

Water Amendment Regulation 2021

Explanatory notes for SL 2021 No. 72

made under the

Water Act 2000

General Outline

Short title

Water Amendment Regulation 2021

Authorising law

Sections 39, 1014 and 1046 of the *Water Act 2000* (the Act)

Policy objectives and the reasons for them

The objective of the *Water Amendment Regulation 2021* is to amend the *Water Regulation 2016* (the water regulation) as a result of the commencement of the *Water Plan (Fitzroy Basin) Amendment Plan 2021* (the water amendment plan).

These amendments are made in accordance with section 39 of the Act to remove provisions previously stated in the water regulation which are now dealt with under the water plan. These amendments will also remove references no longer required as a result of the finalisation of the water amendment plan.

Achievement of policy objectives

The changes resulting from this regulation will remove the Don and Dee groundwater sub-area water sharing rules for Don and Dee groundwater sub-area from the water regulation. The Prospect Creek and Upper Callide groundwater sub-areas water sharing rules for the Prospect Creek and Upper Callide groundwater sub-areas will also be removed from the water regulation. Water previously managed under the water regulation will be repealed, as it will now be managed under the *Water Plan (Fitzroy Basin) 2011* and the Fitzroy Basin Water Management Protocol.

Consistency with policy objectives of authorising law

The *Water Amendment Regulation 2021* 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 *Water Amendment Regulation 2021* 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. There are no alternative ways to achieve the policy objectives other than through an amendment to water plans and the *Water Regulation 2016*.

Benefits and costs of implementation

Implementation of the *Water Amendment Regulation 2021* will benefit water users by contemporising management arrangements to be under a single piece of subordinate legislation, rather than across multiple instruments and documents.

There are no costs associated with the implementation of the *Water Amendment Regulation 2021* as all implementation actions will have occurred at the point that the *Water Amendment Regulation 2021* is published.

Consistency with fundamental legislative principles

The *Water Amendment Regulation 2021* is consistent with fundamental legislative principles.

Consultation

On 9 November 2018, the Queensland Productivity Commission (QPC) advised the department if a proposed amendment to the Regulation is associated with an amendment to a water plan, then the amendment is considered 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 Amendment Regulation 2021*.

Clause 2 states that this regulation commences immediately after the commencement of the *Water Plan (Fitzroy Basin) Amendment Plan 2021*.

Clause 3 states that the purpose of this regulation is to amend the *Water Regulation 2016*.

Clause 4 omits the Don and Dee groundwater sub-area and Prospect Creek and Upper Callide groundwater sub-areas within the plan area of the *Water Plan (Fitzroy Basin) 2011* from schedule 5, as these will be managed under the *Water Plan (Fitzroy Basin) 2011* after commencement of the *Water Plan (Fitzroy Basin) Amendment Plan 2021*.

Clause 5 omits the Don and Dee groundwater sub-area and Prospect Creek and Upper Callide groundwater sub-areas within the plan area of the *Water Plan (Fitzroy Basin) 2011* from schedule 6, as these will be managed under the *Water Plan (Fitzroy Basin) 2011* after commencement of the *Water Plan (Fitzroy Basin) Amendment Plan 2021*.

Clause 6 subsections 1, 2, 5, 7 and 8 amends schedule 11 column 1 for particular line items to remove notes for each line item, as the references to sections 1259 and 1264 in these notes is no longer valid with the commencement of the *Water Plan (Fitzroy Basin) Amendment Plan 2021*.

Clause 6 subsection 3 omits the entry for Don River, Dee River and Alma Creek water management area and inserts the correct reference to be the Don and Dee Rivers and Alma Creek water management area under the *Water Plan (Fitzroy Basin) 2011*.

Clause 6 subsections 4 and 6 omits the reference to the exclusion of stock and domestic water licences from metering as the *Water Plan (Fitzroy Basin) 2011* continues the statutory right, allowing a person the take underground water for stock and domestic purposes without the need for a water entitlement. The reference is therefore redundant.

Clause 6 subsection 4 also removes reference to the Don and Dee groundwater sub-area being on plan CAS1603, because the Don and Dee groundwater sub-area will be managed under the *Water Plan (Fitzroy Basin) 2011* after commencement of the *Water Plan (Fitzroy Basin) Amendment Plan 2021*.