



New South Wales

Water Management Amendment (Floodplain Harvesting Licences) Bill 2022

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Water Management Act 2000*, section 87AA—

- (a) to remove the entitlement of floodplain harvesting access licence holders to compensation for certain water allocation reductions, and
- (b) to limit circumstances in which the regulations may prescribe floodplain harvesting access licences as licences to which an entitlement applies, and
- (c) to extinguish any existing entitlements.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 **Amendment of Water Management Act 2000 No 92**

Schedule 1 gives effect to the object described in the overview above.



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Water Management Amendment (Floodplain Harvesting Licences) Bill 2022

No. , 2022

A Bill for

An Act to amend the *Water Management Act 2000* to remove the entitlement of floodplain harvesting access licence holders to compensation for certain water allocation reductions.

The Legislature of New South Wales enacts—

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1 Name of Act

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This Act is the *Water Management Amendment (Floodplain Harvesting Licences) Act 2022*.

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2 Commencement

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This Act commences on the date of assent to this Act.

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Schedule 1	Amendment of Water Management Act 2000 No 92	1
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[1]	Section 87AA Compensation payable in certain circumstances for reductions in water allocations arising after initial period that management plan is in force	3
	Omit section 87AA(1)(f1) and (f2).	4
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[2]	Section 87AA(1A) and (1B)	6
	Insert after section 87AA(1)—	7
	(1A) A regulation under subsection (1)(g) that prescribes floodplain harvesting (regulated river) access licences or floodplain harvesting (unregulated river) access licences may not be made unless the Minister—	8
	(a) is satisfied that the floodplain harvesting carried out under the prescribed categories of access licence is consistent with the water management principles, and	9
	(b) has published in the Gazette, in relation to each area in which floodplain harvesting is carried out under the prescribed categories of access licence, an explanation of how the floodplain harvesting is consistent with the water management principles, and	10
	(c) has obtained the concurrence of the Minister administering the <i>Biodiversity Conservation Act 2016</i> to the proposed regulation.	11
	(1B) The Minister administering the <i>Biodiversity Conservation Act 2016</i> must not grant concurrence to the proposed regulation unless that Minister has received, and published on the website of a Public Service agency responsible to that Minister, independent advice in relation to the matters set out in subsection (1A)(a) and (b).	12
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[3]	Section 87AA(10A)	25
	Insert after section 87AA(10)—	26
	(10A) An entitlement to compensation that arose under this section before the commencement of the <i>Water Management Amendment (Floodplain Harvesting Licences) Act 2022</i> , in relation to the following categories of access licence, is extinguished—	27
	(a) a floodplain harvesting (regulated river) access licence,	28
	(b) a floodplain harvesting (unregulated river) access licence.	29
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