

DRAFT Ministerial Determination for Tagged Water Allocations 2021

I, *[insert name of Minister]*, Minister for Water, being the Minister responsible for administering the *Water Act 1989*, make this determination under regulation 6 of the *Water (Tagged Water Allocations) Regulations 2021*.

Commencement and expiry

1. This determination commences on 1 July 2021.
2. This determination expires on 30 June 2031, unless sooner revoked.

Definitions

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

Act means the *Water Act 1989*;

Regulations means the *Water (Tagged Water Allocations) Regulations 2021*;

water allocation has the meaning given to it in section 3(1) of the Act;

water register has the meaning given to it in section 3(1) of the Act;

water season has the meaning given to it in section 3(1) of the Act;

water share has the meaning given to it in section 3(1) of the Act;

zone 1A (Greater Goulburn) is that part of the water system described as zone 1A (Greater Goulburn) in Schedule 1 of the Trading Rules;

zone 1B (Boort) is that part of the water system described as zone 1B (Boort) in Schedule 1 of the Trading Rules;

zone 4A (Campaspe) is that part of the water system described as zone 4A (Campaspe) in Schedule 1 of the Trading Rules;

zone 4C (Lower Campaspe) is that part of the water system described as zone 4C (Lower Campaspe) in Schedule 1 of the Trading Rules;

zone 5A (Loddon) is that part of the water system described as zone 5A (Loddon) in Schedule 1 of the Trading Rules;

zone 6B (Lower Broken Creek) is that part of the water system described as zone 6B (Lower Broken Creek) in Schedule 1 of the Trading Rules.

4. Terms defined in the Regulations have the same meaning in this determination. These are: *alternate water system, alternate zone, source water system, source zone, tagged water allocation, relevant tagged water allocation, Trading Rules* and *zone*.

Determination

5. I determine that a person cannot take water or use water under a tagged water allocation from the alternate water system for the tagged water allocation if Part 2 of the Trading Rules provides that, in relation to the source water system for the tagged water allocation and the alternate water system for the tagged water allocation, an approval specified in regulation 6(1) of the Regulations cannot be given.

6. I determine that a person cannot, under a tagged water allocation, use water on land situated in the alternate zone for the tagged water allocation if Part 2 of the Trading Rules provides that, in relation to the source zone for the tagged water allocation and the alternate zone for the tagged water allocation, approval under section 64K of the Act cannot be given to use water from the source zone on land in the alternate zone.

Transitional provisions

7. I determine that clause 5 and 6 apply to a relevant tagged water allocation if any of the following occurs on or after the making of this determination –
 - (a) on and from a recording in the water register of a transfer of ownership of the water share for the relevant tagged water allocation under sections 33S and 33X(1)(a) or (ab) of the Act; or
 - (b) on and from a recording in the water register of a transfer, or if the transfer occurs on a later date specified in the transfer, that date, of the whole of the right to future relevant tagged water allocations under a water share for a fixed period under sections 33T and 33X(1)(b) of the Act; or
 - (c) on and from an approval by the Minister under section 33X(1)(ba) of the Act of a direction given to an Authority under which the whole of the right to future relevant tagged water allocations under a water share is transferred to the person nominated in the direction; or
 - (d) on and from an assignment of the relevant tagged water allocation under sections 33U and 33X(1)(c) of the Act.

Reasons for making this determination

8. I consider it is necessary to impose the restrictions in clauses 5, 6, and 7 on the taking or use of water under tagged water allocations and under the relevant tagged water allocations specified in clause 7 because I am satisfied that one or more of the following reasons justify the restrictions:
 - (a) the existence of a physical constraint;
 - (b) the need to address hydrological connections and water supply considerations;
 - (c) the need to protect the needs of the environment;
 - (d) the level of hydraulic connectivity; or
 - (e) a combination of any of the above.

Non-application of this Determination

9. Between 12.00am on 1 July until 11.59pm on 31 October each water season, this determination does not apply to a tagged water allocation or a relevant tagged water allocation in respect of which –
 - (a) the source water system comprises, or the source zone is, zone 1A (Greater Goulburn), zone 1B (Boort), zone 4A (Campaspe), zone 4C (Lower Campaspe) or zone 5A (Loddon); and

- (b) the alternate water system comprises, or the alternate zone is, zone 6B (Lower Broken Creek).

Signed:

[insert name of Minister]
Minister for Water

Date:

DRAFT