



Queensland

Water Amendment Regulation (No. 3) 2013

Subordinate Legislation 2013 No. 251

made under the

Water Act 2000

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1 Short title

This regulation may be cited as the *Water Amendment Regulation (No. 3) 2013*.

2 Regulation amended

This regulation amends the *Water Regulation 2002*.

3 Insertion of new pt 4, div 1 hdg

After part 4 heading—

insert—

Division 1 Establishment

4 Insertion of new pt 4, div 2 hdg

After section 31—

insert—

Division 2 Election of directors

5 Insertion of new pt 4, div 3 hdg

After section 47—

insert—

**Division 3 Special ballot for
dissolution request**

6 Amendment of s 48 (Conduct of special ballot—Act, s 695)

Section 48, ‘This part’—

omit, insert—

Division 2

[s 7]

7 Insertion of new pt 4, div 4 hdg

After section 48—

insert—

Division 4 Employing offices

8 Insertion of new s 48AA

After section 48A—

insert—

**48AA Dissolution of Pioneer Valley Water Board
Employing Office—Act, s 633**

- (1) The Pioneer Valley Water Board Employing Office is dissolved under section 633(a) of the Act.
- (2) In this section—

Pioneer Valley Water Board Employing Office means the employing office of that name established for the Pioneer Valley Water Board.

9 Insertion of new pt 4, div 5, hdg and ss 48AB–48AD

After section 48AA, as inserted under this regulation—

insert—

**Division 5 Dissolution and related
matters**

**48AB Dissolution of particular water authorities for
conversion to alternative institutional
structures—Act, s 691**

- (1) This section applies to each water authority mentioned in schedule 6B, column 1.

- (2) For the purposes of converting the water authority to the alternative institutional structure mentioned opposite the water authority in schedule 6B, column 3, the water authority is dissolved under section 691(1)(b) of the Act.
- (3) Under section 691(2) of the Act, the authority area for the water authority shown on the plan mentioned opposite the water authority in schedule 6B, column 2, is dissolved.

48AC Approval of relevant transfer agreement—Act, s 700A

- (1) For section 700A(4) of the Act, the relevant transfer agreement is approved.
- (2) In this section—
relevant transfer agreement means the agreement between the Smithfield Drainage Board and the Cairns Regional Council, a copy of which is set out in Attachment 1.

48AD Dissolution of Smithfield Drainage Board after transferring its functions to Cairns Regional Council—Act, s 691

- (1) The Smithfield Drainage Board is dissolved under section 691(1)(c) of the Act, after transferring all its functions to the Cairns Regional Council under section 700A of the Act.
- (2) Under section 691(2) of the Act, the authority area shown on plan AP4058 is dissolved.

10 Omission of ss 48D and 48E

Sections 48D and 48E—
omit.

11 Amendment of sch 6 (Water authorities)

- (1) Schedule 6, entries for Benleith Water Board, Boondooma Water Board, Condamine Plains Water Board, Coreen Water Board, Grevillea Water Board, Kelsey Creek Water Board, Kooingal Water Board, Middle Park Bore Water Supply Board, Mulgildie Water Board, Oaky Creek Water Board, Six Mile Creek Water Supply Board and Smithfield Drainage Board—

omit.

- (2) Schedule 6, entry for Glamorgan Vale Water Board, column 2, 'AP16172'—

omit, insert—

AP22179

12 Amendment of sch 6A (Employing offices for water authorities)

Schedule 6A, entry for Pioneer Valley Water Board—

omit.

13 Insertion of new sch 6B

After schedule 6A—

insert—

Schedule 6B Particular water authorities dissolved for conversion to alternative institutional structures

section 48AB

Column 1	Column 2	Column 3
Dissolved water authority	Plan of dissolved authority area	New alternative institutional structure
Benleith Water Board	AP4015	Benleith Water Pty Ltd ACN 165 779 304
Boondooma Water Board	AP16173	Boondooma Water Company Pty Ltd ACN 166 130 589
Condamine Plains Water Board	AP13404	CP Water Pty Ltd ACN 164 388 612
Coreen Water Board	AP13403	Coreen Water Pty Ltd ACN 165 776 036
Dundowran–Nikenbah Water Board	AP7348	Wide Bay Water Corporation ACN 98 729 010
Grevillea Water Board	AP4025	Grevillea Water Pty Ltd ACN 165 645 081
Kelsey Creek Water Board	AP4028	Kelsey Creek Water Co-operative Ltd QC 0329 ABN 35 447 172 508
Kooringal Water Board	AP4029	Kooringal Water Pty Ltd ACN 165 779 322

[s 14]

Column 1	Column 2	Column 3
Dissolved water authority	Plan of dissolved authority area	New alternative institutional structure
Middle Park Bore Water Supply Board	AP4032	the institutional structure consisting of all the parties to the closed water activity agreement titled 'Middle Park Closed Water Agreement', registered dealing number 715140398
Mulgildie Water Board	AP13396	Mulgildie Water Pty Ltd ACN 165 779 331
Myall Plains Water Authority	AP13401	Myall Plains Water Co-operative Ltd QC 0316 ABN 30 532 839 095
Oaky Creek Water Board	AP13405	Oaky Creek Water Pty Ltd ACN 165 779 340
Six Mile Creek Water Supply Board	AP4039	Six Mile Creek Irrigators Co-operative Ltd QC 0328 ABN 72 357 195 179

14 Insertion of attachment 1

After schedule 17—

insert—

Attachment 1 Agreement

section 48AC(2), definition *relevant transfer agreement*

AGREEMENT BETWEEN

CAIRNS REGIONAL COUNCIL AND SMITHFIELD DRAINAGE BOARD

The two entities hereby agree that the Smithfield Drainage Board (SDB) will seek its dissolution as a category 2 water authority under s.700A of the Water Act 2000 and transfer all of the Smithfield Drainage Board assets, liabilities, functions and public records to the Cairns Regional Council (CRC).

This agreement provides the whole of the arrangements under which the dissolution and acceptance of the transfer will occur. The parties understand that subject to the Minister for Natural Resources and Mines' acceptance of the agreement, that the agreement will take effect on the making of a Regulation under the Water Act 2000.

Agreement conditions

1. that CRC agrees to accept the transfer of all the assets, public records and liabilities of the SDB on the day the SDB is dissolved,
2. that CRC will provide \$15,000 per annum for drain maintenance for the northern region of the CRC area, including the former area of the SDB,
3. that CRC will maintain the drains and crossing points of the former SDB to the mutual satisfaction of the former SDB canegrowers and the CRC,
4. that CRC will not require former ratepayers of the SDB to pay any special levy or rate to the CRC for drain maintenance,
5. that former SDB ratepayers are not required to enter into any special agreements with the CRC for drain maintenance, and
6. the contact persons / position for each party - after the dissolution are as follows;

Cairns Regional Council – Helius Visser, Manager Infrastructure Planning
(Ph.4044 3032)

[s 14]

Smithfield Drainage Board – John Westaway, Chair (Ph.4055 9559)

SIGNED by **Peter Tabulo**
(**Chief Executive Officer – Cairns Regional Council**)

) P Tabulo

this 18th day of June 2013

In the presence of:

Witness : Judith Lawrence

SIGNED by **John Westaway**
(**Chair – Smithfield Drainage Board**)

)JV.Westaway

this 20th day of June 2013

In the presence of:

Witness : Tim Smith

ENDNOTES

- 1 Made by the Governor in Council on 28 November 2013.
- 2 Notified on the Queensland legislation website on 29 November 2013.
- 3 The administering agency is the Department of Natural Resources and Mines.