

Water and Other Legislation Amendment Regulation (No. 1) 2014

Explanatory notes for SL 2014 No. 334

made under the

State Penalties Enforcement Act 1999

Sustainable Planning Act 2009

Water Act 2000

General Outline

Short title

Water and Other Legislation Amendment Regulation (No. 1) 2014

Authorising law

Section 165 of the *State Penalties Enforcement Act 1999*

Sections 21A, 21G, 250, 251 and 254 of the *Sustainable Planning Act 2009*

Sections 36, 39, 49, 101, 104, 126, 158, 190, 193, 206, 213, 299, 621, 690, 808, 1006, 1014 and 1046 of the *Water Act 2000*

Policy objectives and the reasons for them

In March 2014, the Queensland Government announced a review of water legislation to ensure Queensland's water legislation keeps pace with current water management best practice, and developments in service delivery and technology. The *Water Act 2000* is the primary framework for the planning, allocation and management of water in Queensland. Amendments to the *Water Act 2000* contained in the *Water Reform and Other Legislation Amendment Act 2014* is the key process in reforming Queensland's water legislation to deliver an efficient, effective and modern water management framework.

To complete the reform of Queensland's water legislation, a number of associated amendments to the *Water Regulation 2002* are necessary to ensure that reforms to the *Water Act 2000* can be delivered effectively. Section 39 of the *Water Reform and Other Legislation Amendment Act 2014* provides for regulation making powers to plan for responsible and productive management, use and allocation of water.

The objectives of these amendments are to simplify, consolidate and streamline legislative processes for new and existing water users. Many of the changes involve moving operational and administrative processes from the *Water Act 2000* to the *Water Regulation 2002* in order to keep pace with changing requirements in water management and deliver better services and outcomes to stakeholders.

Amendments to the *Water Regulation 2002* will deliver the following objectives:

1. Provision of additional prescribed activities for general authorisation to take water;
2. Simplified processes for reserving and releasing unallocated water;
3. Relocation of effects of land dealings on water licences from the *Water Act 2000*;
4. Generic criteria for converting existing water authorisations to water allocations;
5. Relocate the application process for seasonal water assignments from the *Water Act 2000*;
6. Relocation of dealings with water allocations from the *Water Act 2000*;
7. Streamlined category 2 water authority provisions;
8. Amalgamation of North Burdekin and South Burdekin Water Boards and authority areas;
9. Removal of declared upstream and downstream limits of watercourses;
10. Removal of redundant drainage and embankment area provisions;
11. Statement of matters to be included in a notice of works and water use;
12. Consolidated water plan works requirements;
13. Offence provisions for self-reading of meters;
14. Relocation of Minister's reports on water plans from the *Water Act 2000*;
15. Amendments to fees to reflect streamlined water licence processes; and
16. Changes to the Bluewater subartesian area.

The *Water and Other Legislation Amendment Regulation (No. 1) 2014* also makes a number of minor amendments including:

- Entities: the *Water Reform and Other Legislation Amendment Act 2014* simplifies the definition of who is considered to be an owner of land and provides a definition of a prescribed entity for the purpose of making an application for a water licence. These entities are listed in schedule 2 of the *Water Regulation 2002*. The *Water and Other Legislation Amendment Regulation (No. 1) 2014* amends schedule 2 of the *Water Regulation 2002* to reflect changes made to the *Water Act 2000* under the *Water Reform and Other Legislation Amendment Act 2014*.
- Licence applications: provisions in relation to the chief executive requiring additional information as part of a licence application will be removed. It is not necessary for this to be a statutory requirement; it is more appropriately dealt with administratively as is the approach in other areas of the water business.
- Water bore drillers licences: minor amendments are required in the *Water Regulation 2002* to update references to section numbers in the *Water Act 2000* that have been changed by the *Water Reform and Other Legislation Amendment Act 2014*. Amendments are also being made to simplify terminology in relation to water bore drillers licences.
- Authorised taking of water: the Border Rivers Resource Operations Plan and New South Wales-Queensland Border Rivers Intergovernmental Agreement 2008 are named in section 52A of the *Water Regulation 2002* as being authorised to take water under section 808 of the *Water Act 2000*. Changes to the water resource planning framework under the *Water Reform and Other Legislation Amendment Act*

2014 mean that the unsupplemented water elements of the Border Rivers Resource Operations Plan will now be contained in the Border Rivers water management protocol. This means that reference to the Border Rivers Resource Operations Plan in section 52A of the *Water Regulation 2002* must be changed to the Border Rivers water management protocol.

- Water planning terminology: the *Water Reform and Other Legislation Amendment Act 2014* replaces chapter 2 of the *Water Act 2000* and introduces new water planning allocation and management arrangements. As a result of these new arrangements, some of the existing water planning instrument terminology has changed. The *Water and Other Legislation Amendment Regulation (No. 1) 2014* amends a number of sections that refer to planning instruments to reflect the new terminology.
- Subartesian areas: Schedule 11 of the *Water Regulation 2002* lists declared subartesian areas. The *Water Reform and Other Legislation Amendment Act 2014* has changed the definition of underground water in the *Water Act 2000*, meaning that the term subartesian water is no longer appropriate. References to subartesian water are to be amended in schedule 11 of the *Water Regulation 2002*. The *Water and Other Legislation Amendment Regulation (No. 1) 2014* also amends schedule 11 of the *Water Regulation 2002* to split the Greater Western underground water area into two new smaller areas to improve management flexibility and the effectiveness of local stakeholder consultation processes. The part of the 'Greater Western underground water area' in the Cape York Peninsula will be renamed (without other changes) to 'Cape York underground water area'. The area to the south will continue with the name Greater Western but will have a revised boundary to remove some parts of the area to take account of the commencement of water plans that deal with underground water.
- Spent transitional provisions: the *Water Regulation 2002* contains a number of historical transitional provisions which are spent and have no further effect. These will be removed.
- Border Rivers groundwater management areas: The *Water Resource (Border Rivers) Plan 2006* is being amended to include management of groundwater and will create a groundwater management area for all subartesian groundwater in the plan area. Other water resource plans in the region refer to the geological formation in which the groundwater flows in naming the groundwater management area. For consistency the Border Rivers groundwater management area will be renamed the 'Border Rivers Alluvium groundwater management area' throughout the *Water Regulation 2002* where necessary.
- State Penalties Enforcement Regulation 2014: Schedule 1 of the *State Penalties Enforcement Regulation 2014* prescribes infringement notice offences and infringement notice fines for other Acts and regulations. The *Water Reform and Other Legislation Amendment Act 2014* establishes a number of new offences under chapter 3 of the *Water Act 2000* in relation to managing the impacts on underground water by the exercise of underground water rights by resource tenure holders. The *Water and Other Legislation Amendment Regulation (No. 1) 2014* prescribes infringement notice offences and fines for these new offences and makes a number of consequential amendments to update section numbers which have changed as a result of the *Water Reform and Other Legislation Amendment Act 2014*. A new infringement notice offence is also created in relation to section 78 of the *Water Regulation 2002* which establishes an offence for failure to comply with a notice to read a meter.
- Sustainable Planning Regulation 2009: The *Water and Other Legislation Amendment Regulation (No. 1) 2014* contains consequential amendments to the *Sustainable*

Planning Regulation 2009 to allow for an update of the State development assessment provisions and to reflect the removal of drainage and embankment areas from the *Water Act 2000*.

Provision of additional prescribed activities for general authorisation to take water

Generally under the *Water Act 2000*, a water entitlement or water permit is required to take or interfere with water. However, section 20 of the *Water Act 2000* provides an exception by authorising the take of water without a water entitlement in limited circumstances. These activities are considered low risk, posing minimal risk to the responsible and productive management of water resources. These activities are prescribed in the *Water Regulation 2002* as activities that can be undertaken under a general authorisation to take water (section 3B and schedule 1).

The Government has committed to accelerate the growth of the agricultural and resources sectors and create economic development opportunities for rural and regional Queensland. Changes to the *Water Act 2000*, the *Mineral Resources Act 1989* and the *Petroleum and Gas (Production and Safety) Act 2004* under the *Water Reform and Other Legislation Amendment Act 2014* will deliver a consistent framework for water management across the resources sector, particularly in relation to the take of water.

The objective of the *Water and Other Legislation Amendment Regulation (No. 1) 2014* is to deliver similar consistency in relation to general authorisations to take water. The objective of the *Water and Other Legislation Amendment Regulation (No. 1) 2014* is to broaden this list to include a number of activities related to the mining and petroleum and gas industries. These activities have been determined to be low risk activities that do not need approval under a water entitlement or works approval.

Simplifying processes for reserving and releasing unallocated water

Section 46 of the *Water Act 2000* provides that a water plan may state a process for granting, reserving or otherwise dealing with unallocated water. These processes are highly prescriptive and are not flexible or responsive to the water needs of Queensland business and community.

Reserving unallocated water

Under the current framework, it is only possible to reserve unallocated water in a water plan area by amending a water resource plan or a resource operations plan. There is no process for identifying and reserving unallocated water outside of a water plan area. Amendments to the *Water Act 2000* by the *Water Reform and Other Legislation Amendment Act 2014* provide for a regulation to reserve unallocated water outside of a water plan area. The objective of the *Water and Other Legislation Amendment Regulation (No. 1) 2014* is to support the primary legislation amendment and to enable the details of water reserved outside of plan areas to be specified in the regulation.

Releasing unallocated water

The *Water Act 2000* provides for water plans to specify the process for releasing unallocated water. Most plans specify the 'standard' unallocated water release process that is contained in the *Water Regulation 2002* (Division 1C, sections 5A to 5K). The standard process is divided into competitive and non-competitive streams and is very

prescriptive, inflexible, time consuming and expensive for both proponents and government to undertake. For example, a competitive process such as a tender can take up to 12 months to complete before the water can be released to the successful applicant. In addition, the standard release process does not apply outside of water plan areas. In these areas, licensing provisions under the *Water Act 2000* are used to grant new water entitlements.

The objective of the *Water and Other Legislation Amendment Regulation (No. 1) 2014* is to simplify and streamline the provisions for the release of unallocated water to provide more flexible and less prescriptive processes that will apply State-wide, regardless of whether or not there is a water plan in place for the water being released.

Relocation of effects of land dealings on water licences from the Water Act 2000

Under the *Water Act 2000*, water licences generally attach to the licensee's land, with the licensee being the owner of the parcel or parcels of land. Land dealings, such as the sale of land, or the acquisition of all or part of the land, affect who is the licensee. In particular, sections 228 and 229 of the *Water Act 2000* outline the effect of land dealings on water licences and clarify the responsibility for water licences when affected by land dealings. Section 228 of the *Water Act 2000* specifies the arrangements that apply in relation to a water licence when the licensee ceases to be the owner of the land to which the licence relates. Section 229 of the *Water Act 2000* deals with the effect on a water licence of the disposal of part of the land to which the licence is attached.

As the impacts on who is the licensee come about as the result of land related matters and do not impact the water resource, the administrative processes to change licences to reflect the land dealings or acquisition currently in the *Water Act 2000* have been consolidated and will be relocated into the *Water Regulation 2002*.

Generic criteria for converting existing water authorisations to water allocations

Section 46 of the *Water Act 2000* provides for a water resource plan to include strategies for the establishment of water allocations for the plan area. These strategies are commonly known as 'conversion rules' and apply to the conversion of non-tradeable water licences and other authorisations to tradeable water allocations. Conversion rules currently exist in 22 separate water resource plans. Some conversion rules are generic across all plan areas, while others reflect catchment-specific requirements.

Conversion rules for rates of take, where none are specified on the existing entitlement, can include consideration of the authorised pump size determined using a 'pump size schedule' in a water resource plan. Conversion rules for rates of take are used to guide specific requirements of proposed water allocations.

The objective of the *Water and Other Legislation Amendment Regulation (No. 1) 2014* is to establish a number of generic conversion rules in one location in the *Water Regulation 2002*, while retaining the discretion for particular catchment-specific requirements and values to be stated in water plans where necessary.

Relocation of application process for seasonal water assignments from the Water Act 2000

The *Water Act 2000* provides for seasonal water assignments of water allocations, also known as temporary trades of water. Seasonal water assignments are only permitted in areas where a water resource plan or resource operations plan allows for these assignments and where the proposed assignment is allowed under the seasonal water assignment rules stated in the resource operations plan or the *Water Regulation 2002*. Sections 142 to 146 of the *Water Act 2000* state that the process for applying for a seasonal water assignment where the water allocation is not managed under a resource operations licence. Sections 146A to 146B of the *Water Act 2000* state that the process for applying for a seasonal water assignment for water allocations that are managed under a resource operations licence.

The objective of the *Water and Other Legislation Amendment Regulation (No. 1) 2014* is to consolidate the provisions related to seasonal water assignments from the *Water Act 2000* and to relocate the provisions into the *Water Regulation 2002*.

Relocation of water allocation dealing rules from the Water Act 2000

Sections 128 to 134 of the existing *Water Act 2000* provide a framework for managing dealings with water allocation including changing, subdividing, amalgamating and transferring or leasing water allocations. The *Water Reform and Other Legislation Amendment Act 2014* establishes a common framework for water allocation dealing rules that apply to all dealings other than transfers and leases, providing for these rules to be set out in the water management protocol under each water plan. The *Water Reform and Other Legislation Amendment Act 2014* also provides that a regulation may prescribe water allocation dealing rules that apply to the whole of the State.

The objective of the *Water and Other Legislation Amendment Regulation (No. 1) 2014* is to prescribe the process and criteria for the water allocation dealing rules that apply across the State in the *Water Regulation 2002*.

Streamlined category 2 water authority provisions

Chapter 4 of the *Water Act 2000* provides the framework for the establishment and ongoing administration of category 2 water authorities. A number of amendments to these provisions are being made under the *Water Reform and Other Legislation Amendment Act 2014* to reduce the level of prescription and regulatory burden of these provisions and to provide more flexibility for category 2 water authorities to operate more efficiently and autonomously.

Part 4 of the *Water Regulation 2002* contains detailed provisions relating to the election of directors to water authority boards and the conduct of special ballots for the dissolution of water authorities. The objective of the *Water and Other Legislation Amendment Regulation (No. 1) 2014* is to remove these overly prescriptive sections of the *Water Regulation 2002* to further support the autonomous operation of water authorities.

The *Water and Other Legislation Amendment Regulation (No. 1) 2014* also removes provisions relating to the establishment of employing offices for water authorities. These provisions were originally included in the *Water Regulation 2002* in response to Work Choices legislation, however, employing offices that were established as a result of these provisions never operated as such and their need was subsequently superseded by the *Fair Work Act 2009*. These provisions are now redundant and can be removed.

As the head of power for the establishment of employing offices for water authorities is being removed from the *Water Regulation 2002*, it is appropriate that schedule 6A of the *Water Regulation 2002* which lists established employing offices, is removed at the same time.

Amalgamation of North Burdekin Water Board and South Burdekin Water Board

The North Burdekin Water Board and the South Burdekin Water Board are category 2 water authorities established under the *Water Act 2000* for the purpose of carrying out water activities in their authority areas. In consideration of government decisions arising from the Webbe-Weller review of Queensland Government boards, committees and statutory authorities, the two boards have made written requests to the Minister seeking to amalgamate their water authorities and authority areas to form a new water authority to generate administrative efficiencies. The new water authority is to be named 'Lower Burdekin Water'.

Section 690 of the *Water Act 2000* provides that a regulation may amalgamate 2 or more water authorities to form a new water authority. As part of this process, the regulation must name the new water authority and identify its authority area, and dissolve the former water authorities and their respective authority areas. The objective of the *Water and Other Legislation Amendment Regulation (No. 1) 2014* is to amalgamate the North and South Burdekin Water Boards to create a new water authority known as Lower Burdekin Water, and dissolve the former water authorities and their authority areas.

The *Water Reform and Other Legislation Amendment Act 2014* is amending the *Water Act 2000* to provide that the Minister may hold over board members from a former water authority to administer a new entity until the new entity's first board is appointed. The *Water and Other Legislation Amendment Regulation (No. 1) 2014* will also amend the *Water Regulation 2002* to provide for the interim administration of Lower Burdekin Water.

Removal of declared upstream and downstream limits of watercourses

Watercourses and their upstream and downstream limits are currently defined under the *Water Act 2000*. These definitions are generally broad and based on physical characteristics with information on these boundaries not readily accessible to water users or the general public. The *Water Reform and Other Legislation Amendment Act 2014* is amending the *Water Act 2000* to allow the chief executive to prepare a watercourse identification map to show the extent of watercourses, designated watercourses, drainage features, and lakes and springs as defined by the *Water Act 2000*. The map will also show longitudinal limits and downstream limits of a watercourse.

Section 54 of the *Water Regulation 2002* currently declares the upstream and downstream limits of a watercourse. These limits are listed in schedule 8 of the *Water Regulation 2002*. The introduction of the new watercourse identification map means that the *Water Regulation 2002* no longer needs to declare upstream and downstream limits of a watercourse. The objective of the *Water and Other Legislation Amendment Regulation (No. 1) 2014* is to remove these redundant provisions.

Removal of redundant drainage and embankment area provisions

Since 2002, the *Water Act 2000* has included provisions for declared drainage and embankment areas which were used to regulate the construction of new levee banks. The *Water Act 2000* also contains a regulation making power for the *Sustainable Planning Act 2009* to declare an area to be a drainage and embankment area and the works within the area that are either assessable or self-assessable development.

In May 2013, the *Land, Water and Other Legislation Amendment Act 2013* introduced a new state-wide framework for regulating the construction of new levees and the modification of existing levees. As a result, the *Water Reform and Other Legislation Amendment Act 2014* removes provisions for declared drainage and embankment areas from the *Water Act 2000* as these are no longer required.

The objective of the *Water and Other Legislation Amendment Regulation (No. 1) 2014* is to bring the *Water Regulation 2002* into line with the new regulatory framework for levees and to remove reference to the remaining drainage and embankment areas currently still contained in the *Water Regulation 2002*.

Notice of works and water use

The *Water Reform and Other Legislation Amendment Act 2014* amends sections of the *Water Act 2000* in relation to chief executive powers that require persons authorised to take or interfere with water to provide information about their authorisation. In particular, provisions for providing the chief executive notice of works and water use where a person has an authorisation for works for taking or interfering with water not granted under an entitlement have been simplified in the *Water Act 2000*, and now require the detail of what is to be provided in the notice to be prescribed in a regulation. The objective of the *Water and Other Legislation Amendment Regulation (No. 1) 2014* is to prescribe these matters.

Consolidated water plan works requirements

Water resource plans contain provisions that outline the relationship of the plan with the *Sustainable Planning Act 2009*. Specifically, each water resource plan states which works are either assessable development or self-assessable development under the *Sustainable Planning Act 2009*. Works that are assessable development require development approval. Works that are self-assessable development do not require a development permit but must conform with the relevant self-assessable code. It is an offence under the *Sustainable Planning Act 2009* to construct works that do not comply with the applicable code. The *Water Regulation 2002* sets out which codes are approved for carrying out self-assessable development under the *Sustainable Planning Act 2009*.

The objective of the *Water and Other Legislation Amendment Regulation (No. 1) 2014* is to relocate provisions that refer to self-assessable and assessable development from water resource plans to the *Water Regulation 2002* so that they are contained in one legislative instrument.

Offence provisions for self-reading of meters

Since October 2012, the Queensland Government has ceased direct involvement in the purchase, installation, maintenance and validation of water meters for metered entitlements, passing responsibility to metered entitlement holders and works owners. In addition, since 31 March 2014, entitlement holders for unsupplemented water have been

required to provide up to two readings to the Department of Natural Resources and Mines within a water year for each water meter. The Department of Natural Resources and Mines notifies entitlement holders when these meter readings are due.

Section 78 of the *Water Regulation 2002* states that the chief executive may give a notice to either a metered entitlement holder or works owner requiring the person to read a meter and give the chief executive notice of the reading. While a penalty applies to non-compliance with the notice, there is currently no corresponding infringement notice fine under the *State Penalties Enforcement Regulation 2014*.

The objective of the *Water and Other Legislation Amendment Regulation (No. 1) 2014* is to clarify the requirements for metered entitlement holders or owners of works when notified by the Department of Natural Resources and Mines to read their meter and provide the reading to the Department of Natural Resources and Mines. The *Water and Other Legislation Amendment Regulation (No. 1) 2014* also amends the penalty unit for non-compliance to be consistent with departmental compliance guidelines and prescribes an infringement notice offence and fine for the penalty.

Relocation of Minister's reports on water plans from the Water Act 2000

The *Water Act 2000* currently requires the Minister to prepare reports on each water resource plan as an assessment of the progress and performance of the management strategies of each plan in achieving the plan's outcomes. The objective of the *Water and Other Legislation Amendment Regulation (No. 1) 2014* is to relocate these provisions that are of a process and administrative nature from water resource plans to the *Water Regulation 2002*. In relocating these provisions, they are also being modified to ensure that monitoring regimes within each plan are more outcomes-focused.

Amendments to fees to reflect streamlined water licence processes

The *Water Reform and Other Legislation Amendment Act 2014* makes a number of amendments to the *Water Act 2000* to streamline the processing of water licence dealings. For example, the *Water Reform and Other legislation Amendment Act 2014* amends the licence application process to ensure that simple changes to water licences are not required to follow a lengthy application process and may simply be registered on the Department of Natural Resources and Mines' system. The *Water and Other Legislation Amendment Regulation (No. 1) 2014* will also provide that multiple consecutive changes to water licences can be dealt with concurrently. Some of these changes to the licence process have implications for fees that are payable. The objective of the *Water and Other Legislation Amendment Regulation (No. 1) 2014* is to amend the schedule of fees in the *Water Regulation 2002* to reflect these changes.

Changes to Bluewater subartesian area

Section 1046 of the *Water Act 2000* provides for a regulation to declare an area to be a subartesian area. The regulation may provide for the regulation of the taking or interfering with subartesian water and state the types of works for taking or interfering that are assessable or self-assessable.

Schedule 11 of the *Water Regulation 2002* currently prescribes the Bluewater Area (on plan AP10053) as a declared subartesian area for which an authorisation is required to take water for any purpose.

The Bluewater subartesian area is located within the area covered by the *Queensland Nickel Agreement Act 1970-1988*. The *Queensland Nickel Agreement Act 1970-1988* gives rights and obligations to QNI Resources Pty Ltd and QNI Metals Pty Ltd which operate the Palmer Nickel and Cobalt Refinery 25 kilometres north west of Townsville. The *Queensland Nickel Agreement Act 1970-1988* and a Supreme Court decision require the Department of Natural Resources and Mines to manage groundwater take in a way that does not unduly diminish the supply of water to the QNI Resources Pty Ltd and QNI Metals Pty Ltd plant.

There is a local work procedure, based on an agreement between QNI Resources Pty Ltd and QNI Metals Pty Ltd and the Department of Natural Resources and Mines as directed by the Supreme Court, that guides the chief executive in deciding an application. The area is fully allocated and no new irrigation licences have been granted in the area for some years. However, domestic licences may be granted in limited circumstances within the Black River area (a smaller part of the Bluewater area) and one domestic bore is allowed per property outside of the Black River area.

The extent of the original area was determined (based on best information at the time) to ensure that the water supplies of the refinery operations were not unduly diminished as is required under the special agreement legislation. However latest information indicates that the area of potential impact on QNI Resources Pty Ltd and QNI Metals Pty Ltd's operations is much smaller, and is likely to be just the smaller Black River area.

Stock and domestic take is considered low risk and in many parts of Queensland is not regulated through a water licence. Take of water for stock and domestic use in the Bluewater subartesian area requires a water licence. This situation is unusual when compared to other unsupplemented groundwater management areas in Queensland and incurs unnecessary costs to land owners and administration by the Department of Natural Resources and Mines.

The objective of the *Water and Other Legislation Amendment Regulation (No. 1) 2014* is to reduce the regulatory burden for landowners in the Bluewater subartesian area by removing the requirement for a water licence for the existing take of water for stock or domestic use for the Bluewater subartesian area to just cover the smaller Black River area where the take of water has the potential to affect QNI Resources Pty Ltd and QNI Metals Pty Ltd's water supplies. A minor boundary change will be made to the Black River area on the eastern side to include a whole block of land rather than half of the block as currently exists. This change is consistent with using property boundaries where required in order to manage the take of underground water.

The *Water and Other Legislation Amendment Regulation (No. 1) 2014* will also implement the following regulatory arrangements to clarify underground water management requirements in the new Black River underground water area as follows:

1. Continue to require a licence to take water for existing and new bores for purposes other than stock or domestic in the new Black River underground water area
2. Remove the need for a water entitlement, water permit or a seasonal water assignment notice for taking water for:
 - (a) stock or domestic purposes if the property does not have access to a reticulated supply, and:
 - i. the property existed in its current surveyed form at commencement of this provision; or

- ii. if the property is subdivided after commencement of this provision — for each individual resulting parcel of land after the subdivision — the size of the individual parcel is at least 40 hectares; or
 - (b) a prescribed activity
3. Continue to include an exempt bore as works that are not assessable but now also include works for stock or domestic purposes and for a prescribed activity.

Achievement of policy objectives

Provision of additional prescribed activities for general authorisation to take water

The provision of additional prescribed activities will be achieved by amending schedule 1 of the *Water Regulation 2002* to include a number of low risk activities that are permitted under particular authorisations under the *Mineral Resources Act 1989* and the *Petroleum and Gas (Production and Safety) Act 2004*.

Simplifying processes for reserving and releasing unallocated water

Reserving unallocated water

The *Water and Other Legislation Amendment Regulation (No. 1) 2014* inserts a new section into the *Water Regulation 2002* that provides for unallocated water to be reserved in areas outside of a water plan. A new schedule is also inserted to describe the details of unallocated water to be reserved. The schedule will include a description of the area where the water is to be reserved, the type of water to be reserved, and the purpose and volume of water to be reserved.

Releasing unallocated water

The process for releasing unallocated water will be streamlined and simplified by amendments to the *Water Regulation 2002* that:

- remove the distinction between competitive and non-competitive release processes.
- remove the restrictions on which release processes or combination of release processes that can be used in any given circumstance where unallocated water is to be released.
- introduce ‘fixed price sale’ as a new release process that can be used in addition to the existing release processes of public auction, tender or grant for a particular purpose. A fixed price sale process would allow access to unallocated water in situations where water is still available for release after auction or tender.
- allow for processes for the release of unallocated water to apply irrespective of whether or not a statutory water plan exists for the water being released.
- require a single public notice to be published providing information about the availability and sale of water, with the prescription regarding the conditions of sale removed from the *Water Regulation 2002*.

The provisions also provide that the chief executive must have regard of any existing water development option before deciding to proceed with the release.

Relocation of effects of land dealings on water licences from the Water Act 2000

The *Water and Other Legislation Amendment Regulation (No. 1) 2014* inserts a new division into part 2 of the *Water Regulation 2002* to outline the effect of land dealings or acquisition of land on water licences. The new division comprises provisions from sections 228 and 229 of the *Water Act 2000* which have been streamlined for simplicity.

The provisions in relation to the effect of a licensee ceasing to be an owner (section 228 of the *Water Act 2000*) have been simplified to provide that the water licence simply transfers to the new owner on the transfer of land, without requiring notification by the new licensee of the change.

The provisions in relation to the effect of disposal or acquisition of part of land to which water licence to take water attaches (section 229 of the *Water Act 2000*) have been consolidated and amended to provide that if the acquisition or disposal includes a transfer of the licence, this transaction is managed as if a dealing with a water licence.

Generic criteria for converting existing water authorisations to water allocations

The *Water and Other Legislation Amendment Regulation (No. 1) 2014* will insert a new division in the *Water Regulation 2002* to specify a set of generic, State-wide conversion criteria and a pump-size-to-daily-rate conversion table for converting water entitlements or other authorisations to water allocations.

The criteria will include nominal volumes and volumetric limits for the allocation, maximum rates at which water can be taken under the allocation, and daily volumetric limits for the allocation. The provisions require that the details of the existing authorisation be considered in determining these values and that the chief executive may also impose conditions on the water allocation.

Relocation of application process for seasonal water assignments

The *Water and Other Legislation Amendment Regulation (No. 1) 2014* will insert a new division into part 2 of the *Water Regulation 2002* to prescribe the process for granting a seasonal water assignment for water allocations not managed under a resource operations licence. Amendments are also included to prescribe the process for seeking a seasonal water allocation where the water allocation is managed under a resource operations licence, distribution licence or an operations manual. In this situation the holder of the water allocation may enter into an arrangement for a seasonal water assignment.

Relocation of water allocation dealing rules from the Water Act 2000

A new division is inserted into the *Water Regulation 2002* to provide for water allocation dealing rules that apply to the whole of the State. The provisions clarify those dealings permitted under the rules, which include particular amalgamations and subdivisions of a water allocation, and other dealings that must be assessed against particular criteria. The prescribed State-wide water allocation dealing rules do not apply if the relevant water management protocol provides an alternative process for making or deciding a water allocation dealing. The State-wide dealing rules clarify the following:

- process for making an application for a dealing, including:
 - the way an application may be made;
 - fees to accompany an application;
 - requirements for publishing a notice of the application; and

- dealing with any costs associated with researching and investigating an application if these costs are expected to be substantial.
- process for deciding an application, including:
 - considerations for the chief executive in deciding an application; and
 - requirements for notifying the applicant and other submitters.

Streamlined category 2 water authority provisions

Category 2 water authority provisions will be streamlined by removing sections of the *Water Regulation 2002* that deal with the election of directors (part 4, division 2) and the conduct of special ballot for dissolution of water authorities (part 4, division 3).

Redundant provisions relating to employing offices will be removed by omitting part 4, division 4 of the *Water Regulation 2002* dealing with employing offices and by omitting schedule 6A of the *Water Regulation 2002* that lists employing offices that have been established.

Amalgamation of the North Burdekin Water Board and the South Burdekin Water Board

The *Water and Other Legislation Amendment Regulation (No. 1) 2014* will amalgamate the North Burdekin Water Board and the South Burdekin Water Board by prescribing Lower Burdekin Water as the name of the new amalgamated water authority. The amended *Water Regulation 2002* notes that Lower Burdekin Water's authority area will comprise 2 divisions called the Northern Division and the Southern Division.

The *Water and Other Legislation Amendment Regulation (No. 1) 2014* will also dissolve the two former water authorities by removing the North Burdekin and South Burdekin Water Boards as existing entities from schedule 6 of the *Water Regulation 2002*. The authority areas for each board will also be removed from schedule 6.

A new section will be inserted into part 4 of the *Water Regulation 2002* to provide for interim board administration of Lower Burdekin Water until the new board is appointed. The new provision provides that the interim board is to be made up of persons that were directors of one or the other of the former North or South Burdekin Water Boards.

Removal of redundant declared downstream and upstream limits of watercourses

The removal of redundant declared downstream and upstream limits will be achieved by omitting section 54 and schedule 8 from the *Water Regulation 2002* which together provide for the declaration of downstream and upstream limits of watercourses.

Removal of redundant drainage and embankment area provisions

The removal of redundant drainage and embankment area provisions will be achieved by omitting section 61 of the *Water Regulation 2002* which provides for the declaration of drainage and embankment areas, and removing schedule 9 of the *Water Regulation 2002* which declares three drainage and embankment areas – Houghton River Drainage and Embankment Area; Major Creek Drainage and Embankment Area; and Tully and Murray Rivers Drainage and Embankment Area. The *Water and Other Legislation Amendment Regulation (No. 1) 2014* also amends schedule 16, 50(c) of the *Water Regulation 2002* to remove the fee for a development application under the *Sustainable Planning Act 2009* for operational work in a drainage and embankment area.

Notice of works and water use

The *Water Regulation 2002* will be amended to insert a new section to state those matters that must be stated in a notice of works given to the chief executive by a person that owns land on which works for taking or interfering with water are, or are to be constructed.

Consolidated water plan works requirements

Water plan works requirements will be consolidated by inserting a new schedule into the *Water Regulation 2002* that lists water plan areas and corresponding works in those areas that are either self-assessable or assessable development.

Offence provisions for self-meter reading

The *Water and Other Legislation Amendment Regulation (No. 1) 2014* achieves the policy objective by amending section 78 of the *Water Regulation 2002* to clearly state that the metered entitlement holder or owner of works must read their meter and provide the reading to the Department of Natural Resources and Mines in the way specified in the notice and by the day stated in the notice. The day stated in the notice must be at least 20 days after the chief executive gives the person the notice. The *Water and Other Legislation Amendment Regulation (No. 1) 2014* sets the maximum penalty for non-compliance with the notice at 20 penalty points.

The *Water and Other Legislation Amendment Regulation (No. 1) 2014* also amends schedule 1 (Infringement notice offences and fines for nominated laws) of the *State Penalties Enforcement Regulation 2014* to insert an entry for the *Water Regulation 2002* for section 78(3) of the *Water Regulation 2002* to set the fine payable for not complying with a notice from the chief executive to a metered entitlement holder or owner of works to read their meter.

Relocation of Minister's reports on water plans from the Water Act 2000

The relocation of provisions in relation to Minister's reports on water plans will be achieved by inserting a new part into the *Water Regulation 2002* that states the frequency of when the Minister must prepare a report (every five years), and the content of the report.

Amendments to fees to reflect streamlined water licence processes

The *Water and Other Legislation Amendment Regulation (No. 1) 2014* amends schedule 16 of the *Water Regulation 2002* to reflect the changes that have been made to the water licence dealing process.

Changes to Bluewater subartesian area

The changes to the Bluewater subartesian area will be achieved by a number of amendments to schedule 11 of the *Water Regulation 2002*. Schedule 11 of the *Water Regulation 2002* describes the areas, purpose and works for subartesian areas.

Column 1, Row 1 of schedule 11 of the *Water Regulation 2002* will be amended to delete reference to the 'Bluewater subartesian area on plan AP10053' and replace it with

the new, smaller regulated area to be known as the 'Black River underground water area' on plan AP22331.

Column 2 of schedule 11 of the *Water Regulation 2002* provides the purposes for which a water entitlement, water permit or seasonal water assignment notice is not required for each subartesian area. Column 2, Row 1 of the *Water Regulation 2002* will be amended to show that stock or domestic purposes and a prescribed activity will not require a water entitlement in the newly established Black River underground water area. The entry for stock or domestic purposes will be further clarified to show that underground water can only be used for stock or domestic purposes if a property does not have access to a reticulated supply and either:

- the property existed in its current surveyed form at commencement of this provision; or
- if the property is subdivided after commencement of this provision — for each individual resulting parcel of land after the subdivision — the size of the individual parcel is at least 40 hectares.

Finally, Column 3, Row 1 of schedule 11 of the *Water Regulation 2002* will be amended to show that works that are not assessable will now include works for stock or domestic purposes; works for a prescribed activity; and an exempt bore.

Consistency with policy objectives of authorising law

The *Water and Other Legislation Amendment Regulation (No. 1) 2014* is consistent with the main objectives of the *Water Act 2000* which is to ensure the responsible and productive management, allocation and use of water for the benefit of all Queenslanders, and the objectives of the *State Penalties Enforcement Act 1999* that is to maintain the integrity and confidence in the way fines are enforced.

Inconsistency with policy objectives of other legislation

The *Water and Other Legislation Amendment Regulation (No. 1) 2014* is consistent with the policy objectives of other legislation. It provides for the inclusion of provisions consistent with other legislation relating to the enforcement of fines.

Alternative ways of achieving policy objectives

Changes to the Bluewater subartesian area

Two alternatives to change the management options for landowners in the Bluewater subartesian area were considered.

- *Regulate the take of water for stock or domestic use in the Black River portion of the Bluewater subartesian area only*
While this option would also ensure QNI Resources Pty Ltd and QNI Metals Pty Ltd's special agreement rights are not adversely affected, continuing to regulate the take of water for stock or domestic use in the Black River portion of the Bluewater subartesian area would be inconsistent with approaches in other unsupplemented

underground water management areas where this use does not require a water licence.

- *Deregulate the take of water for stock or domestic use for the entire Bluewater subartesian area.*

This option could trigger the proliferation of bores associated with rural residential subdivision in the Black River area which in time could diminish the supply of water to the QNI Resources Pty Ltd and QNI Metals Pty Ltd plant.

These options were not adopted as the recommended option as they did not achieve the dual objectives of reducing the regulatory burden for landowners in the Bluewater subartesian area while also safeguarding QNI Resources Pty Ltd and QNI Metals Pty Ltd's special agreement rights.

Remaining policy objectives

The policy objectives of all remaining amendments to the *Water Regulation 2002* could not be achieved in any alternative way. Changes to subordinate legislation are necessary to achieve the operational requirements of these objectives.

Benefits and costs of implementation

Provision of additional prescribed activities for general authorisation to take water

The *Water and Other Legislation Amendment Regulation (No. 1) 2014* supports a consistent approach to water management by different industry sectors, authorising mining, petroleum and gas activities under the same framework as for other sectors, such as agriculture. This will enable water users in the mining, petroleum and gas industries that need to use water as part of routine operations to take water without an authorisation for that particular use. This will reduce the regulatory burden faced by mining and petroleum and gas operators without affecting the responsible and productive management of the water resource.

Simplifying processes for reserving and releasing unallocated water

The reservation and release of unallocated water is an important process to stimulate economic growth. By introducing more flexibility into unallocated water reserving and release processes, these amendments will enable the Department of Natural Resources and Mines to respond more quickly and efficiently to emerging water demands. These amendments will also reduce the administrative burden and time taken to deliver unallocated water to customers to enhance economic growth. Simplifying processes and removing prescriptive requirements from provisions will also help reduce the regulatory burden for proponents and government.

Relocation of effects of land dealings on water licences from the Water Act 2000

These provisions are an important component of the licencing framework to clarify responsibility for a licence after certain land dealings affect a water licence. The benefit of relocating these largely operational provisions into the *Water Regulation 2002* is to help streamline the *Water Act 2000*. The modifications to these provisions will simplify their operation and improve efficiencies when managing the impact of land dealings on water licences.

Generic criteria for converting water entitlements to water allocations

Creating generic criteria for the conversion of water licences to tradeable water allocations will provide state-wide consistency that will enable rapid conversion of water licences to tradeable water allocations, independent of the statutory planning process. This will enable potential trades to happen more quickly, allowing the benefits of trading to be realised sooner. The *Water and Other Legislation Amendment Regulation (No. 1) 2014* will also reduce the regulatory count by removing the current duplication across the 23 water resource plans.

Once created, the new conversion rules will then be used to develop proposed water allocations for inclusion in a Water Entitlement Notice - a new instrument being established under the *Water Reform and Other Legislation Amendment Act 2014* to allow Government to deliver fast track bulk conversions of water licences to tradable water allocations on a catchment basis. Enabling accelerated conversions of water licences to secure, tradeable water allocations through the new conversion rules as part of the water entitlement notice will deliver a fully realised water market.

Consolidated application process for seasonal water assignments

The *Water and Other Legislation Amendment Regulation (No. 1) 2014* has no impact on the way seasonal water assignments operate or must be applied for. It is more appropriate for matters of a procedural nature such as these to be contained in subordinate legislation rather than primary legislation. The *Water and Other Legislation Amendment Regulation (No. 1) 2014* has no implementation costs.

Relocation of water allocation dealing rules from the Water Act 2000

The establishment of dealing rules that apply across the State provides a common and consistent framework for managing water allocation dealings. Relocating the rules into the *Water Regulation 2002* will help streamline the operation of the *Water Act 2000*.

Streamlined category 2 water authority provisions

The benefit of the *Water and Other Legislation Amendment Regulation (No. 1) 2014* is the reduction in regulatory burden and prescription faced by category 2 water authorities. While water authorities will need to establish new policies or procedures for the election of directors, the removal of these prescriptive requirements from the *Water Regulation 2002* will enable authorities to develop approaches that are fit-for-purpose and better suited to their needs.

Amalgamation of North Burdekin Water Board and South Burdekin Water Board

The key benefit of amalgamating these two water authorities is to enable the water authorities to operate more efficiently in a way that best fits the scale of their operations.

Removal of declared upstream and downstream limits of watercourses

The *Water and Other Legislation Amendment Regulation (No. 1) 2014* will support changes made to the *Water Act 2000* in relation to presenting information about

designated watercourses and other drainage features in the new watercourse identification map and will remove redundant and duplicated provisions.

Removal of redundant drainage and embankment area provisions

The removal of these redundant provisions support changes to the *Water Act 2000* to ensure levees across Queensland are consistently regulated under one regulatory framework. This will help create certainty for all levels of government, the community and the construction industry around what is expected when constructing or modifying a levee.

Notice of works and water use

The inclusion of prescribed matters that must be included in a notice of works and water use in the *Water Regulation 2002* facilitates the ongoing operation of the *Water Act 2000* and ensures that information of a procedural and process nature are more appropriately provided in subordinate legislation rather than in primary legislation.

Consolidated statutory water plan works requirements

Consolidating provisions from individual water resource plans that identify self-assessable and assessable development under the *Sustainable Planning Act 2009* into one location in the *Water Regulation 2002* will provide State-wide consistency and reduce unnecessary duplication across water resource plans. The *Water and Other Legislation Amendment Regulation (No. 1) 2014* has no implementation costs.

Offence provisions for self-reading of meters

A key benefit of allowing a metered entitlement holder or owner of works to self-read meters is that it enables entitlement holders to self-manage their water use and ensures water security for all water users. It allows entitlement holders to monitor their water usage patterns and check that their meter and irrigation systems are working correctly. It also reduces costs for entitlement holders because the Department of Natural Resources and Mines is no longer required to conduct meter readings on their property.

Meter readings provide vital data to the Department of Natural Resources and Mines to ensure water security for all water users by providing accurate measurement of water use. Increasing the penalty and establishing an infringement notice fine for not complying with a notice to read meters enables the Department of Natural Resources and Mines to pursue compliance action if appropriate.

Relocation of Minister's reports on water plans from the Water Act 2000

The relocation of these provisions into the *Water Regulation 2002* will help streamline the *Water Act 2000* and ensure that provisions of an operational and administrative nature are consolidated in the *Water Regulation 2002* where there is more flexibility to adapt to changing requirements to keep pace with water management needs.

Amendments to fees to reflect streamlined water licence processes

The key benefit from the *Water and Other Legislation Amendment Regulation (No. 1) 2014* will be the reduced regulatory burden and costs associated with processing water

licence dealings for both the Department of Natural Resources and Mines and water users, allowing licence holders to do business more efficiently. Enabling multiple dealings to occur concurrently will reduce the number of applications received, creating a simpler and less time-consuming process for both government and licence holders, reducing the cost to the water licence holder of up to \$1500 for every additional combined dealing. Similarly, providing for less detailed assessments for simple, low risk licence dealings will enable resources to be focussed on high-risk dealings and allow low-risk dealings to be processed more quickly.

Changes to the Bluewater subartesian area

Reducing the size of the area where a water licence is required to only cover the area where the take of water has the potential to affect QNI Resources Pty Ltd and QNI Metals Pty Ltd's water supplies will better balance the needs of landholders in the area as well as the water rights of QNI Resources Pty Ltd and QNI Metals Pty Ltd. Reducing the size of the area will also mean that landholders not in the new Black River underground water area will no longer require a water licence for their stock and domestic take. These licences will be repealed reducing red tape and also removing the need for these landholders to pay an annual licence fee.

Consistency with fundamental legislative principles

The amendments are generally consistent with fundamental legislative principles. Potential breaches are addressed below.

Whether legislation has sufficient regard to the rights and liberties of individuals – Legislative Standards Act 1992 s 4(2) and (3).

New section 5B of the *Water Regulation 2002* provides that prior to making a decision to release unallocated water, the chief executive must have first decided that it is appropriate having regard to any existing water development options that may exist. This could be perceived to be a breach of fundamental legislative principles in regards to whether or not there is appropriate review of administrative decisions as there is no mechanism provided to the holder of a water development option in regard to the chief executives decision as to whether a release would be appropriate. This provision is considered justified as it is intended that the chief executive would not make a decision that it was appropriate to release unallocated water that was reserved by or subject to a water development option. Water reserved by or subject to a water development option would not be considered available for release through an unallocated water release process.

New Section 48AAB of the *Water Regulation 2002* provides that until the board of the amalgamated authority Lower Burdekin Water is appointed under section 600 of the *Water Act 2000*, the existing board members of the former authorities North Burdekin Water Board and the South Burdekin Water Board constitute the interim board for Lower Burdekin Water.

The North Burdekin Water Board and the South Burdekin Water Board existing board of directors are not disadvantaged by the operation of section 48AAB of the *Water Regulation 2002* due to the following:

- The North Burdekin Water Board and the South Burdekin Water Board board of directors have voluntarily resolved to amalgamate by regulation and have sought, as they are entitled to do so under section 690 of the *Water Act 2000* and obtained Ministerial approval to amalgamate.
- The *Water Regulation 2002* accords with existing statutory processes and requirements as provided in Chapter 4 Part 7 Division 1 of the *Water Act 2000*.
- The voluntary decision of the North Burdekin Water Board and the South Burdekin Water Boards' directors to amalgamate as decided by resolution in accordance with the *Water Act 2000* requirements has the effect that there is no reduction or abrogation of established statute law rights and liberties of individuals by the regulation.
- The North Burdekin Water Board and the South Burdekin Water Board were consulted and fully informed by the Department of Natural Resources and Mines as were the ratepayers in each water authority area to which the proposed amalgamation relates.
- Until the board is appointed under section 600 of the *Water Act 2000*, the North Burdekin Water Board and the South Burdekin Water Boards' existing board members have agreed to continue to constitute the new interim board.
- The initial carry over composition for the new entity is an eleven member board made up of the existing directors. As this number of directors would over time be inefficient and/or burdensome for ongoing operations of the new amalgamated entity, the North Burdekin Water Board and the South Burdekin Water Boards' directors have resolved to provide for a new board comprising only seven directors.
- As per the North Burdekin Water Board and the South Burdekin Water Boards' board resolutions and in accordance with correspondence from the North Burdekin Water Board and the South Burdekin Water Board to the Department of Natural Resources and Mines and the Minister, the board for Lower Burdekin Water was resolved by the North Burdekin Water Board and the South Burdekin Water Board to be a seven member board made up of four elected ratepayers, two miller nominated representatives and one council nominated representative (this will be effected under section 598 of the *Water Act 2000* by the making of a gazette notice upon the making of the regulation).
- The North Burdekin Water Board and the South Burdekin Water Boards' decision and the Minister's approval to amalgamate and form the new Lower Burdekin Water is a result of the Government's implementation of the Webbe-Weller review into statutory bodies.
- The North Burdekin Water Board and the South Burdekin Water Boards' boards, the chief executive of the Department of Natural Resources and Mines and the Minister have met their procedural approval and decision making statutory requirements under the *Water Act 2000* to allow the amalgamation to proceed under the *Water Regulation 2002*.

Given the above circumstances, decisions and procedures, the existing board of directors of the North Burdekin Water Board and the South Burdekin Water Board are not disadvantaged by the dissolution of the board and the carry over arrangements under section 48AAB of the *Water Regulation 2002*.

Whether legislation allows the delegation of administrative power only in appropriate cases and to appropriate persons – Legislative Standards Act 1992, section 4(3)(c)

New section 5D of the *Water Regulation 2002* provides that the chief executive may decide the terms of a sale of water or the terms of granting water under the release of unallocated water process. This section could be considered to be a breach of fundamental legislative principles in regard to the delegation of administrative power only in appropriate cases and to appropriate persons. In this case, the chief executive is considered justified as the appropriate person as it is consistent with new section 40 of the *Water Act 2000*, which allows the chief executive to set a price for the sale of unallocated water. It is argued that because the chief executive may set the price, the chief executive is also the appropriate person to set the other terms of the sale or grant.

Whether legislation provides for the compulsory acquisition of property only with fair compensation – Legislative Standards Act 1992, section 4(3)(i)

New section 5E of the *Water Regulation 2002* provides for failure to complete a purchase of unallocated water. Under this provision a deposit paid by a person purchasing unallocated water who does not complete the purchase in accordance with the terms of sale is forfeited to the State. This could be considered a breach of fundamental legislative principles in relation to whether legislation provides for the compulsory acquisition of property only with fair compensation. This provision is considered justified and appropriate as forfeiture of deposits is common commercial practice. Also, the purchaser has prior knowledge that if the purchase is not completed then the deposit is liable to be forfeited.

Consultation

The Office of Best Practice Regulation with the Queensland Competition Authority was consulted regarding all of the proposed amendments in relation to the Regulatory Impact Statement system.

For amendments to declared subartesian areas, the Office of Best Practice Regulation advised that these amendments were machinery in nature and therefore excluded from the Regulatory Impact Statement system.

For amendments in relation to: prescribed activities for general authorisation to take water, reserving and releasing unallocated water, effects of land dealings on water licences, generic criteria for converting water authorisations to water allocations, seasonal water assignments, dealings with water allocations, category 2 water authorities, amalgamation of North Burdekin Water Board and South Burdekin Water Board, upstream and downstream limits, drainage and embankment areas, water plan works requirements, offence provisions for self-reading meters, fees for water licence dealings the Office of Best Practice Regulation advised that further analysis is not required for the proposed amendments as they are unlikely to impose significant adverse impacts.

For amendments to the Bluewater subartesian area, the Office of Best Practice Regulation advised that as these amendments will remove unnecessary costs on landowners and the department without detracting from QNI's access to water supplies under their special agreement Act, the amendments are unlikely to result in significant adverse impacts and a Regulatory Impact Statement is not required.

Remaining amendments are consequential or are machinery in nature and are excluded from the Regulatory Impact Statement system. As such, a Regulatory Impact Statement is not required.

Stakeholder engagement forums were conducted to provide information in more detail on individual reforms and how those reforms would be implemented. Fourteen of these meetings were conducted prior to the release of the Consultation Regulatory Impact Statement for the proposed reforms of the *Water Act 2000*.

The Consultation Regulatory Impact Statement was released on 1 July 2014, which invited the community, business and industry to have input into the reforms. Sixty seven submissions were received on the Consultation Regulatory Impact Statement from the resources sector, agricultural sector, water service providers, local government, environmental interests and the community.

The Water Engagement Forum was provided with an overview of the proposed amendments to the *Water Regulation 2002* on 8 October 2014, along with an early consultation draft of the *Water Regulation 2002*. Another consultation draft was provided to the Water Engagement Forum on 7 November 2014. Comments from members of the Water Engagement Forum were used to inform development of the final draft.

The Water Engagement Forum is the Department of Natural Resources and Mines' key consultation forum on water issues and comprises the following peak body organisations:

- AgForce
- Association of Mining and Exploration Companies
- Australian Bankers' Association
- Australian Petroleum Production and Exploration Association Ltd
- Irrigation Australia
- Local Government Association of Queensland
- Local Management Arrangements for Irrigation Channel Schemes
- Queensland Farmers' Federation
- Queensland Regional Natural Resource Management Groups Collective
- Queensland Resources Council
- State Council of River Trusts
- Seqwater
- SunWater.

Amalgamation of North Burdekin Water Board and South Burdekin Water Board

The ratepayers of the North Burdekin Water Board and the South Burdekin Water Board were fully informed about the proposal to amalgamate the two water authorities by notices and the holding of several meetings in each of the authority areas. As part of the process, all ratepayers were given details about the possible consequences of the proposed amalgamation.

Provision of additional prescribed activities for general authorisation to take water

The Groundwater Management Working Group and the Australian Petroleum Production and Exploration Association were consulted on proposed amendments to schedule 1 of

the *Water Regulation 2002*. Written feedback was also received from AgForce and the Queensland Resources Council.

Changes to the Bluewater subartesian area

The Minister and the Department of Natural Resources and Mines have made representations to QNI Resources Pty Ltd and QNI Metals Pty Ltd seeking its agreement to simplify water management in the Bluewater subartesian area and to facilitate access to groundwater for stock or domestic use by seven landholders in the Black River Restricted Area (Black River area) without access to groundwater or reticulated water, to no avail.

Landowners not able to access water groundwater have made representation to the Minister and the Department of Natural Resources and Mines' officers over several years.

The owner of the land where a minor boundary change is proposed on the eastern side of the Black River area has been consulted and supports the boundary change.

The Department of Natural Resources and Mines has informed QNI Resources Pty Ltd and QNI Metals Pty Ltd of the proposed changes to the Bluewater subartesian area.