

# Water Amendment Regulation (No. 1) 2020

Explanatory notes for SL 2020 No.56

made under the

*Water Act 2000*

## General Outline

### Short title

*Water Amendment Regulation (No. 1) 2020.*

### Authorising law

Sections 104, 106, 738J and 1014 of the *Water Act 2000* (the Water Act)

### Policy objectives and the reasons for them

The objectives of the *Water Amendment Regulation (No. 1) 2020* are to amend the *Water Regulation 2016* (the Water Regulation) for the following water related matters.

The objectives of amendments to the Water Regulation are to:

1. Prescribe particular entities.  
Carmichael Rail Network Pty Ltd, Mondure Water Supply Inc and Merlwood Water Pty Ltd require the ability to hold a water licence without being the owner of the land to which the water licence would be attached. This ability is critical to the effective ongoing operation of these entities.
2. Remove redundant drainage rates in areas transitioned to local management arrangements.
3. Provide for correction of errors.
4. Align the terminology for seasonal water assignments with the current Water Act provisions

The *Mineral, Water and Other Legislation Amendment Act 2018* amended the Water Act to allow for a seasonal water assignment to be for a shorter time period as prescribed by a water management protocol. The Water Regulation continues to limit a seasonal water assignment to a year.

## Achievement of policy objectives

1. *Provide for Carmichael Rail Network Pty Ltd, Mondure Water Supply Inc and Merlwood Water Pty Ltd to be listed as prescribed entities*

The objective is to prescribe Carmichael Rail Network Pty Ltd, Mondure Water Supply Inc and Merlwood Water Pty Ltd as an entity that may hold a water licence without it attaching to land. The objective will be achieved by listing the entities under schedule 4 of the Water Regulation. The granting of a water licence to an entity is still subject to assessment under prescribed process within the Water Act; this includes public consultation.

2. *Remove redundant drainage rates.*

The Theodore (Dawson Valley), St George and Emerald distribution systems have transitioned to local management arrangements. Drainage rates for these areas are therefore redundant. The policy objective will be achieved by removing the redundant drainage areas and drainage rates from schedule 16 in the Water Regulation.

3. *Provide for correction of errors.*

- *Barron River-Emerald Creek water management area*  
The *Water (Metering and Compliance) Amendment Regulation 2019* was stated to amend schedule 14 of the Water Regulation by omitting Barron River-Emerald Creek water management area. The water harvesting charges are still listed in schedule 14. The policy objective is achieved by amending schedule 14 of the Water Regulation.
- *Water harvesting charges*  
A drafting error was made in the *Water (Border Rivers and Moonie and Condamine and Balonne) Amendment Regulation 2019* which amended schedule 14 of the Water Regulation by reducing the water harvesting charge in the Upper Condamine water management area. The error occurred between billing cycles and therefore the erroneous fee has not been applied to invoices. The amendment to schedule 14 of the Water Regulation will achieve the objective of inserting the correct fee, reinstating a consistent water harvesting fee across the State
- *Condamine and Balonne water management area*  
The *Mineral Resources and Other Legislation Amendment Regulation 2019* amended schedule 11 of the Water Regulation. An error was made in the extent of the management area of the Condamine and Balonne water management area alongside the metered entitlement zones. The policy objective is achieved by amending schedule 11, column 1 of the Water Regulation to correct the error.

4. *Time period for a seasonal water assignment*

To achieve its objective of aligning the terminology of seasonal water assignments with the Water Act, part 5, subdivision 1 of the Water Regulation is amended to update the terminology to so that 'seasonal water assignments' are consistent with the Water Act, schedule 4.

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

The *Water Amendment Regulation (No. 1) 2020* is consistent with the Water Act.

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

The *Water Amendment Regulation (No. 1) 2020* is consistent with the policy objectives of other legislation.

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

There is no alternative considered available to meet policy objectives.

## **Benefits and costs of implementation**

The *Water Amendment Regulation (No. 1) 2020* ensures continued effective operation of the Water Act by prescribing necessary administrative and machinery matters.

No implementation costs to government are currently envisaged.

In relation to the amendments regarding the prescription on entities, the amendments will allow Merlwood Water Pty Ltd and Mondure Water Supply Inc to hold a water licence for the continued supply of water to landholders.

The amendment will also allow Carmichael Rail Network Pty Ltd to make an application for a water licence necessary to facilitate the construction of the rail project.

In relation to the amendment correcting the Water Harvesting charge error, the amendment will ensure that the correct fee is applied to the next invoices to be issued for the 2019/2020 water year.

Not correcting the fee will mean charges applied to the Upper Condamine water management area will not be consistent with other water harvesting charges applied across Queensland.

The error occurred between billing cycles and therefore the erroneous fee has not been applied to invoices, as such it is not envisaged this amendment will affect water users in the Upper Condamine water management area.

## **Consistency with fundamental legislative principles**

The *Water Amendment Regulation (No. 1) 2020* has been assessed as being consistent with fundamental legislative principles.

## Consultation

The Water Engagement Forum<sup>1</sup>, the Department of Natural Resources, Mines and Energy's peak body advisory group on government-related water matters, was informed of the proposed amendments in February 2020. No concerns were raised in relation to those amendments.

The Office of Best Practice Regulation within the Queensland Productivity Commission, in accordance with the Queensland Government Guide to Better Regulation (the guidelines), determined that no further assessment was required for prescribed entity listings as these actions were unlikely to result in impacts significant adverse impacts.

The Department of Natural Resources, Mines and Energy applied a self-assessable exclusion from undertaking further regulatory impact analysis for the following:

- to remove a redundant fee – category (g) – Regulatory proposals that are of a machinery nature.
- relating to water charges for water harvesting – category (f) – to correct a technical and typographical error
- for aligning the terminology for seasonal water assignments – category (a) - this is a consequential amendment to ensure consistency with the Water Act.

©The State of Queensland 2020

---

<sup>1</sup> The Water Engagement Forum is comprised of representatives from AgForce Queensland; the Association of Mining and Exploration Companies; the Australian Bankers' Association; Australian Petroleum Production and Exploration Association Ltd; the Environmental Defenders Office; Irrigation Australia; the Local Government Association Queensland; NRM Regions Queensland; the Queensland Conservation Council; Queensland Farmers' Federation; Queensland Resources Council; Queensland Seafood Industry Association; State Council of River Trusts Queensland; Seqwater; Sunwater; The Wilderness Society; and WWF Australia.