



Queensland

Water Amendment Regulation (No. 4) 2006

Subordinate Legislation 2006 No. 133

made under the

Water Act 2000

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1 Short title

This regulation may be cited as the *Water Amendment Regulation (No. 4) 2006*.

2 Commencement

- (1) The following provisions of this regulation commence on 1 July 2006—
 - (a) sections 5, 6 and 9;
 - (b) section 8, to the extent it inserts part 9, division 8, subdivision 3.
- (2) Sections 4 and 11 commence on 1 September 2006.

3 Regulation amended

This regulation amends the *Water Regulation 2002*.

4 Insertion of new s 14A

After section 14—

insert—

‘14A When water licence fee is payable

- ‘(1) The water licence fee mentioned in schedule 16, item 41, is payable—
 - (a) on each of the following applications—
 - (i) for a water licence under section 206 of the Act;
 - (ii) to amend a water licence under section 216 of the Act by extending the period of the licence;
 - (iii) to renew a water licence under section 220 of the Act;
 - (iv) to reinstate a water licence under section 221 of the Act;
 - (v) to amalgamate 2 or more water licences under section 224 of the Act;

- (vi) to subdivide a water licence under section 225 of the Act;
 - (vii) for 1 or more replacement water licences under section 229 of the Act; and
 - (b) on the grant of a water licence under section 212, 1037, 1037A, 1046 or 1089 of the Act; and
 - (c) on the amalgamation of water licences or subdivision of a water licence, under section 1055 of the Act; and
 - (d) on the amendment of a water licence under section 1055 of the Act if the period for which the licence was granted is increased.
- ‘(2) Subsection (1) does not apply to—
- (a) a water licence only to take supplemented water; or
 - (b) a water licence to take water for stock or domestic purposes, other than if the licence is to take underground water for stock or domestic purposes from the Great Artesian Basin.
- ‘(3) The water licence fee for the whole of the period of the licence is payable when—
- (a) making the application under subsection (1)(a); or
 - (b) granting the licence under subsection (1)(b); or
 - (c) amalgamating, subdividing or amending the licence or licences under subsection (1)(c) or (d).’.

5 Insertion of new s 59

After section 58—

insert—

‘59 Minimum charge

- ‘(1) This section applies if a minimum charge is mentioned in schedule 14, column 3, for a water management area.
- ‘(2) The minimum charge is payable for a water year by the holder of an authorisation under this Act to take water from the water management area if the total charges payable under section 58

by the holder for the water year are less than the minimum charge.’.

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

(1) Section 60(1)—

omit.

(2) Section 60(1A), words before paragraph (a)—

omit, insert—

‘(1A) A charge under section 58—

(aa) may be levied—

(i) for the period decided by the chief executive; or

(ii) if the chief executive does not decide a period—quarterly; and’.

(3) Section 60(1A)(aa) to (d)—

renumber as section 60(1)(a) to (e).

(4) Section 60(2), ‘subsection (1A)(a)’—

omit, insert—

‘subsection (1)(b)’.

7 Omission of pt 8 (Water charges)

Part 8—

omit.

8 Insertion of new pt 9, div 8

Part 9—

insert—

**‘Division 8 Transitional provisions for Water
Amendment Regulation (No. 4) 2006**

**‘Subdivision 1 Water charges accrued on 31
December 2005**

‘121 Definitions for sdiv 1

‘In this subdivision—

amending regulation means the *Water and Other Legislation Amendment Regulation (No. 1) 2005*.

minimum charge, for a water management area, means the minimum charge mentioned in section 59 of the unamended regulation for the area.

unamended regulation means this regulation before the commencement of section 6 of the amending regulation.

‘122 References to unamended regulation

‘If this subdivision states that a provision of the unamended regulation applies, the provision and any other provision referred to in the provision applies as if the amending regulation had not commenced.

‘123 Application of subdivision 1

- ‘(1) This subdivision applies if the water charges payable under section 58 of the unamended regulation and accrued on 31 December 2005 are less than the minimum charge for the water year ending after 31 December 2005 for a water management area.

‘124 Adjustment of minimum charge

- ‘(1) This section applies despite—

- (a) the minimum charge mentioned in schedule 14, column 3, of the unamended regulation for the water management areas mentioned in subsection (2); and
 - (b) section 111.¹
- ‘(2) The following is the minimum charge for the part of the water year to 31 December 2005—
- (a) for the Border Rivers groundwater management area—\$24.87; and
 - (b) for the Bowen groundwater management area—\$96.00; and
 - (c) for the Bundaberg groundwater management area—\$50.25; and
 - (d) for the Burdekin River groundwater management area—
 - (i) for each water licence to take groundwater for which a bore has not been installed—\$49.50; and
 - (ii) for each water licence to take groundwater for which a bore has been installed—
 - (A) with a nominal entitlement of not more than 25ML—\$49.50 for each water meter; and
 - (B) with a nominal entitlement of more than 25ML—\$223.75 for each water meter; and
 - (e) for the Callide Valley groundwater management area—\$49.75 and
 - (f) for the Condamine groundwater management area—\$50.30; and
 - (g) for the Cressbrook Creek management area—\$49.75.

‘Subdivision 2 Water charges under previous pt 8

‘125 Definition for sdiv 2

‘In this subdivision—

¹ Section 111 (Effect of change to date water year ends)

amending regulation means the *Water and Other Legislation Amendment Regulation (No. 1) 2005*.

Dumaresq water harvesting charge means the water charge for water harvesting mentioned in schedule 14, column 3, for the Dumaresq water management area and applying because of the commencement of section 19 of the amending regulation.

part 8 means part 8 as in force immediately before the commencement of the *Water Amendment Regulation (No. 4) 2006*, section 7.

part 8 water charges—

- (a) means the water charges mentioned in part 8; and
- (b) includes the following—
 - (i) the water charges mentioned in section 112;²
 - (ii) the Dumaresq water harvesting charge.

‘126 Non-application of previous pt 8 water charges

- ‘(1) Despite the commencement of the amending regulation, the part 8 water charges are not payable.
- ‘(2) To remove any doubt, it is declared that—
 - (a) any entity stated to be liable to pay part 8 water charges is not liable to pay the charges; and
 - (b) part 8 water charges accrued from 1 January 2006 are not payable.
- ‘(3) If an entity has paid part 8 water charges, the chief executive must refund the part 8 water charges to the entity.

‘127 Other refunds of previous part 8 water charges

- ‘(1) This section applies to the sale or other dealing of land or a water allocation if an entity (the **first entity**) has, in relation to the dealing, paid part 8 water charges to another entity (the **second entity**).

² Section 112 (Application of new water charges)

- '(2) The second entity must refund to the first entity the part 8 water charges.
- '(3) Any unpaid part 8 water charges are a debt payable to the first entity.

'Subdivision 3 Water charges from 1 July 2006

'128 New water charges payable from 1 July 2006

'Despite section 58(2), a change to a water charge, applying because of the commencement of the *Water Amendment Regulation (No. 4) 2006*, section 9, is payable from 1 July 2006.

'129 Minimum fee for particular management areas

- '(1) Despite the minimum charge mentioned in schedule 14, column 3, for the Border Rivers groundwater management area, the minimum charge for the part of the water year from 1 July 2006 to 30 September 2006 is \$24.87.
- '(2) Despite section 111 and the minimum charge mentioned in schedule 14, column 3, for the Bowen groundwater management area, the minimum charge for the part of the water year from 1 July 2006 to 30 March 2007 is \$73.98.'

9 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
Barker–Barambah Creeks water management area	30 June	Water harvesting—\$3.25 for each megalitre
Barron River–Emerald Creek water management area	30 June	Water harvesting— (a) from Tinaroo Falls Dam or Barron River—\$3.25 for each megalitre (b) from Emerald Creek above AMTD14.300—\$3.25 for each megalitre (c) from any other watercourse—\$3.25 for each megalitre
Border Rivers groundwater management area	30 September	Minimum charge—\$102.20 part A—\$1.14 part B—\$0.76
Bowen–Broken Rivers water management area	30 June	Water harvesting—\$3.25 for each megalitre
Bowen groundwater management area	31 March	Minimum charge—\$98.65 part A—nil part B—\$4.00
Boyne River water management area	30 June	Water harvesting—\$3.25 for each megalitre

Column 1	Column 2	Column 3
Water management area	Date water year ends	Water charges
Bundaberg groundwater management area	30 June	Minimum charge—\$103.30 Water from Gooburrum and Woongarra districts— (a) part A—\$3.00 (b) part B—\$1.00 Water from Barns district— (a) part A—nil (b) part B—\$1.47
Burdekin River groundwater management area	30 June	Minimum charge for each water licence to take groundwater for which a bore has not been installed—\$101.70 For each water licence to take groundwater for which a bore has been installed— (a) with a nominal entitlement of not more than 25ML—\$101.70 for each water meter (b) with a nominal entitlement of more than 25ML—\$460.00 for each water meter
Callide Valley groundwater management area (non-benefitted)	30 June	Minimum charge for groundwater—\$102.20 For taking groundwater—\$1.24 for each megalitre of announced entitlement
Central Lockyer water management area	30 June	Water harvesting—\$3.25 for each megalitre

Column 1	Column 2	Column 3
Water management area	Date water year ends	Water charges
Chinchilla Weir water management area	31 August	Water harvesting—\$3.25 for each megalitre
Condamine groundwater management area	30 June	Minimum charge—\$103.40 part A—\$1.14 part B—\$1.14
Condamine River and Sandy Creek water management area	30 June	Water harvesting from Sandy Creek or Condamine River including North Branch—\$3.25 for each megalitre
Cressbrook Creek water management area	30 June	Minimum charge—\$102.20 part A—nil part B—\$1.34
Dawson River water management area	30 September	Water harvesting from Dawson River and Glebe Weir reservoir—\$3.25 for each megalitre
Dumaresq River water management area	30 June	Water from a watercourse flowing from Glenlyon Dam— (a) part A—\$7.75 (b) part B—\$9.55 Water harvesting—\$3.25 for each megalitre
Fitzroy River Barrage water management area	30 June	Water harvesting—\$3.25 for each megalitre
Gowrie–Oakey Creek water management area	30 June	\$80.35 for each water meter
Logan River water management area	30 June	Water harvesting from Burnett Creek or Logan River—\$3.25 for each megalitre

Column 1	Column 2	Column 3
Water management area	Date water year ends	Water charges
Lower Balonne water management area	30 June	Water harvesting— (a) from a supplemented section of the Thuraggi watercourse or Thuraggi diversion channel—\$3.25 for each megalitre (b) from Beardmore Dam or from any watercourse downstream of Beardmore Dam to the Queensland/New South Wales border—\$3.25 for each megalitre
Lower Burnett and Kolan Rivers water management area	30 June	Water harvesting—\$3.25 for each megalitre
Lower Lockyer water management area	30 April	Water harvesting—\$3.25 for each megalitre
Macintyre Brook water management area	30 September	Water harvesting—\$3.25 for each megalitre
Nogoa Mackenzie water management area	30 June	Water harvesting from Lake Maraboon or Nogoa River or Mackenzie River to the junction with Springton Creek—\$3.25 for each megalitre
Oakey Creek groundwater management area	30 June	\$91.95 for each water meter
Pioneer groundwater management area	30 June	\$250.50 for each water meter

'Column 1	Column 2	Column 3
Water management area	Date water year ends	Water charges
Pioneer River water management area	30 June	Water harvesting—\$3.25 for each megalitre
Three Moon Creek water management area	30 June	Water harvesting—\$3.25 for each megalitre
Upper Burnett and Nogo Rivers water management area	30 June	Water harvesting from Nogo River or Burnett River—\$3.25 for each megalitre
Upper Hodgson Creek groundwater management area	30 June	\$91.95 for each water meter
Warrill Valley water management area	30 June	Water harvesting— (a) from Reynolds Creek, Warrill Creek from its junction with Reynolds Creek or Bremer River from the junction of Warrill Creek downstream to Berry's Lagoon—\$3.25 for each megalitre (b) from Black Gully, Kent's Lagoon, Normanby Gully, West Branch, Waroolaba Creek or the Upper Warrill systems—\$3.25 for each megalitre'.

10 Omission of sch 14A (Particular water charges)

Schedule 14A—

omit.

11 Amendment of sch 16 (Fees)

Schedule 16—

insert—

‘41 Water licence fee (Act, s 1014(2)(a))—for each year 54.30’.

12 Amendment of sch 17 (Dictionary)

Schedule 17, definitions *category 1, category 2, category 3, charging period, distribution channel loss, drought declared, individually droughted property, inspector of stock, non-metered authority and re-lift water—*

omit.

ENDNOTES

- 1 Made by the Governor in Council on 15 June 2006.
- 2 Notified in the gazette on 16 June 2006.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Natural Resources, Mines and Water.