



Queensland

Water and Other Legislation Amendment Regulation (No. 1) 2005

Subordinate Legislation 2005 No. 334

made under the

Water Act 2000

State Penalties Enforcement Act 1999

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Water and Other Legislation Amendment Regulation (No. 1) 2005*.

2 Commencement

Part 2, other than section 15, commences on 1 January 2006.

Part 2 Amendment of Water Regulation 2002

3 Regulation amended in pt 2

This part amends the *Water Regulation 2002*.

4 Omission of s 14A (When water licence fee is payable)

Section 14A—
omit.

5 Amendment of s 56 (Water management areas)

- (1) Section 56(2)(d), ‘part 6A’—
omit, insert—
‘part 7’.
- (2) Section 56(4). ‘section 70’—
omit, insert—
‘section 101’.

6 Omission of s 59 (Minimum charge)

Section 59—

omit.

7 Amendment of s 60 (Notice for payment of charges)

(1) Section 60(1), words before paragraph (b)—

omit, insert—

‘(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—’.

(2) Section 60(1A)(b) to (e)—

renumber as section 60(1A)(a) to (d).

(3) Section 60(2), ‘(1)(b)’—

omit, insert—

‘(1A)(a)’.

8 Amendment of s 67A (Purpose of pt 6A)

Section 67A, heading, ‘pt 6A’—

omit, insert—

‘pt 7’.

9 Renumbering of pts 6A and 7

Parts 6A and 7—

renumber as parts 7 and 9.

10 Amendment of pt 9 (Transitional provisions and repeals)

Part 9, heading—

omit, insert—

‘Part 9 Transitional provisions’.

11 Amendment of s 78 (Water licences mentioned in s 60A)

Section 78, ‘part 6A’—

omit, insert—

‘part 7’.

12 Renumbering of ss 67A–79

(1) Sections 68 to 79—

renumber as sections 99 to 111.

(2) Sections 67A to 67N—

renumber as sections 68 to 81.

13 Insertion of new pt 8

After part 7, as renumbered—

insert—

‘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—
 - (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).’.

14 Replacement of pt 9, div 7

Part 9, as renumbered by this regulation, division 7—
omit, insert—

**‘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—

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- (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.’.

15 Amendment of sch 6 (Water authorities)

- (1) Schedule 6, entries for Foresthorne Drainage Board, Loder Creek Drainage Board, Mandam Drainage Board and Ripple Creek Drainage Board—

omit.

- (2) Schedule 6—

insert—

‘Lower Herbert Water Management Authority	AP4064’.
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- (3) Schedule 6, entry for Glamorgan Vale Water Board, ‘AP 13397’—

omit, insert—

‘AP4063’.

- (4) Schedule 6, entry for Myall Plains Water Authority, ‘AP 13398’—

omit, insert—

‘AP13401’.

16 Amendment of sch 11 (Subartesian areas)

Schedule 11, 'section 70'—

omit, insert—

'section 102'.

17 Amendment of sch 12 (Failure impact rating)

Schedule 12, 'section 71'—

omit, insert—

'section 103'.

18 Amendment of sch 13 (Authority areas)

Schedule 13, 'section 72'—

omit, insert—

'section 104'.

19 Replacement of sch 14 (Water charges)

Schedule 14—

omit, insert—

‘Schedule 14 Water charges

section 58

‘Column 1	Column 2	Column 3
Water management area	Date water year ends	Water charges
Dumaesq River water management area	30 September	Water from a watercourse flowing from Glenlyon Dam— (a) part A—\$7.55 (b) part B—\$9.30 Water harvesting— \$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)

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

20 Amendment of sch 15A (Metered entitlements)

Schedule 15A, ‘section 67H’—

omit, insert—

‘section 75’.

21 Amendment of sch 16 (Fees)

Schedule 16, item 41—

omit.

22 Amendment of sch 17 (Dictionary)

(1) Schedule 17—

insert—

‘*category 1* see section 86.

category 2 see section 86.

category 3 see section 86.

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

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.

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

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

non-metered authority see section 89.

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

- (2) Schedule 17, definition *approved meter*, ‘part 6A’—
omit, insert—
‘part 7’.
- (3) Schedule 17, definition *meter assessment notice*, ‘section 67E’—
omit, insert—
‘section 72’.
- (4) Schedule 17, definition *meter entitlement*, ‘section 67H’—
omit, insert—
‘section 75’.
- (5) Schedule 17, definition *meter entitlement notice*, ‘section 67C’—
omit, insert—
‘section 70’.
- (6) Schedule 17, definition *meter exit charge*, ‘section 67M’—
omit, insert—
‘section 80’.

‘8A Administering authority for Water Act 2000, ss 389(3), 433(1), 822 and 824B(1)’.

(2) Section 8A, ‘section 389(3),’—

omit, insert—

‘section 389(3), 433(1), 822 or 824B(1),’.

26 Amendment of sch 5 (Other legislation)

Schedule 5, entry for *Water Act 2000*—

omit, insert—

‘Water Act 2000

	Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)	
		Individual	Corporation
s 25(4)	.....	5	5
s 389(3)	first offence	2	10
	second offence (within 2 years after first offence)	3	15
	third and subsequent offences (within either 2 years after first offence or 6 months after most recent offence)	4	20
s 433(1)	.....	5	5
s 812	If the contravention of a condition of a holder’s water allocation, interim water allocation, water licence or water permit relates to taking—		
	• up to 5 megalitres of water over the volume the holder is authorised to take	2	2

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	<ul style="list-style-type: none"> • more than 5 but not more than 10 megalitres of water over the volume the holder is authorised to take • more than 10 but not more than 15 megalitres of water over the volume the holder is authorised to take • more than 15 but not more than 20 megalitres of water over the volume the holder is authorised to take • more than 20 megalitres of water over the volume the holder is authorised to take 	5	5
		10	10
		15	15
		20	20
s 822	.....	5	5
s 824B(1)	.....	5	5

Authorised person for service of infringement notices—

- (a) for an offence against section 389(3), 433(1), 822 or 824B(1)—an authorised person appointed under the *Local Government Act 1993*, section 1084; or
- (b) for an offence against section 25(4) or 812—an authorised officer appointed under the *Water Act 2000*, section 739’.

ENDNOTES

- 1 Made by the Governor in Council on 15 December 2005.
- 2 Notified in the gazette on 16 December 2005.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Natural Resources and Mines.

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