

Water (Border Rivers and Moonie and Condamine and Balonne) Amendment Regulation 2019

Explanatory notes for SL 2019 No. 136

made under the

Water Act 2000

General Outline

Short title

Water (Border Rivers and Moonie and Condamine and Balonne) Amendment Regulation 2019

Authorising law

Sections 39 and 1014 *Water Act 2000* (the Act)

Policy objectives and the reasons for them

The objective of the *Water (Border Rivers and Moonie and Condamine and Balonne) Amendment Regulation 2019* (the amendment regulation) is to amend the *Water Regulation 2016* (the water regulation) as a result of the commencement of the *Water Plan (Border Rivers and Moonie) 2019* and the *Water Plan (Condamine and Balonne) 2019* (the water plans).

Achievement of policy objectives

The policy objectives will be achieved by amending the water regulation to:

- reflect the new names of the water plans
- repeal underground water areas previously managed under the water regulation, as it will now be managed under the water plans.

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

There is a minor administration cost associated with removing the underground water areas from the *Water Regulation 2016* to the water plans. However, implementation of the amendment regulation will prevent any duplication of the water management rules that are applicable in the water plans area.

Consistency with fundamental legislative principles

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

Consultation

A draft *Water (Border Rivers and Moonie and Condamine and Balonne) Amendment Regulation 2019* was not released for public consultation as all of the proposed amendments to the water regulation are consequential amendments resulting from the water planning process.

On 24 January 2019, the Queensland Productivity Commission advised the department that the proposed amendment to the *Water Regulation 2016* – upon the enactment of the water plans – is 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 (Border Rivers and Moonie and Condamine and Balonne) Amendment Regulation 2019*.

Clause 2 states the commencement of the amendments to the *Water Regulation 2016*.

Clause 3 states the regulation to be amended.

Clause 4 omits *Water Plan (Border Rivers) 2003* from the definition of Border Rivers water management protocol in section 95; and inserts *Water Plan (Border Rivers and Moonie) 2019*.

Clause 5 omits the first and last dot point from the definition of relevant management area in section 105.

Clause 6 inserts reference to works that take water from the Border Rivers Alluvium (deep) to section 119(2)(d).

Clause 7 inserts reference to works that take water from the Border Rivers Alluvium (deep) to section 120(1)(a).

Clause 8 omits reference to the Border Rivers Alluvium, Central Condamine Alluvium, Dalrymple Creek Alluvium, Oakey Creek and Upper Hodgson Creek groundwater management areas from Schedule 5.

Clause 9 omits reference to the Border Rivers Alluvium, Central Condamine Alluvium, Dalrymple Creek Alluvium, Oakey Creek, Toowoomba City Basalts and Upper Hodgson Creek groundwater management areas from Schedule 6.

Clause 10 inserts updated references to the *Water Plan (Border Rivers and Moonie) 2019* and *Water Plan (Condamine and Balonne) 2019* and omits reference to the superseded *Water Plan (Moonie) 2003* in schedule 9. Clause 10 also includes existing works that take water for prescribed activities in column 3.

Clause 11 inserts updated reference to *Water Plan (Border Rivers and Moonie) 2019* and *Water Plan (Condamine and Balonne) 2019* and omits reference to the superseded *Water Plan (Moonie) 2003* in schedule 11.

Clause 12 inserts updated reference to *Water Plan (Condamine and Balonne) 2019* and omits reference to the superseded *Water Plan (Condamine and Balonne) 2004* in schedule 14.

Clause 13 inserts a new definition for Border Rivers Alluvium (deep) in schedule 19.