



Queensland

# **Environmental Protection (Water) Amendment Policy (No. 1) 2012**

## **Explanatory Notes for SL 2012 No. 86**

made under the

*Environmental Protection Act 1994*

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## **General outline**

### **Short title**

*Environmental Protection (Water) Amendment Policy (No. 1) 2012.*

### **Authorising law**

Sections 26 and 33 of the *Environmental Protection Act 1994*

### **Policy objectives and the reasons for them**

The objective of the amendment policy is to amend the *Environmental Protection (Water) Policy 2009* (Environmental Protection Water Policy) to extend by one year the date by which certain local governments must develop and start implementing a total water cycle management (water cycle) plan, and to correct a minor drafting error.

An extension was necessary to provide local governments, particularly those affected by the 2011 floods, with more time to complete their water cycle plans and to undertake community consultation on those plans.

The amendment ensures all distributor-retailer participating local governments, and those local governments that have taken back their water

business from their south east Queensland distributor-retailer, develop and implement their water cycle plans concurrently. By having these south east Queensland local governments complete their water cycle plans before other large regional local governments, the experience gained in developing their water cycle plans will be invaluable in preparing the water cycle plans for large regional local governments that have had little exposure to total water cycle management concepts to date.

The amendment to section 19(5) corrects a minor drafting error. The section now correctly references subsection (1)(c) which provides that local governments under subsection (1)(c) are not required to develop and implement a water cycle plan unless the chief executive advises the local government about the requirement in writing.

### **Achievement of policy objectives**

The Environmental Protection Water Policy provides for when certain local governments must develop and start implementing their water cycle plan. There is no discretionary provision in the Environmental Protection Water Policy to extend water cycle plan completion dates. As such, an amendment to the Environmental Protection Water Policy was necessary to extend the completion dates by one year.

### **Consistency with policy objectives of authorising law**

The amendment policy is consistent with the objects of the Environmental Protection Act 1994 that is to enhance or protect Queensland waters.

Where local governments are required to develop and implement a water cycle plan, it is to address urban stormwater, sewage management and trade waste in a whole of system approach to the management of water whilst enhancing or protecting the environmental values of receiving waters.

### **Inconsistency with policy objectives of other legislation**

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

## **Benefits and costs of implementation**

The extension allows local governments, particularly those affected by the 2011 floods, to better manage the total water cycle management planning process including undertaking an appropriate level of community engagement within their local government areas.

An extension of the completion dates also ensures local governments remain compliant with the Environmental Protection Water Policy.

## **Consistency with fundamental legislative principles**

The amendment policy is consistent with fundamental legislative principles.

## **Consultation**

The Queensland Water Directorate, Local Government Association of Queensland, Queensland Water Commission and various local governments in south east Queensland have been consulted at officer level, and offered no objections to the extension of the completion dates.

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### ENDNOTES

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

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