Amendments to the Access Licence Dealing Principles Order 2004 in relation to temporary trade (71T dealings) in the Gwydir Regulated River Water Source

Water allocation dealings (temporary trade) are now permitted without a volumetric limit for specific river segments in the Gwydir Regulated River until 30 June 2028

Water Sharing Plan rules

The Water Sharing Plan for the Gwydir Regulated River Water Source 2016 (the Plan) includes trade rules that restrict permanent and temporary trades to 4 segments of the Gwydir regulated river system to the entitlement (number of shares) issued in those segments in 2004. These rules were introduced to manage delivery constraints (for example to stop overbank flows) in the regulated river segments until revised rules could be introduced to manage the constraints.

Revised rules were not developed and during the intervening years WaterNSW established operational procedures to manage delivery constraints in the 4 regulated river segments that significantly reduces the risk of overbank flows occurring.

The 2004 rule drafting did not include a numeric limit and applied to 4 different types of trade (dealings). The rule was re-worded in 2022 as part of a water sharing plan amendment to include a numeric limit and to separate the existing rule into rules that managed each individual trade type.

Unintended impacts

The new wording of water allocation trade rules in section 57(1) of the Plan is having is having an unintended socio-economic impact for water users in the Gwydir Valley, particularly in the lead up to peak irrigation season.

When applied as written, section 57(1) of the Plan restricts trade of water allocation (temporary trade) by the numeric limit specified in section 55 (1), Table A. The limit represents the entitlement (number of shares) issued in each river segment in 2004. This rule was originally developed to manage delivery constraints – not specifically to restrict allocation trade. The department does not

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want rules in the Plan to have significant unintended impacts on water users and has implemented a short-term solution to address this issue in the interim while a robust longer-term solution is developed.

A short-term solution

The *Access Licence Dealing Principles Order 2004* (the ALDP order) has been amended to 'pause' the effect of section 57(1) of the Plan until 30 June 2028. The ALDP Order contains a set of principles for specific types of trade (access licence dealings) that can be undertaken. Water allocation dealings under section 71T of the *Water Management Act 2000* (WM Act) are described in section 17 of the ALDP order.

The principles set out in the ALDP order have primacy (override) the access licence dealing rules in water sharing plans if there is any inconsistency between the two documents. This is explained in the WM Act (section 71Z). This is why amending the ALDP order addresses the issue currently being caused by the trade rule in the plan and addresses the immediate unintended impacts on water users. This solution also provides time for the department to develop a long-term solution that will be implemented in the future.

You can read a copy of the ALDP Order online and the amendment that allows temporary trade within the Gwydir Regulated River is also available online.

Addressing risk

This change to the ALDP Order does not increase the risk of overbank flows or managing water within regulated river system delivery constraints because these risks continue to be managed by a rostering system, which is an operational mechanism managed by WaterNSW.