EXPLANATORY NOTES FOR SUBORDINATE LEGISLATION

Water Amendment Regulation (No. 4) 2013

Explanatory notes for SL 2013 No. 300

made under the

Water Act 2000

General Outline

Short title

Water Amendment Regulation (No. 4) 2013

Authorising law

Section 1006 of the *Water Act 2000*.

Policy objectives and the reasons for them

The objective of the amendment regulation is to remove the upstream limits for Bullhead Creek and One Mile Creek from the *Water Regulation 2002* (the Water Regulation). These limits are located upstream of Honey Dam, an approximately 6000ML dam that supports farming enterprises in the Lakeland area. The Lakeland area is located in the Normanby Basin, approximately 81 kilometres south west of Cooktown and 242 kilometres north west of Cairns.

Currently, water upstream of the limits is managed as overland flow water and a water entitlement is not required to take or interfere with water. This amendment will address community concerns about the effect of the overland flow management regime on the security of downstream water entitlements.

Achievement of policy objectives

The amendment regulation achieves the policy objective by amending schedule 8, part 2 of the Water Regulation.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the objects of chapter 2 of the Water Act.

Inconsistency with policy objectives of other legislation

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

Benefits and costs of implementation

Existing licences above the two upstream limits have not been cancelled and as such will continue as they had prior to the *Water and Another Regulation Amendment Regulation (No.1) 2013*. Licence holders will be required to continue paying the annual water licence fee, currently $69.10.

Other landholders that want to take or interfere with water above the two upstream limits will be required to apply for a water licence and possibly a development permit. The current application fee for a water licence application is $109.80, with additional costs for public notice and any additional information requested by the assessing officer.

The cost to government will be the same as before the *Water and Another Regulation Amendment Regulation (No.1) 2013* had effect. That is, all the administrative requirements, staff resources and compliance or enforcement activities are already in place and will be undertaken using existing departmental resources.

Implementation of this amendment may reduce incentives for some businesses to compete and may limit the potential for further development to occur upstream of Honey Dam. However, implementation will increase water security for Honey Dam, address some community members' concerns, and will maintain at least the current level of employment or economic development for the area.

Consistency with fundamental legislative principles

The amendment is consistent with fundamental legislative principles.

Consultation

The Office of Best Practice Regulation was consulted.

The upstream limits removed by the amendment regulation are located within the Lakeland area and were introduced in September 2013 as part of a package of 19 upstream limits. The

introduction of these limits followed public meetings with licensees, landholders and other interested stakeholders in the area and a period for public submissions. The introduction of the upstream limits was generally supported but some landholders were concerned about the security of water entitlements downstream of the upstream limits, in particular, entitlements to take water from Honey Dam. Further concerns about the introduction of the upstream limits for Bullhead and One Mile Creeks were raised following the commencement of the *Water and Another Regulation Amendment Regulation (No. 1) 2013*. In order to address these concerns it was decided to amend the Water Regulation to remove the upstream limits for Bullhead and One Mile Creeks.