

Queensland



# **WATER RESOURCES AMENDMENT ACT 1998**

**Act No. 25 of 1998**



# Queensland



## WATER RESOURCES AMENDMENT ACT 1998

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## **Water Resources Amendment Act 1998**

**Act No. 25 of 1998**

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***An Act to amend the *Water Resources Act 1989****

***[Assented to 14 May 1998]***

**The Parliament of Queensland enacts—****Short title**

1. This Act may be cited as the *Water Resources Amendment Act 1998*.

**Commencement**

2. Section 9 commences on a day to be fixed by proclamation.

**Act amended**

3. This Act amends the *Water Resources Act 1989*.

**Amendment of s 44 (Licences)**

4. Section 44(1)—

*insert—*

‘(ba)without limiting paragraph (a), may include—

- (i) terms that are designed to protect the access (including future access) of persons other than the licensee to water, including because of the combined effect of the licence and other licences held by the licensee; and
- (ii) terms that have regard to other licences held by the licensee, including, for example, terms that apply having regard to the combined effect of the licence and the other licences; and’.

**Amendment of s 96 (Meaning of special works)**

- 5.(1) Section 96, definition “**special works**”, paragraph (c)—

*renumber* as paragraph (d).

- (2) Section 96, definition “**special works**”—

*insert—*

‘(c) works associated with a mining development or mining operations; or’.

#### **Amendment of s 97 (Recommendation re certain works)**

**6.(1)** Section 97(1), ‘proposed that in the chief executive’s opinion are’—  
*omit, insert—*

‘proposed or have been constructed and in the chief executive’s opinion the works are’.

**(2)** Section 97(2), ‘proposed’—  
*omit, insert—*

‘proposed or constructed’.

#### **Amendment of s 98 (Power of Governor in Council)**

**7.** Section 98, ‘proposed’—  
*omit, insert—*

‘proposed or constructed’.

#### **Amendment of s 99 (Application with respect to special works)**

**8.(1)** Section 99(1), ‘proposed’—  
*omit, insert—*

‘proposed or constructed’.

**(2)** Section 99(1), ‘proposing’—  
*omit, insert—*

‘proposing or having control of’.

**(3)** Section 99(1), ‘to construct those’—  
*omit, insert—*

‘of the’.

**(4)** Section 99(2), ‘proposal’—

*omit, insert—*

‘applicant’s proposal for the works’.

### **Amendment of s 175 (Assessment on sugarcane or sugar)**

**9.(1)** Section 175, heading—

*omit, insert—*

**‘Making and levying assessments’.**

**(2)** Section 175(1), ‘in accordance with this section’—

*omit, insert—*

‘in accordance with the authorising regulation’.

**(3)** Section 175(3)—

*omit.*

**(4)** Section 175(5), ‘in respect of a crushing season’—

*omit.*

**(5)** Section 175(6)—

*omit, insert—*

‘**(6)** A payment under subsection (5) must be made at the time fixed under the authorising regulation.’.

### **Replacement of pt 12 hdg (Transitional provisions)**

**10.** Part 12, heading—

*omit, insert—*

**‘PART 12—TRANSITIONAL AND VALIDATION’.**

### **Insertion of new s 256**

**11.** After section 255—

*insert—*



**‘Validation of terms**

**‘256.(1)** This section applies to a term of a licence if the licence was in force, or purportedly in force, immediately before the commencement of section 44(1)(ba)<sup>1</sup> (the “**paragraph**”), and—

- (a) the licence was issued under part 4, division 2;<sup>2</sup> and
- (b) had the licence been issued after the commencement of the paragraph, the term would be a term authorised under this Act.

**‘(2)** The term is taken to have always been validly included in the licence.’.

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<sup>1</sup> Section 44 (Licences)

<sup>2</sup> Part 4 (Regulation and control of water, watercourses and certain quarry materials), division 2 (licences)