

# Water and Other Legislation Amendment Regulation (No. 1) 2015

Explanatory notes for SL 2015 No. 3

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) 2015*

### Authorising law

Section 165 of the *State Penalties Enforcement Act 1999*

Section 763 of the *Sustainable Planning Act 2009*

Section 1014 of the *Water Act 2000*

### Policy objectives and the reasons for them

The *Water and Other Legislation Amendment Regulation (No. 1) 2014* (Subordinate Legislation 2014 No. 334) was approved by the Governor in Council on 18 December 2014 and provides for a number of amendments to the *Water Regulation 2002*, *Sustainable Planning Regulation 2009*, and the *State Penalties Enforcement Regulation 2014* to support reforms to the *Water Act 2000* introduced by the *Water Reform and Other Legislation Amendment Act 2014*.

The objective of the *Water and Other Legislation Amendment Regulation (No. 1) 2015* is to postpone the commencement of provisions in the *Water and Other Legislation Amendment Regulation (No. 1) 2014* due to commence on 18 February 2015. These provisions include amendments to achieve the following:

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. Removal of declared upstream and downstream limits of watercourses;
8. Removal of redundant drainage and embankment area provisions;
9. Statement of matters to be included in a notice of works and water use;
10. Consolidated water plan works requirements;
11. Offence provisions for self-reading of meters;
12. Relocation of Minister's reports on water plans from the *Water Act 2000*;
13. Amendments to fees to reflect streamlined water licence processes; and
14. Changes to the Bluewater subartesian area.

Postponing commencement will ensure that water allocation and management provisions of *Water and Other Legislation Amendment Regulation (No.1) 2014* do not commence prior to the associated provisions of the *Water Reform and Other Legislation Amendment Act 2014*.

## **Achievement of policy objectives**

The policy objectives will be achieved by the amendment of the commencement provision of the *Water and Other Legislation Amendment Regulation (No. 1) 2014* that sets 18 February 2015 as the commencement date for sections of the *Water and Other Legislation Amendment Regulation (No. 1) 2014*. The commencement provision will instead provide that the amendments commence when the relevant provisions of the *Water Reform and Other Legislation Amendment Act 2014* commence.

In addition, section 45 which amends the Dictionary in the *Sustainable Planning Regulation 2009* to insert the date 18 February 2015 will be omitted as reference to 18 February 2015 will no longer be relevant.

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

The amending regulation is not inconsistent with the policy objectives of the authorising law as it simply provides that provisions of *Water and Other Legislation Amendment Regulation (No. 1) 2014* will not commence on 18 February 2015.

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

This *Water and Other Legislation Amendment Regulation (No. 1) 2015* is not inconsistent with any the policy objectives of other legislation.

## **Alternative ways of achieving policy objectives**

There is no alternative means of delaying the commencement of these sections of *Water and Other Legislation Amendment Regulation (No. 1) 2014*.

## **Benefits and costs of implementation**

Commencing new legislation that is inconsistent with Government policy objectives could potentially disrupt the operation of the public service and create an unnecessary burden on stakeholders if the new legislation is to be changed or repealed in the short term.

## **Consistency with fundamental legislative principles**

The *Water and Other Legislation Amendment Regulation (No. 1) 2015* is consistent with fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

## **Consultation**

Industry and relevant State government agencies were consulted on the proposed amendments during the development of the *Water and Other Legislation Amendment Regulation (No. 1) 2014*.

The delay to commencement will not change the policy objectives or content of the legislation. Any changes to the *Water and Other Legislation Amendment Regulation (No. 1) 2014* or *Water Reform and Other Legislation Amendment Act 2014* would be subject to further consultation.