



Queensland

Water Reform and Other Legislation Amendment Bill 2014



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2014

A Bill

for

An Act to amend the *Water Act 2000*, the *Alcan Queensland Pty. Limited Agreement Act 1965*, the *Coal Mining Safety and Health Act 1999*, the *Coal Mining Safety and Health Regulation 2001*, the *Commonwealth Aluminium Corporation Pty. Limited Agreement Act 1957*, the *Mineral and Energy Resources (Common Provisions) Act 2014*, the *Mineral Resources Act 1989*, the *Mineral Resources Regulation 2013*, the *Mining and Quarrying Safety and Health Act 1999*, the *Petroleum and Gas (Production and Safety) Act 2004*, the *River Improvement Trust Act 1940* and the *Vegetation Management Act 1999* for particular purposes, to amend the statutory instruments mentioned in part 10 for particular purposes, to make minor or consequential amendments of the legislation mentioned in schedule 1, and to make minor amendments of the Water Resource Plans mentioned in schedule 2

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Water Reform and Other
Legislation Amendment Act 2014*. 4
5

Clause 2 Commencement 6

The provisions of this Act commence on a day to be fixed by
proclamation. 7
8

**Part 2 Amendment of Alcan
Queensland Pty. Limited
Agreement Act 1965** 9
10
11

Clause 3 Act amended 12

This part amends the *Alcan Queensland Pty. Limited
Agreement Act 1965*. 13
14

Clause 4 Insertion of new s 4D 15

After section 4C— 16

insert— 17

4D Authorisation of variation by further agreement

The agreement may be varied by further agreement corresponding to the proposed further agreement set out in schedule 4.

Clause 5 Insertion of new sch 4

After schedule 3—

insert—

Schedule 4 Proposed further agreement

section 4D

THIS AGREEMENT is made this ____ day of _____, 20__

BETWEEN STATE OF QUEENSLAND

AND ALCAN SOUTH PACIFIC PTY LTD (FORMERLY ALCAN QUEENSLAND PTY. LIMITED), ACN 009 726 078, 123 Albert Street, Brisbane in the State of Queensland (the *Company*)

BACKGROUND:

1. Under section 2 of the *Alcan Queensland Pty. Limited Agreement Act 1965* (the Act), the State and the Company entered into the agreement set out in Schedule 1 of the Act (the Principal Agreement).
2. The Principal Agreement may be varied by agreement between the Minister and the Company if authorised under the Act.
3. The State and the Company wish to vary the Principal Agreement.

IT IS AGREED THAT—

[s 5]

4. The Principal Agreement is amended by deleting clause 29A and replacing it with new clause 29A, which provides: 1
2
- “29A. 3
- (1) Subclause (2) prevails to the extent of any inconsistency with subclauses 28(a) to (e), 28(g) and clause 29 of the Principal Agreement. 4
5
6
- (2) The Company’s right to take or interfere with water, other than artesian water or subartesian water connected to artesian water, in the ‘Wenlock Basin’ (as defined in the *Water Act 2000*) is subject to the following specified conditions: 7
8
9
10
- (a) the right to take or interfere with water in the Wenlock Basin is subject to an annual volumetric limit of 90,000 ML (subject to the sum of the annual volumetric limits that may be taken under water licences held by the Company and the holder of mining tenements for a project for which the *Commonwealth Aluminium Corporation Pty. Limited Agreement Act 1957* was enacted, not exceeding 90,000 ML in total); 11
12
13
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17
18
- (b) the location from which the water may be taken or at which the water may be interfered with is from sources within or in the vicinity of the bauxite field referred to in clause 28(a); and 19
20
21
22
- (c) the period over which the Company may take or interfere with water continues for the term of this Agreement, including any future extensions of term. 23
24
25
- (3) To remove any doubt, it is declared that subclauses (1) and (2) do not limit: 26
27
- (a) the rights of the Company under subclauses 28(a) to (e), 28(g) and clause 29 of the Principal Agreement to take or interfere with water outside the Wenlock Basin; or 28
29
30
- (b) the Company’s right to take or interfere with artesian water or subartesian water connected to artesian water in the Wenlock Basin.” 31
32
33

[s 5]

5. This Agreement comes into effect on and from the date notified by the Minister (being the Minister for the State of Queensland responsible for the administration of the Act) in the Government Gazette or, if no date is specified, on the date of the gazettal.

IN WITNESS WHEREOF the Parties hereto have executed these presents on the day and year aforesaid.

S I G N E D ON BEHALF OF THE STATE OF QUEENSLAND BY THE HONOURABLE

_____,
MINISTER FOR

In the presence of

Executed in accordance with section 127
of the *Corporations Act 2001* by
Alcan South Pacific Pty Ltd (ACN 009 726 078):

Director Signature Director/Secretary signature

Print Name Print Name

Part 3	Amendment of Commonwealth Aluminium Corporation Pty. Limited Agreement Act 1957	1 2 3
Clause 6	Act amended	4
	This part amends the <i>Commonwealth Aluminium Corporation Pty. Limited Agreement Act 1957</i> .	5 6
Clause 7	Insertion of new s 4E	7
	After section 4D—	8
	<i>insert—</i>	9
	4E Authorisation of variation by further agreement	10 11
	The agreement may be varied by further agreement corresponding to the proposed further agreement set out in schedule 5.	12 13 14
Clause 8	Insertion of new sch 5	15
	After schedule 4—	16
	<i>insert—</i>	17
	Schedule 5 Proposed further agreement	18 19
	section 4E	20
	THIS AGREEMENT is made the ____ day of _____, 20__	21
	BETWEEN STATE OF QUEENSLAND	22
	AND RTA WEIPA PTY LTD , ACN 137 266 285, 123 Albert Street, Brisbane in the State of Queensland (RTA Weipa) AND RIO TINTO	23 24

ALUMINIUM LIMITED (FORMERLY COMMONWEALTH ALUMINIUM CORPORATION PTY LIMITED and COMALCO ALUMINIUM LIMITED), ACN 009 679 127, 123 Albert Street, Brisbane in the State of Queensland (RTAL)

BACKGROUND:

1. Under section 2 of the *Commonwealth Aluminium Corporation Pty. Limited Agreement Act 1957* (the Act), the State and RTAL entered into an agreement on 16 December 1957, which has been amended from time to time (the Principal Agreement).
2. The State, RTA Weipa and RTAL have agreed to amend the Principal Agreement in accordance with the Act to vary the authorisation for RTA Weipa and RTAL to take or interfere with water in the Wenlock Basin other than artesian water or subartesian water connected to artesian water.

IT IS AGREED THAT—

3. The Principal Agreement is amended by deleting clause 32A and replacing it with new clause 32A, which provides:
 - “32A.
 - (1) Subclause (2) prevails to the extent of any inconsistency with subclauses 31(a) to (e), 31 (g) and clause 32 of the Principal Agreement.
 - (2) RTA Weipa’s and RTAL’s right to take or interfere with water, other than artesian water or subartesian water connected to artesian water, in the ‘Wenlock Basin’ (as defined in the *Water Act 2000*) is subject to the following specified conditions:
 - (a) the right to take or interfere with water in the Wenlock Basin is subject to an annual volumetric limit of 90,000 ML (subject to the sum of the annual volumetric limit that may be taken under water licences held by RTA Weipa and RTAL and the holder of mining tenements for a project for which the *Alcan Queensland Pty. Limited Agreement Act 1965* was enacted, not exceeding 90,000 ML in total);

[s 8]

- (b) the location from which the water may be taken or at which the water may be interfered with is from sources within or in the vicinity of the western bauxite field referred to in clause 31(a); and
- (c) the period over which RTA Weipa and RTAL may take or interfere with water continues for the term of this Agreement, including any future extensions of term.
- (3) To remove any doubt, it is declared that subclauses (1) and (2) do not limit:
- (a) the rights of RTA Weipa and RTAL under subclauses 31(a) to (e), 31(g) and clause 32 of the Principal Agreement to take or interfere with water outside the Wenlock Basin; or
- (b) RTA Weipa's and RTAL's right to take or interfere with artesian water or subartesian water connected to artesian water in the Wenlock Basin."
4. This Agreement comes into effect on and from the date notified by the Minister (being the Minister for the State of Queensland responsible for the administration of the Act) in the Government Gazette or, if no date is specified, on the date of the gazettal.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as at the day and year first written above.

**S I G N E D O N B E H A L F O F T H E S T A T E O F Q U E E N S L A N D B Y
T H E H O N O U R A B L E**

_____,
MINISTER FOR

In the presence of

Executed in accordance with section 127
of the *Corporations Act 2001* by
RTA Weipa Pty Ltd (ACN 137 266 285):

_____	_____	1
Witness Signature	Signature	
_____		2
Print Name		

Executed in accordance with section 127
of the *Corporations Act 2001* by
Rio Tinto Aluminium Limited (ACN
009 679 127):

_____	_____	4
Director Signature	Director/Secretary signature	
_____	_____	5
Print Name	Print Name	

END OF FURTHER AGREEMENT 6

[s 9]

Part 4	Amendment of Mineral Resources Act 1989	1 2
Clause 9	Act amended	3
	This part amends the <i>Mineral Resources Act 1989</i> .	4
Clause 10	Amendment of s 235 (General entitlements of holder of mining lease)	5 6
	Section 235(3)—	7
	<i>omit.</i>	8
Clause 11	Insertion of new ch 12A	9
	After chapter 12—	10
	<i>insert—</i>	11
	Chapter 12A Provisions about water for mineral development licences and mining leases	12 13 14 15 16
	Part 1 Water rights for mineral development licences and mining leases	17 18 19
	334ZP Entitlement to use underground water	20
	(1) The holder of a mineral development licence or mining lease may take or interfere with underground water in the area of the licence or lease if the taking or interference happens during	21 22 23 24

the course of, or results from, the carrying out of an authorised activity for the licence or lease.	1 2
<i>Examples—</i>	3
1 mine dewatering of underground water to the extent necessary to achieve safe operating conditions in the mine	4 5 6
2 taking underground water as a result of evaporation from an open mine pit	7 8
(2) The rights of the holder of the mineral development licence or mining lease under subsection (1)—	9 10 11
(a) are the holder’s <i>underground water rights</i> for the licence or lease; and	12 13
(b) are subject to the holder complying with the holder’s underground water obligations.	14 15
(3) Underground water taken or interfered with under subsection (1) is <i>associated water</i> .	16 17
(4) The holder of the mineral development licence or mining lease may use associated water for any purpose and within or outside the area of the licence or lease.	18 19 20 21
(5) The holder of the mineral development licence or mining lease must, in accordance with any requirements prescribed by regulation—	22 23 24
(a) measure the volume of associated water taken by the holder or, if the taking is the result of evaporation, estimate the volume of water taken; and	25 26 27 28
(b) report the volume or estimated volume of associated water taken by the holder to the chief executive.	29 30 31
Maximum penalty—500 penalty units.	32
(6) The holder of the mineral development licence or mining lease must advise the chief executive of the department in which chapter 3 of the Water	33 34 35

[s 11]

Act is administered of the exercise of the holder's 1
underground water rights immediately after the 2
holder starts exercising the rights. 3

Maximum penalty—500 penalty units. 4

(7) However, if the mineral development licence or 5
mining lease is in force at the commencement of 6
this section, the holder of the licence or lease 7
does not commit an offence against subsection 8
(6) if the holder notifies the chief executive of the 9
exercise of the holder's underground water rights 10
within 3 months after the commencement. 11

(8) Subsection (9) applies if, after the 12
commencement of this section, the holder of a 13
mineral development licence or mining lease 14
exercises an entitlement under a water licence or 15
water permit under the Water Act to take or 16
interfere with water. 17

(9) To remove any doubt, it is declared that the 18
exercise of the entitlement by the holder of the 19
mineral development licence or mining lease 20
during the course of, or resulting from, the 21
carrying out of an authorised activity for the 22
licence or lease is also an exercise of the holder's 23
underground water rights under this section and 24
is subject to compliance with the holder's 25
underground water obligations. 26

334ZQ Water monitoring activities 27

(1) The holder of the mineral development licence or 28
mining lease may carry out any of the following 29
activities in the area of the licence or lease to 30
comply with its underground water obligations 31
for the licence or lease— 32

(a) gathering information about, or undertaking 33
an assessment of, a water bore; 34

-
- (b) monitoring effects of the exercise of the holder's underground water rights for the licence or lease; 1
2
3
- (c) constructing or plugging and abandoning a water monitoring bore; 4
5
- (d) gathering information for preparing an underground water impact report or final report under the Water Act, chapter 3; 6
7
8
- (e) carrying out any other activity necessary to comply with the holder's underground water obligations. 9
10
11
- (2) If the holder of the mineral development licence or mining lease is also the holder of an exploration permit, the holder may carry out any of the activities mentioned in subsection (1) in the area of the exploration permit to comply with its underground water obligations for the licence or lease. 12
13
14
15
16
17
18
- (3) The constructing or plugging and abandoning of a water monitoring bore must be carried out by an individual licensed under the Water Act, chapter 8, part 2B to carry out the activity. 19
20
21
22
- Maximum penalty—500 penalty units. 23
- (4) An activity mentioned in subsection (1) is a *water monitoring activity*. 24
25

334ZR Authorisation for Water Act

Taking, interfering with, or using underground water under section 334ZP is authorised for the Water Act. 26
27
28

Note— 29

See the Water Act, section 808. 30

[s 11]

334ZS Water Act not otherwise affected	1
(1) To remove any doubt, it is declared that a holder of a mineral development licence or mining lease can not take, interfere with, or use water unless the taking, interference or use is authorised under this part or the Water Act.	2 3 4 5 6
(2) In this section—	7
<i>water</i> see the Water Act, schedule 4.	8
<i>Note</i> —	9
See the Water Act, chapter 2, part 3 and section 808.	10
Part 2	
Water monitoring authorities	11 12
Division 1	
Obtaining water monitoring authority	13 14
334ZT Who may apply for water monitoring authority	15 16
(1) The holder of a mineral development licence or mining lease may apply for a water monitoring authority for stated land outside the area of the licence or lease to allow the holder to comply with the holder's underground water obligations for the licence or lease.	17 18 19 20 21 22
(2) Without limiting subsection (1), the application may be made or granted—	23 24
(a) over land in the area of another mining tenement; and	25 26
(b) for 1 or more mineral development licences or mining leases held by the same applicant.	27 28

334ZU Requirements for making application	1
The application must be—	2
(a) in the approved form; and	3
(b) accompanied by the fee prescribed by regulation.	4 5
334ZV Deciding application for water monitoring authority	6 7
(1) The Minister may grant or refuse to grant the water monitoring authority.	8 9
(2) However, the water monitoring authority must not be granted unless an environmental authority for the water monitoring authority has been issued.	10 11 12 13
<i>Note—</i>	14
If the application relates to acquired land, see also section 10AAC.	15 16
(3) The Minister may, before deciding the application, seek advice about the application from the chief executive of the department in which the Water Act is administered.	17 18 19 20
(4) A water monitoring authority must state its area and each mineral development licence or mining lease to which it relates.	21 22 23
(5) A water monitoring authority may also state—	24
(a) conditions or other provisions of the authority, other than conditions or provisions that are—	25 26 27
(i) inconsistent with division 2 or section 334ZZF or 334ZZG or any other mandatory condition for water monitoring authorities; or	28 29 30 31

[s 11]

<i>Note—</i>	1
<i>The Mineral and Energy Resources (Common Provisions) Act 2014</i> , chapter 3 also imposes mandatory conditions on water monitoring authorities.	2 3 4 5
(ii) inconsistent with a condition of any mineral development licence or mining lease to which the authority relates; or	6 7 8
(iii) the same as, or substantially the same as, or inconsistent with any relevant environmental condition for a water monitoring activity for the authority; and	9 10 11 12 13
(b) the day it takes effect.	14
(6) However, the provisions of a water monitoring authority may exclude or restrict the carrying out of water monitoring activities, if the exclusion or restriction does not prevent the holder of the mineral development licence or mining lease to which it relates from complying with the holder's underground water obligations.	15 16 17 18 19 20 21
(7) The Minister may, as a condition of deciding to grant the water monitoring authority, require the applicant to do all or any of the following within a stated reasonable period—	22 23 24 25
(a) pay the annual rent for the first year of the authority;	26 27
(b) give security for the authority.	28
(8) If the applicant does not comply with the requirement, the application may be refused.	29 30

Division 2	Particular activities authorised for water monitoring authorities	1 2 3
334ZW Operation of div 2		4
(1)	This division provides for particular activities that are authorised for a water monitoring authority.	5 6 7
	<i>Note—</i>	8
	The carrying out of particular activities on particular land in a water monitoring authority's area may not be authorised following the taking of the land under a resumption law. See section 10AAB.	9 10 11 12
(2)	The activities may be carried out despite the rights of an owner or occupier of land on which they are exercised.	13 14 15
(3)	However, the carrying out of the activities is subject to—	16 17
	(a) sections 3A, 334ZZA and 334ZZB and the <i>Mineral and Energy Resources (Common Provisions) Act 2014</i> , chapter 3; and	18 19 20
	(b) the mandatory and other conditions of the water monitoring authority; and	21 22
	(c) any exclusion or restriction provided for in the water monitoring authority on the carrying out of the activities.	23 24 25
334ZX Water monitoring activities		26
	Subject to section 334ZV(6), the holder of the water monitoring authority may carry out any water monitoring activity in the area of the authority.	27 28 29

[s 11]

334ZY Limited right to take or interfere with underground water	1 2
The holder of the water monitoring authority may take or interfere with underground water only to the extent that the taking or interference is the unavoidable result of carrying out a water monitoring activity in the area of the authority.	3 4 5 6 7
<i>Example—</i>	8
taking or interfering with underground water during the drilling or maintenance of a water monitoring bore in the area	9 10
334ZZ Authorisation for Water Act	11
For the Water Act, taking or interfering with underground water under section 334ZY is taken to be authorised.	12 13 14
<i>Note—</i>	15
See the Water Act, section 808.	16
334ZZA Water Act not otherwise affected	17
To remove any doubt, it is declared that the holder of a water monitoring authority can not take or interfere with water as defined under the Water Act unless the taking or interference is authorised under this division or the Water Act.	18 19 20 21 22
<i>Note—</i>	23
See the Water Act, chapter 2, part 3 and section 808.	24
334ZZB Restriction on carrying out authorised activities	25 26
In carrying out an activity authorised for the water monitoring authority under this division, the holder of the authority must not interfere with the carrying out of an authorised activity for a mining tenement or petroleum authority, or for another water monitoring	27 28 29 30 31

authority, the area of which includes the area of the authority. 1
2

Maximum penalty—1000 penalty units. 3

Note— 4

If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 412B, to have also committed the offence. 5
6
7

334ZZC No right to mineral discovered 8

To remove any doubt, it is declared that the discovery of a mineral while carrying out an activity authorised for the water monitoring authority under this division does not, of itself, give the holder of the authority a right to the mineral. 9
10
11
12
13

Division 3 Miscellaneous provisions 14

334ZZD Term of authority 15

(1) Subject to the prescribed provisions, a water monitoring authority continues in force until there is no longer any mineral development licence or mining lease to which the authority relates in force. 16
17
18
19
20

(2) In this section— 21

prescribed provisions means— 22

(a) for a mineral development licence—section 209; or 23
24

(b) for a mining lease—section 308. 25

334ZZE Provision for who is the holder of a water monitoring authority 26
27

(1) If there is only 1 mineral development licence or mining lease to which a water monitoring 28
29

[s 11]

authority relates, the holder of the authority is 1
taken to be the person who, from time to time, 2
holds the licence or lease to which the authority 3
relates. 4

(2) Subsections (3) and (4) apply if there is more 5
than 1 mineral development licence or mining 6
lease to which a water monitoring authority 7
relates. 8

(3) If, as a result of dealing with the mineral 9
development licences or mining leases, all of the 10
licences or leases are transferred to the same 11
person, the transferee is taken to be the holder of 12
the water monitoring authority. 13

(4) If, as a result of dealing with the mineral 14
development licences or mining leases, 1 or more 15
but not all of the licences or leases are transferred 16
to the same person, the person from whom the 17
licences or leases were transferred continues to 18
be the holder of the water monitoring authority. 19

(5) A water monitoring authority, or an interest in a 20
water monitoring authority, can not be transferred 21
except by operation of law under this section. 22

**334ZZF Additional condition of relevant mineral 23
development licence or mining lease 24**

If a condition is imposed on a water monitoring 25
authority (the *authority condition*), it is a condition of 26
each mineral development licence or mining lease to 27
which the authority relates that the holder of the 28
licence or lease must comply with the authority 29
condition. 30

334ZZG Annual rent 31

(1) A water monitoring authority holder must pay the 32
State the annual rent, as prescribed by regulation. 33

-
- (2) The annual rent must be paid in the way, and on 1
or before the day, prescribed by regulation. 2

334ZZH Power to use security 3

- (1) This section applies if the Minister is satisfied 4
that— 5
- (a) a condition of a water monitoring authority 6
or any provision of this Act relating to the 7
water monitoring authority has not been 8
complied with; or 9
- (b) damage has been caused by the holder of a 10
water monitoring authority or a person 11
acting under the authority of the holder. 12
- (2) The Minister may require the holder to take all 13
action necessary to rectify the noncompliance or 14
damage. 15
- (3) If the holder does not rectify the noncompliance 16
or damage, the Minister may use the security 17
deposited for the water monitoring authority to 18
rectify the noncompliance or damage. 19
- (4) In this section— 20
- damage* means actual damage caused to 21
pre-existing improvements on the area of the 22
water monitoring authority. 23

**334ZZI Amending water monitoring authority by 24
application** 25

- (1) The holder of a water monitoring authority may 26
apply to the Minister to amend it— 27
- (a) to increase or decrease its area; or 28
- (b) to add or remove, or to reflect an 29
amendment of, a mineral development 30
licence or mining lease that relates to the 31
authority. 32

[s 11]

- (2) The holder of a water monitoring authority can not apply to amend the authority in any other way. 1
2
3
- (3) The application must be— 4
- (a) in the approved form; and 5
- (b) accompanied by the fee prescribed by regulation. 6
7
- (4) The Minister may grant or refuse to grant the amendment. 8
9
- (5) However, the Minister may, before deciding the application, seek advice about the application from the chief executive of the department in which the Water Act is administered. 10
11
12
13
- (6) The amendment may be granted (a ***conditional grant***) subject to the applicant's written agreement to the Minister amending the water monitoring authority in a stated way that the Minister considers appropriate. 14
15
16
17
18
- (7) On refusal of the amendment or the making of a decision to make a conditional grant, the chief executive must give the applicant an information notice about the decision to refuse or to make the conditional grant. 19
20
21
22
23
- (8) In this section— 24
- information notice*** means a notice stating— 25
- (a) the reasons for the decision; and 26
- (b) that the applicant may appeal against the decision; and 27
28
- (c) how to appeal. 29

Part 3	Ownership of particular works	1 2
334ZZJ	Ownership of works constructed in connection with water monitoring bore	3 4
(1)	This section applies if the holder of a mineral development licence or mining lease constructs a water monitoring bore on land in the area of a prescribed holding to comply with the holder's underground water obligations for a mineral development licence or mining lease.	5 6 7 8 9 10
(2)	While the water monitoring bore remains on the land and the mineral development licence or mining lease remains in force, works constructed in connection with the water monitoring bore remain the property of the person who owned them immediately before they were constructed on the land.	11 12 13 14 15 16 17
(3)	Subsection (2) applies despite—	18
(a)	the works having become part of the land; or	19
(b)	the sale or other disposal of the land.	20
(4)	The works can not be—	21
(a)	levied or seized in execution; or	22
(b)	sold in exercise of a power of sale or otherwise disposed of by a process under a law of a State taken against the holder or the owner of the land.	23 24 25 26
(5)	This section applies despite—	27
(a)	an Act or law of the State; or	28
(b)	a contract, covenant or claim of right under a law of the State.	29 30
(6)	In this section—	31

[s 12]

prescribed holding means a mineral development licence, mining lease, exploration permit or water monitoring authority. 1
2
3

334ZZK Interfering with water monitoring bore 4

(1) A person must not interfere with a water monitoring bore unless the person is the owner of the bore or the owner of the bore consents. 5
6
7

Maximum penalty—1000 penalty units. 8

(2) In this section— 9

owner, of a water monitoring bore, means the person who, under section 334ZZJ, owns the works constructed in connection with the bore. 10
11
12

Clause 12 Amendment of sch 2 (Dictionary) 13

(1) Schedule 2, definition *mining tenement*— 14
omit. 15

(2) Schedule 2— 16
insert— 17

mining tenement means a prospecting permit, mining claim, exploration permit, mineral development licence, mining lease or water monitoring authority. 18
19
20
21

petroleum authority see the *Petroleum and Gas (Production and Safety) Act 2004*, section 18(2). 22
23

underground water see the Water Act, schedule 4. 24
25

underground water obligations, of a holder of a mineral development licence or mining lease, means— 26
27
28

(a) the holder's underground water obligations under the Water Act, chapter 3; and 29
30

(b) any other obligation under the Water Act, chapter 3 with which the holder is required to comply, if failure to comply with the obligation is an offence against that Act.

Examples of another obligation under the Water Act, chapter 3 with which the holder may be required to comply—

- giving an underground water impact report under section 370 of that Act
- preparing and complying with a baseline assessment plan under sections 397 and 400 of that Act

underground water rights, for a mineral development licence or mining lease, see section 334ZP.

Water Act means the *Water Act 2000*.

water bore see the Water Act, schedule 4.

water monitoring activity see section 334ZQ(4).

water monitoring authority means a water monitoring authority granted under section 334ZV.

water monitoring bore see the Water Act, section 362.

Part 5 **Amendment of Petroleum and Gas (Production and Safety) Act 2004**

Clause 13 **Act amended**
This part amends the *Petroleum and Gas (Production and Safety) Act 2004*.

[s 14]

Clause 14	Amendment of s 185 (Underground water rights)	1
(1)	Section 185, heading, after ‘rights’—	2
	<i>insert—</i>	3
	—general	4
(2)	Section 185(1)—	5
	<i>omit, insert—</i>	6
(1)	The holder of a petroleum tenure may take or interfere with underground water in the area of the tenure if the taking or interference happens during the course of, or results from, the carrying out of another authorised activity for the tenure.	7 8 9 10 11
	<i>Examples—</i>	12
	<ul style="list-style-type: none">underground water necessarily or unavoidably taken during the drilling of a petroleum well or water observation boreunderground water necessarily or unavoidably taken during testing for petroleum production or petroleum production authorised under section 32 or 109	13 14 15 16 17 18 19
(3)	Section 185(6) and (7)—	20
	<i>omit.</i>	21
(4)	Section 185(8)—	22
	<i>renumber</i> as section 185(6).	23
Clause 15	Insertion of new s 186	24
	After section 185—	25
	<i>insert—</i>	26
	186 Underground water rights—limited additional rights	27 28
(1)	This section applies to the holder of a petroleum tenure until—	29 30

-
- (a) if the area of the tenure is in the area declared by gazette notice under the Water Act on 18 March 2011 to be a cumulative management area and referred to as the Surat Cumulative Management Area—the day 5 years after the commencement of this section; or
- (b) if paragraph (a) does not apply—the day 2 years after the commencement of this section; or
- (c) a water licence or water permit is granted to take or interfere with underground water under the Water Act, section 1277.
- (2) The holder of a petroleum tenure may take or interfere with underground water in the area of the tenure for use in the carrying out of another authorised activity for the tenure.
- Note—*
- After the relevant period provided for under subsection (1) ends, the holder must be authorised under the Water Act to take or interfere with the water.
- (3) The rights under subsection (2) are—
- (a) also ***underground water rights*** for the petroleum tenure; and
- (b) subject to the tenure holder complying with the holder’s underground water obligations.
- (4) The holder must, in accordance with the requirements prescribed by regulation, measure and report the volume of water taken under subsection (2) to the chief executive of the department in which the Water Act, chapter 2 is administered.
- Maximum penalty—500 penalty units.
- (5) In this section—
- | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 |
|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|

[s 16]

	<i>another authorised activity</i> , for the petroleum tenure, means an authorised activity for the tenure under part 1, division 1 or part 2, division 1.	1 2 3 4
	<i>cumulative management area</i> see the Water Act, schedule 4.	5 6
Clause 16	Amendment of s 188 (Authorisation for Water Act)	7
	Section 188, ‘water, under the underground water rights’—	8
	<i>omit, insert—</i>	9
	underground water, under the underground water rights,	10 11
Clause 17	Amendment of s 189 (Water Act not otherwise affected)	12
	(1) Section 189, ‘as defined under the Water Act’—	13
	<i>omit.</i>	14
	(2) Section 189—	15
	<i>insert—</i>	16
	(2) In this section—	17
	<i>water</i> see the Water Act, schedule 4.	18
Clause 18	Amendment of sch 2 (Dictionary)	19
	(1) Schedule 2, definitions <i>underground water</i> , <i>water observation bore</i> and <i>water supply bore</i> —	20 21
	<i>omit.</i>	22
	(2) Schedule 2—	23
	<i>insert—</i>	24
	<i>underground water</i> see the Water Act, schedule 4.	25 26
	<i>water observation bore</i> —	27

-
- 1 A *water observation bore* is a bore to 1
monitor water levels and includes— 2
- (a) a petroleum well that, under chapter 2, 3
part 10, division 2, has been, or is taken 4
to have been, converted to a water 5
observation bore; and 6
- (b) a water monitoring bore under the 7
Water Act. 8
- 2 A reference to a water observation bore 9
includes its casing, wellhead and any other 10
works constructed in connection with the 11
bore. 12
- water supply bore*— 13
- 1 A *water supply bore* includes a petroleum 14
well that, under chapter 2, part 10, division 15
2, has been, or is taken to have been, 16
converted to a water supply bore. 17
- 2 A reference to a water supply bore includes 18
its casing, wellhead and any other works 19
constructed in connection with the bore. 20

Part 6 **Amendment of River** 21
Improvement Trust Act 1940 22

Clause 19 **Act amended** 23
This part amends the *River Improvement Trust Act 1940*. 24

Clause 20 **Replacement of long title** 25
Long title— 26
omit, insert— 27

[s 21]

	An Act to provide for the management of river catchments, for their protection and improvement, by suitably qualified and representative entities	1 2 3
Clause 21	Amendment of s 1 (Short title)	4
	Section 1, from ‘1940,’—	5
	<i>omit, insert—</i>	6
	1940.	7
Clause 22	Insertion of new s 2A	8
	Part 1—	9
	<i>insert—</i>	10
	2A Object	11
	(1) The object of this Act is to provide for the responsible management of river catchment areas through—	12 13 14
	(a) planning for and implementing measures that improve the protection, health and resilience of rivers and their catchments; and	15 16 17
	(b) repairing, and preventing damage to, rivers and their catchments; and	18 19
	(c) restoring natural resilience to flooding and cyclones in rivers and their catchments; and	20 21
	(d) protection of water security; and	22
	(e) improving water quality and river system function in rivers and their catchments.	23 24
	(2) The object is to be achieved mainly by—	25
	(a) establishing river improvement areas; and	26
	(b) establishing for the areas trusts that have the powers and functions to achieve the matters mentioned in subsection (1)(a) to (d).	27 28 29

Clause 23	Replacement of pt 2 (Constitution of river improvement areas and trusts)	1 2	
	Part 2—	3	
	<i>omit, insert—</i>	4	
	Part 2	Establishment of river improvement areas and trusts	5 6 7
	3 River improvement areas	8	
	(1) A regulation may establish a river improvement area, and may change or abolish the area.	9 10	
	(2) A river improvement area must be made up of—	11	
	(a) all or part of a local government area; or	12	
	(b) all or part of each of 2 or more local government areas.	13 14	
	(3) A local government, or 2 or more local governments acting jointly, may apply to the Minister for the establishment, change or abolition of a river improvement area.	15 16 17 18	
	(4) The Minister must consider an application under subsection (3) and make a recommendation on the application to the Governor in Council.	19 20 21	
	(5) The Minister may recommend to the Governor in Council the making of a regulation under subsection (1) whether or not an application has been made under subsection (3), and whether or not the regulation recommended is consistent with an application under subsection (3).	22 23 24 25 26 27	
	(6) A regulation establishing a river improvement area must assign a name to the area.	28 29	
	(7) A regulation changing a river improvement area may change the name of a river improvement area.	30 31 32	

[s 24]

4	Trusts for river improvement areas	1
(1)	A regulation establishing a river improvement area must establish and name a trust for the area.	2 3
(2)	A regulation changing a river improvement area may change the trust for a river improvement area, including by changing its name.	4 5 6
(3)	A regulation abolishing a river improvement area must abolish the trust for the area.	7 8
(4)	The name of a trust as provided for in a regulation establishing or changing the trust must be a name the Minister is satisfied is suitable, having regard to the intended scope of operations of the trust and the persons who are appointed to make up the trust.	9 10 11 12 13 14
(5)	It is not necessary for the word ‘trust’ to form part of a trust’s name.	15 16
(6)	A regulation changing or abolishing a river improvement area may provide for any matter necessary or convenient to give effect to the change or abolition.	17 18 19 20
(7)	Without limiting subsection (6), the regulation may transfer assets and liabilities of a trust to another trust.	21 22 23

Clause 24	Amendment of s 5 (Membership of trust)	24
(1)	Section 5(1)—	25
	<i>omit, insert—</i>	26
(1)	A trust may be established as a trust made up of—	27 28
(a)	2 councillors of each constituent local government for the trust’s river improvement area, appointed by the local government; and	29 30 31 32

-
- (b) up to 3 persons, as stated in the regulation establishing the trust, appointed by the Minister. 1
2
3
- (1A) Alternatively, a trust may be established as a trust made up of the members, up to the number as stated in the regulation establishing the trust, who are appointed by the Governor in Council from either or both of the following— 4
5
6
7
8
- (a) persons nominated by entities stated in the regulation as being entities entitled to nominate members for the trust; 9
10
11
- (b) persons nominated by the Minister. 12
- (1B) The regulation establishing a trust as a trust under subsection (1A)— 13
14
- (a) may provide that the members of the trust for the trust’s river improvement area are to be known as directors or another term stated in the regulation; and 15
16
17
18
- (b) is not required to provide— 19
- (i) for any entity mentioned in subsection (1A)(a) to be a local government; or 20
21
- (ii) for any person mentioned in subsection (1A)(b) to be a councillor of a local government. 22
23
24
- (1C) The Minister can not appoint a councillor of a constituent local government as a member under subsection (1)(b). 25
26
27
- (1D) It is not necessary for a person appointed under subsection (1)(b) to be a resident of the local government area of a constituent local government for the trust. 28
29
30
31
- (1E) It is not necessary for a person appointed under subsection (1A) to be a councillor of, or a resident of the local government area of, a constituent local government for the trust. 32
33
34
35

[s 25]

- (2) Section 5— 1
insert— 2
 (4A) Each person appointed by the Governor in 3
 Council under subsection (1A) holds office for 4
 the term, of no more than 4 years, decided by the 5
 Governor in Council. 6
- (3) Section 5(5), ‘(3) and (4)’— 7
omit, insert— 8
 (3), (4) and (4A) 9

- Clause 25 Amendment of s 5A (Appointment of members to 10
vacancies) 11**
- Section 5A— 12
insert— 13
 (5A) If the office of a member of a trust appointed 14
 under section 5(1A) becomes vacant, the 15
 Governor in Council may appoint a person to the 16
 vacant office. 17
- (5B) If the member was nominated by an entity 18
 mentioned in section 5(1A)(a), the Minister must 19
 have regard to the views of the entity in 20
 recommending the appointment to the Governor 21
 in Council. 22

- Clause 26 Amendment of s 5F (Chairperson) 23**
- Section 5F— 24
insert— 25
 (4) The Governor in Council appoints the 26
 chairperson of the trust for a river improvement 27
 area as mentioned in section 5(1A). 28

Clause 27	Amendment of s 5I (Casual vacancy)	1
	Section 5I(1)—	2
	<i>insert—</i>	3
	(e) for a member appointed by the Governor in Council—the Governor in Council removes the member from office.	4 5 6
Clause 28	Amendment of s 5K (Removal from office as member)	7
(1)	Section 5K(1), ‘local government or the Minister’—	8
	<i>omit, insert—</i>	9
	local government, the Minister or the Governor in Council	10 11
(2)	Section 5K(1) and (2), ‘local government or Minister’—	12
	<i>omit, insert—</i>	13
	local government, Minister or Governor in Council	14
(3)	Section 5K—	15
	<i>insert—</i>	16
	(3) The Minister may remove a person from office as a member of a trust if—	17 18
	(a) the person was appointed by the Minister under section 5(1)(b); and	19 20
	(b) the Minister believes on reasonable grounds that the person is not acting in the best interests of the trust.	21 22 23
	(4) The Governor in Council may remove a person from office as a member of a trust if—	24 25
	(a) the person was appointed by the Governor in Council under section 5(1A)(b); and	26 27
	(b) the Minister, in recommending the person’s removal to the Governor in Council, believes on reasonable grounds that the	28 29 30

[s 29]

	person is not acting in the best interests of the trust.	1 2
Clause 29	Amendment of s 5L (Removal from office as chairperson or deputy chairperson)	3 4
(1)	Section 5L(1)(b)— <i>omit, insert—</i>	5 6
	(b) the Minister or Governor in Council, for removing from office a person the Minister or Governor in Council has appointed to the office of chairperson or deputy chairperson of a trust under section 5F(2), (3) or (4) or 5G(2).	7 8 9 10 11 12
(2)	Section 5L(2), ‘The trust or Minister’— <i>omit, insert—</i> The trust, Minister or Governor in Council	13 14 15
Clause 30	Amendment of s 5M (Removal of all trust members)	16
(1)	Section 5M(1), after ‘Minister’— <i>insert—</i> or Governor in Council	17 18 19
(2)	Section 5M(1)(a), ‘a year’— <i>omit, insert—</i> in a financial year	20 21 22
(3)	Section 5M(2)— <i>omit, insert—</i> (2) For applying subsection (1)— (a) the Minister may remove the members of a trust even if any of them was appointed by a local government; and	23 24 25 26 27 28

	(b) only the Governor in Council may remove the members of a trust appointed by the Governor in Council.	1 2 3
Clause 31	Amendment of s 5N (Times and places of meetings)	4
	Section 5N(2), ‘a year’—	5
	<i>omit, insert—</i>	6
	in a financial year	7
Clause 32	Insertion of new s 5RA	8
	Part 3, division 5—	9
	<i>insert—</i>	10
	5RA Trust committees	11
	(1) A trust may establish committees to advise the trust about matters identified by the trust.	12 13
	(2) A committee may be made up of persons appointed by the trust from—	14 15
	(a) members of the trust; and	16
	(b) other persons considered by the trust to have experience in or knowledge about matters to be referred to the committee.	17 18 19
	(3) The trust may pay a member of a committee, other than a person who is also a member of the trust, fees and allowances that are—	20 21 22
	(a) decided by the trust; and	23
	(b) not more than the fees and allowances payable to a member of the trust.	24 25
Clause 33	Amendment of s 6 (Secretary, officers, and employees)	26
	(1) Section 6(1A), ‘any local government represented thereon’—	27
	<i>omit, insert—</i>	28

[s 34]

	any relevant local government for the trust	1
(2)	Section 6—	2
	<i>insert—</i>	3
(5)	In this section—	4
	<i>relevant local government</i> , for a trust, means a	5
	local government that may appoint a member of	6
	the trust or may nominate a person to be a	7
	member of the trust.	8
Clause 34	Omission of s 6A (Maintenance of a superannuation scheme)	9
	Section 6A—	10
	<i>omit.</i>	11
Clause 35	Replacement of s 7 (Trusts are bodies corporate)	12
	Section 7—	13
	<i>omit, insert—</i>	14
	Division 1 Status of trusts	15
	7 Trusts are bodies corporate etc.	16
(1)	A trust—	17
(a)	is a body corporate; and	18
(b)	has a seal; and	19
(c)	may sue and be sued in its corporate name.	20
(2)	A trust has all the powers of an individual and	21
	may, for example—	22
(a)	enter into contracts; and	23
(b)	acquire, hold, deal with and dispose of	24
	property.	25
(3)	Subsection (2) does not limit a trust's powers	26
	under this or another Act.	27
		28

	(4) A trust does not represent the State.	1
Clause 36	Replacement of s 9 (Compulsory acquisition of land)	2
	Section 9—	3
	<i>omit, insert—</i>	4
	Division 2 Powers for land and works	5
	9 Compulsory acquisition of land	6
	(1) A trust may take land within its river improvement area for the purpose (the <i>relevant purpose</i>) of doing anything it is permitted or required to do under this Act, including undertaking or maintaining works as mentioned in section 10(1).	7 8 9 10 11 12
	(2) Without limiting subsection (1)—	13
	(a) a trust is a constructing authority under the <i>Land Act 1994</i> (the <i>Land Act</i>) and the <i>Acquisition of Land Act 1967</i> (the <i>ALA</i>); and	14 15 16 17
	(b) the relevant purpose is taken to be a purpose that, for the taking of land by a trust, is set out in the ALA, schedule 1; and	18 19 20
	(c) the taking of land must be carried out under the Land Act or the ALA and not this Act.	21 22
Clause 37	Amendment of s 10 (Works which trust shall undertake or maintain)	23 24
	(1) Section 10, heading, ‘shall’—	25
	<i>omit, insert—</i>	26
	may	27
	(2) Section 10(1) to (2A)—	28
	<i>omit, insert—</i>	29

[s 37]

- | | | |
|------|--|--|
| (1) | A trust— | 1 |
| (a) | may undertake or maintain any works for the purpose of achieving the object of this Act; and | 2
3
4 |
| (b) | subject to paragraph (a), must undertake or maintain any works the chief executive directs the trust to undertake or maintain. | 5
6
7 |
| (2) | Subsection (1) does not operate to exempt a trust from complying with any law providing for how the undertaking or maintenance must be performed. | 8
9
10
11 |
| (2A) | Also, for undertaking or maintaining works, including for designing and for any subsequent monitoring, a trust must obtain advice from suitably qualified persons to ensure intended outcomes for the works are achieved, including, for example, the effective mitigation of loss or damage intended to be achieved by the works. | 12
13
14
15
16
17
18 |
| (2B) | A trust must, for each financial year, give the chief executive a report about its undertaking and maintenance of works in the financial year. | 19
20
21 |
| (3) | Section 10(5), (5A) and (6)— | 22 |
| | <i>omit, insert—</i> | 23 |
| (5) | A trust may enter into an agreement (a trust agreement) with any person having an interest in land about any matter necessary to allow the trust to effectively undertake or maintain works directly or indirectly associated with the land. | 24
25
26
27
28 |
| (6) | Subject to the trust agreement, the obligations under the agreement on an owner of the land, or on another person who holds a registered interest in the land, attach to the land and bind the successors in title of the owner or other person. | 29
30
31
32
33 |
| (6A) | The trust may give the registrar of titles notice of the trust agreement and the registrar must record | 34
35 |

	the notice in a way that a search of the register kept by the registrar under any Act relating to the relevant land will show—	1 2 3	
	(a) the existence of the agreement; and	4	
	(b) the terms of the agreement.	5	
(6B)	If the trust agreement is cancelled, as soon as practicable after the cancellation—	6 7	
	(a) the trust must give the registrar notice of the cancellation; and	8 9	
	(b) the registrar must remove the particulars of the agreement from the registrar’s records.	10 11	
(4)	Section 10(7A) to (9)—	12	
	<i>omit, insert—</i>	13	
	(8) The power to enter land under subsection (7) includes power, to the extent reasonably necessary to achieve the purpose of entry—	14 15 16	
	(a) to take on to the land any persons, vehicles, materials and equipment; and	17 18	
	(b) to stay on the land.	19	
Clause 38	Replacement of ss 11 and 11A	20	
	Sections 11 and 11A—	21	
	<i>omit, insert—</i>	22	
	Division 3	Improvement notices	23
	11 Definitions	24	
	In this division—	25	
	<i>improvement notice</i> see section 11A(1).	26	
	<i>occupier</i> , of land, means, if there is no person in actual occupation of the land, a person, whether	27 28	

[s 38]

or not an owner of the land, who is entitled to
immediate possession of the land. 1
2

owner, of land, means— 3

(a) for land held from the State for an estate less
than freehold—a person who holds the land
directly from the State; or 4
5
6

(b) otherwise—a person who is entitled to the
rents and profits of the land. 7
8

prohibit, a person from doing a relevant act,
includes control or regulate the person’s doing of
the relevant act. 9
10
11

relevant act means an act causing or contributing
to, or likely to cause or contribute to, relevant
damage. 12
13
14

relevant damage means damage to the bank of a
river caused, or likely to be caused, by flood or
cyclone. 15
16
17

relevant land, for an improvement notice, means
any land the subject of a prohibition or
requirement provided for in the notice. 18
19
20

11A Improvement notice 21

- (1) A trust may, by a notice (an **improvement notice**)
given to a person, do either or both of the
following— 22
23
24
- (a) prohibit the person from doing a relevant act
as stated in the notice; 25
26
- (b) require the person to take action, as stated in
the notice, to remedy or prevent relevant
damage. 27
28
29
- (2) An improvement notice must— 30

-
- (a) state the time within which compliance with any prohibition or requirement included in the notice must be complied with; and
- (b) state when the notice ceases to be in force; and
- (c) identify any relevant land for the notice.
- (3) An improvement notice may be given to a person only if it is reasonable in the circumstances to give the person the notice.
- (4) An improvement notice has effect within the trust's river improvement area.
- (5) If an improvement notice is given to a person in the person's capacity as the occupier of relevant land for the notice, the improvement notice applies not only to the person to whom it is given but also to each other person who is an occupier of the relevant land from time to time while the notice is in force as if it had also been given to the other person.
- (6) An improvement notice may include information about action the trust may take for noncompliance with the notice.

11B Recording of improvement notice

- (1) A trust may ask the registrar of titles to record an improvement notice for which there is relevant land.
- (2) The registrar must record the notice in a way that a search of the register kept by the registrar under any Act relating to relevant land for the notice will show the existence of the notice.
- (3) As soon as practicable after the improvement notice ceases to be in force for any reason—

[s 38]

- (a) the trust must advise the registrar that the improvement notice has ceased to be in force; and
- (b) the registrar must remove the particulars of the improvement notice from the registrar's records.

11C Requirement to comply with improvement notice

- (1) A person to whom an improvement notice applies must take all reasonable steps to comply with the notice while the notice is in force unless the person has a reasonable excuse.
Maximum penalty—
 - (a) for a first offence—20 penalty units; or
 - (b) for a second or later offence—100 penalty units.
- (2) Without limiting subsection (1), for a person who is the occupier of relevant land for the improvement notice, it is a reasonable excuse that the person was not aware, and could not reasonably be expected to have become aware, of the existence of the notice.

11D Compensation for crop damage

- (1) This section applies if an occupier of relevant land for an improvement notice—
 - (a) takes action to comply with the notice; and
 - (b) in taking the action, can not reasonably avoid causing damage to a cultivated crop growing on the land.
- (2) The trust must pay the occupier an amount of compensation—

-
- (a) agreed between the trust and the occupier; 1
or 2
 - (b) if there is no agreement—decided by the 3
Land Court as being fair compensation for 4
the damage. 5

**11E Work by trust to ensure compliance with 6
improvement notice 7**

- (1) This section applies if a person to whom an 8
improvement notice applies does not fully 9
comply with the notice. 10
- (2) The trust may, through its employees and agents, 11
and with any necessary equipment— 12
 - (a) perform all works necessary to ensure that 13
the person’s obligations under the notice are 14
complied with; and 15
 - (b) to the extent necessary under paragraph (a), 16
enter and stay on any land. 17
- (3) All expenses reasonably incurred by the trust in 18
performing the works may be recovered by the 19
trust as a debt owing by the person to the trust. 20
- (4) If the same improvement notice applies to 2 or 21
more persons, the persons are jointly and 22
severally liable to pay the debt owing. 23

**11F Action for debt does not stop proceeding for 24
offence 25**

- (1) A person may be proceeded against for an 26
offence against section 11C(1) in relation to an 27
improvement notice even if the person is also 28
liable for a debt under section 11E(3) arising out 29
of a failure to comply with the same 30
improvement notice. 31

[s 38]

- (2) However, in a proceeding against a person for an offence against section 11C(1), the court may, instead of, or in addition to, imposing a penalty, order that—
- (a) the person must pay an amount the court is satisfied would otherwise be recoverable as a debt under section 11E(3); and
- (b) payment of the amount is in satisfaction of the debt.

11G Injunction

- (1) This section applies if a person to whom an improvement notice applies (the *relevant person*) has not complied with the notice.
- (2) On application by the trust that gave the improvement notice, the court may grant an injunction, on terms the court considers appropriate for achieving the purposes of the notice—
- (a) to restrain the relevant person from engaging in stated conduct; or
- (b) to require the relevant person to do any stated act or thing.
- (3) If the court considers it desirable to do so, the court may—
- (a) grant an interim injunction pending its decision on an application under subsection (2); or
- (b) discharge or vary an injunction or interim injunction granted under this section.
- (4) In this section—
court means the Supreme Court.

Division 4 General 1

11H Other dealings in land are available to trust 2

- (1) Nothing in this part is intended to stop a trust from seeking to achieve the object of this Act in relation to land through dealings relating to land, including, for example, the registration of an easement. 3
4
5
6
7
- (2) For the purposes of allowing a public utility easement under the *Land Title Act 1994* or the *Land Act 1994* to be registered in favour of a trust, a trust is taken to be a person authorised to provide a public utility service, as mentioned in— 8
9
10
11
12
13
- (a) the *Land Title Act 1994*, section 81A, definition *public utility provider*, paragraph (d); or 14
15
16
- (b) the *Land Act 1994*, schedule 6, definition *public utility provider*, paragraph (d). 17
18

Clause 39 Replacement of s 12 (Fund of the trust) 19

Section 12— 20

omit, insert— 21

12 Funds of the trusts 22

- (1) A trust must establish the following funds at a financial institution— 23
24
- (a) a general fund, to be called the [name of trust] fund; 25
26
- (b) a loan fund for each loan borrowed; 27
- (c) a reserve fund comprising any reserve accounts established under subsection (4). 28
29
- (2) The general fund must be made up of all revenues of the trust and must be applied to 30
31

[s 40]

	expenditure properly incurred by the trust, other than expenditure for works for which the trust is authorised to spend loan moneys.	1 2 3
(3)	A loan fund must be made up of the amounts received under a loan and must be applied to expenditure for which the loan was obtained or as otherwise authorised under this Act.	4 5 6 7
(4)	A trust may establish reserve accounts for the transfer from its general fund of amounts as provided for under its annual budget.	8 9 10
(5)	An amount held in a reserve account must be used only for the purposes stated for that account.	11 12
Clause 40	Replacement of s 13 (Budget)	13
	Section 13—	14
	<i>omit, insert—</i>	15
	13 Budget	16
(1)	A trust must propose and adopt a budget for each financial year.	17 18
(2)	In proposing the budget the trust must estimate for the financial year concerned—	19 20
	(a) the amount of revenue; and	21
	(b) the expenditure from revenue, including, specifically, expenditure for the undertaking or maintenance of works; and	22 23 24
	(c) the expenditure from loan funds for the undertaking or maintenance of works; and	25 26
	(d) the amount payable for interest on, or redemption of, loans; and	27 28
	(e) the amounts to be transferred from the general fund to any reserve account established under section 12(4).	29 30 31
(3)	Also, in proposing the budget—	32

-
- (a) all expenditure not approved by the Treasurer to be met from loans must be allocated to revenue; and
 - (b) the estimate of revenue must be sufficient in amount to balance with the expenditure allocated under paragraph (a).
 - (4) A trust must give a copy of its adopted annual budget to the chief executive on or before the day prescribed by regulation.
 - (5) A trust must follow its budget in its expenditure from revenue and loan funds and, as far as possible, balance the expenditure with the budget.

13A Unanticipated expenditure

- (1) A trust must, before making a payment from its general fund or a loan fund in a financial year, approve the payment by a resolution of the trust if the payment—
 - (a) was not provided for in its budget for the financial year; or
 - (b) exceeds the amount stated for the payment in the estimates for items of expenditure in the budget for the financial year.
- (2) Also, loan funds that are already allocated must not be diverted for any expenditure not relating to the allocation without the approval of the Treasurer.
- (3) Section 13(5) does not stop the trust from expending revenue or loan funds on the undertaking, maintenance or repair of any works made necessary by a flood or cyclone.

[s 41]

Clause 41	Amendment of s 14 (Liability of local government to contribute to trust)	1 2
(1)	Section 14(1B), from ‘shall be’— <i>omit, insert—</i>	3 4
	is the amount negotiated and agreed each financial year by the trust and each of the local governments.	5 6
(2)	Section 14(1C)— <i>omit, insert—</i>	7 8
(1C)	If there is a failure under subsection (1B), within a time the Minister considers reasonable, to negotiate and agree an amount to be contributed by a local government, the amount the local government must contribute is the amount decided by the Minister.	9 10 11 12 13 14
(3)	Section 14(2), ‘sealed with its seal and in the form hereunder set out or to the like effect’— <i>omit.</i>	15 16 17
(4)	Section 14(2), all words after ‘of the trust.’— <i>omit.</i>	18 19
(5)	Section 14(3), ‘from its operating fund’— <i>omit.</i>	20 21
(6)	Section 14(4), from ‘repay’— <i>omit, insert—</i>	22 23
	repay the precept paid by it.	24
(7)	Section 14(5)— <i>omit.</i>	25 26
Clause 42	Omission of s 14A (Contribution by harbour board in aid of works)	27 28
	Section 14A— <i>omit.</i>	29 30

Clause 43	Amendment of s 14B (Other contributions in aid of works)	1
(1)	Section 14B(1), ‘(other than a port authority)’—	2
	<i>omit.</i>	3
(2)	Section 14B(2) to (4)—	4
	<i>omit, insert—</i>	5
	(2) A trust may make with the owner or, where the	6
	owner is not the occupier, with the owner and	7
	occupier, of land within the trust’s river	8
	improvement area an arrangement under which	9
	the owner or occupier undertakes to contribute to	10
	the undertaking or maintenance of any works by	11
	the trust which are or will be to the benefit of the	12
	owner or occupier.	13
	(3) A trust may do all things necessary or convenient	14
	to be done in connection with, or incidental to,	15
	the making of an arrangement under subsection	16
	(1) or (2), including, for example—	17
	(a) entering into and complying with contracts,	18
	agreements or arrangements the trust	19
	considers to be necessary or desirable to	20
	enable it to properly perform its functions	21
	under this section; and	22
	(b) obtaining, taking and holding securities for	23
	the payment of any amount by any person	24
	under this section, including interest charges	25
	and expenses chargeable to the owner or	26
	occupier.	27
	(4) An arrangement made by a trust under subsection	28
	(2) is binding on the trust and all other parties to	29
	the agreement, their successors, executors,	30
	administrators, and permitted assigns.	31
	(5) Any amount payable to the trust under this	32
	section and not paid is recoverable by the trust as	33
	a debt.	34

[s 44]

Clause 44	Omission of pt 7 (State powers to undertake or maintain works)	1 2
	Part 7—	3
	<i>omit.</i>	4
Clause 45	Omission of s 19A (Chief executive may conduct research and experiments)	5 6
	Section 19A—	7
	<i>omit.</i>	8
Clause 46	Replacement of s 20 (Offences)	9
	Section 20—	10
	<i>omit, insert—</i>	11
	20 Proceedings for offences	12
	(1) A proceeding for an offence against this Act must be taken in a summary way under the <i>Justices Act 1886</i> within the later of the following—	13 14 15
	(a) 6 months after the offence is committed;	16
	(b) 4 months after the commission of the offence comes to the complainant's knowledge, but not later than 1 year after the offence is committed.	17 18 19 20
	(2) On convicting a person for an offence in relation to damaging or destroying or attempting to damage or destroy any works, a court may, instead of or in addition to imposing a penalty, order the person to pay to the trust responsible for the works the whole of the expenses reasonably incurred by the trust as a result of the commission of the offence.	21 22 23 24 25 26 27 28
	(3) A person can not be required under subsection (2) to pay an amount as reimbursement for	29 30

	damage or destruction unless the damage or destruction was caused by the person directly.	1 2
Clause 47	Omission of s 20A (Arrangements for auditing accounts of superannuation schemes)	3 4
	Section 20A—	5
	<i>omit.</i>	6
Clause 48	Amendment of s 21 (Delegations)	7
	Section 21(2) and example—	8
	<i>omit.</i>	9
Clause 49	Amendment of s 22 (Regulation-making power)	10
	(1) Section 22(2)(a), (c), (f), (i) and (j)—	11
	<i>omit.</i>	12
	(2) Section 22(2)(e), (g), (h) and (k)—	13
	<i>renumber</i> as section 22(2)(a) to (d).	14
Clause 50	Omission of pt 9 (Transitional provisions)	15
	Part 9—	16
	<i>omit.</i>	17
Clause 51	Amendment of sch 1 (Dictionary)	18
	(1) Schedule 1, definitions <i>trust</i> and <i>year</i> —	19
	<i>omit.</i>	20
	(2) Schedule 1—	21
	<i>insert</i> —	22
	<i>catchment</i> , of a river, includes any land draining into the river.	23 24

[s 51]

- criminal history**, of a person, has the meaning given by the *Criminal Law (Rehabilitation of Offenders) Act 1986*, section 3, but does not include convictions for which the rehabilitation period has expired, and has not been revived, under that Act. 1
2
3
4
5
6
- improvement notice** see section 11A(1). 7
- occupier**, of land, for part 5, division 3, see section 11. 8
9
- owner**, of land, for part 5, division 3, see section 11. 10
11
- prohibit**, for part 5, division 3, see section 11. 12
- registrar of titles** means the registrar under the *Land Title Act 1994* or the chief executive under the *Land Act 1994*. 13
14
15
- relevant act**, for part 5, division 3, see section 11. 16
- relevant damage**, for part 5, division 3, see section 11. 17
18
- relevant land**, for part 5, division 3, see section 11. 19
20
- Treasurer** see the *Financial Accountability Act 2009*, schedule 3. 21
22
- trust** means a trust established under this Act. 23
- (3) Schedule 1, definition *works*, paragraph (a), after ‘river improvement area’— 24
25
insert— 26
, or land within the river’s catchment area that may 27
have a direct impact on the river, 28
- (4) Schedule 1, definition *works*, paragraph (e)— 29
omit, insert— 30
(e) preventing erosion of the bed or banks of a 31
river, or of adjoining or adjacent land or of 32

	land in the river’s catchment, by water of or	1
	from the river or its catchment; and	2
(5)	Schedule 1, definition <i>works</i> , paragraph (h)—	3
	<i>omit, insert—</i>	4
	(h) activities directed at restoring a river’s	5
	natural function or improving water quality	6
	in a river, if the activities are undertaken in	7
	the bed or banks of the river or on adjoining,	8
	adjacent or nearby land or on any land	9
	within the river’s catchment; and	10
(6)	Schedule 1, definition <i>works</i> —	11
	<i>insert—</i>	12
	(k) the construction and maintenance of levees.	13

Part 7	Amendment of Vegetation	14
	Management Act 1999	15

Clause 52	Act amended	16
	This part amends the <i>Vegetation Management Act 1999</i> .	17
Clause 53	Replacement of s 20AB (What is the <i>vegetation management watercourse map</i>)	18
	Section 20AB—	19
	<i>omit, insert—</i>	20
	20AB What is the <i>vegetation management watercourse and drainage feature map</i>	21
		22
	The <i>vegetation management watercourse and drainage feature map</i> is the map certified by the	23
	chief executive as the vegetation management	24
	watercourse and drainage feature map showing	25
		26
		27

[s 54]

	particular watercourses and drainage features for the State.	1 2	
	<i>Note</i> —	3	
	The map consists of the following documents—	4	
	• the document called ‘Vegetation management watercourse and drainage feature map (1:25 000)’	5 6	
	• the document called ‘Vegetation management watercourse and drainage feature map (1:100 000 and 1:250 000)’.	7 8 9	
Clause 54	Amendment of s 20ANA (What is a <i>category R area</i>)	10	
	Section 20ANA, ‘regrowth watercourse area’—	11	
	<i>omit, insert</i> —	12	
	regrowth watercourse and drainage feature area	13	
Clause 55	Insertion of new pt 6, div 11	14	
	After section 123—	15	
	<i>insert</i> —	16	
	Division 11	Transitional provision for Water Reform And Other Legislation Amendment Act 2014	17 18 19 20
	124 References to regrowth watercourse area and vegetation management watercourse map	21 22	
	(1) A reference in an Act or document to the regrowth watercourse area may, if the context permits, be read as a reference to the regrowth watercourse and drainage feature area.	23 24 25 26	
	(2) A reference in an Act or document to the vegetation management watercourse map may, if the context permits, be read as a reference to the	27 28 29	

	vegetation management watercourse and	1
	drainage feature map.	2
Clause 56	Amendment of sch (Dictionary)	3
(1)	Schedule, definitions <i>bed and banks</i> , <i>regrowth watercourse area</i> , <i>vegetation management watercourse map</i> and <i>watercourse</i> —	4
	<i>omit.</i>	6
	<i>omit.</i>	7
(2)	Schedule—	8
	<i>insert</i> —	9
	<i>downstream limit</i> , of a watercourse, see the <i>Water Act 2000</i> , schedule 4.	10
	<i>drainage feature</i> see the <i>Water Act 2000</i> , schedule 4.	11
	<i>regrowth watercourse and drainage feature area</i> means an area located within 50m of a watercourse or drainage feature located in the Burdekin, Mackay Whitsunday or Wet Tropics catchments identified on the vegetation management watercourse and drainage feature map.	12
	<i>regrowth watercourse and drainage feature area</i> means an area located within 50m of a watercourse or drainage feature located in the Burdekin, Mackay Whitsunday or Wet Tropics catchments identified on the vegetation management watercourse and drainage feature map.	14
	<i>regrowth watercourse and drainage feature area</i> means an area located within 50m of a watercourse or drainage feature located in the Burdekin, Mackay Whitsunday or Wet Tropics catchments identified on the vegetation management watercourse and drainage feature map.	15
	<i>regrowth watercourse and drainage feature area</i> means an area located within 50m of a watercourse or drainage feature located in the Burdekin, Mackay Whitsunday or Wet Tropics catchments identified on the vegetation management watercourse and drainage feature map.	16
	<i>regrowth watercourse and drainage feature area</i> means an area located within 50m of a watercourse or drainage feature located in the Burdekin, Mackay Whitsunday or Wet Tropics catchments identified on the vegetation management watercourse and drainage feature map.	17
	<i>regrowth watercourse and drainage feature area</i> means an area located within 50m of a watercourse or drainage feature located in the Burdekin, Mackay Whitsunday or Wet Tropics catchments identified on the vegetation management watercourse and drainage feature map.	18
	<i>regrowth watercourse and drainage feature area</i> means an area located within 50m of a watercourse or drainage feature located in the Burdekin, Mackay Whitsunday or Wet Tropics catchments identified on the vegetation management watercourse and drainage feature map.	19
	<i>regrowth watercourse and drainage feature area</i> means an area located within 50m of a watercourse or drainage feature located in the Burdekin, Mackay Whitsunday or Wet Tropics catchments identified on the vegetation management watercourse and drainage feature map.	20
	<i>vegetation management watercourse and drainage feature map</i> see section 20AB.	21
	<i>vegetation management watercourse and drainage feature map</i> see section 20AB.	22
	<i>watercourse</i> has the meaning given by the <i>Water Act 2000</i> , section 5, but a reference to a watercourse in this Act includes a reference to anywhere that is downstream of the downstream limit of the watercourse.	23
	<i>watercourse</i> has the meaning given by the <i>Water Act 2000</i> , section 5, but a reference to a watercourse in this Act includes a reference to anywhere that is downstream of the downstream limit of the watercourse.	24
	<i>watercourse</i> has the meaning given by the <i>Water Act 2000</i> , section 5, but a reference to a watercourse in this Act includes a reference to anywhere that is downstream of the downstream limit of the watercourse.	25
	<i>watercourse</i> has the meaning given by the <i>Water Act 2000</i> , section 5, but a reference to a watercourse in this Act includes a reference to anywhere that is downstream of the downstream limit of the watercourse.	26
	<i>watercourse</i> has the meaning given by the <i>Water Act 2000</i> , section 5, but a reference to a watercourse in this Act includes a reference to anywhere that is downstream of the downstream limit of the watercourse.	27
	<i>Note for definition watercourse</i> —	28
	For the purposes of this Act, the length of a watercourse is not limited by any downstream limit applying to it under the <i>Water Act 2000</i> .	29
	For the purposes of this Act, the length of a watercourse is not limited by any downstream limit applying to it under the <i>Water Act 2000</i> .	30
	For the purposes of this Act, the length of a watercourse is not limited by any downstream limit applying to it under the <i>Water Act 2000</i> .	31
(3)	Schedule, definition <i>vegetation management map</i> , paragraph (c)—	32
		33

[s 57]

<i>omit, insert—</i>	1
(c) the vegetation management watercourse and drainage feature map; or	2 3

Part 8 Amendment of Water Act 2000

4

Clause 57 Act amended	5
This part amends the <i>Water Act 2000</i> .	6
Clause 58 Replacement of long title	7
Long title—	8
<i>omit, insert—</i>	9
An Act to provide for the responsible and productive management of water and the management of impacts on underground water, and for other purposes	10 11 12 13
Clause 59 Replacement of s 2 (Commencement)	14
Section 2—	15
<i>omit, insert—</i>	16
2 Purposes of Act and their achievement	17
(1) The main purposes of this Act are to provide a framework for the following—	18 19
(a) the responsible and productive management of Queensland's water resources and quarry material to optimise economic, social and environmental outcomes;	20 21 22 23
(b) the sustainable and secure water supply and demand management for the south-east	24 25

Queensland region and other designated regions;	1 2
(c) the management of impacts on underground water caused by the exercise of underground water rights by the resource sector;	3 4 5
(d) the effective operation of water authorities.	6
(2) For subsection (1)(a), responsible and productive management is management that—	7 8
(a) incorporates consideration of long-term and short-term economic, social and environmental considerations; and	9 10 11
(b) allows for the allocation and use of water resources and quarry material for the economic, physical and social wellbeing of the people of Queensland, within limits that can be sustained indefinitely; and	12 13 14 15 16
(c) sustains the health of ecosystems, water quality and water-dependent ecological processes and biological diversity associated with catchments, watercourses, lakes, springs, aquifers and other natural systems; and	17 18 19 20 21 22
(d) enables water resources and quarry material to be obtained through fair, transparent and orderly processes to support the economic development of Queensland; and	23 24 25 26
(e) builds confidence regarding the availability, security and value of water entitlements and other authorisations for those investing in developing the water resource; and	27 28 29 30
(f) promotes the efficient use of water through—	31 32
(i) the establishment and operation of water markets; or	33 34
(ii) the initial allocation of water; or	35

[s 60]

	(iii) the regulation of water use if there is a risk of land or water degradation; and	1 2
	(g) facilitates the community taking an active part in planning for the management and allocation of water; and	3 4 5
	(h) recognises the interests of Aboriginal and Torres Strait Islander peoples and their connection with water resources.	6 7 8
(3)	For subsection (2), the <i>efficient use of water</i> —	9
(a)	incorporates water demand management and water conservation measures; or	10 11
(b)	considers the volume and quality of water required for particular circumstances, including release into the environment.	12 13 14
Clause 60	Relocation and renumbering of s 3 (Definitions)	15
	Section 3—	16
	<i>relocate</i> to chapter 1, part 2 and <i>renumber</i> as section 4.	17
Clause 61	Renumbering of s 4 (Act binds all persons)	18
	Section 4—	19
	<i>renumber</i> as section 3.	20
Clause 62	Replacement of ch 1, pt 2, hdg (Watercourses)	21
	Chapter 1, part 2, heading—	22
	<i>omit, insert</i> —	23
	Part 2 Interpretation	24
Clause 63	Amendment of s 5 (Meaning of <i>watercourse</i>)	25
(1)	Section 5(4)(a)(ii) and (iii)—	26

omit, insert—

- (ii) between the lateral limits of the
watercourse; and

(2) Section 5(5)—

omit, insert—

(5) In this section—

adjoining includes being bounded by, being adjacent to, or abutting.

lateral limits, of a watercourse, are the outer bank on one side of the watercourse and the outer bank on the other side of the watercourse.

Clause 64 Insertion of new s 5AA

After section 5—

insert—

5AA Watercourse etc. may be mapped

(1) The chief executive may prepare a map (***watercourse identification map***) identifying any of the following features—

- (a) a watercourse (other than its lateral limits);
- (b) a designated watercourse (other than its lateral limits);
- (c) the downstream limit of a watercourse;
- (d) a drainage feature;
- (e) a lake;
- (f) a spring.

(2) The watercourse identification map must be—

- (a) certified by the chief executive as the watercourse identification map as in force from a stated day; and

[s 64]

- (b) published, in digital electronic form, on the department's website. 1
2
- (3) A feature identified on the watercourse identification map as a watercourse is taken to be a watercourse (to the extent of its lateral limits) for this Act. 3
4
5
6
- (4) A feature identified on the watercourse identification map as a designated watercourse is taken to be a designated watercourse (to the extent of its lateral limits) for this Act. 7
8
9
10
- (5) A position or feature identified on the watercourse identification map as the downstream limit of a watercourse is taken to be the downstream limit of the watercourse for this Act. 11
12
13
14
15
- (6) A feature identified on the watercourse identification map as a drainage feature is taken to be a drainage feature for this Act. 16
17
18
- (7) A feature identified on the watercourse identification map as a lake is taken to be a lake for this Act. 19
20
21
- (8) A feature identified on the watercourse identification map as a spring is taken to be a spring for this Act. 22
23
24
- (9) The chief executive must consult with the chief executive of the department in which the *Coastal Protection and Management Act 1995* is administered before identifying a feature on the watercourse identification map as the downstream limit of a watercourse. 25
26
27
28
29
30
- (10) In this section— 31
watercourse includes part of a watercourse. 32

Clause 65	Insertion of new s 6	1
	Chapter 1, part 2—	2
	<i>insert</i> —	3
	6 Meaning of <i>domestic purposes</i>	4
	(1) <i>Domestic purposes</i> , for taking water, means taking water for the following—	5 6
	(a) household purposes;	7
	(b) watering of animals kept as pets;	8
	(c) watering a garden.	9
	(2) For subsection (1)(c), the combined size of the garden must not exceed an area of 0.5ha.	10 11
	(3) However, if a water plan states either of the following for this definition, it applies instead of the matters mentioned in subsection (2)—	12 13 14
	(a) a size for the garden that is more than 0.5ha;	15
	(b) a volume of water sufficient to water a garden an area of 0.5ha or greater.	16 17
	(4) In this section—	18
	<i>garden</i> includes a lawn.	19
Clause 66	Replacement of ch 2, hdg	20
	Chapter 2, heading—	21
	<i>omit, insert</i> —	22
	Chapter 1A Water supply emergencies and restrictions	23 24 25
Clause 67	Amendment of particular provisions of ch 2 (Allocation and sustainable management)	26 27
	(1) Chapter 2, parts 1, 3 to 6, and 8 to 11—	28

[s 67]

<i>omit.</i>	1
(2) Chapter 2, part 2, heading—	2
<i>omit.</i>	3
(3) Chapter 2, part 2, divisions 1, 1A, 2, 3 and 4—	4
<i>omit.</i>	5
(4) Chapter 2, part 2, division 2A, subdivision 6—	6
<i>omit, insert—</i>	7

Part 2 Obtaining information 8

25Y Obtaining information from a service provider 9

(1) The chief executive may give a service provider a notice requiring information about 1 or more of the following—	10 11 12
(a) current and projected future water consumption by the service provider's customers or a class of the customers;	13 14 15
(b) water restrictions the service provider has imposed or intends to impose;	16 17
(c) the events that would cause the service provider to impose the restrictions, for example, the available water supply falling to a stated level;	18 19 20 21
(d) the actions the service provider intends to take to ensure compliance with the restrictions;	22 23 24
(e) the demand management program the service provider proposes to implement;	25 26
(f) other measures the service provider proposes to take, for example, constructing new infrastructure or making changes to existing infrastructure.	27 28 29 30

-
- (2) The notice may be given at any time and must state the reasonable time by which the information must be given to the chief executive. 1
2
3
- (3) The service provider must comply with the notice, unless the service provider has a reasonable excuse. 4
5
6
Maximum penalty—200 penalty units. 7
- (4) It is a reasonable excuse for a service provider who is an individual not to comply with the notice if complying with the notice might tend to incriminate the individual. 8
9
10
11

Clause 68 **Insertion of new ch 2** 12
After section 25ZE— 13
insert— 14

Chapter 2 Management and 15
allocation of water 16

Part 1 Water rights 17

Division 1 Ownership of water 18

26 Rights in all water vests in the State 19

All rights to the use, flow and control of all water in Queensland are vested in the State. 20
21

Division 2 Allowing use of water 22

27 State may allow the use of water 23

- (1) The State may allow the use of water by authorising persons to take or interfere with water. 24
25
26

[s 68]

- | | | |
|-------|--|----------|
| (2) | The State may authorise persons to take water— | 1 |
| (a) | through legislation and statutory instruments; or | 2
3 |
| (b) | through any of the following authorisations issued under this Act— | 4
5 |
| (i) | water allocations; | 6 |
| (ii) | water licences; | 7 |
| (iii) | water permits; | 8 |
| (iv) | seasonal water assignment notices; | 9 |
| (v) | resource operations licences; | 10 |
| (vi) | distribution operations licences; | 11 |
| (vii) | operations licences. | 12 |
| (3) | The State may authorise persons to interfere with water— | 13
14 |
| (a) | through legislation and legislative instruments; or | 15
16 |
| (b) | through any of the following authorisations issued under this Act— | 17
18 |
| (i) | water licences; | 19 |
| (ii) | resource operations licences; | 20 |
| (iii) | distribution operations licences. | 21 |

Division 3	Restricting use of water	1
Subdivision 1	Restrictions for contamination and water shortages	2 3 4
28	Limiting or prohibiting taking, or interfering with, water during contamination or water shortages	5 6 7
(1)	Subsection (2) applies if the Minister is satisfied urgent action should be taken because—	8 9
(a)	there is a shortage of water; or	10
(b)	there is a thing in harmful quantities in water.	11 12
(2)	The Minister must publish a notice (the <i>first notice</i>)—	13 14
(a)	limiting, for a particular purpose or otherwise, either or both of the following—	15 16
(i)	the volume of water a person may take;	17
(ii)	the rate at which, and the times when, a person may take water; or	18 19
(b)	limiting a person's entitlement to interfere with water; or	20 21
(c)	prohibiting taking or interfering with water.	22
(3)	The limit or prohibition has effect despite any authority a person has under another provision of this Act.	23 24 25
(4)	The notice remains in force—	26
(a)	for the period of not more than 1 year stated in the notice; or	27 28
(b)	until the Minister publishes another notice withdrawing or replacing the first notice.	29 30
(5)	The notice is subordinate legislation.	31

[s 68]

- (6) A person must not take or interfere with water in contravention of the notice. 1
2
Maximum penalty for subsection (6)—1665 3
penalty units. 4
Note— 5
If a corporation commits an offence against this 6
provision, an executive officer of the corporation may be 7
taken, under section 828, to have also committed the 8
offence. 9

**29 Limiting water taken under water licence, 10
water permit or water allocation 11**

- (1) If there is a shortage of water, the chief executive 12
may, by publishing a notice (the *first notice*) do 13
any of the following— 14
- (a) limit the water that may be taken under a 15
water entitlement, a water permit, a seasonal 16
water assignment notice or an operations 17
licence; 18
- (b) limit or prohibit taking water for the 19
domestic purpose of watering a garden 20
under section 103(1); 21
- (c) limit or prohibit taking water for stock 22
purposes generally; 23
- (d) limit the water that may be taken by a 24
constructing authority or water service 25
provider under section 99(1). 26
- (2) The notice may be for any 1 or more of the 27
following— 28
- (a) the times when water may be taken; 29
- (b) the purpose for which water may be taken; 30
- (c) the volume of water, measured or estimated 31
that may be taken, including for a stated 32
purpose. 33

-
- (3) The notice remains in force for the period stated in the notice or, if no period is stated, until the chief executive publishes another notice withdrawing the first notice. 1
2
3
4
- (4) A person must not take water in contravention of the notice. 5
6
- Maximum penalty for subsection (4)—500 penalty units. 7
8

Subdivision 2 Moratorium notices 9

30 Moratorium notices 10

- (1) The Minister may publish a notice under this section, for a part of the State, (a *moratorium notice*) if the Minister is satisfied action should be taken in the part— 11
12
13
14
- (a) to protect existing water entitlements and other authorities under this Act to take or interfere with water; or 15
16
17
- (b) to protect natural ecosystems. 18
- (2) For part of the State to which the moratorium notice applies, the notice may state the following— 19
20
21
- (a) that an application for or about a water entitlement will not be accepted; 22
23
- (b) that the construction of works, or changing existing works, for taking or interfering with water, is limited in the way stated or is prohibited. 24
25
26
27
- (3) For subsection (2)(b), the notice may also state, while the moratorium notice has effect— 28
29
- (a) new works must not be physically started; 30
and 31

[s 68]

- (b) completed works in existence must not be raised, enlarged, deepened or changed; and
 - (c) works that have been started—
 - (i) may be completed only to the extent stated in the notice; and
 - (ii) must be completed by the day stated in the notice; and
 - (d) a person who is completing works that have been started must give the chief executive notice about the works by the day stated in the notice; and
 - (e) construction of works must stop if notice has not been given under paragraph (d).
- (4) However, the moratorium notice may only apply to an application or construction of works to the extent the application or construction would have 1 or more of the following effects stated in the notice—
 - (a) increase the amount of water that may be taken;
 - (b) change the location from which water may be taken;
 - (c) increase the rate at which water may be taken;
 - (d) change the flow conditions under which water may be taken;
 - (e) increase or change the interference with the water;
 - (f) change the purpose for which the water may be taken or interfered with.
- (5) Subsection (4) applies even if the application was made before the moratorium notice was published.

-
- (6) A moratorium notice may state matters to which the notice does not apply. 1
2
- (7) For this section, works are not started unless— 3
- (a) construction of the works has physically started or, if construction has not physically started, a contract has been entered into to start construction, and construction is started, within 60 days after the day the notice has effect; and 4
5
6
7
8
9
- (b) an independently verifiable construction program exists for progressive construction towards completion of the works; and 10
11
12
- (c) detailed design plans exist showing, among other things, the extent of the works; and 13
14
- (d) if a development permit is required for the works or for other development associated with the works—the permit has been given. 15
16
17

31 Effect of moratorium notice 18

- (1) The moratorium notice has effect— 19
- (a) from the later of the following— 20
- (i) the day stated in the notice; 21
- (ii) the day the notice is published; and 22
- (b) until the Minister publishes a further notice withdrawing or replacing the first notice. 23
24
- (2) Subsection (3) applies if— 25
- (a) a moratorium notice applies to a part of the State; and 26
27
- (b) a water planning instrument also applies to that part of the State. 28
29
- (3) The moratorium prevails over the instrument to extent of any inconsistency. 30
31

[s 68]

- | | | |
|-----------|---|----------------|
| (4) | A moratorium notice does not affect— | 1 |
| (a) | the issuing of water permits; | 2 |
| (b) | taking water under sections 93 to 99 and 103; | 3
4 |
| (c) | matters stated in the notice under section 30(6). | 5
6 |
| 32 | Offence to contravene moratorium notice | 7 |
| | A person must not start the construction of works, or continue to construct works, in contravention of a moratorium notice. | 8
9
10 |
| | Maximum penalty—1665 penalty units. | 11 |
| 33 | Application to vary effect of moratorium notice | 12 |
| (1) | Subsection (2) applies to an owner of land if— | 13 |
| (a) | the owner is completing works that had been started at the time a moratorium notice took effect; and | 14
15
16 |
| (b) | the works will not be completed by the day stated in the notice (the <i>completion day</i>); and | 17
18
19 |
| (c) | the owner wishes to apply for an extension of the completion day. | 20
21 |
| (2) | The owner— | 22 |
| (a) | must stop construction of the works by the completion day; and | 23
24 |
| (b) | may apply to the Minister for an extension of the completion day if— | 25
26 |
| (i) | the works are substantially completed; or | 27
28 |
| (ii) | the works will not be completed by the completion day because of a change in | 29
30 |

-
- circumstances beyond the applicant's control including, for example, construction difficulties, extreme bad weather or the applicant's ill health. 1
2
3
4
- (3) The application must— 5
- (a) be in the approved form; and 6
- (b) be accompanied by the prescribed fee; and 7
- (c) be made before the completion day; and 8
- (d) include sufficient information to support the application. 9
10
- (4) The Minister may refer the application to a referral panel established under section 242. 11
12
- (5) The Minister must— 13
- (a) decide the application; and 14
- (b) give the applicant notice of the decision. 15
- (6) If the application has been referred to a referral panel, the Minister must have regard to the panel's recommendation before making a decision. 16
17
18
19
- (7) If the Minister grants the application, the moratorium notice, for the applicant, is varied in the following way— 20
21
22
- (a) the completion day, for the works, is the day stated in the Minister's notice; 23
24
- (b) the works may be completed to the extent stated in the notice. 25
26
- (8) For this section, works are not started unless— 27
- (a) construction of the works has physically started or, if construction has not physically started, a contract has been entered into to start construction, and construction is started, within 60 days after the day the notice has effect; and 28
29
30
31
32
33

[s 68]

- (b) an independently verifiable construction program exists for progressive construction towards completion of the works; and
- (c) detailed design plans exist showing, among other things, the extent of the works; and
- (d) if a development permit is required for the works or for other development associated with the works—the permit has been given.

34 Reviewing and replacing moratorium notices

- (1) If the Minister is satisfied a moratorium notice should have effect for more than 1 year, the Minister must review the notice within 1 year after the day the notice was published and during each year the notice has effect.
- (2) If, on the review, the Minister is satisfied the notice should be amended, the Minister must replace the notice with a new notice containing the amended provisions.
- (3) The replacement notice may provide for any matter for which the original moratorium notice could have made provision.
- (4) On and after the day the notice is published the replacement notice is taken to be the moratorium notice.
- (5) The replacement notice applies to an application mentioned in section 30(2), even if the application was made before the replacement notice was published.

Division 4	Collecting information about water	1 2
35	Obtaining water information	3
(1)	The chief executive may give a person who is authorised, or has an entitlement, to take or interfere with water under this Act a notice requiring information—	4 5 6 7
(a)	the person is required to keep under a condition of the person’s authority or entitlement; or	8 9 10
(b)	about the person’s water use; or	11
(c)	about the water managed, taken or supplied under the person’s authority or entitlement; or	12 13 14
(d)	about the water that was managed, taken or supplied through water infrastructure to which a person’s authority or entitlement applies; or	15 16 17 18
(e)	about the taking or supplying of water by the person under the person’s authority or entitlement.	19 20 21
(2)	The notice—	22
(a)	may be given at any time; and	23
(b)	must state the reasonable time by which the information must be given to the chief executive.	24 25 26
(3)	The person must comply with the notice, unless the person has a reasonable excuse. Maximum penalty—200 penalty units.	27 28 29
(4)	However, this section does not require a person who is an individual to give information if giving	30 31

[s 68]

the information might tend to incriminate the 1
person. 2

36 Notice of works and water use 3

(1) This section applies to works for taking or 4
interfering with water if the taking or interfering 5
with the water is authorised other than under a 6
water entitlement. 7

(2) The chief executive may, by publishing a notice 8
(the *chief executive's notice*), require the owner 9
of land on which the works are, or are to be, 10
constructed to give the chief executive notice (the 11
owner's notice) of the works and the water use 12
or, for works to be constructed, proposed water 13
use, relating to the works, by the date stated in 14
the notice. 15

(3) The chief executive's notice— 16

(a) may require the owner's notice to be in the 17
approved form; and 18

(b) must state the matters prescribed by 19
regulation, including the proposed 20
consultation arrangements for the notice. 21

(4) A person to whom the chief executive's notice 22
applies must comply with the notice. 23

Maximum penalty—20 penalty units. 24

Part 2	Water planning	1
Division 1	Planning by the State	2
37	Planning for the management of water	3
	The State plans for the responsible and productive management of Queensland's water—	4 5
	(a) by preparing and implementing water plans; and	6 7
	(b) by preparing and implementing water use plans.	8 9
38	Information for planning	10
	The chief executive must provide information for planning purposes by—	11 12
	(a) regularly measuring and keeping publicly available records of the volume and quality of water in Queensland; and	13 14 15
	(b) collecting information on the water requirements of, and impacts of water management on, natural ecosystems, including, for example, from the department in which the <i>Environmental Protection Act 1994</i> is administered; and	16 17 18 19 20 21
	(c) collecting information about future water requirements.	22 23

[s 68]

Division 2	Matters for and related to regulation	1 2
39	Matters for regulation	3
(1)	For the purpose of planning for the responsible and productive management, use and allocation of water, a regulation may do the following—	4 5 6
(a)	reserve unallocated water for a part of the State or for particular water to which no water plan applies;	7 8 9
(b)	prescribe the processes for releasing unallocated water, including through the grant or sale of a water entitlement;	10 11 12
(c)	prescribe processes and criteria for establishing the elements of proposed water allocations;	13 14 15
(d)	prescribe water allocation dealing rules applying to whole of the State.	16 17
(e)	prescribe the processes for granting a seasonal water assignment for a water allocation;	18 19 20
(f)	prescribe the types of works that are to be regulated as self-assessable development or assessable development;	21 22 23
(g)	prescribe the requirements for the holders of resource operations licences and distribution operations licences in collecting and providing information to the chief executive.	24 25 26 27
(2)	A regulation under subsection (1)(b) must state that the release may only proceed if the chief executive has first decided that is appropriate having regard to any existing water development options that relate to the unallocated water.	28 29 30 31 32

-
- 40 Chief executive may release unallocated water** 1
- (1) The chief executive may release unallocated 2
water if a volume is stated in a water plan or 3
prescribed by regulation. 4
- (2) The chief executive must release unallocated 5
water under the process prescribed by regulation. 6
- (3) However, subsection (2) does not apply to the 7
extent the relevant water plan provides for an 8
alternative process for the release of the 9
unallocated water. 10
- (4) The chief executive may set a price for the 11
unallocated water. 12

Division 3 Water plans 13

41 What is a *water plan* 14

A *water plan* is a plan that applies to a part of the State 15
and advances the responsible and productive 16
management of Queensland's water. 17

42 Minister may prepare a water plan 18

- (1) The Minister may prepare a water plan for any 19
part of Queensland. 20
- (2) Two plans may have effect for the same part of 21
Queensland at the same time if each relates to a 22
different type of water. 23

Example— 24

There may be 2 plans applying to the same part of 25
Queensland where 1 relates to surface water and the 26
other to underground water. 27

43 Contents of a water plan 28

- (1) A water plan must— 29

[s 68]

- (a) state the water to which the plan applies;
and 1
2
- (b) state the desired economic, social and
environmental outcomes of the management
and allocation of water to which the plan
applies (the *water plan outcomes*); and 3
4
5
6
- (c) state the volume of unallocated water
reserved under the plan; and 7
8
- (d) state arrangements for providing water for
the environment including the measures,
strategies or objectives for environmental
flows; and 9
10
11
12
- (e) if the plan provides a framework for
managing water allocations— 13
14
 - (i) state trading zones for the allocations;
and 15
16
 - (ii) state water allocation security
objectives. 17
18
- (2) A water plan may— 19
 - (a) state measures that contribute to achieving
the water plan outcomes; and 20
21
 - (b) state the strategies for achieving the water
plan outcomes; and 22
23
 - (c) state limitations on taking or interfering
with water in the plan area; and 24
25
 - (d) state the taking or interfering with water in
the plan area that does not require a water
entitlement; and 26
27
28
 - (e) state the purpose for, and the location of,
unallocated water reserves; and 29
30
 - (f) state a process for releasing unallocated
water; and 31
32

-
- (g) state the arrangements and process for converting, adjusting or granting water entitlements or other authorisations under a water entitlement notice; and
- (h) state criteria for deciding applications for water licences; and
- (i) state the types of applications for water licences that must not be accepted under section 107; and
- (j) state the proposed holders of resource operations licences and distribution operations licences in the plan area; and
- (k) state whether a water management protocol is to be prepared for the plan area and the matters the protocol must address; and
- (l) state the types of amendments that may be made to the plan without consultation; and
- Note—*
- For the power of to amend a water plan without consultation see section 51(2)(a).
- (m) state the categories of water licences in the plan area that are to be cancelled or repealed; and
- (n) include anything else that the Minister considers relevant to advance the matters mentioned in section 41.

44 Preliminary public consultation

- (1) If the Minister proposes to prepare a water plan, the Minister may decide whether public consultation on the proposal is required.
- (2) If the Minister decides public consultation is required, the Minister must publish a notice of the proposal stating—

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- (a) the water to which the water plan will apply; 1
and 2
- (b) the reason for preparing the plan; and 3
- (c) proposed arrangements for consultation. 4

45 Making draft water plan 5

- (1) Before finalising a water plan the Minister must 6
make a draft of the plan. 7
- (2) The Minister must consider all of the following 8
in making a draft of a water plan— 9
 - (a) regional plans made under the *Sustainable 10
Planning Act 2009* that apply to the plan 11
area; 12
 - (b) environmental values established under the 13
*Environmental Protection (Water) Policy 14
2009*; 15
 - (c) if the draft water plan is within the 16
Queensland Murray-Darling Basin—the 17
Murray-Darling Basin Plan under the *Water 18
Act 2007* (Cwlth); 19
 - (e) the public interest; 20
 - (f) the results of any public consultation under 21
section 44. 22

46 Publishing draft water plan 23

- (1) After the Minister makes a draft of a water plan, 24
the Minister must publish the draft plan. 25
- (2) As soon as practicable after publishing the draft 26
of a water plan, the Minister must publish a 27
notice stating— 28
 - (a) the draft plan has been published; and 29
 - (b) how the draft plan may be inspected; and 30

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- | | | |
|-----------|--|----------------------|
| (c) | that submissions about the draft plan may be made by any entity; and | 1
2 |
| (d) | the day by which, how and to whom, the submissions must be made. | 3
4 |
| (3) | The period for making submissions must not be less than 30 business days after the notice is published. | 5
6
7 |
| (4) | To inform the public, the Minister must publish a statement of intent for the draft water plan which provides a summary of the— | 8
9
10 |
| (a) | intent of the draft plan; and | 11 |
| (b) | effect of the draft plan. | 12 |
| 47 | Decision about finalising water plan | 13 |
| (1) | Before deciding to finalise a water plan, the Minister must consider all properly made submissions about the draft of the plan under section 46. | 14
15
16
17 |
| (2) | If the Minister decides to finalise the plan, the Minister must submit the plan for approval by the Governor in Council. | 18
19
20 |
| (3) | If the Minister decides not to finalise the plan, the Minister must publish a notice advising of the decision and the reasons for the decision. | 21
22
23 |
| 48 | Effect of a water plan | 24 |
| (1) | A water plan does not have effect until it has been approved by the Governor in Council, and from the approval is— | 25
26
27 |
| (a) | the water plan for its plan area; and | 28 |
| (b) | subordinate legislation. | 29 |
| (2) | If a water plan is approved under subsection (1), the Minister must publish a report stating the | 30
31 |

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considerations made in finalising the plan including—	1 2
(a) the submissions received on the draft of the plan; and	3 4
(b) whether or not issues raised in the submissions were addressed and, if addressed, how the issues were addressed.	5 6 7
49 Report on water plan	8
(1) Minister must prepare reports about each water plan.	9 10
(2) The reports must—	11
(a) be prepared at the times and state the matters prescribed by regulation; and	12 13
(b) state the effectiveness of the plan and its implementation in advancing the matters mentioned in section 41.	14 15 16
50 Amending or replacing a water plan	17
(1) The Minister may—	18
(a) amend a water plan; or	19
(b) prepare a new water plan to replace one or more existing water plans.	20 21
(2) The Minister must amend a water plan, or prepare a new water plan to replace the plan, if the Minister is satisfied the plan is no longer advancing the matters mentioned in section 41.	22 23 24 25
51 Preparing an amendment or replacement of water plan	26 27
(1) To amend or replace a water plan, sections 44 to 48 apply to the proposed amending or	28 29

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- replacement water plan (the *amending or replacement plan*)— 1
2
- (a) as if a reference in the sections to a water 3
plan were a reference to the amended or 4
replaced plan; and 5
- (b) with any other necessary changes. 6
- (2) However, the consultation provisions do not 7
apply if the amendment to be made is— 8
- (a) of a type stated in the plan as not requiring 9
public consultation on a draft of the plan and 10
the Minister reasonably believes the 11
amendment will not adversely affect the 12
rights of the water entitlement holders or 13
natural ecosystems; or 14
- (b) only to correct a minor error in the water 15
plan, or make another change that is not a 16
change of substance; or 17
- (c) to implement a water development option 18
under section 52. 19
- (3) The consultation provisions do not apply to the 20
Minister preparing and finalising a new water 21
plan that is to replace 2 or more existing water 22
plans if the new plan does not change the 23
substance of the plans being replaced. 24
- (4) In this section— 25
consultation provisions means sections 44 to 46. 26

52 Amending a water plan to implement a water development option 27 28

- (1) The Minister may amend a water plan so that it 29
is consistent with the commitment for a major 30
water infrastructure project under a water 31
development option. 32

[s 68]

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| (2) | In making a decision under subsection (1), the Minister must consider the criteria mentioned in section 91(5). | 1
2
3 |
| (3) | The Minister may only act under subsection (1) if— | 4
5 |
| (a) | the proposed amendment advances the responsible and productive management of water; and | 6
7
8 |
| (b) | equivalent consultation to that required under sections 44 to 46 has been undertaken. | 9
10 |
| 53 | Expiry of water plan | 11 |
| | The <i>Statutory Instruments Act 1992</i> , part 7 does not apply to a water plan and the plan expires on 1 September first occurring after the 10th anniversary of the day it was approved by the Governor in Council unless— | 12
13
14
15
16 |
| (a) | it is sooner repealed; or | 17 |
| (b) | the expiry of the plan is postponed by the Minister under section 54. | 18
19 |
| 54 | Postponement of expiry of water plan if water plan is not being replaced | 20
21 |
| (1) | The Minister may postpone the expiry of a water plan if satisfied the plan is advancing the matters mentioned in section 41 and water plan outcomes. | 22
23
24
25 |
| (2) | Before postponing the expiry of the expiring plan, the Minister must publish a notice of the intention to postpone the expiry— | 26
27
28 |
| (a) | stating that a report under section 49 has been prepared and where it can be accessed; and | 29
30
31 |
| (b) | stating the proposed new expiry date; and | 32 |

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|-----------|--|----------------------|
| (c) | that submissions about the postponement may be made by any entity; and | 1
2 |
| (d) | the day by which, how and to whom the submissions must be made. | 3
4 |
| (3) | The period for making submissions must not be less than 30 days after the notice is published. | 5
6 |
| (4) | After considering any properly made submissions, the Minister may decide whether or not to postpone the expiry of the expiring plan. | 7
8
9 |
| (5) | The Minister may postpone the expiry more than once but any postponement can not have the effect of continuing the plan in force for more than 20 years. | 10
11
12
13 |
| 55 | Postponement of expiry of water plan while water plan is being replaced | 14
15 |
| (1) | This section applies if the Minister is preparing a new water plan to replace one or more existing water plans. | 16
17
18 |
| (2) | The Minister may postpone the expiry of the existing plan from time to time but can not postpone the expiry for more than 3 years. | 19
20
21 |
| (3) | Section 54(2) to (5) does not apply a postponement under this section. | 22
23 |
| 56 | Publication of new expiry date for plan | 24 |
| (1) | If the Minister decides to postpone the expiry of a water plan under section 54 or 55, the Minister must publish a notice in the gazette stating the new expiry date for the plan. | 25
26
27
28 |
| (2) | A notice under subsection (1) is subordinate legislation. | 29
30 |

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Division 4	Water use plans	1
57	Minister may prepare water use plan	2
	The Minister may prepare a water use plan for any part of Queensland.	3 4
58	What is a water use plan	5
	A <i>water use plan</i> is a plan that applies to a part of the State and advances the responsible and productive management of Queensland's water by regulating water use if there is a risk of land and water degradation, including as a result of—	6 7 8 9 10
	(a) rising underground water levels;	11
	(b) increasing salinisation;	12
	(c) deteriorating water quality;	13
	(d) waterlogging of soils;	14
	(e) destabilisation of bed and banks of watercourses;	15 16
	(f) damage to riverine environment;	17
	(g) increasing soil erosion.	18
59	Contents of water use plans	19
(1)	The water use plan must—	20
	(a) state the purpose of the plan; and	21
	(b) contain a map of the plan area; and	22
	(c) state the types of water use that are subject to the plan; and	23 24
	(d) state standards for water use practices; and	25
	(e) state objectives for water use efficiency, water reuse and water quality; and	26 27

-
- (f) state the monitoring requirements and responsibilities. 1
2
- (2) The plan may include, but is not limited to, 3
schedules for the progressive implementation of 4
the plan's requirements. 5
- 60 Making draft water use plan** 6
- (1) Before finalising a water use plan the Minister 7
must make a draft of the plan. 8
- (2) The Minister must consider the following in 9
making a draft of a water use plan— 10
- (a) changes to water use practices that will 11
reduce the risk to land and water resources 12
arising from the use of water on land; 13
- (b) existing industry codes of practice for water 14
use. 15
- 61 Publishing draft water use plan** 16
- (1) After the Minister makes a draft of a water use 17
plan, the Minister must publish the draft plan. 18
- (2) As soon as practicable after publishing the draft 19
of a water use plan, the Minister must publish a 20
notice stating— 21
- (a) the draft plan has been published; and 22
- (b) how the draft plan may be inspected; and 23
- (c) that submissions about the draft plan may be 24
made by any entity; 25
- (d) the day by which, how and to whom, the 26
submissions must be made. 27
- (3) The period for making submissions must not be 28
less than 30 business days after the notice is 29
published. 30

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62 Decision about finalising water use plan	1
(1) Before deciding to finalise a water use plan, the Minister must consider all properly made submissions about the draft of the plan under section 61.	2 3 4 5
(2) If the Minister decides to finalise the plan, the Minister must submit the plan for approval by the Governor in Council.	6 7 8
(3) If the Minister decides not to finalise the plan, the Minister must publish a notice advising of the decision and the reasons for the decision.	9 10 11
63 Effect of water use plan	12
A water use plan does not have effect until it has been approved by the Governor in Council, and from the approval is—	13 14 15
(a) the water use plan for its plan area; and	16
(b) subordinate legislation.	17
64 Public notice of content of water use plan	18
As soon as practicable after a water use plan is approved, the chief executive must—	19 20
(a) publicly notify the requirements of the plan for water users; and	21 22
(b) conduct public meetings to explain the requirements.	23 24
65 Amending or replacing a water use plan	25
(1) The Minister may—	26
(a) amend a water use plan; or	27
(b) prepare a new water use plan to replace an existing water use plan.	28 29

-
- (2) The Minister must amend a water use plan or prepare a new water use plan to replace an existing water use plan if the Minister is satisfied the water use plan is not addressing the risk to land and water arising from the use of water on land in the plan area. 1
2
3
4
5
6
- 66 Preparing an amendment or replacement of a water use plan** 7
8
- (1) To amend or replace a water use plan, section 61 applies to the proposed amending or replacement water use plan (the *amending or replacement plan*)— 9
10
11
12
- (a) as if a reference in the section to a water use plan were a reference to the amended or replaced plan; and 13
14
15
- (b) with any other necessary changes. 16
- (2) However, section 61 does not apply if the amendment to be made is— 17
18
- (a) to correct a minor error in the water use plan, or make another change that is not a change of substance; or 19
20
21
- (b) of a type stated in the plan as not requiring public consultation. 22
23
- Division 5 Water management protocols** 24
25
- 67 What is a *water management protocol*** 26
- A *water management protocol* is a document that, for the purpose of implementing a water plan, may state any of following for the plan area— 27
28
29

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- (a) if provided for in the water plan—the volumes of unallocated water reserved for stated purposes or stated locations, or a process for releasing unallocated water; 1
2
3
4
- (b) for water allocations managed under a resource operations licence—the water allocation dealing rules; 5
6
7
- Note—* 8
See section 158 (Water allocation dealing rules). 9
- (c) for water allocations not managed under a resource operations licence— 10
11
 - (i) the water allocation dealing rules; and 12
 - (ii) the water sharing rules; and 13
 - (iii) the seasonal water assignment rules; 14
- (d) the criteria for deciding applications for water licences; 15
16
- (e) anything else the chief executive considers necessary for implementing the water plan. 17
18

68 Making a water management protocol 19

- (1) The chief executive may make 1 or more water management protocols to implement a water plan. 20
21
22
- (2) A water management protocol must, for a water plan— 23
24
 - (a) be consistent with the water plan outcomes and the measures that contribute to achieving them; and 25
26
27
 - (b) achieve any objectives stated in the plan, including the water allocation security objective and the environmental flow objectives; and 28
29
30
31

-
- (c) be developed with adequate consultation 1
with persons affected by the protocol as it 2
implements the plan. 3

**69 Amending or replacing a water management 4
protocol 5**

- (1) The chief executive may amend or replace a 6
water management protocol at any time. 7
- (2) The amendment or replacement must— 8
- (a) be consistent with the water plan outcomes 9
and the measures that contribute to 10
achieving them; and 11
- (b) achieve any objectives stated in the plan, 12
including the water allocation security 13
objective and the environmental flow 14
objectives; and 15
- (c) be developed with adequate consultation 16
with persons affected by the protocol as it 17
implements the plan. 18
- (3) The chief executive must amend a water 19
management protocol— 20
- (a) if the water plan outcomes, measures or 21
objectives of the relevant water plan are 22
changed, to the extent necessary to be 23
consistent with the plan; or 24
- (b) if necessary to implement a water 25
development option. 26
- (4) If the chief executive amends or replaces a water 27
management protocol, the chief executive must 28
publish a statement of changes made to the 29
protocol. 30

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Division 6	Water entitlement notice	1
70	What is a <i>water entitlement notice</i>	2
(1)	A <i>water entitlement notice</i> is a notice that, for the purpose of implementing a water plan, provides for any or all of the following in the plan area—	3 4 5 6
(a)	the conversion to a water allocation of a water licence, interim water allocation or other authority to take water;	7 8 9
(b)	the grant of a water allocation or water licence—	10 11
(i)	as a result of an unallocated water release; or	12 13
(ii)	to implement a water development option;	14 15
(c)	the cancellation of a surrendered water allocation;	16 17
(d)	the granting of a water licence without the need for an application to be made under section 107;	18 19 20
	<i>Note—</i>	21
	See section 116 (Granting a water licence under a process in a plan or regulation).	22 23
(e)	the amendment of a water licence to implement the plan;	24 25
(f)	the refusal of a particular application for a water licence if necessary to implement the plan;	26 27 28
(g)	the repeal of a water licence if the licence is no longer necessary to authorise a particular take of, or interference with, water;	29 30 31

-
- (h) the replacement of a water licence with another water licence necessary to authorise a particular take of, or interference with, water. 1
2
3
4
- (2) If a water allocation or water licence is no longer necessary to authorise a particular take of, or interference with, water, the water entitlement notice may state the authority under this Act that authorises the take or interference. 5
6
7
8
9
- 71 Making a water entitlement notice** 10
- The chief executive may make a water entitlement notice. 11
12
- 72 Draft water entitlement notice** 13
- (1) Before making a water entitlement notice, the chief executive must publish a draft of the water entitlement notice. 14
15
16
- (2) As soon as practicable after publishing the draft of a water entitlement notice, the chief executive must publish a notice stating— 17
18
19
- (a) the draft has been published; and 20
- (b) where copies of the draft may be inspected; and 21
22
- (c) that submissions about the draft may be made by any affected person; and 23
24
- (d) the day by which, how and to whom, the submissions must be made; and 25
26
- (e) that a notice under section 73 may be given at any time before the water entitlement notice has effect. 27
28
29
- (3) A copy of the notice under subsection (2) must be given to each affected person. 30
31

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- (4) The period for making submissions must not be less than 30 business days after the notice is published. 1
2
3

73 Additional requirements for notices for draft water entitlement notices that establish water allocations 4
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- (1) If the draft water entitlement notice allows for water allocations to be granted under section 70(1), the notice published under section 72(2) must also state that— 7
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9
10

- (a) any existing water entitlement holders may give the chief executive a notice in the approved form stating the holders wish to be recorded on the water allocations register other than as tenants in common in equal shares; and 11
12
13
14
15
16

Note— 17

See section 146(4) and (5). 18

- (b) existing interest holders may give the chief executive a notice in the approved form stating the interest holder intends to take action to have the holder's interest recorded on the water allocations register; and 19
20
21
22
23

- (c) if an interest holder who gives the chief executive a notice under paragraph (b) has the consent of the proposed water allocation holder to the encumbering of the proposed water allocation with the interest the interest holder has in the existing water entitlement or other authority to take water, the interest holder may give the chief executive notice of the consent in the approved form. 24
25
26
27
28
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- (2) It is declared that— 33

- (a) an existing mortgagee of land to which an existing water entitlement or other authority 34
35

-
- to take water attaches is an existing interest holder; and
- (b) the existing mortgagee's interest under the mortgage in the land is an existing interest in the existing water entitlement or other authority to take water.
- (3) It is also declared that a person is not a proposed water allocation holder under subsection (1)(c) unless—
- (a) the person is the registered owner of all of the land to which the existing water entitlement or other authority to take water relates; and
- (b) the interest the interest holder has in the existing water entitlement or other authority to take water relates to all of the land.

74 Reviewing submissions about draft water entitlement notice

- (1) This section applies if there is a properly made submission from an affected person about a draft water entitlement notice.
- (2) After the last day for the making of submissions about the draft water entitlement notice, the chief executive must—
- (a) collate information about all properly made submissions made about the draft; and
- (b) give the collated information to a referral panel.
- (3) The panel must review the draft water entitlement notice and the submissions and make recommendations to the chief executive within 40 business days after receiving the collated information.

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|-----|--|------------------|
| (4) | However, subsection (2) does not apply for a submission if the chief executive is satisfied that— | 1
2
3 |
| (a) | the submission requests a change to the draft water entitlement notice that would be inconsistent with the water plan that the draft is to implement; or | 4
5
6
7 |
| (b) | the draft should be amended in accordance with the submission. | 8
9 |

75 Finalising water entitlement notice 10

- | | | |
|-----|--|----------------------|
| (1) | In finalising the water entitlement notice, the chief executive must consider— | 11
12 |
| (a) | all properly made submissions; and | 13 |
| (b) | the referral panel's recommendations. | 14 |
| (2) | The chief executive may make the water entitlement notice, with or without amendment. | 15
16 |
| (3) | After considering the matters mentioned in subsection (1), the chief executive must submit the water entitlement notice to the Governor in Council for approval. | 17
18
19
20 |

76 Effect of water entitlement notice 21

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|-----|---|----------------------|
| (1) | A water entitlement notice does not have effect until it is approved by the Governor in Council. | 22
23 |
| (2) | A water entitlement notice may state the day or days, occurring after its approval by the Governor in Council, from which the different matters implemented by the notice are to have effect. | 24
25
26
27 |

77	Publication of approved water entitlement notice	1
		2
	As soon as practicable after a water entitlement notice is approved by the Governor in Council, the chief executive must—	3
		4
		5
	(a) publish the notice; and	6
	(b) notify each affected person of the publication of the notice within 30 business days after the publication.	7
		8
		9
78	When water entitlement notice ceases to have effect	10
		11
	A water entitlement notice ceases to have effect when all matters to be implemented by the notice have taken effect.	12
		13
		14
Division 7	Water development options	15
		16
Subdivision 1	Preliminary	17
79	Definition for div 7	18
	In this division—	19
	<i>major water infrastructure project</i> means a project declared to be a major water infrastructure project under section 81.	20
		21
		22
80	What is a <i>water development option</i>	23
	A <i>water development option</i> is a commitment by the chief executive, to a person proposing a major water infrastructure project, to reserve an amount of water on the conditions decided by the chief executive.	24
		25
		26
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Subdivision 2	Granting water development options	1 2
81	Declaration of major water infrastructure project	3 4
(1)	The chief executive may, by gazette notice, declare a project to be a major water infrastructure project.	5 6 7
(2)	However, the chief executive may make a declaration under subsection (1) only if satisfied—	8 9 10
(a)	the project is—	11
(i)	a coordinated project; or	12
(ii)	a project the chief executive considers is likely to become a coordinated project; and	13 14 15
(b)	that appropriate environmental assessments will be carried out in relation to the project.	16 17
(3)	The chief executive may make a declaration—	18
(a)	after receiving an application for a water development option under section 83; or	19 20
(b)	without application before granting a water development option under section 84.	21 22
82	Matters chief executive must have regard to before making declaration	23 24
(1)	In deciding whether to declare a project to be a major water infrastructure project, the chief executive must have regard to the following—	25 26 27
(a)	a pre-feasibility assessment of the project, including how the project satisfies an identified need or demand for the volume of water being sought for the project;	28 29 30 31

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- (b) relevant planning schemes or policy frameworks of a local government or the State; 1
2
3
- (c) relevant water plans; 4
- (d) State policies, government priorities and regional plans made under the *Sustainable Planning Act 2009*; 5
6
7
- (e) any other matter the chief executive considers relevant. 8
9
- (2) However, the chief executive need not consider an application under section 83 unless the chief executive is satisfied that the project has at least 1 of the following— 10
11
12
13
- (a) complex approval requirements imposed by a local government, the State or the Commonwealth; 14
15
16
- (b) strategic significance to a locality, region or the State, including for the infrastructure, economic and social benefits, capital investment or employment opportunities it may provide; 17
18
19
20
21
- (c) the potential for significant impact on flows that would affect the environment or existing water authorisations because of taking or interfering with water; 22
23
24
25
- (d) a requirement for more water than would be available through existing unallocated water reserves for the relevant area. 26
27
28
- (3) The chief executive is not bound to declare a project to be a major water infrastructure project merely because the project satisfies 1 or more of the matters mentioned in subsection (2). 29
30
31
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[s 68]

- 83 Granting a water development option on application** 1
2
- (1) The proponent of a proposed or gazetted major water infrastructure project may apply to the chief executive for a water development option for the project. 3
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5
6
- (2) The application must— 7
- (a) be in an approved form; and 8
- (b) contain a pre-feasibility assessment of the project and sufficient information to enable the chief executive to declare the project to be major water infrastructure and decide the application; and 9
10
11
12
13
- (c) be accompanied by the fee prescribed by regulation. 14
15
- (3) The chief executive must decide whether or not to grant the water development option. 16
17
- (4) The chief executive must— 18
- (a) give the applicant notice of the decision, and the reasons for the decision within 30 business days; and 19
20
21
- (b) if the chief executive grants the water development option— 22
23
- (i) give the applicant a copy of the option; and 24
25
- (ii) publish details of the grant of the option on the department’s website. 26
27
- 84 Granting a water development option without application** 28
29
- (1) The chief executive may grant a water development option without application under a process prescribed by regulation. 30
31
32

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- (2) However, the option may be granted only if the option is consistent with the terms of an agreement between the State and a proponent of a major water infrastructure project.

85 Deciding to grant a water development option

In deciding whether to grant a water development option the chief executive must consider the following—

- (a) availability of alternative water supplies, including through the market;
- (b) the time frame for completion of the major water infrastructure project;
- (c) other commitments or future demands for the water, including existing water development options;
- (d) whether an environmental assessment is likely to demonstrate that any significant impacts on flows that would affect the environment or existing water authorisations can be adequately mitigated;
- (e) detailed information about the project given by the proponent in an application under section 83 or under a process mentioned in section 84;
- (f) any other matters the chief executive considers relevant.

86 Content of a water development option

A water development option must state—

- (a) the name of the holder of the option;
- (b) the water to which the option applies;

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- (c) if the option is for taking water—the volume of water that may be taken; 1
2
- (d) if the option is for interfering with water—the storage capacity and location of proposed infrastructure that would interfere with or store water for the project; 3
4
5
6
- (e) the term of the option; 7
- (f) milestones to be achieved by particular dates, for example, the public notification of an environmental impact statement; 8
9
10
- (g) the conditions of the option, including, for example, conditions requiring the mitigation of impacts on the environment or existing water authorisations; 11
12
13
14
- (h) the price, or the process for establishing the price, to be paid on the implementation of the water development option; 15
16
17
- (i) any other matters the chief executive considers relevant. 18
19

87 Expiry of water development option 20

A water development option expires— 21

- (a) for a project that has not yet been declared a coordinated project—if the holder of the option has not applied for a coordinated project declaration with 6 months of the option being granted; or 22
23
24
25
26
- (b) if the Coordinator-General— 27
 - (i) refuses the application for a coordinated project declaration; or 28
29
 - (ii) recommends that the coordinated project should not proceed; or 30
31
- (c) at the end of the term of the option; or 32

(d) on the granting of water authorisations. 1

88 Extending term of water development option 2

The chief executive may extend the term of a water development option, or the time for achieving a milestone, if the holder of the option agrees to the extension and— 3
4
5
6

(a) demonstrates to the satisfaction of the chief executive that they have a reasonable excuse for requiring the extension; and 7
8
9

(b) submits a program outlining the revised milestones that the holder must meet to prevent the expiration of the option. 10
11
12

89 Transferring water development option 13

(1) This section applies to a water development option if the existing holder of the option proposes to transfer the option to another person. 14
15
16

(2) The holder may apply by notice to the chief executive to record the transfer. 17
18

(3) The chief executive may record the transfer only if the chief executive is satisfied the holder has given the Co-ordinator General notice of the change of the proponent for the major water infrastructure project. 19
20
21
22
23

(4) A transfer has no effect unless recorded by the chief executive. 24
25

90 Cancelling a water development option 26

(1) The chief executive may cancel a water development option for a project if the chief executive is satisfied— 27
28
29

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- (a) the holder of the option fails to meet the milestones to be achieved by particular dates; or
- (b) the environmental assessment for the major water infrastructure project does not—
 - (i) demonstrate that there is sufficient water available to support the project; and
 - (ii) demonstrate that any significant impacts on flows that would affect the environment or existing water authorisations can be adequately mitigated.
- (2) If the chief executive intends to cancel a water development option, the chief executive must—
 - (a) give the holder of the option notice of the intention to cancel and the chief executive's reasons for the proposed cancellation; and
 - (b) invite the holder to make a submission about the cancellation by the date stated in the notice.
- (3) Before making a decision about the cancellation, the chief executive must consider any submission made by the holder of the option.
- (4) If the chief executive decides to cancel the option, the chief executive must give the holder of the option notice of the decision, including the reasons for the decision.
- (5) The chief executive may revoke a declaration made under section 81 after making a decision to cancel a water development option.

Subdivision 3 Implementing water development options 1
2

91 Implementing a water development option 3

- (1) The chief executive must give effect to a water development option by granting authorisations under section 92 if consistent with the water plan and any moratorium notice relevant to the major infrastructure project. 4
5
6
7
8
- (2) Subsection (3) applies if implementing a water development option would require an amendment to a water plan, water management protocol or moratorium. 9
10
11
12
- (3) The chief executive must not act under subsection (1) unless— 13
14
- (a) if the water management protocol requires amendment—the chief executive has amended the protocol; or 15
16
17
- (b) if the water plan or moratorium notice requires amendment—the Minister has amended the plan or notice. 18
19
20
- (4) The chief executive may only act under subsection (1) if the chief executive is satisfied— 21
22
- (a) the Coordinator-General recommends that the coordinated project should proceed; and 23
24
- (b) the holder of the water development option has met the conditions of the option, including meeting the required milestones. 25
26
27
- (5) The chief executive may amend a protocol under subsection (3)(a) only if the chief executive is satisfied— 28
29
30
- (a) that adequate consultation has been undertaken by the holder of the water development option; and 31
32
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- (b) that the proposed arrangements following implementation will mitigate any significant impacts on flows that would affect the environment or existing water authorisations. 1
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92 Granting water entitlements and other authorisations for water development options 6
7

- (1) The chief executive must grant either of the following to implement the water development option upon receipt of payment of the price stated on the water development option or determined through the process for establishing the price stated on the option— 8
9
10
11
12
13
 - (a) a water entitlement granted under section 116 or 147; 14
15
 - (b) a resource operations licence or distribution operations licence granted under section 180. 16
17
18
- (2) For subsection (1), the grant must be consistent with— 19
20
 - (a) the Coordinator-General’s approval for the coordinated project, including any approval conditions; and 21
22
23
 - (b) the water planning instruments relevant to the water development option. 24
25
- (3) No legal right or interest in the water arises in the holder of the water development option until a grant is made under this section. 26
27
28

Part 3	How State authorises take or interference with water	1 2 3
Division 1	Statutory authorisation to take or interfere with water	4 5
Subdivision 1	Authorisations that may not be limited by water planning instrument or regulation	6 7 8 9
93	General authorisations to take water	10
	A person may do any of the following—	11
	(a) take water for a public purpose in an emergency situation;	12 13
	(b) take water for fighting a fire;	14
	(c) take water for undertaking routine testing of fire fighting equipment;	15 16
	(d) take water from a watercourse, lake or spring for camping purposes;	17 18
	(e) take water from a watercourse, lake or spring for watering travelling stock;	19 20
	(f) take overland flow water that is contaminated agricultural run-off;	21 22
	(g) take water from a designated watercourse.	23
94	General authorisations to interfere with water	24
	Any person may do any of the following—	25
	(a) interfere with overland flow water;	26

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- (b) interfere with water from a watercourse, lake or spring by impoundment for structures used by the State or the Commonwealth to collect monitoring data; 1
2
3
4
- (c) interfere with water from a designated watercourse. 5
6

95 Aboriginal and Torres Strait Islander parties 7

- (1) An Aboriginal party or Torres Strait Islander party may, in the area of the State for which the person is an Aboriginal or Torres Strait Islander party, take or interfere with water for traditional activities or cultural purposes. 8
9
10
11
12

- (2) In this section— 13

Aboriginal party see the *Aboriginal Cultural Heritage Act 2003*, section 35. 14
15

cultural purpose means an activity, other than a commercial activity, that supports the maintenance or protection of the following— 16
17
18

- (a) Aboriginal cultural heritage within the meaning of the *Aboriginal Cultural Heritage Act 2003*, section 8; 19
20
21

- (b) Torres Strait Islander cultural heritage within the meaning of the *Torres Strait Islander Cultural Heritage Act 2003*, section 8. 22
23
24
25

Torres Strait Islander party see the *Torres Strait Islander Cultural Heritage Act 2003*, section 35. 26
27

traditional activities, for an Aboriginal party or Torres Strait Islander party, means any of the following activities the party carries out in accordance with Aboriginal tradition or Island custom— 28
29
30
31
32

- (a) hunting, fishing, gathering or camping; 33

-
- (b) performing rites or other ceremonies; 1
- (c) visiting sites of significance. 2
- 96 Land owners may take water for stock purposes** 3
4
- (1) An owner of land on which there is water 5
collected in a dam may take the water for stock 6
purposes. 7
- (2) An owner of land adjoining a watercourse, lake 8
or spring may take water from the watercourse, 9
lake or spring for stock purposes. 10
- (3) In this section— 11
- land* includes any land contiguous with the land 12
adjoining the watercourse, lake or spring if all the 13
land is owned by the same owner. 14
- 97 Environmental authorities** 15
- (1) A person may take overland flow water that is not 16
more than the volume necessary to satisfy the 17
requirements of— 18
- (a) an environmental authority; or 19
- (b) a development permit for carrying out an 20
environmentally relevant activity, other than 21
a mining or petroleum activity, under the 22
Environmental Protection Act 1994, 23
schedule 4. 24
- (2) A person may interfere with the flow of water by 25
impoundment if the interference is not more than 26
is necessary to satisfy the requirements of an 27
environmental authority. 28
- (3) However, subsections (1) and (2) apply only if— 29

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- (a) the impacts of the take or interference were assessed as part of a grant of an environmental authority; and
- (b) the environmental authority was granted with a condition about the take or interference with water.

98 Resource activities

- (1) A person may interfere with the flow of water by diversion if—
 - (a) the interference is a diversion of a watercourse and is associated with a resource activity; and
 - (b) the impacts of the interference were assessed as part of a grant of an environmental authority for the resource activity; and
 - (c) the environmental authority was granted with a condition about the diversion of the watercourse.
- (2) In this section—
resource activity see the *Environmental Protection Act 1994*, section 107.

99 Constructing authorities and water service providers

- (1) A constructing authority or water service provider may take water to operate public showers or toilets.
- (2) A constructing authority may take water to construct or maintain infrastructure if—
 - (a) the construction or maintenance is lawful; and

-
- | | |
|---|----------------------|
| (b) taking water for that purpose is prescribed by regulation; and | 1
2 |
| (c) the constructing authority complies with the following conditions— | 3
4 |
| (i) those prescribed by regulation; | 5 |
| (ii) those fixed by the chief executive, by notice given to the constructing authority, about taking water. | 6
7
8 |
| (3) The conditions may do all or any of the following— | 9
10 |
| (a) limit the volume of water the constructing authority may take in a year; | 11
12 |
| (b) limit the volume of water the constructing authority may take from a particular source at a particular location during a stated period; | 13
14
15
16 |
| (c) require the constructing authority to give the chief executive notice of the constructing authority's intention to take water from a particular source; | 17
18
19
20 |
| (d) require the constructing authority to take the water only through a meter of a type approved by the chief executive; | 21
22
23 |
| (e) require the constructing authority to give a written report to the chief executive about stated matters for the water taken; | 24
25
26 |
| <i>Examples of matters about which a report may be required—</i> | 27
28 |
| • the locations from which water was taken | 29 |
| • the source from which the water was taken | 30 |
| • the volume of water taken from a source | 31 |
| • the day on which the water was taken | 32 |
| (f) require the constructing authority to obtain written approval from the operator of a | 33
34 |
-

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water supply scheme before taking water managed under an interim resource operations licence, resource operations licence or distribution operations licence.	1 2 3 4
Subdivision 2 Authorisations that may be limited by water planning instrument or regulation	5 6 7
100 How this subdivision applies	8
Nothing in this subdivision limits an authorisation under subdivision 1.	9 10
101 Authorisation that may be limited by water planning instrument	11 12
A person may, subject to any relevant alteration or limitation prescribed under a moratorium notice, water plan or a regulation under section 1046 do the following—	13 14 15 16
(a) take water if doing so is necessary to carry out an activity prescribed by regulation;	17 18
(b) take overland flow water for any purpose;	19
(c) take or interfere with underground water for any purpose;	20 21
(d) take water that has been collected in a dam for any purpose other than a dam across a watercourse or lake.	22 23 24
102 Authorisations under water plans or regulation	25
(1) A person may, in a water plan area, subject to any relevant alteration or limitation prescribed under a moratorium notice, do the following—	26 27 28

-
- | | | |
|--|---|----------------|
| (a) | take water up to a volume stated in the water plan for the area; | 1
2 |
| (b) | take water if doing so is necessary to carry out an activity stated in the water plan for the area; | 3
4
5 |
| (c) | interfere with water to the extent stated in the water plan for the area. | 6
7 |
| (2) | Subsection (3) applies if— | 8 |
| (a) | there is no water plan; or | 9 |
| (b) | the water plan for a water plan area does not provide for the taking or interfering with water up to a volume stated in the plan. | 10
11
12 |
| (3) | A person may, subject to any relevant alteration or limitation prescribed under a moratorium notice, do the following— | 13
14
15 |
| (a) | take water up to a volume prescribed by regulation; | 16
17 |
| (b) | interfere with water to the extent prescribed by regulation. | 18
19 |
| 103 Authorisation to take water for stock or domestic purposes may be limited | | 20
21 |
| (1) | Either of the following may take water for domestic purposes— | 22
23 |
| (a) | an owner of land on which there is water collected in a dam across a watercourse or lake, if the water is taken from the dam; | 24
25
26 |
| (b) | an owner of land adjoining a watercourse, lake or spring, if the water is taken from the watercourse, lake or spring. | 27
28
29 |
| (2) | However, the water can not be taken for domestic purposes if the land is— | 30
31 |

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(a)	declared under a regulation to have a limited statutory authorisation under this section; and	1 2 3
(b)	subdivided after the regulation is made.	4
(3)	For subsection (1), land includes any land contiguous with the land adjoining the watercourse, lake or spring if all the land is owned by the same owner.	5 6 7 8
(4)	An owner of land may take water from a watercourse, lake or spring for stock or domestic purposes if—	9 10 11
(a)	for a watercourse, lake or spring located in the plan area for a water plan—the water is taken from a location, and in the way, stated in the plan; or	12 13 14 15
(b)	otherwise—the water is taken from a location, and in the way, prescribed by regulation.	16 17 18
Division 2	Water licences	19
Subdivision 1	Preliminary	20
104 Definitions for div 2		21
In this division—		22
<i>owner</i> , of land, means any of the following—		23
(a)	the registered proprietor of the land;	24
(b)	the lessee, sublessee or licensee of the land under the <i>Land Act 1994</i> ;	25 26
(c)	the trustee of a reserve over the land or the holder of a permit to occupy the land under the <i>Land Act 1994</i> ;	27 28 29

-
- (d) the lessee of the land under a registered lease under the *Land Title Act 1994*. 1
2
- prescribed entity*** means any of the following— 3
- (a) the State; 4
- (b) a local government; 5
- (c) the applicant for a resource tenure; 6
- (d) a resource tenure holder; 7
- (e) the holder of a geothermal tenure under the *Geothermal Energy Act 2010* relating to the land; 8
9
10
- (f) the holder of a GHG tenure under the *Greenhouse Gas Storage Act 2009* relating to the land; 11
12
13
- (g) the plantation licensee of a plantation licence under the *Forestry Act 1959*. 14
15
- (h) a water authority; 16
- (i) the holder of a resource operations licence, distribution operations licence or an operations licence; 17
18
19
- (j) the holder of a pipeline licence under the Petroleum and Gas Act; 20
21
- (k) CEWH; 22
- (l) an entity prescribed by regulation. 23

105 Purpose of div 2 24

Under this division, the chief executive may grant water licences for taking water and interfering with the flow of water, for example, by a weir. 25
26
27

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106 What is a water licence	1
(1) A water licence may authorise the taking of water from a location or the interference with water at a location.	2 3 4
(2) Generally, a water licence attaches to the water licensee's land, other than if the licensee is an prescribed entity.	5 6 7
(3) However, a water licence to take underground water for stock or domestic purposes—	8 9
(a) attaches to the parcel of land on which the water is taken; and	10 11
(b) if the water is used on another parcel that is the licensee's land—may attach to all parcels on which the water is used.	12 13 14
(4) A water licence may be amended, renewed, reinstated, relocated, transferred, amalgamated, subdivided, surrendered, cancelled or repealed.	15 16 17

Subdivision 2 Obtaining a water licences 18

107 Applying for a water licence	19
(1) An owner of a parcel or parcels of land may apply for a water licence for the parcel or parcels—	20 21 22
(a) for taking water and using the water on any of the land; or	23 24
(b) to interfere with the flow of water on, under or adjoining any of the land; or	25 26
(c) for both taking and using water under paragraph (a) and interfering with the flow of water under paragraph (b) if the take is from the storage created by the interference.	27 28 29 30

-
- (2) An application under subsection (1)(a) may be for taking water from any of the following—
- (a) a watercourse, lake or spring on or adjoining any of the land;
 - (b) an aquifer under any of the land;
 - (c) water flowing across any of the land.
- (3) Also, an application under subsection (1)(a) or (b) may be for taking water from a watercourse, lake, spring or aquifer if—
- (a) for water from a watercourse, lake or spring—the watercourse, lake or spring does not adjoin any of the applicant’s land or the proposed point of taking the water is not on the applicant’s land; or
 - (b) for water from an aquifer—the aquifer is not under the applicant’s land.
- (4) A prescribed entity may also apply for a water licence for taking water or interfering with the flow of water.

108 Applying for transmission water licence

- (1) Subject to subsection (3), each of the following entities may apply for a water licence (a *transmission water licence*) for taking water from a receiving water source—
- (a) the bulk water supply authority;
 - (b) a relevant entity for a recycled water scheme;
 - (c) an entity nominated by a relevant entity for a recycled water scheme.
- (2) An application made under subsection (1) is a *licence application*.

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- (3) If recycled water in a receiving water source is supplied from water supply works that supply bulk services under a bulk water supply agreement, the bulk water supply authority is the only entity that may make a licence application in relation to the receiving water source. 1
2
3
4
5
6
- (4) This subdivision, other than sections 110, 111, 113 and 114 and this section, does not apply to a licence application. 7
8
9
- (5) For applying sections 110, 111, 113 and 114, a reference to an application is taken to be a reference to a licence application. 10
11
12
- (6) The chief executive may decide the licence application without notice of the licence application being published. 13
14
15
- (7) If the chief executive grants a licence application, the transmission water licence does not attach to the licensee's land. 16
18
- (8) In this section— 19
- approved recycled water management plan* has the meaning given in the *Water Supply (Safety and Reliability) Act 2008*, schedule 3. 20
21
22
- receiving water source* means a lake, or watercourse, into which recycled water is supplied under an approved recycled water management plan to augment a supply of drinking water. 23
24
25
26
27
- relevant entity* has the meaning given in the *Water Supply (Safety and Reliability) Act 2008*, schedule 3. 28
29
30

109 When application may not be made 31

An application can not be made for a water licence for an activity that the applicant is authorised to do under part 3, division 1. 32
33
34

-
- 110 How application may be made** 1
- An application under section 107 or section 108 must 2
be— 3
- (a) made to the chief executive in the approved 4
form; and 5
 - (b) accompanied by the fee prescribed by 6
regulation. 7
- 111 Additional information may be required** 8
- (1) The chief executive may require— 9
 - (a) the applicant to give additional information 10
about the application within the reasonable 11
time stated in the requirement; or 12
 - (b) any information included in the application, 13
or any additional information required under 14
paragraph (a), to be verified by statutory 15
declaration; or 16
 - (c) if notice of the application is 17
published—any submitter to give additional 18
information about the submission. 19
 - (2) If the applicant fails, without reasonable excuse, 20
to comply with the requirement within the 21
reasonable time stated in the requirement, the 22
application lapses. 23
- 112 Public notice of application for water licence** 24
- (1) This section applies if the chief executive is 25
satisfied the application has been properly made 26
and the applicant has given the chief executive 27
any additional information requested for the 28
application. 29
 - (2) However, this section does not apply if— 30

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- (a) the application is for taking underground water only for domestic purposes or watering stock of a number that would normally be depastured on the land to which the application relates; or
 - (b) the chief executive is satisfied granting the application would be inconsistent with a water plan.
- (3) The chief executive must give the applicant a notice requiring the applicant to publish the information, for the period and in the way, stated in the notice.
- (4) The information to be published must include at least the following—
 - (a) the location of the proposed taking of, or interfering with, water;
 - (b) where copies of the application may be inspected;
 - (c) that written submissions may be made by any entity about the application;
 - (d) a day by which submissions must be made, and the person to whom, and the place where, the submissions must be made.
- (5) The day stated under subsection (4)(d) must not be earlier than 30 business days after the day the information is published.
- (6) Within 10 business days after the information is published, the applicant must give the chief executive evidence of the publication.
- (7) If the applicant fails, without reasonable excuse, to comply with subsection (6), the application lapses.

113 Criteria for deciding application for water licence	1
	2
In deciding whether to grant or refuse the application, the chief executive must consider the application together with—	3
	4
	5
(a) if a water plan would apply to any water licence granted—the water plan; and	6
	7
(b) if the application relates to the Murray-Darling Basin—the long-term average sustainable diversion limits included in the Basin Plan; and	8
	9
	10
	11
(c) if additional information has been given to the chief executive under section 111—the additional information; and	12
	13
	14
(d) if notice of the application has been published under section 112—all properly made submissions about the application; and	15
	16
	17
	18
(e) if a water plan would not apply to any water licence granted—	19
	20
(i) existing water entitlements and authorities to take or interfere with water; and	21
	22
	23
(ii) any information about the effects of taking, or interfering with, water on natural ecosystems; and	24
	25
	26
(iii) any information about the effects of taking, or interfering with, water on the physical integrity of watercourses, lakes, springs or aquifers; and	27
	28
	29
	30
(iv) strategies and policies for water resource management in the area to which the application relates; and	31
	32
	33
(v) the public interest.	34

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114 Deciding application for water licence	1
(1) The chief executive must decide to grant, or to grant in part, with or without conditions, or refuse to grant, the application.	2 3 4
(2) Subsection (3) applies if the granting, or granting in part, of the application would be inconsistent with a water plan.	5 6 7
(3) The chief executive must refuse the application and give notice of the decision, including the reasons for the decision, within 30 business days after deciding the application.	8 9 10 11
(4) Subsection (5) applies if the chief executive makes a decision consistent with—	12 13
(a) the water plan, if no other decision could have been made; or	14 15
(b) a water entitlement notice; or	16
(c) the terms of grant or sale for an unallocated water release process.	17 18
(5) The chief executive must give notice of the decision, including the reasons for the decision, within 30 business days after deciding the application.	19 20 21 22
(6) Subsection (7) applies if—	23
(a) a water plan does not apply to the water the subject of the application; or	24 25
(b) the chief executive makes a decision consistent with the water plan and a different decision consistent with the plan could have been made.	26 27 28 29
(7) The chief executive must give the applicant, and any person who gave a properly made submission about the application, an information notice about the decision within 30 business days after granting the application.	30 31 32 33 34

-
- (8) If the chief executive grants the application, or grants the application in part, with or without conditions, the chief executive must, within 30 business days after the granting, give a water licence in the approved form to—
- (a) the applicant; or
 - (b) if after making the application the applicant has ceased to be an owner of land to which the application relates—the registered owner of the land.
- (9) The licence has effect from the day the information notice or notice of the decision is given to the applicant.

115 Effect of disposal of part of land to which application for water licence relates

- (1) Subsection (2) applies if—
- (a) an application for a water licence is made to the chief executive; and
 - (b) the applicant disposes of part of the land to which the application relates; and
 - (c) at the time the applicant disposes of the part, the chief executive has not decided the application under section 114.
- (2) The application lapses on the day the applicant disposes of the part.

116 Granting a water licence under a process in a plan or regulation

- (1) Subsection (2) applies if—
- (a) a water plan, water management protocol or regulation states a process for the allocation of water, or interference with the flow of water, under a water licence; or

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(b) the chief executive decides to grant a water licence for the allocation of water, or interference with the flow of water, to implement a water development option under section 92.	1 2 3 4 5
(2) The chief executive may grant a water licence under this section in accordance with the process without the need for an application to be made under section 107.	6 7 8 9
(3) Within 30 business days after the chief executive grants the licence, the chief executive must give the licensee the licence and a notice about the granting of the licence in the way stated in section 114.	10 11 12 13 14
(4) The licence has effect from the day the licence is given to the licensee.	15 16
Subdivision 3 Contents, terms and conditions of water licences	17 18 19
117 Contents of water licence	20
A water licence must state—	21
(a) the term of the licence; and	22
(b) the water to which the licence relates; and	23
(c) one of the following—	24
(i) the location from which the water may be taken;	25 26
(ii) the location at which water may be interfered with;	27 28
(iii) the location from which the water may be taken and at which it may be interfered with; and	29 30 31

-
- (d) the conditions of the licence. 1

118 Conditions of water licence 2

- (1) The water licence is subject to the conditions— 3
- (a) prescribed by regulation; and 4
 - (b) the chief executive may impose for a particular licence. 5
6
- (2) Without limiting subsection (1), the conditions may require the holder of the licence to do all or any of the following— 7
8
9
- (a) install a measuring device to measure the volume of water taken, the rate at which it is taken and the time it is taken; 10
11
12
 - (b) provide and maintain access to alternative water supplies for other persons, authorised under this Act to take water, who would be affected by the granting of the licence; 13
14
15
16
 - (c) carry out and report on a stated monitoring program; 17
18
 - (d) give relevant information reasonably required by the chief executive for the administration or enforcement of this Act. 19
20
21

119 Where water under certain licences must be used 22
23

- (1) Water taken under a licence that is attached to land must be used only on the land to which the licence attaches. 24
25
26
- Maximum penalty—1665 penalty units. 27
- (2) However, subsection (1) does not apply to— 28
- (a) water taken under a licence attached to land the subject of a water facility agreement 29
30

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under the <i>Land Protection (Pest and Stock Route Management) Act 2002</i> ; or	1 2
(b) underground water taken under a water licence for stock or domestic purposes.	3 4
Subdivision 4 Dealings with water licences	5 6
120 What are dealings with water licences	7
The following are dealings with water licences—	8
(a) amending a licence;	9
(b) renewing a licence;	10
(c) reinstating a licence;	11
(d) relocating a licence;	12
(e) transferring a licence;	13
(f) amalgamating licences;	14
(g) subdividing a licence;	15
(h) seasonal water assignment of a licence;	16
(i) cancelling a licence;	17
(j) surrendering a licence;	18
(k) repealing a licence.	19
121 Who may apply for dealing with water licence	20
(1) The licensee of a water licence may apply for 1 or more dealings with the licence.	21 22
(2) However, this section does not apply to a licensee surrendering the licensee's water licence or the cancellation or repeal of a licence.	23 24 25

-
- (3) Also, the following persons may apply for the
dealing with the water licence mentioned in the
circumstances mentioned—
- (a) for a seasonal water assignment for the
water year in which the application is
made—the holder of a seasonal water
assignment notice;
- (b) for the transfer of a water licence—the
licensee and proposed transferee if the
proposed transferee may apply for water
licence under section 107;
- (c) for an application to reinstate an expired
water licence—
- (i) if a licensee fails to renew a water
licence—the licensee; or
- (ii) if the licensee has ceased to be an
owner of the land to which the licence
was attached—another owner of the
land;
- (d) for an application to amalgamate 2 or more
water licences into a single licence—either
of the following—
- (i) the licensee or licensees of 2 or more
water licences relating to the same
land;
- (ii) a prescribed entity.

122 How to apply for dealing with water licence

- (1) An application for a dealing with a water licence
must be—
- (a) made to the chief executive in the approved
form; and
- (b) accompanied by the fee prescribed by
regulation.

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- (2) For an application mentioned in section 123, 126 or 127, the application must comply with the requirements stated in the section. 1
2
3

123 Application to amend water licence to add or remove land 4
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- (1) This section applies to an application to amend a water licence— 6
7
- (a) by adding land to the land to which the licence attaches; or 8
9
- (b) by removing land from the land to which the licence attaches, whether or not the application also seeks a reduction in the volume of water that may be taken under the licence. 10
11
12
13
14
- (2) The applicant must give notice of the application to any entity that has an interest in the land to which the licence attaches, the land to be added or the land to be removed. 15
16
17
18
- (3) The notice must include at least the following— 19
- (a) a description of the proposed changes to the land to which the licence attaches; 20
21
- (b) where copies of the application may be inspected and, on payment of a fee, purchased. 22
23
24
- (4) The application to amend the licence must be accompanied by written advice from the applicant that the applicant has complied with subsection (2) for the application. 25
26
27
28
- (5) Within 10 business days after the notice is given, the applicant must give the chief executive a copy of the notice. 29
30
31

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- (6) If the applicant fails, without reasonable excuse, to comply with subsection (5), the application lapses. 1
2
3
- (7) The chief executive may send a copy of the notice to any other entity the chief executive considers appropriate. 4
5
6

124 Water licence remains in force until application for renewal decided 7
8

If a water licensee applies to renew a water licence before the licence expires, the licence remains in force until— 9
10
11

- (a) if the application is approved with or without variation—the applicant is given a new licence; or 12
13
14
- (b) if the application is refused and the applicant has appealed against the decision—until the date on which notification of the final outcome of the appeal has been given to the applicant; or 15
16
17
18
19
- (c) if the application is refused and the applicant has not appealed against the decision—30 business days after the applicant is given an information notice. 20
21
22
23

125 Application to reinstate expired water licence 24

- (1) This section applies to an application mentioned in section 121(3)(c). 25
26
- (2) The applicant may apply to have the water licence reinstated within 60 business days after the licence expires. 27
28
29
- (3) If an application for the reinstatement of a water licence is made, the expired licence is taken to have been in force from the day the application 30
31
32

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was made until the applicant has been notified of 1
the chief executive's decision on the application. 2

126 Application to relocate water licence etc. 3

- (1) This section applies if, for a water licence, to take 4
water— 5
- (a) a regulation or water management protocol 6
states that all or part of the water licence 7
may be— 8
- (i) if the licence attaches to 9
land—transferred so that the whole or 10
the part attaches to other land, whether 11
in or outside Queensland; or 12
- (ii) transferred to a prescribed person; or 13
- (iii) amended to change the location from 14
which the water may be taken or the 15
purpose for which the water may be 16
taken; or 17
- (iv) amalgamated with another water 18
licence held or to be held by the 19
transferee; and 20
- (b) a regulation states the process for dealing 21
with an application for the transfer, 22
amendment or amalgamation. 23
- (2) The application must be made in accordance with 24
the process prescribed by regulation. 25
- (3) In this section— 26
- prescribed person* means— 27
- (a) a person who is, or will be, an owner of land 28
to which a water licence will attach when a 29
transfer under this section is approved; or 30
- (b) a prescribed entity. 31

-
- 127 Application for a seasonal water assignment** 1
- (1) This section applies to an application mentioned 2
in section 121(3)(a). 3
- (2) The application may be made only if— 4
- (a) a water plan or the water management 5
protocol that implements the water plan 6
allows seasonal water assignments; or 7
- (b) for water licences to which no water plan or 8
water management protocol applies—a 9
regulation allows seasonal water 10
assignments and prescribes seasonal water 11
assignment rules. 12
- (3) The application must— 13
- (a) relate to the water year in which the 14
application is made; and 15
- (b) include the name and address of the 16
proposed assignee; and 17
- (c) if the proposed assignee holds a water 18
licence for the water management area in 19
which the assignee proposes to take the 20
benefit of the assignment—include details 21
of the water licence; and 22
- (d) include evidence of the consent of the 23
proposed assignee. 24
- 128 Additional information may be required for 25
application for dealings** 26
- (1) The chief executive may require— 27
- (a) the applicant to give additional information 28
about the application for a dealing; or 29
- (b) any information included in the application, 30
or any additional information required under 31
paragraph (a), to be verified by statutory 32
declaration; or 33

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(c) if notice of the application is published—any submitter to give additional information about the submission. 1
2
3

(2) If the applicant fails, without reasonable excuse, to comply with the requirement within the reasonable time stated in the requirement, the application lapses. 4
5
6
7

129 When chief executive must refuse application 8

(1) If the granting of the application would be inconsistent with a water plan, water management protocol or the seasonal water assignment rules prescribed in a regulation, the chief executive must refuse the application without notice of the application being published. 9
10
11
12
13
14

(2) Within 30 business days after refusing the application, the chief executive must give the applicant a notice under section 114 about the refusal. 15
16
17
18

130 When dealing must be assessed as if it were a new water licence 19
20

If a proposed dealing for a water licence does 1 or more of the following, it must be assessed as if it were an application for a new water licence— 21
22
23

(a) increases the amount of water that may be taken under the licence; 24
25

(b) increases the daily rate or maximum rate per second at which water may be taken under the licence; 26
27
28

(c) changes the location of taking or interfering with water under the licence, unless the dealing is permitted under a regulation or water management protocol; 29
30
31
32

-
- (d) increases or changes the interference with water under the licence. 1
2

131 Recording other dealings 3

- (1) This section applies to a proposed dealing other than a dealing to which section 130 applies. 4
5
- (2) The chief executive must— 6
- (a) approve the dealing and record it in the department's records within 30 business days after receiving the application for the dealing if the chief executive is satisfied— 7
8
9
10
- (i) the application is consistent with any relevant regulation, water plan or water management protocol; and 11
12
13
- (ii) the requirements for the application have been met; and 14
15
- (b) if required, issue— 16
- (i) 1 or more new water licences; or 17
- (ii) a new seasonal water assignment notice. 18
19
- (3) If the chief executive does not record the dealing, the chief executive must give the applicant notice of the decision, including the reasons for the decision. 20
21
22
23
- (4) A water licence or notice issued under subsection (2)(b) takes effect on the day it is given to the applicant. 24
25
26
- (5) A water licence replaced by a new water licence issued under subsection (2)(b) expires on the day the new licence is given. 27
28
29
- (6) To the extent an application for a seasonal water assignment notice is approved, the licensee is not authorised to take water that is the subject of the 30
31
32

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seasonal water assignment under the water licence.	1 2
132 Actions chief executive may take in relation to water licences	3 4
(1) The chief executive may do the following without complying with the provisions of this division, other than this section and sections 133 to 135—	5 6 7 8
(a) amend a water licence to correct a minor error in the licence, or make another change that is not a change of substance;	9 10 11
(b) amend a water licence after a show cause process if the chief executive is satisfied the amendment is required;	12 13 14
(c) cancel a water licence after a show cause process if the chief executive is satisfied the licence should be cancelled;	15 16 17
(d) repeal a water licence if the licence is no longer required to authorise the taking or interference with water.	18 19 20
(2) If the chief executive repeals a water licence, the chief executive must give the licensee notice of the decision, including the reasons for the decision.	21 22 23 24
(3) If the chief executive amends a water licence under subsection (1)(a), the chief executive must give the licensee an amended licence in the approved form.	25 26 27 28
133 Actions chief executive must take in relation to water licences	29 30
(1) The chief executive must amend, replace or repeal a water licence if the water licence is	31 32

-
- inconsistent with a water plan or a water
entitlement notice. 1
2
- (2) The chief executive must, within the time stated 3
in the plan or notice or as soon as possible after 4
the plan or notice is approved— 5
- (a) amend, replace or repeal the water licence; 6
and 7
- (b) give the licensee a notice under section 114 8
stating the aspects of the existing licence 9
that are inconsistent with the plan or notice; 10
and 11
- (c) if required—give the licensee an amended 12
or new water licence in the approved form. 13
- (3) The amended or new water licence, or the repeal 14
of a water licence, takes effect from the day the 15
chief executive gives the licensee the amended or 16
new licence or notice of the repeal. 17
- 134 Amendment of water licence after show cause 18
process 19**
- (1) This section applies to an amendment of a water 20
licence by the chief executive under section 21
132(1)(b). 22
- (2) The amendment must not— 23
- (a) increase the amount of water that may be 24
taken under the licence; or 25
- (b) increase the daily rate or maximum rate per 26
second at which water may be taken under 27
the licence; or 28
- (c) change the location of taking or interfering 29
with water under the licence, unless the 30
dealing is permitted under a regulation or 31
water management protocol; or 32

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- (d) increase or change the interference with water under the licence. 1
2
- (3) Before the chief executive acts under subsection (1), the chief executive must give the licensee a show cause notice about the proposed amendment. 3
4
5
6
- (4) In deciding whether to amend the water licence, the chief executive must consider any properly made submission about the proposed amendment. 7
8
9
10
- (5) If the chief executive is satisfied the proposed amendment should be made, the chief executive must, within 30 business days after the decision, give the licensee an amended water licence in the approved form and an information notice about the decision. 11
12
13
14
15
16
- (6) If the chief executive is not satisfied the amendment should be made, the chief executive must give the licensee notice that the water licence will not be amended. 17
18
19
20
- (7) The amended water licence takes effect from the day the licence is given to the licensee. 21
22

135 Cancellation of water licence 23

- (1) This section applies to a cancellation of a water licence by the chief executive under section 132(1)(c). 24
25
26
- (2) Section 134 applies to the cancellation— 27
 - (a) as if a reference in the section to an amendment of the water licence were a reference to the cancellation of the licence; 28
29
30
and 31
 - (b) with any other necessary changes. 32

-
- (3) The chief executive must not cancel a water licence if a seasonal water assignment notice applies to the licence. 1
2
3

136 Surrender of a water licence 4

- (1) A licensee may surrender a water licence by giving the chief executive a notice of surrender. 5
6
- (2) The surrender— 7
- (a) takes effect on the date on which the notice to surrender is received by the chief executive; and 8
9
10
- (b) does not affect in any way a duty under this Act about works imposed on the licensee before the surrender. 11
12
13
- (3) A licensee must not surrender a water licence if a seasonal water assignment notice applies to the licence. 14
15
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Division 3 Water permits 17

137 Applying for water permit 18

- (1) A person may apply for a water permit for taking water for an activity. 19
20
- (2) At the time the application is made, the activity, must have a reasonably foreseeable conclusion date. 21
22
23
- (3) The application must be— 24
- (a) made to the chief executive in the approved form; and 25
26
- (b) supported by sufficient information to enable the chief executive to decide the application; and 27
28
29

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(c) accompanied by the fee prescribed by regulation.	1 2
138 Criteria for deciding application for water permit	3 4
In deciding whether to grant or refuse the application or the conditions for the water permit, the chief executive must consider the following—	5 6 7
(a) the application and additional information given in relation to the application;	8 9
(b) existing water entitlements and authorisations to take or interfere with water;	10 11 12
(c) any information about the impacts on natural ecosystems;	13 14
(d) any information about the impacts on the physical integrity of watercourses, lakes, springs or aquifers;	15 16 17
(e) the public interest.	18
139 Deciding application for water permit	19
(1) If the chief executive is satisfied the application should be granted, or granted in part, the chief executive must grant all or part of the application for a stated period, with or without conditions.	20 21 22 23
(2) If the chief executive is not satisfied the application should be granted, the chief executive must refuse the application.	24 25 26
(3) Within 30 business days after deciding the application, the chief executive must give the applicant an information notice about the decision.	27 28 29 30
(4) If the chief executive grants all or part of the application, with or without conditions, the chief	31 32

executive must, within 30 business days after	1
granting the application, give the applicant a	2
water permit in the approved form.	3
(5) The water permit has effect from the day the	4
information notice is given to the applicant.	5
140 Contents of water permit	6
A water permit—	7
(a) relates to the location or locations stated on	8
the permit; and	9
(b) must be granted for a stated period; and	10
(c) can not be transferred, amended, renewed or	11
suspended; and	12
(d) must be for a stated activity.	13
141 Conditions of water permit	14
The water permit is subject to the conditions—	15
(a) prescribed by regulation; and	16
(b) the chief executive may impose for a	17
particular permit.	18
142 Cancelling water permit	19
(1) The chief executive may cancel a water permit if	20
the chief executive is satisfied the permit should	21
be cancelled.	22
(2) Section 134 applies to the cancellation—	23
(a) as if a reference in the section to—	24
(i) an amendment were a reference to a	25
cancellation; and	26
(ii) a licence were a reference to a permit;	27
and	28

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(iii) a licensee were a reference to a permittee; and	1 2	
(b) with any other necessary changes.	3	
Division 4	Water allocations	4
Subdivision 1	Preliminary	5
143	Meaning of <i>element of a water allocation</i>	6
(1)	For this division, an element of a water allocation is an attribute or a condition of the allocation.	7 8
(2)	The following are attributes of a water allocation—	9 10
(a)	the nominal volume for the allocation;	11
(b)	the maximum rate;	12
(c)	the volumetric limit.	13
(3)	The following are conditions of a water allocation—	14 15
(a)	the location from which the water may be taken under the allocation;	16 17
(b)	the purpose for which the water may be taken under the allocation;	18 19
(c)	flow conditions under which the water may be taken;	20 21
(d)	any other condition required by the chief executive under section 152(1)(e).	22 23
144	Meaning of <i>maximum rate</i> for div 4	24
(1)	For this division, the <i>maximum rate</i> for a water allocation is the maximum volume of water, in	25 26

megalitres, that may be taken under the allocation 1
during a day. 2

- (2) However, if a condition on a water allocation 3
contains a water sharing rule about the maximum 4
rate that applies to the water allocation, the 5
maximum rate is, under the rule, the maximum 6
rate at which water may be taken during a 7
particular period of time or in particular 8
circumstances. 9
- (3) A water allocation may include more than one 10
maximum rate if there is more than one condition 11
that applies to the maximum rate that may be 12
taken. 13

145 Meaning of *volumetric limit* for div 4 14

- (1) For this division, the *volumetric limit* for a water 15
allocation is the maximum volume of water, in 16
megalitres, that may be taken under the allocation 17
during a water year. 18
- (2) However, if a condition on a water allocation or a 19
water management protocol contains a water 20
sharing rule about volumetric limits that applies 21
to the water allocation, the volumetric limit stated 22
on the water allocation is used to calculate, under 23
the rule, the maximum volume that may be taken 24
under the allocation during a particular period or 25
in particular circumstances. 26
- (3) A water allocation may include more than one 27
volumetric limit if there is more than one 28
condition that applies to the limit. 29

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Subdivision 2 Converting water entitlements and granting water allocations 1
2
3

146 Converting water entitlements 4

- (1) On the day a water entitlement notice takes effect— 5
6
- (a) all water licences, interim water allocations or other authorities to take water, to be converted under the notice, expire and the chief executive must grant to the holders of the expired water licences, interim water allocations or other authorities, the water entitlements stated in the notice; and 7
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13
- (b) the registrar must record on the water allocations register details of each water allocation granted. 14
15
16
- (2) If the allocation is managed under a resource operations licence, the allocation holder and the resource operations licence holder must have a supply contract for the allocation. 17
18
19
20
- (3) Subsection (4) applies if— 21
- (a) the allocation holder and the resource operations licence holder have not entered into a supply contract for the allocation; and 22
23
24
- (b) the resource operations licence holder has placed a standard supply contract on the resource operations licence holder's website. 25
26
27
28
- (4) The resource operations licence holder and the allocation holder are taken to have been entered into the standard supply contract on the day the water allocation is registered. 29
30
31
32
- (5) Subsection (6) applies if— 33

-
- (a) the allocation holder and the resource operations licence holder have not entered into a supply contract for the allocation; and
- (b) the resource operations licence holder has not placed a standard supply contract on the resource operations licence holder's website.
- (6) The resource operations licence holder and the allocation holder are taken to have been entered into the standard supply contract published on the department's website on the day the water allocation is registered.
- (7) Subsection (2) does not apply if—
- (a) the resource operations licence holder and the water allocation holder are the same person; or
- (b) the water allocation holder is a subsidiary company of the resource operations licence holder.
- (8) Subsection (9) applies if the chief executive has been given a notice under section 73(1)(a).
- (9) The water allocation must be recorded in accordance with the notice and has effect on the day the granting of the allocation is recorded.
- 147 Granting water allocations under a process in a plan or to implement a water development option**
- (1) Subsection (2) applies if—
- (a) a water plan, water management protocol or regulation states a process for the allocation of water under a water allocation; or
- (b) the chief executive decides to grant a water allocation to implement a water development option under section 92.

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|--|--|----------------------|
| (2) | The chief executive may grant a water allocation in accordance with the process. | 1
2 |
| (3) | On the day the allocation is granted, the registrar must record on the water allocations register details of the allocation. | 3
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5 |
| (4) | If the allocation is managed under a resource operations licence, the allocation holder and the resource operations licence holder must have a supply contract for the allocation. | 6
7
8
9 |
| (5) | Subsection (4) does not apply if— | 10 |
| | (a) the resource operations licence holder and the water allocation holder are the same person; or | 11
12
13 |
| | (b) the water allocation holder is a subsidiary company of the resource operations licence holder. | 14
15
16 |
| (6) | Within 30 business days after the chief executive grants the allocation, the chief executive must give the allocation holder a notice about the granting of the allocation. | 17
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19
20 |
| (7) | The allocation has effect on the day the registrar records the granting of the allocation in the register. | 21
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23 |
| 148 Relationship between water plans and water allocation | | 24
25 |
| (1) | Taking water under a water allocation is subject to— | 26
27 |
| | (a) the water plan for a plan area; and | 28 |
| | (b) either— | 29 |
| | (i) for a water allocation managed under a resource operations licence—the conditions of the resource operations licence and any operations manual; or | 30
31
32
33 |

(ii)	for a water allocation not managed under a resource operations licence—the water management protocol.	1 2 3 4
(2)	If there is a conflict between the water plan and the water allocation, the plan prevails.	5 6
149	Security for supply and storage of water allocation	7 8
	If a water allocation is managed under a resource operations licence, the licence holder may require the allocation holder to give the licence holder reasonable security for supplying and storing the allocation.	9 10 11 12
150	Amending water allocations	13
(1)	Subsection (2) applies if—	14
(a)	a water plan states that a water allocation must be amended; or	15 16
(b)	there is a change to the name of the water management area that includes the location from which water under the allocation may be taken; or	17 18 19 20
(c)	there is a change to the name of the resource operations licence under which a water allocation is managed.	21 22 23
(2)	The chief executive must amend the water allocation in accordance with the plan or the change and give the allocation holder a notice about the amendment within 30 days from the day the amendment takes effect.	24 25 26 27 28
(3)	On the day the water allocation is amended, the registrar must record on the water allocations register details of the amendment.	29 30 31

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- (4) The amendment has effect on the day the registrar records the amendment in the register. 1
2
- 151 Correcting water allocation when recording the granting or amending** 3
4
- (1) The registrar may make any necessary corrections to the name of the holder of the existing water entitlement when recording the granting or amending of the water allocation. 5
6
7
8
- (2) For subsection (1), the chief executive may require— 9
10
- (a) the applicant to give additional information about the correction; or 11
12
- (b) any information about the correction, or any additional information required under paragraph (a), to be verified by statutory declaration. 13
14
15
16
- 152 Registration details for water allocations** 17
- (1) The entry on the water allocations register for a water allocation must state the following— 18
19
- (a) the name of the person who holds, and how the person holds, the allocation; 20
21
- (b) a nominal volume for the allocation; 22
- (c) the location from which water under the allocation may be taken; 23
24
- (d) the purpose for which the water may be taken, including, for example, rural, distribution loss, town water supply or for any purpose; 25
26
27
28
- (e) any conditions required by the chief executive; 29
30

-
- (f) the water plan under which the allocation is managed; 1
2
- (g) other matters prescribed by regulation. 3
- (2) If the water allocation is managed under a resource operations licence, the entry on the water allocations register for the allocation must also state the following— 4
5
6
7
- (a) the resource operations licence under which the allocation is managed; 8
9
- (b) the priority group to which the allocation belongs. 10
11
- (3) If the water allocation is not managed under a resource operations licence, the entry on the water allocations register for the allocation must also state the following— 12
13
14
15
- (a) the volumetric limit for the allocation; 16
- (b) the maximum rate for the allocation; 17
- (c) the flow conditions under which water under the allocation may be taken; 18
19
- (d) the water allocation group to which the allocation belongs; 20
21
- (e) the water management area that includes the location from which the water may be taken. 22
23

153 Water allocations to which a distribution operations licence applies 24
25

- (1) This section applies if— 26
- (a) a water allocation is granted under section 146 and, at the time the allocation is granted, water may be distributed to the water allocation holder by the holder of a distribution operations licence; or 27
28
29
30
31

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- (b) the chief executive is satisfied that because of a change to the location—
 - (i) a water allocation takes water in a distribution operations licence area; and
 - (ii) the water to which the water allocation applies is now distributed under a distribution operations licence.
- (2) The chief executive must give the registrar notice that the water allocation is an allocation to which a distribution operations licence applies.

154 Preservation of obligation in particular circumstances

- (1) This section applies if—
 - (a) the location from which water may be taken under a water allocation to which section 153(1) applies is changed to a location to which the holder of the distribution operations licence (the *licence holder*) does not distribute water; or
 - (b) the allocation is changed or subdivided or amalgamated with another water allocation.
- (2) The obligation on the water allocation holder to pay a charge, in relation to the licence holder's distribution works, to the licence holder under the distribution arrangements between the parties continues to attach to the water allocation until the licence holder agrees that the obligation has been satisfied.
- (3) If the licence holder agrees, under subsection (2), that the obligation has been satisfied, the licence holder must give the chief executive notice in the approved form of the satisfaction.

-
- (4) If the chief executive receives notice under subsection (3), the chief executive must give the registrar notice that the water allocation is no longer an allocation to which a distribution operations licence applies.

155 Disclosure to proposed transferee or lessee of water allocation to which distribution operations licence applies

- (1) This section applies to a water allocation if the water to which the water allocation relates is distributed to its holder (the *allocation holder*) under a distribution operations licence (the *DOL*).
- (2) The allocation holder must, before entering into a contract for the transfer or lease of the water allocation, give the transferee or lessee under the contract—
- (a) a disclosure statement for the water allocation; and
- (b) an acknowledgement notice for the water allocation, for signing by the transferee or lessee.

Examples of a contract—

- a contract for the sale or lease of the water allocation or for the transfer or sublease of a lease of the water allocation
- (3) The disclosure statement for the water allocation—
- (a) must fairly set out, for the water allocation, the relevant details of the distribution arrangements of the DOL holder, and the financial obligations of the allocation holder arising from the arrangements; and
- (b) subject to paragraph (a), must be, or must include, a document—

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- (i) as prepared by the DOL holder for the purposes of the water allocation; and
 - (ii) given by the DOL holder to the allocation holder at the request of the allocation holder.
- (4) The DOL holder must ensure that the matters stated in the document mentioned in subsection (3)(b) are the matters that the transferee or lessee reasonably needs to be aware of before entering into the contract.
- (5) If the contract is entered into, but has not already been settled, and the allocation holder did not give the transferee or lessee the disclosure statement as required under this section, the transferee or lessee may terminate the contract.
- (6) In this section—
 - acknowledgement notice*, for the water allocation, means a statement in the approved form acknowledging that the transferee or lessee—
 - (a) has seen a disclosure statement for the water allocation; and
 - (b) understands the obligations, as set out in the disclosure statement, that apply to the transferee or lessee on becoming the holder of the water allocation.

Subdivision 3 Dealings with water allocations

156 Meaning of *water allocation dealing*

- (1) For this subdivision, a *water allocation dealing* is—
 - (a) a transfer or lease under section 157; or

(b)	a change or subdivision of a water allocation or the amalgamation of 2 or more water allocations.	1 2 3
(2)	A change in relation to a water allocation is a reconfiguration of any 1 or more of the elements of the allocation or a change to priority group or water allocation group.	4 5 6 7
157 Transfers or leases of water allocations not managed under a resource operations licence		8 9
(1)	A water allocation holder who proposes to transfer or lease a water allocation not managed under a resource operations licence must give the chief executive notice of the proposed transfer or lease.	10 11 12 13 14
(2)	The notice must be—	15
(a)	in the approved form; and	16
(b)	accompanied by the fee prescribed by regulation.	17 18
(3)	The chief executive must give the water allocation holder a certificate about the proposed transfer or lease within 10 business days after receiving the notice.	19 20 21 22
158 Water allocation dealing rules		23
(1)	A regulation may prescribe water allocation dealing rules applying to whole of the State.	24 25
(2)	A water management protocol may state water allocation dealing rules applying to the relevant water plan area.	26 27 28
(3)	The rules must not allow a water allocation dealing that would—	29 30
(a)	for a water allocation managed under a resource operations licence—	31 32

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- (i) increase the water allocation's share of the water the resource operations licence holder has available to supply the water allocations managed under the licence; or 1
2
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 - (ii) increase the water the resource operations licence holder has available to supply the water allocations managed under the licence; or 6
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 - (b) for a water allocation not managed under a resource operations licence— 10
11
 - (i) change the nominal volume for the water allocation; or 12
13
 - (ii) increase the share of the water available to be taken under the water allocation. 14
15
16
- (4) Water allocation dealing rules may— 17
 - (a) state the types of water allocation dealings that are permitted under the rules; and 18
19
 - (b) state types of water allocation dealings that must be assessed against stated criteria under the rules; and 20
21
22
 - (c) state the types of water allocation dealings that are prohibited under the rules. 23
24
- (5) The rules must prescribe or state the process relating to— 25
26
 - (a) the making or an application for a water allocation dealing; and 27
28
 - (b) deciding an application for a water allocation dealing by the chief executive if the dealing is a type that must be assessed. 29
30
31
- (6) Without limiting subsection (5), the process may state the following— 32
33
 - (a) the way an application must be made; 34

-
- (b) that an application must be accompanied by a fee; 1
2
 - (c) the requirements for publishing notice of the application; 3
4
 - (d) that the applicant must pay the reasonable costs incurred by the chief executive in investigating the application; 5
6
7
 - (e) how the chief executive is to decide the application and give notice of the chief executive's decision to the applicant. 8
9
10

159 Applying for water allocation dealing consistent with water allocation dealing rules 11
12

- (1) The holder of a water allocation may apply to the chief executive for a water allocation dealing, other than a transfer or lease, under the water allocation dealing rules. 13
14
15
16
- (2) The chief executive must— 17
 - (a) if the application is for a type of dealing permitted under the water allocation dealing rules—approve the application; or 18
19
20
 - (b) if the application is for a type of dealing assessed under the water allocation dealing rules—approve or refuse the application and, if approved, approve it with or without conditions; 21
22
23
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 - (c) if the application for a type of dealing prohibited under the water allocation dealing rules—refuse the application. 26
27
28
- (3) The chief executive must not approve an application unless the dealing is consistent with the water allocation dealing rules. 29
30
31
- (4) If the chief executive approves an application for a water allocation dealing, the chief executive 32
33

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must give the applicant a certificate of the 1
dealing. 2

160 Form and validity of certificate 3

A certificate under sections 157 and 159— 4

(a) must be in the approved form; and 5

(b) remains valid— 6

(i) until the date stated in the certificate; or 7

(ii) if the certificate does not state a 8

date—for 40 business days. 9

**161 Registering approved application for a water 10
allocation dealing** 11

(1) If the water allocation holder lodges a certificate 12
given under sections 157 and 159 with the 13
registrar, the registrar must record on the water 14
allocations register the details of the water 15
allocation dealing. 16

(2) The water allocation dealing has effect on the day 17
the registrar records the dealing in the register. 18

162 Water allocations may be surrendered 19

(1) A water allocation may be surrendered to the 20
chief executive by agreement between the chief 21
executive and the water allocation holder. 22

(2) However, a water allocation managed under a 23
resource operations licence or a distribution 24
operations licence can not be surrendered without 25
the consent of the holder of the licence. 26

(3) If a water allocation is subject to a supply 27
contract or distribution arrangements, the chief 28
executive is liable for fees under the supply 29
contract or distribution arrangements unless 30

-
- otherwise agreed between the chief executive and the holder of a resource operations licence or a distribution operations licence. 1
2
3
- (4) If a water allocation is surrendered, the chief executive may— 4
5
- (a) hold the allocation; or 6
- (b) lease or sell the allocation by public auction, public ballot, public tender or in another way decided by the chief executive; or 7
8
9
- (c) transfer the allocation to the holder of the relevant resource operations licence or distribution operations licence; or 10
11
12
- (d) cancel the allocation under a water entitlement notice and— 13
14
- (i) grant another water entitlement to replace the allocation; or 15
16
- (ii) state the authority under this Act that replaces it; or 17
18
- (e) cancel the allocation. 19

163 Cancelling water allocations 20

- (1) The chief executive may cancel a water allocation if the water allocation is surrendered. 21
22
- (2) However, if the chief executive cancels a water allocation managed under a resource operations licence or a distribution operations licence, the chief executive must give notice of the cancellation to the licence holder. 23
24
25
26
27
- (3) If the chief executive cancels a water allocation, the chief executive must give notice to the registrar. 28
29
30
- (4) On receiving notice, the registrar must record the cancellation on the water allocations register. 31
32

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164 Water allocations may be forfeited	1
(1) Subsection (2) applies if a water allocation holder has been convicted of an offence against this Act.	2 3
(2) The chief executive may give the holder a show cause notice as to why the water allocation should not be forfeited.	4 5 6
(3) If, after considering any properly made submission, the chief executive is still satisfied the water allocation should be forfeited, the chief executive may forfeit the water allocation.	7 8 9 10
(4) If the chief executive decides to forfeit the water allocation, the chief executive must give the holder an information notice within 10 business days after the chief executive makes the decision.	11 12 13 14
(5) The forfeiture takes effect on the later of—	15
(a) if the holder does not appeal against the forfeiture—the day the period for appeals ends; or	16 17 18
(b) if the holder appeals against the forfeiture but withdraws the appeal—the day the appeal is withdrawn; or	19 20 21
(c) if the holder appeals against the forfeiture and the appeal is dismissed—the day the appeal is decided.	22 23 24
(6) If the water allocation is forfeited, the chief executive must sell the allocation by public auction, public ballot, public tender or in another way decided by the chief executive.	25 26 27 28
(7) Any money received by the chief executive on the sale of the forfeited water allocation must be applied as follows—	29 30 31
(a) first—in paying the costs of the sale and any other costs incurred in proceedings under this section;	32 33 34

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|------|--|--|
| (b) | second—in discharging any liability of the former water allocation holder under this Act to the chief executive under this Act; | 1
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3 |
| (c) | third—in discharging the liability, if any, of the former water allocation holder for any outstanding debt owing to the distribution operations licence holder under distribution arrangements; | 4
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8 |
| (d) | fourth—in discharging the liability, if any, of the former water allocation holder for any outstanding debt owing to the resource operations licence holder under a supply contract; | 9
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13 |
| (e) | fifth—in discharging, in accordance with the priorities of their registered interests, any liabilities of the former allocation holder owing to a person who has a registered interest recorded over the forfeited allocation on the water allocations register; | 14
15
16
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20 |
| (f) | sixth—in payment to the former water allocation holder. | 21
22 |
| (8) | If the former allocation holder can not be found after making reasonable inquiries as to the holder's whereabouts, an amount payable to the holder must be dealt with as unclaimed money under the <i>Public Trustee Act 1978</i> . | 23
24
25
26
27 |
| (9) | A genuine purchaser for value of a water allocation under this section takes the allocation free of all interests. | 28
29
30 |
| (10) | Section 146(2) to (7) applies to the purchaser of a water allocation under this section as if the allocation were granted on the day the allocation was sold. | 31
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34 |

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165 Dealing with water allocations granted or dealt with through fraud	1 2
(1) Subsection (2) applies if a water allocation was granted, or dealt with or recorded on the water allocations register, in consequence of a false or misleading representation or declaration, made either orally or in writing.	3 4 5 6 7
(2) The Supreme Court may make the order it considers just to deal with the water allocation.	8 9
166 Priority for applying proceeds of sale of water allocations under a power of sale	10 11
(1) In addition to any other person who may exercise a power of sale in relation to a water allocation, the following persons may exercise a power of sale in relation to a water allocation—	12 13 14 15
(a) the chief executive under section 164(6);	16
(b) if a supply contract gives a resource operations licence holder a power to sell the water allocation—the holder;	17 18 19
(c) if distribution arrangements give a distribution operations licence holder a power to sell the water allocation—the holder.	20 21 22 23
(2) The holder of a resource operations licence may exercise a power of sale only in accordance with the supply contract.	24 25 26
(3) The holder of a distribution operations licence may exercise a power of sale only in accordance with the distribution arrangements.	27 28 29
(4) Subsection (1) applies despite any registered interest in the water allocation.	30 31
(5) Before exercising the power of sale, a person proposing to exercise the power must give any person who has a registered interest in the water	32 33 34

allocation not less than 30 business days notice of the proposed exercise of the power.	1 2
(6) An amount received on the sale of the water allocation must be applied in the way mentioned in section 164(7).	3 4 5
(7) A genuine purchaser for value of a water allocation under this section takes the allocation free of all interests.	6 7 8
(8) Section 146(2) to (7) applies to the purchaser of a water allocation under this section as if the allocation were granted on the day the allocation was sold.	9 10 11 12
Subdivision 4 Registering interests and dealings for water allocations	13 14 15
167 Registrar	16
(1) There is to be a registrar of water allocations.	17
(2) The registrar has a seal of office.	18
(3) The registrar is to be employed under the <i>Public Service Act 2008</i> .	19 20
(4) In acting under this Act or another Act, the registrar is subject to the chief executive.	21 22
168 Water allocations register	23
(1) For registering water allocations and interests and dealings with water allocations, the registrar must keep a water allocations register.	24 25 26
(2) A regulation may prescribe—	27

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|-----|--|----------------------|
| (a) | the locations of offices of the registry where documents may be lodged for registration; and | 1
2
3 |
| (b) | the particular documents that may, or may not, be lodged at a particular office of the registry for registration or recording on the register; and | 4
5
6
7 |
| (c) | how documents may be lodged; and | 8 |
| (d) | fees to be paid in relation to— | 9 |
| | (i) the lodgement and registration of documents in the registry; and | 10
11 |
| | (ii) the provision of other services by the registrar; and | 12
13 |
| (e) | how fees are to be paid and may be recovered, including the provision of credit facilities to persons approved by the registrar; and | 14
15
16
17 |
| (f) | additional information to be supplied with a document; and | 18
19 |
| (g) | transitional arrangements if a new document is approved; and | 20
21 |
| (h) | how documents may be signed; and | 22 |
| (i) | anything else about a document. | 23 |
| (3) | A person has notice of an interest in a water allocation if the interest is included in the register. | 24
25
26 |

169 Form of register 27

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|-----|---|----------------|
| (1) | The register may be kept in the form the registrar considers appropriate. | 28
29 |
| (2) | Without limiting subsection (1), the registrar may change the form in which a register or a part of a register is kept. | 30
31
32 |

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- 170 Interests and dealings that may be registered** 1
- (1) Subject to subsection (2), an interest or dealing 2
that may be registered for land under the *Land* 3
Title Act 1994 may be registered for a water 4
allocation on the water allocations register. 5
- (2) An interest or dealing, the provisions for which 6
are excluded under section 173(1)(e), may not be 7
registered under this Act. 8
- (3) If a water allocation is managed under a resource 9
operations licence, the registrar must not record 10
an interest on, or dealing with, the allocation until 11
the registrar has received from the resource 12
operations licence holder notice in the approved 13
form of the existence of a supply contract— 14
- (a) for a transfer or lease—between the 15
transferee or lessee of the allocation and the 16
resource operations licence holder; or 17
- (b) otherwise—between the holder of the 18
allocation and the resource operations 19
licence holder. 20
- (4) Subsection (3) does not apply if— 21
- (a) the resource operations licence holder and 22
the holder or proposed holder of the water 23
allocation are the same person; or 24
- (b) the holder or proposed holder of the 25
allocation is a subsidiary company of the 26
resource operations licence holder. 27
- (5) Also, if a water allocation being amalgamated or 28
subdivided is subject to a registered mortgage, 29
the registrar must not act under subsection (1) 30
unless the mortgagee has consented to the 31
amalgamation or subdivision. 32
- (6) The registrar must not record a dealing capable of 33
being the subject of a contract under section 155 34
until the registrar receives an acknowledgement 35
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notice for the water allocation, signed by the transferee or lessee. 1
2

(7) Subsection (6) applies whether or not the holder of the water allocation has complied with the allocation holder's obligation under section 155 to give the transferee or lessee a disclosure statement for the allocation. 3
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(8) The registrar must not record the transfer or lease of a water allocation not managed under a resource operations licence until the registrar receives a certificate given under section 157. 8
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11

(9) An instrument that purports to give effect to a dealing of the type mentioned in subsection (1) does not transfer or create an interest at law until it is registered on the register. 12
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14
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171 Effect on priority of notices given under s 73(1)(b) 16
17

(1) If the chief executive is given a notice about a water allocation under section 73(1)(b), the notice causes to be continued, in the water allocation, an interest equivalent to the interest had by the interest holder in the former water entitlement or other authority to take water until whichever of the following first happens— 18
19
20
21
22
23
24

(a) 60 business days expire after details of the water allocation are recorded on the water allocations register under section 146(1)(b); 25
26
27

(b) the interest mentioned in the notice is recorded on the register. 28
29

(2) Subsection (1) applies despite the expiry under section 146(1)(a) of the former water entitlement or other authority to take water. 30
31
32

(3) However, if, before an event mentioned in subsection (1)(a) or (b) happens, the interest 33
34

-
- holder lodges a caveat claiming an interest in the water allocation, the equivalent interest continues until—
- (a) the interest claimed in the caveat is recorded on the water allocations register; or
 - (b) the caveat earlier lapses or is otherwise cancelled, removed or withdrawn.
- (4) The registrar must not record any other dealing for the water allocation, other than a notice mentioned in section 172(1), until subsections (1) and (3) cease to have effect in relation to the interest.
- (5) If more than 1 notice is given under section 73(1)(b), the interests must be recorded in accordance with the priority the interests have on the land registry, as at the day the water allocation is recorded, for the land to which the former water entitlement or other authority to take water was attached.
- (6) However—
- (a) for an interest that is not an interest that was recorded under the land registry but is recorded in another register, the interest must be registered in priority according to the time the interest was recorded in the other register; or
 - (b) for an interest not recorded in another register, the interest must be registered in the priority in which the interest was lodged for registration.

172 Effect on priority of notices given under s 73(1)(c)

- (1) If the chief executive is given a notice about a water allocation under section 73(1)(c), the

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- registrar must record the notice for the water allocation— 1
2
- (a) within 60 business days after details of the water allocation are recorded on the water allocations register under section 146(1)(b); and 3
4
5
6
- (b) with the priority the interest mentioned in the notice had on the land registry for the land to which the interest relates as at the day the allocation is recorded. 7
8
9
10
- (2) A notice recorded under subsection (1)— 11
- (a) has the effect of encumbering the water allocation for which the notice is recorded with the interest mentioned in the notice; and 12
13
14
15
- (b) for the application of section 173, is taken to be a mortgage for the water allocation for the *Land Title Act 1994*, part 6, division 3. 16
17
18
- (3) No fee under this Act or duty under the *Duties Act 2001* is payable for the recording of a notice under subsection (1). 19
20
21

173 Application of Land Title Act 1994 to water allocations register 22
23

- (1) The *Land Title Act 1994*, other than the following provisions, applies to matters under this part— 24
25
- (a) part 2, sections 16, 18(1)(a), 18(3), 18A; 26
- (b) part 3, section 27 and divisions 2, 2A and 3; 27
- (c) part 4; 28
- (d) part 5, sections 55 and 58; 29
- (e) part 6, sections 60(2), 64 to the extent it permits the lease of part of a lot, and 65(2) and divisions 4, 4A, 4B and 5; 30
31
32

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- (f) part 7, section 122(3) and sections 132 to 135; 1
2
- (g) part 8, sections 154 and 165; 3
- (h) part 9, division 2, section 181 and subdivisions B and C; 4
5
- (i) part 11, section 193; 6
- (j) part 12. 7
- (2) An interest or dealing mentioned in section 170 8
may be registered in the way mentioned in the 9
Land Title Act 1994 and the registrar of water 10
allocations may exercise a power and perform an 11
obligation of the registrar of titles under the *Land 12
Title Act 1994*— 13
- (a) as if a reference in that Act to the registrar of 14
titles were a reference to the registrar 15
appointed under this division; and 16
- (b) as if a reference in that Act to the freehold 17
land register were a reference to the water 18
allocations register; and 19
- (c) as if a reference in that Act to freehold land 20
or land were a reference to a water 21
allocation; and 22
- (d) as if a reference in that Act to a lot were a 23
reference to a water allocation; and 24
- (e) with any other necessary changes. 25
- (3) An instrument executed under the authority of a 26
power of attorney may be registered under this 27
Act only if the power of attorney is registered 28
under the *Land Title Act 1994*, section 133. 29
- (4) In this section— 30
Land Title Act 1994 does not include the *Land 31
Title Regulation 2005*. 32

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174 Application of other Acts to the water allocations register	1 2
(1) If a provision of the <i>Property Law Act 1974</i> refers to the <i>Land Title Act 1994</i> , or land, the reference is, if the context permits, taken to be a reference to the <i>Land Title Act 1994</i> , as applied by this Act, or a water allocation.	3 4 5 6 7
(2) The following sections of the <i>Land Valuation Act 2010</i> apply as if a reference to land or a parcel of land includes a reference to a water allocation—	8 9 10
(a) section 208(6), definition <i>microfiche data</i> ;	11
(b) section 245.	12
175 Searching water allocations register	13
A person may, on payment of the fee prescribed by regulation—	14 15
(a) search and obtain a copy of—	16
(i) a water allocation; or	17
(ii) an instrument registered in relation to an allocation; or	18 19
(iii) an instrument that has been lodged but is not registered (whether or not it has been cancelled); or	20 21 22
(iv) information kept on the register about the allocation; or	23 24
(b) obtain a copy of the allocation, or a registered instrument, certified by the registrar to be an accurate copy.	25 26 27

Division 5	Resource operations	1
	licences and distribution	2
	operations licences	3
Subdivision 1	Nature and content of	4
	resource operations	5
	licences and distribution	6
	operations licences	7
176 What is a resource operations licence		8
(1)	A resource operations licence is an authorisation—	9 10
(a)	to interfere with the flow of water to the extent necessary to construct or operate the water infrastructure to which the licence applies; or	11 12 13 14
(b)	to take water or interfere with the flow of water to distribute water under water allocations.	15 16 17
(2)	A resource operations licence can only be held by the owner of the water infrastructure to which the licence applies or the parent company of a subsidiary company that is the owner that holds the infrastructure.	18 19 20 21 22
177 What is a distribution operations licence		23
(1)	A distribution operations licence authorises its holder to take water or interfere with the flow of water to distribute water under water allocations.	24 25 26
(2)	A distribution operations licence can be held only by—	27 28
(a)	the water infrastructure owner; or	29

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- (b) if the water infrastructure owner is a subsidiary company, the parent company of the subsidiary; or
 - (c) an entity (the *approved nominee*) nominated by the water infrastructure owner and approved under section 178 to be the holder of the licence.
- (3) Subsection (2)(c) applies whether the approved nominee was nominated or approved under section 178 before or after—
- (a) the entity that is the water infrastructure owner became the water infrastructure owner; or
 - (b) the licence started to apply to the water infrastructure.

178 Nomination and approval of entity as distribution operations licence holder

- (1) This section applies if any of the following entities (each a *nominator*) gives the chief executive a notice in the approved form nominating an entity (a *nominee*) to be the holder of a distribution operations licence—
- (a) the water infrastructure owner;
 - (b) if a water authority is, or is to be, dissolved and converted under chapter 4, part 7, to 1 or more entities that are alternative institutional structures—the entity in whom is vested, on the changeover day, the water infrastructure to which the licence is to apply;
 - (c) if the nominee is applying for the licence under section 181 and paragraph (b) does not apply—the entity that is to be the owner of the water infrastructure to which the

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- licence is to apply if and from when the
licence is granted; 1
2
- (d) if an application has been made to transfer 3
the licence to the nominee under section 187 4
and paragraph (b) does not apply—the 5
entity that is to be the owner of the water 6
infrastructure to which the licence is to 7
apply if and from when the licence is 8
transferred. 9
- (2) The chief executive may approve the nominee to 10
be the holder of the licence only if— 11
- (a) the chief executive is satisfied the 12
nominee— 13
- (i) is a suitable entity to hold the licence; 14
and 15
- (ii) can carry out the activities authorised, 16
or to be authorised, under the licence; 17
and 18
- (iii) can comply with the conditions, or 19
proposed conditions, of the licence; 20
and 21
- (b) at least 1 of the following applies— 22
- (i) the nominator holds the licence and has 23
carried out the activities authorised 24
under the licence in compliance with 25
the conditions of the licence; 26
- (ii) the chief executive is satisfied 27
paragraph (a)(i), (ii) and (iii) applies to 28
the nominator; 29
- (iii) the chief executive is satisfied that, if 30
the nominee were to cease to be the 31
licence holder, the nominator could 32
within a reasonable period nominate 33
another nominee to hold the licence. 34
- (3) However— 35
-

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(a) the approval of the nominee of a nominator mentioned in subsection (1)(c) ends if the application to grant the licence is refused; and	1 2 3 4
(b) the approval of the nominee of a nominator mentioned in subsection (1)(d) ends if the application to transfer the licence lapses or is refused.	5 6 7 8
(4) In this section— <i>changeover day</i> , for dissolution of a water authority, means the day the water authority is dissolved under chapter 4, part 7, division 1.	9 10 11 12
179 Content of a resource operations licence or distribution operations licence	13 14
A resource operations licence or distribution operations licence must state—	15 16
(a) the name of the licence holder; and	17
(b) any water plan to which the licence relates; and	18 19
(c) the principal water infrastructure to which the licence relates; and	20 21
(d) if applicable, the authority to use watercourses to distribute water; and	22 23
(e) the conditions applying to the licence which may include—	24 25
(i) a requirement to have and comply with an approved operations manual; and	26 27
(ii) the full supply level for the relevant infrastructure; and	28 29
(iii) water sharing and other operational rules; and	30 31

(iv) monitoring and reporting requirements; and	1 2
(v) a requirement to pay fees prescribed by regulation; and	3 4
(vi) other conditions the chief executive considers appropriate.	5 6
Subdivision 2 Granting or amending resource operations licence or distribution operations licence	7 8 9 10
180 Chief executive may grant a resource operations licence or distribution operations licence without application	11 12 13
The chief executive may grant a resource operations licence or distribution operations licence without application—	14 15 16
(a) to either of the following named in a water plan—	17 18
(i) for a resource operations licence—an entity mentioned in section 176(2);	19 20
(ii) for a distribution operations licence—an entity mentioned in section 177(2); or	21 22 23
(b) to implement a water development option under section 92.	24 25
181 Application for resource operations licence or distribution operations licence	26 27
(1) An entity mentioned in section 176(2) may apply for a resource operations licence for existing or proposed water infrastructure.	28 29 30

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- (2) An entity mentioned in section 177(2) may apply for a distribution operations licence for existing or proposed water infrastructure. 1
2
3
 - (3) The application for either licence must— 4
 - (a) be made to the chief executive in the approved form; and 5
6
 - (b) include details of the existing or proposed infrastructure and arrangements for operating the infrastructure; and 7
8
9
 - (c) state the impact on flows of the existing or proposed infrastructure and arrangements for the mitigation of the impact; and 10
11
12
 - (d) be accompanied by— 13
 - (i) the fee prescribed by regulation; and 14
 - (ii) if the application is not by the owner of the infrastructure—the owner’s written consent. 15
16
17
- 182 Deciding application for resource operations licence or distribution operations licence** 18
19
- (1) In deciding whether to grant the application for a resource operations licence or distribution operations licence, the chief executive— 20
21
22
 - (a) must consider the application; and 23
 - (b) may consider whether the applicant has been convicted of an offence against this Act, the repealed Act or an interstate law. 24
25
26
 - (2) The chief executive may grant the application, with or without conditions, if the chief executive is satisfied the application— 27
28
29
 - (a) advances the responsible and productive management of Queensland’s water; and 30
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- (b) if the application relates to water managed under a water plan—
- (i) is consistent with the water plan outcomes and the measures that contribute to achieving them stated in the plan; and
 - (ii) achieves any objectives stated in the plan, including the water allocation security objective and the environmental flow objectives.
- (3) If the chief executive is not satisfied the application should be granted, the chief executive must refuse to grant the application.
- (4) Within 30 business days after deciding the application, the chief executive must give the applicant—
- (a) an information notice about the decision; and
 - (b) if the chief executive has decided to grant the licence—a resource operations licence or a distribution operations licence.
- (5) If a licence is granted under this section, the licence takes effect from the day the applicant is given the information notice.
- (6) Subsections (1) and (2) do not limit the matters the chief executive may consider in deciding whether to grant the application.

183 Chief executive must amend a resource operations licence or distribution operations licence for consistency with water plan

- (1) This section applies if the resource operations licence or distribution operations licence is inconsistent with the water plan outcomes, measures or objectives of the water plan.

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- (2) The chief executive must amend the licence to the extent necessary to be consistent with water plan outcomes, measures or objectives of the plan. 1
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- (3) However, the chief executive must consult with the holder of the licence before amending the licence. 5
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- (4) The chief executive must, within 30 business days, give the holder of the licence notice of the amendment and a copy of the amended licence. 8
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184 Holder may apply to amend resource operations licence or distribution operations licence 11
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- (1) The holder of a resource operations licence or distribution operations licence may apply to amend the licence. 14
15
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- (2) The application must— 17
 - (a) be made to the chief executive in the approved form; and 18
19
 - (b) provide details of the amendment; and 20
 - (c) state the impact of the proposed amendment; and 21
22
 - (d) be accompanied by— 23
 - (i) the fee prescribed by regulation; and 24
 - (ii) if the application is not by the owner of the infrastructure—the owner’s written consent. 25
26
27
- (3) The chief executive may approve the amendment if the chief executive is satisfied— 28
29
 - (a) if the licence is for water managed under a water plan—the amendment is consistent with the water plan outcomes, measures or objectives of the plan; and 30
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- (b) the impact of the amendment can be 1
satisfactorily mitigated. 2

**185 Chief executive may amend resource 3
operations licence or distribution operations 4
licence in an emergency 5**

- (1) The chief executive may amend a resource 6
operations licence or distribution operations 7
licence if the chief executive is satisfied this is 8
necessary— 9
- (a) to deal with a shortage of water for essential 10
services or town water supply; or 11
- (b) because there is a risk to public safety. 12
- (2) The chief executive must give the holder of the 13
licence notice of the amendment. 14

**186 Minor, stated or agreed amendments of 15
resource operations licence or distribution 16
operations licence 17**

- The chief executive may amend a resource 18
operations licence or distribution operations 19
licence without complying with the provisions of 20
this subdivision about amending the licence if the 21
licence holder agrees to the amendment and the 22
amendment is— 23
- (a) of a type stated on the licence and the chief 24
executive reasonably believes the 25
amendment will not adversely affect the 26
rights of the water entitlement holders or 27
natural ecosystems; or 28
- (b) to correct a minor error on the licence, or 29
make another change that is not a change of 30
substance. 31

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**Subdivision 3 Transferring,
amalgamating and
cancelling resource
operations licences or
distribution operations
licences**

- 187 Applying for transfer of licence**
- (1) The holder of a resource operations licence or a distribution operations licence may apply to the chief executive to transfer all or part of the licence to another entity (the *transferee*) that can hold the licence.
 - (2) If a distribution operations licence is held by the approved nominee of the water infrastructure owner (the *current infrastructure owner*), the current infrastructure owner may also apply, with or without the consent of the approved nominee, to transfer all or a part of the licence to the transferee.
 - (3) The application must be—
 - (a) made to the chief executive in the approved form; and
 - (b) supported by sufficient information to enable the chief executive to decide the application; and
 - (c) accompanied by—
 - (i) the fee prescribed by regulation; and
 - (ii) if the application is by the approved nominee—the current infrastructure owner’s written consent to the transfer.

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- 188 Additional requirements for transfer of distribution operations licence to nominee** 1
2
- (1) This section applies to an application to transfer 3
all or part of a distribution operations licence if— 4
- (a) the transferee is the nominee of the current 5
infrastructure owner; or 6
- (b) the current infrastructure owner is 7
transferring ownership of the water 8
infrastructure to which the licence or part 9
applies to another entity (the *incoming* 10
owner) and the transferee for the licence or 11
part is the nominee of the incoming owner. 12
- (2) The application must be— 13
- (a) accompanied by the written consent of— 14
- (i) the current infrastructure owner, unless 15
the owner is the applicant; and 16
- (ii) if subsection (1)(b) applies—the 17
incoming owner; and 18
- (b) supported by sufficient information to 19
enable the chief executive to decide whether 20
or not to approve the nominee under section 21
178. 22
- 189 Additional information may be required** 23
- (1) The chief executive may require all or any of the 24
following to give additional information about 25
the application within a stated reasonable 26
period— 27
- (a) the holder of the resource operations licence 28
or a distribution operations licence; 29
- (b) the transferee; 30
- (c) for an application to transfer all or part of a 31
distribution operations licence, if relevant— 32
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- (i) the current infrastructure owner; or 1
 - (ii) the incoming owner. 2
 - (2) The chief executive may require information in 3
the application, or any additional information 4
required under subsection (1), to be verified by 5
statutory declaration. 6
 - (3) If an entity of whom a requirement is made under 7
subsection (1) or (2) fails, without reasonable 8
excuse, to comply with the requirement within 9
the reasonable period stated in the requirement, 10
the application lapses. 11
- 190 Deciding application to transfer licence** 12
- The chief executive must decide the application within 13
30 business days after— 14
- (a) if the chief executive does not request 15
further information about the application 16
under section 189—the day the chief 17
executive received the application; or 18
 - (b) if the chief executive requests further 19
information about the application under 20
section 189—the day the chief executive 21
receives the information. 22
- 191 Approving application to transfer licence** 23
- (1) If the chief executive decides to approve the 24
application, the chief executive must, within 30 25
business days after making the decision (the 26
notice period)— 27
 - (a) give the applicant and transferee notice of 28
the decision, including the reasons for the 29
decision; and 30

-
- (b) subject to subsection (3), cancel the existing licence and give a new licence to the transferee. 1
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- (2) If the application was for the transfer of all or part of a distribution operations licence, the chief executive must also, within the notice period, give notice of the decision to— 4
5
6
7
- (a) the current infrastructure owner, unless the owner was the applicant; and 8
9
- (b) if the transferee is the nominee of the incoming owner—the incoming owner. 10
11
- (3) If the application was not to transfer all of a licence, the chief executive must, within the notice period, give the holder of the part (the *remaining part*) of the licence that was not transferred an amended licence for the remaining part. 12
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- (4) The new licence takes effect from the day the notice is given under subsection (1)(a). 18
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192 Refusing application to transfer licence 20

- (1) The chief executive may refuse the application if the chief executive is satisfied the transferee does not have the necessary expertise or experience to be a licence holder or is not a suitable person to hold the licence, including, for example— 21
22
23
24
25
- (a) because the transferee has been convicted of an offence against this Act or an interstate law or has held 1 of the following licences (each a *relevant licence*) that has been cancelled or suspended under this Act or an interstate law— 26
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- (i) a resource operations licence; 32
- (ii) an interstate resource operations licence; 33
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- (iii) a distribution operations licence; 1
 - (iv) an interstate distribution operations licence; or 2
3
 - (b) if the transferee is a corporation—because an executive officer of the corporation— 4
5
 - (i) has been convicted of an offence against this Act or an interstate law, or has held a relevant licence that has been cancelled or suspended under this Act or an interstate law; or 6
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 - (ii) is or has been an executive officer of another corporation that has been convicted of an offence against this Act or an interstate law, or has held a relevant licence that has been cancelled or suspended under this Act or an interstate law. 11
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- (2) The chief executive may also refuse the application on grounds not mentioned in subsection (1). 18
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- (3) If the chief executive decides to refuse the application, the chief executive must give the applicant an information notice about the decision within 30 business days after making the decision. 21
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- (4) In this section— 26
this Act includes the repealed Acts. 27

193 Amalgamating licences 28

- (1) The holder of a resource operations licence may apply to the chief executive to amalgamate, into a single licence, the resource operations licence with another resource operations licence in the same water supply scheme. 29
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- (2) The holder of a distribution operations licence may apply to the chief executive to amalgamate, into a single licence, the distribution operations licence with another distribution operations licence in the same water supply scheme.
- (3) An application under subsection (1) or (2) must be—
- (a) in the approved form; and
 - (b) accompanied by the written consent of the holder of the other licence; and
 - (c) supported by sufficient information to enable the chief executive to amalgamate the licences; and
 - (d) accompanied by the fee prescribed by regulation.
- (4) If an application under subsection (2) relates to a distribution operations licence held by the approved nominee of the water infrastructure owner, the application must also be accompanied by the owner's written consent to the amalgamation.
- (5) The chief executive must grant the application.
- (6) Within 30 business days after granting the application, the chief executive must—
- (a) give notice of the amalgamation to—
 - (i) the applicant; and
 - (ii) the holder of the other licence; and
 - (iii) if the amalgamation relates to a distribution operations licence mentioned in subsection (4)—the water infrastructure owner; and
 - (b) cancel the existing licences and give a new licence to the applicant.
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- (7) The new licence takes effect from the day the notice is given. 1
2

194 Cancelling licence 3

- (1) The chief executive may cancel a resource operations licence or a distribution operations licence on the following grounds— 4
5
6
- (a) the licence holder has not complied with a condition of the licence or a requirement of the holder under this Act; 7
8
9
- (b) either of the following has been convicted of an offence against this Act— 10
11
- (i) the licence holder; 12
- (ii) for a distribution operations licence held by the approved nominee of the water infrastructure owner—the owner; 13
14
15
- (c) the licence was granted because of a materially false or misleading representation or declaration made, either orally or in writing, by— 16
17
18
19
- (i) the licence holder; or 20
- (ii) for a licence mentioned in paragraph (b)(ii)—the owner; 21
22
- (d) for a licence mentioned in paragraph (b)(ii)— 23
24
- (i) an application to transfer all or part of the licence has lapsed because the approved nominee has not complied with a requirement under section 189; and 25
26
27
28
29
- (ii) the water infrastructure owner has requested cancellation of the licence. 30
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- (2) Subsection (1)(a) does not apply if the holder has been convicted under section 813 for the noncompliance.

195 Procedure for cancelling licence

- (1) If the chief executive is satisfied a ground exists under section 194 to cancel the licence, the chief executive must—
- (a) give a show cause notice about the proposed cancellation to the licence holder; and
 - (b) for a distribution operations licence held by the approved nominee of the water infrastructure owner—give a copy of the notice to the water infrastructure owner.
- (2) If, after considering any properly made submission about the proposed cancellation, the chief executive is still satisfied the licence should be cancelled, the chief executive may cancel the licence.
- Note—*
- For appointment of administrator following cancellation of licence, see section 955.
- (3) If the chief executive decides to cancel the licence, the chief executive must, within 10 business days after making the decision, give an information notice about the decision to—
- (a) the licence holder; and
 - (b) for a licence mentioned in subsection (1)(b)—the water infrastructure owner.
- (4) The decision takes effect on the later of—
- (a) if the applicant does not appeal against the decision—the day the period for appeals ends; or

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- (b) if the applicant appeals against the decision but withdraws the appeal—the day the appeal is withdrawn; or
 - (c) if the applicant appeals against the decision and the appeal is dismissed—the day the appeal is decided.
- (5) However, if the licence is cancelled because of the conviction of a person for an offence—
 - (a) the cancellation does not take effect until the later of—
 - (i) the day the period for appeals against the conviction ends; or
 - (ii) if the appeal is made against the conviction—the day the appeal is finally decided; and
 - (b) the cancellation has no effect if the conviction is quashed on appeal.

196 Cancelling licence no longer required

- (1) The chief executive may cancel a resource operations licence if—
 - (a) another resource operations licence has been granted to replace the licence to be cancelled; or
 - (b) the chief executive and the resource operations licence holder have agreed the resource operations licence is no longer required.
- (2) The chief executive may cancel a distribution operations licence if—
 - (a) another distribution operations licence has been granted to replace the licence to be cancelled; or

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- (b) the chief executive and the distribution operations licence holder have agreed the distribution operations licence is no longer required. 1
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4
- (3) If the chief executive decides to cancel a licence under subsection (1) or (2), the chief executive must, within 30 business days after making the decision, give an information notice about the decision to— 5
6
7
8
9
- (a) the licence holder; and 10
- (b) for a distribution operations licence held by the approved nominee of the water infrastructure owner—the owner. 11
12
13
- (4) The cancellation takes effect from the day the chief executive gives the licence holder the information notice. 14
15
16

Subdivision 4 Operations manuals 17

197 Requirement to have an operations manual 18

- (1) This section applies if a condition on a resource operations licence or distribution operations licence requires the holder of the licence to have a manual dealing with matters stated in the condition (an *operations manual*). 19
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21
22
23
- (2) The holder must— 24
- (a) prepare the operations manual; and 25
- (b) submit it to the chief executive for approval together with sufficient information to enable the chief executive to decide whether the manual should be approved having regard to the matters mentioned in section 198(1). 26
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198 Approval of operations manual	1
(1) The chief executive may approve the operations manual only if the manual—	2 3
(a) is consistent with the water plan outcomes and measures; and	4 5
(b) achieves any objectives stated in the water plan, including the water allocation security objective and the environmental flow objectives; and	6 7 8 9
(c) is developed with adequate consultation with persons affected by the operations manual as it relates to the resource operations licence or distribution operations licence.	10 11 12 13 14
(2) The chief executive must give the holder of the licence notice of the approval, including the date the approval takes effect.	15 16 17
(3) The holder of the licence must publish the approved operations manual on the holder's website.	18 19 20
199 Resolving disputes about approval of operations manual	21 22
(1) This section applies if the chief executive refuses to approve all or part of the operations manual for a resource operations licence or distribution operations licence.	23 24 25 26
(2) The chief executive must advise the holder of the licence of the matters that have not been approved.	27 28 29
(3) The holder of the licence may apply in writing to the chief executive to have those matters referred to a referral panel.	30 31 32

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|--|---|----------------------|
| (4) | If an application is made under subsection (3), the chief executive must refer the matters to a referral panel. | 1
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3 |
| (5) | The panel must review the matters and make recommendations to the chief executive within 30 business days after receiving the collated information. | 4
5
6
7 |
| (6) | In deciding whether to approve the operations manual the chief executive must consider the referral panel's recommendations. | 8
9
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| (7) | The chief executive may— | 11 |
| | (a) approve the operations manual; or | 12 |
| | (b) approve the manual with the amendments the chief executive considers appropriate. | 13
14 |
| (8) | The chief executive must give the holder of the licence notice of the approval, including the date the approval takes effect. | 15
16
17 |
| 200 Application to amend or replace operations manual | | 18
19 |
| (1) | The holder of a resource operations licence or distribution operations licence may apply to the chief executive to amend or replace an operations manual. | 20
21
22
23 |
| (2) | The provisions of this division applying to the approval and publication of an operations manual apply— | 24
25
26 |
| | (a) as if a reference to the approval of the manual were a reference to its amendment; and | 27
28
29 |
| | (b) with any necessary changes. | 30 |
| (3) | Subsections (4) and (5) apply if the amendment or replacement of an operations manual requires | 31
32 |

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	an amendment of the relevant resource operations licence or distribution operations licence.	1 2
(4)	The holder of the relevant licence must apply to amend the licence under section 184 before, or at the same time as, the holder applies to amend or replace the operations manual under this section.	3 4 5 6
(5)	The chief executive must decide the application under section 184 before deciding the application under this section.	7 8 9
(6)	If the holder of the licence amends or replaces an operations manual, the holder must publish a statement of changes made to the manual.	10 11 12
201	Operations manual must remain consistent with water plan, resource operations licence and distribution operations licence	13 14 15
(1)	This section applies if an operations manual for a resource operations licence or distribution operations licence becomes inconsistent with the water plan outcomes, measures and objectives mentioned in section 198(1)(a) and (b).	16 17 18 19 20
(2)	The holder of the licence to which the operations manual applies must apply to the chief executive in writing to amend the manual.	21 22 23
(3)	However, if the holder does not apply, the chief executive may direct the holder to review the operations manual to address the inconsistency.	24 25 26
(4)	If the chief executive directs the holder to review the operations manual under subsection (3), the holder must review the manual as required by the chief executive and apply to the chief executive in writing to amend it.	27 28 29 30 31
(5)	The provisions of this division applying to the approval and publication of an operations manual apply—	32 33 34

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- (a) as if a reference to the approval of the manual were a reference to its amendment; and
- (b) with any necessary changes.
- (6) This section applies if an operations manual is inconsistent with a resource operations licence or distribution operations licence.
- (7) The provisions of the licence prevail to the extent of the inconsistency.

Subdivision 5 Audit reports

202 Preparing regular audit reports

The chief executive may prepare an audit report—

- (a) about a resource operation licence holder's or a distribution operations licence holder's compliance with the licence; and
- (b) to verify the accuracy of monitoring and reporting information given to the chief executive by the holder.

203 Access for conducting a relevant audit

- (1) This section applies to the following entities—
- (a) the holder of a resource operations licence;
- (b) the holder of a distribution operations licence;
- (c) if a distribution operations licence is held by the approved nominee of the water infrastructure owner—the owner.
- (2) The entity must give an authorised person free and uninterrupted access to the water

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infrastructure to which the licence applies and any records relating to the water infrastructure for conducting a relevant audit.	1 2 3
Maximum penalty—200 penalty units.	4
(3) In this section—	5
<i>authorised person</i> means a person authorised by the chief executive to participate in conducting a relevant audit.	6 7 8
<i>relevant audit</i> means an audit for preparing an audit report under section 202.	9 10
Division 6 Operations licences	11
Subdivision 1 Preliminary	12
204 Purpose of div 6	13
(1) Under this division, the chief executive may grant an operations licence for a single operation for taking water by a person as an agent for 2 or more water entitlement holders.	14 15 16 17
(2) An operations licence—	18
(a) must state the water entitlements to which the licence relates; and	19 20
(b) must state the volumes, rates and times when the water may be taken; and	21 22
(c) may be transferred, amended, suspended or cancelled.	23 24
205 Application of div 6	25
This division applies to water entitlements not managed under a resource operations licence.	26 27

Subdivision 2 Granting operations licences	1 2
206 Applying for operations licence	3
(1) A person may apply for an operations licence.	4
(2) The application must be—	5
(a) made to the chief executive in the approved form; and	6 7
(b) accompanied by the written consent of the relevant water entitlement holders; and	8 9
(c) supported by sufficient information to enable the chief executive to decide the application; and	10 11 12
(d) accompanied by the fee prescribed by regulation.	13 14
207 Additional information may be required	15
The chief executive may require—	16
(a) the applicant to give additional information about the application; or	17 18
(b) any information included in the application, or any additional information required under paragraph (a), to be verified by statutory declaration.	19 20 21 22
208 Criteria for deciding application for operations licence	23 24
In deciding whether to grant or refuse the application or what should be the conditions of the operations licence, the chief executive—	25 26 27

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- (a) must consider the application and any additional information given in relation to the application; and
- (b) may consider whether the applicant has been convicted of an offence against this Act, the repealed Act or an interstate law.

209 Deciding application for operations licence

- (1) If the chief executive is satisfied the application should be granted, or granted in part, the chief executive must grant all or part of the application, with or without conditions.
- (2) If the chief executive is not satisfied the application should be granted, the chief executive must refuse the application.
- (3) Within 30 business days after deciding the application, the chief executive must—
 - (a) give the applicant an information notice about the decision; and
 - (b) give the relevant water entitlement holders notice of the decision.
- (4) If the chief executive grants all or part of the application, with or without conditions, the chief executive must, within 30 business days after granting the application—
 - (a) give the applicant an operations licence in the approved form; and
 - (b) give the relevant water entitlement holders notice that the application was granted and that the holder must not take water under the entitlement.
- (5) If the operations licence is granted, the licence has effect from the day the information notice is given to the applicant.

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- (6) From the day the operations licence has effect, a holder of a water entitlement mentioned in the licence must not take water under the entitlement. 1
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210 Conditions of operations licence 5

- (1) The operations licence is subject to the conditions— 6
7
- (a) prescribed by regulation; and 8
 - (b) the chief executive may impose for a particular licence. 9
10
- (2) Without limiting subsection (1), the conditions may require the licensee to do the following— 11
12
- (a) install a measuring device to measure the volume of water taken, the rate at which it is taken and the time it is taken; 13
14
15
 - (b) give relevant information reasonably required by the chief executive for the administration or enforcement of this Act. 16
17
18

Subdivision 3 Dealings with operations licences 19
20

211 Amending operations licences on application of licensee 21
22

- (1) The licensee may apply to amend an operations licence. 23
24
- (2) The application to amend the licence must be dealt with under sections 206 to 210 as if it were an application for a licence. 25
26
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212 Giving show cause notice about proposed amendment of operations licence	1 2
(1) The chief executive may amend an operations licence if the chief executive is satisfied the licence should be amended.	3 4 5
(2) Before the chief executive acts under subsection (1), the chief executive must give the licensee a show cause notice about the proposed amendment.	6 7 8 9
(3) In deciding whether to amend the licence, the chief executive must consider any properly made submission about the proposed amendment.	10 11 12
(4) If the chief executive is satisfied the proposed amendment should be made, the chief executive must, within 30 business days after the decision, give the licensee an amended licence in the approved form and an information notice about the decision.	13 14 15 16 17 18
(5) If the chief executive is not satisfied the amendment should be made, the chief executive must give the licensee notice that the licence will not be amended.	19 20 21 22
(6) The amended licence takes effect from the day the information notice is given to the licensee.	23 24
213 When chief executive must amend operations licence	25 26
(1) Subsection (2) applies if—	27
(a) a water entitlement holder gives the chief executive notice in the approved form that the holder no longer wishes the holder's water to be taken under the operations licence; or	28 29 30 31 32
(b) a water entitlement holder ceases to be a water entitlement holder.	33 34

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- (2) The chief executive must— 1
- (a) amend the operations licence; and 2
- (b) give the licensee a copy of the notice 3
received under subsection (1)(a) and an 4
amended licence in the approved form; and 5
- (c) advise the water entitlement holder of the 6
action taken. 7
- (3) The amended licence takes effect from the day 8
stated in the amended licence. 9
- (4) Unless the licensee otherwise consents, the day 10
stated in the amended licence must not be earlier 11
than 5 business days after the day the chief 12
executive gives the licensee an amended licence. 13
- (5) If subsection (2) applies because of subsection 14
(1)(b), the amendment may, with the consent of 15
the new water entitlement holder and the 16
licensee, include the new holder instead of the 17
previous holder. 18

214 Minor amendment of operations licence 19

- (1) The chief executive may amend the operations 20
licence without complying with the provisions of 21
this division about amending a licence if the 22
amendment is only to correct a minor error in the 23
licence, or make another change that is not a 24
change of substance. 25
- (2) If the chief executive amends an operations 26
licence under subsection (1), the chief executive 27
must give the licensee an amended licence in the 28
approved form. 29

215 Transferring operations licence 30

- (1) The licensee may apply to transfer the operations 31
licence. 32

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- (2) The application must be— 1
 - (a) made to the chief executive in the approved 2
form; and 3
 - (b) accompanied by the fee prescribed by 4
regulation. 5
- (3) Within 30 business days after receiving the 6
application, the chief executive must give the 7
transferee a new licence on conditions that have 8
the same effect as the licence being transferred, 9
other than for the change of name of the licensee. 10

216 Surrendering operations licence 11

- (1) A licensee may surrender an operations licence 12
by giving the chief executive a notice of 13
surrender. 14
- (2) The surrender— 15
 - (a) takes effect on the date on which the 16
surrender notice is received by the chief 17
executive; and 18
 - (b) does not affect in any way a duty under this 19
Act about works imposed on the licensee 20
before the surrender. 21

217 Cancelling operations licence 22

- (1) The chief executive may cancel an operations 23
licence if the chief executive is satisfied the 24
licence should be cancelled. 25
- (2) Section 212 applies to the cancellation— 26
 - (a) as if a reference in the section to an 27
amendment of the licence were a reference 28
to the cancellation of the licence; and 29
 - (b) with any other necessary changes. 30

Part 4	Riverine protection	1
Division 1	Granting permits for excavating or placing fill in a watercourse, lake or spring	2
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		4
		5
218	Applying for permit to excavate or place fill in a watercourse, lake or spring	6
		7
(1)	A person may apply to the chief executive for a permit (a <i>riverine protection permit</i>) to do either or both of the following activities—	8
		9
		10
	(a) excavate in a watercourse, lake or spring;	11
	(b) place fill in a watercourse, lake or spring.	12
(2)	Subsection (3) applies if the applicant is neither of the following in relation to land that wholly contains the watercourse, lake or spring or the part of the watercourse, lake or spring where the activity is to take place—	13
		14
		15
		16
		17
	(a) the registered owner of the land;	18
	(b) the holder of a mineral development licence or a mining lease under the Mineral Resources Act for the land.	19
		20
		21
(3)	The application must include the written consent of the registered owners of land—	22
		23
	(a) wholly containing the length of the watercourse in which the activity is to take place or the part of the lake or spring where the activity is to take place; or	24
		25
		26
		27
	(b) adjoining the watercourse, lake or spring where the activity is to take place.	28
		29
(4)	The application must—	30

[s 68]

- (a) be made to the chief executive in the approved form; and 1
2
- (b) state the proposed activity and the purpose of the activity; and 3
4
- (c) be accompanied by the fee prescribed by regulation. 5
6

219 Additional information may be required 7

- (1) The chief executive may require— 8
 - (a) the applicant to give additional information about the application, including, for example, a statement of environmental effects; or 9
10
11
12
 - (b) any information included in the application, or any additional information required under paragraph (a), to be verified by statutory declaration. 13
14
15
16
- (2) If the applicant fails, without reasonable excuse, to comply with the requirement within the reasonable time stated in the requirement, the application lapses. 17
18
19
20

220 Criteria for deciding application 21

In deciding whether to grant or refuse the application or what should be the conditions of the riverine protection permit, the chief executive must consider all of the following— 22
23
24
25

- (a) the effects of the proposed activity on water quality; 26
27
- (b) the quantity and type of material to be excavated or placed; 28
29
- (c) the seasonal factors influencing the watercourse, lake or spring from time to time; 30
31
32

-
- (d) the quantity and type of vegetation that would be destroyed as a necessary and unavoidable part of the proposed excavation or placing of fill (*affected vegetation*);
 - (e) the position in the watercourse, lake or spring of the proposed excavation or placing of fill and any affected vegetation;
 - (f) the reasons given by the applicant for wishing to carry out the activity;
 - (g) whether, and to what extent, the activity that the permit would allow may have an adverse effect on the physical integrity of the watercourse, lake or spring;
 - (h) if the application relates to a wild river high preservation area, a wild river special floodplain management area or a nominated waterway in a wild river preservation area—the wild river declaration for the area, including any code, for the proposed activities, mentioned in the declaration;
 - (i) the implications of granting the permit for the long-term sustainable use of the river systems of Australia, and especially the cumulative effect of granting the application and likely similar applications;
 - (j) any other matters the chief executive considers to be relevant.

221 Deciding application

- (1) If the chief executive is satisfied the application should be granted, or granted in part, the chief executive must issue a riverine protection permit, with or without conditions.

[s 68]

(2)	If the chief executive is not satisfied the application should be granted, the chief executive must refuse the application.	1 2 3
(3)	Within 30 business days after deciding the application, the chief executive must give the applicant an information notice about the decision.	4 5 6 7
(4)	If the chief executive grants all or part of the application, with or without conditions, the chief executive must, within 30 business days after granting the application, give the applicant a riverine protection permit in the approved form.	8 9 10 11 12
(5)	The riverine protection permit—	13
(a)	has effect from the day the applicant is given the permit; and	14 15
(b)	must state how long it is to stay in force.	16
Division 2	Dealings with riverine protection permits	17 18
222	Amending conditions or cancelling permit	19
(1)	The chief executive may amend the conditions of, or cancel, a riverine protection permit if—	20 21
(a)	the conditions of the permit are not being complied with or have been contravened; or	22 23
(b)	it becomes evident that any adverse effect of the permitted activity on the physical integrity of the watercourse, lake or spring is greater than was anticipated when the permit was issued.	24 25 26 27 28
(2)	Before amending or cancelling the riverine protection permit, the chief executive must give the permittee a show cause notice inviting the permittee to show cause, within the reasonable	29 30 31 32

time stated in the notice, why the permit should 1
not be amended or cancelled. 2

**223 Deciding whether to proceed with proposed 3
cancellation or amendment 4**

- (1) In deciding whether to cancel or amend the 5
riverine protection permit, the chief executive 6
must consider any properly made submission 7
about the proposed cancellation or amendment. 8
- (2) If the chief executive is satisfied the riverine 9
protection permit should be amended or 10
cancelled, the chief executive must give the 11
permittee— 12
- (a) an information notice about the decision to 13
amend or cancel the permit; and 14
- (b) if the permit is amended—an amended 15
permit in the approved form. 16
- (3) If the chief executive is not satisfied the riverine 17
protection permit should be amended or 18
cancelled, the chief executive must give the 19
permittee notice that the permit will not be 20
amended or cancelled. 21
- (4) If the riverine protection permit is cancelled or 22
amended, the amendment or cancellation takes 23
effect from the day the permittee is given the 24
information notice. 25

**224 Immediate suspension of riverine protection 26
permit in exceptional circumstances 27**

- (1) In addition to giving the permittee a show cause 28
notice about the amendment or cancellation of 29
the riverine protection permit, the chief executive 30
may give the permittee an information notice that 31
immediately suspends the permit. 32

[s 68]

- (2) The suspension has effect from the day the permittee is given the notice. 1
2
- (3) The notice may be given only if the chief executive is satisfied exceptional circumstances exist in relation to the riverine protection permit to cause the chief executive reasonable concern for the physical integrity of the watercourse, lake or spring. 3
4
5
6
7
8
- (4) The permittee must not act under the riverine protection permit during the period the permit is suspended, unless the permittee has a reasonable excuse. 9
10
11
12
- Maximum penalty—1665 penalty units. 13
- (5) The notice has effect until— 14
- (a) the riverine protection permit is amended or cancelled; or 15
16
- (b) the chief executive gives the permittee notice that the suspension has been withdrawn. 17
18
19
- (6) If the chief executive is satisfied the suspension should not continue, the chief executive must give the permittee notice that the suspension has been withdrawn. 20
21
22
23
- (7) If suspension of the riverine protection permit is withdrawn, the withdrawal takes effect from the day the permittee is given notice of the withdrawal. 24
25
26
27
- (8) After the suspension is withdrawn, the riverine protection permit remains in effect only for the period during which it would have been in effect but for the suspension. 28
29
30
31

Division 3	Notices	1
225 Notice to owner of land to remove vegetation etc.		2 3
(1) This section applies if—		4
(a) there is vegetation, litter, refuse or other matter on any land; and		5 6
(b) it appears to the chief executive that—		7
(i) the vegetation, litter, refuse or matter—		8
(A) has obstructed, or may obstruct, the flow of water in a watercourse, lake or spring; or		9 10 11
(B) has had, or may have, a significant adverse effect on the physical integrity of a watercourse, lake or spring; or		12 13 14 15
(C) has significantly affected, or may significantly affect, the quality of water in a watercourse, lake or spring; and		16 17 18 19
(ii) action should be taken in relation to the vegetation, litter, refuse or matter to protect or restore the flow of water in the watercourse, lake or spring, the physical integrity of the watercourse, lake or spring or the quality of water in the watercourse, lake or spring.		20 21 22 23 24 25 26
(2) This section also applies if—		27
(a) there is vegetation, litter, refuse or other matter in a watercourse or lake; and		28 29
(b) the circumstances of the vegetation, litter, refuse or matter in the watercourse or lake correspond to the circumstances under		30 31 32

[s 68]

subsection (1)(b) in relation to vegetation, litter, refuse or matter; and	1 2	
(c) the watercourse or lake is on land or forms a boundary or part of a boundary of land.	3 4	
(3) The chief executive may give notice to the owner of the land requiring the owner to take the reasonable action stated in the notice within the reasonable time and in the way, if any, stated in the notice.	5 6 7 8 9	
(4) However, in relation to a watercourse forming a boundary, or part of a boundary, of the owner's land, the notice must not require the owner to take action beyond the centre-line of the watercourse.	10 11 12 13 14	
(5) The owner must comply with the notice, unless the owner has a reasonable excuse. Maximum penalty—1665 penalty units.	15 16 17	
(6) For sections 783 and 851, the notice is taken to be a compliance notice.	18 19	
(7) In this section— <i>vegetation</i> includes non-native vegetation of any kind.	20 21 22	
Part 5	Quarry materials	23
Division 1	Preliminary	24
226 Ownership and management of certain quarry material		25 26
Despite the <i>Forestry Act 1959</i> —		27

-
- (a) quarry material that is in the part of a 1
watercourse or lake that is the property of 2
the State, is the property of the State; and 3
- Note—* 4
- See the *Land Act 1994*, chapter 1, part 4, division 5
3 in relation to the ownership by the State of land 6
adjoining a non-tidal boundary (watercourse). 7
- (b) all quarry material is under the control of the 8
chief executive. 9

Division 2 **Granting and selling** 10
 allocations of quarry 11
 material 12

227 Applying for allocation of quarry material 13

- (1) Any person may apply for an allocation of quarry 14
material. 15
- (2) The application must be— 16
- (a) made to the chief executive in the approved 17
form; and 18
- (b) supported by sufficient information to 19
enable the chief executive to decide the 20
application; and 21
- (c) accompanied by the fee prescribed by 22
regulation. 23
- (3) However, if any part of the application relates to 24
a wild river area, the application is taken not to 25
have been made unless the quarry material for the 26
proposed allocation is to be used in the wild river 27
area. 28

[s 68]

228 Additional information may be required	1
(1) For deciding the application, the chief executive may require all or any of the following—	2 3
(a) the applicant to give additional information about the application;	4 5
(b) the applicant to pay to the chief executive the reasonable amount decided by the chief executive by way of contribution towards the costs of research and investigations necessary for deciding the application;	6 7 8 9 10
(c) any information included in the application, or any additional information required under paragraph (a), to be verified by statutory declaration.	11 12 13 14
(2) If the applicant does not give the chief executive the further information, documents or amount by the reasonable date stated in the notice, the application lapses.	15 16 17 18
229 Criteria for deciding application for allocation of quarry material	19 20
(1) In deciding whether to grant or refuse the application or what should be the conditions of the allocation, the chief executive must consider the impact the removal of the quarry material will have on the long-term sustainable use of the watercourse or lake, including the following—	21 22 23 24 25 26
(a) the physical integrity of the watercourse or lake, including bed and bank stability;	27 28
(b) the condition of the watercourse or lake, including its ability to function naturally;	29 30
(c) the supply of sediments to estuaries and the sea from the watercourse or lake;	31 32
(d) the quarry material available in the watercourse or lake and any existing quarry	33 34

-
- material allocations in relation to the watercourse or lake. 1
2
- (2) Also, if any part of the application relates to a wild river area, the chief executive must, in deciding whether to grant or refuse the application or what should be the conditions of the allocation, consider the wild river declaration for the area. 3
4
5
6
7
8
- (3) Subsections (1) and (2) do not stop the chief executive from considering other matters relevant to the removal of the quarry material. 9
10
11
- (4) If any part of the application relates to a wild river area, the chief executive must not grant the application unless satisfied there is no other suitable source of quarry material that is— 12
13
14
15
- (a) outside a watercourse; and 16
- (b) within a reasonable distance from where the quarry material will be used. 17
18
- 230 Deciding application for allocation of quarry material** 19
20
- (1) If the chief executive is satisfied the application should be granted, or granted in part, the chief executive must grant the application, with or without conditions. 21
22
23
24
- (2) If the chief executive is not satisfied the application should be granted, the chief executive must refuse the application. 25
26
27
- (3) Within 30 business days after deciding the application, the chief executive must give the applicant— 28
29
30
- (a) notice of the decision; and 31

[s 68]

(b)	if the chief executive grants all or part of the application, with or without conditions—an allocation notice in the approved form.	1 2 3
(4)	The allocation notice—	4
(a)	has effect from the day stated in the notice; and	5 6
(b)	remains in force, unless sooner cancelled, suspended or surrendered, for the period decided by the chief executive of not more than 5 years.	7 8 9 10
231 Selling allocation of State quarry material by auction or tender		11 12
(1)	The chief executive may sell by auction or tender an allocation of State quarry material.	13 14
(2)	In selling the allocation, the chief executive must consider the impact the removal of the quarry material will have on the long-term sustainable use of the watercourse or lake, including the matters mentioned in section 229.	15 16 17 18 19
(3)	The chief executive must give the buyer an allocation notice.	20 21
(4)	Sections 232 to 234 apply to the allocation notice.	22 23
Division 3 Content and conditions of allocation notices		24 25
232 Content of allocation notices		26
Without limiting what may be included in an allocation notice, the notice must state—		27 28
(a)	the quantity of quarry material for the allocation; and	29 30

(b) the maximum rate for extracting the quarry material.	1 2
233 Conditions of allocation notices	3
An allocation notice is subject to—	4
(a) the condition that the allocation holder give to the chief executive, within 7 days after the end of each month, a written return in the approved form for all quarry material removed by the holder in the month; and	5 6 7 8 9
(b) any other condition stated in the allocation notice.	10 11
234 Financial assurance for allocation of quarry material	12 13
(1) Without limiting section 233(b), the allocation of quarry material may be subject to a condition that the allocation holder give the chief executive financial assurance in the form, and for the reasonable amount, decided by the chief executive.	14 15 16 17 18 19
(2) The financial assurance must continue in force until all the conditions of the allocation notice are complied with to the satisfaction of the chief executive.	20 21 22 23
Division 4 Dealings with allocations of quarry material	24 25
235 Transferring allocation of quarry material	26
(1) The allocation notice holder may apply to transfer all or part of the allocation to another person.	27 28 29

[s 68]

- | | | |
|-------|---|----------------------|
| (2) | The application must be— | 1 |
| (a) | made to the chief executive in the approved form; and | 2
3 |
| (b) | supported by sufficient information to enable the chief executive to decide the application, including, for example, the consent of the transferee to the transfer; and | 4
5
6
7 |
| (c) | accompanied by the fee prescribed by regulation. | 8
9 |
| (3) | Within 30 business days after receiving the application, the chief executive must— | 10
11 |
| (a) | if the transfer is for all the allocation—approve the transfer; or | 12
13 |
| (b) | if the transfer is for part of the allocation— | 14 |
| (i) | approve the transfer, as applied for, with or without conditions; or | 15
16 |
| (ii) | approve the transfer, as varied by the chief executive, with or without conditions; or | 17
18
19 |
| (iii) | refuse the transfer. | 20 |
| (4) | In making a decision under subsection (3)(b), the chief executive must consider the impact the transfer will have for the matters mentioned in section 229. | 21
22
23
24 |
| (5) | Within 30 business days after deciding the application, the chief executive must— | 25
26 |
| (a) | give the applicant and the transferee an information notice about the decision; and | 27
28 |
| (b) | if the transfer is approved, with or without conditions—give the transferee a new allocation notice in accordance with the approval; and | 29
30
31
32 |

-
- (c) if the application was not to transfer all of an allocation and the transfer is approved—give the applicant an amended allocation notice for the part not transferred. 1
2
3
4
 - (6) The transfer has effect from the day the information notice is given. 5
6

236 Renewing allocations of quarry material 7

- (1) The allocation notice holder may apply to renew the allocation notice before it expires. 8
9
- (2) The application must be— 10
 - (a) made to the chief executive in the approved form; and 11
12
 - (b) accompanied by the fee prescribed by regulation. 13
14
- (3) Within 30 business days after receiving the application, the chief executive must— 15
16
 - (a) approve the renewal, as applied for, with or without conditions; or 17
18
 - (b) approve the renewal, as varied by the chief executive, with or without conditions; or 19
20
 - (c) refuse the renewal. 21
- (4) In deciding whether to renew the allocation, the chief executive must consider the impact the renewal will have for the matters mentioned in section 229. 22
23
24
25
- (5) Within 30 business days after deciding the application, the chief executive must give the applicant— 26
27
28
 - (a) an information notice about the decision; 29
and 30

[s 68]

- (b) if the renewal is approved, with or without conditions—a new allocation notice in accordance with the approval. 1
2
3
- (6) A renewed allocation notice remains in force, unless sooner cancelled, suspended or surrendered, for the period decided by the chief executive of not more than 5 years. 4
5
6
7

237 Amending, suspending or cancelling allocation notice 8
9

- (1) The chief executive may amend, suspend or cancel an allocation notice if the chief executive is satisfied, or reasonably believes— 10
11
12
 - (a) the allocation notice was granted in error or in consequence of a false or fraudulent document, statement or representation; or 13
14
15
 - (b) the allocation notice holder— 16
 - (i) is convicted of an offence against this Act; or 17
18
 - (ii) failed to comply with a condition of the allocation notice; or 19
20
 - (c) unforeseen degradation in the condition of the watercourse or lake requires the allocation notice to be amended, suspended or cancelled. 21
22
23
24
- (2) An amendment under subsection (1) must not increase the quantity of material that may be extracted, the rate of extraction or the period for which the allocation notice has effect. 25
26
27
28
- (3) Before amending, suspending or cancelling an allocation notice, the chief executive must give the holder a show cause notice inviting the holder to show cause, within the reasonable time stated in the notice, why the allocation notice should not be amended, suspended or cancelled. 29
30
31
32
33
34

238 Deciding whether to proceed with proposed amendment, suspension or cancellation of allocation notice	1
	2
	3
(1) In deciding whether to amend, suspend or cancel the allocation notice, the chief executive must consider any properly made submission about the proposed amendment, suspension or cancellation.	4 5 6 7 8
(2) If the chief executive is satisfied the allocation notice should be amended, suspended or cancelled, the chief executive must amend, suspend or cancel the allocation notice.	9 10 11 12
(3) If the chief executive is satisfied the allocation notice should not be amended, suspended or cancelled, the chief executive must give the holder a notice that the allocation notice will not be amended, suspended or cancelled.	13 14 15 16 17
(4) Within 30 business days after amending, suspending or cancelling the allocation notice, the chief executive must give the holder an information notice about the decision to amend, suspend or cancel the notice.	18 19 20 21 22
(5) The amendment, suspension or cancellation takes effect the day the holder is given the information notice.	23 24 25
(6) If the allocation notice is amended, the chief executive must give the holder an amended allocation notice.	26 27 28
(7) If the allocation notice is suspended, it is of no effect during the period of suspension and, after the suspension, remains in effect only for the period during which it would have been in effect but for the suspension.	29 30 31 32 33
(8) The suspension may be for the reasonable period the chief executive decides.	34 35

[s 68]

239 Surrendering allocation notice	1
(1) The allocation notice holder may surrender the allocation notice by giving the chief executive notice of its surrender.	2 3 4
(2) The surrender—	5
(a) takes effect on the day the notice is received by the chief executive; and	6 7
(b) does not affect in any way a requirement under this Act about the removal of quarry material imposed on the holder before the surrender.	8 9 10 11

Division 5	General	12
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240 Royalty or price for State quarry material	13
(1) For State quarry material removed under an allocation notice, royalty at the rate prescribed by regulation or the price set for the sale is payable to the State in the way and at the times prescribed under the regulation or the sale.	14 15 16 17 18
(2) Royalty or the price payable and not paid is a debt due to the State.	19 20
(3) A person who fails to pay the royalty or the price payable commits an offence against this Act.	21 22
Maximum penalty for subsection (3)—50 penalty units.	23 24

Part 6	Miscellaneous	1
241 Referral panels		2
(1)	The chief executive may establish a referral panel to advise on—	3 4
(a)	a draft water entitlement notice; or	5
(b)	a proposed operations manual; or	6
(c)	proposed water allocations and water licences to be granted, amended or refused; or	7 8 9
(d)	the granting of an application to vary the effect of a moratorium notice under section 33; or	10 11 12
(e)	the granting of an application to relocate a water licence under section 126; or	13 14
(f)	an application about started works that are subject to a moratorium notice referred to the panel by the Minister under section 242.	15 16 17
(2)	The panel is to consist of the number of individuals, and has the functions, the chief executive decides.	18 19 20
(3)	A member of the panel may be paid the fees and allowances decided by the Governor in Council.	21 22
242 Minister may direct chief executive to establish referral panel		23 24
(1)	If the Minister receives an application under section 33, the Minister may—	25 26
(a)	direct the chief executive to establish a referral panel to consider the application; and	27 28 29
(b)	refer the application to panel.	30

[s 69]

	(2) The referral panel must consider—	1
	(a) whether the works to which the application relates—	2 3
	(i) are substantially completed; or	4
	(ii) would have been completed by the completion day but for a change in circumstances beyond the applicant's control; and	5 6 7 8
	(b) whether the works can be completed, to the extent they would be functional, within a reasonable time.	9 10 11
	(3) The panel must make a recommendation, about the application, to the Minister within 20 business days after the day the panel receives the application.	12 13 14 15
Clause 69	Amendment of s 361 (Purpose of ch 3)	16
	Section 361, 'petroleum tenure'—	17
	<i>omit, insert</i> —	18
	resource tenure	19
Clause 70	Amendment of s 362 (Definitions for ch 3)	20
	(1) Section 362, definitions <i>closing CMA tenure</i> , <i>CMA tenure</i> and <i>water level</i> —	21 22
	<i>omit.</i>	23
	(2) Section 362—	24
	<i>insert</i> —	25
	<i>closing CMA tenure</i> means a CMA tenure for which the holder of the tenure—	26 27
	(a) has given, before the cumulative management area for the tenure was	28 29

	declared, a notice of closure for the tenure;	1
	or	2
(b)	gives, within 6 months after the cumulative management area for the tenure is declared, a notice of closure for the tenure.	3 4 5
	<i>CMA tenure</i> means a resource tenure identified in a gazette notice declaring a cumulative management area under section 365.	6 7 8
	<i>cumulative management area</i> means an area declared by gazette notice under section 365 to be a cumulative management area.	9 10 11
	<i>final report</i> , for a resource tenure, means a report for the tenure given to the chief executive under section 374.	12 13 14
	<i>underground water impact report</i> means a report a responsible entity is obliged to give to the chief executive under section 370.	15 16 17
	<i>water level</i> , of an aquifer, means—	18
(a)	if the aquifer was tapped by an artesian bore—the level to which the water would rise naturally above the surface of the land at the location of the bore if the water was contained vertically above the surface of the land; or	19 20 21 22 23 24
(b)	if the aquifer were tapped by a subartesian bore—the level of the water in the bore.	25 26
(3)	Section 362, definitions <i>impact considerations</i> , <i>make good obligations</i> , <i>relevant underground water rights</i> , <i>underground water obligation</i> and <i>water monitoring bore</i> , ‘petroleum’—	27 28 29
	<i>omit</i> , <i>insert</i> —	30
	resource	31
Clause 71	Amendment of s 363 (Water bores to which ch 3 applies)	32
	Section 363—	33

[s 72]

insert— 1
(2) However, this chapter does not apply to a water 2
bore if it is used only for water monitoring. 3

**Clause 72 Replacement of s 364 (References to petroleum tenure 4
holder in ch 3) 5**

Section 364— 6

omit, insert— 7

**364 References in ch 3 to resource tenures and 8
holders of resource tenures if the tenure ends 9**

(1) This section applies if a resource tenure ends. 10

(2) Subsection (3) applies if— 11

(a) the resource tenure was a mineral 12
development licence and under the Mineral 13
Resources Act, chapter 6, part 1 the holder 14
of the licence became the holder of a mining 15
lease; or 16

(b) the resource tenure was an authority to 17
prospect under the *Petroleum Act 1923* and 18
under part 6, division 1 of that Act the 19
holder of the tenure became a lease holder; 20
or 21

(c) the resource tenure was an authority to 22
prospect under the *Petroleum and Gas Act* 23
and under chapter 2, part 2, division 2 of 24
that Act the holder of the tenure became a 25
petroleum lease holder. 26

(3) A reference in this chapter— 27

(a) to the resource tenure includes a reference 28
to— 29

(i) if the resource tenure is a mining 30
lease—the mineral development 31
licence; or 32

	(ii) if the resource tenure is a lease granted under the <i>Petroleum Act 1923</i> , part 6, division 1 (1923 Act lease)—the authority to prospect under the <i>Petroleum Act 1923</i> ; or	1 2 3 4 5
	(iii) if the resource tenure is a petroleum lease under the Petroleum and Gas Act—the authority to prospect under the Petroleum and Gas Act; and	6 7 8 9
	(b) to the resource tenure holder includes a reference to—	10 11
	(i) if the resource tenure is a mining lease—the holder of the mineral development licence; or	12 13 14
	(ii) if the resource tenure is a 1923 Act lease—the holder of the authority to prospect under the <i>Petroleum Act 1923</i> ; or	15 16 17 18
	(iii) if the resource tenure is a petroleum lease under the Petroleum and Gas Act—the holder of the authority to prospect under the Petroleum and Gas Act.	19 20 21 22 23
	(4) If subsection (3) does not apply to a resource tenure, a reference in this chapter to the holder of the resource tenure is a reference to the holder of the resource tenure immediately before it ended.	24 25 26 27
Clause 73	Amendment of s 365 (Declaring cumulative management areas)	28 29
	(1) Section 365(1), ‘petroleum tenures’— <i>omit, insert—</i> resource tenures	30 31 32
	(2) Section 365(2), after ‘management area’—	33

[s 74]

insert— 1

for resource tenures identified in the gazette notice 2

(3) Section 365— 3

insert— 4

(3A) The gazette notice may identify resource tenures 5
specifically or generally, including resource 6
tenures granted in the cumulative management 7
area after the declaration is published in the 8
gazette. 9

(3B) If the area of an identified resource tenure is 10
partly within and partly outside the declared area, 11
the declared area is taken to include the whole of 12
the area of the resource tenure. 13

(4) Section 365(5), after ‘management area’— 14

insert— 15

in relation to the identified resource tenures 16

Clause 74 Amendment of ch 3, pt 1, div 3, hdg 17

Chapter 3, part 1, division 3, heading, ‘petroleum’— 18

omit, insert— 19

resource 20

Clause 75 Amendment of s 366 (Obligation to use best endeavours to obtain approvals) 21
22

Section 366(1), ‘petroleum’— 23

omit, insert— 24

resource 25

Clause 76 Amendment of s 367 (Obligation to use best endeavours to obtain information) 26
27

Section 367, ‘petroleum’— 28

omit, insert— 1
resource 2

Clause 77 Amendment of s 368 (Who is a *responsible entity*) 3
Section 368(a) and (b)— 4
omit, insert— 5
(a) for a CMA tenure, other than a closing 6
CMA tenure—the office; or 7
(b) for a closing CMA tenure or a resource 8
tenure that is not a CMA tenure—the holder 9
of the tenure. 10

Clause 78 Amendment of s 369 (Who is a *responsible tenure holder*) 11
Section 369, ‘petroleum’— 12
omit, insert— 13
resource 14

Clause 79 Insertion of new s 369A 15
Chapter 3, part 2, division 1— 16
insert— 17
369A Application of pt 2 18
(1) This part does not apply to the holder of a 19
mineral development licence or mining lease who 20
takes or interferes with underground water in the 21
area of the licence or lease if subsection (2) or (3) 22
applies. 23
(2) This subsection applies if— 24
(a) the holder of the mineral development 25
licence or mining lease is authorised, under 26
a water licence or water permit, to take or 27

[s 79]

- interfere with underground water in the area 1
of the licence or lease; and 2
- (b) the taking or interference happens during 3
the course of, or results from, the carrying 4
out of an authorised activity for the licence 5
or lease. 6
- (3) This subsection applies if— 7
- (a) immediately before the commencement, the 8
holder of the mineral development licence 9
or mining lease was otherwise lawfully 10
entitled to take or interfere with 11
underground water in the area of the licence 12
or lease; and 13
- (b) after the commencement— 14
- (i) the holder takes or interferes with 15
water during the course of, or as the 16
result of, the carrying out of an 17
authorised activity for the licence or 18
lease; and 19
- (ii) had the taking or interference 20
mentioned in subparagraph (i) occurred 21
before the commencement, the holder 22
would have been authorised to take or 23
interfere with the water in connection 24
with the activity. 25
- (4) However, this part does apply to the holder of a 26
mineral development licence or mining lease 27
mentioned in subsection (1) if— 28
- (a) the licence or lease is a CMA tenure; or 29
- (b) the chief executive decides, having regard to 30
the impact considerations relating to the 31
holder, that this part applies to the holder. 32
- (5) The chief executive must give a holder mentioned 33
in subsection (4)(b)— 34

	(a) a notice advising the holder that this part	1
	applies to the holder and a stated reasonable	2
	time within which the holder must give the	3
	chief executive an underground water	4
	impact report under section 370; and	5
	(b) an information notice about the decision.	6
Clause 80	Amendment of s 370 (Obligation to give underground	7
	water impact report)	8
	(1) Section 370, ‘petroleum’—	9
	<i>omit, insert—</i>	10
	resource	11
	(2) Section 370(1), ‘section 371’—	12
	<i>omit, insert—</i>	13
	sections 370A, 370B and 371	14
	(3) Section 370(2)(b)—	15
	<i>omit, insert—</i>	16
	(b) be given—	17
	(i) if the responsible entity is a mining	18
	tenure holder—before the day the	19
	holder exercises its underground water	20
	rights or, if the chief executive agrees	21
	to a later day, by that day; or	22
	(ii) if the responsible entity is the office or	23
	a petroleum tenure holder—within the	24
	initial report period or, if the chief	25
	executive agrees to a longer period,	26
	within that period; and	27
	(4) Section 370(2)—	28
	<i>insert—</i>	29
	(e) be accompanied by the fee prescribed by	30
	regulation.	31

[s 81]

Clause 81	Insertion of new ss 370A and 370B	1
	After section 370—	2
	<i>insert—</i>	3
	370A When obligation to give underground water impact report does not apply—exemption for low risk resource tenures	4
		5
		6
	(1) A regulation may identify circumstances in which a resource tenure is taken to be a low risk resource tenure for this division.	7
		8
		9
	(2) The circumstances may relate to 1 or more of the following—	10
		11
	(a) the likely impacts of the exercise of underground water rights on water bores and springs;	12
		13
		14
	(b) the nature and scale of a mining or petroleum operation;	15
		16
	(c) the characteristics of the underground water resource;	17
		18
	(d) the location of the resource tenure.	19
	(3) The holder of a low risk resource tenure is not required to give the chief executive an underground water impact report under section 370 while the resource tenure remains a low risk resource tenure.	20
		21
		22
		23
		24
	370B When obligation to give further underground water impact report does not apply	25
		26
	(1) This section applies if—	27
	(a) the responsible entity is the holder of a resource tenure that is not a CMA tenure;	28
	and	29
		30
	(b) the responsible entity has given the chief executive an underground water impact report that is approved by the chief	31
		32
		33

-
- executive under section 385 (the *existing report*); and 1
2
- (c) the existing report— 3
- (i) estimated, under section 376(1)(a)(ii), 4
the quantity of water to be taken to be 5
zero; and 6
- (ii) did not predict, under section 7
376(1)(b)(iv) or (v), a decline in the 8
water level of an aquifer of more than 9
the bore trigger threshold either during 10
the period or at any time as mentioned 11
in the subparagraph. 12
- (2) Subject to subsection (5), the responsible entity is 13
not required to give the chief executive a further 14
underground water impact report. 15
- (3) However if, after the approval of the existing 16
underground water impact report, the responsible 17
entity exercises its underground water rights, the 18
responsible entity must notify the chief executive 19
of the exercise of the rights. 20
- Maximum penalty—500 penalty units. 21
- (4) Subsection (5) applies if— 22
- (a) the chief executive requires the responsible 23
entity to amend the existing report under 24
section 392; and 25
- (b) the report, as amended, indicates a decline 26
in the water level of an aquifer affected, or 27
likely to be affected, because of the exercise 28
of the underground water rights. 29
- (5) Section 370 applies to the responsible entity as if 30
a reference in section 370(2)(c) to ‘the day the 31
first underground water impact report for the 32
cumulative management area or resource tenure 33
took effect’ were a reference to ‘the day the 34
-

[s 82]

	approved underground water impact report as amended took effect’.	1 2
Clause 82	Amendment of s 371 (When obligation to give underground water impact report does not apply)	3 4
(1)	Section 371, heading, after ‘apply’— <i>insert</i> — —notice of closure	5 6 7
(2)	Section 371(1)(a) and (b), ‘petroleum’— <i>omit, insert</i> — resource	8 9 10
(3)	Section 371(3)— <i>omit, insert</i> — (3) However, section 370 does apply if, after the notice of closure is given, an application for renewal of the resource tenure, made under the relevant Act, is granted.	11 12 13 14 15 16
	(4) In this section— relevant Act , for the renewal of a resource tenure, means whichever of the following Acts is relevant to the renewal— (a) the Mineral Resources Act; (b) the <i>Petroleum Act 1923</i> ; (c) the Petroleum and Gas Act.	17 18 19 20 21 22 23
Clause 83	Replacement of s 372 (Obligation to give notice of closure—general)	24 25
	Section 372— <i>omit, insert</i> —	26 27

-
- 372 Obligation to give notice of closure—general** 1
- (1) A resource tenure holder who has started 2
exercising its underground water rights must, on 3
either of the following days, give the chief 4
executive a notice of closure— 5
- (a) the day that is 1 year before the term of the 6
resource tenure ends; 7
- (b) the day the holder makes an application 8
under a relevant Act for the surrender of the 9
resource tenure. 10
- Maximum penalty—500 penalty units. 11
- (2) Subsection (1) does not apply to a resource 12
tenure holder who is exempt from preparing an 13
underground water impact report under a 14
regulation made under section 370A. 15
- (3) The notice of closure must state— 16
- (a) the details of the holder and resource tenure; 17
and 18
- (b) whether the tenure is ending or being 19
surrendered; and 20
- (c) if the tenure is ending—the day the tenure 21
will end. 22
- (4) If the resource tenure is a CMA tenure, including 23
a closing CMA tenure, the holder must give the 24
office a copy of the notice of closure. 25
- (5) For subsection (1)(a), a resource tenure that is a 26
petroleum tenure is not taken to end only because 27
the tenure is divided under the Petroleum and 28
Gas Act, chapter 2. 29
- (6) In this section— 30
- relevant Act*, for an application for the surrender 31
of a resource tenure, means whichever of the 32
following Acts is relevant to the surrender of the 33
tenure— 34

[s 84]

	(a) the Mineral Resources Act;	1
	(b) the <i>Petroleum Act 1923</i> ;	2
	(c) the Petroleum and Gas Act.	3
Clause 84	Amendment of s 373 (Obligation to give notice of closure—relevant events)	4 5
	(1) Section 373(1), ‘petroleum’—	6
	<i>omit, insert—</i>	7
	resource	8
	(2) Section 373—	9
	<i>insert—</i>	10
	(3) However, subsection (2) applies only if the resource tenure holder has started exercising its underground water rights.	11 12 13
Clause 85	Amendment of s 374 (Obligation to give final report)	14
	(1) Section 374(1), (2) and (4), ‘petroleum’—	15
	<i>omit, insert—</i>	16
	resource	17
	(2) Section 374(5), after ‘383’—	18
	<i>insert—</i>	19
	and the fee prescribed by regulation	20
Clause 86	Amendment of s 375 (When obligation to give final report does not apply)	21 22
	(1) Section 375(1)(a) and (3), ‘petroleum’—	23
	<i>omit, insert—</i>	24
	resource	25
	(2) Section 375(1)(c)—	26

omit, insert—

- (c) before the last day by which the holder may apply for a renewal of the resource tenure under a relevant Act, the holder gives the chief executive a written declaration stating that the holder intends to apply for the renewal.

(3) Section 375—

insert—

(5) In this section—

relevant Act, for a renewal of a resource tenure, means whichever of the following Acts is relevant to the renewal of the tenure—

- (a) the Mineral Resources Act;
(b) the *Petroleum Act 1923*;
(c) the Petroleum and Gas Act.

Clause 87 Amendment of s 376 (Content of underground water impact report)

(1) Section 376(a)—

insert—

Example for paragraph (a)(i)—

If the report is prepared by a mining tenure holder before it exercises its underground water rights, the quantity of water produced or taken from the area would be shown in the report as zero.

(2) Section 376—

insert—

(2) However, if the underground water impact report does not show any predicted water level decline in any area of an affected aquifer by more than the bore trigger threshold during the period mentioned in subsection (1)(b)(iv) or at any time

[s 88]

	as mentioned in subsection (1)(b)(v), the report	1
	does not have to include the program mentioned	2
	in subsection (1)(e).	3
Clause 88	Amendment of s 378 (Content of water monitoring strategy)	4
	Section 378(3)(a), ‘petroleum’—	5
	<i>omit, insert</i> —	6
	resource	7
Clause 89	Amendment of s 379 (Content of spring impact management strategy)	8
	(1) Section 379(1) and (3), ‘potentially affected spring’—	9
	<i>omit, insert</i> —	10
	spring of interest	11
	(2) Section 379(1)(d)—	12
	<i>omit.</i>	13
	(3) Section 379(1)(e), after ‘predicted impacts on the spring’—	14
	<i>insert</i> —	15
	under paragraph (c)	16
	(4) Section 379(1)(e) to (g)—	17
	<i>renumber</i> as section 379(1)(d) to (f).	18
Clause 90	Amendment of s 382 (Public notice and copies of report)	19
	Section 382(4)—	20
	<i>omit, insert</i> —	21
	(4) The responsible entity must—	22
	(a) give a copy of the report to each person who	23
	requests a copy; and	24
		25
		26

	(b) advise the chief executive that the entity has complied with subsections (1) and (2).	1 2
Clause 91	Amendment of s 385 (Decision on report)	3
	Section 385(3), ‘petroleum’—	4
	<i>omit, insert</i> —	5
	resource	6
Clause 92	Amendment of s 386 (Publishing approval and making report available)	7 8
	Section 386(1)—	9
	<i>omit, insert</i> —	10
	(1) The responsible entity that gave the chief executive an underground water impact report or final report that is approved by the chief executive must—	11 12 13 14
	(a) within 10 business days after receiving notice of the approval—	15 16
	(i) publish, in the way required by the chief executive, a notice about the approval that complies with subsection (2); and	17 18 19 20
	(ii) give a copy of the notice to each bore owner of a water bore within the area to which the report relates; and	21 22 23
	(b) within 15 business days after receiving notice of the approval—advise the chief executive that the entity has complied with paragraph (a).	24 25 26 27
	Maximum penalty—50 penalty units.	28

[s 93]

Clause 93	Amendment of s 388 (Effect of approved underground water impact report)	1 2
	(1) Section 388(1)(a) and (b), ‘petroleum’—	3
	<i>omit, insert</i> —	4
	resource	5
	(2) Section 388(1)(a), after ‘within the area’—	6
	<i>insert</i> —	7
	identified in the CMA gazette notice for the area	8
	(3) Section 388—	9
	<i>insert</i> —	10
	(3) In this section—	11
	<i>CMA gazette notice</i> , for a cumulative	12
	management area, means the gazette notice under	13
	section 365 declaring the area to be a cumulative	14
	management area.	15
Clause 94	Amendment of s 389 (Effect of approved final report)	16
	Section 389(4), ‘petroleum’—	17
	<i>omit, insert</i> —	18
	resource	19
Clause 95	Amendment of s 390 (Compliance with approved reports)	20
	Section 390, ‘petroleum’—	21
	<i>omit, insert</i> —	22
	resource	23
Clause 96	Amendment of s 391 (Minor or agreed amendments of approved report)	24 25
	Section 391(1)(a)(ii) and (c), ‘petroleum’—	26
	<i>omit, insert</i> —	27

	resource	1
Clause 97	Amendment of s 393 (Other amendments)	2
	Section 393(6)—	3
	<i>insert</i> —	4
	Maximum penalty—50 penalty units.	5
Clause 98	Amendment of s 394 (What is a <i>baseline assessment</i>)	6
	Section 394, ‘petroleum’—	7
	<i>omit, insert</i> —	8
	resource	9
Clause 99	Insertion of new s 394A	10
	After section 394—	11
	<i>insert</i> —	12
	394A Application of pt 3	13
	(1) This part does not apply to the holder of a mineral development licence or mining lease who takes or interferes with underground water in the area of the licence or lease if subsection (2) or (3) applies.	14 15 16 17 18
	(2) This subsection applies if—	19
	(a) the holder of the mineral development licence or mining lease is authorised, under a water licence or water permit, to take or interfere with underground water in the area of the licence or lease; and	20 21 22 23 24
	(b) the taking or interference happens during the course of, or results from, the carrying out of an authorised activity for the licence or lease.	25 26 27 28

[s 99]

- (3) This subsection applies if— 1
- (a) immediately before the commencement of 2
this section, the holder of the mineral 3
development licence or mining lease was 4
otherwise lawfully entitled to take or 5
interfere with underground water in the area 6
of the licence or lease; and 7
- (b) after the commencement— 8
- (i) the holder takes or interferes with 9
water during the course of, or as the 10
result of, the carrying out of an 11
authorised activity for the licence or 12
lease; and 13
- (ii) had the taking or interference 14
mentioned in subparagraph (i) occurred 15
before the commencement, the holder 16
would have been authorised to take or 17
interfere with the water in connection 18
with the activity. 19
- (4) However, this part does apply to the holder of a 20
mineral development licence or mining lease 21
mentioned in subsection (1) if the chief executive 22
decides, having regard to the impact 23
considerations relating to the holder, that this part 24
applies to the holder. 25
- (5) The chief executive must give a holder mentioned 26
in subsection (4)— 27
- (a) a notice advising the holder that this part 28
applies to the holder and a stated reasonable 29
time within which the holder must give the 30
chief executive a baseline assessment plan 31
under section 397; and 32
- (b) an information notice about the decision. 33

Clause 100	Amendment of s 396 (Method of undertaking baseline assessment)	1
		2
	(1) Section 396(1), ‘responsible’—	3
	<i>omit, insert—</i>	4
	resource	5
	(2) Section 396(1)—	6
	<i>insert—</i>	7
	Maximum penalty—50 penalty units.	8
Clause 101	Amendment of s 397 (Obligation to prepare baseline assessment plan)	9
		10
	(1) Before section 397(1)—	11
	<i>insert—</i>	12
	(1A) This section does not apply while there are no water bores in the area of a resource tenure.	13
		14
	(1B) A mining tenure holder must give the chief executive a baseline assessment plan for the area of the holder’s tenure—	15
		16
	(a) before the day the holder exercises its underground water rights; or	18
		19
	(b) if the chief executive agrees to a later day, by that day.	20
		21
	Maximum penalty—500 penalty units.	22
	(2) Section 397(2)—	23
	<i>omit, insert—</i>	24
	(4) A baseline assessment plan for the area of a resource tenure must—	25
		26
	(a) state whether a baseline assessment has been undertaken for any bores in the area before the day the plan is given to the chief executive and, if so, identify the bores; and	27
		28
		29
		30

[s 101]

- (b) identify each area of the holder’s resource tenure in which water bores, other than the bores mentioned in paragraph (a), are or may be located (each a *priority area*); and
 - (c) state a timetable for undertaking baseline assessments of water bores in each priority area of the resource tenure for which an assessment has not already been completed, including a stated date by which all baseline assessments in each priority area will be undertaken, that complies with section 398 (a *baseline assessment timetable*); and
 - (d) state the rationale for the baseline assessment timetable; and
 - (e) be accompanied by the fee prescribed by regulation.
- (5) Despite subsection (4)(b), the chief executive may accept a baseline assessment plan—
 - (a) for a petroleum tenure that is an authority to prospect under the *Petroleum Act 1923* or the *Petroleum and Gas Act*—that excludes a block of the authority—
 - (i) that is not contiguous with any other block of the authority; and
 - (ii) on which no production testing is being undertaken or is planned to be undertaken; or
 - (b) generally—that excludes an area if the resource tenure holder can demonstrate to the chief executive’s satisfaction that any relevant aquifer in the area is not affected, or likely to be affected, because of the exercise of the holder’s underground water rights.
- (3) Section 397(1A) to (1)—
renumber as section 397(1) to (3).

Clause 102	Replacement of s 398 (Requirements for baseline assessment timetable)	1
		2
	Section 398—	3
	<i>omit, insert—</i>	4
	398 Requirements for baseline assessment timetable	5
		6
	(1) If the resource tenure is a petroleum tenure, the baseline assessment timetable must provide for a baseline assessment to be undertaken for each water bore located in a priority area for the tenure by the earliest of the following—	7
		8
		9
		10
		11
	(a) before production testing starts, if—	12
	(i) the bore in the priority area is located within 2km of the production testing; and	13
		14
		15
	(ii) during the production testing, water will be taken from the aquifer supplying the water bore;	16
		17
		18
	(b) before production of petroleum starts in the priority area;	19
		20
	(c) the day after a period of 30 days, whether continuous or not, of undertaking production testing in the priority area.	21
		22
		23
	(2) However, subsection (1)(a) does not apply if the petroleum tenure holder obtains the written agreement of the owner of the water bore to a baseline assessment being undertaken on a later day.	24
		25
		26
		27
		28
	(3) Subject to subsection (4), if the resource tenure is a mining tenure, the baseline assessment timetable must provide for a baseline assessment to be undertaken for each water bore in a priority area before the exercise of underground water rights in the priority area.	29
		30
		31
		32
		33
		34

[s 103]

	(4)	If the chief executive gives the holder of a mining tenure a notice under section 394A(5)(a), the baseline assessment timetable must state a day by which a baseline assessment will be undertaken for each water bore in a priority area.	1 2 3 4 5
	(5)	A baseline assessment timetable must state the rationale for each date by which baseline assessments will be undertaken.	6 7 8
Clause 103	Amendment of s 399 (Approval of baseline assessment plan)		9 10
	(1)	Section 399— <i>insert—</i>	11 12
	(1A)	The holder must submit the amended plan to the chief executive within the stated reasonable period. Maximum penalty—50 penalty units.	13 14 15 16
	(2)	Section 399(2), ‘petroleum’— <i>omit, insert—</i> resource	17 18 19
Clause 104	Replacement of s 400 (Compliance with approved baseline assessment plan)		20 21
		Section 400— <i>omit, insert—</i>	22 23
		400 Compliance with approved baseline assessment plan	24 25
		A resource tenure holder must, unless the holder has a reasonable excuse—	26 27
	(a)	undertake a baseline assessment of a water bore in a priority area for the tenure on or before the day stated in the baseline assessment timetable in the baseline	28 29 30 31

	assessment plan for the area of the resource	1
	tenure; and	2
	(b) comply with each condition of its approved	3
	baseline assessment plan.	4
	Maximum penalty—500 penalty units.	5
Clause 105	Amendment of s 401 (Application to amend)	6
(1)	Section 401(1) and (5), ‘petroleum tenure’—	7
	<i>omit, insert—</i>	8
	resource tenure	9
(2)	Section 401(1), after ‘plan’—	10
	<i>insert—</i>	11
	for the area of the resource tenure	12
(3)	Section 401(2)—	13
	<i>omit, insert—</i>	14
	(2) If—	15
	(a) a resource tenure holder who is the holder of	16
	a mining tenure becomes aware of a	17
	material change to the holder’s program for	18
	carrying out activities for the mining tenure	19
	that may cause the holder’s baseline	20
	assessment timetable in the baseline	21
	assessment plan not to comply with section	22
	398; or	23
	(b) a resource tenure holder who is a petroleum	24
	tenure holder becomes aware of a material	25
	change to the holder’s program for	26
	production testing or production of	27
	petroleum that may cause the holder’s	28
	baseline assessment timetable in the	29
	baseline assessment plan not to comply with	30
	section 398;	31

[s 106]

	the resource tenure holder must apply to the chief executive for an amendment of the plan.	1 2
	Maximum penalty—50 penalty units.	3
(2A)	The resource tenure holder must also apply to the chief executive for an amendment of the plan if—	4 5
	(a) for an area excluded from a baseline assessment plan under section 397(5)(a)—there is a material change in the holder’s program for production testing; or	6 7 8 9
	(b) for an area excluded from a baseline assessment plan under section 397(5)(b)—the holder becomes aware a relevant aquifer is being, or is likely to be, affected by the exercise of the holder’s underground water rights by more than the bore trigger threshold for the aquifer.	10 11 12 13 14 15 16
	Maximum penalty—50 penalty units.	17
(4)	Section 401(3), after ‘for the application’—	18
	<i>insert—</i>	19
	and be accompanied by the fee prescribed by regulation	20 21
Clause 106	Amendment of s 402 (Direction by chief executive to undertake baseline assessment)	22 23
	Section 402(1), ‘petroleum’—	24
	<i>omit, insert—</i>	25
	resource	26
Clause 107	Amendment of s 403 (Notice of intention to undertake baseline assessment)	27 28
	Section 403, ‘petroleum’—	29
	<i>omit, insert—</i>	30

	resource	1
Clause 108	Amendment of s 404 (Bore owner must give information)	2
	Section 404(1), ‘petroleum’—	3
	<i>omit, insert—</i>	4
	resource	5
Clause 109	Amendment of s 405 (Notice of outcome of baseline assessment)	6
	(1) Section 405, ‘petroleum’—	7
	<i>omit, insert—</i>	8
	resource	9
	(2) Section 405—	10
	<i>insert—</i>	11
	(2) If the resource tenure holder gives the notice to the office by an electronic communication, the electronic communication must be in the format required by the office unless otherwise agreed to in writing by the office.	12
		13
		14
		15
		16
		17
Clause 110	Amendment of s 406 (Obligation to negotiate general agreement)	18
	Section 406(1)—	19
	<i>omit, insert—</i>	20
	(1) This section applies—	21
	(a) for a resource tenure holder who is not required to give an underground water impact report under this Act—from the day the holder first exercises its underground water rights after the commencement of this paragraph and while the holder continues to hold the resource tenure; or	22
		23
		24
		25
		26
		27
		28
		29

[s 111]

	(b) otherwise—	1
	(i) for each mining tenure holder—from the day the holder first exercises its underground water rights and until an underground water impact report applies to the holder’s mining tenure; or	2 3 4 5 6 7
	(ii) for each petroleum tenure holder—from the start day for the holder’s petroleum tenure and until an underground water impact report applies to the holder’s tenure.	8 9 10 11 12
Clause 111	Amendment of s 407 (Effect of an agreement under this part)	13 14
	Section 407(b), ‘petroleum’—	15
	<i>omit, insert—</i>	16
	resource	17
Clause 112	Amendment of s 409 (Make good obligations for water bores)	18 19
	Section 409(1) and (2), ‘petroleum’—	20
	<i>omit, insert—</i>	21
	resource	22
Clause 113	Amendment of s 411 (What is a bore assessment)	23
	Section 411, ‘petroleum’—	24
	<i>omit, insert—</i>	25
	resource	26

Clause 114	Amendment of s 414 (Method of undertaking bore assessment)	1
	Section 414(1)—	2
	<i>insert</i> —	3
	Maximum penalty—50 penalty units.	4
Clause 115	Amendment of s 416 (Bore owner must give information)	5
	Section 416(1), ‘petroleum’—	6
	<i>omit, insert</i> —	7
	resource	8
Clause 116	Amendment of s 418 (Direction by chief executive to undertake bore assessment)	9
	(1) Section 418(1)—	10
	<i>omit, insert</i> —	11
	(1) This section applies if the chief executive reasonably believes a water bore—	12
	(a) can no longer supply a reasonable quantity or quality of water for its authorised use or purpose; or	13
	(b) is affected, or is likely, in the future, to be affected, by the exercise of a resource tenure holder’s underground water rights.	14
	(2) Section 418(2) and (4), ‘petroleum’—	15
	<i>omit, insert</i> —	16
	resource	17
Clause 117	Amendment of s 419 (Notice of outcome of bore assessment)	18
	(1) Section 419, ‘petroleum’—	19
	<i>omit, insert</i> —	20

[s 118]

	resource	1
(2)	Section 419—	2
	<i>insert</i> —	3
(2)	If the resource tenure holder gives the notice to the office by an electronic communication, the electronic communication must be in the format required by the office unless otherwise agreed to in writing by the office.	4 5 6 7 8
Clause 118	Amendment of s 422 (Persons bound by make good agreement)	9 10
	Section 422, ‘petroleum’—	11
	<i>omit, insert</i> —	12
	resource	13
Clause 119	Amendment of s 423 (Requirement to enter into make good agreement and reimburse bore owner)	14 15
	Section 423(3)—	16
	<i>omit, insert</i> —	17
(3)	The holder must—	18
(a)	reimburse the bore owner for any accounting, legal or valuation costs the bore owner necessarily and reasonably incurs in negotiating or preparing a make good agreement, other than the costs of a person facilitating an ADR requested by the bore owner; and	19 20 21 22 23 24 25
(b)	advise the chief executive if the holder enters into the make good agreement.	26 27
Clause 120	Amendment of s 425 (Application of div 4)	28
	Section 425(a), ‘petroleum’—	29

	<i>omit, insert—</i>	1
	resource	2
Clause 121	Amendment of s 436 (Provisions for deciding any compensation)	3 4
	Section 436(1), (2)(a) and (3), ‘petroleum’—	5
	<i>omit, insert—</i>	6
	resource	7
Clause 122	Amendment of s 437 (Land Court’s decision binds successors and assigns)	8 9
	Section 437, ‘petroleum’—	10
	<i>omit, insert—</i>	11
	resource	12
Clause 123	Amendment of s 438 (Application of make good obligations to particular bores)	13 14
	Section 438, ‘petroleum’—	15
	<i>omit, insert—</i>	16
	resource	17
Clause 124	Amendment of s 439 (Continuation of underground water obligations)	18 19
	Section 439, ‘petroleum’—	20
	<i>omit, insert—</i>	21
	resource	22

[s 125]

Clause 125	Amendment of s 440 (Petroleum tenure holder may start complying with make good obligations before final report approved)	1 2 3
(1)	Section 440, heading, ‘Petroleum’— <i>omit, insert—</i>	4 5
	Resource	6
(2)	Section 440, ‘petroleum’— <i>omit, insert—</i>	7 8
	resource	9
Clause 126	Amendment of s 441 (Right of entry after petroleum tenure ends to comply with particular obligations)	10 11
(1)	Section 441, heading, ‘petroleum’— <i>omit, insert—</i>	12 13
	resource	14
(2)	Section 441(1), ‘petroleum’— <i>omit, insert—</i>	15 16
	resource	17
(3)	Section 441(3)— <i>insert—</i>	18 19
	(aa) the tenure were a resource authority to which the relevant entry provisions apply; and	20 21 22
(4)	Section 441(4), definition ‘relevant entry provisions’— <i>omit, insert—</i>	23 24
	relevant entry provisions means the <i>Mineral and Energy Resources (Common Provisions) Act 2014</i> , chapter 3.	25 26 27

Clause 127	Amendment of s 448 (Application of div 1)	1
	Section 448(1) and (2), ‘petroleum’—	2
	<i>omit, insert</i> —	3
	resource	4
Clause 128	Amendment of s 449 (Chief executive may direct petroleum tenure holder to carry out water monitoring activities)	5
	Section 449, ‘petroleum’—	6
	<i>omit, insert</i> —	7
	resource	8
Clause 129	Amendment of s 451 (Power to give direction)	9
	Section 451(1) and (3), ‘petroleum’—	10
	<i>omit, insert</i> —	11
	resource	12
Clause 130	Amendment of s 452 (Offence to fail to comply with direction)	13
	Section 452, ‘petroleum’—	14
	<i>omit, insert</i> —	15
	resource	16
Clause 131	Amendment of s 453 (Chief executive may take action and recover costs)	17
	Section 453(1), ‘petroleum’—	18
	<i>omit, insert</i> —	19
	resource	20
		21
		22
		23
		24

[s 132]

Clause 132	Amendment of s 454 (Directions to petroleum tenure holders and bore owners to give information)	1 2
	Section 454, ‘petroleum’—	3
	<i>omit, insert</i> —	4
	resource	5
Clause 133	Amendment of s 456 (Functions of office)	6
	Section 456(1)(a), ‘petroleum’—	7
	<i>omit, insert</i> —	8
	resource	9
Clause 134	Amendment of s 460 (Obtaining information about underground water from petroleum tenure holders)	10 11
	(1) Section 460, ‘petroleum’—	12
	<i>omit, insert</i> —	13
	resource	14
	(2) Section 460(1), ‘the exercise of underground water rights under’—	15 16
	<i>omit.</i>	17
	(3) Section 460—	18
	<i>insert</i> —	19
	(5) If a person (the <i>first person</i>) who is a resource tenure holder has nominated or specified another person (the <i>nominated person</i>) for service under a relevant provision, the notice is taken to have been given to the first person if it is given to the nominated person.	20 21 22 23 24 25
	(6) In this section—	26
	<i>relevant provision</i> means—	27
	(a) for a resource tenure holder who is the holder of a mineral development	28 29

	licence—the Mineral Resources Act, section 183(1)(c); or	1 2
	(b) for a resource tenure holder who is the holder of a mining lease—the Mineral Resources Act, section 245(1)(c); or	3 4 5
	(c) for a resource tenure holder who is the holder of a 1923 Act petroleum tenure under the <i>Petroleum Act 1923</i> —the <i>Petroleum Act 1923</i> , section 129; or	6 7 8 9
	(d) for a resource tenure holder who is the holder of a petroleum tenure under the Petroleum and Gas Act—the Petroleum and Gas Act, section 852.	10 11 12 13
Clause 135	Amendment of s 479 (Annual levy for underground water management)	14 15
	(1) Section 479(1), (3) and (4)(b), ‘petroleum’— <i>omit, insert</i> — resource	16 17 18
	(2) Section 479(7) and (8)— <i>omit, insert</i> —	19 20
	(7) The office must give notice about the levy, and any changes to the levy, to each resource tenure holder.	21 22 23
	(8) If a person (the <i>first person</i>) who is a resource tenure holder has nominated or specified another person (the <i>nominated person</i>) for service under a relevant provision, the notice is taken to have been given to the first person if it is given to the nominated person.	24 25 26 27 28 29
	(9) In this section— <i>relevant provision</i> means—	30 31

[s 136]

- (a) for a resource tenure holder who is the holder of a mineral development licence—the Mineral Resources Act, section 183(1)(c); or
- (b) for a resource tenure holder who is the holder of a mining lease—the Mineral Resources Act, section 245(1)(c); or
- (c) for a resource tenure holder who is the holder of a 1923 Act petroleum tenure under the *Petroleum Act 1923*—the *Petroleum Act 1923*, section 129; or
- (d) for a resource tenure holder who is the holder of a petroleum tenure under the Petroleum and Gas Act—the Petroleum and Gas Act, section 852.

Clause 136 Insertion of new s 479A

After section 479—

insert—

479A Recovery of levy

- (1) The levy worked out under section 479 must be paid by each resource tenure holder in the amount, at the time and in the way prescribed by regulation.
- (2) If a resource tenure holder does not pay the levy as required under the regulation, the State may recover from the holder the amount of the levy as a debt.

Clause 137 Amendment of s 480 (Payment of amounts into Groundwater Impact Assessment Fund)

Section 480(a) and (b), ‘petroleum’—

omit, insert—

resource

Clause 138	Amendment of s 483 (Public access to database)	1
	Section 483(2)—	2
	<i>omit, insert</i> —	3
	(2) However, the publicly available part of the database must not include information the office reasonably believes is commercially sensitive.	4 5 6
Clause 139	Amendment of s 484 (Petroleum tenure holder access to information)	7 8
	(1) Section 484, heading, ‘Petroleum’—	9
	<i>omit, insert</i> —	10
	Resource	11
	(2) Section 484(1) and (2), ‘petroleum’—	12
	<i>omit, insert</i> —	13
	resource	14
Clause 140	Insertion of new s 485	15
	Chapter 3A—	16
	<i>insert</i> —	17
	485 Chief executive’s access to information	18
	The office must make any information in the database, including information the office reasonably believes is commercially sensitive, available to the chief executive of the department in which chapter 3 is administered if the information may be relevant to the administration of chapter 3.	19 20 21 22 23 24
Clause 141	Amendment of s 542 (Purposes of ch 4)	25
	(1) Section 542(1), ‘establishment and’—	26
	<i>omit.</i>	27
	(2) Section 542(2)—	28

[s 142]

omit.

1

Clause 142 Replacement of ch 4, pt 2, hdg (Establishing water authorities)

2

3

Chapter 4, part 2, heading—

4

omit, insert—

5

Part 2 Water authorities

6

Clause 143 Amendment of s 548 (Establishing water authorities)

7

Section 548—

8

insert—

9

- (4) After the commencement of this subsection, a regulation under subsection (1) may amend an establishment regulation but can not establish a new water authority.

10

11

12

13

Clause 144 Omission of ss 552–555

14

Sections 552 to 555—

15

omit.

16

Clause 145 Amendment of s 556 (Amending establishment regulation)

17

18

Section 556—

19

insert—

20

- (5) Also, subsection (2) does not apply if—

21

- (a) the amendment is for the purpose of including land in, or excluding land from, the water authority's authority area; and

22

23

24

- (b) the water authority has by resolution asked the chief executive for the amendment to be made; and

25

26

27

	(c) the chief executive is satisfied that all owners of land who are likely to be affected by the amendment have agreed to the amendment.	1 2 3 4
Clause 146	Amendment of s 572 (Power to make and levy rates and charges)	5 6
	(1) Section 572(2), from ‘levy’—	7
	<i>omit, insert—</i>	8
	levy—	9
	(a) charges on its customers; and	10
	(b) if the authority has an authority area—rates and charges on its ratepayers.	11 12
	(2) Section 572(5)—	13
	<i>omit, insert—</i>	14
	(5) A rate may be made and levied on a ratepayer’s land in the authority area in relation to a water service—	15 16 17
	(a) if the water service is provided to the land as an irrigation service involving the supply of water the volume of which is not measured—on the basis of the area of the land that is the subject of the irrigation service; or	18 19 20 21 22 23
	(b) otherwise—on the basis that it is land to which water may be supplied under the water service.	24 25 26
Clause 147	Omission of s 574 (Interest on overdue rates and charges)	27 28
	Section 574—	29
	<i>omit.</i>	30

[s 148]

Clause 148	Amendment of s 584 (Water authority may enter into work performance arrangements)	1 2
	(1) Section 584(1), from ‘with—’—	3
	<i>omit, insert—</i>	4
	with the appropriate authority of a government entity.	5
	(2) Section 584(4)(b), ‘employing office for the water authority, or an employee of the other’—	6 7
	<i>omit.</i>	8
Clause 149	Amendment of s 585 (Duties and liabilities of water authority officers)	9 10
	Section 585(9), definition <i>officer</i> , paragraph (b)—	11
	<i>omit, insert—</i>	12
	(b) an employee of a government entity who performs work for the water authority under a work performance arrangement between the water authority and the government entity.	13 14 15 16 17
Clause 150	Amendment of s 598 (Composition of board for water authorities)	18 19
	(1) Section 598(1), from ‘As soon as’ to ‘section 690’—	20
	<i>omit, insert—</i>	21
	As soon as practicable after a new water authority is formed on an amalgamation under section 690	22 23
	(2) Section 598(1A) and (2)—	24
	<i>omit, insert—</i>	25
	(2) Directors that are to be elected must be elected—	26
	(a) in the way prescribed by regulation; and	27

	(b) to the extent the way is not prescribed by regulation—in the way approved by the chief executive.	1 2 3
Clause 151	Replacement of s 600 (Appointment)	4
	Section 600—	5
	<i>omit, insert—</i>	6
	600 Appointment of directors	7
	(1) The directors for a category 1 water authority must be appointed by the Governor in Council.	8 9
	(2) After the commencement of this section, the directors for a category 2 water authority must be appointed by the Minister.	10 11 12
Clause 152	Amendment of s 602 (Administration of water authority)	13
	(1) Section 602(1)—	14
	<i>omit, insert—</i>	15
	(1) The Minister may appoint the chief executive, or another person if the Minister considers the person is appropriately qualified, to administer a water authority formed on an amalgamation under section 690 until the authority’s first board is appointed.	16 17 18 19 20 21
	(2) Section 602(2)(a), ‘the Governor in Council’—	22
	<i>omit, insert—</i>	23
	the Governor in Council or Minister	24
	(3) Section 602—	25
	<i>insert—</i>	26
	(4) Subsection (5) applies if the Minister considers it is not practicable for the chief executive or another person to administer a new category 2 water authority formed on an amalgamation	27 28 29 30

[s 153]

	under section 690 until the authority’s first board is appointed.	1 2
	(5) The Minister may direct, or the regulation providing for the amalgamation may provide, that until the new authority’s board is appointed under section 600, the new authority is to be administered by a board made up of each person who, immediately before the amalgamation, was a director of 1 or more of the water authorities that were amalgamated.	3 4 5 6 7 8 9 10
Clause 153	Insertion of new s 604A	11
	After section 604—	12
	<i>insert—</i>	13
	604A Special provision for director nominated by local government	14 15
	If a director of a category 2 water authority is the nominee of a local government, the day the director’s term ends must be not later than 6 months after the day prescribed under the <i>Local Government Act 2009</i> for holding the quadrennial election next following the director’s appointment.	16 17 18 19 20 21
Clause 154	Amendment of s 607 (Termination of appointment as director)	22 23
	(1) Section 607, after ‘Governor in Council’—	24
	<i>insert—</i>	25
	, for a category 1 water authority, and the Minister, for a category 2 water authority,	26 27
	(2) Section 607—	28
	<i>insert—</i>	29
	(2) The Minister may remove a director under subsection (1) even if the director was appointed by the Governor in Council.	30 31 32

Clause 155	Amendment of s 608 (Casual vacancy)	1
	Section 608(1)(c), after ‘Governor in Council’—	2
	<i>insert—</i>	3
	or Minister	4
Clause 156	Amendment of s 609 (Removal of board)	5
	(1) Section 609, after ‘Governor in Council’—	6
	<i>insert—</i>	7
	, for a category 1 water authority, and the Minister, for a category 2 water authority,	8 9
	(2) Section 609—	10
	<i>insert—</i>	11
	(2) The Minister may remove directors under subsection (1) even if the directors were appointed by the Governor in Council.	12 13 14
Clause 157	Amendment of s 618 (Power to grant relief)	15
	(1) Section 618(1)(b)—	16
	<i>omit, insert—</i>	17
	(b) an employee of a government entity who performs work for a water authority under a work performance arrangement between the water authority and the government entity.	18 19 20 21
	(2) Section 618(2) and (4), ‘employing office for the water authority or of the other’—	22 23
	<i>omit.</i>	24
Clause 158	Amendment of s 619 (False or misleading information or documents)	25 26
	Section 619(1), definition <i>officer</i> , paragraph (b)—	27
	<i>omit, insert—</i>	28

[s 159]

	(b) an employee of a government entity who performs work for the water authority under a work performance arrangement between the water authority and the government entity.	1 2 3 4 5
Clause 159	Insertion of new s 619A	6
	Chapter 4, part 4, division 3—	7
	<i>insert</i> —	8
	619A Application	9
	(1) Sections 620 to 622 apply to the board of a category 1 water authority.	10 11
	(2) Section 623 applies to the board of any water authority.	12 13
Clause 160	Omission of ch 4, pt 4A (Employing offices for water authorities)	14 15
	Chapter 4, part 4A—	16
	<i>omit</i> .	17
Clause 161	Amendment of s 691 (Dissolution of water authority and authority area)	18 19
	Section 691(1)(a)—	20
	<i>omit, insert</i> —	21
	(a) dissolve a water authority if the Minister is satisfied either of the following applies to the water authority—	22 23 24
	(i) the water authority has not complied with requirements applying to it under this Act and is unlikely to be able to do so in the future;	25 26 27 28

- (ii) the water authority no longer serves the function for which it was established; or

Clause 162 Insertion of new s 691A

After section 691—

insert—

691A Distribution contract applying for particular water allocations

- (1) This section applies if—
 - (a) a regulation provides for the dissolution of a category 2 water authority (the *old entity*) under section 691(1)(b); and
 - (b) immediately before the dissolution, the old entity is the holder of a distribution operations licence (the *DOL*).
- (2) The regulation must identify a document (the *old entity document*) held by the old entity and available for public access on the old entity's website before the dissolution.
- (3) The old entity document must set out—
 - (a) the distribution arrangements for water distributed under the *DOL* by the old entity; and
 - (b) the financial obligations, arising from the distribution arrangements, of the holder of any water allocation to whom water is distributed under the *DOL*.
- (4) The old entity document must fairly represent the distribution arrangements and financial obligations as in place before the dissolution of the old entity.
- (5) The old entity document may include additional provisions to facilitate implementing the

[s 162]

- arrangements and meeting the obligations, but 1
the additional provisions must not be capable of 2
operating to the detriment, in substance, of an 3
allocation holder after the dissolution of the old 4
entity. 5
- (6) After the dissolution of the old entity, the old 6
entity document has effect as a contract (the 7
distribution contract), relating to the distribution 8
of water under the DOL, between— 9
- (a) any entity that becomes the DOL holder; 10
and 11
- (b) the holder of each water allocation to whom 12
water— 13
- (i) was distributed under the DOL 14
immediately before the dissolution; 15
and 16
- (ii) continues to be distributed under the 17
DOL. 18
- (7) Subsection (8) applies if— 19
- (a) a new water allocation comes into existence 20
after the old entity is dissolved; and 21
- (b) water is or is to be distributed to the holder 22
of the new water allocation under the DOL; 23
and 24
- (c) a document, in the form of a contract, is held 25
by the DOL holder as a document available 26
for public access on the DOL holder’s 27
website; and 28
- (d) the document relates to the distribution of 29
water under the DOL to the holders of water 30
allocations that are similar in type to the 31
new water allocation. 32
- (8) The document has effect as a contract (also a 33
distribution contract) between— 34

	(a) the DOL holder; and	1
	(b) the holder of the new water allocation.	2
	(9) The distribution contract applying to a water allocation has effect subject to any change agreed to by the DOL holder and the water allocation holder.	3 4 5 6
	(10) If the holder of a water allocation the subject of a distribution contract transfers or leases the water allocation to another person, the other person is bound by the distribution contract as in force between the DOL holder and the water allocation holder immediately before the transfer or lease.	7 8 9 10 11 12
Clause 163	Amendment of s 692 (Public notice of proposed amalgamation or dissolution)	13 14
	(1) Section 692(1)(b)—	15
	<i>omit, insert—</i>	16
	(b) in another way, if the chief executive considers the way to be appropriate having regard to the intended audience for the notice.	17 18 19 20
	(2) Section 692(3), ‘a former water area or authority area mentioned in section 691(3)’—	21 22
	<i>omit, insert—</i>	23
	an authority area mentioned in section 691(3)(b)	24
	(3) Section 692(3)(b), ‘former water area or’—	25
	<i>omit.</i>	26
	(4) Section 692—	27
	<i>insert—</i>	28
	(4) A notice given under subsection (1) must—	29

[s 164]

	(a)	contain the information about the proposed amalgamation or dissolution the chief executive considers appropriate; and	1 2 3
	(b)	state the following—	4
	(i)	that written submissions on the proposed amalgamation or dissolution may be made to the chief executive;	5 6 7
	(ii)	the date, at least 20 business days after the notice is published, by which the submissions may be made;	8 9 10
	(iii)	where the submissions may be made.	11
Clause 164		Omission of s 693 (Content of notice of proposed amalgamation or dissolution)	12 13
		Section 693—	14
		<i>omit.</i>	15
Clause 165		Amendment of s 695 (Water authority may request its dissolution)	16 17
	(1)	Section 695(1)(b)—	18
		<i>omit, insert—</i>	19
	(b)	for an authority with an authority area—	20
	(i)	there is a closed water activity agreement for the authority area; or	21 22
	(ii)	there is not a closed water activity agreement for the authority area but at least a majority of the ratepayers in the area, by special ballot, agree to the authority making the request.	23 24 25 26 27
	(2)	Section 695(3)—	28
		<i>omit, insert—</i>	29
	(3)	The special ballot must be conducted—	30

	(a) in the way prescribed by regulation; and	1
	(b) to the extent the way is not prescribed by regulation—in the way approved by the chief executive.	2 3 4
Clause 166	Amendment of s 695A (Closed water activity agreement)	5
	(1) Section 695A(1)(b), ‘all the’—	6
	<i>omit, insert—</i>	7
	all relevant	8
	(2) Section 695A—	9
	<i>insert—</i>	10
	(6) In this section—	11
	<i>relevant registered owner</i> , of land in the authority area, means a registered owner of land in the authority area who is also a ratepayer for the water authority on whom a rate is currently levied.	12 13 14 15 16
Clause 167	Omission of ss 698–700	17
	Sections 698 to 700—	18
	<i>omit.</i>	19
Clause 168	Amendment of s 700A (Alternative process for proposed transfer)	20 21
	(1) Section 700A, heading, ‘Alternative process for proposed’—	22
	<i>omit, insert—</i>	23
	Process for	24
	(2) Section 700A(1)(c)—	25
	<i>omit.</i>	26

[s 169]

Clause 169	Amendment of s 704 (Existing employees)	1
	(1) Section 704(1), from ‘another water authority’—	2
	<i>omit, insert—</i>	3
	another water authority, a person who was employed	4
	by the former water authority becomes an employee of	5
	the new entity.	6
	(2) Section 704(2), from ‘structure’—	7
	<i>omit, insert—</i>	8
	structure, a person who was employed by the former	9
	water authority becomes an employee of the new	10
	entity.	11
	(3) Section 704(2A), from ‘day for the authority’—	12
	<i>omit, insert—</i>	13
	day for the authority, a person who was employed by	14
	the former water authority becomes an employee of a	15
	new entity for the authority in accordance with the	16
	authority’s allocation notice.	17
Clause 170	Amendment of s 706 (Non-liability for State taxes)	18
	Section 706—	19
	<i>insert—</i>	20
	(2A) Subsection (2) does not apply to anything done	21
	after 30 June 2015.	22
Clause 171	Amendment of s 808 (Unauthorised taking, supplying or interfering with water)	23
	(1) Section 808(1)(a), ‘this Act’—	24
	<i>omit, insert—</i>	25
	this or another Act	26
	(2) Section 808(1)(a), note, after ‘also’—	27
	<i>insert—</i>	28
		29

	the Mineral Resources Act, section 334ZR (Authorisation for Water Act) and	1 2
Clause 172	Omission of ss 812A and 812B	3
	Sections 812A and 812B—	4
	<i>omit.</i>	5
Clause 173	Amendment of s 813 (Contravening licence condition)	6
	Section 813—	7
	<i>insert—</i>	8
	(3) Subsection (4) applies if—	9
	(a) the resource operations licence authorises the holder of the licence to interfere with the flow of water to the extent necessary to operate a dam; and	10 11 12 13
	(b) a condition of the licence relates to the full supply level for the dam; and	14 15
	(c) a flood mitigation manual has been approved for the dam under the Water Supply Act, chapter 4, part 2, division 3; and	16 17 18
	(d) a temporary full supply level is declared for the dam under the Water Supply Act, chapter 4, part 3.	19 20 21
	(4) While the declaration of the temporary full supply level for the relevant dam is in force, a reference to the full supply level for the dam is taken to be a reference to the temporary full supply level.	22 23 24 25 26
Clause 174	Amendment of s 814 (Excavating or placing fill without permit)	27 28
	Section 814(5), definition <i>prescribed assessable development</i> , paragraph (a)(i)—	29 30

[s 175]

omit, insert—

- (i) the operations allow the taking or interfering with water from a watercourse, lake or spring, or from a dam constructed on a watercourse or lake; or

Clause 175 Amendment of s 816 (Unauthorised water bore activities)

(1) Section 816(1), ‘chapter 2, part 10’—

omit, insert—

chapter 8, part 2B

(2) Section 816(2)(b)—

omit, insert—

- (b) carrying out an activity under the Mineral Resources Act if the activity—
 - (i) is not constructing or decommissioning a water monitoring bore; or
 - (ii) would not result in a water bore being left as a functional bore for the supply of water at the end of the activity; or

Clause 176 Amendment of s 921 (Evidentiary aids)

Section 921(1)—

insert—

- (ba) a stated document is a copy of the watercourse identification map as in force on a stated day;
- (bb) a feature or position on the watercourse identification map is a stated feature or stated position;

Clause 177	Amendment of s 936 (Responsibility for acts or omissions of representatives)	1 2	
	Section 936(4), definition <i>representative</i> , paragraph (a)(ii)—	3	
	<i>omit, insert—</i>	4	
	(ii) an employee of a government entity who performs work for the water authority under a work performance arrangement between the water authority and the government entity; or	5 6 7 8 9	
Clause 178	Amendment of s 968 (Chief executive as assessing authority or advice agency)	10 11	
	Section 968(1)(c) and (2)(c)—	12	
	<i>omit.</i>	13	
Clause 179	Insertion of new ch 8, pt 2B	14	
	Chapter 8—	15	
	<i>insert—</i>	16	
	Part 2B	Water bore drillers	17
	Division 1	Granting water bore driller’s licences	18 19
	981 Applying for water bore driller’s licence	20	
	(1) An individual may apply for a water bore driller’s licence.	21 22	
	(2) The application must—	23	
	(a) be made to the chief executive in the approved form; and	24 25	

[s 179]

- (b) state the class of licence prescribed by regulation for which the applicant is applying; and
- (c) state any licence endorsements, prescribed by regulation, the applicant is applying for; and
- (d) be supported by evidence that the applicant has the qualifications or experience prescribed by regulation for a water bore driller; and
- (e) be accompanied by the fee prescribed by regulation.

982 Additional information may be required

- (1) The chief executive may require—
 - (a) the applicant to give additional information about the applicant’s experience or history in the water bore drilling industry, including, for example, if the applicant has—
 - (i) been convicted of an offence against this Act, the repealed Acts or an interstate law; or
 - (ii) held a licence to drill water bores that has been cancelled or suspended under this Act, the repealed Acts or an interstate law; or
 - (b) any information included in the application, or any additional information required under paragraph (a), to be verified by statutory declaration.
- (2) If the applicant fails, without reasonable excuse, to comply with the requirement within the reasonable time stated in the requirement, the application lapses.

983 Deciding application for water bore driller's licence	1
	2
(1) If the chief executive is satisfied the application should be granted, or granted in part, the chief executive must grant the application.	3 4 5
(2) If the chief executive is not satisfied the application should be granted, the chief executive must refuse the application.	6 7 8
(3) Within 30 business days after deciding to grant all or part of the application, the chief executive must give the applicant a water bore driller's licence in the approved form—	9 10 11 12
(a) for a particular class of licence; and	13
(b) with particular endorsements; and	14
(c) with or without conditions.	15
(4) If the application is refused or the licence given to the applicant is different, in any respect, to the licence applied for, the chief executive must give the applicant an information notice about the decision within 30 business days after deciding the application.	16 17 18 19 20 21
983A Conditions of water bore driller's licence	22
(1) The water bore driller's licence is subject to the conditions—	23 24
(a) prescribed by regulation, including the period for which the licence has effect; and	25 26
(b) the chief executive may impose for a particular licence.	27 28
(2) Without limiting subsection (1), the conditions may limit the types of equipment and drilling methods the licence holder may use.	29 30 31

[s 179]

Division 2	Dealings with water bore driller's licences	1 2
983B Applying to amend water bore driller's licence		3 4
(1)	A licence holder may apply to amend a water bore driller's licence, including to upgrade the licence.	5 6 7
(2)	An application to amend the licence must be dealt with under division 1 as if it were an application for a licence.	8 9 10
983C Giving show cause notice about proposed amendment of water bore driller's licence		11 12
(1)	Subsection (2) applies if the chief executive is satisfied the licence holder is no longer competent to carry out water bore drilling activities authorised by the licence.	13 14 15 16
(2)	The chief executive must give the holder a show cause notice as to why the licence should not be amended in the way stated in the notice.	17 18 19
983D Deciding proposed amendment of water bore driller's licence		20 21
(1)	In deciding whether to proceed with the proposed amendment, the chief executive must consider any properly made submission about the proposed amendment.	22 23 24 25
(2)	If the chief executive is satisfied the proposed amendment should be made the chief executive must, within 30 business days after the decision, give the holder an amended licence in the approved form and an information notice.	26 27 28 29 30

-
- (3) If the holder agrees in writing to an amendment that is different from the amendment stated in the show cause notice, the chief executive must, within 30 business days after the agreement is received, give the holder an amended licence in the approved form. 1
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 - (4) If the chief executive is not satisfied the amendment should be made, the chief executive must give the holder notice that the licence will not be amended. 7
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 - (5) The amended licence takes effect from the day the holder is given the amended licence. 11
12

983E Minor or stated amendments of water bore driller's licence 13
14

The chief executive may amend the licence without complying with the provisions of this division about amending a licence if the amendment is only— 15
16
17

- (a) to correct a minor error in the licence, or make another change that is not a change of substance; or 18
19
20
- (b) if the licence states that an amendment of a stated type may be made to the licence by amendment under this section—to make an amendment of the stated type. 21
22
23
24

983F Renewing water bore driller's licence 25

- (1) The licence holder may apply to renew a water bore driller's licence. 26
27
- (2) The application must be— 28
 - (a) made to the chief executive in the approved form; and 29
30
 - (b) made before the licence expires; and 31

[s 179]

- (c) accompanied by the fee prescribed by regulation. 1
2
- (3) If the holder applies to renew the licence, the licence remains in force until the applicant has been notified of the chief executive's decision on the application. 3
4
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- (4) After considering the application and any need to change the class, endorsements or conditions shown on the licence, if the chief executive is satisfied the application should be approved, the chief executive must— 7
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- (a) approve the application; or 12
- (b) approve the application, subject to variation of the class, endorsements or conditions shown on the licence. 13
14
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- (5) If the chief executive is not satisfied the application should be approved, the chief executive must refuse the application. 16
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18
- (6) If the chief executive refuses the application, or approves the application under subsection (4)(b), the chief executive must, within 30 business days after deciding the application, give the applicant an information notice about the decision. 19
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- (7) The chief executive, on approving the application, must give the holder a new licence in the approved form. 24
25
26
- 983G Reinstating expired water bore driller's licence** 27
28
- (1) If a licence holder fails to renew a water bore driller's licence, the holder may, within 30 business days after the licence expires, apply to have the licence reinstated. 29
30
31
32
- (2) The application must be— 33

-
- (a) made to the chief executive in the approved form; and
- (b) accompanied by the fee prescribed by regulation.
- (3) If an application for the reinstatement of a water bore driller's licence is made, the expired licence is taken to have been in force from the day the application was made until the applicant has been notified of the chief executive's decision on the application.
- (4) For deciding the application, section 983F(4) to (7) applies—
- (a) as if a reference in the section to the renewal of a licence were a reference to the reinstatement of a licence; and
- (b) with any other necessary changes.

983H Suspending water bore driller's licence

- (1) The chief executive may suspend a water bore driller's licence if the chief executive is satisfied the licence holder—
- (a) has been convicted of an offence against this Act, the repealed Acts or an interstate law; or
- (b) has carried out water bore drilling activities not permitted for the class of licence; or
- (c) has failed to comply with the conditions of the licence; or
- (d) has failed to comply with section 983L.
- (2) Before the chief executive acts under subsection (1), the chief executive must give the holder a show cause notice about the proposed suspension.

[s 179]

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|-----|---|--------------------|
| (3) | In deciding whether to suspend the licence, the chief executive must consider any properly made submission about the proposed suspension. | 1
2
3 |
| (4) | If the chief executive is satisfied the licence should be suspended, the chief executive must, within 30 business days after the decision, give the holder an information notice. | 4
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6
7 |
| (5) | If the chief executive is not satisfied the licence should be suspended, the chief executive must give the holder notice that the licence will not be suspended. | 8
9
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11 |
| (6) | The suspension takes effect from the day the information notice is given to the holder. | 12
13 |
| (7) | If the licence is suspended, it is of no effect during the period of suspension. | 14
15 |

983I Cancelling water bore driller's licence 16

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|-------|---|----------------------|
| (1) | The chief executive may cancel a water bore driller's licence if the chief executive is satisfied— | 17
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19 |
| (a) | the licence was granted or renewed in error or in consequence of a false or misleading representation or declaration (made either orally or in writing); or | 20
21
22
23 |
| (b) | the holder— | 24 |
| (i) | has been convicted of an offence against this Act, the repealed Acts or an interstate law; or | 25
26
27 |
| (ii) | has carried out water bore drilling activities not permitted under the licence; or | 28
29
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| (iii) | has failed to comply with the conditions of the licence. | 31
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|-----|---|----------------------|
| (2) | Before the chief executive acts under subsection (1), the chief executive must give the holder a show cause notice about the proposed cancellation. | 1
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4 |
| (3) | In deciding whether to cancel the licence, the chief executive must consider any properly made submission about the proposed cancellation. | 5
6
7 |
| (4) | If the chief executive is satisfied the licence should be cancelled, the chief executive must, within 30 business days after the decision, give the holder an information notice. | 8
9
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11 |
| (5) | If the chief executive is not satisfied the licence should be cancelled, the chief executive must give the holder notice that the licence will not be cancelled. | 12
13
14
15 |
| (6) | The cancellation takes effect from the day the information notice is given to the holder. | 16
17 |

Division 3 General 18

983J Production of licence to authorised officer 19

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|-----|--|----------------------|
| (1) | This section applies if an authorised officer finds an individual in circumstances that lead, or has information that leads, the authorised officer to reasonably suspect the individual is— | 20
21
22
23 |
| (a) | drilling, deepening, enlarging or casing a water bore; or | 24
25 |
| (b) | removing, replacing, altering or repairing the casing, lining or screening of a water bore; or | 26
27
28 |
| (c) | decommissioning a water bore. | 29 |
| (2) | The authorised officer may require the individual to produce the individual's water bore driller's licence for the authorised officer's inspection. | 30
31
32 |

[s 179]

- (3) If the individual holds a current water bore driller's licence, the individual must comply with the requirement, unless the individual has a reasonable excuse. 1
2
3
4
Maximum penalty—50 penalty units. 5
- (4) When making the requirement, the authorised officer must warn the individual it is an offence to fail to produce the licence, unless the individual has a reasonable excuse. 6
7
8
9
- (5) Subsection (3) does not apply to the individual who is— 10
11
- (a) carrying out an activity under the *Mineral Resources Act 1989* if the activity would not result in a water bore being left as a functional bore for the supply of water at the end of the activity; or 12
13
14
15
16
- (b) carrying out an activity under the *Petroleum Act 1923* or the *Petroleum and Gas Act*. 17
18

983K Failure to return suspended, cancelled or expired licence 19
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- (1) Subsection (2) applies if an individual's water bore driller's licence has been suspended or cancelled or has expired. 21
22
23
- (2) The individual must, unless the individual has a reasonable excuse, return the licence to the chief executive as soon as practicable (but within 15 business days) after— 24
25
26
27
- (a) for the suspension of a licence—the day notice of the suspension was given to the individual; or 28
29
30
- (b) for the cancellation of a licence—the day notice of the cancellation was given to the individual. 31
32
33

Maximum penalty—50 penalty units.	1
(3) If a licence has been returned to the chief executive under subsection (2) because of suspension of the licence, the chief executive must return the licence to the individual at the end of the period of suspension.	2 3 4 5 6
983L Records of water bores drilled	7
(1) A water bore driller’s licence holder must keep, in the approved form, information prescribed by regulation about any activity the holder may carry out under this Act.	8 9 10 11
(2) The holder must record the information as each water bore is being drilled.	12 13
Maximum penalty—50 penalty units.	14
(3) The holder must give to the chief executive a copy of the information about each water bore within 60 business days after the day the drilling of the water bore starts.	15 16 17 18
Maximum penalty for subsection (3)—50 penalty units.	19 20
983M Replacing lost or destroyed water bore driller’s licence	21 22
(1) If a water bore driller’s licence has been lost or destroyed, the licence holder may apply to the chief executive for a replacement licence.	23 24 25
(2) The application must be—	26
(a) in writing; and	27
(b) accompanied by the fee prescribed by regulation.	28 29

[s 180]

	(3) If the holder complies with subsection (2), the chief executive must give the holder a replacement licence.	1 2 3
Clause 180	Insertion of new ch 8, pt 3C, div 1, hdg	4
	Chapter 8, part 3C, before section 992G—	5
	<i>insert—</i>	6
	Division 1 Particular authority for Wenlock Basin	7 8
Clause 181	Amendment of s 992G (Definitions for pt 3C)	9
	(1) Section 992G, heading, ‘3C’—	10
	<i>omit, insert—</i>	11
	div 1	12
	(2) Section 992G, ‘In this part’—	13
	<i>omit, insert—</i>	14
	In this division	15
	(3) Section 992G, definitions <i>specified conditions, threshold limit, Wenlock Basin wild river area and Wenlock Basin Wild River Declaration—</i>	16 17 18
	<i>omit.</i>	19
	(4) Section 992G—	20
	<i>insert—</i>	21
	Wenlock Basin means the physical river catchments contained within the indicative boundaries shown for the Wenlock Basin in the spatial dataset ‘Drainage Basins Queensland (IQATLAS.QLD_GENPUR_DR), Department of Natural Resources and Mines 20/1/2009’ held in digital electronic form by the chief executive.	22 23 24 25 26 27 28
	<i>Note—</i>	29

	A map of the Wenlock Basin can be accessed from the dataset by downloading it from the department's website at <www.dnrm.qld.gov.au>.	1 2 3
Clause 182	Amendment of s 992H (Application of pt 3C)	4
	(1) Section 992H, heading, 'pt 3C'—	5
	<i>omit, insert—</i>	6
	div 1	7
	(2) Section 992H(1) and (2), 'part'—	8
	<i>omit, insert—</i>	9
	division	10
	(3) Section 992H(1) and (2)(a) and (b), 'wild river area'—	11
	<i>omit.</i>	12
Clause 183	Amendment of s 992I (Continuation of authority and grant of water licence to replace authority)	13 14
	Section 992I(7)(b) and (c)—	15
	<i>omit, insert—</i>	16
	(b) an environmental impact statement, or any report or study prepared in support of the environmental impact statement, that deals with taking or interfering with water in the Wenlock Basin, to the extent the environmental impact statement, report or study is not inconsistent with the specified conditions mentioned in paragraph (a).	17 18 19 20 21 22 23 24
Clause 184	Amendment of s 992J (Amendment of water licence that replaces authority)	25 26
	Section 992J(2)(b) and (c)—	27
	<i>omit, insert—</i>	28

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- (b) an environmental impact statement, or any report or study prepared in support of the environmental impact statement, that deals with taking or interfering with water in the Wenlock Basin, to the extent the environmental impact statement, report or study is not inconsistent with the specified conditions mentioned in paragraph (a).

Clause 185	Insertion of new ch 8, pt 3C, divs 2 and 3	9
	Chapter 8, part 3C—	10
	<i>insert—</i>	11
	Division 2	12
	Particular authority for Alcan agreement Act and Comalco agreement Act	13 14
	992K Definitions for div 2	15
	In this division—	16
	<i>Alcan agreement Act</i> means the <i>Alcan Queensland Pty. Limited Agreement Act 1965</i> .	17 18
	<i>Comalco agreement Act</i> means the <i>Commonwealth Aluminium Corporation Pty. Limited Agreement Act 1957</i> .	19 20 21
	<i>relevant company</i> , for a special agreement Act, means the entity that is authorised to obtain water under the special agreement under the special agreement Act.	22 23 24 25
	<i>special agreement Act</i> means the Alcan agreement Act or the Comalco agreement Act.	26 27

992L Continuation of authority and grant of water licence	1 2
(1) Subsection (2) applies to a relevant company to the extent a special agreement Act authorises the company to take or interfere with water.	3 4 5
(2) The relevant company—	6
(a) continues to hold the authority to take or interfere with water under the special agreement Act; and	7 8 9
(b) also holds an authority under this Act to take or interfere with water to the same extent the relevant company can take or interfere with water under the special agreement Act.	10 11 12 13
(3) A relevant company may, at any time within 2 years after the commencement of this section, request the chief executive to grant the company 1 or more water licences for the company's take of, or interference with, water under the special agreement Act.	14 15 16 17 18 19
(4) A relevant company may make more than 1 request under subsection (3).	20 21
(5) The chief executive must grant the water licence or water licences within 30 business days after receiving the request if—	22 23 24
(a) the relevant company demonstrates to the chief executive's satisfaction that taking or interfering with the water is necessary to support the company's existing or proposed activities under the special agreement Act; and	25 26 27 28 29 30
<i>Example—</i>	31
A recommendation by the Coordinator-General in a report under the <i>State Development and Public Works Organisation Act 1971</i> , part 4 that a water licence under this Act be issued in connection with a coordinated project may demonstrate that taking	32 33 34 35 36

[s 185]

- or interfering with water by the company is necessary to support a proposed activity. 1
2
- (b) taking or interfering with the water is consistent with the company's authority under the special agreement Act. 3
4
5
- (6) Chapter 2, part 3, division 2, subdivision 2 does not apply to the grant of a water licence under this section. 6
7
8
- (7) A relevant company that is granted a water licence under this section may, at any time, request the chief executive to amend the licence. 9
10
11
- (8) The chief executive must amend the licence within 30 business days after receiving the request if— 12
13
14
- (a) the relevant company demonstrates to the chief executive's satisfaction that taking or interfering with the water is necessary to support the company's existing or proposed activities under the special agreement Act; and 15
16
17
18
19
20
- Example—* 21
- A recommendation by the Coordinator-General in a report under the *State Development and Public Works Organisation Act 1971*, part 4 that a water licence under this Act be issued in connection with a coordinated project may demonstrate that taking or interfering with water by the company is necessary to support a proposed activity. 22
23
24
25
26
27
28
- (b) taking or interfering with the water is consistent with the company's authority under the special agreement Act. 29
30
31
- (9) Chapter 2, part 3, division 2, subdivision 4 does not apply to the amendment of a water licence under this section. 32
33
34
- (10) A water licence may be granted or amended under this section with or without conditions. 35
36

-
- (11) However, any conditions under subsection (10) must not be inconsistent with the special agreement Act.

Division 3 Other authorities

992M Definitions for div 3

In this division—

relevant company, for a special agreement Act, means the entity that is authorised to obtain water under the special agreement Act.

special agreement Act see the *Environmental Protection Act 1994*, section 584.

992N Application of div 3

- (1) This division applies to a relevant company to the extent the company is authorised under a special agreement Act or, if a water licence has been granted to the company under division 2, the water licence to take or interfere with water.
- (2) However, this division does not apply to the extent division 1 applies.

992O Relevant company may request water entitlement

- (1) This section applies if the chief executive and a relevant company agree to wholly or partly replace the company's authority to take or interfere with water under a special agreement Act with 1 or more water entitlements.
- (2) The relevant company may request the chief executive to grant the company 1 or more water

[s 185]

entitlements for the company's take of, or 1
interference with, water. 2

(3) The relevant company may make more than 1 3
request under subsection (2) if the company 4
wishes to replace the company's authority to take 5
or interfere with water under a special agreement 6
Act in stages. 7

(4) The request must include sufficient information 8
to support the request. 9

(5) If the relevant company makes a request under 10
subsection (2), the chief executive must, within 11
30 business days after receiving the request, grant 12
the company a water entitlement or water 13
entitlements in accordance with the request. 14

(6) A water entitlement may be granted with or 15
without conditions. 16

(7) Chapter 2, part 3, division 2, subdivision 2 does 17
not apply to the grant of any water entitlement 18
under this section. 19

**992P Effect of grant of water entitlement on 20
existing authority to take or interfere with 21
water under the special agreement 22**

(1) A relevant company's authority to take or 23
interfere with water continues under the special 24
agreement Act until 1 or more water entitlements 25
are granted under section 992O to wholly replace 26
the authority. 27

(2) However, if 1 or more water entitlements are 28
granted under section 992O that partly replace 29
the authority under the special agreement Act, 30
the relevant company's authority to take or 31
interfere with water under the special agreement 32
Act continues to operate but only to the extent the 33
authority has not been replaced by the water 34
entitlement or water entitlements. 35

	(3)	Subsection (4) applies if the chief executive and the relevant company agree that the water entitlement or water entitlements granted under section 992O wholly replace the company's authority to take or interfere with water under a special agreement Act.	1 2 3 4 5 6
	(4)	After the water entitlement or water entitlements are granted under section 992O to the relevant company to wholly replace the authority under the special agreement Act—	7 8 9 10
	(a)	the company may only take or interfere with the water under the water entitlement or water entitlements; and	11 12 13
	(b)	any specified conditions for the special agreement Act cease to have effect.	14 15
	(5)	This section applies despite anything to the contrary in the special agreement Act.	16 17
Clause 186	Omission of ss 1004 and 1004A		18
		Sections 1004 and 1004A—	19
		<i>omit.</i>	20
Clause 187	Amendment of s 1006 (Declarations about watercourses)		21
	(1)	Section 1006(1) and (4), including example—	22
		<i>omit.</i>	23
	(2)	Section 1006(2A), '(2)'—	24
		<i>omit, insert—</i>	25
	(1)		26
	(3)	Section 1006(2) and (2A)—	27
		<i>renumber</i> as section 1006(1) and (2).	28
	(4)	Section 1006(3), 'subartesian'—	29

[s 188]

omit, insert— 1
underground 2

Clause 188 Replacement of s 1009 (Public inspection and purchase of documents) 3
4

Section 1009— 5

omit, insert— 6

1009 Public inspection and purchase of documents 7
8

- (1) The chief executive must keep a copy of the following documents available for inspection by the public during office hours on business days at the head office, or at the appropriate regional office, of the department— 9
10
11
12
13
- (a) until a water plan is approved for a plan area—the draft water plan publicly notified for the area under section 46; 14
15
16
 - (b) each approved water plan; 17
 - (c) each periodic report for a water plan prepared under section 49; 18
19
 - (d) each approved water use plan; 20
 - (e) each approved water management protocol; 21
 - (f) each resource operations licence; 22
 - (g) each distributions operations licence; 23
 - (h) each interim resource operations licence; 24
 - (i) each operations licence; 25
 - (j) each interim water allocation; 26
 - (k) each water licence; 27
 - (l) each water permit, including seasonal water assignments; 28
29
 - (m) each riverine protection permit issued; 30

(n)	each notice of existing works that allow taking overland flow water required to be given to the chief executive under a water plan;	1 2 3 4
(o)	each allocation notice given to an applicant under section 230;	5 6
(p)	each water bore driller's licence;	7
(q)	each private water supply agreement.	8
(2)	The chief executive may publish a copy of a document mentioned in subsection (1) on the department's website and make it available for inspection by the public in any other way the chief executive considers appropriate.	9 10 11 12 13
(3)	On payment of a fee, a person may purchase a copy of a document available for inspection under this section.	14 15 16
(4)	The fee for the copy of the document must not be more than the reasonable cost of publishing the copy.	17 18 19
Clause 189	Insertion of new s 1009A	20
	After section 1009—	21
	<i>insert—</i>	22
	1009A Publishing under this Act	23
(1)	This section provides for how an entity may <i>publish</i> a notice, document, information or other thing to a person or persons for this Act.	24 25 26
(2)	If the thing is a document made by an entity mentioned in chapter 2A, the entity must—	27 28
(a)	publish a gazette notice about where the document may be inspected free of charge; and	29 30 31

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	(b) publish the document on the entity’s website on the internet or, if the entity is the Minister or chief executive, on the department’s website on the internet.	1 2 3 4
(3)	Also, if the provision of this Act states the thing must be published in a particular way, the thing must be published in that way.	5 6 7
(4)	Otherwise, the thing may be published in any way intended, and likely, to bring it to the attention of the person or persons to whom it is to be published, including, for example, in any of the following ways considered to be appropriate in the particular circumstances of the requirement—	8 9 10 11 12 13 14
	(a) in any way a thing required to be served on a person may be served;	15 16
	(b) by announcing the thing over a radio station broadcasting generally throughout the area in which the person or persons reside;	17 18 19
	(c) publishing the thing in a newspaper circulating generally throughout the area in which the person or persons reside;	20 21 22
	(d) publishing the thing on the department’s website on the internet;	23 24
	(e) publishing the thing by gazette notice.	25
(5)	Subsections (2) and (3) do not prevent the thing also being published in other ways.	26 27
Clause 190	Insertion of new s 1013AA	28
	After section 1013—	29
	<i>insert—</i>	30

1013AA Acceptance of particular requests and applications not in the approved form	1
	2
(1) Subsection (2) applies if a provision of this Act requires or otherwise provides for a request or application to be made in an approved form.	3
	4
	5
(2) Despite the approval of a form for use for the request or application, the chief executive may accept a document, not in the approved form, that purports to make the request or application if the chief executive is satisfied that—	6
	7
	8
	9
	10
(a) the nature of the request or application is clear; and	11
	12
(b) the document contains enough information to allow the chief executive to act on the request or application.	13
	14
	15

Clause 191 Insertion of new ss 1013C and 1013CA	16
After section 1013B—	17
<i>insert—</i>	18
1013C Fees—payment methods	19
(1) A regulation may prescribe the methods to be used for payment of fees payable under this Act.	20
	21
(2) An approved form for a document under this Act may state the methods to be used for payment of any fee relating to the form.	22
	23
	24
(3) A method prescribed or approved to be used for the payment of a fee under subsection (1) or (2) is an <i>approved payment method</i> for the fee.	25
	26
	27
1013CA Fees—evidence and timing of payment	28
(1) This section applies to a person if—	29
(a) a document lodged by the person must be accompanied by a fee under this Act; and	30
	31

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	(b) the person uses an approved payment method to pay the fee; and	1 2
	(c) the fee is received by the entity to which the fee must be paid within the prescribed period for receiving an amount using the approved payment method.	3 4 5 6
	(2) The fee is taken to accompany the document if the document is accompanied by evidence of the fee having been paid using the approved payment method.	7 8 9 10
	<i>Example—</i>	11
	a receipt for an electronic funds transfer	12
	(3) If the document is accompanied by evidence of the fee having been paid using the approved payment method, the fee is taken to have been paid at the time the person lodged the document under this Act.	13 14 15 16 17
Clause 192	Amendment of s 1013E (Advice to Petroleum Act Minister about commission of particular offences)	18 19
	(1) Section 1013E, heading, ‘Petroleum Act Minister’— <i>omit, insert—</i>	20 21
	administering Minister	22
	(2) Section 1013E(2), ‘Petroleum Act Minister’— <i>omit, insert—</i>	23 24
	administering Minister	25
	(3) Section 1013E(3)— <i>omit, insert—</i>	26 27
	(3) In this section— administering Minister means—	28 29
	(a) if the offence is committed by a person who is the holder of a mining tenure—the	30 31

	Minister administering the Mineral Resources Act; or	1 2
	(b) if the offence is committed by a person who is the holder of a petroleum tenure—the Minister administering the <i>Petroleum Act 1923</i> and the Petroleum and Gas Act.	3 4 5 6
	<i>chief executive</i> means the chief executive of the department in which chapter 3 is administered.	7 8
Clause 193	Amendment of s 1014 (Regulation-making power)	9
	Section 1014(2)(ga), (gb), (gc) and (h)—	10
	<i>omit.</i>	11
Clause 194	Amendment of s 1046 (Declared subartesian areas)	12
	(1) Section 1046, heading, ‘subartesian areas’—	13
	<i>omit, insert—</i>	14
	underground water areas	15
	(2) Section 1046, ‘a subartesian area’—	16
	<i>omit, insert—</i>	17
	an underground water area	18
	(3) Section 1046, ‘subartesian water’—	19
	<i>omit, insert—</i>	20
	underground water	21
Clause 195	Omission of s 1117A (When conditions of supply contract do not apply)	22 23
	Section 1117A—	24
	<i>omit.</i>	25

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Clause 196	Omission of ch 9, pt 5, div 8 (Transitional provisions for Statutory Bodies Legislation Amendment Act 2007)	1 2
	Chapter 9, part 5, division 8—	3
	<i>omit.</i>	4
Clause 197	Omission of ch 9, pt 5, div 10 (Transitional provisions for Local Government and Other Legislation (Indigenous Regional Councils) Amendment Act 2007)	5 6 7
	Chapter 9, part 5, division 10—	8
	<i>omit.</i>	9
Clause 198	Omission of s 1166 (Codes for assessment under the Sustainable Planning Act 2009)	10 11
	Section 1166—	12
	<i>omit.</i>	13
Clause 199	Omission of ch 9, pt 5, div 15 (Transitional provisions for South-East Queensland Water (Distribution and Retail Restructuring) and Other Legislation Amendment Act 2010)	14 15 16 17
	Chapter 9, part 5, division 15—	18
	<i>omit.</i>	19
Clause 200	Omission of ch 9, pt 5, div 18 (Transitional provision for Water Legislation (Dam Safety and Water Supply Enhancement) and Other Legislation Amendment Act 2012)	20 21 22 23
	Chapter 9, part 5, division 18—	24
	<i>omit.</i>	25
Clause 201	Amendment of ch 9 (Transitional provisions and repeals)	26
	Chapter 9—	27

insert—

Part 8 **Transitional and saving
provisions for Water
Reform And Other
Legislation
Amendment Act 2014**

1250 Definitions for pt 8

In this part—

amended Act means this Act as in force after the commencement.

application includes a request and a submission for a decision by the chief executive.

commencement means the commencement of this section.

consultation process, for a resource operations plan, means a process under which—

- (a) the Minister has published a notice about a draft water resource plan, including an amending or replacement plan, for public consultation; or
- (b) the chief executive has published a notice about a draft resource operations plan, including an amending or replacement plan, for public consultation.

corresponding provision, of the amended Act, for a matter, means the provision of that Act that corresponds, or most closely corresponds, to a provision of the unamended Act for that matter.

new, in relation to a provision number, means the provision of that number of the amended Act.

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old, in relation to a provision number, means the provision of that number of the unamended Act. 1
2
unamended Act means this Act as in force immediately before the commencement. 3
4

1251 Existing authorisations continue to have effect 5
6

- (1) This section applies to a licence, permit, notice, or other authorisation (each *an authorisation*) granted by the chief executive or otherwise given under chapter 2 of the unamended Act that is in force immediately before the commencement. 7
8
9
10
11
- (2) The authorisation is taken to continue in force under the corresponding provisions of the amended Act according to its terms and conditions. 12
13
14
15

Examples— 16

- 1 A water bore driller's licence under the unamended Act continues in force as a water bore driller's licence under the amended Act. 17
18
19
- 2 An allocation notice for quarry material under the unamended Act continues in force as an allocation notice for quarry material under the amended Act. 20
21
22

1252 Limitations and prohibitions relating to water in force before commencement 23
24

- (1) Subsection (2) applies if— 25
- (a) the Minister or chief executive has published a notice limiting or prohibiting taking or interfering with water; and 26
27
28
- (b) the notice is in force at the commencement. 29
- (2) The notice continues in force after the commencement and has effect as if the unamended Act had not been amended. 30
31
32

-
- (3) Subsection (4) applies if a regulation limiting or prohibiting taking or interfering with water is in force under the amended Act at the commencement. 1
2
3
4
- (4) The regulation continues in force after the commencement and has effect as if the unamended Act had not been amended. 5
6
7

1253 Continuation under the amended Act of notices or documents published by Minister or chief executive 8
9
10

- (1) This section applies if— 11
- (a) the Minister or the chief executive has published a notice or other document before the commencement; and 12
13
14
- (b) the process relating to the notice or document has not been completed before the commencement; and 15
16
17
- (c) there are corresponding provisions for dealing with the notice or document under the amended Act. 18
19
20
- (2) The notice or document is taken to be given under the corresponding provisions of the amended Act and may be continued under that Act after the commencement. 21
22
23
24
- (3) This section does not apply to a notice under section 1252. 25
26
- Example—* 27
- If the Minister has published a notice of proposal to prepare a draft water resource plan under the unamended Act, the process may continue to make a draft water plan under the amended Act. 28
29
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31

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1254 Request or notice by chief executive under unamended Act	1 2
(1) This section applies if—	3
(a) the chief executive has, before the commencement, given a notice or made a request under the unamended Act for a person, entity or constructing authority to give information, to comply with conditions or to do anything else; and	4 5 6 7 8 9
(b) the person, entity or constructing authority has not complied with the notice or request before the commencement.	10 11 12
(2) The notice or request is taken to be given under the corresponding provisions of the amended Act and may be continued under that Act after the commencement.	13 14 15 16
(3) This section does not apply to a notice under section 1267.	17 18
1255 Submissions made to Minister under unamended Act	19 20
(1) This section applies if—	21
(a) a person or other entity has, before the commencement, made a submission to the Minister under the unamended Act; and	22 23 24
(b) the process relating to the submission has not been completed before the commencement.	25 26 27
(2) The submission must be dealt with under the unamended Act after the commencement.	28 29
1256 Water resource plans taken to be water plans	30
(1) A water resource plan in force immediately before the commencement continues in force	31 32

-
- under the amended Act as a water plan from the commencement. 1
2
- (2) However, subsection (1) does not apply to a water resource plan if at the commencement— 3
4
- (a) the Minister has published a notice about a draft water resource plan, including an amending or replacement plan, for public consultation; or 5
6
7
8
- (b) the chief executive has published a notice about a draft resource operations plan, including an amending or replacement plan, for public consultation. 9
10
11
12
- (3) For a water resource plan mentioned in subsection (2)— 13
14
- (a) the plan continues in force and must be dealt with under the unamended Act as if the unamended Act had not been amended; and 15
16
17
- (b) the plan becomes a water plan under the amended Act— 18
19
- (i) if the Minister has published a notice about a draft water resource plan, including an amending or replacement plan, for public consultation and subparagraph (iii) does not apply—on approval by the Governor in Council of the final draft of the water resource plan; or 20
21
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27
- (ii) if the chief executive has published a notice about a draft resource operations plan, including an amending or replacement plan, for public consultation and subparagraph (iii) does not apply—on approval by the Governor in Council of the final draft of the resource operations plan; or 28
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[s 201]

(iii) if the circumstances mentioned in
subparagraphs (i) and (ii) both
apply—on approval by the Governor in
Council of both the final draft of the
water resource plan and the final draft
of the resource operations plan.

**1257 References to water resource plans taken to
be references to water plans**

From the commencement, a reference in an Act or
document to a water resource plan may, if the context
permits, be taken to be a reference to a water plan.

**1258 Notices given, or submissions made, to chief
executive under unamended Act**

- (1) This section applies if—
- (a) a person, constructing authority or other
entity has, before the commencement, given
a notice or made a submission to the chief
executive; and
 - (b) the process relating to the notice or
submission has not been completed before
the commencement; and
 - (c) there are corresponding provisions for
dealing with the notice or submission under
the amended Act.
- (2) The notice or submission is taken to be given
under the corresponding provisions of the
amended Act and may be continued under that
Act after the commencement.

1259 Stated provisions of a resource operations plan are taken to be, or are included in, other documents	1 2 3
(1) This section applies to a resource operations plan in force immediately before the commencement.	4 5
(2) On the commencement, the provisions of the resource operations plan—	6 7
(a) if section 1260 applies—are taken to be omitted from the plan and included in a resource operations licence; or	8 9 10
(b) if section 1261 applies—are taken to be omitted from the plan and to be an operations manual; or	11 12 13
(c) if section 1262 applies—are taken to be omitted from the plan and included in a distribution operations licence; or	14 15 16
(d) if section 1263 applies—are taken to be omitted from the plan and included in a water licence; or	17 18 19
(e) if section 1264 applies—are taken to be omitted from the plan and included in a water plan; or	20 21 22
(f) if they are not taken to be, or taken to be included in, a document mentioned in paragraphs (a) to (e) and, under the amended Act, the provisions of the plan deal with a matter that is able to be included in a water management protocol—are taken to be omitted from the plan and to be a water management protocol; or	23 24 25 26 27 28 29 30
(g) if they are not taken to be, or taken to be included in, a document mentioned in paragraphs (a) to (f)—cease to have effect.	31 32 33

[s 201]

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|-------|---|--|
| (3) | For a resource operations plan that is not subject to a consultation process, subsection (2) applies from the commencement. | 1
2
3 |
| (4) | For a resource operations plan that is subject to a consultation process— | 4
5 |
| (a) | the plan continues in force and must be dealt with under the unamended Act as if the unamended Act had not been amended; and | 6
7
8 |
| (b) | subsection (2) applies to the provisions of the plan from— | 9
10 |
| (i) | if the Minister has released a draft amending or replacement water resource plan for public consultation and subparagraph (iii) does not apply—the approval by the Governor in Council of the final draft of the water resource plan; or | 11
12
13
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17 |
| (ii) | if the chief executive has released a draft resource operations plan under the water resource plan for public consultation and subparagraph (iii) does not apply—the approval by the Governor in Council of the final draft of the resource operations plan; or | 18
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| (iii) | if the conditions mentioned in subparagraphs (i) and (ii) both apply—the approval by the Governor in Council of both the final draft of the water resource plan and the final draft of the resource operations plan. | 25
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| (5) | Subsection (6) applies to a document mentioned in subsection (2)(a) to (d) and (2)(f). | 31
32 |
| (6) | The chief executive may prepare or amend the document to give effect to this section, in the way the chief executive considers appropriate. | 33
34
35 |

1260 Provisions of resource operations plan taken to be included in a resource operations licence	1 2
For section 1259(2)(a), the provisions are the following provisions relevant to a water supply scheme—	3 4 5
(a) the monitoring and reporting arrangements;	6
(b) the infrastructure details, including any full supply level stated in the resource operations plan;	7 8 9
(c) authority to use watercourses to distribute water;	10 11
(d) matters relating to the implementation of, and compliance with, the resource operations plan.	12 13 14
1261 Provisions of a resource operations plan taken to be an operations manual	15 16
For section 1259(2)(b), the provisions are the following provisions relevant to a water supply scheme—	17 18 19
(a) the operating rules, other than the authority to use watercourses to distribute water;	20 21
(b) the environmental management rules;	22
(c) the water sharing rules;	23
(d) the seasonal water assignment rules.	24
1262 Provisions of resource operations plan taken to be included in a distribution operations licence	25 26 27
For section 1259(2)(c), the provisions are the provisions stating the responsibilities for the holder of a distribution operations licence.	28 29 30

[s 201]

1263 Provisions of resource operations plan taken to be included in a water licence	1 2
For section 1259(2)(d), the provisions are the following provisions that are relevant to a water licence to interfere with the flow of water—	3 4 5
(a) the monitoring and reporting arrangements;	6
(b) the infrastructure details, including any full supply level stated in the resource operations plan.	7 8 9
1264 Provisions of resource operations plan taken to be included in a water plan	10 11
(1) For section 1259(2)(e), the provisions are the provisions that are relevant to—	12 13
(a) resource operations plan zones; or	14
(b) a catchment area, subcatchment areas or subartesian areas; or	15 16
(c) the criteria and process for granting, refusing, amending or otherwise dealing with water licences; or	17 18 19
(d) the volume or volumes of unallocated water reserved or available to be released.	20 21
1265 Provisions of Burnett water resource plan taken to be included in operations manual	22 23
(1) This section applies to the rules for taking or sharing water under the <i>Water Resource (Burnett Basin) Plan 2014</i> , section 32 (the water plan).	24 25 26
<i>Note—</i>	27
On the commencement of the <i>Water Reform and Other Legislation Amendment Act 2014</i> , schedule 2, the <i>Water Resource (Burnett Basin) Plan 2014</i> may be cited as the <i>Water Plan (Burnett Basin) 2014</i> .	28 29 30 31

-
- (2) Subsection (3) applies to rules for taking or sharing water under the water plan that are in force immediately before the commencement. 1
2
3
- (3) Immediately after the commencement of section 1261, the rules are taken to replace the provisions of the operations manual (as provided for under section 1261) that deal with the same subject matter. 4
5
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8
- (4) Subsection (5) applies to rules for taking or sharing water under the water plan that are not commenced on the commencement of this section. 9
10
11
12
- (5) Immediately after the commencement of section 1261— 13
14
- (a) the rules are taken to be included in the operations manual (as provided for under section 1261) as uncommenced rules; and 15
16
17
- (b) on 1 July 2015, the rules replace the provisions of the operations manual that deal with the same subject matter. 18
19
20

1266 References to resource operations plans 21

In an Act or document, a reference to a resource operations plan may, if the context permits, be taken to be a reference to whichever of the following documents is relevant to the reference having regard to sections 1259 to 1264— 22
23
24
25
26

- (a) a resource operations licence; 27
- (b) an operations manual; 28
- (c) a distribution operations licence; 29
- (d) a water licence; 30
- (e) a water plan; 31
- (f) a water management protocol. 32

[s 201]

Example—

A condition of a resource operations licence might be that the holder of the licence comply with the provisions of a resource operations plan. Having regard to sections 1259(2)(b) and 1261, the reference in the condition to the resource operations plan is to be read as a reference to the operations manual.

1267 Request to water infrastructure operators to provide proposed arrangements for management of water

- (1) Subsection (2) applies if—
- (a) the chief executive has, before the commencement, given a notice under section 97 of the unamended Act to a holder mentioned in the section requesting the holder to provide proposed arrangements for the management of water; and
 - (b) the holder has not provided the proposed arrangements before the commencement.
- (2) The notice continues to have effect after the commencement and the unamended Act continues to apply in relation to the notice.
- (3) Subsection (4) applies if—
- (a) proposed arrangements are provided in response to a notice under section 97 of the unamended Act, whether the arrangements are provided before or after the commencement; and
 - (b) before the commencement, no notice has been published about the draft resource operations plan under section 100 of the unamended Act.
- (4) The proposed arrangements are taken to be 1 of the following under the amended Act having regard to the transitional provisions under this part for resource operations plans—

-
- (a) an operations manual submitted to the chief executive for approval; 1
2
 - (b) an application to amend or replace an operations manual; 3
4
 - (c) an application to amend a resource operations licence or distribution operations licence. 5
6
7

1268 Applications made but not decided before commencement 8
9

- (1) This section applies if, before the commencement— 10
11
 - (a) the Minister or the chief executive had received an application under chapter 2 of the unamended Act; and 12
13
14
 - (b) the Minister or the chief executive had not decided the application. 15
16
- (2) If this Act provides for an equivalent application, the application is taken to have been made, and may be dealt with, under the corresponding provisions of this Act. 17
18
19
20
- (3) This section does not apply to an application for a water licence. 21
22

Examples— 23

- 1 An application to vary the effect of a moratorium notice under the unamended Act is taken to be an application to vary the effect of the moratorium notice under the amended Act. 24
25
26
27
- 2 An application for a dealing with a water allocation under the unamended Act is taken to be an application for a dealing with a water allocation under the amended Act. 28
29
30
31
- 3 An application for a permit relating to riverine protection under the unamended Act is taken to be an application relating to riverine protection under the amended Act. 32
33
34
35

[s 201]

1269 Applications decided but not given effect before commencement	1 2
(1) This section applies if the Minister or chief executive has decided an application under the unamended Act but the process following the decision has not been completed.	3 4 5 6
(2) The Minister or chief executive must complete the process under the unamended Act after the commencement as if the unamended Act had not been amended.	7 8 9 10
(3) If the completion of the process results in the issue of an authorisation under the unamended Act, the authorisation is taken to continue in force under the corresponding provisions of the amended Act according to its terms and conditions.	11 12 13 14 15 16
(4) If the completion of the process results in the variation of a notice under the unamended Act, the variation is taken to continue in force under the corresponding provisions of the amended Act according to its terms and conditions.	17 18 19 20 21
<i>Example for subsection (4)—</i>	22
If the Minister grants an application to vary a moratorium notice under the unamended Act, the effect of the variation for the applicant continues under the amended Act.	23 24 25 26
(5) A review of, or an appeal against, a decision of the Minister or the chief executive must be dealt with under the unamended Act.	27 28 29
1270 Certificates or notices about water allocations continue under the amended Act	30 31
(1) This section applies to—	32
(a) a certificate under the unamended Act relating to an application for a dealing with a water allocation if the certificate is valid	33 34 35

and the dealing to which it relates has not been recorded in the register; or	1 2
(b) a notice given under section 101(1)(a), (b) or (c) of the unamended Act if the notice is in force and the ownership or interest to which it relates has not been recorded in the register.	3 4 5 6 7
(2) The certificate or notice continues to have effect and may be dealt under the amended Act.	8 9
1271 Interim resource operations licences and interim water allocations	10 11
(1) This section applies if, before the commencement, interim resource operations licences or interim water allocations under chapter 2, part 5 (as in force at any relevant time) have not been converted or replaced.	12 13 14 15 16
(2) Chapter 2, part 5 of the unamended Act continues to apply, after the commencement, until the interim resource operations licences or interim water allocations have been converted or replaced.	17 18 19 20 21
1272 Applications about a water licence under unamended Act if required notice has not been published	22 23 24
(1) This section applies if—	25
(a) a person has, before the commencement, made an application about a water licence; and	26 27 28
(b) there is a requirement to publish a notice in relation to the application and the notice has not been published before the commencement.	29 30 31 32

[s 201]

- | | | |
|-----|--|-------------|
| (2) | Subsection (3) applies if the granting of the application would do 1 or more of the matters listed in section 130. | 1
2
3 |
| (3) | The application must be dealt with as if it were an application for a new licence under the amended Act. | 4
5
6 |
| (4) | Subsection (5) applies if the granting of the application does not do any of the matters listed in section 130. | 7
8
9 |
| (5) | The application must be dealt with as an application for a dealing under the amended Act. | 10
11 |

1273 Notices published about an application under unamended Act 12
13

- | | | |
|------|--|----------------------------|
| (1) | This section applies if— | 14 |
| (a) | before the commencement— | 15 |
| (i) | a person has published a notice about an application for a water licence or a dealing with a water allocation under the unamended Act; and | 16
17
18
19 |
| (ii) | the process relating to the application has not been completed; and | 20
21 |
| (b) | there are corresponding provisions for dealing with the notice under the amended Act. | 22
23
24 |
| (2) | The notice is taken to be published under the corresponding provisions of the amended Act and the application must be continued under the amended Act as if it were an application for a new licence or dealing with a water allocation. | 25
26
27
28
29 |

1274 Show cause process started before commencement	1 2
(1) This section applies if a show cause process for a matter was started under the unamended Act before the commencement but is not completed before the commencement.	3 4 5 6
(2) The show cause process must be completed under the unamended Act after the commencement as if the unamended Act had not been amended.	7 8 9 10
1275 Referral panels continued under amended Act	11 12
(1) This section applies to the following—	13
(a) the referral panel established by the chief executive under section 1004 of the unamended Act;	14 15 16
(b) the referral panel established by the Minister under section 1004A of the unamended Act.	17 18
(2) The 2 panels continue as a single referral panel as if it were established under section 241 after the commencement.	19 20 21
(3) On the commencement, a member of the single panel is to continue to be paid the fees and allowances decided by the Governor in Council under section 1004 of the unamended Act until changed by the Governor in Council under section 241.	22 23 24 25 26 27
(4) The term of a member of the single panel ends on 30 March 2017 or an earlier day the member's appointment is terminated by the Governor in Council.	28 29 30 31
(5) For matters referred to the panels before the commencement, the single panel must consider	32 33

[s 201]

the matters referred under the unamended Act as 1
if that Act had not been amended. 2

**1276 Unallocated water release process started 3
before commencement 4**

- (1) This section applies if— 5
- (a) the chief executive has, before the 6
commencement, started a process for 7
releasing unallocated water under the 8
unamended Act; and 9
 - (b) the process relating to the release of the 10
water has not been completed before the 11
commencement. 12
- (2) The chief executive must complete the process 13
under the unamended Act after commencement. 14
- (3) If the completion of the process results in the 15
issue of an authorisation under the unamended 16
Act, the authorisation is taken to continue in 17
force under the corresponding provisions of the 18
amended Act according to its terms and 19
conditions. 20

**1277 Special provision for particular petroleum 21
tenure holders 22**

- (1) The holder of a relevant petroleum tenure may 23
request the chief executive to grant an authority 24
under this Act to take or interfere with 25
underground water in the area of the tenure— 26
- (a) if the relevant petroleum tenure is a 1923 27
Act tenure—for use in the carrying out of an 28
activity the holder is authorised to carry out 29
under the *Petroleum Act 1923*; or 30
 - (b) if the relevant petroleum tenure is a 2004 31
Act tenure—for use in the carrying out of 32

-
- another authorised activity mentioned in the
Petroleum and Gas Act, section 186(2). 1 2
- (2) The holder of a relevant petroleum tenure may 3
make the request at any time before the end of— 4
- (a) if the area of the tenure is in the area 5
declared by gazette notice under this Act on 6
18 March 2011 to be a cumulative 7
management area and referred to as the 8
Surat Cumulative Management Area—the 9
day 5 years after the commencement; or 10
- (b) if the area of the tenure is not in the area 11
mentioned in paragraph (a)—the day 2 years 12
after the commencement. 13
- (3) The request must include sufficient information 14
to support the request. 15
- (4) In considering a request made by the holder of a 16
1923 Act tenure, the chief executive must 17
consider the following matters— 18
- (a) the historical take of underground water by 19
the holder of the tenure, including under a 20
permission granted under the *Petroleum Act* 21
1923, section 86; 22
- (b) any take of underground water necessary to 23
carry out the holder’s work program for an 24
authority to prospect or its development plan 25
for a petroleum lease; 26
- (c) whether it is appropriate, having regard to 27
the request, to consider the grant of 1 or 28
more water licences or water permits or a 29
combination of 1 or more water licences and 30
1 or more water permits; 31
- (d) if 1 or more water licences are considered to 32
be appropriate, the matters mentioned in 33
section 113(a), (b) and (e); 34

[s 201]

- | | | |
|-----|--|----------------------------------|
| (e) | if 1 or more water permits are considered to be appropriate, the matters mentioned in section 138(b) to (e). | 1
2
3 |
| (5) | In considering a request made by the holder of a 2004 Act tenure, the chief executive must consider the following matters— | 4
5
6 |
| (a) | the historical take of underground water by the holder of the petroleum tenure, other than the take of associated water under the Petroleum and Gas Act, section 185; | 7
8
9
10 |
| (b) | any take of water reported to the chief executive as required under the Petroleum and Gas Act, section 186; | 11
12
13 |
| (c) | any take of underground water necessary to carry out the holder's work program for an authority to prospect or its development plan for a petroleum lease; | 14
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17 |
| (d) | whether it is appropriate, having regard to the request, to consider the grant of 1 or more water licences or water permits or a combination of 1 or more water licences and 1 or more water permits; | 18
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22 |
| (e) | if 1 or more water licences are considered to be appropriate, the matters mentioned in section 113(a), (b) and (e); | 23
24
25 |
| (f) | if 1 or more water permits are considered to be appropriate, the matters mentioned in section 138(b) to (e). | 26
27
28 |
| (6) | To the extent the holder of a relevant petroleum tenure demonstrates the need for an authority, the chief executive must grant 1 or more water licences or water permits or a combination of 1 or more water licences and 1 or more water permits, with or without conditions. | 29
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34 |
| (7) | Subject to subsections (4)(d) and (e) and (5)(e) and (f), chapter 2, part 3 does not apply to the | 35
36 |

grant of a water licence or water permit under this section.	1 2
(8) Within 30 days after deciding the request, the chief executive must give the holder of a relevant petroleum tenure an information notice about the decision.	3 4 5 6
(9) In this section—	7
<i>1923 Act tenure</i> means an authority to prospect or petroleum lease under the <i>Petroleum Act 1923</i> .	8 9
<i>2004 Act tenure</i> means a petroleum tenure under the Petroleum and Gas Act—	10 11
(a) that is in force on the commencement; or	12
(b) if the petroleum tenure was not in force on the commencement—for which an application was made before the commencement but which had not been granted on the commencement.	13 14 15 16 17
<i>historical take</i> , of underground water, includes, for example, the volume of water taken, the location of take and works relating to the take.	18 19 20
<i>holder</i> , of a relevant petroleum tenure, means—	21
(a) the holder of a 1923 Act tenure; or	22
(b) the holder of a 2004 Act tenure.	23
<i>relevant petroleum tenure</i> means a 1923 Act tenure or a 2004 Act tenure.	24 25
1278 Provision for old s 365 (Declaring cumulative management areas)	26 27
(1) This section applies to an area declared to be a cumulative management area under old section 365.	28 29 30
(2) The declaration of the area continues to have effect—	31 32

[s 201]

- (a) after the commencement as if it had been validly made under new section 365; and
 - (b) until a further declaration for the area is made under section 365.
- (3) To remove any doubt, it is declared that—
 - (a) the declaration of the area under old section 365 applies, and always applied, in relation to—
 - (i) each holder of a petroleum tenure in the cumulative management area when the declaration was made; and
 - (ii) each holder of a petroleum tenure in the area that was, or is, granted after the declaration was made; and
 - (b) each holder of a petroleum tenure in the cumulative management area is a holder of a CMA tenure for the area for this Act; and
 - (c) the declaration of the area does not apply, and never has applied, in relation to the holder of a mining tenure in the cumulative management area.
- (4) If the area of a petroleum tenure is partly within and partly outside the cumulative management area, the area is taken to include, and to have always included, the whole of the petroleum tenure.
- (5) A petroleum tenure to which a declaration under old section 365 applies is taken to be a petroleum tenure identified in a gazette notice declaring a CMA for the purposes of chapter 3.

-
- 1279 Provision for existing agreements between mining tenure holders and bore owners** 1
2
- (1) This section applies if, on the commencement, an agreement is in force between a holder of a mineral development licence or mining lease and a bore owner about a water bore affected, or likely to be affected, by taking or interfering with underground water in the area of the licence or lease. 3
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- (2) From the commencement— 10
- (a) the holder is taken to have complied with the holder’s obligation to undertake a bore assessment for the bore under chapter 3, part 5, division 2; and 11
12
13
14
- (b) the agreement is taken to be a make good agreement entered into between the holder and bore owner for the water bore for the purposes of chapter 3, part 5. 15
16
17
18
- 1280 Continuation of effect of ss 812A and 812B** 19
- Despite the repeal of sections 812A and 812B, the sections are taken to continue in force for a proceeding for a contravention of this Act, to which the sections applied, if the contravention happened before the commencement of this section. 20
21
22
23
24
- 1281 Transitional regulation-making power** 25
- (1) A regulation (a *transitional regulation*) may make provision of a savings or transitional nature to allow or facilitate the change from the operation of the unamended Act to the operation of the amended Act. 26
27
28
29
30
- (2) A transitional regulation may have retrospective operation to a day not earlier than the day this section commences. 31
32
33

[s 202]

- (3) A transitional regulation must declare it is a transitional regulation. 1
2
- (4) This section and any transitional regulation 3
expire 1 year after the commencement. 4

Clause 202 Amendment of sch 4 (Dictionary) 5

- (1) Schedule 4, definitions *accredited ERMP, corporatised entity, 6
cumulative management area, declared pest, deferred aspect, 7
domestic purposes, downstream limit, drainage feature, 8
ecological outcome, employee of the employing office, 9
employing office, environmental flow objective, environmental 10
management rules, establishment regulation, executive officer, 11
final report, full supply level, incoming owner, interim 12
resource operations licence, interim water allocation, lake, 13
nominator, nominee, operator, process, proposed Barlil Weir, 14
publish, ratepayer, relevant company, relevant dam, resource 15
operations plan, seasonal water assignment notice, special 16
agreement Act, specified conditions, spring, sustainable 17
management, threshold limit, underground water, 18
underground water impact report, underground water rights, 19
upstream limit, volumetric limit, water allocation, water 20
allocation change rules, water allocation group, water 21
allocation security objective, water monitoring authority, 22
water resource plan, water sharing rules, water supply 23
scheme, water year, Wenlock Basin wild river area and 24
Wenlock Basin Wild River Declaration— 25
omit. 26*
- (2) Schedule 4— 27
insert— 28
- acknowledgement notice* see section 155(6). 29
- affected person*, for a draft or final water 30
entitlement notice, means each of the following 31
persons— 32
- (a) the holder or the proposed holder of a water 33
entitlement; 34

(b) the holder of a resource operations licence;	1
(c) the holder of a distribution operations licence;	2 3
(d) the applicant for a water licence.	4
<i>Alcan agreement Act</i> , for chapter 8, part 3C, division 2—see section 992K.	5 6
<i>approved payment method</i> , for a fee, see section 1013C.	7 8
<i>aquifer</i> means a geological structure, formation or formations that holds water in sufficient quantity to provide a source of water that can be tapped by a bore.	9 10 11 12
<i>closing CMA tenure</i> , for chapter 3, see section 362.	13 14
<i>CMA tenure</i> , for chapter 3, see section 362.	15
<i>Comalco agreement Act</i> , for chapter 8, part 3C, division 2—see section 992K.	16 17
<i>coordinated project</i> has the meaning given in the <i>State Development and Public Works Organisation Act 1971</i> .	18 19 20
<i>corporatised entity</i> , means the commercialised business unit, previously within the department and known as State Water Projects, corporatised under the <i>Government Owned Corporations Act 1993</i> .	21 22 23 24 25
<i>cumulative management area</i> , for chapter 3, see section 362.	26 27
<i>dealing</i> , with a water licence, means a dealing mentioned in section 120.	28 29
<i>designated watercourse</i> means the part of a watercourse identified as a designated watercourse on the watercourse identification map.	30 31 32 33

[s 202]

<i>domestic purposes</i> see section 6.	1
<i>downstream limit</i> , of a watercourse, means—	2
(a) if a point is identified on the watercourse identification map as the downstream limit of the watercourse—the point identified on the map; or	3 4 5 6
(b) otherwise—the point to which the high spring tide ordinarily flows and reflows in the watercourse, whether due to a natural cause or to an artificial barrier.	7 8 9 10
<i>drainage feature</i> means—	11
(a) if a feature is identified on the watercourse identification map as a drainage feature—the feature identified on the map; or	12 13 14 15
(b) otherwise—a natural landscape feature, including a gully, drain, drainage depression or other erosion feature that—	16 17 18
(i) is formed by the concentration of, or operates to confine or concentrate, overland flow water during and immediately after rainfall events; and	19 20 21 22
(ii) flows for only a short duration after a rainfall event, regardless of the frequency of flow events; and	23 24 25
(iii) commonly, does not have enough continuing flow to create a riverine environment.	26 27 28
<i>Example for paragraph (b)(iii)—</i>	29
There is commonly an absence of water favouring riparian vegetation.	30 31
<i>element of a water allocation</i> see section 143.	32

<i>environmental flow objective</i> means a flow objective stated in a water plan to protect the share of water available to the environment.	1 2 3
<i>environmental management rules</i> , for a water management protocol, resource operations licence or operations manual, means the environmental management rules included in the relevant protocol, licence or manual.	4 5 6 7 8
<i>environmental outcome</i> means a consequence for an ecosystem in its component parts specified for aquifers, drainage basins, catchments, subcatchments and watercourses.	9 10 11 12
<i>establishment regulation</i> means a regulation, made under section 548 before the commencement of this definition, establishing a water authority.	13 14 15 16
<i>executive officer</i> , of a corporation, means a person who is concerned with, or takes part in, the corporation's management, whether or not the person is a director or the person's position is given the name of executive officer.	17 18 19 20 21
<i>final report</i> , for a resource tenure, for chapter 3, see section 362.	22 23
<i>full supply level</i> means for a dam generally, the level of the dam's water surface when water storage is at maximum operating level without being affected by flood.	24 25 26 27
<i>incoming owner</i> , for chapter 2, part 3, division 5, subdivision 3, see section 188(1)(b).	28 29
<i>interference</i> , with the flow of water in a watercourse lake or spring, includes interference with the flow of water—	30 31 32
(a) by impoundment, for example, by a dam, weir or excavation that stores water;	33 34

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- (b) by diversion, for example, by works such as a diversion channel that—
 - (i) divert the course of water in a watercourse outside of its bed and banks; and
 - (ii) may rejoin a watercourse downstream.
- lake**—
- (a) if a feature is identified on the watercourse identification map as a lake—means the feature identified on the map; or
 - (b) otherwise, includes—
 - (i) a lagoon, swamp or other natural collection of water, whether permanent or intermittent; and
 - (ii) the bed and banks and any other element confining or containing the water.
- lateral limits**, in relation to a watercourse, see section 5(5).
- maximum rate**, for chapter 2, part 3, division 4, see section 144.
- Mineral Resources Act** means the *Mineral Resources Act 1989*.
- mining tenure** means a mineral development licence or mining lease under the Mineral Resources Act.
- mining tenure holder** means the holder of a mining tenure.
- nominator**, for chapter 2, part 3, division 5, see section 178(1).
- nominee**, for chapter 2, part 3, division 5, see section 178(1).
- operations manual** see section 197(1).

<i>Petroleum and Gas Act</i> means the <i>Petroleum and Gas (Production and Safety) Act 2004</i> .	1 2
<i>plan area</i> , for a statutory water resource plan, means the area of Queensland to which the plan applies.	3 4 5
<i>process</i> —	6
(a) for sections 39(1)(b), 40(2) and (3), 43(2)(f), 67(a), 84(1), 116 and 147—includes selling or dealing with water entitlements, interim resource operations licences or resource operations licences by public auction, public ballot or public tender; and	7 8 9 10 11 12 13
(b) for sections 43(2)(g), 67(a), 116 and 147—includes a direction to the chief executive to grant a water licence to a particular person.	14 15 16 17
<i>publish</i> see section 1009A.	18
<i>ratepayer</i> , of a water authority that has an authority area, means an owner of land within that authority area.	19 20 21
<i>relevant company</i> means—	22
(a) for chapter 8, part 3C, division 1—see section 992G; or	23 24
(b) for chapter 8, part 3C, division 2—see section 992K; or	25 26
(c) for chapter 8, part 3C, division 3—see section 992M.	27 28
<i>resource tenure</i> means—	29
(a) a mining tenure; or	30
(b) a petroleum tenure.	31
<i>resource tenure holder</i> means—	32
(a) a mining tenure holder; or	33

[s 202]

- (b) a petroleum tenure holder. 1
- riverine protection permit** see section 218(1). 2
- seasonal water assignment notice** means— 3
- (a) for a water allocation—a seasonal water 4
assignment notice granted under a process 5
prescribed by regulation; or 6
- (b) for a water licence—a seasonal water 7
assignment notice granted under chapter 2, 8
part 3, division 2. 9
- special agreement** means a special agreement 10
Act or an agreement contained in a special 11
agreement Act. 12
- special agreement Act** means— 13
- (a) for chapter 8, part 3C, division 1—see 14
section 992G; or 15
- (b) for chapter 8, part 3C, division 2—see 16
section 992K; or 17
- (c) for chapter 8, part 3C, division 3—see 18
section 992M. 19
- specified conditions**— 20
- (a) for chapter 8, part 3C, division 1— 21
- (i) for the *Alcan Queensland Pty. Limited* 22
Agreement Act 1965, means the 23
conditions stated in section 29A(2) of 24
the agreement under that Act; or 25
- (ii) for the *Commonwealth Aluminium* 26
Corporation Pty. Limited Agreement 27
Act 1957, means the conditions stated 28
in section 32A(2) of the agreement 29
under that Act; or 30
- (b) for chapter 8, part 3C, division 3—for any 31
special agreement Act, means any condition 32
stated in the special agreement under the 33

special Agreement Act relating to taking or interfering with water.	1 2
spring means—	3
(a) if a feature is identified on the watercourse identification map as a spring—the feature identified on the map; or	4 5 6
(b) otherwise—the land to which water rises naturally from below the ground and the land over which the water then flows.	7 8 9
statutory authorisation to take or interfere with water means an authorisation to take or interfere with water under chapter 2, part 3, division 1.	10 11 12
underground water means water that occurs naturally in, or is introduced artificially into, an aquifer.	13 14 15
underground water impact report , for chapter 3, see section 362.	16 17
underground water rights —	18
(a) for the holder of a mining tenure—see the Mineral Resources Act, section 334ZP; or	19 20
(b) for the holder of a 1923 Act petroleum tenure under the <i>Petroleum Act 1923</i> —means the taking of water necessarily taken as part of production testing or petroleum production under 1 or more 1923 Act petroleum tenures; or	21 22 23 24 25 26
(c) for the holder of a petroleum tenure under the Petroleum and Gas Act—see the Petroleum and Gas Act, sections 185(2)(a) and 186(3).	27 28 29 30
volumetric limit , for chapter 2, part 3, division 4, see section 145.	31 32
water allocation means an authority granted under section 146 or 147 to take water.	33 34

[s 202]

<i>water allocation dealing</i> see section 156.	1
<i>water allocation dealing rules</i> means the rules under section 158.	2 3
<i>water allocation group</i> means a group of water allocations mentioned in a water plan.	4 5
<i>water allocation security objective</i> means an objective stated in a water plan to protect the share of water available to the holder of a water allocation.	6 7 8 9
<i>watercourse identification map</i> see section 5AA.	10
<i>water entitlement notice</i> see section 70.	11
<i>water management protocol</i> see section 67.	12
<i>water monitoring authority</i> means a water monitoring authority granted under the Mineral Resources Act, the <i>Petroleum Act 1923</i> or the Petroleum and Gas Act.	13 14 15 16
<i>water plan</i> see section 41.	17
<i>water planning instrument</i> means a water plan, water management protocol or moratorium notice.	18 19 20
<i>water plan outcomes</i> see section 43(1)(b).	21
<i>water sharing rules</i> means—	22
(a) for a water entitlement, or other authorisation to take water under this Act, managed under a water management protocol—the water sharing rules included in the protocol; or	23 24 25 26 27
(b) for a water entitlement or other authorisation to take water under this Act, managed under a resource operations licence—the water sharing rules included in the licence or operations manual under the licence; or	28 29 30 31 32 33

-
- (c) for a water licence, or other authorisation to take water under this Act, not managed under a water management protocol or resource operations licence—the water sharing rules prescribed by regulation. 1
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- water supply scheme*** means a water supply scheme for which a resource operations licence or interim resource operations licence has been issued. 6
7
8
9
- water use plan*** see section 58. 10
- water year***, for a water management protocol, resource operations licence, operations manual, interim resource operations licence or water licence, means— 11
12
13
14
- (a) the accounting period prescribed by regulation for the protocol, licence or manual; or 15
16
17
- (b) until a period is prescribed under paragraph (a)—the accounting period stated in the protocol, licence or manual for taking water under the protocol, licence or manual. 18
19
20
21
- Wenlock Basin***, for chapter 8, part 3C, division 1, see section 992G. 22
23
- (3) Schedule 4, definition *allocation notice*, ‘part 9’— 24
omit, insert— 25
part 5 26
- (4) Schedule 4, definition *approved nominee*, ‘part 4, division 3, see section 107B(2)(c)’— 27
28
omit, insert— 29
part 3, division 5, subdivision 1, see section 177(2)(c) 30
- (5) Schedule 4, definition *artesian water*, ‘means’— 31
omit, insert— 32
, for chapter 8, part 3C, means 33
-

[s 202]

- | | | |
|------|--|----|
| (6) | Schedule 4, definition <i>baseline assessment plan</i> , ‘397(2)’— | 1 |
| | <i>omit, insert—</i> | 2 |
| | 397(4) | 3 |
| (7) | Schedule 4, definition <i>chief executive’s notice</i> , ‘section 37(2)’— | 4 |
| | <i>omit, insert—</i> | 5 |
| | section 36(2) | 6 |
| (8) | Schedule 4, definition <i>environmental impact statement</i> , after ‘part 3C,’— | 7 |
| | <i>insert—</i> | 8 |
| | division 1, | 9 |
| (9) | Schedule 4, definition <i>fill</i> , ‘part 8’— | 10 |
| | <i>omit, insert—</i> | 11 |
| | part 4 | 12 |
| (10) | Schedule 4, definition <i>moratorium notice</i> , ‘section 26’— | 13 |
| | <i>omit, insert—</i> | 14 |
| | section 30(1) | 15 |
| (11) | Schedule 4, definition <i>owner</i> , after ‘of land,’— | 16 |
| | <i>insert—</i> | 17 |
| | other than for chapter 2, part 3, division 2, | 18 |
| (12) | Schedule 4, definition <i>owner</i> , paragraph (b)— | 19 |
| | <i>omit, insert—</i> | 20 |
| | (b) for chapter 2, part 3, division 2, see section 104. | 21 |
| (13) | Schedule 4, definition <i>performance indicator</i> , ‘water resource plan’— | 22 |
| | <i>omit, insert—</i> | 23 |
| | water plan | 24 |
| (14) | Schedule 4, definition <i>registrar</i> , ‘section 147’— | 25 |
| | | 26 |
| | | 27 |
| | | 28 |
| | | 29 |

<i>omit, insert—</i>	1
section 167	2
(15) Schedule 4, definition <i>resource operations licence</i> , ‘part 4, division 3’—	3 4
<i>omit, insert—</i>	5
part 3, division 5	6
(16) Schedule 4, definition <i>seasonal water assignment rules</i> , ‘or resource operations plan’—	7 8
<i>omit, insert—</i>	9
, water management protocol or operations manual	10
(17) Schedule 4, definition <i>State quarry material</i> , ‘section 279’—	11
<i>omit, insert—</i>	12
section 226	13
(18) Schedule 4, definition <i>stock purposes</i> , ‘taking’—	14
<i>omit, insert—</i>	15
taking or interfering with	16
(19) Schedule 4, definition <i>transferee</i> , ‘part 4, division 3, subdivision 4, see section 114(1)’—	17 18
<i>omit, insert—</i>	19
part 3, division 5, subdivision 3, see section 187(1)	20
(20) Schedule 4, definition <i>underground water obligation</i> , ‘petroleum’—	21 22
<i>omit, insert—</i>	23
resource	24
(21) Schedule 4, definition <i>water management area</i> , ‘water resource plan or a resource operations plan’—	25 26
<i>omit, insert—</i>	27
water plan or a water management protocol	28

[s 203]

Part 9	Amendments relating to mining safety	1 2
Division 1	Amendment of Coal Mining Safety and Health Act 1999	3 4
Clause 203	Act amended	5
	This division amends the <i>Coal Mining Safety and Health Act 1999</i> .	6 7
Clause 204	Amendment of s 41 (Obligations of coal mine operators)	8
	Section 41(1)(c), ‘under the <i>Petroleum and Gas (Production and Safety) Act 2004</i> ’—	9 10
	omit.	11
Clause 205	Amendment of s 62A (Additional requirement for coal mining operation for incidental coal seam gas)	12 13
	(1) Section 62A—	14
	<i>insert</i> —	15
	(1A) The single safety and health management system must include a plan to achieve an acceptable level of risk in relation to the activities.	16 17 18
	(2) Section 62A(2), ‘safety management plan’—	19
	<i>omit, insert</i> —	20
	safety management system	21
	(3) Section 62A(2), notes—	22
	<i>omit, insert</i> —	23
	<i>Notes</i> —	24
	1 See the <i>Petroleum and Gas (Production and Safety) Act 2004</i> , sections 675 and 705C.	25 26

2 For mineral hydrocarbon mining leases as defined under the 1
Mineral Resources Act 1989, chapter 15, part 2, division 6, see 2
section 747 of that Act and the *Petroleum and Gas (Production and 3*
Safety) Act 2004, section 671. 4

(4) Section 62A(1A) and (2)— 5
renumber as section 62A(2) and (3). 6

Clause 206 Insertion of new pt 4, div 3A 7

Part 4— 8

insert— 9

Division 3A Joint interaction 10
management plans for 11
overlapping resource 12
authorities 13

64C Application of div 3A 14

(1) This division applies to a coal mine if coal 15
mining operations at the coal mine are carried 16
out, or are to be carried out, in an overlapping 17
area. 18

(2) This division does not apply to a coal mine if coal 19
mining operations at the coal mine are carried 20
out, or are to be carried out, under a coal mining 21
lease to which the *Mineral Resources Regulation 22*
2013, chapter 2, part 4, division 4 applies. 23

64D Definitions for div 3A 24

In this division— 25

arbitration, of a dispute, means arbitration of the 26
dispute under the Common Provisions Act, 27
chapter 4, part 6, division 4. 28

authorised activities operating plant means an 29
operating plant under the *Petroleum and Gas 30*
(Production and Safety) Act 2004, section 670(6). 31

[s 206]

<i>joint interaction management plan</i> see section 64E(1)(a).	1 2
<i>operating plant</i> see the <i>Petroleum and Gas (Production and Safety) Act 2004</i> , section 670.	3 4
<i>operator</i> , of an operating plant, see the <i>Petroleum and Gas (Production and Safety) Act 2004</i> , section 673.	5 6 7
64E Requirement for joint interaction management plan	8 9
(1) The site senior executive for the coal mine must—	10 11
(a) before carrying out coal mining operations in the overlapping area, make a plan for the mine that complies with section 64F (a <i>joint interaction management plan</i>); and	12 13 14 15
(b) before making the plan—	16
(i) make reasonable attempts to consult with the operator of each authorised activities operating plant in the overlapping area to jointly identify, analyse and assess risks and hazards in the overlapping area; and	17 18 19 20 21 22
(ii) have regard to any reasonable provisions for the plan, relating to the management of the risks and hazards, that are proposed by the operators within 20 days after receiving a copy of the proposed plan; and	23 24 25 26 27 28
(iii) either—	29
(A) reach agreement with the operator of each authorised activities operating plant in the overlapping area about the content of the proposed plan; or	30 31 32 33 34

-
- (B) apply for arbitration of the dispute under subsection (3) or (4); and 1
2
- (c) comply with the plan. 3
Maximum penalty—500 penalty units. 4
- (2) For subsection (1)(b)(i), the site senior executive is taken to have made reasonable attempts to consult with the operator of an authorised activities operating plant if— 5
6
7
8
- (a) the site senior executive gives the operator a copy of the proposed plan; and 9
10
- (b) the operator has not, within 20 days after being given the copy, made any proposal to the site senior executive about the provisions for the plan. 11
12
13
14
- (3) If the site senior executive and the operator of an authorised activities operating plant can not agree on the content of a proposed plan within 3 months after the operator receives a copy of the proposed plan, the site senior executive must apply for arbitration of the dispute. 15
16
17
18
19
20
- (4) Despite subsection (3), either party may apply for arbitration of the dispute at any time. 21
22
- 64F Content of joint interaction management plan 23**
- (1) A joint interaction management plan must— 24
- (a) be stored or kept together with the other parts of the safety and health management system for the coal mine; and 25
26
27
- (b) identify, if any, each IMA, RMA and SOZ in the overlapping area; and 28
29
- (c) identify the hazards and assess the risks to be controlled that— 30
31

[s 206]

- (i) are, or may be, created by the coal mining operations or petroleum activities carried out in the overlapping area; and
- (ii) affect, or may be likely to affect, the safety and health of persons in the overlapping area; and
- (d) for each risk—identify the triggers or material changes, or likely triggers or material changes, that—
 - (i) must be monitored to ensure the safety and health of persons in the overlapping area; and
 - (ii) will require the plan to be reviewed; and
- (e) for each trigger or material change identified under paragraph (d)—
 - (i) state the response procedures and times; and
 - (ii) state the type of action required for the response; and
 - Examples of action that may be required—*
 - 1 a risk analysis
 - 2 notice to the operator of an operating plant in the overlapping area of—
 - (a) a drop in hydrostatic pressure that may show a potential hazard to persons carrying out authorised activities under a petroleum lease; or
 - (b) a change in water level that may indicate differences in fluid interconnections with an adjacent petroleum lease
 - (iii) state the reporting procedures; and

-
- (f) if there is proposed, or there is likely to be, interaction with other persons in the overlapping area—
- (i) describe the proposed or likely interactions and how they will be managed; and
 - (ii) identify the specific risks that may arise as a result of the proposed or likely interactions and how the risks will be controlled; and
 - (iii) identify the safety responsibilities of each person; and
 - (iv) state the name of the operator and any other person responsible under the *Petroleum and Gas (Production and Safety) Act 2004* for each operating plant; and
- (g) describe the way in which the plan will be reviewed and revised, including ongoing consultation with the persons mentioned in paragraph (f); and
- (h) describe the way in which details of any new site senior executive, or other senior person in the management structure, will be communicated to all operators of operating plants in the overlapping area; and
- (i) include any other information prescribed by regulation.
- (2) A regulation may prescribe a guide of potential hazards that may be created by coal mining operations in relation to exploring for or producing coal seam gas or petroleum (the ***potential hazard guide***).
- (3) The potential hazard guide must be referred to for help in identifying the hazards and assessing the

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risks mentioned in subsection (1)(c) but is not intended to be exhaustive.	1 2
(4) To remove any doubt, it is declared that a joint interaction management plan may apply to more than 1 overlapping area.	3 4 5
64G Notification of making of joint interaction management plan	6 7
As soon as practicable after making a joint interaction management plan, and before carrying out coal mining operations in the overlapping area, the site senior executive for the coal mine must notify the chief inspector that the plan has been made.	8 9 10 11 12
Maximum penalty—40 penalty units.	13
64H Review	14
(1) This section applies if—	15
(a) it is proposed to change a joint interaction management plan; or	16 17
(b) a change at the coal mine is likely to give rise to an additional risk to safety or health in the overlapping area; or	18 19 20
(c) any of the following circumstances exist—	21
(i) an additional risk to safety or health in the overlapping area is identified;	22 23
(ii) consultation with coal mine workers indicates a review is necessary;	24 25
(iii) a risk control measure did not control the risk it was intended to control to an acceptable level.	26 27 28
(2) For subsection (1)(b), a change at the coal mine includes—	29 30

-
- (a) a change to the mine itself or any aspect of the mine environment; and 1
2
- (b) a change to a system of work, process or procedure at the mine. 3
4
- (3) The site senior executive for the coal mine must review and, if necessary, revise the joint interaction management plan. 5
6
7
Maximum penalty—200 penalty units. 8
- (4) The review must take place in consultation with the operator of each authorised activities operating plant in the overlapping area and coal mine workers to the extent they are affected by the matters under review. 9
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Maximum penalty—200 penalty units. 14
- (5) The review must take place— 15
- (a) for subsection (1)(a) or (b)—before the change to the joint interaction management plan is made; or 16
17
18
- (b) for subsection (1)(c)—as soon as possible after the circumstance exists. 19
20
Maximum penalty—200 penalty units. 21
- (6) A revision of the plan under subsection (3) must be recorded on the plan. 22
23
Maximum penalty—200 penalty units. 24
- (7) If the site senior executive and the operator for an authorised activities operating plant in the overlapping area can not agree on the content of a revision of the plan, either party may apply for arbitration of the dispute. 25
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[s 207]

64I Availability of joint interaction management plan	1 2
(1) The site senior executive for the coal mine must make available for inspection, by persons in the overlapping area, a copy of the joint interaction management plan.	3 4 5 6
Maximum penalty—100 penalty units.	7
(2) The site senior executive for the coal mine must give a copy of the joint interaction management plan to a person whose work in the overlapping area is affected by the requirements of the plan and who requests a copy of it.	8 9 10 11 12
Maximum penalty—100 penalty units.	13
(3) The site senior executive for the coal mine must give a copy of the joint interaction management plan to a person who employs persons at the coal mine whose work is affected by the plan's requirements.	14 15 16 17 18
Maximum penalty—200 penalty units.	19

Clause 207 Amendment of s 67 (Plans of coal mine workings)	20
(1) Section 67(1)—	21
<i>insert—</i>	22
(e) if part 4, division 3A applies—plans showing each of the following for the overlapping area if identified in an agreed joint development plan—	23 24 25 26
(i) the IMA;	27
(ii) the RMA;	28
(iii) the FMA;	29
(iv) the SOZ.	30
(2) Section 67—	31

<i>insert—</i>	1
(8) In this section—	2
<i>agreed joint development plan</i> see the Common Provisions Act, section 103.	3
	4

Clause 208	Replacement of s 73B (Qualifications for appointment)	5
	Section 73B—	6
	<i>omit, insert—</i>	7
	73B Qualifications for appointment	8
	To be appointed as commissioner, a person must have—	9
		10
	(a) a science or engineering qualification relevant to the mining industry, and professional experience in mine safety; or	11
		12
		13
	(b) a qualification in law, and professional experience in the law relating to mine safety; or	14
		15
		16
	(c) at least 10 years professional experience in senior positions relating to operational mine safety management.	17
		18
		19
	<i>Example of a senior position for paragraph (c)—</i>	20
	a site senior executive at an underground mine	21

Clause 209	Amendment of s 255 (Proceedings for offences)	22
	(1) Section 255(5)—	23
	<i>omit, insert—</i>	24
	(5) A proceeding for an offence against this Act may only be taken by—	25
		26
	(a) the commissioner; or	27
	(b) the chief executive; or	28

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	(c) another appropriately qualified person, with the written authorisation of the chief executive, either generally or in a particular case.	1 2 3 4
	(5A) An authorisation under subsection (5)(c) is sufficient authority to continue proceedings in any case where the court amends the charge, warrant or summons.	5 6 7 8
	(2) Section 255(5A) and (6)— <i>renumber</i> as section 255(6) and (7).	9 10
Clause 210	Insertion of new pt 20, div 4	11
	Part 20—	12
	<i>insert</i> —	13
	Division 4	14
	Transitional provision for Water Reform and Other Legislation Amendment Act 2014	15 16 17
	303 Application of joint interaction management plan provisions	18 19
	(1) The joint interaction management plan provisions do not apply to a coal mining lease mentioned in the <i>Mineral Resources Regulation 2013</i> , section 23(1).	20 21 22 23
	<i>Note</i> —	24
	The holder of the coal mining lease would continue to be subject to the <i>Mineral Resources Regulation 2013</i> , chapter 2, part 4, division 4 as in force from time to time.	25 26 27 28
	(2) The joint interaction management plan provisions do not apply in relation to the following for a period of 6 months starting on the commencement—	29 30 31 32

(a)	coal mining operations carried out in an overlapping area the subject of an exploration permit (coal), within the meaning of the Common Provisions Act, if an activity under an authority to prospect (csg) or petroleum lease (csg) within the meaning of that Act is also carried out in the overlapping area;	1 2 3 4 5 6 7 8
(b)	coal mining operations carried out in an overlapping area the subject of a mineral development licence (coal), within the meaning of the Common Provisions Act, if an activity for an authority to prospect (csg) or petroleum lease (csg) within the meaning of that Act is also carried out in the overlapping area.	9 10 11 12 13 14 15 16
(3)	In this section— <i>joint interaction management plan provisions</i> means part 4, division 3A.	17 18 19
Clause 211	Amendment of sch 2 (Subject matter for regulations)	20
(1)	Schedule 2, part 2, item 32, ‘principal hazard management plans for operating plant’— <i>omit, insert—</i> joint interaction management plans	21 22 23 24
(2)	Schedule 2, part 2— <i>insert—</i>	25 26
32A	The responsibilities and obligations of site senior executives in an overlapping area including in relation to joint interaction management plans.	27 28 29
(3)	Schedule 2, part 2, item 33, ‘and efficient’— <i>omit.</i>	30 31

[s 212]

Clause 212	Amendment of sch 3 (Dictionary)	1
	Schedule 3—	2
	<i>insert—</i>	3
	<i>arbitration</i> , of a dispute, for part 4, division 3A, see section 64D.	4 5
	<i>authorised activities operating plant</i> , for part 4, division 3A, see section 64D.	6 7
	<i>Common Provisions Act</i> means the <i>Mineral and Energy Resources (Common Provisions) Act 2014</i> .	8 9 10
	<i>FMA</i> means the future mining area as defined under the Common Provisions Act, section 110.	11 12
	<i>IMA</i> means the initial mining area as defined under the Common Provisions Act, section 109.	13 14
	<i>joint interaction management plan</i> , for part 4, division 3A, see section 64E(1)(a).	15 16
	<i>operating plant</i> , for part 4, division 3A, see section 64D.	17 18
	<i>operator</i> , of an operating plant, for part 4, division 3A, see section 64D.	19 20
	<i>overlapping area</i> see the Common Provisions Act, section 104.	21 22
	<i>RMA</i> means the rolling mining area as defined under the Common Provisions Act, section 111.	23 24
	<i>safety and health management system</i> means a safety and health management system that complies with—	25 26 27
	(a) the requirements for a safety and health management system under section 62; and	28 29 30
	(b) if section 62A applies—the requirements for a safety management	31 32

	system under the <i>Petroleum and Gas (Production and Safety) Act 2004</i> ; and	1 2
	(c) if part 4, division 3A, or the <i>Mineral Resources Regulation 2013</i> , chapter 2, part 4, division 4 applies—the requirements for a joint interaction management plan under that division.	3 4 5 6 7
	<i>SOZ</i> means the simultaneous operations zone as defined under the Common Provisions Act, section 112.	8 9 10
Division 2	Amendment of Mineral and Energy Resources (Common Provisions) Act 2014	11 12 13
Clause 213	Act amended	14
	This division amends the <i>Mineral and Energy Resources (Common Provisions) Act 2014</i> .	15 16
Clause 214	Amendment of s 10 (What is a resource authority)	17
	Section 10(a), after ‘mining lease’—	18
	<i>insert—</i>	19
	• a water monitoring authority;	20
Clause 215	Amendment of s 175 (Application of div 4)	21
	Section 164—	22
	<i>insert—</i>	23
	(d) a dispute mentioned in the <i>Coal Mining Safety and Health Act 1999</i> , section 64E(3) or (4) or 64H(7);	24 25 26
	(e) a dispute mentioned in the P&G Act, section 705B(3) or (4) or 705CB(7);	27 28

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	(f) a dispute mentioned in the <i>Mineral Resources Regulation 2013</i> , section 25(3) or (4) or 28(7).	1 2 3
Division 3	Amendment of Mining and Quarrying Safety and Health Act 1999	4 5 6
Clause 216	Act amended	7
	This division amends the <i>Mining and Quarrying Safety and Health Act 1999</i> .	8 9
Clause 217	Amendment of s 234 (Proceedings for offences)	10
	(1) Section 234(6)— <i>renumber</i> as section 234(7).	11 12
	(2) Section 234(5)— <i>omit, insert—</i>	13 14
	(5) Proceedings for an offence against this Act may only be taken by—	15 16
	(a) the commissioner; or	17
	(b) the chief executive; or	18
	(c) another appropriately qualified person, with the written authorisation of the chief executive, either generally or in a particular case.	19 20 21 22
	(6) An authorisation under subsection (5)(c) is sufficient authority to continue proceedings in any case where the court amends the charge, warrant or summons.	23 24 25 26

Division 4	Amendment of Petroleum and Gas (Production and Safety) Act 2004	1 2
Clause 218	Act amended	3
	This division amends the <i>Petroleum and Gas (Production and Safety) Act 2004</i> .	4 5
	<i>Note—</i>	6
	See also the amendments in schedule 3.	7
Clause 219	Replacement of ss 386–389	8
	Sections 386 to 389—	9
	<i>omit, insert—</i>	10
	386 Requirement for joint interaction management plan	11 12
	(1) This section applies if—	13
	(a) a person (the <i>operator</i>) proposes to be an operator of operating plant in the area of a petroleum tenure; and	14 15 16
	(b) activities carried out, or proposed to be carried out, at the plant may adversely affect the safe mining of coal in the area of a coal or oil shale mining tenement.	17 18 19 20
	(2) Chapter 9, part 4, division 5, subdivision 1 applies to the operator as if—	21 22
	(a) a reference in the provisions to the operator of an authorised activities operating plant were a reference to the operator mentioned in subsection (1)(a); and	23 24 25 26
	(b) a reference in the provisions to the overlapping area were a reference to the area of the coal or oil shale mining tenement mentioned in subsection (1)(b); and	27 28 29 30

[s 220]

	(c) a reference in the provisions to the site senior executive were a reference to the site senior executive for the coal or oil shale mining tenement mentioned in subsection (1)(b).	1 2 3 4 5
Clause 220	Amendment of s 392BO (Application of provisions for resolving disputes about reasonableness of proposed provision)	6 7 8
	Section 392BO(2) and editor's note—	9
	<i>omit, insert—</i>	10
	(2) Either party to the dispute may refer it to the chief inspector to decide whether the proposed provision is reasonable.	11 12 13
	(3) The referral must be written and be lodged.	14
	(4) Before deciding the dispute, the chief inspector must give each party a reasonable opportunity to lodge submissions about the dispute.	15 16 17
	(5) The chief inspector's decision binds each party to the dispute.	18 19
	(6) The chief inspector must give each party an information notice about the decision.	20 21
	(7) The chief inspector's decision is not, of itself, evidence that a safety management system, or purported safety management system, for an operating plant complies with section 675.	22 23 24 25
Clause 221	Amendment of s 669 (Making safety requirement)	26
	Section 669—	27
	<i>insert—</i>	28
	(f) responsibilities and obligations of operators of operating plants or site safety managers	29 30

	in an overlapping area, including in relation to joint interaction management plans.	1 2
Clause 222	Amendment of s 674 (Requirement to have safety management plan)	3 4
(1)	Section 674, ‘safety management plan’— <i>omit, insert—</i> safety management system	5 6 7
(2)	Section 674, ‘the plan’— <i>omit, insert—</i> the system	8 9 10
(3)	Section 674(1) and (2), ‘388, subject to any exemption given under section 389’— <i>omit, insert—</i> 705C	11 12 13 14
(4)	Section 674(4), note, ‘safety management plans’— <i>omit, insert—</i> safety management systems	15 16 17
(5)	Section 674(5)— <i>omit, insert—</i> (5) Also, if chapter 9, part 4, division 5, subdivision 1 applies for an operating plant, the safety management system must include a joint interaction management plan.	18 19 20 21 22 23
Clause 223	Amendment of s 675 (Content requirements for safety management plans)	24 25
(1)	Section 675, heading, ‘plans’— <i>omit, insert—</i> systems	26 27 28

[s 224]

- | | | |
|-----|--|----|
| (2) | Section 675(1), ‘safety management plan’— | 1 |
| | <i>omit, insert—</i> | 2 |
| | safety management system | 3 |
| (3) | Section 675(1)— | 4 |
| | <i>insert—</i> | 5 |
| | (cb) for each site mentioned in paragraph | 6 |
| | (ca)—the site safety manager; | 7 |
| (4) | Section 675(1)(n), ‘plans’— | 8 |
| | <i>omit, insert—</i> | 9 |
| | systems | 10 |
| (5) | Section 675(1)(p) and (2), ‘the plan’— | 11 |
| | <i>omit, insert—</i> | 12 |
| | the system | 13 |
| (6) | Section 675(1)(t)— | 14 |
| | <i>omit, insert—</i> | 15 |
| | (t) if the operating plant is a major hazard | 16 |
| | facility under the <i>Work Health and Safety</i> | 17 |
| | <i>Regulation 2011</i> —each matter not | 18 |
| | mentioned in paragraphs (b) to (r) that is | 19 |
| | mentioned in schedule 16, 17 or 18 of that | 20 |
| | regulation; | 21 |
| (7) | Section 675(5), definition <i>NOHSC standard</i> — | 22 |
| | <i>omit.</i> | 23 |

- | | | |
|-------------------|--|----|
| Clause 224 | Amendment of s 675A (Generic safety management plans) | 24 |
| | | 25 |
| (1) | Section 675A, heading, ‘plans’— | 26 |
| | <i>omit, insert—</i> | 27 |
| | systems | 28 |
| (2) | Section 675A, ‘safety management plan’— | 29 |

	<i>omit, insert—</i>	1
	safety management system	2
(3)	Section 675A, ‘generic SMP’—	3
	<i>omit, insert—</i>	4
	generic SMS	5
Clause 225	Amendment of s 678A (Requirement to have resulting records for safety management plan)	6
	Section 678A(2), definition <i>resulting records—</i>	7
	<i>insert—</i>	8
	(ia) records about the details of the operator mentioned in section 675(1)(c) and the site safety manager mentioned in section 675(1)(cb);	9
		10
		11
		12
		13
Clause 226	Amendment of s 688 (Executive safety manager’s general obligations)	14
	Section 688(b)(i), ‘employees’—	15
	<i>omit, insert—</i>	16
	workers	17
		18
Clause 227	Amendment of ch 9, pt 4, div 5, hdg (Additional obligations of operator of operating plant on coal or oil shale mining lease)	19
	Chapter 9, part 4, division 5, heading, after ‘lease’—	20
	<i>insert—</i>	21
	or coal resource authority	22
		23
		24
Clause 228	Replacement of ch 9, pt 4, div 5, sdiv 1 (Principal hazard management plans)	25
	Chapter 9, part 4, division 5, subdivision 1—	26
		27

[s 228]

omit, insert—

**Subdivision 1 Joint interaction
management plans**

705 Application of sdiv 1

This subdivision applies for an operating plant, other than a coal mining-CSG operating plant, if—

- (a) the operating plant operates or is to operate in any of the following areas (each an *overlapping area*)—
 - (i) the area of a coal or oil shale mining lease or tenement;
 - (ii) an area adjacent to the area of a coal or oil shale mining lease or tenement;
 - (iii) the area of a coal resource authority to which the Common Provisions Act, chapter 4 applies; and
- (b) the operation of the plant physically affects, or may physically affect, the mining of coal or oil shale under the coal or oil shale mining lease or tenement or coal resource authority.

705A Definitions for sdiv 1

In this subdivision—

- authorised activities operating plant* means an operating plant under section 670(6).
- coal resource authority* see the Common Provisions Act, section 103.
- joint interaction management plan* see section 705B(1)(a).
- overlapping area* see section 705(a).

site senior executive means the site senior executive for a coal mine in the overlapping area.

705B Requirement for joint interaction management plan

- (1) The operator of an authorised activities operating plant in the overlapping area must—
- (a) before carrying out activities in the overlapping area, make a plan for the plant that applies to all operators of operating plants in the overlapping area and that complies with section 705C (a *joint interaction management plan*); and
 - (b) before making the plan—
 - (i) make reasonable attempts to consult with the operators of each operating plant in the overlapping area and the site senior executive to jointly identify, analyse and assess risks and hazards in the overlapping area; and
 - (ii) have regard to any reasonable provisions for the plan, relating to the management of the risks and hazards that are proposed by the site senior executive within 20 days after receiving a copy of the proposed plan; and
 - (iii) either—
 - (A) reach agreement with the site senior executive about the content of the proposed plan; or
 - (B) apply for arbitration of the dispute under subsection (3) or (4); and
 - (c) comply with the plan.

[s 228]

	Maximum penalty—500 penalty units.	1
(2)	For subsection (1)(b)(i), the operator is taken to have made reasonable attempts to consult with the site senior executive if—	2 3 4
	(a) the operator gives the site senior executive a copy of the proposed plan; and	5 6
	(b) the site senior executive has not, within 20 days after being given the copy, made any proposal to the operator about the provisions for the plan.	7 8 9 10
(3)	If the operator and the site senior executive can not agree on the content of a proposed plan within 3 months after the site senior executive receives a copy of the proposed plan, the operator must apply for arbitration of the dispute.	11 12 13 14 15
(4)	Despite subsection (3), either party may apply for arbitration of the dispute at any time.	16 17
	705C Content of joint interaction management plan	18
(1)	A joint interaction management plan must—	19
	(a) be stored or kept together with the other parts of the safety management system for the plant; and	20 21 22
	(b) for an overlapping area mentioned in section 705(a)(iii)—identify, if any, each IMA, RMA and SOZ, as defined under the Common Provisions Act, in the overlapping area; and	23 24 25 26 27
	(c) identify the hazards and assess the risks to be controlled that—	28 29
	(i) are, or may be, created by the mining operations or petroleum activities carried out in the overlapping area; and	30 31 32

-
- (ii) affect, or may be likely to affect, the safety and health of persons in the overlapping area; and
- (d) for each risk—identify the triggers or material changes, or likely triggers or material changes, that—
- (i) must be monitored to ensure the safety and health of persons in the overlapping area; and
- (ii) will require the plan to be reviewed; and
- (e) for each trigger or material change identified under paragraph (d)—
- (i) state the response procedures and times; and
- (ii) state the type of action required for the response; and
- Examples of action that may be required—*
- 1 a risk analysis
- 2 notice to the site senior executive of—
- (a) a drop in hydrostatic pressure that may show a potential hazard to persons carrying out mining; or
- (b) a change in water level that may indicate differences in fluid interconnections with an adjacent mine
- (iii) state the reporting procedures; and
- (f) if there is proposed, or there is likely to be, interaction with other persons in the overlapping area—
- (i) describe the proposed or likely interactions, and how they will be managed; and

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- (ii) identify the specific risks that may arise as a result of the proposed or likely interactions, and how the risks will be controlled; and
 - (iii) identify the safety responsibilities of each person; and
 - (iv) state the name of the site senior executive and any other senior persons in the management structure for the coal mine under the *Coal Mining Safety and Health Act 1999*; and
 - (g) describe the way in which the plan will be reviewed and revised, including ongoing consultation with the persons mentioned in paragraph (f); and
 - (h) describe the way in which details of any new operator or site safety manager will be communicated to the site senior executive; and
 - (i) include any other information prescribed by regulation.
- (2) A regulation may prescribe a guide of potential hazards that may be created by an operating plant in relation to mining coal (the ***potential hazard guide***).
- (3) The potential hazard guide must be referred to for help in identifying the hazards and assessing the risks mentioned in subsection (1)(c) but is not intended to be exhaustive.
- (4) To remove any doubt, it is declared that a joint interaction management plan may apply to more than 1 overlapping area.

705CA Notification of making of joint interaction management plan	1 2
As soon as practicable after making a joint interaction management plan, and before carrying out activities in the overlapping area or at an operating plant in the overlapping area, the operator of the authorised activities operating plant must notify the chief inspector that the plan has been made.	3 4 5 6 7 8
Maximum penalty—40 penalty units.	9
705CB Review	10
(1) This section applies if—	11
(a) it is proposed to change a joint interaction management plan; or	12 13
(b) a change in the overlapping area, or at an operating plant in the overlapping area, is likely to give rise to an additional risk to safety or health in the overlapping area or at the plant; or	14 15 16 17 18
(c) any of the following circumstances exist—	19
(i) an additional risk to safety or health in the overlapping area, or at an operating plant in the overlapping area, is identified;	20 21 22 23
(ii) consultation with workers indicates a review is necessary;	24 25
(iii) a risk control measure did not control the risk it was intended to control to an acceptable level.	26 27 28
(2) For subsection (1)(b), a change in the overlapping area, or at an operating plant in the overlapping area, includes—	29 30 31
(a) a change to any aspect of the overlapping area or the plant itself; and	32 33

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	(b) a change to a system of work, process or procedure in the overlapping area or at the plant.	1 2 3
(3)	The operator of the authorised activities operating plant must review and, if necessary, revise the joint interaction management plan. Maximum penalty—200 penalty units.	4 5 6 7
(4)	The review must take place in consultation with the operators of each operating plant in the overlapping area, the site senior executive and any other workers to the extent they are affected by the matters under review. Maximum penalty—200 penalty units.	8 9 10 11 12 13
(5)	The review must take place— (a) for subsection (1)(a) or (b)—before the change to the joint interaction management plan is made; or (b) for subsection (1)(c)—as soon as possible after the circumstance exists. Maximum penalty—200 penalty units.	14 15 16 17 18 19 20
(6)	A revision of the plan under subsection (3) must be recorded on the plan. Maximum penalty—200 penalty units.	21 22 23
(7)	If the operator of the authorised activities operating plant and the site senior executive can not agree on the content of a revision of the plan, either party may apply for arbitration of the dispute.	24 25 26 27 28
Clause 229	Amendment of s 728B (Interim licence or authorisation)	29
	(1) Section 728B(1) and (7), ‘skills’— <i>omit, insert—</i> experience	30 31 32

-
- (2) Section 728B(4), ‘1 year’— 1
omit, insert— 2
3 years 3

- Clause 230 Insertion of new ss 731A and 731B** 4
Chapter 9, part 7— 5
insert— 6
731A Person may owe obligations in more than 1 capacity 7
8
A person on whom an obligation is imposed under this 9
Act may be subject to more than 1 safety and health 10
obligation. 11

- 731B Person not relieved of obligations** 12
To remove doubt, it is declared that nothing in this Act 13
that imposes an obligation on a person relieves another 14
person of the person’s obligations under this Act. 15

- Clause 231 Amendment of s 736 (Functions)** 16
(1) Section 736(1)(d)— 17
renumber as section 736(1)(e). 18
(2) Section 736(1)— 19
insert— 20
(d) to provide the advice and help that may be 21
required from time to time during 22
emergencies at operating plants that may 23
affect the safety or health of persons; 24
(3) Section 736(2)(b)— 25
renumber as section 736(2)(c). 26
(4) Section 736(2)— 27
insert— 28

[s 232]

	(b) to provide the advice and help that may be required from time to time during emergencies at operating plants that may affect the safety or health of persons; and	1 2 3 4
Clause 232	Amendment of s 834 (Other evidentiary aids)	5
	(1) Section 834, ‘purporting to be signed by the chief executive’—	6 7
	<i>omit.</i>	8
	(2) Section 834—	9
	<i>insert—</i>	10
	(2) In this section—	11
	<i>certificate</i> means a certificate purporting to be signed by the commissioner, the chief executive, the chief inspector, an inspector or an authorised officer.	12 13 14 15
Clause 233	Amendment of s 837 (Offences under Act are summary)	16
	Section 837(1) to (3)—	17
	<i>omit, insert—</i>	18
	(1) Proceedings for an offence against this Act must be taken in a summary way under the <i>Justices Act 1886</i> .	19 20 21
	(2) Proceedings for an offence against a provision of chapter 7, 8 or 9 may only be taken by—	22 23
	(a) the commissioner; or	24
	(b) the chief executive; or	25
	(c) another appropriately qualified person, with the written authorisation of the chief executive, either generally or in a particular case.	26 27 28 29

	(3)	An authorisation under subsection (2)(c) is sufficient authority to continue proceedings in any case where the court amends the charge, warrant or summons.	1 2 3 4
Clause 234		Insertion of new ch 15, pt 19	5
		Chapter 15—	6
		<i>insert—</i>	7
		Part 19	8
		Transitional provision	9
		for Water Reform and	10
		Other Legislation	11
		Amendment Act 2014	12
		990 Application of joint interaction management plan provisions	13
	(1)	The pre-amended Act continues to apply in relation to the following for a period of 6 months after the commencement as if the joint interaction management plan provisions had not commenced—	14 15 16 17 18
	(a)	an operating plant, or the area of a petroleum tenure in which an operating plant is situated, mentioned in the pre-amended Act, section 386(1)(a);	19 20 21 22
	(b)	an operating plant, the area of a coal or oil shale mining lease (the <i>lease area</i>) in which an operating plant is situated, or an area adjacent to the lease area, mentioned in the pre-amended Act, section 705(a);	23 24 25 26 27
	(c)	an activity under an authority to prospect (csg) carried out in an overlapping area the subject of the authority to prospect (csg), within the meaning of the Common Provisions Act, if coal mining operations	28 29 30 31 32

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	under an exploration permit (coal), mineral development licence (coal) or mining lease (coal) within the meaning of that Act are also carried out in the overlapping area.	1 2 3 4
(2)	Despite subsection (1), a principal hazard management plan made under the pre-amended Act, section 705A is to be known as a 'joint interaction management plan' from the date of the commencement.	5 6 7 8 9
(3)	In this section—	10
	<i>joint interaction management plan provisions</i> means chapter 9, part 4, division 5, subdivision 1, as inserted by the <i>Water Reform and Other Legislation Amendment Act 2014</i> .	11 12 13 14
	<i>pre-amended Act</i> means this Act as in force before the commencement.	15 16
Clause 235	Amendment of sch 1 (Reviews and appeals)	17
(1)	Schedule 1, table 1, entries for 387 and 705C— <i>omit.</i>	18 19
(2)	Schedule 1, table 1— <i>insert—</i>	20 21
392BO	Decision about whether proposed provision for safety management system is reasonable	
Clause 236	Amendment of sch 2 (Dictionary)	22
(1)	Schedule 2, definitions <i>principal hazard management plan</i> and <i>safety management plan</i> — <i>omit.</i>	23 24 25
(2)	Schedule 2— <i>insert—</i>	26 27

<i>arbitration</i> , of a dispute, means arbitration of the dispute under the Common Provisions Act, chapter 4, part 6, division 4.	1 2 3
<i>authorised activities operating plant</i> , for chapter 9, part 4, division 5, subdivision 1, see section 705A.	4 5 6
<i>coal resource authority</i> , for chapter 9, part 4, division 5, subdivision 1, see section 705A.	7 8
<i>joint interaction management plan</i> , for chapter 9, part 4, division 5, subdivision 1, see section 705B(1)(a).	9 10 11
<i>overlapping area</i> , for chapter 9, part 4, division 5, subdivision 1, see section 705(a).	12 13
<i>safety management system</i> —	14
1 A safety management system, for an operating plant, is—	15 16
(a) the system made under section 674 as in force from time to time; and	17 18
<i>Note</i> —	19
If chapter 9, part 4, division 5, subdivision 1 applies for an operating plant, the safety management system under section 674 must include a joint interaction management plan.	20 21 22 23
(b) an auditable documented system that forms part of an overall management system for the plant.	24 25 26
2 If the plant has stages, a reference to the term includes the parts of the safety management system developed for each stage.	27 28 29 30
<i>site senior executive</i> , for chapter 9, part 4, division 5, subdivision 1, see section 705A.	31 32

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Division 5	Amendment of Mineral Resources Regulation 2013	1 2
Clause 237	Regulation amended	3
	This division amends the <i>Mineral Resources Regulation 2013</i> .	4
Clause 238	Replacement of ch 2, pt 4, div 4 (Conditions applying to particular coal mining leases)	5 6
	Chapter 2, part 4, division 4—	7
	<i>omit, insert—</i>	8
	Division 4	9
	Joint interaction management plans	10
	23 Application of div 4	11
	(1) This division applies to a coal mining lease granted before the commencement if—	12 13
	(a) coal mining operations are carried out, or are to be carried out, under the lease at a coal mine in any of the following areas (each an <i>overlapping area</i>)—	14 15 16 17
	(i) the area of a petroleum lease;	18
	(ii) an area adjacent to the area of a petroleum lease; and	19 20
	(b) the operations physically affect, or may physically affect, mining under the coal mining lease.	21 22 23
	(2) In this section—	24
	<i>petroleum lease</i> means a petroleum lease granted before the commencement.	25 26

24 Definitions for div 4

In this division—

arbitration, of a dispute, means arbitration of the dispute under the Common Provisions Act, chapter 4, part 6, division 4.

authorised activities operating plant means an operating plant under the Petroleum and Gas (Production and Safety) Act, section 670(6).

coal mine has the meaning given under the *Coal Mining Safety and Health Act 1999*, schedule 3.

coal mining operations has the meaning given under the *Coal Mining Safety and Health Act 1999*, schedule 3.

holder means the holder of the coal mining lease.

joint interaction management plan see section 25(1)(a).

operating plant see the Petroleum and Gas (Production and Safety) Act, section 670.

operator, of an operating plant, see the Petroleum and Gas (Production and Safety) Act, section 673.

overlapping area see section 23(1)(a).

petroleum lease means—

(a) a lease under the *Petroleum Act 1923*; or

(b) a petroleum lease under the Petroleum and Gas (Production and Safety) Act.

25 Requirement for joint interaction management plan

(1) The holder must—

(a) before carrying out coal mining operations in the overlapping area, make a plan for the

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- mine that complies with section 26 (a *joint interaction management plan*); and 1
2
- (b) before making the plan— 3
- (i) make reasonable attempts to consult 4
with the operator of each authorised 5
activities operating plant in the 6
overlapping area to jointly identify, 7
analyse and assess risks and hazards in 8
the overlapping area; and 9
- (ii) have regard to any reasonable 10
provisions for the plan relating to the 11
management of the risks and hazards 12
that are proposed by the operators 13
within 20 days after receiving a copy of 14
the proposed plan; and 15
- (iii) either— 16
- (A) reach agreement with the operator 17
of each authorised activities 18
operating plant in the overlapping 19
area about the content of the 20
proposed plan; or 21
- (B) apply for arbitration of the dispute 22
under subsection (3) or (4); and 23
- (c) comply with the plan. 24
- Maximum penalty—500 penalty units. 25
- (2) For subsection (1)(b)(i), the holder is taken to 26
have made reasonable attempts to consult with 27
the operator of an authorised activities operating 28
plant if— 29
- (a) the holder gives the operator a copy of the 30
proposed plan; and 31
- (b) the operator has not, within 20 days after 32
being given the copy, made any proposal to 33
the holder about the provisions for the plan. 34

-
- (3) If the holder and the operator of an authorised activities operating plant can not agree on the content of a proposed plan within 3 months after the operator receives a copy of the proposed plan, the holder must apply for arbitration of the dispute. 1
2
3
4
5
6
- (4) Despite subsection (3), either party may apply for arbitration of the dispute at any time. 7
8

26 Content of joint interaction management plan 9

- (1) A joint interaction management plan must— 10
- (a) be stored or kept together with the other parts of the safety and health management system for the mine; and 11
12
13
- (b) identify the hazards and assess the risks to be controlled that— 14
15
- (i) are, or may be, created by the mining operations or petroleum activities carried out in the overlapping area; and 16
17
18
- (ii) affect, or may be likely to affect, the safety and health of persons in the overlapping area; and 19
20
21
- (c) for each risk—identify the triggers or material changes, or likely triggers or material changes, that— 22
23
24
- (i) must be monitored to ensure the safety and health of persons in the overlapping area; and 25
26
27
- (ii) will require the plan to be reviewed; and 28
29
- (d) for each trigger or material change identified under paragraph (c)— 30
31
- (i) state the response procedures and times; and 32
33

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(ii)	state the type of action required for the response; and	1 2
	<i>Examples of action that may be required—</i>	3
1	a risk analysis	4
2	notice to the operator of an operating plant in the overlapping area of—	5 6
(a)	a drop in hydrostatic pressure that may show a potential hazard to persons carrying out authorised activities under the petroleum lease; or	7 8 9 10 11
(b)	a change in water level that may indicate differences in fluid interconnections with an adjacent petroleum lease	12 13 14 15
(iii)	state the reporting procedures; and	16
(e)	if there is proposed, or there is likely to be, interaction with other persons in the overlapping area—	17 18 19
(i)	describe the proposed or likely interactions, and how they will be managed; and	20 21 22
(ii)	identify the specific risks that may arise as a result of the proposed or likely interactions, and how the risks will be controlled; and	23 24 25 26
(iii)	identify the safety responsibilities of each person; and	27 28
(iv)	state the name of the operator and any other person responsible under the Petroleum and Gas (Production and Safety) Act for the operating plant; and	29 30 31 32
(f)	describe the way in which the plan will be reviewed and revised, including ongoing consultation with the persons mentioned in paragraph (e); and	33 34 35 36

-
- (g) describe the way in which details of any new site senior executive, or other senior person in the management structure, will be communicated to all operators of operating plants in the overlapping area; and
- (h) include any other information prescribed by regulation.
- (2) A regulation may prescribe a guide of potential hazards that may be created by coal mining operations in relation to exploring for or producing coal seam gas or petroleum (the *potential hazard guide*).
- (3) The potential hazard guide must be referred to for help in identifying the hazards and assessing the risks mentioned in subsection (1)(b) but is not intended to be exhaustive.
- (4) To remove any doubt, it is declared that a joint interaction management plan may apply to more than 1 overlapping area.
- 27 Notification of making of joint interaction management plan**
- As soon as practicable after making a joint interaction management plan, and before carrying out coal mining operations in the overlapping area, the holder must notify the chief inspector that the plan has been made.
- Maximum penalty—40 penalty units.
- 28 Review**
- (1) This section applies if—
- (a) it is proposed to change a joint interaction management plan; or

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- (b) a change at the coal mine is likely to give rise to an additional risk to safety or health in the overlapping area; or
 - (c) any of the following circumstances exist—
 - (i) an additional risk to safety or health in the overlapping area is identified;
 - (ii) consultation with coal mine workers indicates a review is necessary;
 - (iii) a risk control measure did not control the risk it was intended to control to an acceptable level.
- (2) For subsection (1)(b), a change at the coal mine includes—
 - (a) a change to the mine itself or any aspect of the mine environment; and
 - (b) a change to a system of work, process or procedure at the mine.
- (3) The site senior executive must review and, if necessary, revise the joint interaction management plan.
Maximum penalty—200 penalty units.
- (4) The review must take place in consultation with the operator of each authorised activities operating plant in the overlapping area and coal mine workers to the extent they are affected by the matters under review.
Maximum penalty—200 penalty units.
- (5) The review must take place—
 - (a) for subsection (1)(a) or (b)—before the change to the joint interaction management plan is made; or
 - (b) for subsection (1)(c)—as soon as possible after the circumstance exists.

Maximum penalty—200 penalty units.	1
(6) A revision of the plan under subsection (3) must be recorded on the plan.	2 3
Maximum penalty—200 penalty units.	4
(7) If the site senior executive and the operator of an authorised activities operating plant in the overlapping area can not agree on the content of a revision of the plan, either party may apply for arbitration of the dispute.	5 6 7 8 9
29 Holder must stop coal mining operations in particular circumstances	10 11
(1) The holder must ensure coal mining operations in the overlapping area stop immediately if—	12 13
(a) the holder becomes aware, or ought reasonably to be aware, that the operations physically affect the efficiency with which authorised activities under a petroleum lease in the overlapping area can be carried out; and	14 15 16 17 18 19
(b) the petroleum lease holder has not consented to the mining operations being carried out.	20 21 22
Maximum penalty—20 penalty units.	23
(2) The holder must ensure the coal mining operations do not resume until—	24 25
(a) they are modified so they do not have the physical effect on the efficiency of the petroleum activities to the extent mentioned in subsection (1); or	26 27 28 29
(b) the petroleum lease holder consents in writing to the mining operations being carried out.	30 31 32
Maximum penalty—20 penalty units.	33

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Clause 239	Amendment of s 94 (Prescribed way for making applications etc.—Act, s 386O)	1
	Section 94(1), ‘sections 28(2) and (3) and 95’—	2
	<i>omit, insert—</i>	3
	section 95	4
Clause 240	Insertion of new ch 4, pt 10	5
	Chapter 4—	6
	<i>insert—</i>	7
	Part 10	8
	Transitional provision	9
	for Water Reform and	10
	Other Legislation	11
	Amendment Act 2014	12
	111 Application of joint interaction management plan provisions	13
	(1) The pre-amended regulation continues to apply in relation to coal mining operations carried out under a coal mining lease in an overlapping area for a period of 6 months after the commencement as if the joint interaction management plan provisions had not commenced.	14
	(2) Despite subsection (2), a plan made under the pre-amended regulation, section 25 or 26 is to be known as a ‘joint interaction management plan’ from the commencement.	15
	(3) In this section—	16
	<i>joint interaction management plan provisions</i> means chapter 2, part 4, division 4, as inserted by the <i>Water Reform and Other Legislation Amendment Act 2014</i> .	17
	<i>overlapping area</i> see section 23(1)(a).	18
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	<i>pre-amended regulation</i> means this regulation as in force immediately before the commencement.	1 2
Clause 241	Amendment of sch 6 (Dictionary)	3
(1)	Schedule 6, definitions <i>adjacent petroleum lease</i> , <i>chief inspector of coal mines</i> , <i>coal mine</i> , <i>coal mining operations</i> , <i>holder</i> , <i>overlapping petroleum lease</i> , <i>petroleum lease</i> , <i>relevant mining lease</i> and <i>relevant mining operations</i> — <i>omit</i> .	4 5 6 7 8
(2)	Schedule 6— <i>insert</i> —	9 10
	<i>arbitration</i> , of a dispute, for chapter 2, part 4, division 4, see section 24.	11 12
	<i>authorised activities operating plant</i> , for chapter 2, part 4, division 4, see section 24.	13 14
	<i>coal mine</i> , for chapter 2, part 4, division 4, see section 24.	15 16
	<i>coal mining operations</i> , for chapter 2, part 4, division 4, see section 24.	17 18
	<i>holder</i> , for chapter 2, part 4, division 4, see section 24.	19 20
	<i>holder</i> —	21
	(a) for chapter 2, part 4, division 4, see section 24; or	22 23
	(b) for chapter 3, see section 32.	24
	<i>joint interaction management plan</i> , for chapter 2, part 4, division 4, see section 25(1)(a).	25 26
	<i>operating plant</i> , for chapter 2, part 4, division 4, see section 24.	27 28
	<i>operator</i> , of an operating plant, for chapter 2, part 4, division 4, see section 24.	29 30

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	<i>overlapping area</i> , for chapter 2, part 4, division 4, see section 23(1)(a).	1 2
	<i>petroleum lease</i> , for chapter 2, part 4, division 4, see section 24.	3 4
Part 10	Amendment of particular statutory instruments	5 6
Division 1	Amendment of Environmental Offsets Regulation 2014	7 8
Clause 242	Regulation amended	9
	This division amends the <i>Environmental Offsets Regulation 2014</i> .	10 11
Clause 243	Amendment of sch 2 (Prescribed environmental matters—matters of State environmental significance)	12 13
(1)	Schedule 2, section 2(6), definitions <i>relevant watercourse</i> and <i>vegetation management watercourse map</i> —	14 15
	<i>omit</i> .	16
(2)	Schedule 2, section 2(6)—	17
	<i>insert</i> —	18
	<i>relevant watercourse</i> means a watercourse identified on the vegetation management watercourse and drainage feature map.	19 20 21
	<i>vegetation management watercourse and drainage feature map</i> see the <i>Vegetation Management Act 1999</i> , section 20AB.	22 23 24

Division 2	Amendment of Sustainable Planning Regulation 2009	1 2
Clause 244	Regulation amended	3
	This division amends the <i>Sustainable Planning Regulation 2009</i> .	4 5
Clause 245	Amendment of sch 3 (Assessable development, self-assessable development and type of assessment)	6 7
	(1) Schedule 3, part 1, table 4, item 3, column 2, paragraph (d)— <i>omit.</i>	8 9
	(2) Schedule 3, part 2, table 4, item 1, column 2, paragraph (c)— <i>omit.</i>	10 11
Clause 246	Amendment of sch 5 (Applicable codes, laws, policies and prescribed matters for particular development)	12 13
	Schedule 5, part 1, table 4, item 4 and heading— <i>omit.</i>	14 15
Clause 247	Amendment of sch 7 (Referral agencies and their jurisdictions)	16 17
	Schedule 7, table 2, item 10 and heading— <i>omit.</i>	18 19
Clause 248	Amendment of sch 26 (Dictionary)	20
	(1) Schedule 26, definition <i>bed and banks</i> — <i>omit.</i>	21 22
	(2) Schedule 26, definition <i>watercourse</i> , paragraph 2— <i>omit, insert</i> —	23 24

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	2	<i>Watercourse</i> , for schedule 24, part 1, section 1(2), has the meaning given by the <i>Vegetation Management Act 1999</i> , schedule.	1 2 3
Division 3		Amendment of Water Resource (Great Artesian Basin) Plan 2006	4 5
Clause 249	Plan amended		6
		This division amends the <i>Water Resource (Great Artesian Basin) Plan 2006</i> .	7 8
Clause 250	Replacement of s 1 (Short title)		9
	Section 1—		10
	<i>omit, insert—</i>		11
	1 Short title		12
		This water plan may be cited as the <i>Water Plan (Great Artesian Basin) 2006</i> .	13 14
Clause 251	Amendment of s 10 (Decisions about taking water)		15
	Section 10(3)—		16
	<i>insert—</i>		17
		(ea) to grant a water licence to the Toowoomba Regional Council of up to 2000ML for town water supply; or	18 19 20
Clause 252	Replacement of s 11 (Limitation on taking or interfering with water—Act, s 20(2))		21 22
	(1) Section 11—		23
	<i>omit, insert—</i>		24

11	Limitation on taking or interfering with water—Act, s 101	1 2
(1)	In a management area other than Eastern Downs, Mulgildie or Clarence Moreton, a person may not take or interfere with underground water other than—	3 4 5 6
(a)	for domestic purposes; or	7
(b)	under a water entitlement or other authorisation held before the commencement of this plan; or	8 9 10
(c)	under an authorisation mentioned in section 10(3).	11 12
(2)	In the Eastern Downs, Mulgildie and Clarence Moreton management areas, a person may not take or interfere with underground water other than—	13 14 15 16
(a)	for stock or domestic purposes; or	17
(b)	under a water entitlement or other authorisation held before the commencement of this plan; or	18 19 20
(c)	under an authorisation mentioned in section 10(3).	21 22
Clause 253	Replacement of s 26 (Limitation on volume of unallocated water granted)	23 24
	Section 26—	25
	<i>omit, insert—</i>	26
26	Limitation of volume of unallocated water granted	27 28
	The volumetric limits, for water licences for water granted from the State reserve is—	29 30
(a)	for the Cape management area—a total of 9800ML; and	31 32

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(b) for all other management areas—a 1
combined total of 10,000ML for all the 2
areas. 3

Part 11 Other amendments 4

Clause 254 Legislation amended 5
Schedule 1 amends the legislation it mentions. 6

Clause 255 Plans amended 7
Schedule 2 amends the water resource plans it mentions. 8

Clause 256 Mining safety legislation amended 9
Schedule 3 amends the legislation it mentions. 10

Schedule 1	Minor or consequential amendments of particular legislation	1 2 3
	section 254	4
	Cape York Peninsula Heritage Act 2007	5
1	Section 27(1), (2), (3) and (4), ‘water resource plan’— <i>omit, insert—</i> water plan	6 7 8
	Coastal Protection and Management Act 1995	9
1	Section 167(2)(j)— <i>omit.</i>	10 11
2	Schedule, definition <i>tidal water</i>, paragraph (b), ‘declared’— <i>omit, insert—</i> as defined	12 13 14 15
	Land Valuation Act 2010	16
1	Sections 75(4)(a), 91(2) and schedule, definition <i>resource operations plan</i>, ‘resource operations plan’— <i>omit, insert—</i> water entitlement notice	17 18 19 20

Schedule 1

2	Section 91(2), ‘the plan’—	1
	<i>omit, insert—</i>	2
	the notice	3
 Petroleum and Gas (Production and Safety) Act 2004		4
1	Section 422A, from ‘be the holder of—’	5
	<i>omit, insert—</i>	6
	be the holder of a relevant environmental authority for the licence.	7 8
 State Development and Public Works Organisation Act 1971		9 10
1	Section 138(3), ‘water resource plan’—	11
	<i>omit, insert—</i>	12
	water plan	13
 Water Act 2000		14
1	Chapter 2, part 2, division 2A, heading—	15
	<i>omit, insert—</i>	16
	Part 1	Water supply
		emergencies
		17 18

2	Chapter 2, part 2, division 2A, subdivision 1, heading, 'Subdivision'—	1 2
	<i>omit, insert—</i>	3
	Division	4
3	Chapter 2, part 2, division 2A, subdivision 2, heading, 'Subdivision'—	5 6
	<i>omit, insert—</i>	7
	Division	8
4	Sections 25C(4) and (5)(a)(i), 25F(6) and (7), 25ZA(1)(b)(i) and (2)(b)(i), 986(1)(b), 986A(1)(a), (2)(a) and (c), 986C(3), 986F(1)(a) and (b), 986I(2), 991(1)(c), 1046(3), 'water resource plan'—	9 10 11 12
	<i>omit, insert—</i>	13
	water plan	14
5	Sections 25C(5)(a)(i) and 25F(7)(a)(i), 'resource operations plan'—	15 16
	<i>omit, insert—</i>	17
	operations manual	18
6	Section 25J(5), 'division'—	19
	<i>omit, insert—</i>	20
	part	21
7	Chapter 2, part 2, division 2A, subdivision 3, heading, 'Subdivision'—	22 23
	<i>omit, insert—</i>	24
	Division	25

Schedule 1

8	Section 25L(3), ‘division’—	1
	<i>omit, insert—</i>	2
	part	3
9	Chapter 2, part 2, division 2A, subdivision 4, heading, ‘Subdivision’—	4
	<i>omit, insert—</i>	5
	Division	6
10	Chapter 2, part 2, division 2A, subdivision 5, heading, ‘Subdivision’—	8
	<i>omit, insert—</i>	9
	Division	10
11	Section 25R(1), ‘division’—	12
	<i>omit, insert—</i>	13
	part	14
12	Section 25S(2), ‘division’—	15
	<i>omit, insert—</i>	16
	part	17
13	Chapter 2, part 2, division 2B, heading, ‘Division 2B’—	18
	<i>omit, insert—</i>	19
	Part 3	20
14	Section 362, definition <i>production testing</i>, ‘<i>Petroleum and Gas (Production and Safety) Act 2004</i>’—	21
	<i>omit, insert—</i>	22
	Petroleum and Gas Act	23
		24

15	Section 808(1)(a), note, ‘Petroleum and Gas (Production and Safety) Act 2004’—	1 2
	<i>omit, insert—</i>	3
	Petroleum and Gas Act	4
16	Section 816(2)(d), ‘Petroleum and Gas (Production and Safety) Act 2004’—	5 6
	<i>omit, insert—</i>	7
	Petroleum and Gas Act	8
17	Section 972B(1)(b) and (c), ‘Mineral Resources Act 1989’—	9 10
	<i>omit, insert—</i>	11
	Mineral Resources Act	12
18	Section 984, definition <i>change</i>, ‘water resource plan’—	13
	<i>omit, insert—</i>	14
	water plan	15
19	Section 984, definition <i>designated plan</i>—	16
	<i>omit, insert—</i>	17
	<i>designated plan</i> means any of the following or any replacement of the following—	18 19
	(a) <i>Water Plan (Border Rivers) 2003</i> ;	20
	(b) <i>Water Plan (Condamine and Balonne) 2004</i> ;	21
	(c) <i>Water Plan (Moonie) 2003</i> ;	22
	(d) <i>Water Plan (Warrego, Paroo, Bulloo and Nebine) 2003</i> .	23 24
20	Section 984, definition <i>owner</i>, ‘water resource plan’—	25
	<i>omit, insert—</i>	26

	water plan	1
21	Section 984, definition <i>replacement</i>, ‘water resource plan’—	2 3
	<i>omit, insert—</i>	4
	water plan	5
22	Section 986A(1)(a), ‘water resource plans’—	6
	<i>omit, insert—</i>	7
	water plans	8
23	Section 986I, heading, ‘Water resource plan’—	9
	<i>omit, insert—</i>	10
	Water plan	11
24	Sections 1038 to 1045A—	12
	<i>omit.</i>	13
25	Section 1047—	14
	<i>omit.</i>	15
26	Sections 1049 to 1056—	16
	<i>omit.</i>	17
27	Chapter 9, part 2, division 1—	18
	<i>omit.</i>	19
28	Sections 1085 to 1086—	20
	<i>omit.</i>	21

29	Section 1092—	1
	<i>omit.</i>	2
30	Section 1107—	3
	<i>omit.</i>	4
31	Section 1112—	5
	<i>omit.</i>	6
32	Section 1115—	7
	<i>omit.</i>	8
33	Section 1118—	9
	<i>omit.</i>	10
34	Section 1121—	11
	<i>omit.</i>	12
35	Chapter 9, part 4, division 2, subdivision 4—	13
	<i>omit.</i>	14
36	Sections 1134 to 1135A—	15
	<i>omit.</i>	16
37	Chapter 9, part 5, divisions 2 and 3—	17
	<i>omit.</i>	18
38	Sections 1136E to 1136H—	19
	<i>omit.</i>	20

Schedule 1

39	Section 1138—	1
	<i>omit.</i>	2
40	Section 1143—	3
	<i>omit.</i>	4
41	Chapter 9, part 5, division 7—	5
	<i>omit.</i>	6
42	Section 1155—	7
	<i>omit.</i>	8
43	Sections 1161 to 1164—	9
	<i>omit.</i>	10
44	Section 1180—	11
	<i>omit.</i>	12
45	Sections 1183 to 1189—	13
	<i>omit.</i>	14
46	Sections 1191 to 1195—	15
	<i>omit.</i>	16
47	Sections 1198 and 1199—	17
	<i>omit.</i>	18
48	Section 1202—	19
	<i>omit.</i>	20

49	Sections 1204 to 1206—	1
	<i>omit.</i>	2
50	Sections 1223 to 1224—	3
	<i>omit.</i>	4
51	Sections 1228 to 1230—	5
	<i>omit.</i>	6
52	Schedule 4, definitions <i>nominal volume</i> and <i>proposed plan area</i>, ‘water resource plan’—	7
	<i>omit, insert—</i>	8
	water plan	9
		10
53	Schedule 4, definition <i>owner</i>, paragraph (a)(iii), ‘<i>Mineral Resources Act 1989</i>’—	11
	<i>omit, insert—</i>	12
	Mineral Resources Act	13
		14
54	Schedule 4, definition <i>owner</i>, paragraph (a)(viii), ‘<i>Petroleum and Gas (Production and Safety) Act 2004</i>’—	15
	<i>omit, insert—</i>	16
	Petroleum and Gas Act	17
		18
55	Schedule 4, definition <i>petroleum tenure</i>, paragraph (a)(ii), ‘<i>Petroleum and Gas (Production and Safety) Act 2004</i>’—	19
	<i>omit, insert—</i>	20
	Petroleum and Gas Act	21
		22

	Water Supply (Safety and Reliability) Act 2008	1
1	Sections 390(4), note to 395(4) and 396(1), ‘resource operations plan’—	2 3
	<i>omit, insert—</i>	4
	resource operations licence	5
2	Schedule 3, definition <i>interim resource operations licence</i>—	6 7
	<i>omit, insert—</i>	8
	<i>interim resource operations licence</i> means a licence granted under the Water Act before the commencement of section 1271 of the Water Act.	9 10 11
3	Schedule 3, definition <i>resource operations licence</i>—	12
	<i>omit, insert—</i>	13
	<i>resource operations licence</i> means a resource operations licence granted under the Water Act, chapter 2, part 3, division 5.	14 15 16
4	Schedule 3, definition <i>water entitlement</i>, paragraph (b)—	17
	<i>omit, insert—</i>	18
	(b) an interim water allocation granted under the Water Act before the commencement of section 1271 of the Water Act.	19 20 21
5	Schedule 3, definition <i>water licence</i>—	22
	<i>omit, insert—</i>	23
	water licence means a licence granted under the Water Act, chapter 2, part 3, division 2.	24 25

Environmental Protection (Water) Policy 2009		1
1	Section 24(3)(e), ‘water resource plan’—	2
	<i>omit, insert—</i>	3
	water plan	4
Sustainable Planning Regulation 2009		5
1	Schedule 3, part 1, table 4, item 3, paragraphs (c)(i) and (f), ‘water resource plan’—	6
	<i>omit, insert—</i>	7
	water plan	8
2	Schedule 3, part 2, table 4, item 1, paragraphs (a), (b)(i) and (e), ‘water resource plan’—	10
	<i>omit, insert—</i>	11
	water plan	12
3	Schedule 3, part 1, table 4, item 3, paragraph (a)(i), ‘part 2, division 1A’—	14
	<i>omit, insert—</i>	15
	part 3, division 1	16
4	Schedule 24, part 1, section 1(2)(a)(ii)—	18
	<i>omit, insert—</i>	19
	(ii) a necessary and unavoidable	20
	consequence of an activity authorised	21
	by a riverine protection permit issued	22
	under the <i>Water Act 2000</i> ; or	23

Schedule 1

5	Schedule 26, definition <i>water resource plan</i>—	1
	<i>omit, insert—</i>	2
	<i>water plan</i> means a water plan under the <i>Water Act</i>	3
	<i>2000.</i>	4

Schedule 2	Amendment of Water Resource Plans	1 2
	section 255	3
	Water Resource (Baffle Creek Basin) Plan 2010	4
1	Section 1—	5
	<i>omit, insert—</i>	6
	1 Short title	7
	This water plan may be cited as the <i>Water Plan (Baffle Creek Basin) 2010</i> .	8 9
	Water Resource (Barron) Plan 2002	10
1	Section 1—	11
	<i>omit, insert—</i>	12
	1 Short title	13
	This water plan may be cited as the <i>Water Plan (Barron) 2002</i> .	14 15
	Water Resource (Border Rivers) Plan 2003	16
1	Section 1—	17
	<i>omit, insert—</i>	18

1	Short title	1
	This water plan may be cited as the <i>Water Plan (Border Rivers) 2003</i> .	2 3
 Water Resource (Boyne River Basin) Plan 2013		4
1	Section 1—	5
	<i>omit, insert—</i>	6
1	Short title	7
	This water plan (<i>this plan</i>) may be cited as the <i>Water Plan (Boyne River Basin) 2013</i> .	8 9
 Water Resource (Burdekin Basin) Plan 2007		10
1	Section 1—	11
	<i>omit, insert—</i>	12
1	Short title	13
	This water plan may be cited as the <i>Water Plan (Burdekin Basin) 2007</i> .	14 15
 Water Resource (Burnett Basin) Plan 2014		16
1	Section 1—	17
	<i>omit, insert—</i>	18

1	Short title	1
	This water plan (<i>this plan</i>) may be cited as the <i>Water Plan (Burnett Basin) 2014</i> .	2 3
Water Resource (Calliope River Basin) Plan 2006		4
1	Section 1—	5
	<i>omit, insert—</i>	6
	1	7
	Short title	7
	This water plan may be cited as the <i>Water Plan (Calliope River Basin) 2006</i> .	8 9
Water Resource (Condamine and Balonne) Plan 2004		10
1	Section 1—	11
	<i>omit, insert—</i>	12
	1	13
	Short title	13
	This water plan may be cited as the <i>Water Plan (Condamine and Balonne) 2004</i> .	14 15
Water Resource (Cooper Creek) Plan 2011		16
1	Section 1—	17
	<i>omit, insert—</i>	18

1	Short title	1
	This water plan may be cited as the <i>Water Plan (Cooper Creek) 2011</i> .	2 3
Water Resource (Fitzroy Basin) Plan 2011		4
1	Section 1—	5
	<i>omit, insert—</i>	6
1	Short title	7
	This water plan may be cited as the <i>Water Plan (Fitzroy Basin) 2011</i> .	8 9
Water Resource (Georgina and Diamantina) Plan 2004		10
1	Section 1—	11
	<i>omit, insert—</i>	12
1	Short title	13
	This water plan may be cited as the <i>Water Plan (Georgina and Diamantina) 2004</i> .	14 15
Water Resource (Gold Coast) Plan 2006		16
1	Section 1—	17
	<i>omit, insert—</i>	18

1	Short title	1
	This water plan may be cited as the <i>Water Plan (Gold Coast) 2006</i> .	2 3
Water Resource (Gulf) Plan 2007		4
1	Section 1— <i>omit, insert—</i>	5 6
	1 Short title	7
	This water plan may be cited as the <i>Water Plan (Gulf) 2007</i> .	8 9
Water Resource (Logan Basin) Plan 2007		10
1	Section 1— <i>omit, insert—</i>	11 12
	1 Short title	13
	This water plan may be cited as the <i>Water Plan (Logan Basin) 2007</i> .	14 15
Water Resource (Mary Basin) Plan 2006		16
1	Section 1— <i>omit, insert—</i>	17 18

1	Short title	1	
	This water plan may be cited as the <i>Water Plan (Mary Basin) 2006</i> .	2 3	
 Water Resource (Mitchell) Plan 2007		4	
1	Section 1—	5	
	<i>omit, insert—</i>	6	
	1	Short title	7
	This water plan may be cited as the <i>Water Plan (Mitchell) 2007</i> .	8 9	
 Water Resource (Moonie) Plan 2003		10	
1	Section 1—	11	
	<i>omit, insert—</i>	12	
	1	Short title	13
	This water plan may be cited as the <i>Water Plan (Moonie) 2003</i> .	14 15	
 Water Resource (Moreton) Plan 2007		16	
1	Section 1—	17	
	<i>omit, insert—</i>	18	

1	Short title	1
	This water plan may be cited as the <i>Water Plan (Moreton) 2007</i> .	2 3
Water Resource (Pioneer Valley) Plan 2002		4
1	Section 1—	5
	<i>omit, insert—</i>	6
	1	7
	Short title	7
	This water plan may be cited as the <i>Water Plan (Pioneer Valley) 2002</i> .	8 9
Water Resource (Warrego, Paroo, Bulloo and Nebine) Plan 2003		10 11
1	Section 1—	12
	<i>omit, insert—</i>	13
	1	14
	Short title	14
	This water plan may be cited as the <i>Water Plan (Warrego, Paroo, Bulloo and Nebine) 2003</i> .	15 16
Water Resource (Wet Tropics) Plan 2013		17
1	Section 1—	18
	<i>omit, insert—</i>	19

1	Short title	1
	This water plan (<i>this plan</i>) may be cited as the <i>Water Plan (Wet Tropics) 2013</i> .	2 3

Water Resource (Whitsunday) Plan 2010 4

1	Section 1—	5	
	<i>omit, insert—</i>	6	
	1	Short title	7
	This water plan may be cited as the <i>Water Plan (Whitsunday) 2010</i> .	8 9	

Schedule 3	Minor or consequential amendments of particular legislation relating to mining safety	1 2 3 4
	section 256	5
	Coal Mining Safety and Health Regulation 2001	6
1	Section 6A(2), ‘plan’— <i>omit, insert—</i> joint interaction management plan	7 8 9
2	Section 6A(3)(b), ‘and efficient’— <i>omit.</i>	10 11
3	Section 12B(1) and (2), ‘plan’— <i>omit, insert—</i> joint interaction management plan	12 13 14
4	Section 12B(1), ‘section 27(1)(c), (d) and (e)’— <i>omit, insert—</i> section 26(1)(b), (2) and (3)	15 16 17
5	Section 12B(2), ‘section 25(3)(a) and (b)’— <i>omit, insert—</i> section 25	18 19 20

Schedule 3

6	Section 100AD(3)—	1
	<i>omit.</i>	2
7	Section 157A, ‘section 156(2)(b)(i)’—	3
	<i>omit, insert—</i>	4
	section 156(3)(a)	5
Petroleum and Gas (Production and Safety) Act 2004		6
1	Sections 306, 310(1)(b)(i) and (d)(iv), 314(3)(f), 350(1)(c) and (d), 360(1)(a), 372(2), 385(2), 392AH(3)(e), 392BB(3)(a)(ii), 392BM(2), 392BN(4), (5), (7) and (8), 392BO(1), 672(2)(b), 676, 677, 678, 678A, 679(1), 681, 683(b)(ii), 684(2), 688, 690(1)(e), 692(1), 699, 702, 727(3)(a), 779, 836, ‘safety management plan’—	7
	<i>omit, insert—</i>	13
	safety management system	14
2	Section 306(2), ‘388 and 675’—	15
	<i>omit, insert—</i>	16
	675 and 705C	17
3	Sections 306(2), note, 314(3), note, 350(1), note, 676(2), note and 678(2), note—	18
	<i>omit.</i>	20
4	Section 310(1)(c), ‘proposed plans’—	21
	<i>omit, insert—</i>	22
	proposed plan or system	23

5	Sections 350(1)(d), 392BN(4), (5), (7) and (8), 672(2)(b), 676, 677, 679, 680(3), 688, 690(1)(f), 727(3)(a), 836, ‘the plan’—	1 2 3
	<i>omit, insert—</i>	4
	the system	5
6	Chapter 3, part 7, heading, ‘safety management plan’—	6
	<i>omit, insert—</i>	7
	safety management system	8
7	Section 385, heading, ‘plan’—	9
	<i>omit, insert—</i>	10
	safety management system	11
8	Section 385(2)(b), ‘388 or 675’—	12
	<i>omit, insert—</i>	13
	675 or 705C	14
9	Chapter 3A, part 7, heading, ‘safety management plans’—	15 16
	<i>omit, insert—</i>	17
	safety management systems	18
10	Section 392BM, heading, ‘plan’—	19
	<i>omit, insert—</i>	20
	safety management system	21
11	Chapter 9, part 2, heading, ‘Safety management plans’—	22
	<i>omit, insert—</i>	23
	Safety management systems	24

Schedule 3

12	Sections 675A(3) and 688, ‘a plan’—	1
	<i>omit, insert—</i>	2
	a system	3
13	Section 678A(2), definition <i>resulting records</i>, paragraph (f), ‘safety management plans’—	4
	<i>omit, insert—</i>	5
	safety management systems	6
14	Chapter 9, part 2, divisions 3 and 4, heading, ‘safety management plans’—	8
	<i>omit, insert—</i>	9
	safety management systems	10
15	Sections 690(1)(h) and 736(1)(a), ‘safety management plans’—	11
	<i>omit, insert—</i>	12
	safety management systems	13
16	Section 688, 727(3)(a) and schedule 2, definition <i>generic SMP</i>, ‘generic SMP’—	14
	<i>omit, insert—</i>	15
	generic SMS	16
17	Section 834(a)(vi), ‘a safety management plan’—	17
	<i>omit, insert—</i>	18
	the safety management system	19
18	Section 836, heading, ‘Safety management plans’—	20
	<i>omit, insert—</i>	21
		22
		23
		24

	Safety management systems	1
19	Sections 842(5) and 843(7), ‘389,’—	2
	<i>omit.</i>	3
20	Schedule 1, table 1, entries for section 681(2), ‘safety management plan’—	4
	<i>omit, insert—</i>	5
	safety management system	6
		7
21	Schedule 2, definition <i>overview</i>, ‘safety management plan’—	8
	<i>omit, insert—</i>	9
	safety management system	10
		11
22	Schedule 2, definition <i>overview</i>, ‘the plan’—	12
	<i>omit, insert—</i>	13
	the system	14