

Water and Other Legislation Amendment Regulation No. 90, 2007
(No. 1) 2007

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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) 2007*.

2 Commencement

- (1) Sections 10 and 11 commence on the later of the following—
 - 20 May 2007;
 - the day this regulation is notified in the gazette.
- (2) Section 12 commences on 1 July 2007.

Part 2 Amendment of River Improvement Trust Regulation 1998

3 Regulation amended in pt 2

This part amends the *River Improvement Trust Regulation 1998*.

4 Insertion of new pt 5

After section 14—
insert—

‘Part 5 Transfer of assets and liabilities of Millmerran Shire River Improvement Trust

'15 Transfer—Act, s 3(5)(c)

'On the commencement of this part, the assets and liabilities of the Millmerran Shire River Improvement Trust are vested in the Millmerran Shire Council.

'16 Expiry

'This part expires the day after it commences.'

5 Amendment of schedule (River improvement areas and trusts continued in existence)

Schedule, entry for Millmerran Shire River Improvement Area—

omit.

Part 3 Amendment of Water Regulation 2002

6 Regulation amended in pt 3

This part amends the *Water Regulation 2002*.

7 Insertion of new s 3E

Part 2, division 1B—

insert—

'3E Water allocations register—Act, s 127

'(1) If the water sharing rules for a water allocation managed under a resource operations plan are stated to be continuous sharing rules in the plan, the nominal location for the allocation must be stated on the entry on the water allocations register for the allocation.

'(2) In this section—

nominal location, for a water allocation, means the location from which water may be taken on the day the continuous sharing rules first apply to the water allocation.’

8 Insertion of new pt 2, div 3A

Part 2—

insert—

‘Division 3A Transfer of water licences—Act, s 223

‘15A Application of div 3A

- ‘(1) This division applies to a water licence, to take water, to which a water resource plan applies, whether or not the licence attaches to the land (the *original licence*).
- ‘(2) If the resource operations plan that implements the water resource plan states rules for changing the location from which water may be taken under a water licence, all or part of the original licence may be—
- (a) transferred to a prescribed person within the meaning of section 223(6) of the Act (a *transfer*); or
 - (b) amended to change the location from which the water may be taken or the purpose for which the water may be taken (an *amendment*); or
 - (c) amalgamated with another water licence held or to be held by the transferee (an *amalgamation*).
- ‘(3) This division states the process for dealing with an application for the transfer, amendment or amalgamation.

‘15B Definitions for div 3A

‘In this division—

amalgamation, in relation to the original licence, see section 15A(2)(c).

amendment, in relation to the original licence, see section 15A(2)(b).

new licence means the water licence that the chief executive may issue under this division after a transfer, amendment or amalgamation of the original licence.

original licence see section 15A(1).

transfer, in relation to the original licence, see section 15A(2)(a).

transfer notice see section 15G(1).

‘15C Application to transfer, amend or amalgamate water licences

- ‘(1) A person may, in relation to the original licence, apply to the chief executive for a transfer, amendment or amalgamation.
- ‘(2) The application must be—
 - (a) made to the chief executive in the approved form; and
 - (b) for a transfer or amalgamation—made jointly by the following—
 - (i) the holder of the original licence;
 - (ii) the proposed transferee.
- ‘(3) The application must—
 - (a) state each of the following—
 - (i) details of the original licence;
 - (ii) if the original licence, or part of the licence, is to be amalgamated with the transferee’s water licence—details of the transferee’s licence;
 - (iii) the purpose for which the water will be taken under the new licence;
 - (iv) details of the location of the proposed taking of water under the new licence;
 - (v) the volume of water proposed to be taken under the new licence; and

- (b) be accompanied by—
 - (i) a statutory declaration by the holder of the original licence that each person (an *interested entity*) who has a financial or other interest in the land of the holder for which the licence is held has been given notice of the proposed transfer, amendment or amalgamation; and
 - (ii) the written consent of each interested entity to the proposed transfer, amendment or amalgamation; and
 - (iii) the application fee.
- ‘(4) The application can be for 1 or more of the matters mentioned in section 15A(2).

‘15D Additional information may be required

‘The chief executive may require—

- (a) the applicant to give additional information about the application; or
- (b) any information included in the application, or any additional information required under paragraph (a), to be verified by statutory declaration.

‘15E Criteria for deciding application

- ‘(1) In deciding whether to approve the application, the chief executive must consider the following—
- (a) any additional information given about the application;
 - (b) the water resource plan;
 - (c) the resource operations plan, including, in particular, the rules, stated in the resource operations plan, for transferring, amending or amalgamating water licences;
 - (d) any wild river declaration that may apply to the original licence.
- ‘(2) Subsection (1) does not limit the matters the chief executive may consider.

‘15F Deciding application

- ‘(1) After considering the matters mentioned in section 15E, the chief executive may—
- (a) refuse the application; or
 - (b) approve the application with or without conditions.
- ‘(2) The chief executive must, within 10 business days after deciding the application, give the applicant notice of the decision.

Note—

See section 205 of the Act for the circumstances in which the chief executive is required to give either an information notice or a notice stating the decision and the reasons for the decision.

‘15G Intention to proceed

- ‘(1) If the applicant is given an information notice for the decision and intends to proceed with the transfer, amendment or amalgamation, the applicant must give the chief executive notice in the approved form (a *transfer notice*).
- ‘(2) The transfer notice must be given within 30 business days after—
- (a) if the applicant appeals against the decision—the day the appeal is finally decided; or
 - (b) otherwise—the day the applicant receives the information notice.

‘15H Completion of transfer, amendment or amalgamation

- ‘(1) This section applies if the chief executive—
- (a) gives the applicant notice of the decision, other than an information notice; or
 - (b) receives a transfer notice within the period mentioned in section 15G(2).
- ‘(2) The chief executive may require the proposed transferee to give a document evidencing ownership of land to which the new licence will attach.

- ‘(3) The chief executive must cancel, amend or subdivide the original licence, or issue a new licence, necessary to give effect to the transfer, amendment or amalgamation within 30 business days after—
- (a) if the chief executive has, under subsection (2), required the proposed transferee to give a document—the day the chief executive receives the document; or
 - (b) if the chief executive receives a transfer notice—the day the chief executive receives the notice; or
 - (c) otherwise—the day the chief executive gives notice of the decision under section 15F(2).’

9 Amendment of s 58 (Charges for water allocated, supplied or taken—Act, s 1014

Section 58—

insert—

- ‘(3) This section does not apply if—
- (a) water is taken under a metered entitlement; and
 - (b) the water charge mentioned in column 3 of the schedule is for a water meter.’

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

- (1) Section 60(1)(e)—

omit.

- (2) Section 60—

insert—

- ‘(1A) If any part of the charge remains unpaid after 30 days, the late fee prescribed under section 1013A(2) of the Act is the interest, accruing daily at the rate that is 2% above the Suncorp Metway Ltd business banking variable lending base rate, on the part of the charge.

- ‘(1B) The interest starts accruing on the day immediately after the charge became payable and ends on the day the charge is paid in full, both days inclusive.’.
- (3) Section 60(2)(c) and (d)—
omit, insert—
- ‘(c) that a late fee is payable on any part of the charge remaining unpaid after 30 days; and
- (d) how the late fee is calculated under subsections (1A) and (1B).’.

11 Amendment of s 76 (Metering service charge—Act, s 1014)

- (1) Section 76(5)(d)—
omit.
- (2) Section 76—
insert—
- ‘(5A) If any part of the charge remains unpaid after 20 business days, the late fee prescribed under section 1013A(2) of the Act is the interest, accruing daily at the rate that is 2% above the Suncorp Metway Ltd business banking variable lending base rate, on the part of the charge.
- ‘(5B) The interest starts accruing on the day immediately after the charge became payable and ends on the day the charge is paid in full, both days inclusive.’.
- (3) Section 76(6)(d) and (e)—
omit, insert—
- ‘(d) that a late fee is payable on any part of the charge remaining unpaid after 20 business days; and
- (e) how the late fee is calculated under subsections (5A) and (5B).’.

12 Amendment of sch 4 (Seasonal water assignments)

Schedule 4—

insert—

‘Mid Brisbane River water management area	water licence to take supplemented water from a watercourse flowing from Wivenhoe Dam (AMTD 150.2km) to Mt Crosby Weir (AMTD 90.8km)	Mid Brisbane River water management area seasonal water assignment rules’.
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13 Amendment of sch 6 (Water authorities)

- (1) Schedule 6, entry for Boondooma Water Board, ‘AP4017’—

omit, insert—

‘AP16173’.

- (2) Schedule 6, entry for Glamorgan Vale Water Board, ‘AP16171’—

omit, insert—

‘AP16172’.

14 Amendment of sch 15A (Metered entitlement)

Schedule 15A, entry for Pioneer groundwater management area—

omit, insert—

‘Pioneer groundwater management area	<p>Water licence 20297L</p> <p>Water licence 20351L</p> <p>Water licence 20376L</p> <p>Water licence 20489L</p> <p>Water licence 24652L</p>
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Water licence 24788L

Water licence 30938L

Water licence 34042L

Water licence 35409L

Water licence 36580L

Water licence 36686L

Water licence 37444L

Water licence 38607L

Water licence 43099L

Water licence 43119L

Water licence 43306L

Water licence 43872L

Water licence 44172L

Water licence 44497L

Water licence 44599L

Water licence 44603L

Water licence 46029L

Water licence 46134L

Water licence 46295L

Water licence 46367L

Water licence 46370L

Water licence 46412L

Water licence 46440L

Water licence 46467L

Water licence 46487L

Water licence 46513L

Water licence 46581L

Water licence 46634L
Water licence 46893L
Water licence 63036L
Water licence 63051L
Water licence 63891L
Water licence 81031L
Water licence 81229L
Water licence 81243L
Water licence 81324L
Water licence 81722L
Water licence 81770L
Water licence 81938L
Water licence 85040L
Water licence 85188L
Water licence 85408L
Water licence 85431L
Water licence 85494L
Water licence 100249
Water licence 100710
Water licence 103332
Water licence 180489
Water licence 186827
Water licence 400800
Water licence 401467
Water licence 401733

The plan area of the 'Barron Resource Operations Plan 2005'	All water licences
<p>The plan area of the consultation draft called 'Water Resource (Mitchell) Plan 2006'</p> <p><i>Editor's note—</i></p> <p>The consultation draft was released by the department on 26 October 2006 and is available for inspection on the department's website at <www.nrw.qld.gov.au>.</p>	All water licences'.

15 Amendment of sch 16 (Fees)

Schedule 16—

insert—

'30A Application to transfer, amend or amalgamate water licences under part 2, division 3A (Act, s 223) 252.90'.

16 Amendment of sch 17 (Dictionary)

Schedule 17—

insert—

'amalgamation, for part 2, division 3A, see section 15A(2)(c).

amendment, for part 2, division 3A, see section 15A(2)(b).

new licence, for part 2, division 3A, see section 15B.

original licence, for part 2, division 3A, see section 15A(1).

transfer, for part 2, division 3A, see section 15A(2)(a).

transfer notice, for part 2, division 3A, see section 15G(1)'.

ENDNOTES

- 1 Made by the Governor in Council on 17 May 2007.
- 2 Notified in the gazette on 18 May 2007.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Natural Resources and Water.