

# **Water Plan (Moreton) (Water Planning Framework Changes) Amendment Plan 2017**

Explanatory notes for SL 2017 No. 199

made under the

*Water Act 2000*

## **General Outline**

### **Short title**

*Water Plan (Moreton) (Water Planning Framework Changes) Amendment Plan 2017*

### **Authorising law**

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

### **Policy objectives and the reasons for them**

The objective of the *Water Plan (Moreton) (Water Planning Framework Changes) Amendment Plan 2017* is to contemporise the *Water Plan (Moreton) 2007* to implement transitional arrangements under the *Water Act 2000* for implementing the new water planning framework.

### **Achievement of policy objectives**

The *Water Plan (Moreton) (Water Planning Framework Changes) Amendment Plan 2017* achieves 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-reference in the water plan with recent amendments made to the water planning framework in the *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 'sustainable 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 Plan (Moreton) (Water Planning Framework Changes) Amendment Plan 2017* will ensure the water plan is kept up to date and 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 Plan (Moreton) (Water Planning Framework Changes) Amendment Plan 2017*, which is subordinate legislation, is consistent with fundamental legislative principles.

## **Consultation**

As the amendments to the *Water Plan (Moreton) 2007* are in accordance with sections 51(2)(b) and 1259(7) of the *Water Act 2000*, there is no requirement to undertake public consultation on the contents of the *Water Plan (Moreton) (Water Planning Framework Changes) Amendment Plan 2017*.

On 19 December 2016 the Queensland Productivity Commission advised the Department of Natural Resources and Mines that any 'minor or stated amendments' to a water plan continues to fall under a 'self-assessable' exclusion category under the Queensland Government Guide to Better Regulation and the Department of Natural Resources and Mines is not required seek Queensland Productivity Commission's advice in relation to such amendments.

In accordance with the advice from the Queensland Productivity Commission, the Office of Best Practice Regulation was not consulted for the proposed amendments to the *Water Plan (Moreton) 2007*. The department applied a self-assessable exclusion from undertaking further regulatory impact analysis (category (a) - Regulatory proposals that make consequential amendments, category (e) - Regulatory proposals that are of a transitional nature, category (g) - Regulatory proposals that are of a machinery nature).

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## 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 full 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, which includes the resource operations plan zones (relevant to the water plan).

Clause 3 of the *Water Plan (Moreton) (Water Planning Framework Changes) Amendment Plan 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.

### **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 amendments under 1259(7), the water plan is being amended to update references to other documents, reflect changes in terminology, and remove provisions that are now stated in other statutory instruments or are no longer required.