

Water Plan (Moreton) (Warrill Valley Water Supply Scheme) Amendment Plan 2020

Explanatory notes for SL 2020 No. 240

made under the

Water Act 2000

General Outline

Short title

Water Plan (Moreton) (Warrill Valley Water Supply Scheme) Amendment Plan 2020

Authorising law

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

Policy objectives and the reasons for them

Section 42 of the *Water Act 2000* (the Act) provides for the Minister to prepare a water plan for any part of Queensland to advance the sustainable management of water.

Section 50 of the Act provides for the Minister to amend or replace an existing water plan. Section 47(2) of the Act requires the Minister to submit the final plan for approval by the Governor in Council.

The objectives of the *Water Plan (Moreton) (Warrill Valley Water Supply Scheme) Amendment Plan 2020* (the plan) is to correct an error that occurred when the *Water Plan (Moreton) 2007* (the water plan) was amended in December 2019 by *Water Plan (Moreton) (Supply Scheme Arrangements) Amendment Plan 2019*, 2019 SL No 251.

The water plan is being amended under section 51(2)(b) of the Act to reinstate a reference to high priority group C in the Warrill Valley water supply scheme (WVWSS) that was incorrectly removed in the amendments to the water plan that took effect on 13 December 2019.

Prior to the amendment on 13 December 2019, the water plan provided for high priority C water allocations to be created in the WVWSS that were being converted from high priority B and high priority A authorisations stated in the interim resource operations licence.

The December 2019 amendment to the water plan should only have deleted references to the repealed interim resource operations licence but an error was made and the reference to high priority C water allocations in the WVVSS was also removed. The interim resource operations licence ceased to exist in 2014 when high priority C water allocations were granted in the WVVSS.

In the water allocation register, water allocations to take surface water in the WVVSS exist for the medium priority group and the high priority C group. The proposed amendments to the water plan will reinstate the reference stating that water allocations in the WVVSS exist as medium priority group or the high priority C group and clarify the current wording which incorrectly indicates that all water allocations to take supplemented water belong to the medium priority group.

A transitional provision has also been drafted that authorises the continued and ongoing use of the high priority C water allocations in the WVVSS since December 2019 to remove any doubt of their authority to exist.

Achievement of policy objectives

The plan achieves the policy objective by reinstating the head of power for high priority C water allocations in the WVVSS.

Consistency with policy objectives of authorising law

The plan is consistent with the main objectives of the Act which is to ensure the “sustainable management of Queensland’s waters”.

Inconsistency with policy objectives of other legislation

The plan is consistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

The Act 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 plan will:

- ensure the plan is consistent with the water plan prior to the amendments that occurred on 13 December 2019; and
- facilitate the granting of water allocations belonging to the high priority C water allocation group.

There are no costs associated with implementation of the plan.

Consistency with fundamental legislative principles

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

Consultation

The plan has been undertaken in accordance with section 51(2)(b) of the Act and therefore there was no requirement to undertake public consultation on the contents of the plan.

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.

The provisions which are subject to this stated amendment were originally developed for the water plan through an extensive impact assessment of the implications for establishing the water allocation groups for water allocations taking surface water in the WWSS, underpinned by extensive consultation with Seqwater, landholders, peak bodies and local government.

Notes on provisions

Amendment of section 47(5) and insertion of new part 11.

Clause 3 will amend section 47 of the *Water Plan (Moreton) 2007* so that the water plan states that for all water allocations in the Warrill Valley water supply scheme, a water allocation to take supplemented water may also belong to the high priority C group, in addition to the medium priority group already stated in the water plan under section 47(5).

Clause 4 will insert a new part 11 to remove any doubt that water allocations belonging to the high priority C water allocation group, continued to belong to that priority group before the amendment to section 47(5) stated in clause 3.

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