



Queensland

# Water Amendment Regulation (No. 2) 2006

## Subordinate Legislation 2006 No. 64

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) 2006*.

**2 Regulation amended**

This regulation amends the *Water Regulation 2002*.

**3 Insertion of pt 2, div 1**

Part 2, before division 1A—  
*insert—*

**‘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.

**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) 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.
- '(4) 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.’.

## 4 Amendment of sch 17 (Dictionary)

Schedule 17—

*insert—*

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

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

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

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

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

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### ENDNOTES

- 1 Made by the Governor in Council on 13 April 2006.
- 2 Notified in the gazette on 13 April 2006.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Natural Resources, Mines and Water.