



Queensland

Water Amendment Regulation (No. 2) 2004

Subordinate Legislation 2004 No. 102

made under the

Water Act 2000

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1 Short title

This regulation may be cited as the *Water Amendment Regulation (No. 2) 2004*.

2 Commencement

Sections 10(1) and 12 commence on 1 January 2005.

3 Regulation amended

This regulation amends the *Water Regulation 2002*.

4 Amendment of s 3D (Requirement for land and water management plan—Act, s 73)

(1) Section 3D, before ‘year’—

insert—

‘water’.

(2) Section 3D—

insert—

‘(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.’.

5 Amendment of s 14A (When water licence fee is payable)

Section 14A(1), ‘item 18’—

omit, insert—

‘item 41’.

6 Amendment of s 19 (Water bore driller's licence endorsements—Act, s 299)

(1) Section 19(1)—

omit, insert—

‘(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) Section 19(4), ‘authorise’—

omit, insert—

‘authorises’.

(3) Section 19—

insert—

‘(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.’.

7 Amendment of s 20 (Qualifications or experience for class 1 licence—Act, s 299)

Section 20(2)(b)—

omit, insert—

‘(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.’.

8 Amendment of s 21 (Qualifications or experience for class 2 licence—Act, s 299)

Section 21(2)(b)—

omit, insert—

‘(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.’.

9 Amendment of s 22 (Qualifications or experience for class 3 licence—Act, s 299)

Section 22(2)(c)—

omit, insert—

‘(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.’.

10 **Amendment of s 23 (Conditions of water bore driller’s licence—Act, s 302)**

- (1) Section 23(1)(a) and (b)—

omit, insert—

- ‘(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;’.

- (2) Section 23(1)—

insert—

- ‘(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;’.

1 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.nrme.qld.gov.au>.

- 11 Amendment of s 24 (Records of water bores drilled—Act, s 313)**
Section 24—
insert—
'(h) a diagram showing details of the construction of the finished bore.'
- 12 Replacement of s 52 (Requirements for decommissioning a water bore—Act, s 817)**
Section 52—
omit, insert—
- '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.²'
- 13 Replacement of s 54 (Downstream limits of watercourses—Act, s 1006(1))**
Section 54—
omit, insert—
- '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.'

2 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.nrme.qld.gov.au>.

14 Insertion of new s 60A

After section 60—

insert—

‘60A Metering service charge—Act, s 1014

- ‘(1) A metering service charge is payable to the chief executive by the holder of—
- (a) a water licence mentioned in schedule 14A; or
 - (b) a water licence that replaces a water licence mentioned in schedule 14A.
- ‘(2) The metering service charge consists of—
- (a) a meter use charge for the use of a meter by the holder for a period of 15 years; and
 - (b) a meter operating charge for reading and maintaining the meter.
- ‘(3) The meter use charge—
- (a) is payable for each water meter on the installation of the meter; and
 - (b) must not be more than the cost to the department of making the meter available for use by the holder.
- ‘(4) The meter operating charge—
- (a) is payable each financial year for each water meter; 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; 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.
- ‘(6) A notice given under subsection (5)(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.
- ‘(7) For subsection (1)(b), a water licence (the *second licence*) replaces another water licence (the *original licence*) in the following circumstances—
- (a) the original licence expires and a new water licence, the second licence, is granted in relation to the same land;
 - (b) the original licence is amalgamated with another water licence and a new water licence, the second licence, is granted in relation to the land to which the original licence and other water licence related;
 - (c) the original licence expires and 2 or more water licences, the second licences, are granted in relation to the same land;
 - (d) part of the land to which the original licence related is disposed of and 1 or more water licences, the second licences, are granted in relation to the same land.’

15 Insertion of new s 61A

After section 61—

insert—

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

‘The ‘Code for Assessable Development for Operational Works for Taking Overland Flow Water’³ 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.’

³ A copy of the code is available on the department’s website at <www.nrme.qld.gov.au>.

16 Amendment of s 62 (Code for self-assessable development—Act, 1014)

(1) Section 62(b)—

renumber as section 62(c).

(2) Section 62—

insert—

‘(b) for item 9A(b)(i)—the Code for Self-assessable Development for Taking Overland Flow Water for Stock and Domestic Purposes;’.

17 Amendment of s 69A (Conditions of class 1 water bore driller’s licence—Act, 302)

Section 69A, heading, ‘Act, 302’—

omit, insert—

‘Act, s 302’.

18 Amendment of sch 4 (Seasonal water assignments)

Schedule 4—

insert—

‘Pioneer groundwater management area	water licence to take groundwater	Pioneer groundwater management area seasonal water assignment rules’.
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19 Amendment of sch 6 (Water authorities)

(1) Schedule 6, entry for Glamorgan Vale Water Board, ‘AP 4024’—

omit, insert—

‘AP 13397’.

(2) Schedule 6, entry for Mulgildie Water Board, ‘AP 4033’—

omit, insert—

‘AP 13396’.

20 Amendment of sch 8 (Downstream limits)

(1) Schedule 8, all material above the columns—

*omit, insert—***‘Schedule 8 Downstream and upstream limits**

section 54

‘Part 1 Downstream limits’.

(2) Schedule 8—

*insert—***‘Part 2 Upstream limits**

Column 1	Column 2	Column 3
Watercourse	Feature or boundary	Plan
Black Gully	Confluence of Black Gully with Meandu Creek on lot 1 on SP 138386	AP 13351
Dunn Creek	Upstream ponded limit of Magazine Dam at coordinates of 259447 and 7308067 GDA94 Zone 56	700164 A4’.

21 Amendment of sch 10 (Water sharing rules)

Schedule 10—

insert—

‘Pioneer groundwater management area	Pioneer groundwater management area water sharing rules’.
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22 Amendment of sch 11 (Subartesian areas)

Schedule 11, entries for Eastern Downs, Great Artesian Basin and Mount Isa subartesian areas, ‘12069’—

omit, insert—

‘12072’.

23 Insertion of new sch 14A

After schedule 14—

insert—

‘Schedule 14A Water licences

section 60A(1)

Water licences	Number of meters
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 56618H	1
Water licences 47943H and 54196H	1
Water licence 47999H	1

Water licences	Number of meters
Water licence 102524	1
Water licences 47831H and 47832H	1
Water licence 54024H	2
Water licence 47998H	1
Water licences 47929H and 100581	2
Water licence 47935H	1’.

24 Amendment of sch 16 (Fees)

(1) Schedule 16, item 37—

omit.

(2) Schedule 16—

insert—

‘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	357.50
	(b) if s 20(2)(c)(iii) applies	662.50
	(c) if s 21(2)(c)(iv) applies	967.50
	(d) if s 22(2)(d)(iii) applies	1 170.50
39A.	Application to reinstate expired water bore driller’s licence (Act, s 308A(2)(b))—for 5 years	357.50’.

ENDNOTES

- 1 Made by the Governor in Council on 24 June 2004.
- 2 Notified in the gazette on 25 June 2004.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Natural Resources, Mines and Energy.

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