



Victoria Government Gazette

No. S 359 Friday 28 June 2024
By Authority of Victorian Government Printer

Water Act 1989

ORDER TO AMEND THE WATER TRADING RULES FOR DECLARED WATER SYSTEMS 2023 (REMOVAL OF THE GRANDFATHERED USE RESERVE FROM THE GOULBURN TO MURRAY TRADE RULE)

1. I, Hon. Harriet Shing, MP, Minister for Water, and Minister responsible for administering the **Water Act 1989**, make the following Order to amend the Water Trading Rules for Declared Water Systems 2023.

Title

2. This Order is called the Order to Amend the Trading Rules for Declared Water Systems 2023 (Removal of the Grandfathered Use Reserve from the Goulburn to Murray Trade Rule).

Purpose

3. The purpose of this Order is to amend Rule 12F4 of the Water Trading Rules for Declared Water Systems 2023 to no longer reserve a volume of water for use under ‘grandfathered’ tagged entitlements, to align with changes to Commonwealth legislation, and to make minor amendments to clarify that the Ovens water system is a semi-regulated water system.

Authorising Provision

4. This Order is made under sections 33AZ, 47E, 48P, and 64FZP of the **Water Act 1989**.

Commencement

5. This Order comes into effect on 1 July 2024, or the date it is published in the Government Gazette, whichever is later.

Definition

6. In this Order, ‘Water Trading Rules for Declared Water Systems 2023’ means the order made under sections 33AZ, 47E, 48P, 64AZ and 64FZP of the **Water Act 1989** by the Minister for Water in 2023 and gazetted on 20 November 2023, as amended from time to time.

Amendment

7. The Water Trading Rules for Declared Water Systems 2023 are amended as follows:
 - a. In clause 6:
 - i. omit the definition of ‘Goulburn Grandfathered Tagged Water Use Reserve’
 - ii. for the entire note following the definition of ‘Trading zone’ substitute ‘Note: Schedule 1 (Tables 1A and 1B) reproduce the water system zones declared by Order made under section 6B of the Act on 24 October 2023. Trading zones in Schedule 1 include only places in regulated water systems, and the semi-regulated Ovens water system, where trade can occur. Regulated water systems are water systems where flows in waterways can be stored or controlled, through the use of structures such as large public dams. A semi-regulated water system has a smaller capacity to store and control flows and therefore at times has the characteristics of an unregulated water system.’
 - b. In clause 12F4(4), omit clause ‘(b) the Goulburn Grandfathered Tagged Water Use Reserve’.
 - c. In Schedule 1, amend the note immediately following the title ‘Table 1A: Northern Victoria trading zones’ by substituting for the final words ‘regulated water systems.’ the words ‘regulated water systems, with the exception of the Ovens water system which is semi-regulated.’

SPECIAL

- d. In Schedule 6:
- i. omit the words ‘In this schedule’ immediately following the title to the Schedule;
 - ii. omit the definitions of ‘Goulburn Grandfathered Tagged Water Allocation’ and ‘Goulburn Grandfathered Tagged Water Allocation Carry Over;’
 - iii. omit the entire Table 6B, including the title to the Table, the table, and the starred footnote immediately following the table.

Dated 27 June 2024

HON. HARRIET SHING MP
Minister for Water

Water Act 1989

MINISTERIAL PROHIBITION DETERMINATION APPLICABLE TO PARTICULAR PLACE OF TAKE APPROVALS THAT ARE TAGGED – JULY 2024

I, Hon. Harriet Shing, MP, Minister for Water administering the **Water Act 1989**, make this prohibition determination under section 64FZE of the **Water Act 1989** in the circumstances prescribed in regulation 6(1) of the Water (Place of Take) Regulations 2023 (‘this determination’).

Commencement and Revocation

1. This determination commences on 1 July 2024¹ and remains in force until revoked.
Note: Under section 64FZG(3) of the Act, this determination remains in operation until it is revoked.
2. The *Ministerial Prohibition Determination Applicable to Particular Place of Take Approvals that are Tagged – June 2024*, which commenced on 8 June 2024, is revoked upon the commencement of this determination in accordance with paragraph 1.

Definitions

3. In this determination the following words have the following meanings:

Act means the **Water Act 1989**;

King River rationing area means rationing area King River declared in the Rationing Areas Declaration;

Lower Ovens rationing area means rationing area Lower Ovens declared in the Rationing Areas Declaration;

Rationing Areas Declaration means the *Declaration of Rationing Areas in Declared Water Systems 2023*² made under section 6C(1) of the Act on 15 November 2023;

Regulations means the Water (Place of Take) Regulations 2023³;

Trading Rules means the Order titled *Water Trading Rules for Declared Water Systems 2023*⁴, made under section 33AZ, 47E, 48P, 64AZ and 64FZP of the Act as amended from time to time;

Water System Zone Declaration means the *Order Declaring Water System Zones in Victoria*⁵ made under section 6B of the Act on 24 October 2023;

water system zone 1A (Greater Goulburn) means water system zone 1A (Greater Goulburn) declared in the Water System Zone Declaration;

water system zone 1B (Boort) means water system zone 1B (Boort) declared in the Water System Zone Declaration;

water system zone 4A (Campaspe) means water system zone 4A (Campaspe) declared in the Water System Zone Declaration;

water system zone 4C (Lower Campaspe) means water system zone 4C (Lower Campaspe) declared in the Water System Zone Declaration;

water system zone 5A (Loddon) means water system zone 5A (Loddon) declared in the Water System Zone Declaration;

water system zone 6B (Lower Broken Creek) means water system zone 6B (Lower Broken Creek) declared in the Water System Zone Declaration;

water system zone 9B (King) means water system zone 9B (King) declared in the Water System Zone Declaration;

water system zone 9C (Lower Ovens) means water system zone 9C (Lower Ovens) declared in the Water System Zone Declaration.

4. Terms defined in section 3(1) of the Act have the same meaning in this determination. These are: **approved place, Basin Plan, declared water system, general place of take approval, particular place of take approval, relevant water allocation, water register, water share and water system zone.**
5. Terms defined in the Regulations have the same meaning in this determination. These are: **Basin water resources, particular place of take approval that is tagged and source water system zone.**
6. This prohibition determination applies to all the declared water systems under the *Order Declaring Water Systems in Northern Victoria 2007*⁶ made under section 6A of the Act on 19 June 2007.
7. I determine that, subject to clause 7.1 below, a holder of a general place of take approval in the declared water systems listed in Table 1 in Schedule 1 cannot take water under a relevant water allocation at the approved place for that approval whenever the following circumstances apply:
 - (a) the relevant water allocation is the subject of a particular place of take approval that is tagged between a source water system zone and an approved place outside that zone; and
 - (b) Part 2 of the Trading Rules provides that, at that time, a particular place of take approval cannot be given in relation to the same source water system zone (referred to in paragraph (a)) and the water system zone in which the approved place referred to in paragraph (a) is located.
- 7.1 Until the end of 30 June 2026, clause 7 of this determination does not apply to a holder of a general place of take approval taking water under a relevant water allocation in accordance with a particular place of take approval which is tagged for which:
 - (a) the source water system zone for that relevant water allocation is water system zone 1A (Greater Goulburn), water system zone 1B (Boort), water system zone 4A (Campaspe), water system zone 4C (Lower Campaspe) or water system zone 5A (Loddon); and
 - (b) the approved place is in water system zone 6B (Lower Broken Creek).
- 7.2 I determine that a holder of a general place of take approval in the Lower Ovens rationing area cannot take water at the approved place under a particular place of take approval for a relevant water allocation that is tagged whenever the following circumstances apply:
 - (a) the relevant water allocation is tagged from the water system zone 9B (King) to an approved place in the water system zone 9C (Lower Ovens); and
 - (b) a determination has been made and is in effect:
 - (i) under section 64FZC of the Act, that applies to the King River rationing area or the Lower Ovens rationing area; or
 - (ii) under section 64FZE of the Act and in the circumstance prescribed in regulation 6(2) of the Regulations that applies to the King River rationing area or the Lower Ovens rationing area.

Reasons for making this determination

- 8.1 I reasonably believe that a circumstance prescribed in regulation 6(1) of the Regulations exists, in that I consider it is necessary to prohibit the taking of water under a relevant water allocation or class of relevant water allocation that is the subject of a particular place of take approval that is tagged and that applies to the Basin water resources, because of one or more of the following reasons, as set out in section 12.18 of the Basin Plan:
 - (a) there are physical constraints;
 - (b) there is a need to address hydrological connections and water supply considerations;

- (c) there is a need to protect the needs of the environment;
- (d) because of certain levels of hydraulic connectivity; or
- (e) for certain combinations of these reasons.

8.2 In this clause **hydrological connections and water supply considerations** has the same meaning given in section 12.18(2) of the Basin Plan.

Dated 27 June 2024

HON. HARRIET SHING MP
Minister for Water

SCHEDULE 1: Declared water systems to which clause 7 applies

TABLE 1: Declared water systems to which clause 7 applies

Declared water system
Broken water system
Bullarook water system
Campaspe water system
Goulburn water system
Loddon water system
Murray water system

Note: The table above lists regulated water systems in northern Victoria. The Ovens water system is not included in the table as it is not a regulated water system, but rather a semi-regulated water system, to which clause 7.2 applies.

Endnotes:

- ¹ Any ministerial determination made under the Water (Tagged Water Allocations) Regulations 2021 (S.R. No. 140/2021), such as the Ministerial Determination for Tagged Water Allocations 2021 and the Amending Ministerial Determination, June 2022, immediately ceased to be in effect when the Water (Tagged Water Allocations) Regulations 2021 (S.R. No. 140/2021) were revoked;
- ² copy available at Place of take approvals – Water Register;
- ³ S.R. No. 111/2023;
- ⁴ copy available at Water trading – Water Register;
- ⁵ copy available at Water trading – Water Register;
- ⁶ copy available at Water reform history – Water Register.

This page was left blank intentionally

This page was left blank intentionally

This page was left blank intentionally

ive

The *Victoria Government Gazette* is published by IVE Group Limited with the authority of the Government Printer for the State of Victoria

© State of Victoria 2024

This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act.

Address all enquiries to the Government Printer for the State of Victoria
Level 2, 1 Macarthur Street
Melbourne 3002
Victoria, Australia

How To Order



**Retail &
Mail Sales**

Victoria Government Gazette
Ground Floor, Building 8,
658 Church Street,
Richmond 3121



Telephone

03 8523 4601

email

gazette@ivegroup.com.au

Price Code A