



# Victoria Government Gazette

No. S 294 Wednesday 15 June 2022  
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## Subordinate Legislation Act 1994

### NOTICE OF DECISION UNDER SECTION 12J

I, Lisa Neville, as Minister responsible for administering the **Water Act 1989** (the Act), give notice under section 12J of the **Subordinate Legislation Act 1994** (SLA) of my decision to make the proposed Order for Amendment of The Trading Rules for Declared Water Systems (Revised Goulburn to Murray Trade Rule) (proposed amendment Order).

The proposed amendment Order revokes Rule 12F2, the limit on Allocation Trade from Goulburn or Campaspe or Loddon, to Murray or Interstate (the Goulburn to Murray Trade Rule). In its place, the proposed amendment Order inserts a revised Goulburn to Murray Trade Rule, rule 12F4, which applies from 1 July 2022. The proposed amendment Order:

1. limits the volume of allocation trade and use under tagged water allocations from Goulburn, Broken, Campaspe or Loddon to the Murray and interstate to what can be delivered within the Operating Rules for the lower Goulburn River;
2. protects the lower Goulburn River from unseasonably high and sustained flows over summer and autumn; and
3. protects the rights of people holding entitlements and allocations by ensuring trade is only allowed up to what can be delivered.

The objective of this proposed amendment Order is to minimise the negative impacts of some trades on the environment, cultural values and on the rights of persons holding entitlements and allocations.

An exposure draft of the proposed amendment Order and a regulatory impact statement were released for public consultation on the Engage Victoria website between 22 March 2021 and 9 May 2021 and again between 8 September 2021 and 6 October 2021. 34 survey submissions, 35 written submissions and one petition submitted by 302 signatories were received from the Victorian community. These came from a diverse range of individuals and groups, including irrigation water users, industry groups, environmental groups, Traditional Owner groups, recreational fishing groups, individuals and local, state and federal Government agencies. These submissions have been considered in accordance with section 11 of the **Subordinate Legislation Act 1994**.

An interim Goulburn to Murray Trade Rule and interim operating rules for the lower Goulburn River have been in place between 1 July 2021 and 30 June 2022. During this year more work has been done with Traditional Owners, environmental water managers, scientists, river operators, recreational stakeholders, water market participants and the community to build on the analysis and consultation undertaken for the regulatory impact statement, assessing the impacts of interim rules on ecological, cultural and recreational values trade and river operations, as well as water trade and river operations. Learnings and additional consultation undertaken through 2021–22 have informed refinements to the proposed amendment Order.

After considering the submissions received, the further work undertaken and the continued consultation with the community, I intend that the final form of the amendment Order include a number of refinements to better balance outcomes. The proposed amendment Order includes the following changes since the exposure draft published for consultation:

- Addition of a number of new definitions and amendment made to existing definitions to increase transparency and provide better accounting for all components that impact annual trade opportunity in any water season, as follows:
  - o added a definition for ‘Goulburn Grandfathered Tagged Water Use Reserve’ so water can be reserved at the start of each season to ensure use under historic tagging arrangements, which are exempt from tagged use restrictions under section 12.23 of the Basin Plan, do not cause net trade to exceed limits, with the volume determined as per Schedule 6;

**SPECIAL**

- o added a definition for ‘Snowy Water Recovery – Goulburn Reserve’ so water can be reserved for the allocation to Snowy Murray Development that must be delivered annually from the Goulburn to the Murray, with the volume determined according to Schedule 6. Previously this commitment was added to the inter-valley trade account balance as an allocation trade and was not transparently referenced in the rule;
- o added a definition for ‘Goulburn – Lower Broken Creek tagged water allocation’ so tagged water use in the Lower Broken Creek can be excluded from the trade limits for Goulburn to Murray Trade, recognising the Lower Broken Creek exemption from restrictions on tagged water use. Tagged water use in the Lower Broken Creek is not delivered through the lower Goulburn River and should not reduce allocation trade opportunity and disadvantage other water market participants;
- o added a definition for ‘tagged water allocation’ to include a clarification that tagged water use is included in trade limits with the making of Water (Tagged Water Allocations) Regulations 2021 and subsequent Ministerial determination. Previously this was not specified in the trade rules and instead was just added to the Goulburn inter-valley trade account balance;
- o added a definition for ‘Goulburn to Murray seasonal trade opportunity’ to increase transparency around how seasonal trade opportunity is calculated based on actual water use, rather than in relation to the Goulburn inter-valley trade balance and to allow adjusts to be made to the annual trade limit through the water season, with the volumes determined according to Schedule 6;
- o amended the definition for ‘Goulburn Legacy Trade Reserve’ to clarify how this is adjusted through the water season, with volumes determined according to Schedule 6; and
- o removed the definitions for the ‘Goulburn Adjusted Legacy Trade Review’ and the ‘Goulburn Fixed Summer-Autumn Limit’ as the calculations for adjusting reserves through the water season and releasing trade opportunity at 15 December have been explicitly outlined in Schedule 6 to increase transparency.
- Amendment made to the body of rule 12F to:
  - o remove reference to the Goulburn inter-valley trade account balance;
  - o refer to an annual limit of 240 GL of inter-valley trade which is reduced by the amount of water reserved to meet commitments for historical exchange rate trade (Goulburn Legacy Trade Reserve), annual allocation to Snowy Murray Development (Snowy Water Recovery – Goulburn Reserve) and use under historic tagging arrangements exempt under section 12.23 of the Basin Plan (Goulburn Grandfathered Tagged Water Use Reserve), and increased by the Goulburn to Murray seasonal trade opportunity created through an assessment of on observed water use in the Torrumbarry irrigation district (Goulburn to Murray seasonal trade opportunity); and
  - o refer to Snowy Water Recovery – Goulburn Reserve, Goulburn Grandfathered Tagged Water Use Reserve and the Goulburn Legacy Trade Reserve in the body of the rule to account for all components that impact annual trade opportunity in any water season. This increases transparency and prevents trade limits from being exceeded.
- Insertion of Schedule 6, to:
  - o provide details of when trade becomes available through the water season, with opening trade opportunity determined on 1 July and adjustments determined on 15 October and 15 December. No additional trade will become available after 15 December to allow water to be delivered in accordance with the Operating Rules for lower Goulburn Operating rules. This has removed the need to specify dates in the body of rule 12F;
  - o outline how the Goulburn Legacy Trade, Snowy Water Recovery – Goulburn and Goulburn Grandfathered Tagged Water Use reserves are adjusted for spills and the

- seasonal determination. This increases transparency and removes the need for the inclusion of ‘Goulburn Adjusted Legacy Trade Review’ and the ‘Goulburn Fixed Summer-Autumn Limit’ in the body of rule 12F; and
- o outline the Torrumbarry irrigation area water use triggers for calculating Goulburn to Murray seasonal trade opportunity between 1 July and 15 December. This increases transparency around the total volume of seasonal trade opportunity that will be created in any water season and details how trade will become available based on water use, rather than in relation to the Goulburn Inter-Valley Trade account balance.

The proposed amendment Order will support improved outcomes compared to the exposure draft by increasing transparency and certainty and supporting slightly greater volumes of trade opportunity, while still ensuring that trade opportunity is only created up to what can be delivered under the Operating Rules for the Lower Goulburn River.

After the proposed amendment Order is made, it will be published in the Government Gazette and be made available on the government website at: <https://waterregister.vic.gov.au/water-trading/trading-rules>

A copy of this notice, the submissions received, and a Statement of Reasons which summarises the issues raised in the submissions and the reason for the final form of the amendment Order will also be published on the Engage Victoria website: <https://engage.vic.gov.au/goulburn-murray-trade-rule-review>

HON. LISA NEVILLE MP  
Minister for Water

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MINISTERIAL DETERMINATION FOR  
TAGGED WATER ALLOCATIONS AMENDMENT – JUNE 2022

I, Lisa Neville, MP, Minister for Water administering the **Water Act 1989**, make this determination under regulation 6 of the Water (Tagged Water Allocations) Regulations 2021 to amend the Ministerial Determination for Tagged Water Allocations – November 2021 published on 25 November 2021 in the Government Gazette No. S658 (Determination).

**Commencement and expiry**

1. This determination commences on the day it is published in the Government Gazette.
2. This determination expires on 30 November 2031, unless sooner revoked.

**Amendment**

3. In Clause 9 of the Determination, for ‘30 June 2022’ substitute ‘30 June 2026’.

Dated 6 June 2022

LISA NEVILLE MP  
Minister for Water

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Level 2, 1 Macarthur Street  
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**Telephone**

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[gazette@ivegroup.com.au](mailto:gazette@ivegroup.com.au)

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