



Queensland

Water Amendment Regulation (No. 2) 2011

Explanatory Notes for SL 2011 No. 284

made under the

Water Act 2000

General outline

Short title

Water Amendment Regulation (No. 2) 2011.

Authorising law

Sections 230, 691, 1014 and 1046 of the Water Act 2000 (the Water Act)

Policy objectives and the reasons for them

Dissolve the authority area of the Taberna Bore Water Board.

The objective is to dissolve the authority area of the already dissolved Taberna Bore Water Board (the Board).

In June 2011 the *Water and Another Regulation Amendment Regulation (No. 1) 2011* dissolved the Taberna Bore Water Board and appointed the chief executive to perform the board's functions. All members of the Board had resigned, and the Board was dissolved to allow the landholders in the water authority area to formally enter into a private water supply agreement for the supply of water in the area. A private water supply agreement for the area has been lodged with the Registrar of Titles for noting on the

register, and will take effect on dissolution of the authority area. In addition, the chief executive's appointment to perform the functions of the Board cease on dissolution of the authority area.

In addition, the existing section 48B, which dissolved the Taberna Bore Water Board and appointed the chief executive to perform its functions, is relocated to Part 4, Water authorities of the *Water Regulation 2002* (Water Regulation) as it was incorrectly inserted into Part 5, Investigations, enforcement and offences.

Allow seasonal water assignments and prescribe seasonal water assignment rules

Seasonal water assignment rules have been prepared for the Bowen groundwater management area, an existing declared water management area under the Water Regulation. The objective of this regulation is to give effect to the rules, allowing seasonal water assignments in this area.

A seasonal water assignment is the assignment of the benefit of all or some of the water available under a water authorisation in a water year, by the holder of a water authorisation to another person. Seasonal water assignment rules provide greater security and flexibility to water users in the water management area through allowing the temporary trade of water.

Declare new metered entitlements

In accordance with the Queensland's Metering Water Extractions Policy, published by the department, and the metering provisions in the Water Regulation, water meters are being progressively 'rolled out' across the State. The objective of this amendment regulation is to declare metered entitlements in areas where meters have recently been 'rolled out' in accordance with this Policy.

Once an entitlement is declared a metered entitlement the costs to the State of installing and maintaining the meter can begin being recouped through the metering service charge. Existing water charges that relate to a meter, (e.g. a per meter charge under schedule 14 of the Water Regulation), cease to apply for metered entitlements and are replaced by the metering service charge. As such, the amendment regulation also omits water charges that will no longer apply.

Make updates and corrections

The amendment regulation also makes several updates, corrections and consequential amendments, as follows—

- To make a consequential amendment resulting from the *Government Owned Corporations (Generator Restructure) Regulation 2011*.
- To update Schedule 11, Subartesian areas, of the Water Regulation to align with the *Water Resource (Fitzroy Basin) Plan 2011*.
- Make amendments to correct several minor errors and inconsistencies in Schedule 14, Water charges, of the Water Regulation, which do not affect charges.

Achievement of policy objectives

Dissolve the authority area of the Taberna Bore Water Board

In accordance with the process for the dissolution of a category 2 water authority provided under the Water Act, a new section in the Water Regulation achieves the objective by dissolving the authority area. The new section also acknowledges that the appointment of the chief executive to perform the functions of the water authority will cease on dissolution of the authority area.

Allow seasonal water assignments and prescribe seasonal water assignment rules

The amendment regulation achieves the policy objective by prescribing seasonal water assignment rules for the Bowen groundwater management area. This will allow seasonal water assignments to occur, in accordance with the prescribe rules, in the area.

Declare new metered entitlements

The amendment regulation declares new metered entitlements by including new areas and water entitlements in schedule 15A, Metered Entitlements of the Water Regulation. Metered entitlements are declared in the following areas—

- Burdekin groundwater management area
- Condamine-Balonne River
- Easter Downs subartesian area, Jimbour Creek Alluvium
- Gowrie-Oakey Creek water management area
- Oakey Creek groundwater management area

Updates and corrections

The amendment regulation makes several amendments for the purpose of corrections and updates.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the main objectives of the Water Act.

Inconsistency with policy objectives of other legislation

The amendment regulation is consistent with policy objectives of other legislation.

Benefits and costs of implementation

Dissolve the authority area of the Taberna Bore Water Board

The formal dissolution of the authority area of the Taberna Bore Water Board will give effect to the water supply agreement entered into by the landowners in the former water area for the supply of water in the area. It will also cease the appointment of the chief executive to perform the functions of the former Taberna Bore Water Board.

Allow seasonal water assignments and prescribe seasonal water assignment rules

The key benefit of allowing seasonal water assignments in the Bowen groundwater management area is to provide a sustainable and equitable management regime through allowing temporary water trades between water users in the area. Seasonal water assignments promote the movement of water use from low value to higher value uses by placing a value on water and allowing it to be used within the water management area rather than only on an individual property.

Declare new metered entitlements

The use of water meters for measuring water extraction in Queensland is an important management tool for the protection and long-term viability of the State's water resources.

Consistency with fundamental legislative principles

Amendments are consistent with the fundamental legislative principles.

Consultation

Dissolve the authority area of the Taberna Bore Water Board

Landholders in the Taberna Bore Water Board's authority area support the dissolution of the Board and authority area.

Allow seasonal water assignments and prescribe seasonal water assignment rules

The water sharing and seasonal water assignment rules were developed in close consultation with water users and the Bowen Water Advisory Group. The rules have been compiled with particular consideration given to stakeholder views and concerns.

Declare new metered entitlements

There has been ongoing consultation with water users regarding metered entitlements, payment of the metering service charge and installation of meters in their areas.

Make updates and corrections – Schedule 11 Amendments

Consultation was undertaken with key stakeholders in the Fitzroy Basin during the development of the *Water Resource (Fitzroy Basin) Plan 2011* (the plan) regarding the declaration of groundwater management areas to replace particular subartesian areas in the Water Regulation.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Environment and Resource Management.