

River Improvement Trust Regulation 2023

Explanatory notes for SL 2023 No. 89

made under the

River Improvement Trust Act 1940

General Outline

Short title

River Improvement Trust Regulation 2023.

Authorising law

Sections 3, 4 and 22 of the *River Improvement Trust Act 1940*.
Section 54 of the *Statutory Instruments Act 1992*.

Policy objectives and the reasons for them

The *River Improvement Trust Act 1940* (RIT Act) provides for the responsible management of rivers catchment areas by; planning for and implementing measures to protect river health and resilience, preventing and repairing damage, restoring natural resilience to flooding and cyclones, protecting water security, and improving water quality and river system function. These activities are predominantly carried out by river improvement trusts for defined river improvement areas. The *River Improvement Trust Regulation 2013* (2013 Regulation) supports the RIT Act by allowing for the establishment, abolishment, or any changes to, river improvement areas and their associated trusts.

Section 22 of the RIT Act provides that the Governor in Council may make regulations under the RIT Act.

Under section 54 of the *Statutory Instruments Act 1992*, the 2013 Regulation will expire on 1 September 2023.

The *River Improvement Trust Regulation 2023* (2023 Regulation) will repeal and replace the 2013 Regulation.

The river improvement trusts were originally established in response to severe flooding in the Burdekin River. The RIT Act, originally called the *Burdekin River Trust Act 1940*, recognised that the works to repair and prevent damage to the bed and banks of rivers, and prevent flooding within their river improvement area, could be applied to other areas. There are currently eleven trusts operating in Queensland as specified in Schedule 1 of the 2013 Regulation. Ten are established by the 2013 Regulation and the remaining, the Burdekin Shire River Improvement Area and Trust, was originally established outside of the 2013 Regulation but is included in the Schedule for completeness.

Achievement of policy objectives

The objective of the 2023 Regulation is to provide continuity of regulation for the river improvement trusts in Queensland prior to the expiry of the 2013 Regulation on 1 September 2023. To achieve its policy objectives, the 2023 Regulation will include provisions continuing the existence of certain river improvement areas and trusts.

The 2023 Regulation is largely consistent with the 2013 Regulation, and will ensure the continuation of river improvement areas and trusts by replacing the expiring Regulation with only minor changes to modernise; correct errors; and remove redundant provisions.

Consistency with policy objectives of authorising law

The 2023 Regulation is consistent with the objectives of the RIT Act as it provides for the responsible management of river catchment areas by establishing river improvement areas and trusts.

Inconsistency with policy objectives of other legislation

The 2023 Regulation is not inconsistent with the policy objectives of any other legislation, including the *Human Rights Act 2019*.

Alternative ways of achieving policy objectives

There are no alternative ways of achieving the policy objectives.

Benefits and costs of implementation

The 2023 Regulation supports the objectives of the RIT Act, to provide for the responsible management of river catchment areas by establishing river improvement areas and trusts.

There are no additional costs associated with implementing the 2023 Regulation.

Consistency with fundamental legislative principles

The 2023 Regulation is consistent with fundamental legislative principles as set out in the *Legislative Standards Act 1992*. The 2023 Regulation does not breach fundamental legislative principles as it is administrative in nature.

Consultation

As required by *The Queensland Government Guide to Better Regulation* (the guidelines), a sunset review was prepared by the Department of Regional Development, Manufacturing and Water (DRDMW) for the proposed remake of the 2013 Regulation to the 2023 Regulation and submitted to the Office of Best Practice Regulation (OBPR) in Queensland Treasury. Arising from that, OBPR advised that no further regulatory impact analysis was required under the guidelines.

DRDMW consulted with the State Council of River Trusts Queensland only, as the 2013 Regulation is being remade without substantive change. The State Council of River Trusts Queensland supported the option to remake the 2013 Regulation with the amendments outlined above.