



Queensland

# Water Resource (Border Rivers) Amendment Plan (No. 1) 2007

## Explanatory Notes for SL 2007 No. 126

made under the  
*Water Act 2000*

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## General Outline

### Short title

*Water Resource (Border Rivers) Amendment Plan (No. 1) 2007.*

### Authorising law

Chapter 2, part 3, division 2, subdivision 3 of the *Water Act 2000* (the *Act*).

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

The *Water Resource (Border Rivers) Plan 2003* (the *plan*) provides a framework for the allocation and sustainable management of the water resources of the Border Rivers catchment.

The policy objective of the amendment plan is to ensure the effectiveness of the plan by providing water allocation security objectives and environmental flow objectives that allow for interstate and intrastate trading of water allocations. This objective will be achieved by—

- identifying appropriate environmental flow objectives and making adjustments to the environmental flow objectives in the plan; and

- identifying appropriate water allocation security objectives and making adjustments to the water allocation security objectives in the plan.

### **Reasons for the amendment**

The Act states the Minister may amend a water resource plan at any time. The plan is being amended because its objectives are no longer appropriate for its plan area.

### **Administrative costs**

Development of the amending plan is funded from the Department of Natural Resources and Water allocation for the Water Resource Plan development program. Accordingly, the amending plan should not alter the present cost to Government of administering the Act.

### **Fundamental legislative principles**

The subordinate legislation is consistent with fundamental legislative principles.

### **Consultation**

Government departments and agencies affected by the changes have been consulted in respect to the amending plan. In addition, conservation, agriculture, Indigenous, industry, and local government groups have been consulted in accordance with the Water Resource Planning process outlined in the Act.

Outcomes of the community consultation will be outlined in a separate document, 'Water Resource (Border Rivers) Amendment Plan Consultation Report'.

### **Regulatory Impact Statement**

A Regulatory Impact Statement is not required for the approval of a Water Resource Plan, or an amending plan, under the Act (see section 58).

## **Notes on provisions of the plan**

### **Short title**

Clause 1 provides that the amending plan may be cited as *Water Resource (Border Rivers) Amendment Plan (No. 1) 2007*.

### **Regulation amended**

Clause 2 explains that the amendment plan amends the *Water Resource (Border Rivers) Plan 2003*.

### **Amendment of s 11 (Environmental flow objective (s 10(a)))**

Clause 11 sets out the environmental flow objectives for the end of system flow from the Border Rivers catchment. The end of system flow sets the overall long-term balance between the volume of water to be made available for storage, losses and use within the plan area and the volume of water that is to be retained in the river for the environment and downstream users. The volume of water at the end of system and to the west of Mungindi must be at least 60.8% of the pre-development flow pattern. The pre-development flow pattern is the pattern of water flows that would occur if there were no dams or water infrastructure on watercourses in the plan area and no water was being taken from watercourses or floodplains in the plan area.

For calculating this indicator, as for all the others, the value is assessed using a computer model over a long period. The model scenario that must be used is BOR0609U of the IQQM computer program, which is the scenario that has been agreed to by New South Wales and Queensland for determining water sharing rules to achieve an end of system flow of 60.8%. There is no requirement that the modelled end of system flow be a particular value for any given year. What is required is that the modelling show that over the long term, the average end of system flow will be at least 60.8% of what it would be under pre-development flow conditions.

### **Replacement of s 12 (Environmental flow objective (s 10(b) to (e))**

Clause 12 states the environmental flow objectives for all nodes in the plan area, as described in schedule 2. Except for the end of system flow performance indicator, the value of each performance indicator listed in clause 10 should ideally fall within the ranges specified for each node in schedule 3.

This means that when a decision is made that effects the level of one of these indicators, the decision maker should favour decisions that bring the value of the indicator closer to this range.

### **Amendment of s 13 (Environmental flow objective (assessing impact of decisions))**

Clause 13 states the environmental flow objectives for making decisions in relation to clause 19(2) of the plan. The value for end of system flow should not be less than it was prior to making the decision. The value for all other performance indicators should either—

- fall within the ranges specified for each node in schedule 3; or
- if the indicator value immediately prior to making the decision is outside this range, any decision made under the plan must ensure that the value of the performance indicator is not less than it was immediately before the decision was made.

That is, if the range of an indicator is already within the target range, the value must stay within that range. If the value is outside of the range, then the value must not get worse.

### **Amendment of s 15 (Water allocation security objectives)**

Clause 15 states the water allocation security objectives for making decisions in relation to clause 19(2) of the plan. These objectives prevent a decision being made that would cause a reduction in the security of water entitlements of a water allocation group. In making such a decision—

- for unsupplemented water allocations, the performance indicators must not be less than they were immediately prior to making the decision.

- for supplemented water allocations, the performance indicator must be equal to or greater than 34%.

### **Insertion of new sch 2A**

Schedule 2A lists the performance indicators and the environmental flow objectives for each node listed in schedule 2A.

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#### ENDNOTES

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