

Water Plan (Burdekin Basin) (Applications for Water Licences) Amendment Plan 2020

Explanatory notes for SL 2020 No. 204

made under the

Water Act 2000

General Outline

Short title

Water Plan (Burdekin Basin) (Applications for Water Licences) Amendment Plan 2020

Authorising law

Sections 42, 47, 48, 50, 51, 1259 and 1264 of the *Water Act 2000*

Policy objectives and the reasons for them

Section 50 of the *Water Act 2000* ('the Act') provides for the Minister to amend a water plan for any part of Queensland to advance the sustainable management of water.

The objective of the *Water Plan (Burdekin Basin) (Applications for Water Licences) Amendment Plan 2020* (amendment plan 2020) which is declared to be an amendment to the *Water Plan (Burdekin Basin) 2007* (water plan) for section 1259(7) of the Act, is to include provisions taken to have effect for the water plan, and to correct minor errors.

The amendment plan 2020 will include provisions previously stated in the resource operations plan, which were taken to be in the water plan as per section 1264 of the Act. These provisions are taken to have effect for the water plan at the time the *Water Reform and Other Legislation Amendment Act 2014* (WROLA 2014) commenced. Section 1259(10) of the Act facilitates a process whereby these provisions can be included in the water plan rather than being taken to be in the water plan without the need for consultation. The amendment plan 2020 will also correct two minor errors identified during the development of this amendment.

Achievement of policy objectives

The amendment plan 2020 will amend the water plan to include provisions taken to be in the water plan. These provisions include:

- enabling particular water licence applications to be accepted by the chief executive;
- correction of minor errors in numbering.

Consistency with policy objectives of authorising law

The amendment plan 2020 is consistent with the main objectives of the Act, which is to provide a framework for the “sustainable management of Queensland’s water resources”.

Inconsistency with policy objectives of other legislation

The amendment plan 2020 is not inconsistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

The Act sets out the framework for amending a water plan. There are no alternative means for achieving the policy objectives.

Benefits and costs of implementation

Implementation of the amendment plan 2020 will provide the following benefits, which include:

- enabling applications for a water licence to interfere with the flow of surface water to artificially change or improve the course of a watercourse, lake or spring to be received.
- enabling applications for a water licence to be received as part of the process for releasing unallocated water from the strategic or general reserve.

There are no costs associated with the stated amendment plan 2020. Any costs associated with the licensing application process are already active under the transitional provisions of section 1264 of the Act.

Consistency with fundamental legislative principles

The amendment plan 2020, which is subordinate legislation, is consistent with fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*, and is consistent with these principles.

Consultation

This amendment has been undertaken in accordance with the following sections of the Act which negate the requirement for consultation:

- section 1259(10) to an amendment of a water plan to include provisions of the kind mentioned in section 1264.
- section 51(2)(b) to correct minor errors which are not considered to be changes of substance.

On 19 December 2016, the Queensland Productivity Commission (QPC) advised the Department of Natural Resources, Mines and Energy (the department) that where the process to make or amend water plans is followed as per the provisions in the Act, the plans will have undergone an extensive impact assessment process and the QPC therefore considers that, under the *Queensland Government Guide to Better Regulation*, the department is not required to seek advice from the QPC.

In developing the provisions which are being included in the water plan, the department undertook extensive impact assessment of the implications for permitting the proposed licencing arrangement, underpinned by extensive consultation with landholders, peak bodies and local government.

Notes on provisions

Replacement of section 26A, declaration of amendment and application of section 26A

Clause 3 declares that the amendment made under clause 4 is an amendment made for section 1259(7) of the Act, where a water plan is amended to include provisions taken to be in the water plan, which were previously provisions stated in a resource operations plan.

Clause 4 will amend section 26A of the water plan to include sections 184(3)(b) and (d) of the resource operations plan into the water plan, which are provisions for an application for a water licence:

- required as part of a process for releasing water from the strategic unallocated water reserve for a state purpose in subcatchment area E, F or G; or
- required as part of a process for releasing water from the general unallocated water reserve in subcatchment area E, F or G; or
- to interfere with the flow of surface water to artificially change or improve the course of a watercourse, lake or spring.

This amendment will bring these types of water licence application provisions into the water plan consistent with similar provisions included in the *Water Amendment Plan (Burdekin Basin) (No. 1) 2017*. The amendment will continue the ability for the chief executive to deal with these types of water licence applications while contemporising the water plan. Clause 7 clarifies that for any water licence application received under the amended provisions of 26A prior to the amendment plan 2020, those water licence applications are taken to be water licence applications under the amended section 26A.

Amendments to section 31 and 81

Clauses 5 and 6 correct minor typographical errors in the water plan.