

# Water Amendment Regulation 2023

Explanatory notes for SL 2023 No. 173

made under the

*Water Act 2000*

## General Outline

### Short title

*Water Amendment Regulation 2023* (2023 Regulation).

### Authorising law

Sections 39, 104, 360C and 1014 of the *Water Act 2000* (Water Act).

### Policy objectives and the reasons for them

The policy objectives of the 2023 Regulation are to amend the *Water Regulation 2016* (2016 Regulation) for the following water-related matters:

- establish two unallocated water reserves on North Stradbroke Island (Minjerribah) for the benefit of the Quandamooka people;
- declare the Southern Downs Regional Council as a bulk water customer;
- include new metered entitlement areas; and
- make minor and administrative amendments.

### Achievement of policy objectives

*Establish two unallocated water reserves on North Stradbroke Island (Minjerribah)*

The end of sand mining activities on North Stradbroke Island (Minjerribah) provides an opportunity to establish unallocated water reserves for the Quandamooka people.

The establishment of unallocated water reserves for the Quandamooka people on North Stradbroke Island (Minjerribah) complements the broader commitments that the Queensland Government has made toward First Nations peoples, such as the Path to Treaty and the *Queensland Government Reconciliation Action Plan July 2023-June 2025*.

In 2011, the Federal Court recognised the existence of Quandamooka' rights and interests through a Native Title determination in relation to North Stradbroke Island (Minjerribah) and surrounding waters.

The Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC) are the Registered Native Title Bodies Corporate created under the *Native Title (Queensland) Act 1993* to manage the recognised Native Title rights and interests of the Quandamooka People following the determination.

QYAC is included as a prescribed entity to be eligible to hold a water licence that does not attach to land.

Establishment of two unallocated water reserves for the Quandamooka people totalling 61,190 megalitres. One reserve of 30,595 megalitres would be available for the social and economic benefit of the Quandamooka people. This includes ongoing land rehabilitation and commercial activities.

The second reserve of 30,595 megalitres would be to preserve the water-related environmental and cultural values of the island.

*Declare the Southern Downs Regional Council as a bulk water customer*

Bulk water supply in the South East Queensland (SEQ) region is primarily governed under Chapter 2A Part 3 of the Water Act. This establishes how agreements between an SEQ bulk water supplier (including Seqwater) and a bulk water customer are made, powers of the responsible Minister (under current Administrative Arrangements, this is the Minister for Water for the relevant portions of the Act), and the application of a bulk water supply code, among other things.

For the provision of bulk water by Seqwater to the Southern Downs Regional Council, by the Toowoomba to Warwick pipeline, it is necessary for the Southern Downs Regional Council to become a 'bulk water customer'.

This will enable the Southern Downs Regional Council to enter into a bulk water supply agreement under section 360G of the Water Act to enable the supply of water from Seqwater as the SEQ bulk supplier.

*Include new metered entitlement areas*

A meter notice under section 108 of the 2016 Regulation was issued in December 2022 to relevant water entitlement holders, outlining the requirement for an approved meter to be attached to the works used to take water under water entitlements by 31 March 2024.

Water entitlements in the following parts of the State are included as metered entitlements (with relevant exemptions):

- i. Nobby Basalts Underground Water Sub-Area under the *Water Plan (Condamine and Balonne) 2019*;
- ii. Cunningham Alluvium Water Underground Water Sub-Area under the *Water Plan (Condamine and Balonne) 2019*; and
- iii. Stanthorpe Water Management Area under the *Water Plan (Border Rivers and Moonie) 2019*.

Exemptions (as per the notice issued under section 108 of the 2016 Regulation) apply for water entitlements for:

- stock or domestic purposes only;
- public amenity or education premises purposes only; and
- where the annual volumetric limit is not more than 5 megalitres.

#### *Minor and administrative amendments*

Update references to the *Water Plan (Barron) 2002* – the *Water Plan (Barron) 2002* was replaced by the *Water Plan (Barron) 2023*, as a consequence, reference to the *Water Plan (Barron) 2002* must be updated. This relates to Schedule 9, Part 2, column 1 and Schedule 11, column 1.

Insert new metering related definitions – update and introduce new definitions for particular words to align with the Queensland non-urban water measurement policy 2022. Insert new definitions in **Schedule 19** relating to Schedule 11 for:

- public amenity; and
- educational premises.

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

The 2023 Regulation is consistent with the Water Act.

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

The 2023 Regulation is consistent with the policy objectives of other legislation.

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

There is no alternative mechanism available to meet the policy objectives.

## **Benefits and costs of implementation**

### *Establish two unallocated water reserves on North Stradbroke Island (Minjerribah)*

The administrative cost to government for the granting of licences from unallocated water reserves is accounted for as normal business. These processes are run routinely across the State.

There may be additional cost associated to government with establishing the allocation policy and management rules for the first time (post regulation), this should be a one-off cost because this is the first water reserve prescribed in the 2016 Regulation as opposed to under a water plan, which also contains the rules for allocating and managing reserves.

Establishing appropriate policy and rules will involve the engagement of technical experts and the development of a groundwater model, as well as consultation with key stakeholders, such as the Quandamooka people, through QYAC. The Government has committed \$248,360 to technical expertise and groundwater model development for implementation of the reserves.

### *Other amendments*

All other amendments are considered minor and machinery in nature in accordance with the Queensland Government Better Regulation Policy. Please refer to the associated Impact Analysis Statement.

These amendments ensure the continued effectiveness in the operation of the Water Act by prescribing necessary administrative and machinery matters. No costs to the Government are currently envisaged.

## **Consistency with fundamental legislative principles**

The 2023 regulation is consistent with fundamental legislative principles.

## **Consultation**

### *Establish two unallocated water reserves on North Stradbroke Island (Minjerribah)*

In accordance with section 15 of the 2016 Regulation, the Minister for Regional Development and Manufacturing and Minister for Water published a notice seeking public feedback on the proposal to establish two unallocated water reserves on North Stradbroke Island (Minjerribah).

A total of 29 submissions were received between 5 October 2023 and 20 October 2023, in response to the public notice. Submissions were received from a variety of stakeholder groups, ranging from individual community member, peak industry advocacy organisations and water service providers.

Twenty-four submissions supported the establishment of the unallocated water reserves on Minjerribah for the benefit of the Quandamooka people. Three were neutral, and two submissions opposed the establishment of the reserves.

*Other amendments*

All other amendments are considered minor and machinery in nature in accordance with the Queensland Government Better Regulation Policy. Please refer to the associated Impact Analysis Statement.

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