

Water Resource Plans Amendment Plan (No. 1) 2014

Explanatory notes for SL 2014 No. 142

made under the

Water Act 2000

General Outline

Short title

Water Resource Plans Amendment Plan (No. 1) 2014

Authorising law

Sections 57(a) and (b) of the *Water Act 2000* (the Water Act)

Policy objectives and the reasons for them

The purposes of the *Water Resource Plans Amendment Plan (No. 1) 2014* (amendment plan) are to—

- amend water resource plans to enhance transparency and effectiveness of the environmental flow objectives;
- increase the efficiency of the Minister's reporting on water resource plans by amending the plans to provide a standardised requirement to report after no more than five years; and
- make additional non-substantive amendments to water resource plans to increase clarity and reduce regulatory burden while maintaining the intention and effectiveness of the plans.

Environmental flow objectives are statistical targets that regulate the hydrological flow regime. These objectives set limits to the level of change to a flow regime to avoid or mitigate the environmental impacts those changes may have. These indicators are selected because they are considered representative of different aspects of the flow regime that are ecologically significant. Many of the existing environmental flow objectives in water resource plans are overly complex and lack transparency while others have been applied where they are not necessary. For example, in water resource plans for South East

Queensland catchments, environmental flow objectives for low flows are specified on a monthly basis. The specification of seasonal flow objectives provides an equivalent level of protection for these flows with less complexity. Similarly, flow objectives aimed at maintaining the seasonality of flows are specified at locations where there is no existing or potential for future infrastructure that could affect the seasonality of flows. The amendment plan removes these redundant flow objectives.

The Water Act requires the Minister to prepare periodic reports as a tool to assess the effectiveness of each water resource plan in achieving its outcomes. The amendment plan proposes standardising the reporting period to five years to provide for consistent performance assessment across Queensland. This will result in the preparation of a report which will provide effective and timely information on the implementation and suitability of water resource plans. This change will bring all water resource plans in the State in line with those recently prepared for the Wet Tropics and Boyne River Basin.

The government has made a commitment to reduce regulatory burden on business and the community. As part of this commitment this amendment plan proposes a range of minor changes to water resource plans across the state to remove transitional provisions that have no further function (e.g. moratorium provisions) or those that are duplicated or redundant.

Achievement of policy objectives

Within the scope of section 57 of the Water Act, the policy objective is achieved by—

- rationalising a number of environmental flow objectives and removing others that are redundant;
- changing the Minister's reporting period on water resource plans to five years;
- removing unnecessary prescription – where appropriate and while retaining policy intent, standardise, simplify and enhance the transparency of selected provisions within water resource plans;
- removing redundancy – this includes removal of granting provisions where the relevant authority has been granted e.g. water allocations, water licences, resource operations licences etc; and
- removing duplication – this includes removal of duplication within water resource plans as well as with the Water Act and the *Water Regulation 2002*.

The scope of the amendment plan is limited by section 57 of the Water Act to non-substantive changes. Section 57 of the Water Act provides for amendments to be approved by the Governor in Council without the need to prepare a draft water resource plan for consultation, provided the change is not a change of substance or the amendment is of a type allowed under the water resource plan, and the Minister reasonably believes the amendment will not adversely affect the rights of water entitlement holders or natural ecosystems.

Consistency with policy objectives of authorising law

The amendment plan is consistent with the main objectives of the Water Act.

Inconsistency with policy objectives of other legislation

The amendment plan is consistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

The policy objectives of the amendment plan could not be achieved in any alternative way. Changes to subordinate legislation are necessary to achieve the requirements of these objectives.

Benefits and costs of implementation

The benefits of implementing this amendment plan are—

- reduced regulatory burden on business and the community;
- enhanced transparency of water resource plans;
- simplification and shortening water resource plans; and
- efficiency gains for the department.

Consistency with fundamental legislative principles

The amendment plan has been drafted with regard to fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992* and is consistent with these principles.

Consultation

A briefing on the proposed amendments was provided to peak bodies through the Water Engagement Forum. The peak bodies raised no concerns with the proposed changes.