



Queensland

# Water Amendment Regulation (No. 2) 2012

## Explanatory Notes for SL 2012 No. 255

made under the

*Water Act 2000*

---

## General outline

### Short title

*Water Amendment Regulation (No. 2) 2012*

### Authorising law

Sections 223 and 1014 of the *Water Act 2000*.

### Policy objectives and the reasons for them

*Transfer of water licence to other land*

The objective is to enable the transfer of all or part of a water licence, to take water, attaching to land, so that the licence attaches to other land within a declared water management area.

Section 223 of the *Water Act 2000* (Water Act) provides that all or part of a water licence to take water that is attached to land may be transferred to other land whether in or outside Queensland where provided for by a regulation, and a process for dealing with an application for the transfer is provided for by regulation.

A process for the transfer of a water licence to other land (where a water resource plan does not apply) has not yet been prescribed in the Water Regulation 2002 (Water Regulation).

### *Privately owned Water Meters*

The objective is to provide greater flexibility to metered entitlement holders and works owners by allowing them to own, purchase, control the installation of, and maintain, their water meters.

Currently, all approved meters are the property of the State. As such, the Department of Natural Resources and Mines (the Department) is responsible for purchasing meters for metered entitlement holders and works owners, arranging for the installation of the meters, and their maintenance.

Part 7 and schedule 15A of the Water Regulation provides a framework for the State to require metering of authorisations in schedule 15A. An authorisation mentioned in schedule 15A is a metered entitlement. Metered entitlement holders must only take water through an approved meter, and are subject to a metering service charge for the use of the meter, and for departmental reading and maintenance of the meter.

## **Achievement of policy objectives**

### *Transfer of water licence to other land*

The amendment regulation achieves the policy objective by allowing all or part of a water licence to take water that is attached to land, to be transferred to other land in a declared water management area where the water sharing rules for the water management area allow for the transfer. A process is also prescribed in the amendment regulation for dealing with an application for the transfer of a water licence to other land.

The water sharing rules for a water management area will be amended, where the transfer of water licences in the particular area is appropriate and/or necessary, to detail the arrangements under which a licence may be transferred.

It is proposed to amend the existing water sharing rules for the Central Condamine Alluvium groundwater management area in the first instance to enable licence transfers in the area.

### *Privately owned Water Meters*

The amendment regulation achieves the policy objective by allowing metered entitlement holders or owners of works to privately own and manage their water meters.

Ownership of the meters will progressively be offered back to all existing metered entitlement holders or owners of works. An existing metered entitlement holder or owner of works may choose to accept the transfer and use their existing meter, or install a new meter.

New metered entitlement holders or owners of works will be required to arrange for the installation of their own meter.

All meters, new and existing, must be an approved meter in accordance with the Queensland Interim Water Meter Standards for Non-Urban Metering. A person cannot take water unless it is taken through an approved meter. To be an approved meter, a metered entitlement holder, owner of works or authorisation holder must arrange for their meter to be validated by a certified meter validator by a prescribed date. Additionally, anything that is done to the meter that may affect its metrological performance requires revalidation of the meter.

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

The amendment regulation is consistent with the main objects of the *Water Act 2000*, namely to ensure the sustainable management of water.

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

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

### **Benefits and costs of implementation**

#### *Transfer of water licence to other land*

The key benefit of allowing water licences to be transferred to other land in a declared water management area is providing a flexible and equitable management regime for water users in the water management area. Enabling water licences to be transferred encourages gains in efficiency, for example, by allowing unused water to become productive, and

additionally encourages the movement of water toward higher value uses. It may also allow prospective users to access water in fully allocated systems.

#### *Privately owned Water Meters*

The key benefit of allowing a metered entitlement holder or owner of works to own, purchase, control the installation of, and maintain their water meters is the opportunity for financial savings for metered entitlement holders and owners of works, and the Department.

Metered entitlement holders and owners of works will now be able to select from the market a suitable meter, and privately arrange for its installation and continued maintenance.

This will allow holders and owners the ability to identify and utilise cost savings by selecting the most appropriate meter, means of installation and validation, thus reducing the financial burden on them. The Department's reduced involvement will reduce the costs involved with the installation and maintenance of water meters performed by the Department, and reduce the administrative burden on the Department.

### **Consistency with fundamental legislative principles**

Amendments are consistent with fundamental legislative principles.

### **Consultation**

Queensland Treasury and Trade was consulted regarding all of the amendments.

#### *Transfer of water licence to other land*

The Commonwealth Department of Sustainability, Environment, Water, Population and Communities and the Murray-Darling Basin Authority were consulted, and are supportive of the establishment of a water licence transfer framework in the Central Condamine Alluvium groundwater management area.

The Central Downs Irrigators Limited (CDIL), and key representative water licence holders in the Central Condamine Alluvium groundwater management area, were consulted, and are supportive of the introduction of a water licence transfer framework in the area. Additional consultation will also be undertaken with the CDIL and water users in the development of the rules around the transfer of water licences in the area.

Case-by-case consultation will be undertaken with water users, and other relevant bodies, on any proposed introduction of a water licence transfer framework in other declared water management areas in the future where it is necessary and appropriate to allow water licences to be transferred.

*Privately owned Water Meters*

Internal consultation was undertaken in formulating the new metering policy and developing the new legislative framework.

Consultation with AgForce and Queensland Farmers Federation regarding the implications for irrigators was undertaken. Information on the new metering framework will be provided to key representative bodies, metered entitlement holders and owners of works during the first half of 2013 as part of the metering transition arrangements.

---

ENDNOTES

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

© State of Queensland 2012