

Water Amendment Plan (Burdekin Basin) (No. 1) 2017

Explanatory notes for SL 2017 No. 7

made under the

Water Act 2000

General Outline

Short title

Water Amendment Plan (Burdekin Basin) (No. 1) 2017.

Authorising law

Sections 47, 48, 50, 51 and 1259 of the *Water Act 2000*

Policy objectives and the reasons for them

Section 42 of the *Water Act 2000* provides for the Minister to prepare a water plan for any part of Queensland to advance the responsible and productive management of Queensland's water.

The objective of the *Water Amendment Plan (Burdekin Basin) (No. 1) 2017* is to contemporise the *Water Plan (Burdekin Basin) 2007* to implement transitional arrangements under *Water Act 2000* for implementing the new water planning framework.

Achievement of policy objectives

The *Water Amendment Plan (Burdekin Basin) (No. 1) 2017* will achieve the policy objectives by:

- omitting provisions from the water plan which are duplicated in the *Water Act 2000* or the *Water Regulation 2016*,
- inserting new provisions into the water plan which are currently given to be taken in the water plan under transitional arrangements;
- aligning terminology and cross-references in the water plan with recent amendments made to the water planning framework in *Water Act 2000* under the *Water Reform and Other Legislation Amendment Act 2014*.

Consistency with policy objectives of authorising law

The subordinate legislation is consistent with the main objectives of the *Water Act 2000* which is to ensure the “responsible and productive management of Queensland’s water”.

Inconsistency with policy objectives of other legislation

The subordinate legislation is consistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

The *Water Act 2000* sets out the framework for the development of a water plan. There are no alternative means for achieving the policy objectives.

Benefits and costs of implementation

Implementation of the *Water Amendment Plan (Burdekin Basin) (No. 1) 2017* will ensure the water plan is kept up to date and relevant consistent with the recent amendments to the *Water Act 2000* under the *Water Reform and Other Legislation Amendment Act 2014*. A contemporised water plan will benefit future consultation and public understanding should the water plan be amended for a reason requiring public consultation.

Consistency with fundamental legislative principles

The *Water Amendment Plan (Burdekin Basin) (No. 1) 2017*, which is subordinate legislation, is consistent with fundamental legislative principles.

Consultation

Because the *Water Amendment Plan (Burdekin Basin) (No. 1) 2017* has been undertaken in accordance with sections 51(2)(b) and 1259(7) of the *Water Act 2000*, there was no requirement to undertake public consultation on the contents of the *Water Amendment Plan (Burdekin Basin) (No. 1) 2017*.

The Queensland Productivity Commission was consulted regarding the treatment of water planning instruments under the Queensland Government Guide to Better Regulation.

The Queensland Productivity Commission, on 19 December 2016 advised the department that any ‘minor or stated amendments’ to a water plan continue to fall under a ‘self-assessable’ exclusion category under the Guidelines. The department is not required to undertake further Regulatory Impact Assessment in relation to the proposed amendments to the *Water Plan (Burdekin Basin) 2007*.

Notes on provisions

Amendment under 1259(7) of *Water Act 2000* to transition provisions previously stated in the resource operations plan into the water plan

Section 1259 of *Water Act 2000* provides transitional arrangements for provisions stated in a resource operations plan to be included in, or to be read and construed with, other documents if the resource operations plan was in force immediately before the commencement.

For a water plan, these transitional arrangements continue until an amendment is made to the water plan under section 1259(7) to transition provisions relevant to section 1264 of the *Water Act 2000* into the water plan.

Section 1264 of the *Water Act 2000* states the provisions in the resource operations plan to be taken to be included in a water plan, these include (relevant to the Burdekin Basin);

- Resource operations plan zones;
- Criteria and process for granting, refusing, amending or otherwise dealing with water licences;
- The volumes of unallocated water reserved or available to be released.

Clause 3(1) of the *Water Amendment Plan (Burdekin Basin) (No. 1) 2017* states the sections of the water plan where amendments have been made in accordance with section 1259(7) of *Water Act 2000* to transition the relevant sections previously stated in a resource operations plan into the water plan.

More specifically, these new sections (as per clause 3) include:

- Stating the zones for the plan area;
- Applications for amending the per second rate or maximum rate stated on an existing water licence;
- Applications to take water for stock or domestic purposes;
- Total volumes of unallocated water held across the plan area for a particular purpose;
- The process for releasing unallocated water from a reserve;
- The process for granting or amending a water licence to take overland flow water.

Stated amendments made to the water plan under section 51(2)(b)

Section 51(2)(b) of the *Water Act 2000* provides for an amendment to be made to a water plan which is not a change of substance (a minor amendment).

There were a number of amendments made to the *Water Act 2000* and the *Water Regulation 2016* to introduce new terminology and management concepts implementing the new water planning framework. In addition to the aforementioned amendment under 1259(7). The water plan is being amended to update cross references to other documents, reflect changes in terminology and remove provisions now stated in legislation or other instruments and documents.

These amendments include, for example (but are not limited to);

- Removing the process to grant or amend an interim resource operations licence (no longer a head of power in the *Water Act 2000* to deal with an interim resource operations licence);
- Removing provisions relating to development approvals for works which are either self-assessable and not assessable under the *Sustainable Planning Act 2009* framework (now stated in the *Water Regulation 2016*);
- The process for the Minister to report on whether or not a water plan is meeting its intended outcomes (now stated in the *Water Act 2000*);
- Chief Executive considerations for deciding rules relating to the operation of infrastructure for resource operations licence holders (the responsibility now resides with the holder to ensure infrastructure operation is consistent with water plan outcomes).