

Water Plan (Boyne River Basin) (Postponement of Expiry) Notice 2024

Explanatory notes for SL 2024 No. 171

made under the *Water Act 2000*

General Outline

Short title

Water Plan (Boyne River Basin) (Postponement of Expiry) Notice 2024.

Authorising law

Sections 55 and 56 of the *Water Act 2000* (the Water Act).

Policy objectives and the reasons for them

The objective of this subordinate legislation is to postpone the expiry of the Water Plan (Boyne River Basin) 2013 (Water Plan) under section 55 of the Water Act.

Under section 55(2) of the Water Act, 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 three years.

The Water Plan is due to expire on 1 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 2 August 2024 under section 44 of the Water Act.

Postponing the expiry of the Water Plan until 1 December 2026 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 as part of developing the replacement water plan.

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.

Consistency with policy objectives of authorising law

This notice is consistent with the objectives of the Water Act.

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*.

Alternative ways of achieving policy objectives

The Act sets out the framework for amending a water plan. There are no alternative means for achieving the policy objectives.

Benefits and costs of implementation

The implementation of the Water Plan (Boyne River 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 the 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. However, the development of a replacement water plan will be subject to the consultation provisions of the Water Act.

The preliminary public consultation notice was released on 2 August 2024 to formally commence the process to replace the Water Plan and outlined the proposed arrangements for consultation. The public submission period closes on 4 November 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 (Boyne River 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 (Boyne River Basin) 2013, as postponed under section 55 of the Act, is 1 December 2026.

Clause 3 states that this notice expires on 2 December 2026.