

# **State Development and Public Works Organisation (Julia Creek–Richmond Critical Minerals Zone Water Delivery Options) Amendment Regulation 2023**

Explanatory notes for SL 2023 No. 156

made under the

*State Development and Public Works Organisation Act 1971*

## **General Outline**

### **Short title**

*State Development and Public Works Organisation (Julia Creek–Richmond Critical Minerals Zone Water Delivery Options) Amendment Regulation 2023* (the Amendment Regulation).

### **Authorising law**

Sections 99, 100, 102 and 173 of the *State Development and Public Works Organisation Act 1971* (SDPWO Act).

### **Policy objectives and the reasons for them**

In June 2023, the Queensland Government released the Queensland Critical Minerals Strategy. The Julia Creek/Richmond area has been identified as a Critical Minerals Zone in the Queensland Critical Minerals Strategy. The Julia Creek/Richmond area has significant vanadium resources with the potential to develop an important critical minerals industry for Queensland. There are currently seven known vanadium projects proposed in the Julia Creek/Richmond area at various stages of development.

Known barriers to the establishment of a critical minerals industry in the Julia Creek/Richmond area include the costs and length of time spent with undertaking environmental and other survey work to support approval applications, funding project-specific infrastructure, approval and tenure processes and gaining access to secure a reliable water supply which is a highly regulated and scarce resource.

Reliable water is required for use by vanadium and/or other critical minerals project proponents at Julia Creek/Richmond. A strategic assessment will identify and assess interim and permanent common-user infrastructure water supply options for critical minerals proponents.

## **Achievement of policy objectives**

The objective of the Amendment Regulation is to create a new division in the *State Development and Public Works Organisation Regulation 2020* that directs Sunwater Limited (Sunwater) to undertake particular works in accordance with sections 99, 100 and 102 of the SDPWO Act.

The intent is that Sunwater will deliver a strategic assessment for the delivery of common user water infrastructure for critical minerals projects at Julia Creek/Richmond and the Coordinator-General will be able to assist using land access powers under the SDPWO Act.

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

The Amendment Regulation is consistent with the primary objectives of the SDPWO Act and amends the *State Development and Public Works Organisation Regulation 2020*.

The Coordinator-General's powers under the SDPWO Act are intended to facilitate large-scale and complex projects while ensuring their environmental and social impacts are properly managed.

The Amendment Regulation is also consistent with Part 6, Division 3 (Undertaking of works by local bodies or approved persons) of the SDPWO Act. Sections 99, 100 and 102 within Division 3 state that a regulation may direct any local body to undertake works by a specified time following consideration and approval of the regulation by Governor in Council.

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

The Amendment Regulation is consistent with the policy objectives of other legislation.

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

Alternative ways of achieving the policy objectives (including the option of not making subordinate legislation) have not been adopted.

Project works may not be able to be delivered within required timeframes without the use of the Coordinator-General's functions and powers under the SDPWO Act and the Amendment Regulation.

## **Benefits and costs of implementation**

A strategic assessment for Julia Creek/Richmond Critical Minerals Zone Water Delivery Options is required in accordance with the Queensland Government Business Case Development Framework (BCDF), to analyse options available to supply reliable water to critical minerals projects in the Julia Creek/Richmond area on an interim and permanent basis.

The total cost to deliver the strategic assessment is \$1.1 million. Funding for the strategic assessment will come from the Department of Resources from the Critical Minerals Strategy fund.

The amendment regulation will facilitate access to land for investigations and undertaking investigatory works to expedite the carrying out of the strategic assessment.

## **Consistency with fundamental legislative principles**

The proposed direction for a local body to undertake works, by the making of the Amendment Regulation, is consistent with the principles of good legislation including the fundamental legislative principles. Sufficient regard has been given to the rights and liberties of individuals and the institution of Parliament.

## **Consultation**

An impact analysis statement has been completed in accordance with the Better Regulation Policy. The Amendment Regulation follows the process required to enable the use of the Coordinator-General's existing powers to direct a local body to undertake works. Existing legislated landowner protections will continue to apply to the use of the Coordinator-General's powers.

The Office of the Coordinator-General and Sunwater have engaged with the Department of Regional Development, Manufacturing and Water and the Department of Resources regarding the strategic assessment. Queensland Government agencies have indicated support for the project.