



Queensland

Water Amendment Regulation (No. 1) 2013

Explanatory Notes for SL 2013 No. 8

made under the
Water Act 2000

General outline

Short title

Water Amendment Regulation (No. 1) 2013.

Authorising law

Sections 691 and 1014 of the *Water Act 2000* and section 48 of the *Water Regulation 2002*.

Policy objectives and the reasons for them

The objective is to dissolve the Dundowran-Nickenbah Water Board (the Board) to allow for the Board's functions, assets and liabilities to be transferred to the Wide Bay Water Corporation (the Corporation).

Section 691 of the *Water Act 2000* (Water Act) provides that a regulation may dissolve a water authority for converting the authority to an alternative institutional structure. Before a regulation is made to this effect, the alternate institutional structure must be established and the Minister must be satisfied that the State has or will obtain indemnity for civil liabilities and appropriate payment for the authority's assets.

The proposed dissolution was requested by the Board and unanimously agreed to by its ratepayers through a special ballot under the *Water Regulation 2002*.

The Corporation has been established since 2002 and is a local government owned corporation. The Minister and Treasurer have agreed on a form of indemnity to be used and that the State does not require any payment from the Corporation for the Board's assets. The Minister has also agreed that public notification is not appropriate, having regard to the public interest.

Achievement of policy objectives

The amendment regulation achieves the policy objective by removing entry of the Board as a recognised water authority under schedule 6 of the *Water Regulation 2002*. The policy objective is also achieved by dissolving the Board and transferring its functions, assets and liabilities to the Corporation prior to the Corporation (itself) dissolving and transferring to the Fraser Coast Regional Council.

A new section 48D will be inserted regarding the dissolution of Board for conversion to the Corporation. It will require that: for the purposes of converting the Board to the Corporation, the Board is dissolved under section 691(1)(b) of the Water Act; and that the authority area shown on plan AP7348 is dissolved under section 691(2) of the Water Act.

The policy objective would not be achieved if the dissolution of the Board occurred after the dissolution of the Corporation because the Water Act states that an alternative institutional structure must be established. An alternative process under the Water Act would otherwise be required to transfer the Board to local government which could potentially take another year.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the main objects of the Water Act, 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

The key benefit of dissolving the Board and transferring its functions, assets and liabilities to the Corporation is providing an efficient delivery of the process requested by the Board and agreed to by its ratepayers. The Fraser Coast Regional Council also benefits from a streamlined transition of the assets and liabilities from both the Board and Corporation which aligns with the principles of the Queensland Government's red tape reduction initiative.

Consistency with fundamental legislative principles

Amendments are consistent with fundamental legislative principles.

Consultation

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

The Department of Local Government (DLG) was consulted, and is supportive of the policy objective. DLG is proposing to submit a regulation to the Governor in Council on 7 February 2013 seeking to wind-up the Corporation and transfer certain matters to Fraser Coast Regional Council.

ENDNOTES

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

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