

Water (Cape York) Amendment Regulation 2019

Explanatory notes for SL 2019 No. 91

made under the

Water Act 2000

General Outline

Short title

Water (Cape York) Amendment Regulation 2019

Authorising law

Sections 1014 and 1046 of the *Water Act 2000* (the Act)

Policy objectives and the reasons for them

The objective of the *Water (Cape York) Amendment Regulation 2019* (amendment regulation) is to amend the *Water Regulation 2016* (the water regulation) as a result of the commencement of the *Water Plan (Cape York) 2019* (the water plan).

The reason for this policy is to:

- remove unnecessary duplication of provisions replicated in two pieces of subordinate legislation;
- continue the effect of particular parts of the Moratorium Notice which has had effect on and from 4 June 2018 for the Cape York Area;
- state that an eligible person as defined under section 32 of the water plan is a prescribed entity;
- ensure consistency between the water regulation and the water plan.

The amendment regulation will assist to remove all doubt as to which subordinate legislation is in force for particular areas of the water plan area. The intention is to have the water plan be the subordinate legislation for those particular matters being dealt with in this amendment regulation.

Achievement of policy objectives

The amendment regulation will achieve its objectives by:

- omitting particular references to areas (Lakeland and Duck Farm) once managed under the water regulation which are now to be managed under the water plan;
- including new requirements for what types of developments with regards to surface water and underground water works, are either a self-assessable development or an exempt development consistent with the Moratorium Notice;
- including that an eligible person as defined under section 32 of the water plan is a prescribed entity;
- amending references in the water regulation to be consistent with updated references to the same water in the water plan.

These amendments will ensure there is consistency between the water regulation and the water plan for the management of water resources for the Cape York Water Plan Area.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the main objectives of the Act which is to ensure the sustainable management of Queensland's water resources.

Inconsistency with policy objectives of other legislation

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

Alternative ways of achieving policy objectives

The Act sets out the framework for a water plan to be applied to a part of the State and advances the sustainable management of Queensland's water.

Benefits and costs of implementation

Implementation of the amendment regulation will benefit implementation of water management strategies for Cape York by ensuring a consistent and transparent legislative framework for water resources managed under the Act for Cape York.

There are no costs for implementing the amendment regulation as the proposed policy objectives are either currently being implemented under the water regulation, or are currently being implemented under the Moratorium Notice within existing budgets.

Consistency with fundamental legislative principles

The amendment regulation, which is subordinate legislation, is consistent with fundamental legislative principles.

Consultation

No consultation was required as all of the proposed amendments to the Water Regulation are consequential amendments resulting from the water plan.

On 9 November 2018, the Queensland Productivity Commission advised the department that the proposed amendments to the Regulation are consequential in nature and is therefore excluded from further regulatory impact analysis under the *Queensland Government Guide to Better Regulation*.

Notes on provisions

Clause 1 states this regulation may be cited as the *Water (Cape York) Amendment Regulation 2019*.

Clause 2 states the purpose of this regulation is to amend the *Water Regulation 2016*.

Clause 3 omits the Cook underground water area and the Duck Farm underground water area as all underground water within the plan area of the *Water Plan (Cape York) 2019* will be managed under the *Water Plan (Cape York) 2019*.

Clause 4 includes an eligible person as defined under section 32 of the *Water Plan (Cape York) 2019* as a prescribed entity.

Clause 5 omits the Lakeland groundwater management area from schedule 6 of the water regulation as this will be managed under the *Water Plan (Cape York) 2019*.

Clause 6 states the types of works developments which are either an assessable development or an accepted development in the *Water Plan (Cape York) 2019* area.

Clause 7 amends references to the Lakeland Groundwater Management Area to be a reference to Lakeland water licence zones 1 and 2 for consistency with the *Water Plan (Cape York) 2019*.

Clause 8 omits the maps associated with the Cook underground water area and the Duck Farm underground water area as all underground water will be managed under the *Water Plan (Cape York) 2019*.