

Attachment 1 – 29 recommendations of the Schedule D review

No.	Recommendation	Rationale	Phase 1 Issues and Solutions report	Phase 2 Issues and Solutions report	Schedule D, Protocol mark-ups and Basin Plan Water Trading Rules.	Draft procedures (Phase 2 output)
1. Streamline the Schedule D framework						
1.	Consolidate seven current protocols under Schedule D to three protocols.	<ul style="list-style-type: none"> Streamlined more accessible framework Remove technical and redundant provisions from the protocols Include administrative matters in more user-friendly procedures that are easier to update over time. 	<ul style="list-style-type: none"> Issue 1.2 and Figure 4 (note superseded by Issue 1.3 (Part A) of Phase 2) 	<ul style="list-style-type: none"> Part B - Recommended future role and functions of Schedule D and related instruments Figure 5 (shows the agreed framework for protocols under Schedule D) Issue 1.3 (Part A) 	<ul style="list-style-type: none"> All protocols 	
2.	Consolidate relevant content into protocols focused on accounting and trade processing supported by procedures (drafted in Phase 2).	<ul style="list-style-type: none"> Procedures are more user-friendly and comprehensive for trade operators to guide trade administration, and for authorities responsible for trade accounting. 	<ul style="list-style-type: none"> Issue 1.1 Issue 1.2 	<ul style="list-style-type: none"> Figure 5 (shows the agreed framework for protocols and procedures under Schedule D) 	<ul style="list-style-type: none"> Processing Interstate Exchange Rate Transfers Protocol 	<ul style="list-style-type: none"> Processing Interstate and Intervalley Allocation and Exchange Rate Entitlement Trade Procedure

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		<ul style="list-style-type: none"> New instruments will be clearer, more accessible and better aligned with user needs. 		<ul style="list-style-type: none"> Table 2 (provides overview of protocol and procedure content relating to trade processing) Table 3 (provides overview of protocol and procedure content relating to trade accounting) 	<ul style="list-style-type: none"> Processing Interstate Transfers of Water Allocations Protocol Tagging Entitlements Protocol Adjusting Accounts Protocol Permissible Transfers Protocol 	<ul style="list-style-type: none"> Processing Interstate and Intervalley Tagged Trade Procedure Adjusting Valley Accounts and State Transfer Accounts Procedure

No.	Recommendation	Rationale	Phase 1 Issues and Solutions report	Phase 2 Issues and Solutions report	Schedule D, Protocol mark-ups and Basin Plan Water Trading Rules.	Draft procedures (Phase 2 output)
3.	<p>Protocols will address binding or regulatory matters and matters that impact third party rights, with operational, procedural and administrative matters detailed in three procedures. Protocols will be approved by the MDBA in consultation with BOC and prepared as legislative instruments, as is the case currently.</p>	<ul style="list-style-type: none"> Provisions that are regulatory or affect rights are retained in protocols with legislative character to maintain appropriate, scrutiny and approval requirements. Procedural content will be in more accessible plain English procedures that are easier to update because approval processes for procedures are simpler. 	<ul style="list-style-type: none"> Issue 1.2 (note superseded by strategic directions in Part B Phase 2 Issues and Solutions report) Issue 3.1 	<ul style="list-style-type: none"> Part B - Recommended future role and functions of Schedule D and related instruments Figure 3 (shows the agreed functions of instruments under Schedule D) Table 2 (provides overview of protocol and procedure content relating to trade processing) Table 3 (provides overview of protocol and procedure content relating to trade accounting) 	<ul style="list-style-type: none"> Schedule D: clause 6, clause 13 and clause 15 	

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4.	Enable BOC to approve procedures that are non-legislative instruments.	<ul style="list-style-type: none"> Simplifying approval processes for procedures allows procedural content to be more readily updated, as necessary. Non-legislative character of procedures enables them to be drafted in a more accessible way and aligned with user needs. 	<ul style="list-style-type: none"> Issue 1.2 (note Phase 1 recommendation for the MDBA to make procedures was superseded by Phase 2 - see Part B and Table 1 of the Phase 2 Issues and Solutions report) 	<ul style="list-style-type: none"> Part B - Recommended future role and functions of Schedule D and related instruments and Roles and responsibilities of institutions with responsibilities under Schedule D Table 1 (outlines the agreed processes to develop, amend and publish Schedule D instruments) 	<ul style="list-style-type: none"> Schedule D: clause 6 and clause 15 	

No.	Recommendation	Rationale	Phase 1 Issues and Solutions report	Phase 2 Issues and Solutions report	Schedule D, Protocol mark-ups and Basin Plan Water Trading Rules.	Draft procedures (Phase 2 output)
2. Clarify the role of Schedule D in regulating interstate and intervalley trade						
5.	Schedule D and protocols will no longer regulate permissible trade. Schedule D will apply to trade arrangements approved under state law.	<ul style="list-style-type: none"> A clear single source of authority for permissible trade rules will remove current confusion and duplicative regulation of allowable trade embedded in complex protocols under Schedule D. Improved water market transparency, accessibility and understanding of agreed interstate trade arrangements. Note a copy of agreed trade arrangements will be published in Schedule D procedures. States may need to review and ensure trade arrangements they agree as valid are clearly adopted under state law. 	<ul style="list-style-type: none"> Issue 1.4 (note superseded by Issue 1.1 Phase 2 Issues and Solutions report) Issue 3.3 (note superseded by Issue 1.1 Phase 2 Issues and Solutions report) Issue 3.4 	<ul style="list-style-type: none"> Issue 1.1 Issue 1.3 	<ul style="list-style-type: none"> Schedule D: clause 6 and 13 Permissible Transfers Protocol: section 6 	

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		<ul style="list-style-type: none"> Appropriate scrutiny and formal approval processes apply under state law for approval of trading arrangements that impact third party rights. 				
6.	A coordinated process will apply for changes to agreed trading arrangements to be consulted with the MDBA and affected states, and procedures for processing and accounting for trade to be amended if required.	<ul style="list-style-type: none"> Safeguard against out-of-date Schedule D permissible trade arrangements (as is the case currently), and provide flexibility for agreed trade arrangements to be updated through a coordinated simpler process. Ensure appropriate processes and arrangements are in place and agreed to facilitate and account for changes in trade arrangements. 	<ul style="list-style-type: none"> Issue 1.4 (note superseded by Issue 1.1 Phase 2 Issues and Solutions report) Issue 2.4 (note superseded by Issue 1.1 Phase 2 Issues and Solutions report) Issue 3.3 (note superseded by Issue 1.1 Phase 2 Issues and Solutions report) 	<ul style="list-style-type: none"> Issue 1.1 	<ul style="list-style-type: none"> Schedule D: clause 2 and 4 	<ul style="list-style-type: none"> Processing Interstate and Intervalley Allocation and Exchange Rate Entitlement Trade Procedure Processing Interstate and Intervalley Tagged Trade Procedure

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		<ul style="list-style-type: none"> Arrangements support appropriate participation of bodies with responsibilities or affected by changes to trading arrangements. 				
7.	Trade arrangements for the purposes of Schedule D will be reported to the MDBA under the Basin Plan Water Trading Rules and recorded on a central information point, enhancing transparency and accessibility.	<ul style="list-style-type: none"> Efficient effective process for reporting and publishing interstate trade arrangements to ensure arrangements and information on interstate trading arrangements is up to date and accessible. Streamlined regulation by leveraging existing arrangements for information reporting and publishing under the Basin Plan Water Trading Rules. Enhance transparency and clarity of interstate trade rules. 		<ul style="list-style-type: none"> Issue 1.1 	<ul style="list-style-type: none"> Schedule D: clause 2 Basin Plan Water Trading Rules - chapter 12 (part 5) 	

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8.	Require states to comply with and observe trade arrangements they agree apply under Schedule D.	Provides safeguards against unilateral decisions by states that could create market inequity, and inconsistent administration of Schedule D with market principles, objectives and outcomes.		<ul style="list-style-type: none"> Issue 1.1 	<ul style="list-style-type: none"> Schedule D: clause 13 and 15 Permissible Transfers Protocol - section 8 (to provide agreed position by states that no net transfer of water allocations from above to below the Choke should occur unless exceptional circumstances apply) 	

No.	Recommendation	Rationale	Phase 1 Issues and Solutions report	Phase 2 Issues and Solutions report	Schedule D, Protocol mark-ups and Basin Plan Water Trading Rules.	Draft procedures (Phase 2 output)
3. Remove redundant trade mechanisms and support modern methods of trade						
9.	Amend arrangements to allow exchange rate entitlement trade which is regulated under section 12.22 of the Basin Plan Water Trading Rules. Arrangements for processing and accounting for historic exchange rate entitlement trade to be included in Schedule D procedures.	<ul style="list-style-type: none"> Removes complexity and redundant provisions for entitlement exchange rate trade in Schedule D which is no longer a common method of trade. Removes overlap and potential inconsistent administration of entitlement exchange rate trade with the Basin Plan Water Trading Rules. Provisions are simplified and relevant to current trade practices. 	<ul style="list-style-type: none"> Issue 2.1 	<ul style="list-style-type: none"> Issue 1.4 	<ul style="list-style-type: none"> Schedule D: definitions, clause 6 and 12 Conversion Factors and Exchange Rates Protocol 	<ul style="list-style-type: none"> Processing Interstate and Intervalley Allocation and Exchange Rate Entitlement Trade Procedure Adjusting Valley Accounts and State Transfer Accounts Procedure

No.	Recommendation	Rationale	Phase 1 Issues and Solutions report	Phase 2 Issues and Solutions report	Schedule D, Protocol mark-ups and Basin Plan Water Trading Rules.	Draft procedures (Phase 2 output)
10.	Provide enabling provisions for the MDBA to maintain registers and records to support processing and accounting for interstate trade in line with procedures.	<ul style="list-style-type: none"> Provides flexible arrangements for the MDBA to maintain records to support interstate trade administration and accounting including the tagged trade register and an entitlement record for the Barmah Choke opening balance. Removes complexity and outdated requirements relating to the MDBA maintaining records including in relation to exchange rate entitlement trade. Administrative arrangements are set out in procedures that can be updated over time to reflect current practice. 	<ul style="list-style-type: none"> Issue 2.2 (note superseded by issue 1.11 of the Phase 2 Issue and Solutions report). Issue 3.5 	<ul style="list-style-type: none"> Issue 1.11 	<ul style="list-style-type: none"> Schedule D: clause 16 	<ul style="list-style-type: none"> Processing Interstate and Intervalley Tagged Trade Procedure Adjusting Valley Accounts and State Transfer Accounts Procedure

No.	Recommendation	Rationale	Phase 1 Issues and Solutions report	Phase 2 Issues and Solutions report	Schedule D, Protocol mark-ups and Basin Plan Water Trading Rules.	Draft procedures (Phase 2 output)
11.	Include more flexible fit-for-purpose definitions and arrangements for processing and accounting for trade that allow types of trade permitted under state law.	<ul style="list-style-type: none"> An enabling and a less prescriptive framework accommodates water market development and different State approaches to trade including tagged allocation trade. 	<ul style="list-style-type: none"> Issue 3.6 (note superseded by issue 1.1 and 1.3 of the Phase 2 Issue and Solutions report) 	<ul style="list-style-type: none"> Issue 1.3, Part A and B Issue 1.13 	<ul style="list-style-type: none"> Schedule D: definitions and clause 13 	<ul style="list-style-type: none"> Processing Interstate and Intervalley Allocation and Exchange Rate Entitlement Trade Procedure Processing Interstate and Intervalley Tagged Trade Procedure
12.	Remove redundant salinity management provisions.	<ul style="list-style-type: none"> Redundant provisions are removed and consistent with the amendments made to Schedule B (Basin Salinity Management) to the Agreement. 	<ul style="list-style-type: none"> Issue 2.3 		<ul style="list-style-type: none"> Schedule D: clause 10 	

No.	Recommendation	Rationale	Phase 1 Issues and Solutions report	Phase 2 Issues and Solutions report	Schedule D, Protocol mark-ups and Basin Plan Water Trading Rules.	Draft procedures (Phase 2 output)
4. Improve clarity and transparency in decision-making for Barmah Choke trade						
13.	The MDBA will have regard to a set of factors when determining that exceptional circumstances apply in relation to trade across the Barmah Choke, with assessments to be made generally available and according to procedures.	<ul style="list-style-type: none"> Improved transparency on the decision-making processes particularly around when and how decisions should be made available to the market. Provides market participants greater clarity and certainty relating to the operation of the rule. 		<ul style="list-style-type: none"> Issue 1.9 	<ul style="list-style-type: none"> Permissible Transfers Protocol: section 9 	<ul style="list-style-type: none"> Processing Interstate and Intervalley Allocation and Exchange Rate Entitlement Trade Procedure
14.	<p>Clarify the role and functions of Schedule D with respect to the Barmah Choke trade rule as follows:</p> <ul style="list-style-type: none"> A protocol principle will reflect the agreed position of states that no net transfer of water allocations from above to below the Barmah Choke will be permitted unless the MDBA makes an 	<ul style="list-style-type: none"> Clearer accountability, roles and functions of instruments, the MDBA and states relating to decisions affecting Barmah Choke trade opportunities. 		<ul style="list-style-type: none"> Issue 1.1 Issue 1.9 	<ul style="list-style-type: none"> Permissible Transfers Protocol: section 8 and section 9 	

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	<p>operational determination that exceptional circumstances apply in accordance with the protocol.</p> <ul style="list-style-type: none"> The rule will have effect under state laws consistent with the protocol principle. Schedule D will enable processing, accounting and MDBA operational decisions relating to trade across the Choke. 					
15.	The MDBA and states are to ensure the Choke balance is current, accurate and made generally available.	<ul style="list-style-type: none"> Supports market confidence and minimises transactions costs of trade through good information flows about Barmah Choke trading opportunities. 		<ul style="list-style-type: none"> Issue 1.8 	<ul style="list-style-type: none"> Permissible Transfers Protocol: section 7 	<ul style="list-style-type: none"> Processing Interstate and Intervalley Allocation and Exchange Rate Entitlement Trade Procedure

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		<ul style="list-style-type: none"> Maximises opportunities for trade through ensuring accuracy and consistency in the timing and content of the Barmah Choke balance. 				
16.	The MDBA, NSW and Victoria are to agree on processing trade arrangements across the Choke.	<ul style="list-style-type: none"> Clarity about opening times for trading opportunities and processing improves equity of trading opportunities across the Barmah Choke. This underpins market confidence and efficiency. 		<ul style="list-style-type: none"> Issue 1.10 	<ul style="list-style-type: none"> Permissible Transfers Protocol: section 7 	<ul style="list-style-type: none"> Processing Interstate and Intervalley Allocation and Exchange Rate Entitlement Trade Procedure
5. Implement flexible trade adjustments						
17.	Enable trade adjustments to Victorian and NSW state entitlements, in Dartmouth Reservoir instead of Hume Reservoir when there is a more than 50% risk of spill. Decisions will be based on volumetric storage trigger levels outlined in the relevant procedure.	<ul style="list-style-type: none"> Reduced frequency of restrictions on interstate water allocation trade improves trade opportunities. Maintains appropriate protections from unacceptable impacts to third party interests. 		<ul style="list-style-type: none"> Issue 1.2 	<ul style="list-style-type: none"> Adjusting Accounts Protocol: part 3 	<ul style="list-style-type: none"> Adjusting Valley Accounts and State Transfer Accounts Procedure (principles)

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		<ul style="list-style-type: none"> Incorporates the agreed outcomes of the 'Hume to Dartmouth Triggers' trial, which was endorsed by BOC and agreed by the NSW and VIC governments with support from the SA government. 				
18.	Include simplified ratios to adjust delivery of state entitlements for trade according to current arrangements outlined in the relevant protocol and Agreement.	<ul style="list-style-type: none"> Protocol is simplified and more user-friendly by specifying factors instead of detailing the method of calculation of factors without changing the effect of current requirements. 	<ul style="list-style-type: none"> Issue 1.5 		<ul style="list-style-type: none"> Adjusting Accounts Protocol: section 10 	<ul style="list-style-type: none"> Adjusting Valley Accounts and State Transfer Accounts Procedure
19.	Provide flexibility for the MDBA to alter prescribed patterns of delivery of state entitlements adjusted for trade to match with expected demands to all States in any month.	<ul style="list-style-type: none"> Provides flexibility for the MDBA to adjust delivery of state entitlements adjusted for trade to better match expected demand to all States in any month (current discretion is limited in relation to adjustment to NSW and Victoria in some months which is considered an oversight). 	<ul style="list-style-type: none"> Issue 1.5 		<ul style="list-style-type: none"> Adjusting Accounts Protocol: section 10 	<ul style="list-style-type: none"> Adjusting Valley Accounts and State Transfer Accounts Procedure

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6. Clarify the roles and responsibilities for managing intervalley trade						
20.	Detail roles and responsibilities and coordination requirements for the states and MDBA regarding valley accounts and operational decision making in the Adjusting Valley Accounts Protocol and procedure.	<ul style="list-style-type: none"> • Arrangements are supportive of accountability by clarifying the decision-making roles and processes of the MDBA and states for valley accounting and operational decision making. • Improved transparency and confidence for water market participants. 		<ul style="list-style-type: none"> • Issue 1.6 	<ul style="list-style-type: none"> • Adjusting Accounts Protocol: section 8 	<ul style="list-style-type: none"> • Adjusting Valley Accounts and State Transfer Accounts Procedure
21.	Include operational guidance principles and considerations for decisions for call outs from valley accounts in the Objectives and Outcomes for River Operations in the River Murray System document.	<ul style="list-style-type: none"> • Provides for robust decision making to ensure trade-offs associated with operational water delivery decisions are appropriately considered by the MDBA when calling on water from valley accounts. • Improved transparency and confidence for water market participants. 		<ul style="list-style-type: none"> • Issue 1.6: Recommendation #9 Issue 1.7 		

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22.	Provide flexibility for states to meet a call by the MDBA on water in a valley account from a 'designated water supply source' rather than regulated releases from a designated reservoir. This would only be allowed where arrangements for managing and accounting the delivery of water from that source are agreed by BOC, and documented in a procedure under Schedule D.	<ul style="list-style-type: none"> Legislative settings provide flexibility and clear processes to enable delivery from a designated reservoir and/or an alternative designated water supply source, where it can be demonstrated through agreement by BOC that unacceptable impacts on third party entitlements or the environment will be avoided. 		<ul style="list-style-type: none"> Issue 1.5 	<ul style="list-style-type: none"> Adjusting Accounts Protocol: section 8 	<ul style="list-style-type: none"> Adjusting Valley Accounts and State Transfer Accounts Procedure
23.	Clarify that relevant contracting governments are responsible for valley accounts and must maintain and share information according to procedures.	<ul style="list-style-type: none"> Arrangements for the relevant authority to maintain valley accounts are aligned to current practice. 	<ul style="list-style-type: none"> Issue 3.2 		<ul style="list-style-type: none"> Schedule D: clause 11 	<ul style="list-style-type: none"> Adjusting Valley Accounts and State Transfer Accounts Procedure.

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		<ul style="list-style-type: none"> Improved accountability and consistent standards apply for maintaining and sharing information relating to valley accounts to support efficient effecting trade accounting and adjustments. 				
7. Update review requirements and ensure Schedule D administration aligns with water market objectives						
24.	Review of the Schedule and scope of review should not be mandated but considered and determined by BOC at regular intervals (every 5-years).	<ul style="list-style-type: none"> Flexibility as to the scope and frequency of future reviews, to ensure reviews are conducted efficiently, when appropriate and necessary. 	<ul style="list-style-type: none"> Issue 1.3 		<ul style="list-style-type: none"> Schedule D: clause 18 	
25.	Mandate that a comprehensive review will be completed every 10-years.	<ul style="list-style-type: none"> Ensures a comprehensive review is conducted at regular intervals while maintaining the general discretion for BOC to initiate a review of Schedule D at any other time. 	<ul style="list-style-type: none"> Issue 1.3 		<ul style="list-style-type: none"> Schedule D: clause 18 	

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26.	Review reports are to be provided to BOC and the Ministerial Council who will determine engagement requirements.	<ul style="list-style-type: none"> Flexibility for consultation requirements to be tailored as appropriate in light of the scope and nature of review. For example, as review reports may contain information that is market sensitive in nature, it may not be appropriate for reviews to be shared with the BCC in all cases prior to a decision being made. 	<ul style="list-style-type: none"> Issue 1.3 		<ul style="list-style-type: none"> Schedule D: clause 18 	
27.	Allow fit for purpose review requirements for protocols and procedures to be further defined in those instruments.	<ul style="list-style-type: none"> Provides flexibility for review requirements to be tailored to circumstances and support continuous improvement. 	<ul style="list-style-type: none"> Issue 1.3 		<ul style="list-style-type: none"> Adjusting Accounts Protocol Permissible Transfers Protocol 	<ul style="list-style-type: none"> All 3 procedures
28.	Modify provisions to suspend the Schedule to link decision making with overarching water market objectives and prevent suspension of trade processing and accounting mechanisms that enable trade.	<ul style="list-style-type: none"> Provides safeguards against decisions by states that create market inequity, and inconsistent administration of Schedule D with market principles, objectives and outcomes. 	<ul style="list-style-type: none"> Issue 4.1 		<ul style="list-style-type: none"> Schedule D: clause 5 	

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29.	Remove provisions for protocols and other decisions to be consistent with Ministerial Council principles.	<ul style="list-style-type: none"> Ensures regulation under Schedule D is consistent with other policies and laws, specifically the <i>Water Act 2007</i> (Cth) and Basin Plan Water Trading Rules. Streamlined, clearer, and less complex Schedule and protocols to support efficient administration. 	<ul style="list-style-type: none"> Issue 4.1 (superseded by issue 1.12 of the Phase 2 Issue and Solutions report) 	<ul style="list-style-type: none"> Issue 1.1 Issue 1.12 	<ul style="list-style-type: none"> Schedule D: clause 13 	

Glossary

Reference	Instrument (existing Schedule or protocol under Schedule D)
Adjusting Accounts Protocol	Murray-Darling Basin Agreement (Schedule D - Adjusting Valley Accounts and State Transfer Accounts) Protocol 2010.
Calculating Cap Adjustments Protocol	Murray-Darling Basin Agreement (Schedule D – Calculating Cap Adjustments Protocol) 2010.
Conversion Factors and Exchange Rates Protocol	Murray-Darling Basin Agreement (Schedule D – Conversion Factors and Exchange Rates Protocol) 2010.
Permissible Transfers Protocol	Murray-Darling Basin Agreement (Schedule D – Permissible Transfers between Trading Zones) Protocol 2010.
Processing Interstate Transfers of Water Allocations Protocol	Murray-Darling Basin Agreement (Schedule D - Processing Interstate Transfers of Water Allocations Protocol 2010.
Processing Interstate Exchange Rate Transfers Protocol	Murray Darling Basin Agreement (Schedule D - Processing Interstate Exchange Rate Transfers Protocol 2010.
Tagging Entitlements Protocol	Murray-Darling Basin Agreement (Schedule D - Tagging Entitlements for Extraction in another State Protocol) 2010.