



Queensland

# Water Amendment Regulation (No. 7) 2006

## Subordinate Legislation 2006 No. 263

made under the

*Water Act 2000*

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**1 Short title**

This regulation may be cited as the *Water Amendment Regulation (No. 7) 2006*.

**2 Regulation amended**

This regulation amends the *Water Regulation 2002*.

**3 Amendment of s 49 (Destroying vegetation in a watercourse, lake or spring—Act, s 814)**

Section 49(1)—

*omit, insert—*

‘(1) Destroying vegetation in a watercourse, lake or spring is permitted if the destruction is carried out under—

- (a) a lease or authority to prospect under the *Petroleum Act 1923*; or
- (b) a licence, petroleum lease or authority to prospect under the *Petroleum and Gas (Production and Safety) Act 2004*; or
- (c) a tree clearing permit under the *Land Act 1994*; or
- (d) a licence under the *Fossicking Act 1994*; or
- (e) an environmental authority (mining activities) under the *Environmental Protection Act 1994*; or
- (f) the Queensland Department of Main Roads Guideline for Activities in a Watercourse or Lake for Destroying up to 0.25ha of Vegetation, Excavating up to 500m<sup>3</sup>, or Placing Fill up to 500m<sup>3</sup>; or

*Editor’s note—*

Copies of the guideline may be obtained from the department’s head office in Brisbane.

- (g) the Powerlink Guideline for Activities in a Watercourse or Lake for Destroying up to 0.25ha of Vegetation, Excavating up to 500m<sup>3</sup>, and Placing up to 500m<sup>3</sup> of Fill.’

**4 Amendment of s 50 (Excavating in a watercourse, lake or spring—Act, s 814)**

(1) Section 50(1)(b) to (f)—

*renumber* as section 50(1)(c) to (g).

(2) Section 50(1)(a)—

*omit, insert—*

‘(a) a lease or authority to prospect under the *Petroleum Act 1923*; or

(b) a licence, petroleum lease or authority to prospect under the *Petroleum and Gas (Production and Safety) Act 2004*; or’.

**5 Amendment of s 51 (Placing fill in a watercourse, lake or spring—Act, s 814)**

(1) Section 51(1)(a)(ii) to (iv)—

*renumber* as section 51(1)(a)(iii) to (v).

(2) Section 51(1)(a)(i)—

*omit, insert—*

‘(i) a lease or authority to prospect under the *Petroleum Act 1923*; or

(ii) a licence, petroleum lease or authority to prospect under the *Petroleum and Gas (Production and Safety) Act 2004*; or’.

**6 Amendment of s 59 (Minimum charge)**

Section 59(2), ‘under this Act’—

*omit.*

**7 Amendment of s 64 (Water sharing rules)**

(1) Section 64(1), after ‘for’—

*insert—*

‘taking water from’.

(2) Section 64(2)—

*omit, insert—*

‘(2) The water sharing rules for taking water from a particular water management area, or a part of the area, may state the following—

(a) if, under the rules, the chief executive is required to decide an announced entitlement—

(i) how the announced entitlement is decided; and

(ii) whether the announced entitlement may be varied during the water year; and

(iii) whether the announced entitlement applies in relation to the taking of water for a particular purpose;

(b) the extent to which, and the conditions on which, carry overs and forward draws may be authorised in the area, or the part of the area.’.

## **8 Amendment of s 66 (Announced entitlement)**

(1) Section 66(1)—

*omit, insert—*

‘(1) If the water sharing rules for taking water from a water management area, or a part of the area, require the chief executive to decide an ***announced entitlement***, the chief executive must—

(a) decide the announced entitlement before the start of the water year to which the announced entitlement relates; and

(b) either—

(i) give notice of the announced entitlement to the holders of the water licences to which the entitlement relates; or

(ii) publish the announced entitlement in a newspaper circulating generally in the water management area; or

(iii) publish the announced entitlement on the department's web site on the internet.'

(2) Section 66(3)(a), 'appropriate for the area'—

*omit, insert—*

'appropriate for the water management area, or the part of the area, to which the entitlement relates'.

(3) Section 66(3)(b), after 'for'—

*insert—*

'taking water from'.

## 9 Amendment of s 67 (Annual entitlement)

(1) Section 67(1), from 'water management area' to 'calculated'—

*omit, insert—*

'water management area, or a part of the area, the **annual entitlement** for a water licence to which the announced entitlement relates is calculated'.

(2) Section 67(2), from 'water management area' to 'nominal'—

*omit, insert—*

'water management area, or a part of the area, the annual entitlement for a water licence in the area or the part of the area is the nominal'.

## 10 Amendment of s 102 (Declared subartesian areas—Act, s 1046)

(1) Section 102(3)—

*renumber* as section 102(4).

(2) Section 102(2)—

*omit, insert—*

'(2) A water entitlement is required to take or interfere with subartesian water in the Fraser Island subartesian area, other than for a purpose mentioned in column 2 for the area.

- ‘(3) A water entitlement, water permit or seasonal water assignment notice is required to take or interfere with subartesian water in another subartesian area, other than for a purpose mentioned in column 2 for the area.’.

**11 Amendment of sch 3 (Transferring interim water allocations)**

Schedule 3, entry for ‘Mareeba Dimbulah’—

*omit, insert—*

- |    |                      |   |  |
|----|----------------------|---|--|
| ‘1 | Burdekin<br>Haughton | all purposes other than<br>urban or distribution<br>loss purposes | the allocation is to take water,<br>and the transfer results in the<br>water being taken only from<br>the same channel system,<br>under the interim resource<br>operations licence for the<br>water supply scheme, from<br>which the water could be<br>taken under the allocation<br>before the transfer’. |
|----|----------------------|---|--|

**12 Amendment of sch 6 (Water authorities)**

Schedule 6—

*insert—*

‘Weengallon Water Authority	AP13399’.
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**13 Amendment of sch 10 (Water sharing rules)**

Schedule 10—

*insert—*

‘Lower Balonne water management area	Lower Balonne water management area water sharing rules’.
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**14 Amendment of sch 13 (Authority areas)**

Schedule 13, entry for ‘Weengallon Bore Water Supply Area’—

*omit.*

**15 Amendment of sch 14 (Water charges)**

Schedule 14, entry for ‘Burdekin River groundwater management area’—

*omit, insert—*

‘Burdekin River groundwater management area	30 June	<p>Minimum charge for each water licence to take groundwater for which a water bore without a water meter has been installed, or for which a water bore has not been installed—\$101.70</p> <p>For each water licence to take groundwater for which a water bore with a water meter has been installed—</p> <p>(a) with a nominal entitlement of not more than 25ML—\$101.70 for each water meter</p> <p>(b) with a nominal entitlement of more than 25ML—\$460.00 for each water meter’.</p>
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**16 Amendment of sch 16 (Fees)**

(1) Schedule 16, item 5, ‘s 142(2)(c)’—

*omit, insert—*

‘s 142(2)(d)’.

(2) Schedule 16, item 34, ‘s 231(2)(c)’—

*omit, insert—*

‘s 231(2)(f)’.

(3) Schedule 16, item 36—

*omit, insert—*

‘36 Application to renew allocation notice (Act, s 289(2)(b)—for each 6 month period, or part of a 6 month period, the renewed allocation notice has effect . . . . . 118.30’.

#### ENDNOTES

- 1 Made by the Governor in Council on 26 October 2006.
- 2 Notified in the gazette on 27 October 2006.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Natural Resources and Water.