



Contents

	15AA	Particular water licences may be transferred, amended or amalgamated . . . . .	6
10		Replacement of pt 2, div 3A, sdiv 2, hdg (Transfer, amendment or amalgamation of water licence to which a water resource plan applies) . . . . .	7
	Subdivision 2	Process for dealing with application	
11		Replacement of s 15A (Application of sdiv 2). . . . .	7
	15A	Purpose of sdiv 2 . . . . .	7
12		Amendment of s 15B (Definitions for sdiv 2) . . . . .	7
13		Amendment of s 15C (Application to transfer, amend or amalgamate water licences) . . . . .	8
14		Amendment of s 15E (Criteria for deciding application) . . . . .	8
15		Replacement of s 15G (Intention to proceed) . . . . .	9
	15G	Intention to proceed . . . . .	9
16		Amendment of s 19 (Water bore driller's licence endorsements—Act, s 299) . . . . .	10
17		Amendment of s 22 (Qualifications or experience for class 3 licence—Act, s 299) . . . . .	10
18		Amendment of s 23 (Conditions of water bore driller's licence—Act, s 302) . . . . .	10
19		Amendment of s 32C (Notice of election at meeting) . . . . .	11
20		Amendment of s 34 (Nominations for election by mail) . . . . .	11
21		Omission of s 49 (Destroying vegetation in a watercourse, lake or spring—Act, s 814) . . . . .	11
22		Amendment of s 50 (Excavating in a watercourse, lake or spring—Act, s 814) . . . . .	12
23		Omission of s 51 (Placing fill in a watercourse, lake or spring—Act, s 814) . . . . .	12
24		Amendment of s 52 (Requirements for decommissioning a water bore—Act, s 817) . . . . .	12
25		Amendment of s 52AAB (Prescribed conditions on taking water by constructing authority—Act, s 20(9)(a)) . . . . .	13
26		Omission of s 61A (Code against which development applications assessed—Act, s 1014) . . . . .	13
27		Amendment of s 62 (Code for self-assessable development—Act, s 1014) . . . . .	13
28		Amendment of s 102 (Declared subartesian areas—Act, s 1046) . . . . .	13
29		Replacement of pt 9, div 5, hdg (Miscellaneous transitional provisions) . . . . .	14
	Division 5	Transitional provision for particular areas	
30		Omission of ss 106–109 . . . . .	14

31	Amendment of pt 9, div 7, hdg (Transitional provisions for Water and Other Legislation Amendment Regulation (No. 1) 2005) . . . . .	14
32	Omission of pt 9, div 7, sdiv 1, hdg (Water charges) . . . . .	14
33	Omission of pt 9, div 7, sdiv 2 (Granting particular interim water allocations) . . . . .	14
34	Insertion of new pt 9, div 11 . . . . .	14
	Division 11 Transitional provision for Water and Another Regulation Amendment Regulation (No. 1) 2013	
	132 Particular condition of water bore driller's licence of no effect 15	
35	Insertion of new sch 1 . . . . .	15
	Schedule 1 Prescribed activities for general authorisation to take water	
36	Amendment of sch 2 (Entities—Act, sections 190, 193, 206 and 213) 17	
37	Amendment of sch 4 (Seasonal water assignments) . . . . .	18
38	Amendment of sch 8 (Downstream and upstream limits) . . . . .	18
39	Amendment of sch 11 (Subartesian areas) . . . . .	22
40	Amendment of sch 15A (Metered entitlements) . . . . .	22
41	Amendment of sch 16 (Fees) . . . . .	23
42	Amendment of sch 17 (Dictionary) . . . . .	23
<b>Part 3</b>	<b>Amendment of Sustainable Planning Regulation 2009</b>	
43	Regulation amended . . . . .	24
44	Amendment of sch 24 (Clearing of native vegetation—not assessable development under schedule 3, part 1, table 4, item 1) . . . . .	24

[s 1]

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## **Part 1 Preliminary**

### **1 Short title**

This regulation may be cited as the *Water and Another Regulation Amendment Regulation (No. 1) 2013*.

## **Part 2 Amendment of Water Regulation 2002**

### **2 Regulation amended**

This part amends the *Water Regulation 2002*.

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

Part 2, before division 1B—

*insert—*

#### **Division 1 Authorised taking of, or interference with, water without water entitlement**

#### **3B Prescribed activities for general authorisation to take water**

The activities mentioned in schedule 1 are prescribed for section 20(2)(a) of the Act.

### **4 Amendment of s 5D (Sale notice about auction or tender)**

Section 5D(2), editor's note, 'www.dews.qld.gov.au'—

*omit, insert—*

www.dnrm.qld.gov.au

---

**5 Amendment of s 5I (Application of sdiv 3)**

- (1) Section 5I(3), definition *project of State significance*—  
*omit.*
- (2) Section 5I(3), definition *State purpose*, paragraph (a)—  
*omit, insert—*
- (a) a coordinated project under the *State Development and Public Works Organisation Act 1971*;

**6 Omission of pt 2, div 2, sdiv 1, hdg (General)**

Part 2, division 2, subdivision 1, heading—  
*omit.*

**7 Omission of pt 2, div 2, sdiv 2 (Interim water allocations for Julius Dam water supply scheme)**

Part 2, division 2, subdivision 2—  
*omit.*

**8 Amendment of pt 2, div 3A, hdg (Transfer of water licences—Act, s 223)**

Part 2, division 3A, heading, after ‘Transfer’—  
*insert—*

**, amendment or amalgamation**

**9 Replacement of pt 2, div 3A, sdiv 1 (Transfer of water licence attached to land in a relevant water management area)**

Part 2, division 3A, subdivision 1—  
*omit, insert—*

[s 9]

---

## **Subdivision 1 Particular water licences may be transferred etc.**

### **15AA Particular water licences may be transferred, amended or amalgamated**

- (1) This section applies to a water licence for the taking of water from a location in a relevant water management area.
- (2) All or part of the licence may be—
  - (a) if the licence attaches to land—transferred so that the whole or the part attaches to other land, whether in or outside Queensland; or
  - (b) transferred to a prescribed person within the meaning of section 223(5) of the Act; or
  - (c) amended to change the location from which the water may be taken or the purpose for which the water may be taken; or
  - (d) amalgamated with another licence held or to be held by the transferee.
- (3) In this section—

***relevant water management area*** means a water management area—

  - (a) declared by the chief executive under section 56(1); and
  - (b) for which water sharing rules for the taking of water from the area allow for the transfer, amendment or amalgamation of all or part of a water licence.

*Editor's notes—*

- 1 A list of relevant water management areas is available on the department's website at <[www.dnrm.qld.gov.au](http://www.dnrm.qld.gov.au)>.
- 2 A copy of the water sharing rules for taking water from a water management area may be obtained from the department's regional office for the area.

**10 Replacement of pt 2, div 3A, sdiv 2, hdg (Transfer, amendment or amalgamation of water licence to which a water resource plan applies)**

Part 2, division 3A, subdivision 2, heading—

*omit, insert—*

**Subdivision 2 Process for dealing with application**

**11 Replacement of s 15A (Application of sdiv 2)**

Section 15A—

*omit, insert—*

**15A Purpose of sdiv 2**

- (1) This subdivision states the process for dealing with an application for the transfer, amendment or amalgamation of an original licence.
- (2) Each of the following water licences, for taking water, is an *original licence*—
  - (a) a licence to which section 15AA applies;
  - (b) a licence if, under a resource operations plan, there may be a transfer, amendment or amalgamation of all or part of the licence.

**12 Amendment of s 15B (Definitions for sdiv 2)**

- (1) Section 15B, definitions *amalgamation, amendment, original licence, transfer* and *transfer notice*—

*omit.*

- (2) Section 15B—

*insert—*

*amalgamation*, in relation to an original licence, means amalgamation of the original licence with another water licence held or to be held by the transferee.

[s 13]

---

*amendment*, in relation to an original licence, means amendment of the original licence to change the location from which water may be taken or the purpose for which water may be taken.

*original licence* see section 15A(2).

*transfer*, in relation to an original licence, means a transfer of the original licence—

- (a) if the original licence attaches to land—so that the original licence attaches to other land, whether in or outside Queensland; or
- (b) to a prescribed person within the meaning of section 223(5) of the Act.

*transfer notice* see section 15G(2).

### **13 Amendment of s 15C (Application to transfer, amend or amalgamate water licences)**

- (1) Section 15C(1), ‘the original’—

*omit, insert—*

an original

- (2) Section 15C(4), ‘of the matters mentioned in section 15A(2)’—

*omit, insert—*

transfers, amendments or amalgamations

### **14 Amendment of s 15E (Criteria for deciding application)**

Section 15E(1), from ‘consider the following’—

*omit, insert—*

consider—

- (a) any additional information given about the application; and



- 
- (b) each of the following that apply to the original licence the subject of the application—
- (i) a water resource plan;
  - (ii) a resource operations plan, including, in particular, the rules stated in the plan for transferring, amending or amalgamating water licences;
  - (iii) water sharing rules, to the extent the rules are about transferring, amending or amalgamating water licences;
  - (iv) a wild river declaration.

## 15 Replacement of s 15G (Intention to proceed)

Section 15G—

*omit, insert—*

### 15G Intention to proceed

- (1) This section applies if the applicant—
  - (a) is given an information notice for the decision; and
  - (b) is eligible to proceed with the transfer, amendment or amalgamation; and
  - (c) intends to proceed with the transfer, amendment or amalgamation.
- (2) The applicant must give the chief executive notice in the approved form (a *transfer notice*) 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.

[s 16]

---

- (3) For subsection (1)(b), the applicant is eligible to proceed with the transfer, amendment or amalgamation if—
  - (a) the chief executive has approved the application with or without conditions; or
  - (b) the applicant appeals against the decision and the decision is confirmed, amended or substituted so that the application is approved with or without conditions.

**16 Amendment of s 19 (Water bore driller's licence endorsements—Act, s 299)**

- (1) Section 19(1)—

*insert—*

- (f) sonic.

- (2) Section 19—

*insert—*

- (7) A sonic endorsement authorises drilling activities using sonic drilling methods.

**17 Amendment of s 22 (Qualifications or experience for class 3 licence—Act, s 299)**

- (1) Section 22(2)(b) and 22(3)—

*omit.*

- (2) Section 22(2)(c) and (d)—

*renumber* as section 22(2)(b) and (c).

**18 Amendment of s 23 (Conditions of water bore driller's licence—Act, s 302)**

- (1) Section 23(1)(a) and (b), 'by the department'—

*omit, insert—*

---

on the department's website

(2) Section 23(1), editor's note—

*omit, insert—*

*Editor's notes—*

1 The department's website is  
<www.dnrm.qld.gov.au>.

2 A copy of a document mentioned in paragraph  
(a) or (b) may also be obtained from the  
department's head office in Brisbane.

(3) Section 23(2)—

*omit.*

## **19 Amendment of s 32C (Notice of election at meeting)**

Section 32C(2)(a), editor's note—

*omit, insert—*

*Note—*

See the Act, sections 548 (Establishing water  
authorities) and 690 (Amalgamating water  
authorities and authority areas).

## **20 Amendment of s 34 (Nominations for election by mail)**

Section 34(1), editor's note—

*omit, insert—*

*Note—*

See the Act, section 603 (Eligibility for appointment as  
director).

## **21 Omission of s 49 (Destroying vegetation in a watercourse, lake or spring—Act, s 814)**

Section 49—

*omit.*

[s 22]

---

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

(1) Section 50, heading, after ‘Excavating’—

*insert—*

**or placing fill**

(2) Section 50, after ‘Excavating’—

*insert—*

or placing fill

(3) Section 50(d) to (f)—

*omit, insert—*

(d) an environmental authority for a resource activity; or

(e) the document called ‘Riverine Protection Permit Exemption Requirements’ approved by the chief executive and published on the department’s website.

(4) Section 50—

*insert—*

(2) In this section—

*resource activity* see the *Environmental Protection Act 1994*, section 107.

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

Section 51—

*omit.*

**24 Amendment of s 52 (Requirements for decommissioning a water bore—Act, s 817)**

Section 52, ‘by the department.’—

*omit, insert—*

on the department's website.

*Editor's note—*

The department's website is <[www.dnrm.qld.gov.au](http://www.dnrm.qld.gov.au)>.

**25 Amendment of s 52AAB (Prescribed conditions on taking water by constructing authority—Act, s 20(9)(a))**

Section 52AAB, editor's note, '[www.dews.qld.gov.au](http://www.dews.qld.gov.au)'—

*omit, insert—*

[www.dnrm.qld.gov.au](http://www.dnrm.qld.gov.au)

**26 Omission of s 61A (Code against which development applications assessed—Act, s 1014)**

Section 61A—

*omit.*

**27 Amendment of s 62 (Code for self-assessable development—Act, s 1014)**

Section 62, editor's note, '[www.dews.qld.gov.au](http://www.dews.qld.gov.au)'—

*omit, insert—*

[www.dnrm.qld.gov.au](http://www.dnrm.qld.gov.au)

**28 Amendment of s 102 (Declared subartesian areas—Act, s 1046)**

Section 102(1B), editor's note, '[www.dews.qld.gov.au](http://www.dews.qld.gov.au)'—

*omit, insert—*

[www.dnrm.qld.gov.au](http://www.dnrm.qld.gov.au)

[s 29]

---

**29 Replacement of pt 9, div 5, hdg (Miscellaneous transitional provisions)**

Part 9, division 5, heading—

*omit, insert—*

**Division 5 Transitional provision for particular areas**

**30 Omission of ss 106–109**

Sections 106 to 109—

*omit.*

**31 Amendment of pt 9, div 7, hdg (Transitional provisions for Water and Other Legislation Amendment Regulation (No. 1) 2005)**

Part 9, division 7, heading, ‘provisions’—

*omit, insert—*

**provision**

**32 Omission of pt 9, div 7, sdiv 1, hdg (Water charges)**

Part 9, division 7, subdivision 1, heading—

*omit.*

**33 Omission of pt 9, div 7, sdiv 2 (Granting particular interim water allocations)**

Part 9, division 7, subdivision 2—

*omit.*

**34 Insertion of new pt 9, div 11**

Part 9—

*insert—*

---

**Division 11      Transitional provision for  
Water and Another  
Regulation Amendment  
Regulation (No. 1) 2013**

**132 Particular condition of water bore driller's  
licence of no effect**

- (1) This section applies if, immediately before the commencement, a water bore driller's licence included a condition about screen and gravel packed bores.
- (2) From the commencement, the licence is taken not to include a condition about screen and gravel packed bores.
- (3) In this section—

*commencement* means the commencement of the *Water and Another Regulation Amendment Regulation (No. 1) 2013*, section 18(3).

*condition about screen and gravel packed bores* means the condition for a water bore driller's licence mentioned in section 23(2) as in force immediately before the commencement.

**35      Insertion of new sch 1**

After schedule 1AA—

*insert—*

[s 35]

---

## **Schedule 1      Prescribed activities for general authorisation to take water**

section 3B

- 1 washing down a dairy
- 2 washing down agricultural equipment
- 3 washing down a vehicle—
  - (a) used for agriculture; or
  - (b) in accordance with best practice to prevent the spread of weed seeds
- 4 washing down a place used to house domestic animals

*Examples of places where domestic animals are housed—*

  - a doghouse in the backyard of a residential property
  - enclosures at a shelter for animals operated by a charitable organisation, for example, the Royal Society for the Prevention of Cruelty to Animals Queensland Incorporated
- 5 filling spray units used to apply herbicides or pesticides
- 6 managing a public recreation area—
  - (a) including operating public toilets and showers; but
  - (b) other than irrigating land with an area of more than 0.25ha
- 7 operating toilets, showers, kitchen and laundries that are part of the living quarters for staff on a farm



- 
- 8 the following activities in relation to pumps and bores—
- (a) proving supply;
  - (b) testing water quality;
  - (c) flushing out;
  - (d) carrying out research.
- 9 supplying non-potable water to premises used solely for education or training purposes—
- (a) including for use in buildings; but  
*Examples of buildings in which non-potable water may be used—*
    - toilet blocks, classrooms, dormitories, residences, workshops and laboratories
  - (b) other than irrigating land with an area of more than 0.25ha
- 10 constructing infrastructure on a farm
- Example—*
- using water to mix cement to be used in the construction of a shed on a farm
- 11 constructing and maintaining infrastructure approved under an interim resource operations licence, resource operations licence or a distribution operations licence, other than irrigating land with an area of more than 0.25ha
- 12 washing, for processing and packaging, produce produced from a single farming enterprise
- 13 rehabilitating riparian land

**36 Amendment of sch 2 (Entities—Act, sections 190, 193, 206 and 213)**

- (1) Schedule 2, item 20, ‘QR’—  
*omit, insert—*

[s 37]

---

Aurizon Operations

(2) Schedule 2—

*insert—*

23 Callide Power Management Pty. Limited  
ACN 082 468 700

24 C S Energy Limited ACN 078 848 745

25 Meridian Energy Australia Pty Limited  
ACN 143 533 322

**37 Amendment of sch 4 (Seasonal water assignments)**

Schedule 4—

*insert—*

Lakeland groundwater management area	water licence to take groundwater	Lakeland groundwater management area seasonal water assignment rules
--------------------------------------	-----------------------------------	--

**38 Amendment of sch 8 (Downstream and upstream limits)**

(1) Schedule 8, part 1, entry for Alligator Creek, '720578'—

*omit, insert—*

RP720578

(2) Schedule 8, part 1, entry for Lethe Brook, '1663'—

*omit, insert—*

HR1663

(3) Schedule 8, part 2—

*omit, insert—*

## Part 2                      Upstream limits

Column 1	Column 2	Column 3
Watercourse	Feature or boundary	Plan
Black Gully	Confluence of Black Gully with Meandu Creek on lot 1 on SP138386	AP13351
Boggy Creek	Boggy Creek at coordinates of latitude 15°50'41"S longitude 144°53'07"E GDA94	CAS3048
Bullhead Creek	Bullhead Creek at coordinates of latitude 15°52'31"S longitude 144°50'45"E GDA94	CAS3048
Dunn Creek	Upstream ponded limit of Magazine Dam at coordinates of 259447 and 7308067 GDA94 Zone 56	700164A4
Fifty Mile Creek	Fifty Mile Creek upstream of confluence with Laura River at coordinates of latitude 15°53'25"S longitude 144°47'26"E GDA94	CAS3048
Lakes Creek	Lakes Creek upstream of confluence with Leichhardt Creek at coordinates of latitude 15°46'15"S longitude 144°55'19"E GDA94	CAS3048
Lily Creek	Lily Creek upstream of confluence with Laura River at coordinates of latitude 15°52'07"S longitude 144°46'20"E GDA94	CAS3048

[s 38]

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Watercourse</b>	<b>Feature or boundary</b>	<b>Plan</b>
Ninda Creek	Ninda Creek at coordinates of latitude 15°47'16"S longitude 144°47'23"E GDA94	CAS3048
Old Winton Creek	Point where Old Winton Creek intersects the southern boundary of lot 32 on RP908643 at UTM coordinates 653077E and 7397914N GDA94 Zone 55	AP16119
One Mile Creek	One Mile Creek upstream of confluence with Bullhead Creek at coordinates of latitude 15°52'28"S longitude 144°50'18"E GDA94	CAS3048
Page Creek	Page Creek at coordinates of latitude 15°58'46"S longitude 144°50'45"E GDA94	CAS3048
Spring Creek	Spring Creek upstream of confluence with Leichhardt Creek at coordinates of latitude 15°46'20"S longitude 144°56'04"E GDA94	CAS3048
Tableland Creek	Tableland Creek at coordinates of latitude 15°47'41"S longitude 144°58'27"E GDA94	CAS3048
Unnamed tributary of Boggy Creek	Unnamed tributary of Boggy Creek upstream of confluence with Boggy Creek at coordinates of latitude 15°50'16"S longitude 144°53'23"E GDA94	CAS3048

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Watercourse</b>	<b>Feature or boundary</b>	<b>Plan</b>
Unnamed tributary of Boggy Creek	Unnamed tributary of Boggy Creek (commonly referred to as Scatterbrain Creek) upstream of confluence with Boggy Creek at coordinates of latitude 15°50'06"S longitude 144°53'49"E GDA94	CAS3048
Unnamed tributary of Boggy Creek	Unnamed tributary of Boggy Creek upstream of confluence with Boggy Creek at coordinates of latitude 15°47'31"S longitude 144°54'41"E GDA94	CAS3048
Unnamed tributary of Bullhead Creek	Unnamed tributary of Bullhead Creek (commonly referred to as Dump Gully) upstream of confluence with Bullhead Creek at coordinates of latitude 15°53'12"S longitude 144°48'32"E GDA94	CAS3048
Unnamed tributary of Leichhardt Creek	Unnamed tributary of Leichhardt Creek upstream of confluence with Leichhardt Creek at coordinates of latitude 15°46'09"S longitude 144°54'08"E GDA94	CAS3048
Unnamed tributary of Ninda Creek	Point upstream of the confluence of the tributary with another unnamed tributary of Ninda Creek at coordinates of latitude 15°47'09"S longitude 144°44'24"E GDA94	CAS3048

[s 39]

Column 1	Column 2	Column 3
Watercourse	Feature or boundary	Plan
Unnamed tributary of Ninda Creek	Point upstream of the confluence of the tributary with another unnamed tributary of Ninda Creek at coordinates of latitude 15°45'51"S longitude 144°47'22"E GDA94	CAS3048
Unnamed tributary of Ninda Creek	Spring Creek Dam at coordinates of latitude 15°50'38"S longitude 144°46'38"E GDA94	CAS3048
Watkins Creek	Watkins Creek at coordinates of latitude 15°45'33"S longitude 145°05'23"E GDA94	CAS3048

**39 Amendment of sch 11 (Subartesian areas)**

- (1) Schedule 11, entries for Cairns Coast subartesian area and Mossman subartesian area—

*omit.*

- (2) Schedule 11, entry for Cook subartesian area, 'AP10049'—

*omit, insert—*

CAS3056

**40 Amendment of sch 15A (Metered entitlements)**

- (1) Schedule 15A—

*insert—*

Lakeland groundwater management area	All water licences to take subartesian water, other than licences for stock or domestic purposes only	30 September 2019
--------------------------------------	---	-------------------

- (2) Schedule 15A, entry for Burdekin groundwater management area—Horseshoe Lagoon sub-area only, ‘where meters have been installed’—

*omit.*

#### **41 Amendment of sch 16 (Fees)**

Schedule 16, item 37, paragraph (d), ‘22(2)(d)(iii)’—

*omit, insert—*

22(2)(c)(iii)

#### **42 Amendment of sch 17 (Dictionary)**

- (1) Schedule 17, definitions *interested entity*, *new licence*, *original licence*, *relevant water management area*, *transfer* and *transfer notice*—

*omit.*

- (2) Schedule 17—

*insert—*

*interested entity*, for part 2, division 3A, subdivision 2, see section 15C(3)(b)(i).

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

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

*transfer*, for part 2, division 3A, subdivision 2, see section 15B.

[s 43]

---

*transfer notice*—

- (a) for part 2, division 3A, subdivision 2, see section 15G(2); or
- (b) for part 7, division 6, see section 80D(2).

(3) Schedule 17, definition *amalgamation*, ‘15A(2)(c)’—

*omit, insert*—

15B

(4) Schedule 17, definition *amendment*, ‘15A(2)(b)’—

*omit, insert*—

15B

## Part 3                      Amendment of Sustainable Planning Regulation 2009

### 43            Regulation amended

This part amends the *Sustainable Planning Regulation 2009*.

### 44            Amendment of sch 24 (Clearing of native vegetation—not assessable development under schedule 3, part 1, table 4, item 1)

Schedule 24, part 1, section 1(2)(a)(ii)—

*omit, insert*—

- (ii) a necessary and unavoidable consequence of an activity authorised by a permit issued under the *Water Act 2000*, section 269; or
- (iii) a necessary and unavoidable consequence of an activity carried out under the document called ‘Riverine



Protection Permit Exemption  
Requirements' approved by the chief  
executive of the department that  
administers the *Water Act 2000* and  
published on that department's  
website; and

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#### ENDNOTES

- 1 Made by the Governor in Council on 26 September 2013.
- 2 Notified on the Queensland legislation website on 27 September 2013.
- 3 The administering agency is the Department of Natural Resources and Mines.

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Authorised by the Parliamentary Counsel