



Queensland

Water Amendment Regulation (No. 2) 2006

Explanatory Notes for SL 2006 No. 64

made under the
Water Act 2000

General outline

Short title

Water Amendment Regulation (No. 2) 2006.

Authorising law

Section 23 of the *Water Act 2000* (Water Act).

Policy objectives of the subordinate legislation and how the policy objectives will be achieved

The objective of the regulation is to urgently respond to a water shortage in the Barker Barambah Water Supply Scheme (BBWSS) under the Burnett Basin Resource Operations Plan.

The regulation does so by a system of restriction and prohibition of water use by certain water allocation holders.

Holders of medium level priority water allocation (supplemented water allocations only) are immediately restricted in the amount of water they can take from the BBWSS, according to a formula set out in the regulation. By this formula it is intended to allocate available water between the medium priority water allocation holders taking into account available useable

water compared to the amounts of water already used by the water allocations holders individually and in total.

If the water level in the Bjelke-Petersen Dam (the main storage infrastructure, operated by SunWater, in the BBWSS) falls below 4000ML, medium priority water allocation holders will then be prohibited from taking water from the BBWSS.

There are some limited exemptions from this prohibition—

- if it is determined that a person's need for water is critical and the person has not already taken their announced allocation, plus or minus any water under a seasonal water assignment; or
- if the person takes water from specified reaches of the Barambah Creek under certain conditions.

Currently, an emergency restriction and prohibition notice has been made under section 22 of the Water Act by the Minister for Natural Resources, Mines and Water. This notice has put in place a similar restriction and prohibition framework in the BBWSS and the regulation will continue this existing framework.

Achieving the objectives

The objectives will be achieved by amendments to the *Water Regulation 2002* (Water Regulation) providing a framework of restriction and prohibition of taking water in the BBWSS because there is a shortage of water. The regulation will expire 30 June 2006.

Administrative costs

No additional administrative costs will result from these amendments.

Fundamental Legislation Principles

The regulation is consistent with fundamental legislative principles.

Consultation

The Department of Natural Resources Mines and Water has consulted SunWater, Barker Barambah customer committee and representatives of the relevant local authorities.

Notes on Provisions

Clause 1 Short title

Clause 1 provides for the short title of the subordinate legislation as the *Water Amendment Regulation (No. 2) 2006*.

Clause 2 Regulation amended

Clause 2 states the regulation amends the Water Regulation.

Clause 3 Insertion of pt 2, div 1

Clause 3 inserts new Division 1 Water rights.

Section 3A Definitions for div1 contains relevant definitions for new part 2.

Section 3B Restriction on taking water—Act, s 23

Section 3B provides for the restriction on the taking of water, during the restriction period, by holders of medium priority group water allocations. Under this restriction, the maximum volume of water that can be taken by any individual water allocation holder will be calculated according to the formula provided. SunWater will be responsible for applying this formula to calculate the water it supplies to holders of water allocations affected by the restriction. A holder of a water allocation affected by this restriction will also be able to take water under a seasonal water assignment approved by SunWater.

Subsection 3B(3) states that, apart from the value 'P', the values to be inserted into the formula are those as at the 31 March 2006, or as close as possible thereto. This is the relevant date when the Ministerial emergency restriction and prohibition notice came into effect. This allows for continuity of the restriction and prohibition framework until 30 June 2006.

Subsection 3B(4) defines 'restriction period' as the period from the commencement of the regulation until 30 June 2006.

Section 3C Prohibition on taking or interfering with water—Acts 23

Subsection 3C(1) provides that, in the event the volume of water held in the Bjelke-Petersen Dam falls below 4000ML, medium priority water allocation holders will now be prohibited from taking water in the Barker Barambah Water Supply Scheme.

Subsection 3C(2) provides an exemption to the prohibition, whereby the chief executive may authorise the provision of additional water to a maximum of 3ML per week if—

- (a) the water holder's need for water is critical; and
- (b) the water holder has not yet taken their volume of announced allocation, plus or minus, any water under a seasonal water assignment.

Subsection 3C(3) provides an exemption to the prohibition, for water allocation holders who—

- (a) have not yet taken their volume of announced allocation, plus or minus, any water under a seasonal water assignment; and
- (b) have access to take water within the described reaches of the BBWWS and under certain flow conditions.

Subsection 3C(4) details when the subsection (3)(b)(ii) exemption no longer applies.

Subsection 3C(5) details when the subsection (3)(b)(iii) exemption no longer applies.

Section 3CAA Expiry of div 1 states the regulation will expire on 30 June 2006.

Clause 5 Amendment of sch 17 (Dictionary)

Clause 5 amends Schedule 17 of the Water Regulation by cross-referencing the definitions for 'announced allocation', 'BBWSS', 'high priority group', 'medium priority group' and 'ROP'.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Natural Resources, Mines and Water.