



Queensland

# Water Amendment Regulation (No. 2) 2013

## Explanatory Notes for SL 2013 No. 71

made under the  
*Water Act 2000*

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## General outline

### Short title

*Water Amendment Regulation (No. 2) 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 Myall Plains Water Authority (the Board) and its authority area, to allow for the Board's functions, assets and liabilities to be transferred to the Myall Plains Water Co-operative Ltd (the Co-operative).

Section 691(1)(b) 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. Section 691(2) of the Water Act provides that if the water authority has an authority area, the regulation may also dissolve the authority area.

Section 696 of the Water Act provides that before a regulation is made dissolving a water authority to allow it to convert to an alternative institutional structure, 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 its authority area was unanimously agreed to by its ratepayers through a special ballot under the *Water Regulation 2002*. The Co-operative is a suitable alternative institutional structure as it has been registered under the *Cooperatives Act 1997* since 17 November 2011. 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 Co-operative 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 and its authority area from 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 Co-operative.

A new section 48E will be inserted into the *Water Regulation 2002* regarding the dissolution of Board for conversion to the Co-operative. It will require that: for the purposes of converting the Board to the Co-operative, the Board is dissolved under section 691(1)(b) of the Water Act; and that the authority area shown on plan AP13401 is dissolved under section 691(2) of the Water Act.

### **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 its authority area, and transferring the Boards' functions, assets and liabilities to the Co-operative, is to provide an efficient delivery of the process requested by the Board and agreed to by its ratepayers.

## **Consistency with fundamental legislative principles**

Amendments are consistent with fundamental legislative principles.

## **Consultation**

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

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### ENDNOTES

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

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