

Water Amendment Regulation (No. 2) 2025

Explanatory notes for SL 2025 No. 147

made under the

Water Act 2000

General Outline

Short title

Water Amendment Regulation (No. 2) 2025

Authorising law

Sections 691, 691A, 217D, 217E and 1014 of the *Water Act 2000*.

Policy objectives and the reasons for them

The policy objectives of the *Water Amendment Regulation (No. 2) 2025* (Amendment Regulation) are to amend the *Water Regulation 2016* (Water Regulation) for the following water-related matters:

- Dissolve the Fernlee Water Authority (FWA) to convert to an alternative institutional structure; and
- Make amendments relating to compliance requirements for measurement devices, to provide additional time for engagement with relevant authorisation holders and to better align measurement requirements with government initiatives and sustainable water management frameworks.

Dissolution of Fernlee Water Authority

The FWA is a category 2 water authority under the *Water Act 2000* (the Water Act) that distributes water for stock and domestic supply in its authority area. The Board has requested dissolution of the FWA and transfer of respective assets and liabilities to three closed water activity agreements: the Boanbirra Bore Water Scheme, the Booroomba Bore Water Scheme and the Janalian Bore Water Scheme.

Dissolution of category 2 water authorities is consistent with the recommendations of the 2009 Webbe-Weller review of statutory bodies in Queensland, which found that, on balance, the public interest was not served by the continuance of these authorities.

Amendments relating to measurement requirements

Measurement regulatory requirements were introduced as part of the Queensland Non-urban Measurement Policy in 2022 and implemented through legislative amendments, including amendment to the Water Regulation which took effect in 2024.

Section 217D of the Water Act provides that a regulation may prescribe measurement requirements under section 217E that apply to relevant authorisations. Schedule 11 of the Water Regulation prescribes measurement requirements that apply to relevant authorisations. Schedule 11 is a necessarily detailed schedule that routinely requires updates in response to operational needs and to achieve required regulatory outcomes.

Installation of telemetry devices is a commitment under the Murray-Darling Basin Compliance Compact. Telemetry is a recent regulatory requirement for Queensland Murray-Darling Basin (QMDB). Holders of relevant authorisations in six water management areas in within two QMDB water plans – *Water Plan (Border Rivers and Moonie) 2019* and *Water Plan (Condamine and Balonne) 2019* – are required to attach a telemetry device to their meters on or before 1 December 2025. This timeframe will be extended by 12 months to provide relevant authorisation holders more time to understand and meet their regulatory obligations and to access the funding available from the Australian Government to subsidise the costs of installation and certification.

Once a certified meter has been installed on works that are used to take water, it is a requirement that the meter is certified every five years. Meters that were approved prior to the commencement of the measurement requirements have revalidation dates prescribed in schedule 11 of the Water Regulation. Once they have been revalidated, they become certified and are subject to the 5-year certification cycle.

The Government has made Election Commitments including the development of a water security plan for the entire State, including an analysis of all 23 regional water plans in this term of Government, with a focus on affordability for the end user. to review water plans and unlock unallocated water to make more water available for consumptive use. Certified meter installation and revalidation dates in specific North Queensland water management areas require extension to better align measurement requirements with government initiatives and sustainable water management frameworks.

Achievement of policy objectives

The Amendment Regulation achieves the policy objectives by:

- providing the operational and administrative requirements necessary to dissolve the FWA to convert to an alternative institutional structure; and
- deferring compliance requirements for measurement devices in specific water management areas.

Dissolution of the Fernlee Water Authority

Section 691 of the Water Act allows for a regulation to dissolve a category 2 water authority to allow for its conversion to an alternative institutional structure. The policy objective is achieved by amending schedule 8 of the Water Regulation to formalise the dissolution and conversion of the FWA to three closed water activity agreements: the Boanbirra Bore Water Scheme, the Booroomba Bore Water Scheme and the Janalian Bore Water Scheme.

Amendments relating to measurement requirements

Extension of the compliance requirement timeframe for the attachment of telemetry devices in six water management areas within two QMDB water plans by 12 months to 1 December 2026 provides additional time for the Department of Local Government, Water and Volunteers (DLGWV) to engage with relevant authorisation holders to help them understand their regulatory obligations and encourage uptake of the telemetry subsidy to reduce implementation costs. The policy objective is achieved through amendments to the telemetry compliance dates in Schedule 11.

Amendment of the transitional provisions and inclusion of a new transitional provision achieves the policy intent of making the compliance requirements consistent across subcatchment areas within water plans and aligning compliance dates with water plan review and implementation processes. These amendments support Government Election Commitments to review water plans and unlock unallocated water.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the 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

Dissolution of the Fernlee Water Authority

The key benefit of dissolving the FWA is providing for the entity to operate more independently and efficiently in a way that best fits the scale of its operations.

When it ceases to operate as a statutory body, it will no longer be bound by chapter 4 of the Water Act and the *Financial Accountability Act 2009*, which may result in reduced governance and administrative burden (and associated costs) on the entity itself and Queensland Government departments providing oversight.

The amendments create neutral impacts on the community, as the new entities will continue to provide the services that are provided to the community under the water authority structure.

Amendments relating to measurement requirements

Measurement device requirements are existing requirements under the Water Act and Water Regulation. The deferral of compliance requirements for measurement devices in Schedule 11 does not increase the costs or regulatory burden on holders of relevant authorisations nor on DLGWV.

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 do not require further impact analysis under the Queensland Government Better Regulation Policy.

Notes on provisions

Part 1 Preliminary

Clause 1 Short title

This clause state that the short title is the *Water Amendment Regulation (No. 2) 2025*.

Part 2 Amendment of the Water Regulation 2016

Clause 2 Regulation amended

This clause states that the Amendment Regulation amends the Water Regulation.

Part 16 Repeal and transitional provisions

Clause 3 Amendment of s151 (Approved meters)

This clause amends section 151(7)(a)(ii) to include a note to refer to new section 172 that applies to the definition of revalidation date.

Clause 4 Insertion of new part 16, division 7

This clause creates a new division for the transitional provisions for the Amendment Regulation. The new section 172 provides for the modification of the operation of section 151, a transitional provision for the *Water and Other Legislation Amendment Regulation 2024*. On commencement of the Amendment Regulation, Section 172 states the revalidation date for a metered entitlement in a part of the State mentioned.

Schedule 8 Water authorities**Clause 5 Amendment of schedule (water authorities)**

This clause amends Part 1 of Schedule 8 to remove 'Fernlee Water Authority' from the table of established water authorities. 'Fernlee Water Authority' is added to Part 3, Column 1 as a dissolved water authority, column 2 includes the plan of the dissolved authority area and column 3 identifies the alternative institutional structure of three closed water activity agreements.

Schedule 11 Measurement requirements – relevant authorisations and measurement devices**Clause 6 Amendment of schedule 11 (relevant authorisations and measurement devices)**

This clause amends schedule 11 entries for the *Water Plan (Border Rivers and Moonie) 2019* and *Water Plan (Condamine and Balonne) 2019* to change the telemetry device compliance date from 1 December 2025 to 1 December 2026 in Column 3. The entry for the *Water Resource (Whitsunday) Plan 2010* meter compliance date for subcatchment areas D and E has been changed from 1 December 2027 to 30 November 2028 in Column 3.