

Water Amendment Regulation 2025

Explanatory notes for SL 2025 No. 64

made under the

Water Act 2000

General Outline

Short title

Water Amendment Regulation 2025

Authorising law

Sections 104, 158, 217B, 217D, 217E, 1014 and Schedule 4 of the *Water Act 2000*.

Policy objectives and the reasons for them

The policy objectives of the *Water Amendment Regulation 2025* (Amendment Regulation) are to:

- Simplify public notification requirements for water allocation dealings
- Prescribe entities that may hold a water licence not attached to land
- Make minor amendments relating to measurement requirements
- Correct minor errors

Simplify public notification requirements for water allocation dealings

The current requirements for public notification of a water allocation dealing are cumbersome. They require the chief executive to provide the applicant with a notice to publish in a stated way. It is the objective of the Amendment Regulation to simplify these publishing requirements allowing the chief executive to publish the notice directly. This will streamline the process for the applicant and align with the process for public notification of a water licence dealing under the *Water Act 2000* (Water Act).

The amendment retains the ability for the chief executive to require the applicant to also publish the notice should it be considered appropriate in the circumstances, but this will no longer be the default position.

The Amendment Regulation also updates references to website publishing generally throughout the Water Regulation 2016 (Water Regulation) to align with the terminology under the Water Act.

Prescribe entities that may hold a water licence not attached to land

The Water Act provides for water licences that authorise taking or interfering with water at a location. Typically, the holder of a water licence must be the owner of land unless the licensee is a prescribed entity. It is the objective of the Amendment Regulation to prescribe Elanda Point Pty Ltd and Tangalooma Island Resort Pty Ltd as prescribed entities to facilitate continued access to water.

The reason it is necessary and appropriate for these entities to hold water licences not attached to land are:

- Elanda Point Pty Ltd will commence a new lease arrangement for its campground and recreational facility under the *Nature Conservation Act 1992*. A lease holder under the *Nature Conservation Act 1992* is not considered the owner of land for the purpose of holding a water licence under the Water Act. Therefore, to transfer the existing water licence, the owner needs to be listed as a prescribed entity.
- Tangalooma Island Resort Pty Ltd uses underground water on both land owned by the resort as well as adjacent land. It is intended to grant a water licence for the take of underground water from existing bores. To enable a water licence to be granted that allows the existing water use activities to continue, the resort needs to be listed as a prescribed entity.

Make minor amendments relating to measurement requirements

Schedule 11 and 11A of the Water Regulation, which identify relevant water entitlements and specify water measurement requirements, are detailed in nature. Review of the details of the schedules has identified some inaccuracies in elements such as names of water management areas, identification of relevant authorisations and the stated measurement and information requirements. It is the objective to ensure that relevant entitlements and the associated measurement requirements are stated accurately.

Achievement of policy objectives

The Amendment Regulation achieves the policy objectives by amending the Water Regulation to:

- Modernise public notification requirements for water allocation dealing applications by allowing the chief executive to publish the notice directly on a Queensland Government website.
- Update references to Queensland Government website generally, for consistency with the Water Act.

- List Elanda Point Pty Ltd and Tangalooma Island Resort Pty Ltd as prescribed entities which can hold a water licence not attached to land, ensuring continued lawful access to water for their operations.
- In relation to measurement requirements:
 - Correct an error in the description of modular meter in relation to duly qualified persons; and
 - Correct errors in Schedules 11 and 11A relating to measurement requirements.
- Correct cross references related to accepted development.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the main objectives of the Water Act, to provide a framework for the sustainable management of Queensland water resources.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The costs of implementing the Amendment Regulation are minor and will be met with existing resources.

Amendments to simplify the process for public notification of water allocation dealings will benefit applicants as the chief executive will now publish notices on their behalf in most cases.

The other matters are considered reasonable and appropriate to provide further clarity and specificity on the above requirements, correct errors, update references and enable the significant tourist businesses continued access to water through authorisations. This is providing support to water entitlement holders and the general public with no further impost or cost.

Consistency with fundamental legislative principles

The Amendment Regulation has been drafted with regard to the fundamental legislative principles (FLPs) as defined by section 4 of the *Legislative Standards Act 1992* and is consistent with these provisions.

Consultation

The amendments are considered minor and machinery in nature and as such no consultation was undertaken external to government. The amendments are excluded from further impact analysis under the Queensland Government Better Regulation Policy.