



Queensland

*Water Act 2000*

# Water Regulation 2002

Reprinted as in force on 5 May 2006

Reprint No. 3E revised edition

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This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
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Revised edition indicates further material has affected existing material. For example—

- a correction
- a retrospective provision
- other relevant information.



## Queensland

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# Water Regulation 2002

[as amended by all amendments that commenced on or before 5 May 2006]

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Water Regulation 2002*.<sup>1</sup>

### 2 Commencement

- (1) Sections 58–60, 74, 75(d) and (e), schedule 3, item 2, and schedule 14 commence on 30 June 2002.
- (2) The remaining provisions of this regulation commence on 19 April 2002.

### 3 Definitions

The dictionary in schedule 17 defines particular words used in this regulation.

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1 As far as practicable, the parts of this regulation follow the chapters of the Act. Part 3 has been deliberately left blank to allow the regulation to be easily amended in the future.

A copy of a map or plan mentioned in this regulation may be inspected at the department's head office, Brisbane or on the department's website.

## Part 2 Allocation and sustainable management

### Division 1 Water rights

#### 3A Definitions for div 1

In this division—

***announced allocation***, for the holder of a water allocation, means the volume of water, worked out under the water sharing rules mentioned in the ROP, the holder may take in the water year ending on 30 June 2006.

***BBWSS*** means the Barker Barambah water supply scheme.

***high priority group*** means the water allocations in the BBWSS that are stated to be high priority group in the water allocations register.

***medium priority group*** means the water allocations in the BBWSS that are stated to be medium priority group in the water allocations register.

***ROP*** means the resource operations plan, called ‘Burnett Basin Resource Operations Plan’, that implements the *Water Resource (Burnett Basin) Plan 2000*.

#### 3B Restriction on taking water—Act, s 23

- (1) Under section 23(2)(a) of the Act, the holder of a water allocation in the medium priority group must not, in the restriction period, take from BBWSS, for any purpose, more than the maximum volume of water worked out using the following formula—

$$V = \left( \frac{(A - S - H - 4000) \times (0.6 \times U)}{T} \right) - P$$

where—

*V* means the maximum volume of water.

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**A** means the total useable volume of water in BBWSS, as worked out under the ROP.

**S** means the total of the projected storage losses from BBWSS, as worked out under the ROP.

**H** means the total volume of water set aside for the demands of holders of water allocations in the high priority group for the period from 31 March 2006 until the first day when SunWater reasonably expects that the volume of water in the Bjelke-Petersen Dam will be less than 4000ML.

**U** means the volume of unused water remaining in the holder's announced allocation.

**T** means the total volume of unused water remaining in all the announced allocations of the holders of water allocations in the medium priority group.

**P** means the total volume of water the holder takes, other than under a seasonal water assignment, from BBWSS from 31 March 2006 to the commencement of this section.

- (2) However, the holder may take, from the BBWSS, water under a seasonal water assignment that applies to the holder.
- (3) Also, subsection (1) does not apply to the holder if—
  - (a) SunWater is not releasing water from Bjelke-Petersen Dam; and
  - (b) the holder has not taken the total volume of water allowed to be taken under the holder's announced allocation, adjusted for any seasonal water assignment for an allocation that applies to the holder; and
  - (c) the holder takes water under the following conditions from the stated reaches of Barambah Creek—
    - (i) at any time—
      - (A) between AMTD 189.5 and AMTD 182 (Dudley Sippel Weir); or
      - (B) between AMTD 141.6 (Ficks Crossing gauging station) and AMTD 85;
    - (ii) subject to subsection (4), if there is a flow of water greater than 100ML/day over Joe Sippel

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Weir—between AMTD 182 and AMTD 159 (confluence with Barker Creek);

- (iii) subject to subsection (5), if Cherbourg waterhole and Murgon Weir are overflowing and there is a flow of water greater than 44ML/day at AMTD 141.6—between AMTD 159 and AMTD 141.6.
- (4) If the holder is taking water under subsection (3)(c)(ii), the holder must stop taking water from the stated reach of Barambah Creek if the flow of water becomes less than 20ML/day over Joe Sippel Weir.
- (5) If the holder is taking water under subsection (3)(c)(iii), the holder must stop taking water from the stated reach of Barambah Creek if the flow of water becomes less than 20ML/day at AMTD 141.6.
- (6) The value for a parameter, other than P, in the formula mentioned in subsection (1) is the value, or the value worked out, based on information available to SunWater on, or as close as possible to, 31 March 2006.
- (7) In this section—  
*restriction period* means the period starting on the commencement of this section and ending on 30 June 2006.

### **3C Prohibition on taking water—Act, s 23**

- (1) Under section 23(2)(c) of the Act, the holder of a water allocation in the medium priority group is prohibited from taking water from BBWSS, for any purpose, if there is less than 4000ML in Bjelke-Petersen Dam.
- (2) However, subsection (1) does not apply to the extent the chief executive has approved the supply, by SunWater, of water to a maximum of 3ML a week if—
  - (a) in the chief executive’s opinion, a water allocation holder’s need for water is critical; and
  - (b) the holder has not taken the total volume of water allowed to be taken under the holder’s announced

allocation, adjusted for any seasonal water assignment for an allocation that applies to the holder.

- (3) Also, subsection (1) does not apply to the holder if—
- (a) the holder has not taken the total volume of water allowed to be taken under the holder's announced allocation, adjusted for any seasonal water assignment for an allocation that applies to the holder; and
  - (b) the holder takes water under the following conditions from the stated reaches of Barambah Creek—
    - (i) at any time—
      - (A) between AMTD 189.5 and AMTD 182 (Dudley Sippel Weir); or
      - (B) between AMTD 141.6 (Ficks Crossing gauging station) and AMTD 85;
    - (ii) subject to subsection (4), if there is a flow of water greater than 100ML/day over Joe Sippel Weir—between AMTD 182 and AMTD 159 (confluence with Barker Creek);
    - (iii) subject to subsection (5), if Cherbourg waterhole and Murgon Weir are overflowing and there is a flow of water greater than 44ML/day at AMTD 141.6—between AMTD 159 and AMTD 141.6.
- (4) If the holder is taking water under subsection (3)(b)(ii), the holder must stop taking water from the stated reach of Barambah Creek if the flow of water becomes less than 20ML/day over Joe Sippel Weir.
- (5) If the holder is taking water under subsection (3)(b)(iii), the holder must stop taking water from the stated reach of Barambah Creek if the flow of water becomes less than 20ML/day at AMTD 141.6.

### **3CAA Expiry of div 1**

This division expires on 30 June 2006.

## **Division 1A            Water planning**

### **3CA    Notice of works and water use—Act, s 37**

- (1) This section applies to the following works of any size, for taking or interfering with subartesian water under section 20(6) of the Act, in the part of the State shown on plan AP9970 or AP13801—
  - (a) existing works;
  - (b) on their completion—
    - (i) works enlarging, deepening or changing existing works; and
    - (ii) works constructed in the future.
- (2) The owner of land on which the works are constructed must notify the chief executive of the works and the water use or, for works completed in the future, proposed water use, in relation to the works.

Maximum penalty—20 penalty units.

- (3) The notice must be—
  - (a) in the approved form; and
  - (b) given to the chief executive—
    - (i) for a notice about existing works—within 60 days after the commencement of this section; and
    - (ii) for a notice about works completed in the future—within 60 days after the completion of the works.

### **3D    Requirement for land and water management plan—Act, s 73**

- (1) For section 73(1A)(b) of the Act, the time is—
  - (a) the next water year after the water year the person used the water received under a seasonal water assignment; or
  - (b) the water year after the next water year.

(2) In this section—

*water year* means—

- (a) for water taken under a water allocation—the water year for the resource operations plan under which the water allocation is managed; and
- (b) for water taken under an interim water allocation—the water year for the interim resource operations licence under which the interim water allocation is managed.

## **Division 1B            Implementing water resource plans**

### **4            Locations of offices of the registry—Act, s 148**

(1) Documents may be lodged—

- (a) at the following offices of the registry during business hours—
  - Brisbane
  - Bundaberg
  - Bundall (Gold Coast)
  - Caboolture
  - Cairns
  - Ipswich
  - Mackay
  - Maryborough
  - Nambour
  - Rockhampton
  - Roma
  - Toowoomba
  - Townsville; and
- (b) at other offices of the registry at the times fixed by the chief executive.

- (2) The chief executive must advertise in the local area the times when an office of the registry mentioned in subsection (1)(b) accepts documents.

## **5 Documents that may be lodged in the registry—Act, s 148**

- (1) This section applies to documents to be lodged in the registry.
- (2) The documents must be printed on paper that is—
- (a) international sheet size A4; and
  - (b) white bond of a density at least 80gm to a square metre; and
  - (c) free from discolouration and blemishes.
- (3) A document mentioned in subsection (2) must—
- (a) have clear margins no smaller than 10mm on all sides; and
  - (b) have a clear space no smaller than 90mm wide and 65mm deep at the top right-hand corner of the document for stamp duty imprint; and
  - (c) be completed on 1 side only, either—
    - (i) printed with type size no smaller than 1.8mm (10 point); or
    - (ii) completed in a way that is permanent and that can be photocopied to produce a copy satisfactory to the registrar; and
  - (d) have all pages of the document and all attachments securely bound together in a way approved by the registrar.
- (4) An alteration on a document must be made by—
- (a) striking through the printing or writing intended to be altered so that the original printing or writing is still legible; and
  - (b) having each party to the document and each witness initial the alteration to the document.



## **Division 2                      Interim allocation and management arrangements**

### **6                      Nominated persons—Act, s 168**

A person mentioned in column 1 of schedule 1 is nominated as the person who operates the infrastructure or manages the water mentioned opposite the person in column 2.

### **7                      Entities—Act, ss 190 and 193**

For sections 190(d)(iv) and 193(1)(e) of the Act, the entities are in schedule 2.

### **8                      Transferring interim water allocation to other land—Act, s 195**

- (1) An interim water allocation holder (the *proposed transferor*) may transfer to other land, all or part of the authority to take water under the allocation in relation to land.
- (2) However, subsection (1) applies only if—
  - (a) the interim water allocation—
    - (i) is managed under an interim resource operations licence for a water supply scheme mentioned in schedule 3, column 1; and
    - (ii) is applied for a purpose mentioned opposite the water supply scheme in schedule 3, column 2; and
  - (b) the transfer is in accordance with any conditions, for the water supply scheme, in schedule 3, column 3;<sup>2</sup> and
  - (c) the person acquiring the authority (the *proposed transferee*) is the owner of land that may be supplied with water under the interim resource operations licence; and

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2 A copy of an interim resource operations licence mentioned in schedule 3 is available on the department's website at—  
<[www.nrm.qld.gov.au/water/management/irols.html](http://www.nrm.qld.gov.au/water/management/irols.html)>.

- (d) the transfer results in the proposed transferee acquiring an authority to take water in relation to the land of the proposed transferee; and
- (e) the proposed transferee intends to apply the allocation for a purpose mentioned, for the water supply scheme, in schedule 3, column 2; and
- (f) the transfer is made in accordance with the chief executive's written approval.

## **9 Application for approval to transfer interim water allocation**

- (1) This section applies for obtaining the chief executive's approval of a transfer mentioned in section 8.
- (2) An application must be made to the chief executive.
- (3) The application must—
  - (a) be made jointly by the proposed transferor and proposed transferee; and
  - (b) be in the approved form.
- (4) The application must be accompanied by the following—
  - (a) a copy of the document under which the proposed transferor's interim water allocation is held;
  - (b) a statutory declaration by the proposed transferor that each person (an *interested entity*) who has a financial or other interest in the land of the proposed transferor for which the interim water allocation is held has been given notice of the proposed transfer;
  - (c) the written consent of each interested entity to the proposed transfer;
  - (d) evidence of the existence of a supply contract between the proposed transferee and the interim resource operations licence holder;
  - (e) the application fee mentioned in schedule 16.

**10 Deciding application for approval**

- (1) In deciding whether to grant the application mentioned in section 9, the chief executive must have regard to the following—
  - (a) the effect of the proposed transfer on the sustainability of land and water resources in the area; and
  - (b) the purpose for which the proposed transferee intends to use the allocation; and
  - (c) any other matter the chief executive considers appropriate.
- (2) After considering the matters mentioned in subsection (1), the chief executive may—
  - (a) refuse to approve the proposed transfer; or
  - (b) approve the proposed transfer with or without conditions.

**11 Decision to refuse to approve proposed transfer**

- (1) The chief executive must refuse to approve the proposed transfer if the proposed transferee does not intend to apply the water allocation for a purpose mentioned, for the water supply scheme, in schedule 3, column 2.
- (2) If the chief executive decides to refuse to approve the proposed transfer, the chief executive must, within 10 business days—
  - (a) give the proposed transferor and the proposed transferee an information notice for the decision to refuse; and
  - (b) give the interim resource operations licence holder notice of the decision.

**12 Decision to approve proposed transfer without conditions**

If the chief executive decides to approve the proposed transfer without conditions, the chief executive must, within 10 business days, give the proposed transferor, the proposed

transferee and the interim resource operations licence holder notice of the decision.

### **13 Decision to approve proposed transfer with conditions**

- (1) If the chief executive decides to approve the proposed transfer with conditions, the chief executive must, within 10 business days—
  - (a) give the proposed transferee an information notice for the decision to approve the proposed transfer with conditions; and
  - (b) give the proposed transferor and the interim resource operations licence holder notice of the decision.
- (2) The conditions the chief executive may impose include a condition that the interim water allocation is to be adjusted to avoid a negative effect on the sustainability of land and water resources.

### **13A Approval under section 13**

- (1) If a proposed transferee given an approval under section 13 intends to proceed with the transfer, the proposed transferee must give the chief executive notice in the approved form.
- (2) The notice must be given—
  - (a) if the proposed transferee appeals against the decision—within 30 business days after the appeal is finally decided; or
  - (b) otherwise—within 30 business days after receiving the information notice under section 13(1)(a).

### **13B Completion of transfer of interim water allocation**

- (1) This section applies if the chief executive—
  - (a) approves the proposed transfer under section 12; or
  - (b) receives a notice under section 13A(1).

- (2) The chief executive may require the proposed transferor or the proposed transferee to return to the chief executive documents under which interim water allocations are held.
- (3) The chief executive must cancel or amend existing interim water allocations, or issue new interim water allocations necessary to give effect to the transfer—
  - (a) if the chief executive has requested the return of documents under subsection (2)—within 30 business days after the return of the documents; or
  - (b) otherwise, within 30 business days after the chief executive—
    - (i) gives notice under section 12; or
    - (ii) receives a notice under section 13A(1).

## **Division 3                      Water licences**

### **14            Entities—Act, ss 206 and 213**

For sections 206(4)(f) and 213(e)(vi) of the Act, the entities are in schedule 2.

### **15            Seasonal water assignments and rules—Act, s 230**

- (1) Seasonal water assignments are allowed in a water management area mentioned in schedule 4, column 1, for a water licence mentioned for the area in column 2.
- (2) The seasonal water assignment rules for a water management area are stated, for the area, in column 3.<sup>3</sup>

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<sup>3</sup> A copy of seasonal water assignment rules mentioned in schedule 4 may be obtained from the department's regional office for the area to which the rules relate.

## **Division 4                    Catchment areas**

### **16        Catchment areas—Act, s 258**

The area shown on each plan mentioned in schedule 5, column 2 is declared to be a catchment area and given the name mentioned opposite the plan in column 1.

## **Division 5                    Quarry materials**

### **17        Royalty for State quarry material—Act, s 292**

- (1) The rate at which royalty is payable under the Act is stated in schedule 15.
- (2) However, no royalty is payable for State quarry material removed under an allocation notice if the chief executive of a department issues a certificate stating that the material was supplied to the department for the department's use.

## **Division 6                    Water bore drillers**

### **18        Classes of licence—Act, s 299**

- (1) For section 299(2)(b) of the Act, the following are the classes of water bore driller's licences—
  - (a) class 1 water bore driller's licence;
  - (b) class 2 water bore driller's licence;
  - (c) class 3 water bore driller's licence.
- (2) A class 1 licence authorises the licence holder to carry out drilling activities in single subartesian aquifer systems.
- (3) A class 2 licence authorises the licence holder to carry out drilling activities in all subartesian aquifer systems.
- (4) A class 3 licence authorises the licence holder to carry out drilling activities in all subartesian and artesian aquifer systems.

**19 Water bore driller's licence endorsements—Act, s 299**

- (1) For section 299(2)(c) of the Act, the following are the water bore driller's licence endorsements—
  - (a) cable tool;
  - (b) auger;
  - (c) rotary air;
  - (d) rotary mud;
  - (e) non-drilling rig.
- (2) A cable tool endorsement authorises drilling activities using cable tool or cable percussion drilling methods.
- (3) An auger endorsement authorises drilling activities using bucket auger, hollow stem auger or solid stem auger methods.
- (4) A rotary air endorsement authorises drilling activities using rotary drilling methods with air as the drilling fluid.
- (5) A rotary mud endorsement authorises drilling activities using rotary drilling methods with water as the drilling fluid or as the base for the drilling fluid.
- (6) A non-drilling rig endorsement authorises water bore activities using non-drilling rig methods including spear point construction, hand digging and the use of excavators or back-hoes for the construction of wells, excavations and galleries.

**20 Qualifications or experience for class 1 licence—Act, s 299**

- (1) For section 299(2)(d) of the Act, the qualifications or experience for a class 1 water bore driller's licence are either—
  - (a) holding a licence, equivalent to a class 1 water bore driller's licence, granted by the entity that administers the licensing of water bore drillers in another State; or
  - (b) the qualifications or experience stated in subsection (2).
- (2) For subsection (1)(b), the qualifications or experience are—
  - (a) successful completion of—

- 
- (i) the class 1 licence module and the drilling method endorsement module of the examinations conducted by the Australian Drilling Industry Training Committee (*ADITC*) for any endorsement for which the applicant is applying; or
  - (ii) another course considered equivalent by the chief executive; and
  - (b) demonstrated drilling and grouting knowledge; and
  - (c) either—
    - (i) both—
      - (A) successful completion of the Drilling Industry Certification and Tapes Course (the *DICAT course*) conducted by ADITC or another course considered equivalent by the chief executive; and
      - (B) employment in the operation of a drilling machine under the direct supervision of a licensed water bore driller for at least 6 months during which at least 6 bores were drilled; or
    - (ii) employment in the operation of a drilling machine under the direct supervision of a licensed water bore driller for at least 12 months during which at least 6 bores were drilled; or
    - (iii) employment in the operation of a drilling machine, other than in water bore drilling activities, for at least 12 months during which at least 10 bores that intersect underground water were drilled.

**21 Qualifications or experience for class 2 licence—Act, s 299**

- (1) For section 299(2)(d) of the Act, the qualifications or experience for a class 2 water bore driller's licence are either—
  - (a) holding a licence, equivalent to a class 2 water bore driller's licence, granted by the entity that administers the licensing of water bore drillers in another State; or



- (b) the qualifications or experience stated in subsection (2).
- (2) For subsection (1)(b), the qualifications or experience are—
  - (a) successful completion of—
    - (i) the class 2 licence module and the drilling method endorsement module of the examinations conducted by ADITC for any endorsement for which the applicant is applying; or
    - (ii) another course considered equivalent by the chief executive; and
  - (b) demonstrated drilling and grouting knowledge; and
  - (c) either—
    - (i) both—
      - (A) employment as a licensed class 1 driller for at least 12 months; and
      - (B) drilling at least 6 bores including, under the direct supervision of the holder of a class 2 licence, at least 3 bores for which a class 2 licence is required (a *class 2 bore*); or
    - (ii) both—
      - (A) successful completion of the DICAT course or another course considered equivalent by the chief executive; and
      - (B) employment in the operation of a drilling machine under the direct supervision of a licensed water bore driller for at least 18 months during the drilling of at least 6 bores including at least 3 class 2 bores drilled under the direct supervision of the holder of a class 2 licence; or
    - (iii) employment in the operation of a drilling machine under the direct supervision of a licensed water bore driller for at least 24 months during the drilling of at least 10 bores including at least 3 class 2 bores drilled under the direct supervision of the holder of a class 2 licence; or

- (iv) employment in the operation of a drilling machine, other than in water bore drilling activities, for at least 24 months during which at least 10 bores that intersect multiple aquifer systems were drilled.

## **22 Qualifications or experience for class 3 licence—Act, s 299**

- (1) For section 299(2)(d) of the Act, the qualifications or experience for a class 3 water bore driller's licence are either—
  - (a) holding a licence, equivalent to a class 3 water bore driller's licence, granted by the entity that administers the licensing of water bore drillers in another State; or
  - (b) the qualifications or experience stated in subsection (2).
- (2) For subsection (1)(b), the qualifications or experience are—
  - (a) successful completion of—
    - (i) the class 3 licence module and the drilling method endorsement module of the examinations conducted by ADITC for any endorsement for which the applicant is applying; or
    - (ii) another course considered equivalent by the chief executive; and
  - (b) successful completion of 1 of the courses mentioned in subsection (3); and
  - (c) demonstrated drilling and grouting knowledge; and
  - (d) either—
    - (i) both—
      - (A) employment as a licensed class 2 driller, or in the operation of a drilling machine under the direct supervision of the holder of a class 3 licence, for at least 24 months; and
      - (B) drilling at least 10 bores including, under the direct supervision of the holder of a class 3

licence, at least 3 bores for which a class 3 licence is required (a *class 3 bore*); or

- (ii) all of the following—
    - (A) successful completion of the DICAT course or another course considered equivalent by the chief executive;
    - (B) employment as a licensed class 2 driller, or in the operation of a drilling machine under the direct supervision of the holder of a class 3 licence, for at least 18 months;
    - (C) drilling at least 10 bores including, under the direct supervision of the holder of a class 3 licence, at least 3 class 3 bores; or
  - (iii) employment in the operation of a drilling machine, other than in water bore drilling activities, for at least 36 months during which at least 10 bores that intersect artesian water were drilled.
- (3) For subsection (2)(b), the following are the courses—
- (a) The Use and Application of Drilling Fluids, conducted by the Australian Drilling Industry Association (*ADIA*);
  - (b) training in the use and application of drilling fluids conducted by ADITC;
  - (c) another course considered equivalent by the chief executive.

## **23 Conditions of water bore driller's licence—Act, s 302**

- (1) For section 302(1)(a) of the Act, the following are the conditions for a water bore driller's licence—
  - (a) water bore drilling activities that tap an aquifer in the sediments of an artesian basin must be carried out in accordance with 'Minimum Standards for the Construction and Reconditioning of Water Bores that intersect the sediments of Artesian Basins in Queensland', published by the department;
  - (b) other water bore drilling activities must be carried out in accordance with 'Minimum Construction Requirements

for Water Bores in Australia', published by the department;<sup>4</sup>

- (c) if a development approval is required to carry out particular water bore drilling activities, the licence holder must see the approval and carry out the activities in accordance with the approval;
  - (ca) self-assessable development that is operational work mentioned in the *Integrated Planning Act 1997*, schedule 8, part 2, item 9A(b)(ii), must be carried out in accordance with the code approved for the development under section 62;
  - (d) for a class 1 licence—the licence holder must not drill bores with an internal bore casing diameter of more than 150mm;
  - (e) the licence has effect for a period of 5 years.
- (2) The chief executive, in granting a water bore driller's licence, must impose on the licence a condition that the licensee must not construct screened and designed gravel packed bores if the licensee has not completed—
- (a) the course Well Screens, Sieve Analysis and Gravel Packs, conducted by ADIA; or
  - (b) another course considered equivalent by the chief executive.
- (3) The holder of a class 1 licence, who has drilled 10 bores, may apply to amend the licence by removing the condition mentioned in subsection (1)(d).
- (4) The chief executive may amend the licence to remove the condition only if the licence holder gives the chief executive a copy of the records, kept by the holder under section 313 of the Act, about the 10 bores.

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4 A copy of a document mentioned in section 23(1)(a) or (b) may be obtained from the department's head office in Brisbane or inspected on the department's website at <[www.nrm.qld.gov.au](http://www.nrm.qld.gov.au)>.

**24 Records of water bores drilled—Act, s 313**

For section 313(1) of the Act, the following is the information required to be kept about each water bore drilling activity—

- (a) the name and address of the owner of the land on which the activity is being carried out;
- (b) the location of the activity;
- (c) the name and water bore driller's licence number of the driller performing the work;
- (d) the drilling method used;
- (e) the dates the water bore drilling activity started and finished;
- (f) details of the following—
  - (i) the strata drilled;
  - (ii) water produced by the strata, including the volume and quality of the water, the depth at which it is struck and the depth to which it rises naturally;
  - (iii) the bore hole diameter;
  - (iv) the type and diameter of the bore casing;
  - (v) the diameter and location of the bore hole cementing;
  - (vi) the number and size of the slots or perforations in the casing, or screens installed, for water entry;
- (g) an estimation of the rate at which water may be produced from the bore;
- (h) a diagram showing details of the construction of the finished bore.

**Part 3 Infrastructure and service****25 Section numbers 25–30 not used**

See footnote to section 1.

## **Part 4                      Water authorities**

### **31      Water authorities established—Act, s 548**

- (1) Each water authority mentioned in schedule 6, column 1, is established.
- (2) If the authority is established for an authority area, the authority area is shown on the plan mentioned opposite the authority in column 2.

### **32      Returning officer for election of directors—Act, s 598**

- (1) For the first election of directors or any election when there are no directors comprising a water authority's board, the chief executive—
  - (a) must appoint a person the chief executive considers appropriate as the returning officer; and
  - (b) may appoint a person the chief executive considers appropriate as the deputy returning officer.
- (2) For any other election of directors, the board—
  - (a) must appoint a person the board considers appropriate as the returning officer; and
  - (b) may appoint a person the board considers appropriate as the deputy returning officer.
- (3) The returning officer—
  - (a) must conduct an election in the way stated in this part; and
  - (b) may take the action and give the directions the returning officer considers reasonably necessary—
    - (i) to ensure no irregularities happen in the election; or
    - (ii) to remedy a procedural defect that appears to the returning officer to exist in relation to the election.

Maximum penalty for subsection (3)(a)—20 penalty units.

- (4) The returning officer must not influence, or attempt to influence, the outcome of an election.

Maximum penalty—20 penalty units.

- (5) If the returning officer is unable to perform the returning officer's functions, for example because of illness, the deputy returning officer or, if there is no deputy returning officer, another person the board or, for the first election of directors, the chief executive considers appropriate must perform the functions.

### **32A Procedures for election of directors**

- (1) An election of directors may be conducted—

- (a) by mail; or
- (b) at a meeting.

- (2) In subsection (1)—

*by mail*, in relation to the conduct of an election, means other than at a meeting and may include voting material being given, for example—

- (a) by handing it to the person; or
- (b) by sending it by mail; or
- (c) by sending it by facsimile; or
- (d) by sending it electronically.

### **32B Election of directors by mail or at meeting**

- (1) For a first election of directors or any election when there are no directors comprising a water authority's board, the chief executive may decide to allow the returning officer to conduct the election at a meeting of the authority's ratepayers rather than by mail if the chief executive is satisfied—

- (a) the authority's area includes only a small number of ratepayers; and
- (b) the ratepayers would be able to attend a meeting for the election.

- (2) For any other election of directors, the board may decide to allow the returning officer to conduct the election at a meeting of the authority's ratepayers if the board is satisfied of the matters mentioned in subsection (1)(a) and (b).

### **32C Notice of election at meeting**

- (1) If a decision is made under section 32B to conduct an election at a meeting, the returning officer must send a notice about the election to each of the authority's ratepayers.
- (2) The notice must state—
  - (a) for a first election of directors—that the water authority has been established or formed;<sup>5</sup> and
  - (b) that a meeting will be held to elect the directors of the authority; and
  - (c) the date and place for the meeting; and
  - (d) that the ratepayer may appoint a proxy to—
    - (i) attend the meeting; and
    - (ii) if section 33(3) or (5) applies to the ratepayer—nominate an individual; and
    - (iii) if the ratepayer is entitled to vote—
      - (A) nominate a candidate for election under section 34A; and
      - (B) vote on behalf of the ratepayer.
- (3) The date for the meeting must be at least 15 business days after the returning officer sends the notice.
- (4) The election may be held at a meeting of the board being held for another purpose.

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<sup>5</sup> See sections 548 (Establishing water authorities) and 690 (Amalgamating water authorities and authority areas) of the Act.



**32D Appointment of proxy for election at meeting**

- (1) The appointment of a proxy is effective only if a properly completed proxy form is given to the returning officer before the returning officer calls for nominations under section 34A.
- (2) A properly completed proxy form—
  - (a) states the full name of the person appointed; and
  - (b) is signed by both the person appointing and the person appointed.
- (3) The appointment of the proxy—
  - (a) can not be transferred by the holder of the appointment to another person; and
  - (b) can not be irrevocable.
- (4) A ratepayer who is a proxy for another ratepayer may, in the absence of the other ratepayer, vote both in the ratepayer's own right and also as proxy for the other ratepayer.
- (5) However, a proxy must not be exercised if the ratepayer who appointed the proxy is present at the meeting for the election.

**32E Minutes of meeting for election**

- (1) The returning officer must—
  - (a) ensure minutes are recorded of all proceedings of the meeting for the election; and
  - (b) sign the minutes to verify their accuracy.
- (2) As soon as practicable after the meeting, the returning officer must ensure a copy of the minutes is given to each ratepayer.

**33 Roll of voters**

- (1) The returning officer must compile a roll of voters in accordance with this section.  
Maximum penalty—20 penalty units.
- (2) The roll must state the full name and address of each ratepayer.

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- (3) If 2 or more ratepayers are joint owners or occupiers, the returning officer must ask them to nominate in writing an individual to represent them.
- (4) The returning officer must insert on the roll the name and address of—
  - (a) the person nominated; or
  - (b) if no-one is nominated—the owner or occupier whose name appears first in the records of the chief executive or the board.
- (5) If a ratepayer is a body corporate, the returning officer must ask the body corporate to nominate in writing an individual (a *nominee*) to represent the body corporate.
- (6) The returning officer must insert the name and address of the nominee on the roll.
- (7) The returning officer must—
  - (a) allow a ratepayer to inspect the roll, free of charge, at the board's public office premises during business hours; and
  - (b) on payment of a reasonable fee—give the ratepayer a copy of the roll.
- (8) Subject to subsection (4), a person who is a ratepayer whose name does not appear on the roll may apply in writing to the returning officer to have the person's name included on the roll.
- (9) If the returning officer is satisfied the person is a ratepayer, the returning officer must insert the person's name and address on the roll.
- (10) If the election is held at a meeting, the returning officer must compile the roll of voters at the meeting.

**34 Nominations for election by mail**

- (1) The returning officer must, by notice to each person entitled to vote (a *voter*), call for nominations of persons eligible to be elected as directors.<sup>6</sup>
- (2) The notice must state—
  - (a) the day and time, at least 10 business days after the notice is given, when nominations close; and
  - (b) the day, not more than 20 business days after nominations close, when voting material will be given to voters if a ballot is necessary.
- (3) A nomination must be—
  - (a) written; and
  - (b) signed by the candidate and 2 voters; and
  - (c) given to the returning officer before nominations close.
- (4) A candidate may withdraw a nomination by notice to the returning officer no later than 1 hour before nominations close.
- (5) A person must not, under subsection (3) or (4), state anything the person knows is false or misleading in a material particular.  
Maximum penalty—20 penalty units.
- (6) It is enough for a complaint for an offence against subsection (5) to state the statement made was ‘false or misleading’ to the person’s knowledge, without specifying which.

**34A Nominations for election at meeting**

- (1) The returning officer must, at a meeting to elect directors, call for nominations of persons eligible to be elected.
- (2) A nomination must be by a voter or a voter’s proxy, seconded by another voter and accepted by the candidate nominated.
- (3) If the candidate nominated is not present at the meeting, the nomination must be—

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<sup>6</sup> See section 603 (Eligibility for appointment as director) of the Act.

- (a) in writing; and
  - (b) signed by the candidate and 2 voters; and
  - (c) given to the returning officer at the time the officer calls for nominations.
- (4) A person must not, under subsection (3), state anything the person knows is false or misleading in a material particular.
- Maximum penalty—20 penalty units.
- (5) It is enough for a complaint for an offence against subsection (4) to state the statement made was ‘false or misleading’ to the person’s knowledge, without specifying which.

### **35 When ballot must be held**

- (1) If, after nominations have closed, the number of candidates is not more than the number to be elected, the returning officer must declare the candidates elected.
- (2) However, if the number of candidates is more than the number to be elected, the returning officer must conduct a secret ballot.

### **36 Preparing ballot papers**

- (1) A ballot paper must comply with the following—
  - (a) be made of paper that will hide a vote marked on it from view when it is folded once;
  - (b) list the names of each candidate for election once, with the surname first, followed by the candidate’s other names;
  - (c) state how the voter may vote;
  - (d) state the day and time the ballot starts and the day and time it ends;
  - (e) state that, for the vote to be counted, the voter must fill in and sign the declaration form.
- (2) If 2 or more candidates have the same surname and other names, the candidates must be distinguished in an appropriate

way, for example by including the occupation of each candidate on the ballot paper.

- (3) The order of names on the ballot paper must be decided by lot.
- (4) Subsection (1)(d) and (e) do not apply to the ballot paper for an election at a meeting.

### **37 Distributing voting material for election by mail**

- (1) The returning officer must give the following (the *voting material*) to each voter—
  - (a) a ballot paper initialled by the returning officer;
  - (b) a ballot envelope;
  - (c) a declaration form stating ‘I certify that I am the person to whom this voting material has been given and I have voted on the ballot paper enclosed.’;
  - (d) a return envelope addressed to the returning officer.
- (2) The voting material must be given not more than 20 business days after nominations close, to arrive, if practicable, no later than the last working day before the ballot starts.
- (3) If a voter gives the returning officer notice that the voter will be at a different address from the address stated on the roll when voting material is to be given, the returning officer must give the voter the material at the address stated in the notice.
- (4) Before giving voting material to a voter, the returning officer must mark a ballot number on—
  - (a) the roll against the voter’s name; and
  - (b) the declaration form; and
  - (c) the return envelope.
- (5) The ballot numbers must be consecutive starting with a number chosen by the returning officer.
- (6) After giving the voting material, the returning officer must obtain a lockable ballot box and keys and keep them in a safe place.

**37A Distributing ballot papers for election at meeting**

- (1) The returning officer must give a ballot paper to each voter.
- (2) After giving a ballot paper, the returning officer must note against the voter's name on the roll of voters that the ballot paper has been given.
- (3) The returning officer must have a lockable ballot box and keys at the meeting.

**38 How long ballot for election by mail is open**

A ballot for election by mail must remain open for at least 10 business days.

**39 Voting in election by mail**

- (1) A voter may vote only once in each election.  
Maximum penalty—20 penalty units.
- (2) A voter may vote by completing the following steps—
  - (a) marking a tick or a cross on the ballot paper in the squares opposite the names of up to the number of candidates that may be elected by the voters for the area to constitute the board;
  - (b) putting the ballot paper in the ballot envelope;
  - (c) sealing the ballot envelope;
  - (d) filling in and signing the declaration;
  - (e) putting the declaration and the ballot envelope in the return envelope;
  - (f) sealing the return envelope;
  - (g) returning the return envelope to the returning officer before voting closes by—
    - (i) posting it to the returning officer; or
    - (ii) putting it in the ballot box.
- (3) The returning officer must provide a voter who wishes to vote at a polling booth with an unoccupied voting compartment in which to vote in private.

(4) If a voter satisfies the returning officer that voting material given to the ratepayer has been lost, stolen or destroyed, the returning officer must give the voter duplicate voting material.

(5) A voter must not, under subsection (2)(d) or (4), state anything the voter knows is false or misleading in a material particular.

Maximum penalty—20 penalty units.

(6) It is enough for a complaint for an offence against subsection (5) to state the statement made was ‘false or misleading’ to the voter’s knowledge, without specifying which.

(7) A person who is not on the roll of voters must not vote in an election.

Maximum penalty for subsection (7)—20 penalty units.

### **39A Voting in election at meeting**

(1) A voter may vote only once in an election.

Maximum penalty—20 penalty units.

(2) A voter may vote by—

(a) marking a tick or cross on the ballot paper in the squares opposite the names of up to the number of candidates that may be elected by the voters for the area to constitute the board; and

(b) putting the ballot paper in the ballot box.

(3) At the time the voter puts the ballot paper in the ballot box, the returning officer must note the fact that the voter has voted against the voter’s name on the roll.

(4) If a voter satisfies the returning officer that the ballot paper given to the voter has been incorrectly marked, damaged or is otherwise no longer suitable for voting, the returning officer must give the voter a duplicate ballot paper.

(5) A person who is not on the roll of voters for the election may not vote in the election.

Maximum penalty for subsection (5)—20 penalty units.

**40 How returning officer must deal with voting material for election by mail**

- (1) The returning officer must put each return envelope received before voting closes into the ballot box.

Maximum penalty—20 penalty units.

- (2) If the returning officer receives a return envelope after voting closes, the returning officer must—
  - (a) mark the envelope ‘Received by the returning officer after voting closed’; and
  - (b) keep the envelope separate from return envelopes received before voting closed.

Maximum penalty—20 penalty units.

**41 Scrutiny**

- (1) Before voting in an election by mail closes, the returning officer must give each candidate notice of when and where votes are to be collected, examined and counted.
- (2) A candidate in an election by mail or at a meeting may, before voting closes, appoint 1 scrutineer to observe, with or without the candidate, the collection, examination and counting of votes.
- (3) The candidate must give the returning officer notice of the appointment.
- (4) When a scrutineer arrives for the collection, examination and counting, the scrutineer must show the returning officer a copy of the notice of appointment or other suitable identification.
- (5) The failure of a candidate or scrutineer to attend the scrutiny of votes does not affect the validity of the election.

**42 Initial scrutiny of voting material for election by mail**

- (1) As soon as possible after voting closes, the returning officer must—
  - (a) take the ballot box to the place notified to the candidates as the place where votes are to be counted; and



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- (b) deal with the votes in the way stated in this section in the presence of the candidates and scrutineers at the place.  
Maximum penalty—20 penalty units.
- (2) The returning officer must—
  - (a) open each return envelope; and
  - (b) take the declaration and ballot envelope out of the return envelope.
- (3) The returning officer must put the declaration and the ballot envelope into separate containers if the returning officer is satisfied about the following matters—
  - (a) the ballot number on the declaration corresponds with the ballot number marked beside the name of a voter on the roll;
  - (b) the person who filled in and signed the declaration is—
    - (i) the voter to whom the declaration was given; or
    - (ii) a voter who has not previously voted in the election and has a reasonable explanation for using someone else's voting material.
- (4) If subsection (3)(b)(ii) applies, the returning officer must—
  - (a) note the acceptance of the explanation on the declaration; and
  - (b) record the correct ballot number on the roll against the name of the voter who signed the declaration.
- (5) If the returning officer is not satisfied about a matter mentioned in subsection (3)(a) or (b), the returning officer must keep the unsatisfactory voting material separate from the satisfactory voting material.
- (6) The returning officer must then note the fact that the voter has voted against the voter's name on the roll.

**43 Counting votes**

- (1) The returning officer must count the votes in accordance with this section.  
Maximum penalty—20 penalty units.

- (2) After separating the declaration forms and ballot envelopes, the returning officer must do the following in order—
  - (a) seal the container holding declaration forms;
  - (b) open the ballot envelopes;
  - (c) take the ballot papers out of the ballot envelopes;
  - (d) examine the ballot papers for votes;
  - (e) separate the formal and informal votes;
  - (f) count the formal votes.
- (3) The returning officer must not include an informal vote in the count.
- (4) A vote is not informal if the voter's intention is clear.
- (5) For an election at a meeting—
  - (a) subsection (2)(a) to (c) do not apply; and
  - (b) the votes must be counted in the presence of the voters and scrutineers.

#### **44 What happens if votes for 2 or more candidates are equal**

If the votes for 2 or more candidates are equal, the returning officer must decide the candidate elected by drawing lots.

Maximum penalty—20 penalty units.

#### **45 Declaring election result**

- (1) As soon as practicable after an election result is decided, the returning officer must—
  - (a) give each candidate a signed declaration of the result; and
  - (b) give each ratepayer notice of the result; and
  - (c) if the election was conducted at a meeting—announce the result at the meeting.
- (2) If the election involved a ballot, the declaration must state the following—
  - (a) how many voters were on the roll when voting closed;

- (b) how many ballot papers were printed;
- (c) how many ballot papers were issued;
- (d) how many duplicate ballot papers were issued;
- (e) how many ballot papers were returned;
- (f) how many ballot papers were returned as unclaimed mail;
- (g) how many ballot papers were not returned;
- (h) how many ballot papers were rejected during scrutiny or counting and the reasons for rejection;
- (i) how many ballot papers were counted;
- (j) the percentage of voters who voted.

*Examples of reasons for rejection mentioned in paragraph (h)—*

- 1 The declaration form was not returned.
  - 2 The voter did not sign the declaration form.
- (3) A scrutineer may countersign the declaration.
  - (4) Subsection (2)(f) does not apply to an election at a meeting.

#### **46 Filling casual vacancies**

If a casual vacancy arises in the office of an elected director, the office must be filled by the election of another director under this part.

#### **47 Substantial compliance**

The validity of a ballot is not affected if there has been substantial compliance with sections 36, 37, 40, 42, 43 and 45.

#### **48 Conduct of special ballot—Act, s 695**

This part, with necessary changes, applies to the conduct of a special ballot for the Act, section 695(3).

## **Part 5**

# **Investigations, enforcement and offences**

### **49 Destroying vegetation in a watercourse, lake or spring—Act, s 814**

Destroying vegetation in a watercourse, lake or spring is permitted if the destruction—

- (a) is carried out under—
  - (i) a licence, permit, lease or authority to prospect under the *Petroleum Act 1923*; or
  - (ii) a tree clearing permit under the *Land Act 1994*; or
  - (iii) a licence under the *Fossicking Act 1994*; or
  - (iv) an environmental authority (mining activities) under the *Environmental Protection Act 1994*; or
  - (v) the Queensland Department of Main Roads Guideline for Activities in a Watercourse or Lake for Destroying up to 0.25ha of Vegetation, Excavating up to 500m<sup>3</sup>, or Placing Fill up to 500m<sup>3</sup>;<sup>7</sup> or
  - (vi) the Powerlink Guideline for Activities in a Watercourse or Lake for Destroying up to 0.25ha of Vegetation, Excavating up to 500m<sup>3</sup>, and Placing up to 500m<sup>3</sup> of Fill; or
- (b) is of a noxious plant under the *Rural Lands Protection Act 1985*.

### **50 Excavating in a watercourse, lake or spring—Act, s 814**

Excavating in a watercourse, lake or spring is permitted if the excavation is carried out under—

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<sup>7</sup> Copies of the guideline may be obtained from the department's head office in Brisbane.

- (a) a licence, permit, lease or authority to prospect under the *Petroleum Act 1923*; or
- (b) a licence under the *Fossicking Act 1994*; or
- (c) an environmental authority (mining activities) under the *Environmental Protection Act 1994*; or
- (d) the Brisbane City Council Guideline for Riverine Protection for Excavating up to 500m<sup>3</sup> in a Watercourse or Lake by the Brisbane City Council;<sup>8</sup> or
- (e) the Queensland Department of Main Roads Guideline for Activities in a Watercourse or Lake for Destroying up to 0.25ha of Vegetation, Excavating up to 500m<sup>3</sup>, or Placing Fill up to 500m<sup>3</sup>; or
- (f) the Powerlink Guideline for Activities in a Watercourse or Lake for Destroying up to 0.25ha of Vegetation, Excavating up to 500m<sup>3</sup>, and Placing up to 500m<sup>3</sup> of Fill.

## **51 Placing fill in a watercourse, lake or spring—Act, s 814**

Placing fill in a watercourse, lake or spring is permitted if—

- (a) the placing is carried out under—
  - (i) a licence, permit, lease or authority to prospect under the *Petroleum Act 1923*; or
  - (ii) an environmental authority (mining activities) under the *Environmental Protection Act 1994*; or
  - (iii) the Queensland Department of Main Roads Guideline for Activities in a Watercourse or Lake for Destroying up to 0.25ha of Vegetation, Excavating up to 500m<sup>3</sup>, or Placing Fill up to 500m<sup>3</sup>; or
  - (iv) the Powerlink Guideline for Activities in a Watercourse or Lake for Destroying up to 0.25ha of Vegetation, Excavating up to 500m<sup>3</sup>, and Placing up to 500m<sup>3</sup> of Fill; or

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<sup>8</sup> Copies of the guideline may be obtained from the department's head office in Brisbane.

- (b) the fill is placed in an excavation made by a person fossicking under a licence under the *Fossicking Act 1994*.

**52 Requirements for decommissioning a water bore—Act, s 817**

The decommissioning of a water bore must be carried out in accordance with ‘Minimum Construction Requirements for Water Bores in Australia’, published by the department.<sup>9</sup>

## **Part 6 Miscellaneous provisions**

**53 Drainage rates—Act, s 993**

The drainage rates payable for a water year by an owner of land in a drainage area mentioned in schedule 7, column 1, are stated opposite the area in column 2.

**54 Downstream and upstream limits of watercourses—Act, s 1006(1)**

- (1) The downstream limit of a watercourse mentioned in schedule 8, part 1, column 1, is the natural or artificial feature or the boundary of a parcel of land, mentioned for the watercourse in column 2 of the part, as shown for the watercourse in the plan mentioned in column 3 of the part.
- (2) The upstream limit of a watercourse mentioned in schedule 8, part 2, column 1, is the natural or artificial feature or the boundary of a parcel of land, mentioned for the watercourse in column 2 of the part, as shown for the watercourse in the plan mentioned in column 3 of the part.

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<sup>9</sup> A copy of the document may be obtained from the department’s head office in Brisbane or inspected on the department’s website at <[www.nrm.qld.gov.au](http://www.nrm.qld.gov.au)>.

**55 Water declared to be water in a watercourse—Act, s 1006(2)**

The following water is declared to be water in a watercourse—

- (a) water in an aquifer under the bed or banks of the Kolan River, between AMTD 14.5km and AMTD 76.4km, to a depth of 10m below the bed of the river;
- (b) water in an alluvial aquifer under the bed or banks of the Burnett River, between AMTD 25.9km and AMTD 333.9km, to a depth of 10m below the bed of the river;
- (c) water in an alluvial aquifer under the bed or banks of the Boyne River, between AMTD 0km and AMTD 86.7km, to a depth of 10m below the bed of the river;
- (d) water in an alluvial aquifer under the bed or banks of the Nogo River, between AMTD 0km and AMTD 23km, to a depth of 10m below the bed of the river;
- (e) water in an aquifer under the bed or banks of Lockyer Creek, between AMTD 0km and AMTD 41.9km, to a depth of 10m below the bed of the creek;
- (f) water in an aquifer under the bed or banks of Lockyer Creek, between AMTD 41.9km and AMTD 70.9km, to a depth of 6m below the bed of the creek.

**56 Water management areas**

- (1) The chief executive may declare an area of the State to be a water management area for water not managed under an interim resource operations licence or a resource operations licence.
- (2) The declaration may be for—
  - (a) fixing water charges payable to the chief executive; or
  - (b) allowing seasonal water assignments and making seasonal water assignment rules; or
  - (c) prescribing water sharing rules; or
  - (d) implementing water metering under part 7.

- (3) The chief executive may name the area, for example, the ‘Barker-Barambah Creeks water management area’.
- (4) A subartesian area declared under section 101 is also a water management area.
- (4A) A water resource plan or a resource operations plan may declare a part of the plan area to be a water management area.
- (5) The chief executive must display a map or plan showing the boundaries of a water management area in the department’s regional office in or near the area.
- (6) The chief executive must—
  - (a) give notice of the declaration to the persons authorised to take water from the area; or
  - (b) publish a notice about the declaration in a newspaper circulating generally in the area.
- (7) Subsection (6) does not apply to a water management area declared under a water resource plan or a resource operations plan.

## **57 Changing boundaries of water management areas**

- (1) The chief executive may change the boundaries of a water management area by—
  - (a) including land in the area; or
  - (b) removing land from the area.
- (2) If the chief executive changes the boundaries of a water management area, the chief executive must—
  - (a) give notice of the change to the persons authorised to take water from land included in, or removed from, the area; or
  - (b) publish a notice about the change in a newspaper circulating generally in the area.
- (3) However, subsection (2) does not apply to a change made under a resource operations plan.



**58 Charges for water allocated, supplied or taken—Act, s 1014**

- (1) The charges mentioned in schedule 14, column 3, are payable to the chief executive—
  - (a) for the allocation, supply or taking of water in a water management area mentioned opposite the charges in column 1; and
  - (b) for the water year ending on the date mentioned opposite the charges in column 2.
- (2) If a change to a water charge is prescribed, the changed water charge is payable for the water year following the date the current water year ends.

**60 Notice for payment of charges**

- (1) A charge under section 58 or part 8 may be levied—
  - (a) for the period decided by the chief executive; or
  - (b) if the chief executive does not decide a period—
    - (i) for section 58—quarterly; and
    - (ii) for part 8—annually.
- (1A) The charge—
  - (a) may be levied by giving notice to the holder of the authorisation under which water is taken; and
  - (b) becomes payable on the day the notice is given; and
  - (c) must be paid within 30 days after the notice is given; and
  - (d) for any part of the charge remaining unpaid after 30 days—accrues interest at the rate that is 2% above the Suncorp Metway Ltd business banking variable lending base rate.
- (2) A notice given under subsection (1A)(a) must state—
  - (a) the amount of the charge and the period for which it is levied; and
  - (b) the time and place for payment; and

- (c) that any part of the charge remaining unpaid after 30 days accrues interest; and
- (d) the interest rate.

## **61 Drainage and embankment areas—Act, s 1014**

For the *Integrated Planning Act 1997*—

- (a) an area in schedule 9, column 1 and shown on the plan for the area in column 2, is declared to be a drainage and embankment area; and
- (b) operational work in the area controlling the flow of water into or out of a watercourse, lake or spring is declared to be assessable development.

## **61A Code against which development applications assessed—Act, s 1014**

The ‘Code for Assessable Development for Operational Works for Taking Overland Flow Water’<sup>10</sup> is approved as the code against which development applications under the *Integrated Planning Act 1997* may be assessed by the chief executive as assessment manager under that Act.

## **62 Code for self-assessable development—Act, s 1014**

The following codes<sup>11</sup> are approved for carrying out self-assessable development that is operational work mentioned in the *Integrated Planning Act 1997*, schedule 8, part 2, table 4—

- (a) for item 1(a)—the Self-assessable Code for the Development of Riparian Water Access Works on a Watercourse, Lake or Spring;
- (b) for item 1(b)(i)—

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10 A copy of the code is available on the department’s website at <[www.nrm.qld.gov.au](http://www.nrm.qld.gov.au)>.

11 Copies of the codes are available on the department’s website at <[www.nrm.qld.gov.au](http://www.nrm.qld.gov.au)>.

- (i) the Code for Self-assessable Development for Taking Overland Flow Water for Stock and Domestic Purposes; and
  - (ii) the Code for Self-assessable Development for Taking Overland Flow Water Using Small Scale Storages; and
  - (iii) the Code for Self-assessable Development for Taking Overland Flow Water to Satisfy the Requirements of an Environmental Authority or a Development Permit for Carrying Out an Environmentally Relevant Activity;
- (c) for item 1(b)(ii) in relation to operations mentioned in the *Water Resource (Barron) Plan 2002*—the Code for Self-assessable Development of Bores Identified in a Water Resource Plan as Self-assessable.

## **63 Fees**

- (1) The fees payable under the Act are stated in schedule 16.
- (2) The fee paid on lodgment of an instrument in the registry is forfeited if the instrument is rejected by the registry for failure to comply with a requisition.
- (3) The fee payable on re-lodgment of an instrument is half the fee stated in schedule 16 for lodgment of the instrument.
- (4) A fee is not payable for the lodgment and registration of an instrument of transfer of a water allocation to, or acquisition or lease of a water allocation by, the State.

## **64 Water sharing rules**

- (1) The water sharing rules for a water management area mentioned in schedule 10, column 1, are opposite the area in column 2.<sup>12</sup>
- (2) The water sharing rules for a particular area may state the following—

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12 A copy of the water sharing rules for a water management area may be obtained from the department's regional office for the area.

- (a) whether the chief executive is required to decide an announced entitlement for the area;
  - (b) if the chief executive is required to decide an announced entitlement—
    - (i) how the announced entitlement is decided; and
    - (ii) whether the announced entitlement may be varied during the water year;
  - (c) the extent to which, and the conditions on which, carry overs and forward draws may be authorised in the area.
- (3) Subsection (2) does not limit the matters that may be stated in the water sharing rules.

## 65 Nominal entitlement

- (1) A *nominal entitlement* is the volume of water authorised to be taken during a water year under a water licence.
- (2) However, the volume of water that may be taken during a particular water year is the annual entitlement for the water year.

## 66 Announced entitlement

- (1) If the water sharing rules for a water management area require the chief executive to decide an *announced entitlement*, the chief executive must—
  - (a) decide the announced entitlement for the area before the start of the water year to which the announced entitlement relates; and
  - (b) either—
    - (i) give notice of the announced entitlement to the persons licensed to take water from the area; or
    - (ii) publish the announced entitlement in a newspaper circulating generally in the area.
- (2) An announced entitlement is a percentage of a nominal entitlement.

- (3) In deciding an announced entitlement, the chief executive must consider—
  - (a) the following to the extent appropriate for the area—
    - (i) trends in underground water levels;
    - (ii) long term average sustainable yield;
    - (iii) historical water use;
    - (iv) anticipated water use;
    - (v) water available to supplement water licences in the area;
    - (vi) weather conditions, including weather forecasts; and
  - (b) the water sharing rules for the area.
- (4) If the chief executive varies an announced entitlement during a water year, subsection (1)(b) applies to the varied announced entitlement.

## **67 Annual entitlement**

- (1) If, for a water year, the chief executive has decided an announced entitlement for a water management area, the ***annual entitlement*** for a water licence in the area is calculated by—
  - (a) multiplying the nominal entitlement for the water licence by the announced entitlement; and
  - (b) adjusting the volume for any carry over or forward draw that applies to the licence for the water year.
- (2) If, for a water year, the chief executive has not decided an announced entitlement for a water management area, the annual entitlement for a water licence in the area is the nominal entitlement for the licence adjusted for any carry over or forward draw that applies to the licence for the water year.

## **Part 7                      Metering**

### **Division 1                Preliminary**

#### **68        Purpose of pt 7**

The purpose of this part is to implement a system for the compulsory use of water meters for taking or interfering with water in the State.

#### **69        How purpose is to be achieved**

The purpose is to be achieved by—

- (a) providing for the installation of water meters; and
- (b) declaring certain authorisations to be metered entitlements; and
- (c) applying divisions 3 and 4 to the metered entitlements.

### **Division 2                Meter installation**

#### **70        Metered entitlement notice**

- (1) The chief executive may give a notice (a *metered entitlement notice*) to—
  - (a) the holder of an authorisation; or
  - (b) if there are works on land and no authorisation for taking or interfering with water through the works—the owner of the works.
- (2) The notice must—
  - (a) state the authorisation or works to which the notice relates; and
  - (b) tell the holder or owner about the meter installation process and the metering service charge to which the holder or owner will be subject; and

- (c) require the holder or owner to provide the information for a metering contractor to complete a notice (a *metering information notice*) about existing works on the land.

## **71 Metering information notice**

- (1) The information required by a metering information notice may include the following—
  - (a) if there are existing works—the owner and title details of the land on which the works are situated;
  - (b) the type of existing works, the purpose and size of the works and technical details about the works;
  - (c) whether a meter is installed in relation to the works;
  - (d) if a meter is installed—the type, size and age of the meter.
- (2) The metering information notice may require the information to be verified by statutory declaration.
- (3) The holder or owner must provide the information verbally for recording by the metering contractor on the metering information notice at the time required by the metering contractor.

Maximum penalty for subsection (3)—10 penalty units.

- (4) The chief executive may require the holder or owner to provide further information about the works or meter.
- (5) The holder or owner must provide the information within the time stated in the request.

Maximum penalty for subsection (5)—10 penalty units.

- (6) If there is any change to the works or meter after the metering information notice is completed, the holder or owner must, as soon as practicable after the change, give the chief executive notice of the change.

Maximum penalty for subsection (6)—10 penalty units.

**72 Meter assessment notice**

- (1) After assessing the information given in a metering information notice, the chief executive must give the holder or owner a notice (a *meter assessment notice*).
- (2) The meter assessment notice tells the holder or owner the following—
  - (a) if there is an existing meter, whether the meter—
    - (i) is acceptable; or
    - (ii) needs to be modified and, if so, the extent of the modification; or
    - (iii) needs to be replaced;
  - (b) if the existing meter is acceptable or needs to be modified but not replaced—
    - (i) the holder or owner must, within the time stated in the notice, assign ownership of the meter to the State; or
    - (ii) otherwise—the chief executive may, at a later stage, arrange for a metering contractor to remove the existing meter and install a new meter;
  - (c) the site preparation required;
  - (d) whether the site preparation is to be carried out by the holder or owner or a metering contractor;
  - (e) if the site preparation is to be carried out by the holder or owner—
    - (i) the specifications<sup>13</sup> to be followed in carrying out the preparation; and
    - (ii) the time within which the preparation is to be carried out and the chief executive given notice of its completion;

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13 A copy of specifications mentioned in this part may be inspected on the department's website at <[www.nrm.qld.gov.au](http://www.nrm.qld.gov.au)>.



- (f) if a meter is to be installed—whether it is to be installed by the holder or owner or a metering contractor;
- (g) if the meter is to be installed by the holder or owner—
  - (i) the specifications to be followed in installing the meter; and
  - (ii) the time within which the meter is to be installed and the chief executive given notice of the completion of the installation.

### **73 Site preparation by holder or owner**

- (1) If the meter assessment notice requires the holder or owner to carry out site preparation, the preparation must be carried out—
  - (a) in accordance with the specifications mentioned in the notice; and
  - (b) within the reasonable time stated in the notice.

Maximum penalty for subsection (1)—20 penalty units.

- (2) The holder or owner must, within the reasonable time stated in the meter assessment notice, give the chief executive notice that the site preparation has been completed.

Maximum penalty for subsection (2)—20 penalty units.

### **74 Meter installation by holder or owner**

- (1) If the meter assessment notice requires the holder or owner to install a meter, the installation must be—
  - (a) in accordance with the specifications mentioned in the notice; and
  - (b) within the reasonable time stated in the notice.

Maximum penalty for subsection (1)—20 penalty units.

- (2) The holder or owner must, within the reasonable time stated in the meter assessment notice, give the chief executive notice that the meter has been installed.

Maximum penalty for subsection (2)—10 penalty units.

## Division 3                      Metered entitlements

### 75            Declaration of metered entitlements

- (1) An authorisation mentioned in schedule 15A, column 2, or an authorisation that replaces an authorisation mentioned in column 2, in a part of the State mentioned opposite the authorisation in schedule 15A, column 1, is a *metered entitlement*.
- (2) The number of meters installed in relation to the works through which water may be taken or interfered with under the authorisation is stated in column 3 opposite the authorisation.
- (3) For subsection (1), an authorisation (the *original authorisation*) is replaced by another authorisation (the *second authorisation*) in the following circumstances—
  - (a) the original authorisation expires and the second authorisation is granted in relation to the same land;
  - (b) the original authorisation is amalgamated with another authorisation and the second authorisation is granted in relation to the land to which the original authorisation and other authorisation related;
  - (c) the original authorisation expires and 2 or more second authorisations are granted in relation to the same land;
  - (d) part of the land to which the original authorisation related is disposed of and 1 or more second authorisations are granted in relation to the same land.

### 76            Metering service charge—Act, s 1014

- (1) A charge (a *metering service charge*) is payable to the chief executive by—
  - (a) the holder of a metered entitlement who takes water under the entitlement through works that have an approved meter attached; or

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- (b) if there is no holder of a metered entitlement taking water through the works—the owner of the works.
- (2) The metering service charge consists of—
- (a) a meter use charge for the use of the approved meter by the holder or owner; and
  - (b) a meter operating charge for reading and maintaining the meter.
- (3) The meter use charge—
- (a) is payable for each approved meter—
    - (i) for the period decided by the chief executive; or
    - (ii) if the chief executive does not decide a period—annually; and
  - (b) must not be more than the cost to the department of making the meter available for use by the holder or owner, including an adjustment in favour of a holder or owner—
    - (i) who carried out site preparation; or
    - (ii) who assigned ownership of an existing meter to the State; or
    - (ii) whose existing meter, owned by the State, was not replaced.
- (4) The meter operating charge—
- (a) is payable for each approved meter—
    - (i) for the period decided by the chief executive; or
    - (ii) if the chief executive does not decide a period—annually; and
  - (b) must not be more than the cost to the department of reading and maintaining the meter.
- (5) The metering service charge—
- (a) may be levied by giving notice to the holder or owner; and
  - (b) becomes payable on the day the notice is given; and

- (c) must be paid within 20 business days after the notice is given; and
  - (d) for any part of the charge remaining unpaid after 20 business days—accrues interest at the rate that is 2% above the Suncorp Metway Ltd business banking variable lending base rate.
- (6) A notice given under subsection (5)(a) must state—
- (a) the amount of the charge; and
  - (b) the period for which it is levied; and
  - (c) the time and place for payment; and
  - (d) that any part of the charge remaining unpaid after 20 business days accrues interest; and
  - (e) the interest rate.

## **Division 4                      Miscellaneous**

### **77            Ownership of approved meters**

An approved meter remains the property of the State.

### **78            Meter reading by holder of metered entitlement or owner of works**

- (1) The chief executive may give either of the following persons a notice requiring the person to read an approved meter and give the chief executive notice of the reading—
- (a) the holder of a metered entitlement who takes water under the entitlement through works that have the approved meter attached; or
  - (b) if there is no holder of a metered entitlement taking water through the works—the owner of the works.
- (2) The holder or owner must comply with the notice.
- Maximum penalty—10 penalty units.

**79 Meter reading by chief executive**

The chief executive may arrange for an approved meter to be read—

- (a) on the application by the holder of a metered entitlement who takes water under the entitlement through works that have the meter attached to transfer, seasonally assign or otherwise deal with the entitlement; or
- (b) when the owner of works that have the meter attached gives the chief executive notice the owner has decided to stop using the works; or
- (c) at any other time the chief executive considers necessary.

**80 Metering exit charge—Act, s 1014**

- (1) Subsection (2) applies if the owner of works that have an approved meter attached gives the chief executive notice that the owner has decided to stop using the works.
- (2) On receiving the notice, the chief executive must give the owner notice of the charge (the *metering exit charge*) payable.
- (3) When the chief executive receives the metering exit charge—
  - (a) the chief executive must arrange for the meter to be disabled or removed; and
  - (b) the metering service charge is no longer payable.
- (4) The metering exit charge must not be more than the sum of—
  - (a) the cost to the department of disabling or removing the meter; and
  - (b) a part of the meter use charge decided by the chief executive having regard to the expected life of the meter.

**81 Specifications issued by chief executive**

The chief executive may issue specifications for carrying out site preparation or installing a meter under this part.<sup>14</sup>

**Part 8 Water charges****Division 1 Preliminary****82 Purpose of pt 8**

The purpose of this part is to state the circumstances in which a water charge is payable under the Act, by whom it is payable and the amount that is payable.

**83 Who is liable to pay a water charge**

- (1) If water taken, interfered with or supplied under the Act is managed under a resource operations licence or interim resource operations licence, the holder of the licence is liable to pay the water charge.
- (2) However if, under the licence, the holder supplies water to 1 of the following boards, the board is liable to pay the charge for the water supplied—
  - (a) Mount Isa Water Board;
  - (b) North Burdekin Water Board;
  - (c) South Burdekin Water Board;
  - (d) Townsville–Thuringowa Water Supply Joint Board.
- (3) The holder of each of the following authorities, to the extent the authority is not managed under a resource operations licence or interim resource operations licence, is liable to pay the water charge—

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<sup>14</sup> A copy of specifications issued under this section may be inspected at the department's website at <[www.nrm.qld.gov.au](http://www.nrm.qld.gov.au)>.

- (a) an authority for a local government to take or interfere with water, continued under the Act, section 1037;
  - (b) an authority to take or interfere with water, continued under the Act, section 1037A or 1089.
- (4) For water taken or interfered with under an authority under the Act, other than either of the following, the holder of the authority is liable to pay the water charge—
- (a) a licence mentioned in subsection (1) or an authority mentioned in subsection (3); or
  - (b) an authority supplied or managed under a licence or authority mentioned in paragraph (a).
- (5) Subsection (1) does not apply to water the holder of an interim resource operations licence or resource operations licence is required, under the licence, to—
- (a) supply as other water supply responsibilities; or
  - (b) release for hydro-electricity generation.
- (6) In this section—
- authority under the Act* does not include an authority under section 20 of the Act.

#### **84 Period for which water charges are payable**

A water charge is payable for each period of 12 months (the *charging period* for the water charge) that water is taken, interfered with, supplied or managed under the Act.

### **Division 2 Calculating water charges**

#### **85 How particular water charges are calculated**

- (1) Subject to subsection (2), a water charge mentioned in this division is calculated by—
- (a) deciding a volume, in megalitres, under whichever of sections 87 to 92 applies for the water charge; and
  - (b) multiplying the following amount by the volume—

- (i) for category 1—\$15;
  - (ii) for category 2—\$10;
  - (iii) for category 3—\$4.
- (2) The water charge payable by both the North Burdekin Water Board and the South Burdekin Water Board is—
  - (a) \$18 for each hectare of irrigated land in the board's authority area; and
  - (b) \$15 for each megalitre of water taken, in the board's authority area, by a local government; and
  - (c) \$10 for each megalitre of category 2 taking of water, in the board's authority area, by another entity.

## **86 Categories for water charges**

- (1) The following are the categories used for the calculation of water charges—
  - (a) category 1;
  - (b) category 2;
  - (c) category 3.
- (2) In this section—
  - category 1* means—
    - (a) taking or supplying water for—
      - (i) urban purposes; or
      - (ii) the generation and distribution of electricity and gas, other than hydro-electricity generation; and
    - (b) all taking or interfering with water by a local government other than—
      - (i) Rockhampton City Council for water managed under the Fitzroy Barrage resource operations licence; or
      - (ii) Caloundra–Maroochy Water Supply Board for water managed under the Baroon Pocket Dam interim resource operations licence.



***category 2—***

- (a) means taking or supplying water for industries including mining and petroleum; and
- (b) does not include a category 1 or category 3 taking or supplying of water.

***category 3—***

- (a) means taking or supplying water for—
    - (i) agricultural primary production including for irrigation; or
    - (ii) other minor rural purposes including for domestic supply not connected to a reticulated water service; or
    - (iii) intensive animal production including feedlots and aquaculture; and
  - (b) for SunWater—includes taking water for distribution channel loss.
- (3) If more than 1 category applies to taking, interfering with, supplying or managing water under an authority under the Act mentioned in section 83(4), the category to be used for calculating the water charge for the authority is the category the chief executive decides is the dominant category for the taking, interfering with, supplying or managing.

**87 Volume for s 83(1) and (2)**

- (1) Subsection (2) applies to—
  - (a) the holder of a resource operations licence or interim resource operations licence mentioned in section 83(1); and
  - (b) a board mentioned in section 83(2).
- (2) The volume to be used for calculating the water charge payable by an entity mentioned in subsection (1) is—
  - (a) if a meter is used to measure the volume of water taken or supplied—the volume measured; or

- (b) otherwise—the volume reported to the chief executive by the entity.

**88 Volume for s 83(3) and (4)—metered**

- (1) Subsection (2) applies—
  - (a) for an authority mentioned in section 83(3)—if a meter is used to measure the volume of water taken or interfered with under the authority; and
  - (b) for an authority mentioned in section 83(4), if—
    - (i) a meter is used to measure the volume of water taken or supplied under the authority; and
    - (ii) the authority is for taking or supplying water in a water management area.
- (2) The volume to be used for calculating the water charge for the authority is the volume measured for the authority.

**89 Volume for s 83(3) and (4)—not metered**

Subject to division 3, sections 90 to 92 apply for deciding the volume to be used for calculating the water charge payable for an authority mentioned in section 83(3) or (4) other than to the extent section 88 applies to the authority (a *non-metered authority*).

**90 Volume for s 83(3) and (4)—reported volume**

If the holder of a non-metered authority is required, under a notice under section 36 of the Act, to report to the chief executive the volume taken under the authority, the volume to be used for calculating the water charge for the authority is the volume reported for the current year.

**91 Volume for s 83(3) and (4)—stated volume**

- (1) This section applies to a non-metered authority to which section 90 does not apply.

- (2) If a volumetric limit is stated on a non-metered authority that is a water allocation, the volume to be used for calculating the water charge for the authority is 50% of the volumetric limit.
- (3) If a nominal entitlement is stated on a non-metered authority that is a water licence, the volume to be used for calculating the water charge for the authority is 50% of the nominal entitlement.

## **92 Volume for s 83(3) and (4)—stated area**

- (1) This section applies to a non-metered authority to which sections 90 and 91 do not apply.
- (2) If the non-metered authority states an area that may be irrigated under the authority, the volume to be used for calculating the water charge for the authority is 4.5ML multiplied by the number that is 50% of the area, in hectares.

## **93 Minimum charge**

- (1) Subsection (2) applies if the volume to be used for calculating the water charge, for an authority under the Act mentioned in section 83(4) for a category 2 or category 3 taking of water, is decided under any of sections 88 to 92.
- (2) If the water charge calculated using the volume would be less than \$100, the water charge is \$100.
- (3) Despite subsection (2), no charge is payable in any charging period for an authority for a category 3 taking of water for irrigation if the chief executive is satisfied that no water was available to be taken under the authority during all of the period.
- (4) Subsection (3) does not apply to an authority to take groundwater (either artesian or subartesian water) in the Great Artesian Basin.

### **Division 3                      Miscellaneous water charges**

#### **94            Water charge if rate or pump or pipe diameter stated**

- (1) This section applies to a non-metered authority, for a category 3 taking or interfering with water, that—
  - (a) states the rate at which water may be taken under the authority; or
  - (b) does not state a rate but a related development permit states the pump or pipe diameter; or
  - (c) is linked with a gravity diversion channel.
- (2) The water charge for an authority, rate, or pump or pipe diameter mentioned in schedule 14A, columns 1, 2 or 3 is the charge mentioned opposite in column 4.
- (3) If both of the following apply to an authority, the rate is to be used to calculate the charge—
  - (a) the rate at which water may be taken is stated on the authority;
  - (b) a related development permit states the pump or pipe diameter.

#### **95            Water charges for other non-metered authorities**

- (1) The water charge for a non-metered authority to which sections 89 to 94 do not apply is—
  - (a) for a category 2 taking of water under the authority—\$500; or
  - (b) for a category 3 taking of water under the authority—\$100.
- (2) However, no charge is payable in any charging period for a non-metered authority for a category 3 taking of water for irrigation if the chief executive is satisfied that no water was available to be taken under the authority during all of the period.

- (3) Subsection (2) does not apply to a non-metered authority to take groundwater (either artesian or subartesian water) in the Great Artesian Basin.

## **96 Water charges for other authorities**

- (1) The following are the water charges for authorities under the Act to take or interfere with water, to which sections 87 to 95 do not apply—
- (a) a water licence to take water for stock or domestic purposes—\$100;
  - (b) a water licence to interfere with water that is not a licence to take water for consumptive purposes—\$100;
  - (c) a water licence to take or interfere with water for hydro-electricity generation that is not a licence to take water for consumptive purposes—\$100;
  - (d) a water licence to take overland flow water—\$100;
  - (e) a water licence to take re-lift water—\$100.
- (2) The charge mentioned in subsection (1)(a) is not payable in any charging period if all the bores through which water may be taken under the licence are dry for all of the period.
- (3) Subsection (4) applies if—
- (a) water is—
    - (i) taken from a watercourse or lake under an authorisation under the Act; and
    - (ii) discharged into, another watercourse or lake; and
  - (b) water is taken—
    - (i) from the other watercourse or lake at the place where water was discharged; or
    - (ii) if water was discharged into the storage area, at full supply level, of a dam or weir on the other watercourse or lake—from any part of the storage area of the other watercourse or lake.
- (4) The water taken from the other watercourse or lake is re-lift water.

(5) In subsection (2)—

*bore through which water may be taken under a water licence*, means—

- (a) if a development permit is required for the bore for taking water under the licence—a bore for which a development permit is held; and
- (b) if compliance with an applicable code is required for the bore for taking water under the licence—a bore for which the applicable code has been complied with.

*dry*, for a bore, means the water level in the aquifer beneath the bore is reduced to a level that the bore can not tap the water.

## **Division 4                      Rebates and concessions**

### **97            Drought rebate**

- (1) Despite divisions 2 and 3, the water charge for a non-metered authority for a category 3 taking of water is \$100 in any charging period if the chief executive is satisfied that the land to which the authority applies is, for all of the period—
  - (a) an individually droughted property; or
  - (b) if the land is in a local government area that is all, or in part, drought declared—in the part of the local government area that is drought declared; or
  - (c) in an area declared by the Commonwealth to be an exceptional circumstances area.
- (2) However, no charge is payable in any charging period for a non-metered authority for a category 3 taking of water for irrigation if the chief executive is satisfied that no water was available to be taken under the authority during all of the period.
- (3) This section does not apply to a non-metered authority to take groundwater (either artesian or subartesian water) in the Great Artesian Basin.

**98 Pensioner concession**

Despite section 96(1)(a), the water charge for a licence to take water for stock or domestic purposes is reduced by 40% if all the holders of the licence hold—

- (a) a pensioner concession card issued by Centrelink or the Department of Veterans' Affairs (Cwth); or
- (b) a gold card issued by the Department of Veterans' Affairs (Cwth).

**Part 9 Transitional provisions****Division 1 Transitional provisions for water bore drillers****99 Qualifications or experience for water bore driller's licences—Act, s 299**

- (1) This section applies to an applicant for a water bore driller's licence if the applicant, until 1 year after the commencement of the Act, section 1048A(12), carried out drilling activities for a subartesian bore in an area that was not a declared subartesian area under the repealed Act immediately before the commencement.
- (2) For sections 20(2)(b) and 21(2)(b), an applicant who was employed in the operation of a drilling machine is taken to have been employed under the direct supervision of a licensed water bore driller.
- (3) For section 21(2)(b), an applicant who drilled bores is taken to have drilled the bores under the direct supervision of the holder of a class 2 water bore driller's licence.
- (4) For section 21(2)(b), an applicant who was employed as a driller is taken to have held a class 1 water bore driller's licence.

**100 Period for which licence has effect—Act, s 302**

- (1) Despite section 23(1)(d), a licence given on the granting of the following applications has effect for only 1 year—
  - (a) an application taken, under the Act, section 1048(2)(m), to be an application for a water bore driller's licence;
  - (b) an application to renew a water bore driller's licence that would otherwise expire before 1 June 2003.
- (2) The fee for an application mentioned in subsection (1)(b) is \$65.

**101 Conditions of class 1 water bore driller's licence—Act, s 302**

A class 1 water bore driller's licence in existence immediately before the commencement of this section is taken—

- (a) to include the condition mentioned in section 23(1)(d); and
- (b) not to include the limitation mentioned in section 18(2) immediately before the commencement of this section.

**Division 2 Transitional provision for allocation and sustainable management****102 Declared subartesian areas—Act, s 1046**

- (1) Each area mentioned in schedule 11, column 1 is declared to be a subartesian area and given the name mentioned for the area.
- (2) A water entitlement is required to take or interfere with subartesian water in a subartesian area, other than for a purpose mentioned in column 2 for the area.
- (3) Works for taking subartesian water in a subartesian area, other than solely for a purpose mentioned in column 3 for the area, are assessable development under the *Integrated Planning Act 1997*.



### **Division 3                      Transitional provision for failure impact assessing of dams**

#### **103      Failure impact rating—Act, ss 1067 and 1068**

- (1) Until the Act, s 1067(8) applies, each dam described in schedule 12, part 1, column 1, is prescribed for the Act, section 1067(4), and has the category of failure impact rating shown for the dam in column 3.
- (2) Until the Act, s 1068(5) applies, each dam described in schedule 12, part 2, column 1, is prescribed for the Act, section 1068(1)(b), and has the category of failure impact rating shown for the dam in column 3.
- (3) A dam described in schedule 12, part 2, has the licence mentioned.

### **Division 4                      Transitional provision for former water areas**

#### **104      Continuing former water areas—Act, s 1083**

- (1) This section applies only to former water areas—
  - (a) taken, under the Act, section 1083(2), to be authority areas established under this Act; and
  - (b) for which no water board was in existence immediately before the commencement of the Act, section 1083.
- (2) A former water area mentioned in schedule 13, column 1, is shown on the plan mentioned opposite the area in column 2.
- (3) The chief executive's appointment to perform the functions of a water authority for the areas continues.

## **Division 5                      Miscellaneous transitional provisions**

### **105      Continuing areas as water management areas**

- (1) The following areas, established under the repealed Act and in existence immediately before the commencement of section 56, continue in existence and are taken to be water management areas declared under section 56—
  - (a) groundwater areas;
  - (b) irrigation projects;
  - (c) subartesian areas.
- (2) For section 56(6), the chief executive is taken to have—
  - (a) given notice to the persons licensed to take water from the areas; or
  - (b) published a notice in a newspaper circulating generally in the areas.

### **106      Water charges**

The water charges payable under the repealed *Water Resources (Rates and Charges) Regulation 1992*, for a water management area, continue to apply until the end of the current water year for the area.<sup>15</sup>

### **107      Application for approval to transfer interim water allocation**

An application under section 9, made before the commencement of this section, must be dealt with under sections 9 to 13 as in force immediately before the commencement of this section.

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<sup>15</sup> See section 58 (Charges for water allocated, supplied or taken—Act, s 1014).

**108 When changes to particular water charges have effect**

- (1) This section applies to the amendment of schedule 14, entry for Fitzroy River Barrage water management area, column 3, commencing on the commencement of this section.
- (2) The minimum charge does not apply for the water year ending on 30 June 2004.
- (3) The omission of the charges for water from the Fitzroy River has effect on and from the commencement of this section.
- (4) This section applies despite section 58(2).

**109 When conditions of supply contract do not apply—Act, s 1117A(2)**

Any condition about payment for the storage and supply of water, in the supply contract between SunWater and the Murgon Shire Council under which interim water allocation 102944 held by the Council is managed, does not apply.

**Division 6 Transitional provisions for Water Amendment Regulation (No. 1) 2005****110 Water licences mentioned in s 60A**

A water licence mentioned in section 60A as in force immediately before the commencement of this section is a metered entitlement to which part 7 applies.

**111 Effect of change to date water year ends**

- (1) Because of the amendment of schedule 14, entry for Bowen groundwater management area, column 2, commencing on 1 April 2005—
  - (a) the minimum charge mentioned in column 3 for the area applies for the period from 1 January 2005 until 31 March 2006; and
  - (b) the announced entitlement for the area, published in the Bowen Independent on 22 December 2004, applies for the period from 1 January 2005 until 31 March 2006.

- (2) Subsection (1)(b) does not affect the chief executive's ability to vary the announced entitlement during the period mentioned.

## **Division 7                      Transitional provisions for Water and Other Legislation Amendment Regulation (No. 1) 2005**

### **Subdivision 1              Water charges**

#### **112      Application of new water charges**

- (1) Despite the commencement of part 8, inserted by the *Water and Other Legislation Amendment Regulation (No. 1) 2005*, the water charges mentioned in part 8 do not apply, until 1 July 2006, to an authority to take or interfere with water, to the extent the authority relates to water taken by or supplied to a local government.
- (2) Despite the commencement of section 96(1)(a), the following are the water charges payable under section 96(1)(a) for the periods stated—
- (a) for the period of 12 months commencing on 1 January 2006—\$52.85;
  - (b) for the period of 12 months commencing on 1 January 2007—\$76.43.
- (3) Until chapter 3, part 2, division 2A of the Act commences, section 83(3)(b) does not apply to the authority held by SEQ Water, mentioned in section 1037A(5) of the Act, to the extent SEQ Water makes water available under the authority to—
- (a) the holders of authorities mentioned in section 387B(a) or (b) of the Act; or
  - (b) the holders of water entitlements granted under the Act, to take water from the impoundments of Wivenhoe, Somerset or North Pine Dams or the section of the Brisbane River between Wivenhoe Dam and Mt Crosby Weir, who do not have a supply contract with SEQ Water.

- (4) Until chapter 3, part 2, division 2A of the Act commences—
- (a) section 83(4)(b) does not apply to the holders of authorities supplied or managed under the authority held by SEQ Water, mentioned in section 1037A(5) of the Act, to the extent the SEQ Water makes water available to the holders under its authority; and
  - (b) the holders are liable to pay the water charge.

## **Subdivision 2      Granting particular interim water allocations**

### **113      Purpose of sdiv 2**

This subdivision states a process for the Act, section 1014(2)(ga)(ii).

### **114      Application of sdiv 2**

This subdivision applies to an owner of land who, in relation to the land—

- (a) on the commencement of this section, holds a water licence to take groundwater in the Monto Mulgildie Underground Water Area described in the interim resource operations licence for Three Moon Creek Water Supply Scheme; and
- (b) either—
  - (i) signed an agreement, the ‘Three Moon Creek Irrigation Project, The Agreement for the Monto/Mulgildie Salinity Area’; or
  - (ii) is the successor in title to the person who signed the agreement.

### **115      Application for interim water allocation**

- (1) The owner may apply to the chief executive for an interim water allocation to take either—

- (a) a volume of surface water equal to 50% of the volume of water authorised to be taken under the licence; or
  - (b) a volume of groundwater equal to the volume of water authorised to be taken under the licence.
- (2) Subsection (1)(a) does not apply to an owner who has already been granted an interim water allocation for surface water under the agreement mentioned in section 114(b)(i).
- (3) The application must be—
- (a) in the approved form; and
  - (b) made within 60 business days after the commencement of this section; and
  - (c) include sufficient information to satisfy the chief executive that—
    - (i) for an application for an interim water allocation to take groundwater—the proposed point of taking the water is on the applicant's land; or
    - (ii) for an application for an interim water allocation to take surface water—the applicant has access to take the water.
- (4) If the proposed point of taking surface water is not on the applicant's land, the applicant may satisfy the chief executive that the applicant has access by complying with section 206(3)(b) of the Act in relation to any intervening land.

**116 Application for interim water allocation to take surface water**

- (1) An application for an interim water allocation to take surface water must include either—
- (a) evidence of a supply contract between the applicant and the holder of the interim resource operations licence mentioned in section 114(a); or
  - (b) agreement in writing from the holder that the holder will enter into a supply contract with the applicant if the interim water allocation is granted.

- (2) The applicant must provide any other information reasonably required by the chief executive to decide the application.
- (3) Within 30 business days after deciding the application, the chief executive must give the applicant—
  - (a) if the chief executive has decided to grant the application—an interim water allocation; or
  - (b) if the chief executive has decided to refuse to grant the application—an information notice.

### **117 Application for interim water allocation to take groundwater**

- (1) Within 2 years after an application for an interim water allocation to take groundwater is made, the applicant must—
  - (a) carry out investigations of both the quality and quantity of the groundwater; and
  - (b) give the chief executive the information, required by the approved form, about the results of the investigations.
- (2) The applicant must provide any other information reasonably required by the chief executive to decide the application.
- (3) The chief executive may give the applicant a notice extending the time for satisfying subsection (1) if the chief executive is satisfied it would be reasonable in all the circumstances to give the extension.

### **118 Deciding application for groundwater**

- (1) The chief executive must grant the application for an interim water allocation to take groundwater if both of the following criteria are satisfied—
  - (a) the investigation of the quality of the groundwater reveals a groundwater conductivity reading of less than 3000 micro-siemens a centimetre (*criteria A*);
  - (b) the investigation of the quantity of the groundwater reveals the applicant has access to take a volume equal to the volume authorised to be taken under the water licence (*criteria B*).

- (2) If criteria A is not satisfied, the chief executive must give the applicant a notice requiring the applicant to—
  - (a) choose whether to—
    - (i) change the application to an application for an interim water allocation to take surface water; or
    - (ii) discontinue the application; and
  - (b) advise the chief executive, within the reasonable time stated in the notice, of the applicant's choice.
- (3) However, if the applicant is an owner mentioned in section 115(2), the notice must require the applicant to discontinue the application.
- (4) If criteria A is satisfied but criteria B is not satisfied, the chief executive must give the applicant a notice requiring the applicant to—
  - (a) choose whether to—
    - (i) change the application to an application for an interim water allocation to take surface water; or
    - (ii) change the application to an application for an interim water allocation to take a combination of groundwater and surface water; or
    - (iii) discontinue the application; and
  - (b) advise the chief executive, within the reasonable time stated in the notice, of the applicant's choice.
- (5) However, if the applicant is an owner mentioned in section 115(2), the notice must require the applicant to choose whether to—
  - (a) change the application to an application for an interim water allocation to take a combination of groundwater and surface water; or
  - (b) discontinue the application.
- (6) If the applicant chooses to change the application to an application to take a combination of groundwater and surface water, the chief executive must decide, for the interim water allocation—
  - (a) the volume of groundwater; and



- (b) the volume of surface water, which must be 50% of the difference between—
  - (i) the volume decided under paragraph (a); and
  - (ii) the volume authorised to be taken under the water licence.

*Example—*

If the applicant is authorised to take 100ML under the water licence and the chief executive decides a volume of 60ML of groundwater for the interim water allocation, the volume of surface water for the interim water allocation would be 50% of the difference between 100ML and 60ML, ie the volume would be 20ML.

- (7) If the chief executive is satisfied the application should be granted, the chief executive must grant the application.
- (8) However, the chief executive must not grant the application until the applicant gives the chief executive either—
  - (a) evidence of a supply contract between the applicant and the holder of the interim resource operations licence mentioned in section 114(a); or
  - (b) agreement in writing from the holder that the holder will enter into a supply contract with the applicant if the interim water allocation is granted.
- (9) Within 30 business days after deciding the application, the chief executive must give the applicant—
  - (a) if the chief executive has decided to grant the application—an interim water allocation; or
  - (b) if the chief executive has decided to refuse to grant the application—an information notice.
- (10) If an interim water allocation is granted to an owner mentioned in section 115(2), the interim water allocation amends the interim water allocation for surface water granted under the agreement.

## **119 When interim water allocation takes effect**

An interim water allocation granted under this subdivision takes effect, and attaches to the land to which the water

licence attaches, from the day the applicant is given the interim water allocation.

## **120 Amending interim resource operations licence**

- (1) The chief executive may, without chapter 2, part 5, division 2, subdivision 5 of the Act applying, amend the interim resource operations licence mentioned in section 114(a)—
  - (a) to the extent necessary because of the grant of an interim water allocation under this subdivision; or
  - (b) for consistency with matters dealt with under this subdivision.
- (2) If the chief executive amends the interim resource operations licence under subsection (1), the chief executive must give the interim resource operations licence holder an amended licence in the approved form.

---

**Schedule 1      Persons nominated for the Act,  
section 168**

section 6

| <b>Column 1</b>                       | <b>Column 2</b>   |
|---------------------------------------|---|
| <b>Person nominated</b>               | <b>Water infrastructure operated or water managed</b>                     |
| Caloundra–Maroochy Water Supply Board | Baroon Pocket Dam<br>Obi Obi Creek  |
| Gold Coast City Council               | Hinze Dam Stage 2, Nerang River<br>Little Nerang Dam, Little Nerang Creek |
| Hervey Bay City Council               | Lenthalls Dam<br>Weirs 1 and 2 on Burrum River                            |

**Schedule 2      Entities—Act, sections 190,  
193, 206 and 213**

sections 7 and 14

- 1 The holder, or for joint holders, 1 of the holders, nominated by the joint holders, of a mineral development licence or mining lease under the *Mineral Resources Act 1989*
- 2 Hampton Irrigators Pty Ltd ACN 064 888 633
- 3 Laroboe Pty Ltd ACN 011 058 763
- 4 Revaw Pty Ltd ACN 052 096 401
- 5 Hinchley Bore Pty Ltd ACN 105 498 628
- 6 Nuhrunda Park Co-operative Society Ltd ABN 28 992 741 260
- 7 Minmore Road Water Group Ltd ACN 108 178 936
- 8 Westaroy Progress Association Inc IA 15321
- 9 Walker Pastoral and Agency Company Pty Ltd ACN 001 099 261
- 10 Body Corporate for Coolibah Community Titles Scheme CMS 28706
- 11 Body Corporate for Acacias Community Titles Scheme CMS 30332

## Schedule 3      Transferring interim water allocations

section 8

| Column 1                 | Column 2  | Column 3  |
|--------------------------|---|---|
| Water supply scheme      | Purposes  | Conditions  |
| 1    Mareeba<br>Dimbulah | <ul style="list-style-type: none"> <li>• domestic purposes</li> <li>• stock purposes</li> <li>• primary production</li> </ul> | —   |
| 2    Mary<br>River       | <ul style="list-style-type: none"> <li>• domestic purposes</li> <li>• stock purposes</li> <li>• primary production</li> </ul> | <p>the allocation is to take water, and the transfer results in water being taken, only in the following parts of the area, described on pages 19–20 of the interim resource operations licence for the area—</p> <ul style="list-style-type: none"> <li>(a) Mary River—Mary Barrage section;</li> <li>(b) Tinana Creek—Teddington Weir storage;</li> <li>(c) Tinana Creek—Tinana Barrage storage.</li> </ul> |

## Schedule 4 Seasonal water assignments

section 15

| <b>Column 1</b>                            | <b>Column 2</b>   | <b>Column 3</b>  |
|--|---|--|
| <b>Water management area</b>               | <b>Type of water licence</b>  | <b>Seasonal water assignment rules</b>                                     |
| Border Rivers groundwater management area  | water licence to take groundwater   | Border Rivers groundwater management area seasonal water assignment rules  |
| Bundaberg groundwater management area      | water licence to take groundwater   | Bundaberg groundwater management area seasonal water assignment rules      |
| Callide Valley groundwater management area | water licence to take groundwater   | Callide Valley groundwater management area seasonal water assignment rules |
| Condamine groundwater management area      | water licence to take groundwater   | Condamine groundwater management area seasonal water assignment rules      |
| Dumaresq River water management area       | water licence to take supplemented water from a watercourse flowing from Glenlyon Dam | Dumaresq River water management area seasonal water assignment rules       |

## Schedule 4 (continued)

| <b>Column 1</b>                                 | <b>Column 2</b>   | <b>Column 3</b>   |
|---|---|---|
| <b>Water management area</b>                    | <b>Type of water licence</b>  | <b>Seasonal water assignment rules</b>  |
| Eastern Downs groundwater management area       | water licence to take groundwater                                     | Eastern Downs groundwater management area seasonal water assignment rules       |
| Fitzroy River Barrage water management area     | water licence to take surface water supplemented from Fitzroy Barrage | Fitzroy River Barrage water management area seasonal water assignment rules     |
| Oakey Creek groundwater management area         | water licence to take groundwater                                     | Oakey Creek groundwater management area seasonal water assignment rules         |
| Pioneer groundwater management area             | water licence to take groundwater                                     | Pioneer groundwater management area seasonal water assignment rules             |
| Upper Hodgson Creek groundwater management area | water licence to take groundwater                                     | Upper Hodgson Creek groundwater management area seasonal water assignment rules |

## Schedule 5      Catchment areas

section 16

| <b>Column 1</b>                    | <b>Column 2</b> |
|------------------------------------|-----------------|
| <b>Catchment area</b>              | <b>Plan</b>     |
| Atkinson Dam catchment area        | AP10024         |
| Bill Gunn Dam catchment area       | AP10006         |
| Bjelke-Petersen Dam catchment area | AP10007         |
| Burdekin Falls Dam catchment area  | AP10008         |
| Burnett Barrage catchment area     | AP10009         |
| Callide Dam catchment area         | AP10010         |
| Cedar Pocket Dam catchment area    | AP10011         |
| Coolmunda Dam catchment area       | AP10012         |
| Eungella Dam catchment area        | AP10013         |
| Fairbairn Dam catchment area       | AP10014         |
| Fred Haigh Dam catchment area      | AP10025         |
| Glenlyon Dam catchment area        | AP10015         |
| Kinchant Dam catchment area        | AP10016         |
| Kolan Barrage catchment area       | AP10017         |
| Leslie Dam catchment area          | AP10018         |
| Maroon Dam catchment area          | AP10019         |
| Moogerah Dam catchment area        | AP10020         |



## Schedule 5 (continued)

| <b>Column 1</b>                  | <b>Column 2</b> |
|----------------------------------|-----------------|
| <b>Catchment area</b>            | <b>Plan</b>     |
| Peter Faust Dam catchment area   | AP10021         |
| Tinaroo Falls Dam catchment area | AP10023         |
| Wivenhoe Dam catchment area      | AP10022         |

## Schedule 6 Water authorities

section 31

| <b>Column 1</b>                | <b>Column 2</b> |
|--------------------------------|-----------------|
| <b>Water authority</b>         | <b>Plan</b>     |
| Avondale Water Board           | AP4014          |
| Babinda Swamp Drainage Board   | AP4045          |
| Benleith Water Board           | AP4015          |
| Bollon South Water Authority   | AP6513          |
| Bollon West Water Authority    | AP7351          |
| Bones Knob Water Board         | AP4016          |
| Boondooma Water Board          | AP4017          |
| Brigooda Water Board           | AP4018          |
| Callandoon Water Supply Board  | AP4019          |
| Condamine Plains Water Board   | AP6940          |
| Coreen Water Board             | AP7347          |
| Cowley Drainage Board          | AP4046          |
| Crowley Vale Water Board       | AP4022          |
| Dundowran–Nikenbah Water Board | AP7348          |
| East Deeral Drainage Board     | AP4047          |
| East Euramo Drainage Board     | AP4048          |
| Eugun Bore Water Authority     | AP7343          |
| Fernlee Water Authority        | AP6941          |
| Gladstone Area Water Board     | —               |

## Schedule 6 (continued)

| <b>Column 1</b>                          | <b>Column 2</b> |
|--|-----------------|
| <b>Water authority</b>                   | <b>Plan</b>     |
| Glamorgan Vale Water Board               | AP4063          |
| Grevillea Water Board                    | AP4025          |
| Ingie Water Authority                    | AP7350          |
| Juandah Water Board                      | AP4026          |
| Kaywana Bore Water Board                 | AP13400         |
| Kelsey Creek Water Board                 | AP4028          |
| Kooingal Water Board                     | AP4029          |
| Lower Herbert Water Management Authority | AP4064          |
| Marathon Bore Water Supply Board         | AP4030          |
| Matthews Road Drainage Board             | AP4052          |
| Merlwood Water Board                     | AP7342          |
| Middle Park Bore Water Supply Board      | AP4032          |
| Mount Isa Water Board                    | AP7346          |
| Mourilyan Drainage Board                 | AP4053          |
| Mulgildie Water Board                    | AP13396         |
| Myall Plains Water Authority             | AP13401         |
| North Burdekin Water Board               | AP7349          |
| Oaky Creek Water Board                   | AP4035          |
| Orchard Creek Drainage Board             | AP4054          |
| Palmgrove Water Board                    | AP4036          |
| Pioneer Valley Water Board               | AP7345          |

## Schedule 6 (continued)

| <b>Column 1</b>                                 | <b>Column 2</b> |
|---|-----------------|
| <b>Water authority</b>                          | <b>Plan</b>     |
| Riversdale–Murray Valley Water Management Board | AP4056          |
| Roadvale Water Board                            | AP4038          |
| Silkwood Drainage Board                         | AP4057          |
| Six Mile Creek Water Supply Board               | AP4039          |
| Smithfield Drainage Board                       | AP4058          |
| South Burdekin Water Board                      | AP6512          |
| South Maroochy Drainage Board                   | AP4059          |
| Stagnant Creek Drainage Board                   | AP4060          |
| Taberna Bore Water Board                        | AP4041          |
| Wanda Creek Drainage Board                      | AP4061          |
| Warrubullen Drainage Board                      | AP4062          |
| Washpool Water Board                            | AP4042          |
| Woodmillar Water Board                          | AP4043          |
| Yambocully Water Board                          | AP4044          |

## Schedule 7      Drainage rates

section 53

| Drainage area                                 | Drainage rate   |
|---|---|
| Burdekin River drainage area, shown on AP4064 | \$18.20 for each hectare of land  |
| Dawson Valley drainage area, shown on AP4145  | \$18.25 for each hectare of land  |
| Emerald drainage area, shown on AP4146        | \$18.25 for each hectare of irrigable land<br>\$4.58 for each hectare of non-irrigable land |
| St George drainage area, shown on AP4150      | \$18.25 for each hectare of irrigable land  |

## Schedule 8 Downstream and upstream limits

section 54

### Part 1 Downstream limits

| Column 1         | Column 2  | Column 3           |
|------------------|---|--------------------|
| Watercourse      | Feature or boundary   | Plan               |
| Baffle Creek     | Point where a line from the southwestern corner of lot 109 on plan FD838 (north of Hills Road) to the southern corner of lot 26 on plan FD1043 intersects Baffle Creek  | BUN/DDL-1A (map A) |
| Blackwater Creek | Upstream face of the weir adjacent to lot 1 on RP619114 at UTM coordinates 396246E and 7299533N GDA94   | AP13367            |
| Bottle Creek     | Point where a line from the upstream (southern) boundary of the road reserve separating lot 6 on plan FD184 and lot 102 on plan FL40309 to the upstream (southern) boundary of the road reserve separating lot 218 on plan FD217 and lot 93 on plan FL40228 (Mollenhagens Road) intersects Bottle Creek | BUN/DDL-1B (map B) |
| Deepwater Creek  | Upstream face of the weir adjacent to lot 6 on RP617487 at UTM coordinates 395551E and 7303495N GDA94   | AP13366            |

## Schedule 8 (continued)

| <b>Column 1</b>    | <b>Column 2</b>   | <b>Column 3</b>        |
|--------------------|---|------------------------|
| <b>Watercourse</b> | <b>Feature or boundary</b>  | <b>Plan</b>            |
| Landsborough Creek | Point where a line extended as a westerly projection of the northern boundary of lot 1034 on SP110940 intersects Landsborough Creek at UTM coordinates 406700E and 7273031N GDA94 | AP13381                |
| Littabella Creek   | Upstream side of the natural rock bar adjacent to lot 51 on FD536 at UTM coordinates 409979E and 7269683N GDA94   | AP13379                |
| Mullet Creek       | Upstream side of the railway bridge adjacent to lot 2 on RP603970 at UTM coordinates 404799E and 7272712N GDA94   | AP13380                |
| Murrays Creek      | Point where a line extended as an easterly projection of the northern boundary of lot 64 on plan FL40227 intersects Murrays Creek   | BUN/DDDL-1A<br>(map A) |
| Oyster Creek       | Point where a line extended as a westerly projection of the common boundary between lot 1 on plan FD462 and lot 46 on plan FD462 intersects Oyster Creek                          | BUN/DDDL-1C<br>(map C) |

## Schedule 8 (continued)

| <b>Column 1</b>                  | <b>Column 2</b>  | <b>Column 3</b>    |
|----------------------------------|--|--------------------|
| <b>Watercourse</b>               | <b>Feature or boundary</b>   | <b>Plan</b>        |
| Rothman Creek                    | Point where the downstream (eastern) boundary of the road reserve (Neils Road) separating lot 1 on RP616801 and lot 5 on RP617112 intersects Rothman Creek | BUN/DDL-1B (map B) |
| Sandy Creek                      | Upstream face of the weir remains adjacent to lot 8 on FD24 at UTM coordinates 355236E and 7327952N GDA94  | AP13370            |
| Scrubby Creek                    | Upstream face of the concrete deck of the bridge across Scrubby Creek on Turkey Beach Road at UTM coordinates 352940E and 7328643N GDA94                   | AP13368            |
| Twelve Mile Creek                | Point where a line extended as a northerly projection of the common boundary between lot 20 on FD72 and lot 5 on SP113120 intersects Twelve Mile Creek     | AP13371            |
| Unnamed tributary of Sandy Creek | Point 100m upstream of the confluence of the tributary with Sandy Creek on lot 8 on FD24 at UTM coordinates 355208E and 7327795N GDA94                     | AP13370            |
| Walsh Creek                      | Upstream face of the weir adjacent to lot 2 on RP851659 at UTM coordinates 404502E and 7274301N GDA94  | AP13369            |



## Schedule 8 (continued)

| <b>Column 1</b>    | <b>Column 2</b>  | <b>Column 3</b> |
|--------------------|--|-----------------|
| <b>Watercourse</b> | <b>Feature or boundary</b>   | <b>Plan</b>     |
| Worthington Creek  | Point adjacent to lot 28 on SP105082 at UTM coordinates 368328E and 7328550N GDA94 | AP13372         |

**Part 2 Upstream limits**

| <b>Column 1</b>    | <b>Column 2</b>  | <b>Column 3</b> |
|--------------------|--|-----------------|
| <b>Watercourse</b> | <b>Feature or boundary</b>   | <b>Plan</b>     |
| Black Gully        | Confluence of Black Gully with Meandu Creek on lot 1 on SP138386                         | AP13351         |
| Dunn Creek         | Upstream ponded limit of Magazine Dam at coordinates of 259447 and 7308067 GDA94 Zone 56 | 700164A4        |

**Schedule 9      Drainage and embankment  
areas**

section 61

| <b>Column 1</b>                                      | <b>Column 2</b> |
|--|-----------------|
| <b>Area</b>  | <b>Plan</b>     |
| Haughton River Drainage and Embankment Area          | FN/DED/HA1      |
| Major Creek Drainage and Embankment Area             | FN/DED/MA1      |
| Tully and Murray Rivers Drainage and Embankment Area | FN/DED/TM1      |

## Schedule 10 Water sharing rules

section 64

| <b>Column 1</b>                                     | <b>Column 2</b>   |
|---|---|
| <b>Water management area</b>                        | <b>Water sharing rules</b>  |
| Border Rivers groundwater management area           | Border Rivers groundwater management area water sharing rules           |
| Bowen groundwater management area                   | Bowen groundwater management area water sharing rules                   |
| Bundaberg groundwater management area               | Bundaberg groundwater management area water sharing rules               |
| Burdekin groundwater management area                | Burdekin groundwater management area water sharing rules                |
| Callide Valley groundwater management area          | Callide Valley groundwater management area water sharing rules          |
| Central Lockyer groundwater management area         | Central Lockyer groundwater management area water sharing rules         |
| Condamine groundwater management area               | Condamine groundwater management area water sharing rules               |
| Dumaresq water management area                      | Dumaresq water management area water sharing rules                      |
| Fitzroy River Barrage water management area         | Fitzroy River Barrage water management area water sharing rules         |
| Great Artesian Basin groundwater management area    | Great Artesian Basin groundwater management area water sharing rules    |
| North Stradbroke Island groundwater management area | North Stradbroke Island groundwater management area water sharing rules |
| Oakey Creek groundwater management area             | Oakey Creek groundwater management area water sharing rules             |

## Schedule 10 (continued)

| <b>Column 1</b>                                 | <b>Column 2</b>   |
|---|---|
| <b>Water management area</b>                    | <b>Water sharing rules</b>  |
| Pioneer groundwater management area             | Pioneer groundwater management area water sharing rules             |
| Upper Hodgson Creek groundwater management area | Upper Hodgson Creek groundwater management area water sharing rules |

## Schedule 11 Subartesian areas

section 102

| Column 1  | Column 2                       | Column 3                   |
|---|--------------------------------|----------------------------|
| Area and plan                                     | Water entitlement not required | Works not assessable       |
| Bluewater subartesian area on plan AP10053        | —                              | —                          |
| Bowen subartesian area on plan AP10055            | stock or domestic purposes     | stock or domestic purposes |
| Bundaberg subartesian area on plan AP10062        | —                              | —                          |
| Burdekin subartesian area on plan AP10054         | stock or domestic purposes     | stock or domestic purposes |
| Cairns Coast subartesian area on plan AP12070     | stock or domestic purposes     | stock or domestic purposes |
| Callide subartesian area on plan AP10059          | domestic purposes              | stock or domestic purposes |
| Cattle Creek subartesian area on plan AP10060     | domestic purposes              | domestic purposes          |
| Clarendon subartesian area on plan AP10066        | stock or domestic purposes     | stock or domestic purposes |
| Cook subartesian area on plan AP10049             | stock or domestic purposes     | stock or domestic purposes |
| Cressbrook Creek subartesian area on plan AP10064 | stock or domestic purposes     | stock or domestic purposes |

## Schedule 11 (continued)

| <b>Column 1</b>  | <b>Column 2</b>  | <b>Column 3</b>             |
|--|--|-----------------------------|
| <b>Area and plan</b>   | <b>Water entitlement not required</b>  | <b>Works not assessable</b> |
| Duck Farm subartesian area on plan AP10049                           | —  | —                           |
| Eastern Downs subartesian area on plan AP12072 sheets 29 to 34       | stock or domestic purposes   | stock or domestic purposes  |
| Farnborough subartesian area on plan AP10058                         | stock or domestic purposes   | stock or domestic purposes  |
| Fitzroy subartesian area on plan AP10068                             | stock or domestic purposes   | stock or domestic purposes  |
| Fraser Island subartesian area on plan AP10063                       | domestic purposes  | domestic purposes           |
| Great Artesian Basin subartesian area on plan AP12072 sheets 1 to 32 | stock purposes from subartesian aquifers not connected to artesian aquifers<br>domestic purposes | —                           |
| Highlands subartesian area on plan AP10070                           | stock or domestic purposes   | stock or domestic purposes  |
| Monto subartesian area on plan AP10061                               | stock or domestic purposes   | stock or domestic purposes  |
| Moreton Island subartesian area on plan AP10065                      | stock or domestic purposes   | stock or domestic purposes  |
| Mossman subartesian area on plan AP10050                             | stock or domestic purposes   | stock or domestic purposes  |

## Schedule 11 (continued)

| <b>Column 1</b>  | <b>Column 2</b>                       | <b>Column 3</b>             |
|--|---------------------------------------|-----------------------------|
| <b>Area and plan</b>                                     | <b>Water entitlement not required</b> | <b>Works not assessable</b> |
| Mount Isa subartesian area on plan AP12072 sheets 1 to 9 | stock or domestic purposes            | stock or domestic purposes  |
| North Stradbroke Island subartesian area on plan AP10067 | stock or domestic purposes            | stock or domestic purposes  |
| Pioneer subartesian area on plan AP10057                 | stock or domestic purposes            | stock or domestic purposes  |
| Proserpine subartesian area on plan AP10056              | stock or domestic purposes            | stock or domestic purposes  |

## Schedule 12 Failure impact rating

section 103

### Part 1 Unlicensed dams—Act, s 1067

| Column 1   | Column 2  | Column 3 |
|--|---|----------|
| Dam  | Location  | Category |
| Atkinson Dam owned by SunWater, having a height of 9m and a storage capacity of 30400ML                                      | An offstream storage in the locality of Lowood, situated on lot 341 on plan CSH1945, Parish of England, County of Cavendish, in the Shire of Esk      | 1        |
| Biggera Creek Flood Mitigation Dam owned by Gold Coast City Council, having a height of 15m and a storage capacity of 3700ML | Biggera Creek in the locality of Labrador, situated on lot 1 on plan RP223934, Parish of Barrow, County of Ward, in the City of Gold Coast            | 1        |
| Cedar Pocket Dam owned by SunWater, having a height of 20m and a storage capacity of 730ML                                   | Deep Creek (East) in the locality of Gympie, situated partly on lot 175 on plan MCH5537, Parish of Woondum, County of March, in the Shire of Cooloola | 1        |
| Cooby Creek Dam owned by Toowoomba City Council, having a height of 30m and a storage capacity of 23100ML                    | Cooby Creek in the locality of Toowoomba, situated on lot 730 on plan AG4171, Parish of Douglas, County of Aubigny, in the Shire of Crows Nest        | 1        |



## Schedule 12 (continued)

| <b>Column 1</b>  | <b>Column 2</b>   | <b>Column 3</b> |
|--|---|-----------------|
| <b>Dam</b>   | <b>Location</b>   | <b>Category</b> |
| Cressbrook Creek Dam owned by Toowoomba City Council, having a height of 59m and a storage capacity of 83000ML | Cressbrook Creek in the locality of Ravensbourne, situated on lot 58 on plan CSH2241, Parish of Deongwar, County of Cavendish, in the Shire of Esk    | 1               |
| Eungella Dam owned by SunWater, having a height of 49m and a storage capacity of 112400ML                      | Broken River in the locality of Eungella, situated partly on lot 109 on plan HLN 198, Parish of Eungella, County of Hillalong, in the Shire of Mirani | 1               |
| Gordonbrook Dam owned by Kingaroy Shire Council, having a height of 21m and a storage capacity of 6500ML       | Stuart River in the locality of Kingaroy, situated on lot 467 on plan FY838992, Parish of Wooroolin, County of Fitzroy, in the Shire of Kingaroy      | 1               |
| Julius Dam owned by SunWater, having a height of 38m and a storage capacity of 107500ML                        | Leichhardt River in the locality of Mount Isa, situated on lot 10 on plan CP891285, Parish of Candover, County of Tewinga, in the City of Mount Isa   | 1               |

## Schedule 12 (continued)

| <b>Column 1</b>  | <b>Column 2</b>  | <b>Column 3</b> |
|--|--|-----------------|
| <b>Dam</b>   | <b>Location</b>  | <b>Category</b> |
| Little Nerang Dam owned by Gold Coast City Council, having a height of 44m and a storage capacity of 8400ML      | Little Nerang Creek in the locality of Neranwood, situated on lot 231 on plan SP123096, Parish of Numinbah, County of Ward, in the City of Gold Coast        | 1               |
| Paluma Dam owned by NQ Water ABN 94 205 904 709, having a height of 20m and a storage capacity of 11800ML        | Swamp Creek in the locality of Paluma, situated partly on lot 9 on plan W8269, Parish of Waterview, County of Cardwell, in the City of Thurwingowa           | 1               |
| Perseverance Creek Dam owned by Toowoomba City Council, having a height of 53m and a storage capacity of 30900ML | Perseverance Creek in the locality of Crows Nest, situated on lot 182 on plan CSH1817, Parish of Crows Nest, County of Cavendish, in the Shire of Crows Nest | 1               |
| Rosewood Detention Basin owned by Ipswich City Council, having a height of 9.7m and a storage capacity of 2ML    | An offstream storage in the locality of Rosewood, situated on lot 2 on plan SP140742, Parish of Walloon, County of Churchill, in the City of Ipswich         | 1               |
| Wuruma Dam owned by SunWater, having a height of 44m and a storage capacity of 165400ML                          | Nogo River in the locality of Eidsvold, situated partly on lot 86 on plan RW752, Parish of Culcraigie, County of Rawbelle, in the Shire of Eidsvold          | 1               |

## Schedule 12 (continued)

| <b>Column 1</b>   | <b>Column 2</b>  | <b>Column 3</b> |
|---|--|-----------------|
| <b>Dam</b>  | <b>Location</b>  | <b>Category</b> |
| Awoonga Dam owned by Gladstone Area Water Board ABN 88 409 667 181, having a height of 58m and a storage capacity of 777000ML | Boyne River in the locality of Gladstone, situated partly on lot 90 on plan CTN1668, Parish of Riverston, County of Clinton, in the Shire of Calliope  | 2               |
| Bill Gunn Dam owned by SunWater, having a height of 18m and a storage capacity of 6940ML                                      | An offstream storage in the locality of Laidley, situated on lot 132 on plan SP104150, Parish of Laidley, County of Churchill, in the Shire of Laidley | 2               |
| Bjelke-Petersen Dam owned by SunWater, having a height of 34m and a storage capacity of 134900ML                              | Barker Creek in the locality of Murgon, situated partly on lot 13 on plan SP104351, Parish of Barambah, County of Fitzroy, in the Shire of Murgon      | 2               |
| Boondooma Dam owned by SunWater, having a height of 63m and a storage capacity of 204200ML                                    | Boyne River in the locality of Proston, situated partly on lot 12 on plan SP107476, Parish of Okenden, County of Boondooma, in the Shire of Wondai     | 2               |

## Schedule 12 (continued)

| <b>Column 1</b>  | <b>Column 2</b>   | <b>Column 3</b> |
|--|---|-----------------|
| <b>Dam</b>   | <b>Location</b>   | <b>Category</b> |
| Borumba Dam owned by SunWater, having a height of 43m and a storage capacity of 46000ML            | Yabba Creek in the locality of Imbil, situated partly on lot 20 on plan LX2359, Parish of Yabba, County of Lennox, in the Shire of Cooloola                   | 2               |
| Burdekin Falls Dam owned by SunWater, having a height of 55.0m and a storage capacity of 1860000ML | Burdekin River in the locality of Ravenswood, situated partly on lot 14 on plan MRY52, Parish of Graham, County of Murray, in the Shire of Dalrymple          | 2               |
| Callide Dam owned by SunWater, having a height of 37m and a storage capacity of 136300ML           | Callide Creek in the locality of Biloela, situated partly on lot 43 on plan RN1261, Parish of Thalberg, County of Raglan, in the Shire of Banana              | 2               |
| Cania Dam owned by SunWater, having a height of 54m and a storage capacity of 88500ML              | Three Moon Creek in the locality of Monto, situated partly on lot 17 on plan RW861, Parish of Cania, County of Rawbelle, in the Shire of Monto                | 2               |
| Clarendon Dam owned by SunWater, having a height of 13.1m and a storage capacity of 24300ML        | An offstream storage in the locality of Gatton, situated partly on lot 45 on plan SP104159, Parish of Clarendon, County of Cavendish, in the Shire of Laidley | 2               |

## Schedule 12 (continued)

| <b>Column 1</b>   | <b>Column 2</b>   | <b>Column 3</b> |
|---|---|-----------------|
| <b>Dam</b>  | <b>Location</b>   | <b>Category</b> |
| Coolmunda Dam owned by SunWater, having a height of 18m and a storage capacity of 69000ML                   | Macintyre Brook in the locality of Inglewood, situated on lot 128 on plan BNT1468, Parish of Coolmunda, County of Bentinck, in the Shire of Inglewood | 2               |
| Copperlode Falls Dam owned by Cairns City Council, having a height of 43m and a storage capacity of 45560ML | Freshwater Creek in the locality of Cairns, situated on lot 50 on plan NR6547, Parish of Dinden, County of Nares, in the City of Cairns               | 2               |
| EJ Beardmore Dam owned by SunWater, having a height of 15.2m and a storage capacity of 81700ML              | Balonne River in the locality of St George, situated partly on lot 21 on plan CP861683, Parish of Wagoo, County of Cogoon, in the Shire of Balonne    | 2               |
| Enoggera Dam owned by Brisbane City Council, having a height of 23.5m and a storage capacity of 4500ML      | Enoggera Creek in the locality of The Gap, situated on lot 130 on plan SL8167, Parish of Enoggera, County of Stanley, in the City of Brisbane         | 2               |
| Fairbairn Dam owned by SunWater, having a height of 46m and a storage capacity of 1301000ML                 | Nogoa River in the locality of Emerald, situated partly on lot 10 on plan DNS734, Parish of Gindie, County of Denison, in the Shire of Emerald        | 2               |

## Schedule 12 (continued)

| <b>Column 1</b>  | <b>Column 2</b>  | <b>Column 3</b> |
|--|--|-----------------|
| <b>Dam</b>   | <b>Location</b>  | <b>Category</b> |
| Fred Haigh Dam owned by SunWater, having a height of 49m and a storage capacity of 562000ML              | Kolan River in the locality of Gin Gin, situated partly on lot 46 on plan BON1395, Parish of Kolonga, County of Bowen, in the Shire of Kolan                       | 2               |
| Kinchant Dam owned by SunWater, having a height of 22m and a storage capacity of 62800ML                 | Sandy Creek (North Branch) in the locality of North Eton, situated partly on lot 66 on plan CI4517, Parish of Abingdon, County of Carlisle, in the Shire of Mirani | 2               |
| Kroombit Dam owned by SunWater, having a height of 23.5m and a storage capacity of 14600ML               | Kroombit Creek in the locality of Biloela, situated on lot 30 on plan CP908407, Parish of Callide, County of Raglan, in the Shire of Banana                        | 2               |
| Lake MacDonald Dam owned by Noosa Shire Council, having a height of 12m and a storage capacity of 8000ML | Six Mile Creek in the locality of Cooroy, situated partly on lot 118 on plan MCH814, Parish of Tewanin, County of March, in the Shire of Noosa                     | 2               |

## Schedule 12 (continued)

| <b>Column 1</b>   | <b>Column 2</b>  | <b>Column 3</b> |
|---|--|-----------------|
| <b>Dam</b>  | <b>Location</b>  | <b>Category</b> |
| Leslie Dam owned by SunWater, having a height of 33m and a storage capacity of 106200ML   | Sandy Creek in the locality of Warwick, situated partly on lot 552 on plan RP804593, Parish of Warwick, County of Merivale, in the Shire of Warwick        | 2               |
| Maroon Dam owned by SunWater, having a height of 46.3m and a storage capacity of 44300ML  | Burnett Creek in the locality of Boonah, situated partly on lot 113 on plan WD4311, Parish of Melcombe, County of Ward, in the Shire of Boonah             | 2               |
| Moogerah Dam owned by SunWater, having a height of 38m and a storage capacity of 83700ML  | Reynolds Creek in the locality of Kalbar, situated on lot 226 on plan RP215404, Parish of Clumber, County of Churchill, in the Shire of Boonah             | 2               |
| North Pine Dam owned by South East Queensland Water Corporation Ltd ABN 14 088 729 766, having a height of 46m and a storage capacity of 215000ML | North Pine River in the locality of Whiteside, situated partly on lot 2 on plan RP214896, Parish of Warner, County of Stanley, in the Shire of Pine Rivers | 2               |

## Schedule 12 (continued)

| Column 1  | Column 2  | Column 3 |
|---|---|----------|
| Dam   | Location  | Category |
| Peter Faust Dam owned by SunWater, having a height of 51m and a storage capacity of 491400ML  | Proserpine River in the locality of Proserpine, situated partly on lot 16 on plan CP852395, Parish of Proserpine, County of Herbert, in the Shire of Whitsunday | 2        |
| Ross River Dam owned by NQ Water ABN 94 205 904 709, having a height of 33m and a storage capacity of 210000ML                                  | Ross River in the locality of Townsville, situated partly on lot 1 on plan RP742611, Parish of Ross, County of Elphinstone, in the City of Thuringowa           | 2        |
| Somerset Dam owned by South East Queensland Water Corporation Ltd ABN 14 088 729 766, having a height of 50m and a storage capacity of 369000ML | Stanley River in the locality of Somerset Dam, situated partly on lot 35 on plan CG2149, Parish of Bowman, County of Canning, in the Shire of Esk               | 2        |
| Teemburra Dam owned by SunWater, having a height of 56m and a storage capacity of 147500ML  | Teemburra Creek in the locality of Mirani, situated partly on lot 30 on plan CP908406, Parish of Mia Mia, County of Carlisle, in the Shire of Mirani            | 2        |
| Tinaroo Falls Dam owned by SunWater, having a height of 42m and a storage capacity of 438900ML  | Barron River in the locality of Atherton, situated partly on lot 107 on plan SP107453, Parish of Dimbulah, County of Nares, in the Shire of Atherton            | 2        |



## Schedule 12 (continued)

| <b>Column 1</b>  | <b>Column 2</b>  | <b>Column 3</b> |
|--|--|-----------------|
| <b>Dam</b>   | <b>Location</b>  | <b>Category</b> |
| Wivenhoe Dam owned by South East Queensland Water Corporation Ltd ABN 14 088 729 766, having a height of 59m and a storage capacity of 1150000ML | Brisbane River in the locality of Fernvale, situated partly on lot 242 on plan SL12236, Parish of Wivenhoe, County of Cavendish, in the Shire of Esk | 2               |

## Part 2 Licensed dams—Act, s 1068

| <b>Column 1</b>  | <b>Column 2</b>   | <b>Column 3</b> |
|--|---|-----------------|
| <b>Dam</b>   | <b>Location</b>   | <b>Category</b> |
| Lake Mitchell Dam owned by Southedge Daintree Pastoral Company Pty Ltd ABN 86 009 853 418, having a height of 16.5m and a storage capacity of 190000ML, licence no. 36497K | Mitchell River in the locality of Mareeba, situated partly on lot 8 on plan DA362, Parish of Mar, County of Dagmar, in the Shire of Mareeba | 1               |
| Leichhardt River Dam owned by Mount Isa Mines Limited ABN 87 009 661 447, having a height of 27.5m and a storage capacity of 103046ML, licence no. 10435WJ                 | Leichhardt River in the locality of Mount Isa, situated on ML8058, in the City of Mount Isa   | 1               |

## Schedule 12 (continued)

| <b>Column 1</b>   | <b>Column 2</b>   | <b>Column 3</b> |
|---|---|-----------------|
| <b>Dam</b>  | <b>Location</b>   | <b>Category</b> |
| Rifle Creek Dam owned by Mount Isa Mines Limited ABN 87 009 661 447, having a height of 18m and a storage capacity of 9488ML, licence no. 43835J              | Rifle Creek in the locality of Mount Isa, situated on ML8058, in the Shire of Cloncurry   | 1               |
| Splityard Creek Dam owned by Tarong Energy Corporation Ltd ABN 52 078 848 736, having a height of 76m and a storage capacity of 28700ML, licence no. 0110885C | Pryde Creek in the locality of Fernvale, situated partly on lot 33 on plan CP 818429, Parish of Burnett, County of Stanley, in the Shire of Esk     | 1               |
| McKinnon Creek Flood Detention Dam owned by Cairns City Council, having a height of 8.8m and a storage capacity of 160ML, licence no. 101475                  | McKinnon Creek in the locality of Edmonton, situated partly on lot 500 on plan RP 887878, Parish of Grafton, County of Nares, in the City of Cairns | 2               |

## Schedule 13 Authority areas

section 104

| <b>Column 1</b>                       | <b>Column 2</b> |
|---------------------------------------|-----------------|
| <b>Former water area</b>              | <b>Plan</b>     |
| Alva Bore Water Supply Area           | AP3961          |
| Ardoch Bore Water Area                | AP3962          |
| Back Creek Water Supply Area          | AP3963          |
| Bindebango Bore Water Supply Area     | AP3964          |
| Cabanda Bore Water Supply Area        | AP3965          |
| Chesterfield Bore Water Supply Area   | AP3967          |
| Chippeway Bore Water Supply Area      | AP3968          |
| Coongoola Bore Water Supply Area      | AP3969          |
| Cypress Downs Bore Water Supply Area  | AP3970          |
| Dillalah No. 1 Bore Water Area        | AP3971          |
| Dillalah No. 2 Bore Water Area        | AP3972          |
| Euthella Bore Water Supply Area       | AP3974          |
| Glenlyon Bore Water Supply Area       | AP3976          |
| Hopeland Bore Water Supply Area       | AP3977          |
| Jabiru Bore Water Area                | AP3979          |
| Juanbong Bore Water Area              | AP3980          |
| Julia Creek Bore Water Supply Area    | AP3981          |
| Mackunda Downs Bore Water Supply Area | AP3983          |
| Maroungle Bore Water Supply Area      | AP7344          |

## Schedule 13 (continued)

| <b>Column 1</b>                         | <b>Column 2</b> |
|---|-----------------|
| <b>Former water area</b>                | <b>Plan</b>     |
| Maxwelton Bore Water Supply Area        | AP3985          |
| Merridew Bore Water Supply Area         | AP3986          |
| Minetta Bore Water Supply Area          | AP3987          |
| Mona Bore Water Area                    | AP3988          |
| Mooro Bore Water Supply Area            | AP3989          |
| Moselle Bore Water Supply Area          | AP3990          |
| Murweh Bore Water Supply Area           | AP3991          |
| Neabul Bore Water Supply Area           | AP3993          |
| Nebine Bore Water Supply Area           | AP3994          |
| Nelia Ponds Bore Water Supply Area      | AP3995          |
| Noondoo Bore Water Area                 | AP3996          |
| Oakhampton Bore Water Supply Area       | AP3998          |
| Pigurra Bore Water Supply Area          | AP3999          |
| Sesbania Bore Water Supply Area         | AP4000          |
| Stamfordham Bore Water Supply Area      | AP4001          |
| Thomby Bore Water Area                  | AP4002          |
| Toorak Bore Water Supply Area           | AP4003          |
| Weengallon Bore Water Supply Area       | AP4004          |
| Weengallon No. 2 Bore Water Supply Area | AP4005          |
| Wellshot Bore Water Supply Area         | AP4006          |
| Whyenbah Bore Water Supply Area         | AP4007          |

## Schedule 13 (continued)

| <b>Column 1</b>                  | <b>Column 2</b> |
|----------------------------------|-----------------|
| <b>Former water area</b>         | <b>Plan</b>     |
| Whynot Bore Water Area           | AP4008          |
| Wierbolla Bore Water Supply Area | AP4009          |
| Winbin Bore Water Supply Area    | AP4011          |
| Yanborra Bore Water Supply Area  | AP4013          |

## Schedule 14 Water charges

section 58

| <b>Column 1</b>                                 | <b>Column 2</b>             | <b>Column 3</b>  |
|---|-----------------------------|--|
| <b>Water management area</b>                    | <b>Date water year ends</b> | <b>Water charges</b>   |
| Dumaresq River water management area            | 30 September                | Water from a watercourse flowing from Glenlyon Dam—<br>(a) part A—\$7.55<br>(b) part B—\$9.30<br><br>Water harvesting—<br>\$4 for each megalitre |
| Gowrie–Oakey Creek water management area        | 30 June                     | \$78.20 for each water meter   |
| Oakey Creek groundwater management area         | 30 June                     | \$89.45 for each water meter   |
| Pioneer groundwater management area             | 30 June                     | \$243.70 for each water meter  |
| Upper Hodgson Creek groundwater management area | 30 June                     | \$89.45 for each water meter   |

**Schedule 14A Particular water charges**

section 94(2)

| <b>Column 1</b>   | <b>Column 2</b>                 | <b>Column 3</b>                       | <b>Column 4</b>     |
|-------------------|---------------------------------|---------------------------------------|---------------------|
| <b>Authority</b>  | <b>Rate<br/>(litres/second)</b> | <b>Pump or pipe<br/>diameter (mm)</b> | <b>Water charge</b> |
| Small             | 7–299                           | 32–299                                | \$100               |
| Medium            | 300–999                         | 300–599                               | \$500               |
| Large             | 1000 +                          | 600+                                  | \$900               |
| Gravity diversion | N/A                             | N/A                                   | \$900               |

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## Schedule 15      Royalties

section 17

|  | \$   |
|--|------|
| Removing State quarry material—for each m <sup>3</sup> removed—  |      |
| (a) by a local government or other entity established under an Act and that does not represent the State (a <i>statutory body</i> ), for its own use . . . . .               | 0.52 |
| (b) by another person for a statutory body if the statutory body issues a certificate stating that the material was supplied to the statutory body for its own use . . . . . | 0.52 |
| (c) if paragraph (a) or (b) does not apply . . . . .   | 1.43 |



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## Schedule 15A Metered entitlements

section 75

| <b>Column 1</b>          | <b>Column 2</b>                  | <b>Column 3</b>         |
|--------------------------|----------------------------------|-------------------------|
| <b>Part of the State</b> | <b>Authorisation</b>             | <b>Number of meters</b> |
| Weir River               | Water licences 43410H and 47879H | 1                       |
|                          | Water licences 38176H and 47958H | 1                       |
|                          | Water licence 47901H             | 1                       |
|                          | Water licence 47902H             | 1                       |
|                          | Water licences 47968H and 47969H | 1                       |
|                          | Water licences 47967H and 47997H | 1                       |
|                          | Water licence 39934H             | 1                       |
|                          | Water licences 48000H and 54001H | 1                       |
|                          | Water licence 54149H             | 1                       |
|                          | Water licence 43572H             | 1                       |
|                          | Water licence 56626H             | 1                       |
|                          | Water licence 179741             | 1                       |
|                          | Water licences 47943H and 54196H | 1                       |
|                          | Water licence 47999H             | 1                       |
|                          | Water licence 102524             | 1                       |
|                          | Water licences 47831H and 47832H | 1                       |
|                          | Water licence 54024H             | 2                       |
|                          | Water licence 47998H             | 1                       |
|                          | Water licences 47929H            | 1                       |
|                          | Water licence 47935H             | 1                       |

## Schedule 16 Fees

section 63

|   | \$   |
|---|--|
| 1 | Application for approval of land and water management plan (Act, s 74(3)(c))—  |
|   | (a) approving a previously approved plan, if paragraph (b) does not apply . . . . . 57.70  |
|   | (b) approving a previously approved plan, if the plan to be approved applies to additional land or provides for a different or additional irrigation method. . . . . 115.40                |
|   | (c) approving a new plan. . . . . 173.00   |
| 2 | Application for deferral of requirement for approved land and water management plan (Act, s 79(2)(c)). . . . . 115.40  |
| 3 | Application to amalgamate water allocations or subdivide a water allocation (Act, s 128A(2)(b)). . . . . 83.90   |
| 4 | Application to change a water allocation (Act, ss 129(3)(c) and 130(3)(d))—  |
|   | (a) if the application is made with an application to amalgamate water allocations or subdivide a water allocation . . . . . nil   |
|   | (b) otherwise—   |
|   | (i) for 1 application . . . . . 83.90  |
|   | (ii) for each additional application made at the same time . . . . . 16.75   |
| 5 | Application by water allocation holder for seasonal water assignment (Act, s 142(2)(c)) . . . . . 111.80   |
| 6 | Creating, on request, a title or a separate title for a water allocation, other than under section 121 or 122 of the Act (Act, ss 148(2)(d) and 150(1))—for each title created . . . 46.75 |

## Schedule 16 (continued)

|  | \$     |
|--|--------|
| 7 Lodging in the registry an instrument that changes ownership of a water allocation or an interest in a water allocation (Act, ss 148(2)(d) and 150(1))—  |        |
| (a) if lodgment is with an instrument changing ownership of a lot or an interest in a lot—for each water allocation . . . . .  | 23.10  |
| (b) otherwise—   |        |
| (i) for 1 water allocation . . . . .   | 108.30 |
| (ii) for each additional water allocation . . . . .  | 23.10  |
| 8 Lodging in the registry a certificate approving amalgamation of water allocations or subdivision of a water allocation (Act, ss 148(2)(d) and 128A(7)) . . . . .                                 | 108.30 |
| 9 Lodging in the registry a certificate about a change to a water allocation (Act, ss 148(2)(d), 129(6) and 135(1)) . . . . .  | 108.30 |
| 10 Lodging in the registry a cancellation, discharge or satisfaction of a writ of execution (Act, ss 148(2)(d) and 150(1)) . . . . .   | 23.10  |
| 11 Lodging in the registry an instrument received through the post, by courier service or by document exchange service (Act, ss 148(2)(d) and 150(1))—additional fee for each instrument . . . . . | 23.10  |
| 12 Lodging a standard terms document in the registry (Act, ss 148(2)(d) and 150(1)) . . . . .  | nil    |
| 13 Lodging in the registry a request to remove from the title of a water allocation a lease that has expired or otherwise ended (Act, ss 148(2)(d) and 150(1)) . . . . .                           | nil    |
| 14 Lodging in the registry a request to note the lapsing of a caveat (Act, ss 148(2)(d) and 150(1)) . . . . .  | nil    |
| 15 Lodging any other instrument in the registry (Act, ss 148(2)(d) and 150(1)) . . . . .   | 108.30 |
| 16 Depositing in, or withdrawing from, the registry a settlement notice (Act, ss 148(2)(d) and 150(1)) . . . . .   | 23.10  |
| 17 Depositing in, or removing from, the registry an administrative advice (Act, ss 148(2)(d) and 150(1)) . . . . .   | 11.50  |
| 18 Preparing and serving, by the registry, a caveat notice (Act, ss 148(2)(d) and 150(1)) . . . . .  | 23.20  |

## Schedule 16 (continued)

|  | \$     |
|--|--------|
| 19 Computer print-out (Act, s 148(2)(d))—  |        |
| (a) of a title for a water allocation generated—   |        |
| (i) within the registry . . . . .  | 11.55  |
| (ii) by external access . . . . .  | 9.25   |
| (b) of the historical details of a title generated—  |        |
| (i) within the registry . . . . .  | 17.45  |
| (ii) by external access . . . . .  | 15.10  |
| 20 Optical disk print-out (Act, s 148(2)(d))—  |        |
| (a) of a title for a water allocation generated—   |        |
| (i) within the registry . . . . .  | 11.55  |
| (ii) by external access . . . . .  | 9.25   |
| (b) of another instrument lodged or deposited in the<br>registry . . . . .   | 23.30  |
| 21 Search, in the registry, of a statement of a registered<br>dealing or administrative advice against a title (Act, s<br>153) . . . . .   | 2.31   |
| 22 Investigative search, by the registrar, of the register (not<br>including providing copies of documents) (Act, s<br>148(2)(d))—         |        |
| (a) if no additional computer programming time is<br>required—for each hour or part of an hour . . . . .                                   | 46.75  |
| (b) if additional computer programming time is<br>required—for each hour or part of an hour . . . . .                                      | 116.90 |
| 23 Certifying, by the registrar, of a copy of the title of a<br>water allocation or a registered instrument (Act, s<br>148(2)(d)). . . . . | 23.30  |
| 24 Requisitioning a document lodged for registration (Act, s<br>148(2)(d)). . . . .  | 29.15  |
| 25 Application to transfer interim water allocation (Act, s<br>193(2)(c)). . . . .   | 246.10 |
| 26 Application for approval to transfer interim water<br>allocation to other land (Act, s 195)—  |        |
| (a) for 1 application . . . . .  | 246.10 |
| (b) for each additional application, made at the same<br>time, to transfer to the same land . . . . .                                      | 54.15  |

## Schedule 16 (continued)

|   | \$      |
|---|---------|
| 27 Application to replace interim water allocation (Act, s 198(4)(b)).....  | 83.90   |
| 28 Application for water licence (Act, s 206(6)(c)).....  | 83.90   |
| 28A Copy of an application (Act, s 208(4)(b))—  |         |
| (a) for 1 page.....   | 11.55   |
| (b) for each additional page.....   | 0.21    |
| 29 Application to amend water licence (Act, s 216).....   | 83.90   |
| 30 Application to reinstate expired water licence (Act, s 221(2)(b)).....   | 83.90   |
| 31 Application to amalgamate water licences (Act, s 224(2)(b)).....   | 83.90   |
| 32 Application to subdivide water licence (Act, s 225(2)(b)).....   | 83.90   |
| 33 Application to replace water licence on disposal of land to which expired licence related (Act, s 229(4)(b)).....  | 83.90   |
| 34 Application by licensee of a water licence for seasonal water assignment (Act, s 231(2)(c)).....   | 111.80  |
| 35 Application for allocation of quarry material (Act, s 280(2)(c))—for each 6 month period, or part of a 6 month period, the allocation notice has effect..... | 115.10  |
| 36 Application to renew allocation notice (Act, s 289(2)(b)).....   | 115.10  |
| 37 Application for water bore driller's licence (Act, s 299(2)(e))—for 5 years—   |         |
| (a) if paragraphs (b) to (d) do not apply.....  | 378.00  |
| (b) if s 20(2)(c)(iii) applies.....   | 679.00  |
| (c) if s 21(2)(c)(iv) applies.....  | 992.00  |
| (d) if s 22(2)(d)(iii) applies.....   | 1200.00 |
| 38 Application to amend water bore driller's licence (Act, s 304).....  | 111.80  |
| 39 Application to renew water bore driller's licence (Act, s 308(2)(c)).....  | 363.60  |
| 39A Application to reinstate expired water bore driller's licence (Act, s 308A(2)(b))—for 5 years.....  | 378.00  |
| 40 Application for operations licence (Act, s 328(2)(d)).....   | 83.90   |

## Schedule 16 (continued)

|  | \$     |
|--|--------|
| 40A Computer print-out of a document generated (Act, s 1009)—  |        |
| (a) at an office of the department . . . . .   | 11.55  |
| (b) by external access . . . . .   | 9.25   |
| 40B Certifying a copy of a document (Act, s 1009) . . . . .  | 23.30  |
| 41A Application for unallocated water under a resource operations plan (Act, s 1014(2)(a)) . . . . .   | 153.90 |
| 41B Investigative search, by the chief executive, of the department's water entitlement registration database (not including providing copies of documents) (Act, s 1014(2)(a))— |        |
| (a) if no additional computer programming time is required—for each hour or part of an hour . . . . .  | 46.75  |
| (b) if additional computer programming time is required—for each hour or part of an hour . . . . .   | 116.95 |
| 41C Copy of a report on an entry in the department's water entitlement registration database (Act, s 1014(2)(a)) . . . . .   | 5.80   |
| 42 Testing a water meter (Act, s 1014(2)(d))—for each hour   | 48.75  |
| 43 Reading a water meter (Act, s 1014(2)(d))—  |        |
| (a) for 1 water meter . . . . .  | 54.15  |
| (b) for each additional water meter on the same or an adjacent property . . . . .  | 10.80  |
| 44 Development application ( <i>Integrated Planning Act 1997</i> , ss 3.2.1(4)(b) and 3.3.3(1)(c)) for any of the following—   |        |
| (a) operational work for the taking of, or interfering with, water—  |        |
| (i) if the application is made with an application for a water licence . . . . .   | nil    |
| (ii) otherwise . . . . .   | 83.90  |
| (b) the removal of quarry material . . . . .   | 83.90  |
| (c) operational work in a drainage and embankment area controlling the flow of water into or out of a watercourse, lake or spring . . . . .                                      | 83.90  |
| (d) operational work—  |        |
| (i) that is the construction of a referable dam . . . . .  | 83.90  |

## Schedule 16 (continued)

|  | \$    |
|--|-------|
| (ii) that will increase the storage capacity of a referable dam by more than 10% . . . . . | 83.90 |
| (e) development in a declared catchment area . . . . .                                     | 83.90 |

## Schedule 17 Dictionary

### section 3

**ADIA** see section 22.

**ADITC** see section 20.

**AMTD** means the adopted middle thread distance which is the distance in kilometres, measured along the middle of a watercourse, that a specific point in the watercourse is from the watercourse's mouth or junction with the main watercourse.

**announced allocation**, for part 2, division 1, see section 3A.

**announced entitlement** see section 66.

**annual entitlement** see section 67.

**approval application** means an application made under section 9.

**approved meter** means—

- (a) a meter acceptable, modified or installed under part 7, division 2, and attached to works through which water is, has been or may be taken or interfered with under a metered entitlement; or
- (b) a meter—
  - (i) attached to works through which water is, has been or may be taken or interfered with under a metered entitlement; and
  - (ii) of a type approved by the chief executive—
    - (A) in accordance with a condition of the development permit for the works; or
    - (B) if the works are self-assessable development under the *Integrated Planning Act 1997*—in accordance with the applicable code; and
  - (iii) installed—



## Schedule 17 (continued)

- (A) in accordance with the department's specifications for installing meters as a condition of the development permit for the works; or
- (B) if the works to which the meter is attached are self-assessable development under the *Integrated Planning Act 1997*—in accordance with the applicable code.

**authorisation** means a water licence, water permit, water allocation or other authority to take or interfere with water under the Act.

**BBWSS**, for part 2, division 1, see section 3A.

**category 1** see section 86.

**category 2** see section 86.

**category 3** see section 86.

**charging period**, for a water charge, see section 84.

**DICAT course** see section 20.

**distribution channel loss** means water lost during distribution by water delivery infrastructure such as pipelines and open channels by, for example, seepage, evaporation or leakage.

**drought declared**, for all or part of a local government area, means the local government area, or part of the area, has been drought declared by the Minister responsible for the department in which the *Stock Act 1915* is administered.

**GDA94** means Geocentric Datum of Australia 94, a part of the earth centred global coordinate reference frame used by the department.

**groundwater** means water from an underground source.

**high priority group**, for part 2, division 1, see section 3A.

**individually droughted property** means a property declared to be an individually droughted property by an inspector of stock.

## Schedule 17 (continued)

***inspector of stock*** means an inspector of stock under the *Stock Act 1915*.

***medium priority group***, for part 2, division 1, see section 3A.

***meter*** includes equipment, related to the meter, for measuring and recording the taking of, or interfering with, water.

***meter assessment notice*** see section 72.

***metered entitlement*** see section 67H.

***metered entitlement notice*** see section 67C.

***metering exit charge*** see section 67M.

***metering information notice*** see section 67C.

***metering service charge*** see section 67I.

***nominal entitlement*** see section 65.

***non-metered authority*** see section 89.

***part A***, for water charges mentioned in schedule 14, means the amount payable for each megalitre of nominal entitlement.

***part B***, for water charges mentioned in schedule 14, means the amount payable for each megalitre of water taken up to the annual entitlement.

***primary production*** does not include operation of a cattle feedlot or piggery.

***proposed transferee*** see section 8.

***proposed transferor*** see section 8.

***re-lift water*** see section 96(3) and (4).

***ROP***, for part 2, division 1, see section 3A.

***settlement notice*** means a settlement notice under the *Land Title Act 1994*, part 7A.

***standard terms document*** see the *Land Title Act 1994*, section 168.

## Schedule 17 (continued)

***Suncorp Metway Ltd business banking variable lending base rate*** means the variable base interest rate set by the Suncorp Metway Bank for loans to business entities.<sup>16</sup>

***SunWater*** means the entity continued in existence under the *Government Owned Corporations Regulation 2004*, section 34.

***supplemented water*** means water supplied under an interim resource operations licence, resource operations licence or other authority to operate infrastructure.

***surface water*** means water in a watercourse.

***UTM*** means Universal Transverse Mercator, a system used to project a round earth onto a flat map.

***water licence***, for sections 65, 66 and 67, means a water licence not managed under a resource operations plan.

***water management area*** see section 56.

***works***, for part 7, means works used, or that could be used, for taking or interfering with water.

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16 The interest rate on 8 April 2002 was 8.2% a year.

## Endnotes

### 1 Index to endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 5 May 2006. Future amendments of the Water Regulation 2002 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

| Key    | Explanation                    | Key     | Explanation                             |
|--------|--------------------------------|---------|---|
| AIA    | = Acts Interpretation Act 1954 | (prev)  | = previously                            |
| amd    | = amended                      | proc    | = proclamation                          |
| amdt   | = amendment                    | prov    | = provision                             |
| ch     | = chapter                      | pt      | = part                                  |
| def    | = definition                   | pubd    | = published                             |
| div    | = division                     | R[X]    | = Reprint No.[X]                        |
| exp    | = expires/expired              | RA      | = Reprints Act 1992                     |
| gaz    | = gazette                      | reloc   | = relocated                             |
| hdg    | = heading                      | renum   | = renumbered                            |
| ins    | = inserted                     | rep     | = repealed                              |
| lap    | = lapsed                       | (retro) | = retrospectively                       |
| notfcd | = notified                     | rv      | = revised edition                       |
| o in c | = order in council             | s       | = section                               |
| om     | = omitted                      | sch     | = schedule                              |
| orig   | = original                     | sdiv    | = subdivision                           |
| p      | = page                         | SIA     | = Statutory Instruments Act 1992        |
| para   | = paragraph                    | SIR     | = Statutory Instruments Regulation 2002 |
| prec   | = preceding                    | SL      | = subordinate legislation               |
| pres   | = present                      | sub     | = substituted                           |
| prev   | = previous                     | unnum   | = unnumbered                            |

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

## 5 Tables in earlier reprints

| Name of table          | Reprint No. |
|------------------------|-------------|
| Corrected minor errors | 1           |

## 6 List of legislation

### **Water Regulation 2002 SL No. 70**

made by the Governor in Council on 18 April 2002

notfd gaz 19 April 2002 pp 1477–8

ss 1–2 commenced on date of notification

ss 58–60, 74, 75(d)–(e), sch 3 item 2 and sch 14 commenced 30 June 2002 (see s 2(1))

remaining provisions commenced 19 April 2002 (see s 2(2))

exp 1 September 2012 (see SIA s 54)

Note—(1) The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

(2) An explanatory note was prepared.

amending legislation—

### **Water Amendment Regulation (No. 1) 2002 SL No. 230**

notfd gaz 30 August 2002 pp 1557–61

commenced on date of notification

### **Water Amendment Regulation (No. 1) 2003 SL No. 13**

notfd gaz 7 February 2003 pp 385–6

ss 1–2 commenced on date of notification

ss 4, 12 commenced 7 April 2003 (see s 2(2))

s 9 commenced 1 April 2003 (see s 2(1))

remaining provisions commenced on date of notification

### **Water Amendment Regulation (No. 2) 2003 SL No. 25**

notfd gaz 21 February 2003 pp 622–3

ss 1–2 commenced on date of notification

remaining provisions commenced 21 February 2003 (see s 2)

### **Water Amendment Regulation (No. 3) 2003 SL No. 99**

notfd gaz 30 May 2003 pp 371–6

commenced on date of notification

Note—An explanatory note was prepared

**Natural Resources and Mines Legislation Amendment Regulation (No. 1) 2003 SL No. 100 pts 1, 19**

notfd gaz 30 May 2003 pp 371–6  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2003 (see s 2)

**Water Amendment Regulation (No. 4) 2003 No. 241**

notfd gaz 3 October 2003 pp 382–5  
commenced on date of notification

**Water Amendment Regulation (No. 5) 2003 SL No. 370**

notfd gaz 19 December 2003 pp 1307–13  
commenced on date of notification

**Water Amendment Regulation (No. 1) 2004 SL No. 3**

notfd gaz 30 January 2004 pp 350–1  
commenced on date of notification

**Natural Resources, Mines and Energy Legislation Amendment Regulation (No. 1) 2004 SL No. 67 pts 1, 19**

notfd gaz 28 May 2004 pp 277–80  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2004 (see s 2)

**Water Amendment Regulation (No. 2) 2004 SL No. 102**

notfd gaz 25 June 2004 pp 573–81  
ss 1–2 commenced on date of notification  
ss 10(1), 12 commenced 1 January 2005 (see s 2)  
remaining provisions commenced on date of notification

**Government Owned Corporations Regulation 2004 SL No. 166 ss 1, 46**

notfd gaz 27 August 2004 pp 1330–2  
commenced on date of notification

**Water Amendment Regulation (No. 1) 2005 SL No. 10**

notfd gaz 18 February 2005 pp 596–7  
ss 1–2 commenced on date of notification  
s 37(2) commenced 1 April 2005 (see s 2)  
remaining provisions commenced on date of notification  
Note—A regulatory impact statement and explanatory note were prepared

**Natural Resources and Mines Legislation Amendment Regulation (No. 1) 2005 SL No. 103 pts 1, 19**

notfd gaz 3 June 2005 pp 415–19  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 July 2005 (see s 2)

**Water Amendment Regulation (No. 2) 2005 SL No. 134**

notfd gaz 24 June 2005 pp 639–45  
ss 1–2 commenced on date of notification  
s 12 commenced 2 July 2005 (see s 2(1))  
s 4 commenced 6 July 2005 (see s 2(2))  
remaining provisions commenced on date of notification

**Water Amendment Regulation (No. 3) 2005 SL No. 216**

notfd gaz 2 September 2005 pp 71–2  
 commenced on date of notification

**Water and Other Legislation Amendment Regulation (No. 1) 2005 SL No. 334 pts 1–2**

notfd gaz 16 December 2005 pp 1490–6  
 ss 1–2, 15 commenced on date of notification  
 remaining provisions commenced 1 January 2006 (see s 2)  
 Note— An explanatory note was prepared

**Water Amendment Regulation (No. 1) 2006 SL No. 29**

notfd gaz 3 March 2006 pp 887–8  
 commenced on date of notification

**Water Amendment Regulation (No. 2) 2006 SL No. 64**

notfd gaz 13 April 2006 pp 1463–4  
 commenced on date of notification  
 Note— An explanatory note was prepared

**Water Amendment Regulation (No. 3) 2006 SL No. 84**

notfd gaz 5 May 2006 pp 76–7  
 commenced on date of notification  
 Note— An explanatory note was prepared

## 7 List of annotations

### PART 2—ALLOCATION AND SUSTAINABLE MANAGEMENT

#### Division 1—Water rights

**div hdg** prev div 1 ins 2003 SL No. 25 s 5  
 exp 21 February 2004 (see s 3C(b))  
 pres div 1 ins 2006 SL No. 64 s 3  
 exp 30 June 2006 (see s 3CAA)

#### Definitions for div 1

**s 3A** prev s 3A ins 2003 SL No. 25 s 5  
 amd 2003 SL No. 99 s 3  
 exp 21 February 2004 (see s 3C(b))  
 pres s 3A ins 2006 SL No. 64 s 3  
 exp 30 June 2006 (see s 3CAA)

#### Restriction on taking water—Act, s 23

**s 3B** prev s 3B ins 2003 SL No. 25 s 5  
 exp 21 February 2004 (see s 3C(b))  
 pres s 3B ins 2006 SL No. 64 s 3  
 amd 2006 SL No. 84 s 3  
 exp 30 June 2006 (see s 3CAA)

#### Prohibition on taking water—Act, s 23

**s 3C** prev s 3C ins 2003 SL No. 25 s 5  
 exp 21 February 2004 (see s 3C(b))

pres s 3C ins 2006 SL No. 64 s 3  
exp 30 June 2006 (see s 3CAA)

**Expiry of div 1**

s 3CAA ins 2006 SL No. 64 s 3  
exp 30 June 2006 (see s 3CAA)

**Division 1A—Water planning**

div hdg ins 2003 SL No. 99 s 5

**Notice of works and water use—Act, s 37**

prov hdg sub 2005 SL No. 134 s 4(1)  
s 3CA ins 2003 SL No. 241 s 3  
amd 2005 SL No. 134 s 4(2)

**Requirement for land and water management plan—Act, s 73**

s 3D ins 2003 SL No. 99 s 5  
amd 2004 SL No. 102 s 4

**Division 1B—Implementing water resource plans**

div hdg orig div 1 hdg (prev div 1A hdg) renum 2003 SL No. 25 s 4; 2003 SL No. 99  
s 4

**Transferring interim water allocation to other land—Act, s 195**

s 8 amd 2003 SL No. 99 s 6

**Application for approval to transfer interim water allocation**

s 9 amd 2003 SL No. 99 s 7

**Deciding application for approval**

s 10 sub 2003 SL No. 99 s 8

**Decision to refuse to approve proposed transfer**

s 11 sub 2003 SL No. 99 s 8

**Decision to approve proposed transfer without conditions**

s 12 sub 2003 SL No. 99 s 8

**Decision to approve proposed transfer with conditions**

s 13 sub 2003 SL No. 99 s 8

**Approval under section 13**

s 13A ins 2003 SL No. 99 s 8

**Completion of transfer of interim water allocation**

s 13B ins 2003 SL No. 99 s 8

**Entities—Act, ss 206 and 213**

s 14 amd 2003 SL No. 99 s 9

**When water licence fee is payable**

s 14A ins 2003 SL No. 13 s 4  
amd 2004 SL No. 102 s 5  
om 2005 SL No. 334 s 4

**Classes of licence—Act, s 299**

s 18 amd 2003 SL No. 99 s 10



**Water bore driller's licence endorsements—Act, s 299**

s 19           amd 2004 SL No. 102 s 6

**Qualifications or experience for class 1 licence—Act, s 299**

s 20           amd 2004 SL No. 102 s 7

**Qualifications or experience for class 2 licence—Act, s 299**

s 21           amd 2004 SL No. 102 s 8

**Qualifications or experience for class 3 licence—Act, s 299**

s 22           amd 2004 SL No. 102 s 9

**Conditions of water bore driller's licence—Act, s 302**

s 23           amd 2003 SL No. 13 s 5; 2003 SL No. 99 s 11; 2004 SL No. 102 s 10

**Records of water bores drilled—Act, s 313**

s 24           amd 2004 SL No. 102 s 11

**Returning officer for election of directors—Act, s 598**

s 32           amd 2005 SL No. 10 s 4

**Procedures for election of directors**

s 32A          ins 2005 SL No. 10 s 5

**Election of directors by mail or at meeting**

s 32B          ins 2005 SL No. 10 s 5

**Notice of election at meeting**

s 32C          ins 2005 SL No. 10 s 5

**Appointment of proxy for election at meeting**

s 32D          ins 2005 SL No. 10 s 5

**Minutes of meeting for election**

s 32E          ins 2005 SL No. 10 s 5

**Roll of voters**

s 33           amd 2005 SL No. 10 s 6

**Nominations for election by mail**

s 34 prov hdg sub 2005 SL No. 10 s 7

**Nominations for election at meeting**

s 34A          ins 2005 SL No. 10 s 8

**Preparing ballot papers**

s 36           amd 2005 SL No. 10 s 9

**Distributing voting material for election by mail**

s 37 prov hdg sub 2005 SL No. 10 s 10

**Distributing ballot papers for election at meeting**

s 37A          ins 2005 SL No. 10 s 11

**How long ballot for election by mail is open**

s 38           sub 2005 SL No. 10 s 12

**Voting in election by mail**

s 39 prov hdg sub 2005 SL No. 10 s 13

**Voting in election at meeting**

s 39A ins 2005 SL No. 10 s 14

**How returning officer must deal with voting material for election by mail**

s 40 prov hdg sub 2005 SL No. 10 s 15

**Scrutiny**

s 41 amd 2005 SL No. 10 s 16

**Initial scrutiny of voting material for election by mail**

s 42 prov hdg sub 2005 SL No. 10 s 17

**Counting votes**

s 43 amd 2005 SL No. 10 s 18

**Declaring election result**

s 45 amd 2005 SL No. 10 s 19

**Destroying vegetation in a watercourse, lake or spring—Act, s 814**

s 49 amd 2003 SL No. 370 s 3; 2005 SL No. 10 s 20

**Excavating in a watercourse, lake or spring—Act, s 814**

s 50 amd 2003 SL No. 99 s 12; 2003 No. 370 s 4; 2005 SL No. 10 s 21

**Placing fill in a watercourse, lake or spring—Act, s 814**

s 51 amd 2003 SL No. 370 s 5; 2005 SL No. 10 s 22

**Requirements for decommissioning a water bore—Act, s 817**s 52 amd 2003 SL No. 13 s 6  
sub 2004 SL No. 102 s 12**Downstream and upstream limits of watercourse—Act, s 1006(1)**

s 54 sub 2004 SL No. 102 s 13

**Water declared to be water in a watercourse—Act, s 1006(2)**s 55 sub 2003 SL No. 99 s 13  
amd 2005 SL No. 134 s 5**Water management areas**

s 56 amd 2005 SL No. 10 s 23; 2005 SL No. 334 s 5

**Changing boundaries of water management areas**

s 57 amd 2003 SL No. 99 s 14; 2005 SL No. 10 s 24

**Minimum charge**s 59 amd 2005 SL No. 10 s 25  
om 2005 SL No. 334 s 6**Notice for payment of charges**

s 60 amd 2005 SL No. 10 s 26; 2005 SL No. 334 s 7

**Metering service charge—Act, s 1014**s 60A ins 2004 SL No. 102 s 14  
om 2005 SL No. 10 s 27

**Code against which development applications assessed—Act, s 1014****s 61A** ins 2004 SL No. 102 s 15**Code for self-assessable development—Act, s 1014****s 62** sub 2003 SL No. 99 s 15  
amd 2004 SL No. 102 s 16; 2005 SL No. 134 s 6**Fees****s 63** amd 2003 SL No. 99 s 16; 2004 SL No. 67 s 45**PART 7—METERING****pt hdg** (prev pt 6A hdg) ins 2005 SL No. 10 s 28  
renum 2005 SL No. 334 s 9**Division 1—Preliminary****div hdg** ins 2005 SL No. 10 s 28**Purpose of pt 7****prov hdg** amd 2005 SL No. 334 s 8  
**s 68** (prev s 67A) ins 2005 SL No. 10 s 28  
renum 2005 SL No. 334 s 12(2)**How purpose is to be achieved****s 69** (prev s 67B) ins 2005 SL No. 10 s 28  
renum 2005 SL No. 334 s 12(2)**Metered entitlement notice****s 70** (prev s 67C) ins 2005 SL No. 10 s 28  
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renum 2005 SL No. 334 s 12(2)**Meter assessment notice****s 72** (prev s 67E) ins 2005 SL No. 10 s 28  
renum 2005 SL No. 334 s 12(2)**Site preparation by holder or owner****s 73** (prev s 67F) ins 2005 SL No. 10 s 28  
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renum 2005 SL No. 334 s 12(2)**Division 3—Metered entitlements****div hdg** ins 2005 SL No. 10 s 28**Declaration of metered entitlements****s 75** (prev s 67H) ins 2005 SL No. 10 s 28  
renum 2005 SL No. 334 s 12(2)

**Metering service charge—Act, s 1014**

**s 76** (prev s 67I) ins 2005 SL No. 10 s 28  
renum 2005 SL No. 334 s 12(2)

**Division 4—Miscellaneous**

**div hdg** ins 2005 SL No. 10 s 28

**Ownership of approved meters**

**s 77** (prev s 67J) ins 2005 SL No. 10 s 28  
renum 2005 SL No. 334 s 12(2)

**Meter reading by holder of metered entitlement or owner of works**

**s 78** (prev s 67K) ins 2005 SL No. 10 s 28  
renum 2005 SL No. 334 s 12(2)

**Meter reading by chief executive**

**s 79** (prev s 67L) ins 2005 SL No. 10 s 28  
renum 2005 SL No. 334 s 12(2)

**Metering exit charge—Act, s 1014**

**s 80** prev s 80 (orig is 75) renum 2005 SL No. 134 s 7(1)  
om 2005 SL No. 334 s 14  
pres s 80 (prev s 67M) ins 2005 SL No. 10 s 28  
renum 2005 SL No. 334 s 12(2)

**Specifications issued by chief executive**

**s 81** (prev s 67N) ins 2005 SL No. 10 s 28  
renum 2005 SL No. 334 s 12(2)

**PART 8—WATER CHARGES**

**pt hdg** ins 2005 SL No. 334 s 13

**Division 1—Preliminary**

**div 1 (ss 82–84)** ins 2005 SL No. 334 s 13

**Division 2—Calculating water charges**

**div 2 (ss 85–93)** ins 2005 SL No. 334 s 13

**Division 3—Miscellaneous water charges**

**div 3 (ss 94–96)** ins 2005 SL No. 334 s 13

**Division 4—Rebates and concessions**

**div 4 (s 97–98)** ins 2005 SL No. 334 s 13

**PART 9—TRANSITIONAL PROVISIONS AND REPEALS**

**pt hdg** (prev pt 7 hdg) sub 2005 SL No. 334 s 10  
renum 2005 SL No. 334 s 9

**Qualifications or experience for water bore driller's licences—Act, s 299**

**s 99** (prev s 68) renum 2005 SL No. 334 s 12(1)

**Period for which licence has effect—Act, s 302**

**s 100** (prev s 69) renum 2005 SL No. 334 s 12(1)

**Conditions of class 1 water bore driller's licence—Act, 302**

**prov hdg** amd 2004 SL No. 102 s 17  
**s 101** (prev s 69A) ins 2003 SL No. 99 s 17  
 renum 2005 SL No. 334 s 12(1)

**Declared subartesian areas—Act, s 1046**

**s 102** (prev s 70) amd 2005 SL No. 10 s 29  
 renum 2005 SL No. 334 s 12(1)

**Failure impact rating—Act, ss 1067 and 1068**

**s 103** (prev s 71) renum 2005 SL No. 334 s 12(1)

**Continuing former water areas—Act, s 1083**

**s 104** (prev s 72) renum 2005 SL No. 334 s 12(1)

**Continuing areas as water management areas**

**s 105** (prev s 73) renum 2005 SL No. 334 s 12(1)

**Water charges**

**s 106** (prev s 74) renum 2005 SL No. 334 s 12(1)

**Application for approval to transfer interim water allocation**

**s 107** (prev s 75 (orig s 74A)) ins 2003 SL No. 99 s 18  
 renum 2005 SL No. 134 s 7(2); 2005 SL No. 334 s 12(1)

**When changes to particular water charges have effect**

**s 108** (prev s 76 (orig s 74B)) ins 2004 SL No. 3 s 7  
 renum 2005 SL No. 134 s 7(2); 2005 SL No. 334 s 12(1)

**When conditions of supply contract do not apply—Act, s 1117A(2)**

**s 109** (prev s 77) ins 2005 SL No. 123 s 8  
 renum 2005 SL No. 334 s 12(1)

**Division 6—Transitional provisions for Water Amendment Regulation (No. 1) 2005**

**div hdg** ins 2005 SL No. 10 s 31

**Water licences mentioned in s 60A**

**s 110** (prev s 78 (orig s 74C)) ins 2004 SL No. 10 s 31  
 renum 2005 SL No. 134 s 7(1); 2005 SL No. 334 s 12(1)

**Effect of change to date water year ends**

**s 111** (prev s 79 (orig s 74D)) ins 2005 SL No. 10 s 31  
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 amd 2005 SL No. 334 s 11  
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**Division 7—Transitional provisions for Water and Other Legislation Amendment Regulation (No. 1) 2005**

**div hdg** (prev div 6) renum 2005 SL No. 10 s 30  
 sub 2005 SL No. 334 s 14

**Subdivision 1—Water charges**

**sdiv 1 (s 112)** ins 2005 SL No. 334 s 14

**Subdivision 2—Granting particular interim water allocations**

**sdiv 2 (ss 113–120)** ins 2005 SL No. 334 s 14

**SCHEDULE 1—PERSONS NOMINATED FOR THE ACT, SECTION 168**

amd 2005 SL No. 10 s 32

**SCHEDULE 2—ENTITIES—ACT, SECTIONS 190, 193, 206 and 213**

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amd 2004 SL No. 3 s 3

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amd 2003 SL No. 13 s 7; 2004 SL No. 102 s 18

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amd 2004 SL No. 102 s 20; 2005 SL No. 134 s 11

**SCHEDULE 10—WATER SHARING RULES**

amd 2004 SL No. 102 s 21; 2005 SL No. 216 s 3

**SCHEDULE 11—SUBARTESIAN AREAS**sub 2003 SL No. 13 s 10; 2003 SL No. 99 s 21  
amd 2004 SL No. 102 s 22; 2005 SL No. 10 s 35; 2005 SL No. 334 s 16**SCHEDULE 12—FAILURE IMPACT RATING**

amd 2005 SL No. 334 s 17

**SCHEDULE 13—AUTHORITY AREAS**

amd 2003 SL No. 370 s 8; 2004 SL No. 3 s 5; 2005 SL No. 10 s 36; 2005 SL No. 334 s 18; 2006 SL No. 29 s 4

**SCHEDULE 14—WATER CHARGES**sub 2003 SL No. 13 s 11; 2003 SL No. 99 s 22  
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om 2004 SL No. 67 s 47  
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sub 2003 SL No. 100 s 42; 2004 SL No. 67 s 47; 2005 SL No. 103 s 42

**SCHEDULE 15A—METERED ENTITLEMENTS**

ins 2005 SL No. 10 s 38  
 amd 2005 SL No. 334 s 20

**SCHEDULE 16—FEES**

amd 2003 SL No. 13 s 12  
 sub 2003 SL No. 99 s 23; 2003 SL No. 100 s 42  
 amd 2004 SL No. 102 s 24  
 sub 2004 SL No. 67 s 47  
 amd 2005 SL No. 10 s 39  
 sub 2005 SL No. 103 s 43  
 amd 2005 SL No. 134 s 12; 2005 SL No. 334 s 21

**SCHEDULE 17—DICTIONARY**

def “**announced allocation**” ins 2006 SL No. 64 s 4  
 def “**approved meter**” ins 2005 SL No. 10 s 40(2)  
   amd 2005 SL No. 334 s 22(2)  
 def “**authorisation**” ins 2005 SL No. 10 s 40(2)  
 def “**authorisation**” ins 2005 SL No. 10 s 40(2)  
 def “**BBWSS**” ins 2006 SL No. 64 s 4  
 def “**category 1**” ins 2005 SL No. 334 s 22(1)  
 def “**category 2**” ins 2005 SL No. 334 s 22(1)  
 def “**category 3**” ins 2005 SL No. 334 s 22(1)  
 def “**charging period**” ins 2005 SL No. 334 s 22(1)  
 def “**distribution channel loss**” ins 2005 SL No. 334 s 22(1)  
 def “**drought declared**” ins 2005 SL No. 334 s 22(1)  
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 def “**high priority group**” ins 2006 SL No. 64 s 4  
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 def “**inspector of stock**” ins 2005 SL No. 334 s 22(1)  
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 def “**meter**” ins 2005 SL No. 10 s 40(2)  
 def “**meter assessment notice**” ins 2005 SL No. 10 s 40(2)  
   amd 2005 SL No. 334 s 22(3)  
 def “**metered entitlement**” ins 2005 SL No. 10 s 40(2)  
   amd 2005 SL No. 334 s 22(4) (amdt could not be given effect)  
 def “**metered entitlement notice**” ins 2005 SL No. 10 s 40(2)  
   amd 2005 SL No. 334 s 22(5) (amdt could not be given effect)  
 def “**metering exit charge**” ins 2005 SL No. 10 s 40(2)  
   amd 2005 SL No. 334 s 22(6) (amdt could not be given effect)  
 def “**metering information notice**” ins 2005 SL No. 10 s 40(2)  
   amd 2005 SL No. 334 s 22(7) (amdt could not be given effect)  
 def “**metering service charge**” ins 2005 SL No. 10 s 40(2)  
   amd 2005 SL No. 334 s 22(8) (amdt could not be given effect)  
 def “**non-metered authority**” ins 2005 SL No. 334 s 22(1)  
 def “**proposed transferor’s land**” om 2003 SL No. 99 s 24(1)  
 def “**re-lift water**” ins 2005 SL No. 334 s 22(1)  
 def “**ROP**” ins 2006 SL No. 64 s 4  
 def “**settlement notice**” ins 2003 SL No. 99 s 24(2)  
 def “**standard terms document**” ins 2003 SL No. 99 s 24(2)  
 def “**stock purposes**” om 2005 SL No. 10 s 40(1)

def **“SunWater”** sub 2004 SL No. 166 s 46(2)  
def **“supplemented water”** ins 2003 SL No. 13 s 13  
def **“transferee’s allocation”** om 2003 SL No. 99 s 24(1)  
def **“UTM”** ins 2005 SL No. 134 s 13  
def **“water entitlement document”** om 2003 SL No. 99 s 24(1)  
def **“works”** ins 2005 SL No. 10 s 40(2)  
amd 2005 SL No. 334 s 22(9)