



Queensland

Water and Other Legislation Amendment Regulation (No. 2) 2015

Subordinate Legislation 2015 No. 123

made under the

State Penalties Enforcement Act 1999

Sustainable Planning Act 2009

Water Act 2000

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Water and Other Legislation Amendment Regulation (No. 2) 2015*.

2 Commencement

- (1) Part 2 and part 3, divisions 1 and 2 commence on 11 September 2015.
- (2) Part 3, division 3 commences on the commencement of the *Water Reform and Other Legislation Amendment Act 2014*, section 68.

Part 2 Amendment of Water and Other Legislation Amendment Regulation (No. 1) 2014

3 Regulation amended

This part amends the *Water and Other Legislation Amendment Regulation (No. 1) 2014*.

4 Replacement of s 2 (Commencement)

Section 2—

omit, insert—

2 Commencement

- (1) The following provisions commence on 11 September 2015—
 - (a) sections 3, 5, 20, 30, 34 and 35;
 - (b) section 36(4);

[s 5]

- (c) section 36(8), other than to the extent it omits the entry for the Great Artesian Basin subartesian area;
 - (d) section 39(1);
 - (e) section 39(2), to the extent it inserts the definition *closing day*;
 - (f) sections 40 and 41(5);
 - (g) parts 4 and 5;
 - (h) schedule 1, amendments 27, 31 and 34 of the *Water Regulation 2002*.
- (2) Section 41(3) and (4) commences on the commencement of the *Water Reform and Other Legislation Amendment Act 2014*, section 70.
 - (3) The remaining provisions of this regulation commence on the commencement of the *Water Reform and Other Legislation Amendment Act 2014*, section 68.

5 **Amendment of s 5 (Replacement of pt 2, div 1C (Processes for granting unallocated water))**

- (1) Section 5, inserted section 5A, heading, ‘s 39(1)(b)’—
omit, insert—
s 1014(2)(gb)
- (2) Section 5, inserted section 5B—
omit.
- (3) Section 5, inserted section 5C(3)(c)(i), ‘water plan or water management protocol’—
omit, insert—
water resource plan or resource operations plan
- (4) Section 5, inserted section 5C(3)(d)(i)—
omit.

-
- (5) Section 5, inserted section 5C(3)(d)(ii) and (iii)—
renumber as inserted section 5C(3)(d)(i) and (ii).
- (6) Section 5, inserted section 5C(3)(f)(ii) and (iii)—
omit, insert—
- (ii) the place where tenders must be lodged
or the way tenders must be lodged
electronically;
- (7) Section 5, inserted section 5D(a), note—
omit.
- (8) Section 5, inserted sections 5C to 5G—
renumber as inserted sections 5B to 5F.
- Editor's note*—
- Legislation ultimately amended—
- *Water Regulation 2002*

6 Amendment of s 16 (Replacement of s 54 (Downstream and upstream limits of watercourses—Act, s 1006(1)))

- (1) Section 16, heading—
omit, insert—
- 16 Insertion of new s 54**
- (2) Section 16, from ‘Section’ to ‘*insert*—’—
omit, insert—
- After section 53—
insert—
- Editor's note*—
- Legislation ultimately amended—
- *Water Regulation 2002*

[s 7]

7 Amendment of s 17 (Replacement of s 61 (Drainage and embankment areas—Act, s 1014))

(1) Section 17, heading—

omit, insert—

17 Insertion of new ss 61 and 61A

(2) Section 17, from ‘Section’ to ‘*insert—*’—

omit, insert—

After section 60—

insert—

Editor’s note—

Legislation ultimately amended—

- *Water Regulation 2002*

8 Amendment of s 23 (Amendment of s 102 (Declared subartesian areas—Act, s 1046))

Section 23(5), inserted subsection (4)(a) and (b)—

omit, insert—

- (a) for the Cook underground water area and the Duck Farm underground water area—not an exempt bore; and
- (b) for another underground water area—
 - (i) not an exempt bore; or
 - (ii) not works for a prescribed activity.

Editor’s note—

Legislation ultimately amended—

- *Water Regulation 2002*

9 Amendment of s 29 (Amendment of sch 2 (Entities—Act, sections 190, 193, 206 and 213))

Section 29(3)—

omit, insert—

(3) Schedule 2, items 2 to 41—

renumber as schedule 2, items 1 to 39.

Editor's note—

Legislation ultimately amended—

- *Water Regulation 2002*

10 Amendment of s 36 (Amendment of sch 11 (Subartesian areas))

(1) Section 36(3)—

omit.

(2) Section 36(9), entry for the Black River underground water area—

omit.

Editor's note—

Legislation ultimately amended—

- *Water Regulation 2002*

11 Amendment of s 39 (Amendment of sch 17 (Dictionary))

Section 39(2), inserted definition *closing day*, 'section 5C(3)(f)(i)'—

omit, insert—

section 5B(3)(f)(i)

Editor's note—

Legislation ultimately amended—

- *Water Regulation 2002*

[s 12]

12 Amendment of s 41 (Amendment of sch 1 (Infringement notice offences and fines for nominated laws))

(1) Section 41(2), inserted table, entries for sections 386(1), 393(6) and 414(1)—

omit.

(2) Section 41(4), inserted table—

insert—

s 386(1)	3	10
s 393(6)	3	10
s 414(1)	3	10

Editor's note—

Legislation ultimately amended—

- *State Penalties Enforcement Regulation 2014*

Part 3 Amendment of Water Regulation 2002

Division 1 Preliminary

13 Regulation amended

This part amends the *Water Regulation 2002*.

Division 2 Amendments commencing 11 September 2015

14 Amendment of s 20 (Qualifications or experience for class 1 licence—Act, s 299)

(1) Section 20(2)(c)(iii) and (iv), '10 bores'—

omit, insert—

6 bores

(2) Section 20(2)—

insert—

- (d) successful completion of the class 1 water bore driller's licence examination prepared by the National Uniform Driller's Licensing Committee and administered by the department.

15 Amendment of s 21 (Qualifications or experience for class 2 licence—Act, s 299)

(1) Section 21(2)(c)(ii)(B), from '18 months' to 'least 3'—

omit, insert—

6 months during the drilling of at least 6

(2) Section 21(2)(c)(iii), from '24 months' to 'bores including'—

omit, insert—

12 months during the drilling of at least 6 bores for which a class 1 licence is required and

(3) Section 21(2)(c)(iv), from '24 months' to 'least 10'—

omit, insert—

12 months during which at least 9

(4) Section 21(2)(c)(v), from '24 months' to 'least 10'—

omit, insert—

12 months during which at least 9

(5) Section 21(2)—

insert—

- (d) successful completion of the class 2 water bore driller's licence examination prepared by the National Uniform Driller's Licensing

[s 16]

Committee and administered by the
department.

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

- (1) Section 22(2)(c)(i)(B), ‘10 bores including’—
omit, insert—
6 class 2 bores and
- (2) Section 22(2)(c)(ii)(B), ‘18 months’—
omit, insert—
12 months
- (3) Section 22(2)(c)(ii)(C), ‘10 bores including’—
omit, insert—
6 class 2 bores and
- (4) Section 22(2)(c)(iii), from ‘36 months’ to ‘least 10’—
omit, insert—
24 months during which at least 9
- (5) Section 22(2)(c)(iv), from ‘36 months’ to ‘least 10’—
omit, insert—
24 months during which at least 9
- (6) Section 22(2)—
insert—
 - (d) successful completion of the class 3 water bore driller’s licence examination prepared by the National Uniform Driller’s Licensing Committee and administered by the department.
- (7) Section 22—
insert—

- (3) In this section—
class 2 bore see section 21(2)(c)(i)(B).

17 Omission of s 54 (Downstream and upstream limits of watercourses—Act, s 1006(1))

Section 54—

omit.

18 Omission of s 61 (Drainage and embankment areas—Act, s 1014)

Section 61—

omit.

19 Insertion of new pt 9, div 13

Part 9—

insert—

**Division 13 Transitional provision for
Water and Other
Legislation Amendment
Regulation (No. 2) 2015**

**134 Qualifications or experience for water bore
driller's licence—Act, s 299**

- (1) This section applies if—
- (a) a person has the qualifications or experience for a water bore driller's licence stated in the unamended provision; and
 - (b) either—
 - (i) the person made an application for a water bore driller's licence before the commencement and the application is

[s 20]

not decided immediately before the commencement; or

- (i) the person applies for a water bore driller's licence within 6 months after the commencement.

(2) Despite part 2, division 6, the qualifications or experience for a water bore driller's licence are the qualifications or experience stated in the unamended provision.

(3) Subsection (2) does not limit the application of section 20, 21 or 22 if the person has the qualifications or experience for a water bore driller's licence stated in the section.

(4) In this section—

unamended provision mean—

- (a) for an application for a class 1 water bore driller's licence—section 20 of the unamended regulation; or
- (b) for an application for a class 2 water bore driller's licence—section 21 of the unamended regulation; or
- (c) for an application for a class 3 water bore driller's licence—section 22 of the unamended regulation.

unamended regulation means this regulation as in force immediately before its amendment by the *Water and Other Legislation Amendment Regulation (No. 2) 2015*, part 3, division 2.

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

Schedule 2—

insert—

- 39 Crowley Vale Water Co-operative Limited QC 0333
- 40 The parties to the 'Weengallon Bore Water Group Agreement', registered dealing number 716094379
- 41 Adani Infrastructure Pty Ltd ACN 606 764 827

21 Amendment of sch 4 (Seasonal water assignments)

- (1) Schedule 4, entry for the Pioneer groundwater management area—
omit.
- (2) Schedule 4—
insert—

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

22 Amendment of sch 6 (Water authorities)

- Schedule 6, entries for the Crowley Vale Water Board, Wanda Creek Drainage Board and Weengallon Water Authority—
omit.

23 Amendment of sch 6B (Particular water authorities dissolved for conversion to alternative institutional structures)

- Schedule 6B—
insert—

Crowley Vale Water Board	AP4022	Crowley Vale Water Cooperative Ltd QC 0333 ABN 74 627 077 210
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[s 24]

Wanda Creek Drainage Board	AP4061	the institutional structure consisting of all the parties to the closed water activity agreement titled 'Wanda Creek Drainage Scheme Agreement', registered dealing number 716214490
Weengallon Water Authority	AP13399	the institutional structure consisting of all the parties to the closed water activity agreement titled 'Weengallon Bore Water Group Agreement', registered dealing number 716094379

24 Amendment of sch 10 (Water sharing rules)

Schedule 10, entries for the Central Lockyer groundwater management area, Great Artesian Basin groundwater management area, North Stradbroke Island groundwater management area and Pioneer groundwater management area—

omit.

25 Amendment of sch 11 (Subartesian areas)

- (1) Schedule 11, part 1, entry for the Bluewater subartesian area on plan AP10053—

omit, insert—

Black River subartesian area on plan WM3085	(a) stock or domestic purposes if the land concerned does not have access to a reticulated supply, and— <ul style="list-style-type: none"> • the land exists in the same surveyed form it was in at the commencement of this entry; or • if the land is subdivided after the commencement of this entry, for each individual parcel of land resulting from the subdivision—the size of the individual parcel is at least 40ha (b) a prescribed activity	(a) works for stock or domestic purposes (b) works for a prescribed activity (c) an exempt bore
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(2) Schedule 11, part 2—

insert—

Black River subartesian area	—	—	300m
------------------------------	---	---	------

26 Amendment of sch 14 (Water charges)

Schedule 14, entry for the Pioneer River water management area, column 3, after ‘harvesting’—

[s 27]

insert—

from zones Cattle 01, Cattle 02, Pioneer 01, Pioneer 02, Pioneer 03, Pioneer 04 and Silver/McGregor 01 identified in the ‘Pioneer Valley Resource Operations Plan 2007’

27 Amendment of sch 15A (Metered entitlements)

Schedule 15A, entry for the plan area of the *Water Resource (Pioneer Valley) Plan 2002—*

omit, insert—

<p>the plan area of the <i>Water Resource (Pioneer Valley) Plan 2002</i></p>	<p>all water allocations to take groundwater in the Pioneer groundwater management area, other than the following—</p> <ul style="list-style-type: none"> (a) water allocation 1189/AP7900; (b) water allocation 1190/AP7900; (c) water allocation 1193/AP7900; (d) water allocation 1202/AP7900; (e) water allocation 1208/AP7900; (f) water allocation 1295/AP7900; (g) water allocation 1296/AP7900; (h) water allocation 1297/AP7900 	<p>30 November 2018</p>
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	<p>all water licences to take groundwater in the Pioneer groundwater management area, other than water licences in the following zones identified in the ‘Pioneer Valley Resource Operations Plan 2007’—</p> <ul style="list-style-type: none">(a) groundwater zone 1 (Cattle Creek);(b) groundwater zone 2 (Pioneer North);(c) groundwater zone 3 (Pioneer North-East) <p>all water licences to take surface water, other than licences to take declared water under the <i>Water Resource (Pioneer Valley) Plan 2002</i>, section 5B(2)</p>	
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Division 3 Amendments commencing on commencement of Water Reform and Other Legislation Amendment Act 2014, section 68

28 Amendment of s 5A, hdg (Public auction, tender, fixed price sale or grant for a particular purpose—Act, s 1014(2)(gb))

Section 5A, heading, ‘s 1014(2)(gb)’—

omit, insert—

s 39(1)(b)

29 Amendment of s 5B (Public notice of availability of water)

(1) Section 5B(3)(c)(i), ‘water resource plan or resource operations plan’—

[s 30]

omit, insert—

water plan or water management protocol

(2) Section 5B(3)(d)(i) and (ii)—

renumber as section 5B(3)(d)(ii) and (iii).

(3) Section 5B(3)(d)—

insert—

(i) if the water is described in schedule 5—the water so described; and

30 Amendment of s 5C (Terms of sale or grant)

Section 5C(a)—

insert—

Note—

Under section 40 of the Act, the chief executive may set a price for the sale of the water.

ENDNOTES

- 1 Made by the Governor in Council on 10 September 2015.
- 2 Notified on the Queensland legislation website on 11 September 2015.
- 3 The administering agency is the Department of Natural Resources and Mines.

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