

Water Plan (Burnett Basin) (Postponement of Expiry) Notice 2024

Explanatory notes for SL 2024 No 38

made under the

Water Act 2000

General Outline

Short title

Water Plan (Burnett Basin) (Postponement of Expiry) Notice 2024

Authorising law

Section 55 and 56 of the *Water Act 2000*

Policy objectives and the reasons for them

The objective of this subordinate legislation is to postpone the expiry of the Water Plan (Burnett Basin) Plan 2014 (Water Plan) under section 55 of the *Water Act 2000*.

Under section 55(2) of the *Water Act 2000* if the Minister is preparing a new water plan to replace an existing water plan the Minister may postpone the expiry of the existing plan from time to time but cannot postpone the expiry for more than 3 years.

The Water Plan is due to expire on 01 September 2024. The Minister for Regional Development and Manufacturing and Minister for Water formally commenced the water planning process to replace the Water Plan, with the release of the Preliminary Public Consultation notice on 18 April 2024 under section 44 of the *Water Act 2000*. While the Water Plan continues to meet its outcomes and objectives, there are several emerging issues, risks and opportunities which can only be adequately addressed via a plan review.

Postponing the expiry of the Water Plan until 19 April 2027 will ensure that the effect of the Water Plan continues the existing water management framework, which in turn

protects the existing water entitlements and the needs of the environment until a replacement water plan comes into effect. It will also allow the department to complete technical assessments and undertake adequate consultation to address current and emerging issues as part of developing the replacement water plan.

There are no expected adverse impacts of the postponement of Water Plan expiry on water users or the environment.

Achievement of policy objectives

The policy objectives are achieved through the notice, which is declared to be subordinate legislation under section 56(2) of the *Water Act 2000*.

Consistency with policy objectives of authorising law

The notice is consistent with the objectives of the *Water Act 2000*.

Inconsistency with policy objectives of other legislation

The subordinate legislation is not inconsistent with the policy objectives of other legislation. The subordinate legislation is compatible with the human rights protected by the *Human Rights Act 2019*.

Benefits and costs of implementation

The implementation of the Water Plan (Burnett Basin) (Postponement of Expiry) Notice 2024 will ensure that the Water Plan does not expire, therefore continuing to provide for the sustainable use of water in the Water Plan area.

There are no costs associated with implementation of this notice.

Consistency with fundamental legislative principles

The notice, which is subordinate legislation, is consistent with fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

Consultation

Consultation is not required for a Postponement of Expiry Notice published under section 55(2) of the *Water Act 2000*. However, the development of a replacement water plan will be subject to the consultation provisions of the *Water Act 2000*.

The preliminary public consultation notice was released on 18 April 2024 to formally commence the process to replace the Water Plan and outlined the proposed arrangements for consultation. The public submission period closes on 28 June 2024 and these submissions will be considered in drafting the replacement water plan.

Notes on provisions

Clause 1 states that this notice may be cited as the Water Plan (Burnett Basin) (Postponement of Expiry) Notice 2024.

Clause 2 states that for section 56(1) of the Act, the new expiry date for the Water Plan (Burnett Basin) 2014, as postponed under section 55 of the Act, is 19 April 2027.

Clause 3 states that this notice expires on 20 April 2027.