

# Basin Plan Water Resource Plan Requirements Position Statement 1A Basin Plan amendments

<b>POLICY ISSUE</b>	<b>What is the relevant version of the Basin Plan for WRP accreditation, and when are amendments to the Basin Plan required to be incorporated into WRPs?</b>
<b>REFERENCES</b>	Basin Plan, Chapter 10 <i>Water Act 2007 (Cth)</i> s39, s56, s64 and s65

<b>MDBA POSITION STATEMENT</b>
<ol style="list-style-type: none"> <li>1. A water resource plan must be consistent with the relevant version of the Basin Plan, being the version that the Minister applies during the accreditation process. Until the report of the first review of the Basin Plan has been given to the Minister<sup>1</sup> the relevant version will be either the Basin Plan that was in effect two years prior to the proposed water resource plan being given to the Minister for accreditation, or a more recent version of the Basin Plan as nominated by the Basin State in accordance with item 4 of the table in section 56(2A) of the Water Act.</li> <li>2. After the report of the first review has been given to the Minister, the relevant version will depend on whether amendments have been made to the Basin Plan as a result of a review, and the date on which they came into effect. The relevant version is worked out in accordance with the table in section 56(2A) of the Act. A Basin State may continue to nominate an alternate version of the Basin Plan in accordance with item 4 of the table in section 56(2A).</li> <li>3. Where the Basin Plan is amended during the life of an accredited water resource plan, the Basin State may choose to amend the water resource plan in line with Basin Plan amendments, and request accreditation of the amendment. If the water resource plan as amended would be consistent with the amended Basin Plan in effect at the time the proposed water resource plan is assessed, MDBA will recommend to the Minister that the amendment be accredited.</li> <li>4. If the Basin Plan is amended as a result of a review of the Basin Plan by the MDBA under s50, then a water resource plan that was accredited in accordance with the version of the Basin Plan in effect before that amendment will cease to be accredited 3 years after the amended Basin Plan takes effect (section 64). The Minister can extend the 3-year period.</li> </ol>

<sup>1</sup> The report of the first review will be given to the Minister by the end of 2026, or earlier if the Basin States or the Minister have requested an earlier review of the Basin Plan.

<b>MDBA Reference</b>	D15/15009	<i>Accessed:</i>
-----------------------	-----------	------------------

## **Rationale**

5. Under the Water Act 2007 (Cth) (sections 55(2) and 63(6)) a water resource plan (WRP) is required to be consistent with the relevant version of the Basin Plan, being the version that the Minister applies during the accreditation process. The relevant version to be applied by the Minister is worked out in accordance section 56(2A), which contains a table setting out the relevant Basin Plan to be applied in different circumstances.
6. Due to the way that the table in section 56(2A) operates to determine the relevant Basin Plan for the purposes of accreditation, it is possible that an accredited WRP is not consistent with the Basin Plan in effect at a given time.

## **Changes in the SDL**

7. There are a number of Basin Plan reviews that may result in amendments to SDLs in some SDL resource units. When a WRP is provided for accreditation the Basin state may nominate which version of the Basin Plan they would like the WRP accredited against (item 4 of the table in s56(2A)). The effect of this is to allow a Basin state to nominate a more recent Basin Plan, which for example includes any SDL adjustment amendments. If a more recent Basin Plan is nominated the changes to SDLs must be reflected in the WRP provisions, including where required the method for determining permitted take.

## **Summary**

8. The implications of an amendment to the Basin Plan for a WRP are:
  - a. the WRP may be and remain inconsistent with the new version of the Basin Plan and no action is required until the WRP is reviewed, or
  - b. an amendment is made to the WRP and accreditation is sought, or
  - c. where the Basin Plan amendment changes the SDLs and the Basin state nominates the more recent version of the Basin Plan for the WRP to be accredited against, the relevant WRP provisions must meet new SDL; or
  - d. where the Basin Plan amendment is a result of a review of the Basin Plan under s50, and the WRP was not accredited against this version of the Basin Plan, the WRP accreditation will cease after 3 years (unless extended by the Minister), and a new WRP will need to be developed and accreditation sought.

<b>MDBA Reference</b>	D15/15009
-----------------------	-----------