the water region specified in Schedule 11, Part 1, Column 3 for the water sharing plan that applies to the water source.

**water sharing plan** means a Minister’s plan made under the Act, section 50.

- (2) A reference in this division to the volume of water is taken to be the volume of the water as expressed in ML.

**20A Determining value of water illegally taken**

- (1) The value of water illegally taken from a water source (**relevant water source**) must be determined in accordance with this clause.
- (2) If there are 20 or more relevant dealings during the relevant water year that are within the relevant water source, the value of the illegally taken water is determined by multiplying the VWAP of the relevant dealings by the volume of the illegally taken water.
- (3) If subclause (2) does not apply, but there are 20 or more relevant dealings during the relevant water year that are within or between water sources to which the water sharing plan that applies to the relevant water source also applies, the value of the illegally taken water is determined by multiplying the VWAP of the relevant dealings by the volume of the illegally taken water.
- (4) If subclauses (2) and (3) do not apply, but there are 20 or more relevant dealings during the relevant water year that are within or between water sources in the same water region as the relevant water source, the value of the illegally taken water is determined by multiplying the VWAP of the relevant dealings by the volume of the illegally taken water.
- (5) If subclauses (2)–(4) do not apply, the value of the illegally taken water is the gross margin value for the water region for the relevant water source, multiplied by the volume of the illegally taken water.
- (6) For subclause (3), if the relevant water source is a groundwater source, the 20 or more relevant dealings must be only within or between groundwater sources.
- (7) For subclauses (3) and (4), the 20 or more relevant dealings must be only within or between—
- (a) if the relevant water source is a regulated water source—regulated water sources, or
- (b) if the relevant water source is an unregulated water source—unregulated water sources.

**[3] Clause 66 Charges for water illegally taken and damage to works**

Insert “former” before “clause 20” wherever occurring in clause 66(1) and (2).

**[4] Clause 66(5)**

Insert in alphabetical order—

**former clause 20** means clause 20 as in force immediately before the commencement of the *Water Management (General) Amendment (Miscellaneous) Regulation 2024*.

**[5] Schedule 7 Penalty notice offences**

Omit the matters relating to sections 60A(2), 60B, 60C(2), 60D, 91A(1), 91A(2), 91B(1), 91B(2), 91C(1), 91C(2), 91D(1), 91D(2), 91E(1), 91E(2), 91F(1), 91F(2), 91G, 91H(1), 91H(2), 91H(3), 91I(2), 91IA, 91J(1), 91K(2), 256(1), 336C(1), 340A(1), 345(2) and 346.

Insert in appropriate order—

Section 60A(2)	\$7,700	\$15,400
Section 60B(1)	\$3,000	\$6,000
Section 60B(2)	\$3,000	\$6,000
Section 60C(2)	\$7,700	\$15,400
Section 60D	\$3,000	\$6,000
Section 91A(1)	\$3,000	\$6,000
Section 91A(2)	\$3,000	\$6,000
Section 91B(1)	\$3,000	\$6,000
Section 91B(2)	\$3,000	\$6,000
Section 91C(1)	\$3,000	\$6,000
Section 91C(2)	\$3,000	\$6,000
Section 91D(1)	\$3,000	\$6,000
Section 91D(2)	\$3,000	\$6,000
Section 91E(1)	\$3,000	\$6,000
Section 91E(2)	\$3,000	\$6,000
Section 91F(1)	\$3,000	\$6,000
Section 91F(2)	\$3,000	\$6,000
Section 91G(1)	\$3,000	\$6,000
Section 91G(2)	\$3,000	\$6,000
Section 91H(1)	\$3,000	\$6,000
Section 91H(2)	\$3,000	\$6,000
Section 91H(3)	\$3,000	\$6,000
Section 91I(2)	\$7,700	\$15,400
Section 91IA	\$3,000	\$6,000
Section 91J(1)	\$3,000	\$6,000
Section 91K(2)	\$7,700	\$15,400
Section 256(1)	\$3,000	\$6,000
Section 336C(1)	\$3,000	\$6,000
Section 340A(1)	\$3,000	\$6,000
Section 345(2)	\$7,700	\$15,400
Section 346	\$3,000	\$6,000

**[6] Schedule 11**

Insert after Schedule 10—

**Schedule 11 Water regions and gross margin values**

clause 20(1), definitions of “water region” and “gross margin value”

## Part 1 Water regions

Column 1	Column 2	Column 3
<i>Water Sharing Plan for the Barwon-Darling Unregulated River Water Source 2012</i>	—	Western
<i>Water Sharing Plan for the Bega River Area Regulated, Unregulated and Alluvial Water Sources 2024</i>	Other	South Coast
<i>Water Sharing Plan for the Bellinger River Area Unregulated and Alluvial Water Sources 2020</i>	Other	North Coast
<i>Water Sharing Plan for the Belubula Regulated River Water Source 2012</i>	—	Lachlan
<i>Water Sharing Plan for the Brunswick Unregulated and Alluvial Water Sources 2016</i>	Other	Far North Coast
<i>Water Sharing Plan for the Castlereagh Unregulated River Water Sources 2024</i>	—	Macquarie-Castlereagh
<i>Water Sharing Plan for the Central Coast Unregulated and Alluvial Water Sources 2022</i>	Other	Greater Hunter
<i>Water Sharing Plan for the Clarence River Unregulated and Alluvial Water Sources 2016</i>	Other	North Coast
<i>Water Sharing Plan for the Clyde River Unregulated and Alluvial Water Sources 2016</i>	Other	South Coast
<i>Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022</i>	Other	North Coast
<i>Water Sharing Plan for the Darling Alluvial Groundwater Sources 2020</i>	Other	Western
<i>Water Sharing Plan for the Deua River Unregulated and Alluvial Water Sources 2016</i>	Other	South Coast
<i>Water Sharing Plan for the Greater Metropolitan Region Groundwater Sources 2023</i>	Other	Greater Sydney
<i>Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023</i>	—	Greater Sydney
<i>Water Sharing Plan for the Gwydir Alluvial Groundwater Sources 2020</i>	Northern	Gwydir
<i>Water Sharing Plan for the Gwydir Regulated River Water Source 2016</i>	—	Gwydir
<i>Water Sharing Plan for the Gwydir Unregulated River Water Sources 2012</i>	—	Gwydir
<i>Water Sharing Plan for the Hastings Unregulated and Alluvial Water Sources 2019</i>	Other	North Coast
<i>Water Sharing Plan for the Hunter Regulated River Water Source 2016</i>	—	Greater Hunter
<i>Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2022</i>	Other	Greater Hunter
<i>Water Sharing Plan for the Intersecting Streams Unregulated River Water Sources 2024</i>	—	Western

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<i>Water Sharing Plan for the Lachlan Alluvial Groundwater Sources 2020</i>	Southern	Lachlan
<i>Water Sharing Plan for the Lachlan Regulated River Water Source 2016</i>	—	Lachlan
<i>Water Sharing Plan for the Lachlan Unregulated River Water Sources 2012</i>	—	Lachlan
<i>Water Sharing Plan for the Lower Murray-Darling Unregulated River Water Source 2024</i>	—	Murray
<i>Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2022</i>	Other	Greater Hunter
<i>Water Sharing Plan for the Macleay Unregulated and Alluvial Water Sources 2016</i>	Other	North Coast
<i>Water Sharing Plan for the Macquarie and Cudgegong Regulated Rivers Water Source 2016</i>	—	Macquarie-Castlereagh
<i>Water Sharing Plan for the Macquarie Bogan Unregulated Rivers Water Sources 2012</i>	—	Macquarie-Castlereagh
<i>Water Sharing Plan for the Macquarie-Castlereagh Groundwater Sources 2020</i>	Northern	Macquarie-Castlereagh
<i>Water Sharing Plan for the Murray Alluvial Groundwater Sources 2020</i>	Southern	Murray
<i>Water Sharing Plan for the Murray Unregulated River Water Sources 2024</i>	—	Murray
<i>Water Sharing Plan for the Murrumbidgee Alluvial Groundwater Sources 2020</i>	Southern	Murrumbidgee
<i>Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2016</i>	—	Murrumbidgee
<i>Water Sharing Plan for the Murrumbidgee Unregulated River Water Sources 2012</i>	—	Murrumbidgee
<i>Water Sharing Plan for the Nambucca Unregulated and Alluvial Water Sources 2016</i>	Other	Far North Coast
<i>Water Sharing Plan for the Namoi Alluvial Groundwater Sources 2020</i>	Northern	Namoi
<i>Water Sharing Plan for the Namoi and Peel Unregulated Rivers Water Sources 2012</i>	—	Namoi
<i>Water Sharing Plan for the New South Wales Murray and Lower Darling Regulated Rivers Water Sources 2016</i>	—	Murray
<i>Water Sharing Plan for the North Coast Coastal Sands Groundwater Sources 2016</i>	Other	Greater Hunter
<i>Water Sharing Plan for the North Coast Fractured and Porous Rock Groundwater Sources 2016</i>	Other	Greater Hunter
<i>Water Sharing Plan for the North Western Unregulated and Fractured Rock Water Sources 2024</i>	Northern	Western

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<i>Water Sharing Plan for the NSW Border Rivers Alluvial Groundwater Sources 2020</i>	Northern	Border Rivers
<i>Water Sharing Plan for the NSW Border Rivers Regulated River Water Source 2021</i>	—	Border Rivers
<i>Water Sharing Plan for the NSW Border Rivers Unregulated River Water Sources 2024</i>	—	Border Rivers
<i>Water Sharing Plan for the NSW Great Artesian Basin Groundwater Sources 2020</i>	Northern	Western
<i>Water Sharing Plan for the NSW Great Artesian Basin Shallow Groundwater Sources 2020</i>	Northern	Western
<i>Water Sharing Plan for the NSW Murray Darling Basin Fractured Rock Groundwater Sources 2020</i>	Southern	Murrumbidgee
<i>Water Sharing Plan for the NSW Murray Darling Basin Porous Rock Groundwater Sources 2020</i>	Southern	Murrumbidgee
<i>Water Sharing Plan for the Paterson Regulated River Water Source 2019</i>	—	Greater Hunter
<i>Water Sharing Plan for the Peel Regulated River Water Source 2022</i>	—	Namoi
<i>Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2023</i>	Other	Far North Coast
<i>Water Sharing Plan for the Snowy Genoa Unregulated and Alluvial Water Sources 2016</i>	Other	Murray
<i>Water Sharing Plan for the South Coast Groundwater Sources 2016</i>	Other	South Coast
<i>Water Sharing Plan for the Towamba River Unregulated and Alluvial Water Sources 2023</i>	Other	South Coast
<i>Water Sharing Plan for the Tross River Unregulated and Alluvial Water Sources 2016</i>	Other	South Coast
<i>Water Sharing Plan for the Tweed River Area Unregulated and Alluvial Water Sources 2023</i>	Other	Far North Coast
<i>Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2016</i>	—	Namoi

## **Part 2 Gross margin values**

<b>Water region</b>	<b>Gross margin value</b>
Border Rivers	\$475
Far North Coast	\$175
Greater Hunter	\$150
Greater Sydney	\$150
Gwydir	\$500



<b>Water region</b>	<b>Gross margin value</b>
Lachlan	\$350
Macquarie-Castlereagh	\$450
Murray	\$300
Murrumbidgee	\$300
Namoi	\$475
North Coast	\$175
South Coast	\$150
Western	\$350

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