

Queensland



*Water Act 2000*

# **WATER REGULATION 2000**

**Reprinted as in force on 4 January 2002  
(includes amendments up to SL No. 295 of 2001)**

**Reprint No. 1C**

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the Office of the Queensland Parliamentary Counsel  
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# Information about this reprint

This regulation is reprinted as at 4 January 2002. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

# Queensland



## WATER REGULATION 2000

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# **WATER REGULATION 2000**

[as amended by all amendments that commenced on or before 4 January 2002]

## **PART 1—PRELIMINARY**

### **1 Short title**

This regulation may be cited as the *Water Regulation 2000*.

### **2 Commencement**

This regulation commences on 1 October 2000.

### **3 Dictionary**

The dictionary in schedule 2 defines particular words used in this regulation.

## **PART 2—NOMINATED PERSONS**

### **4 Nominated persons—Act, s 168**

A person mentioned in column 1 of schedule 1 is nominated as the person who operates the infrastructure or manages the water mentioned opposite the person in column 2.

## **PART 3—TRANSFERRING INTERIM WATER ALLOCATION**

### **5 Transferring interim water allocation to other land**

(1) An interim water allocation holder (the “**proposed transferor**”) may transfer to other land, whether in or outside Queensland, all or part of the authority under the allocation to take water in relation to land.

(2) However, subsection (1) applies only if—

- (a) the interim water allocation is managed under the interim resource operations licence for—
  - (i) the Mareeba Dimbulah water supply scheme; or
  - (ii) the Nogoia Mackenzie water supply scheme if the allocation was granted in accordance with schedule 2.6 of the licence granted to SunWater in November 2000; and
- (b) the interim water allocation is applied for—
  - (i) domestic purposes; or
  - (ii) watering stock of a number that would normally be depastured on the land; or
  - (iii) primary production; and
- (c) the person acquiring the authority (the “**proposed transferee**”) is the owner of land that may be supplied with water under the interim resource operations licence; and
- (d) the transfer results in the proposed transferee acquiring an authority to take water (the “**transferee’s allocation**”) in relation to the land of the proposed transferee; and
- (e) the proposed transferee intends to apply the transferee’s allocation for a purpose mentioned in paragraph (b); and
- (f) the transfer is made in accordance with the chief executive’s written approval.

### **6 Application for approval to transfer interim water allocation**

(1) This section applies for obtaining the chief executive’s approval of a transfer mentioned in section 5.

*Water Regulation 2000*

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- (2) An application must be made to the chief executive.
- (3) The application must—
- (a) be made jointly by the proposed transferor and proposed transferee; and
  - (b) be in the approved form.
- (4) The application must be accompanied by the following—
- (a) a copy of the document (the **“water entitlement document”**) under which the proposed transferor’s interim water allocation is held;
  - (b) a statutory declaration by the proposed transferor that each person (an **“interested person”**) who has a financial or other interest in the land of the proposed transferor for which the interim water allocation is held (the **“proposed transferor’s land”**) has been notified in writing of the proposed transfer;
  - (c) the written consent of each interested person to the proposed transfer;
  - (d) an application fee of \$220.
- (5) The applicants must give a copy of the application, not including the items mentioned in subsection (4), to the holder of the interim resource operations licence under which the interim water allocation is managed.

## 7 Publication of notice about proposed transfer

(1) As soon as practicable after receiving an approval application, the chief executive must publish a notice of the proposed transfer in a newspaper circulating generally in the area in which the proposed transferor’s land is situated.

- (2) The notice must state the following—
- (a) the name of the proposed transferor;
  - (b) a description of the proposed transferor’s land;
  - (c) information about the transferor’s interim water allocation, including the volume of water to which it relates;
  - (d) that the proposed transfer will not happen until at least 28 days after the notice is published.

(3) This section does not apply to an approval application relating to an interim water allocation mentioned in section 5(2)(a)(ii).

## **8 Consideration of approval application**

In deciding whether to approve the proposed transfer to which an approval application relates, the chief executive must have regard to the following—

- (a) the effect of the proposed transfer on the sustainability of land and water resources in the area;
- (b) the purpose for which the proposed transferee intends to use the transferee's allocation;
- (c) any other matter the chief executive considers appropriate.

## **9 Chief executive's decision about approval application**

(1) After considering the matters mentioned in section 8 for an approval application, the chief executive may—

- (a) approve the proposed transfer, with or without conditions; or
- (b) refuse to approve the proposed transfer.

(2) The chief executive must refuse to approve a proposed transfer if—

- (a) the chief executive has not received from the interim resource operations licence holder notice of the existence of a supply contract between the proposed transferee and the interim resource operations licence holder; or
- (b) the proposed transferee does not intend to apply the transferee's allocation for a purpose mentioned in section 5(2)(b).

(3) Without limiting subsection (1)(a), the conditions the chief executive may impose for an approval include a condition that the transferee's allocation is to be adjusted to avoid a negative effect on the sustainability of land and water resources.

(4) If the chief executive decides to approve the proposed transfer without conditions, the chief executive must immediately give written notice of the approval to the proposed transferor, proposed transferee and the interim resource operations licence holder.

(5) If the chief executive decides to refuse to approve the proposed transfer, or to approve the transfer on conditions, the chief executive must immediately—

- (a) give the proposed transferor and proposed transferee an information notice about the decision; and
- (b) give the interim resource operations licence holder notice of the decision.

## **10 Fixing conditions on transferee's allocation**

(1) This section applies if, after considering an approval application, the chief executive decides to approve the proposed transfer to which it relates.

(2) The chief executive must fix the conditions, if any, that are to attach to the transferee's allocation.

(3) Without limiting subsection (2), the conditions the chief executive may fix include a condition that the allocation is applied only for a purpose mentioned in section 5(2)(b).

(4) If the chief executive decides not to fix any conditions to the allocation, the chief executive must immediately give written notice of the decision to the proposed transferee.

(5) If the chief executive decides to fix conditions to the allocation, the chief executive must immediately give the proposed transferee an information notice about the decision.

## **11 Action by parties after transfer**

(1) This section applies to a transfer mentioned in section 5.

(2) As soon as practicable after the transfer—

- (a) the transferor and transferee must each give the chief executive written notice of the transfer signed by both parties; and
- (b) the transferor must return to the chief executive the transferor's water entitlement document.

(3) The transferee must, if asked by the chief executive, return a water entitlement document held by the transferee to the chief executive as soon as practicable after receiving the request.

(4) Subsection (2)(a) does not apply to the transferor or transferee if the other party complies with the subsection.

## **PART 4—FEES FOR LAND AND WATER MANAGEMENT PLANS**

### **12 Applying for approval—Act, s 74**

(1) This section provides for the prescribed fee under section 74(3)(c) of the Act for an application to approve a land and water management plan (the “**subject plan**”).

(2) If the application is, in effect, to amend or renew a previously approved land and water management plan (the “**previous plan**”), the fee is—

- (a) if the subject plan applies to land that the previous plan does not or did not apply to, or provides for an irrigation method not provided for in, or that is substantially different to, the previous plan—\$103.20; or
- (b) otherwise—\$51.60.

(3) Otherwise, the fee is \$154.80.

**SCHEDULE 1****PERSONS NOMINATED FOR THE ACT, SECTION 168**

section 4

**Column 1****Nominated person**Caloundra-Maroochy Water  
Supply Board

Hervey Bay City Council

**Column 2****Water infrastructure or water**Baroon Pocket Dam  
Obi Obi CreekLenthalls Dam  
Weirs 1 and 2 on Burrum River

**SCHEDULE 2****DICTIONARY**

section 3

**“approval application”** means an application made under section 5.

**“primary production”** does not include operation of a cattle feedlot or piggery.

**“proposed transferee”** see section 4.

**“proposed transferor”** see section 4.

**“proposed transferor’s land”** see section 5.

**“transferee’s allocation”** see section 4.

**“water entitlement document”** see section 5.

## ENDNOTES

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 4 January 2002. Future amendments of the Water Regulation 2000 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	prev	= previous
amd	= amended	(prev)	= previously
amdt	= amendment	proc	= proclamation
ch	= chapter	prov	= provision
def	= definition	pt	= part
div	= division	pubd	= published
exp	= expires/expired	R[X]	= Reprint No.[X]
gaz	= gazette	RA	= Reprints Act 1992
hdg	= heading	reloc	= relocated
ins	= inserted	renum	= renumbered
lap	= lapsed	rep	= repealed
notfd	= notified	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 1992
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered

## 4 Table of earlier reprints

### TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	4 October 2000
1A	to SL No. 147 of 2001	21 September 2001
1B	to SL No. 195 of 2001	26 October 2001

## 5 List of legislation

### **Water Regulation 2000 SL No. 258**

made by the Governor in Council on 28 September 2000  
notfd gaz 29 September 2000 pp 404–5  
ss 1–2 commenced on date of notification  
remaining provisions commenced 1 October 2000 (see s 2)  
exp 1 September 2011 (see SIA s 54)

as amended by—

### **Natural Resources Legislation Amendment Regulation (No. 2) 2001 SL No. 147 pts, 1, 13**

notfd gaz 24 August 2001 pp 1526–9  
ss 1–2 commenced on date of notification  
remaining provisions commenced 20 September 2001 (see s 2)

### **Water Amendment Regulation (No. 1) 2001 SL No. 195**

notfd gaz 19 October 2001 pp 627–8  
commenced on date of notification

### **Water Amendment Regulation (No. 2) 2001 SL No. 295**

notfd gaz 21 December 2001 pp 1482–8  
commenced on date of notification

## 6 List of annotations

### **Dictionary**

s 3 amd 2000 SL No. 195 s 2 sch

### **PART 2—NOMINATED PERSONS**

pt 2 (s 4) ins 2001 SL No. 195 s 5

### **PART 3—TRANSFERRING INTERIM WATER ALLOCATION**

pt hdg (prev pt 2) renum 2001 SL No. 195 s 3

**Transferring interim water allocation to other land**

**s 5** (prev s 4) renum 2001 SL No. 195 s 4  
amd 2001 SL No. 295 s 3

**Application for approval to transfer interim water allocation**

**s 6** (prev s 5) renum 2001 SL No. 195 s 4  
amd 2001 SL No. 195 s 2 sch; 2001 SL No. 295 s 4

**Publication of notice about proposed transfer**

**s 7** (prev s 6) renum 2001 SL No. 195 s 4  
amd 2001 SL No. 295 s 5

**Consideration of approval application**

**s 8** (prev s 7) renum 2001 SL No. 195 s 4

**Chief executive's decision about approval application**

**s 9** (prev s 8) renum 2001 SL No. 195 s 4  
amd 2001 SL No. 195 s 2 sch; 2001 SL No. 295 s 6

**Fixing conditions on transferee's allocation**

**s 10** (prev s 9) renum 2001 SL No. 195 s 4  
amd 2001 SL No. 295 s 7

**Action by parties after transfer**

**s 11** prev s 11 exp 2 October 2000  
(prev s 10) renum 2001 SL No. 195 s 4  
amd 2001 SL No. 195 s 2 sch

**PART 4—FEES FOR LAND AND WATER MANAGEMENT PLANS**

**pt 4 hdg** prev hdg exp 2 October 2000  
pres hdg ins 2001 SL No. 147 s 37  
(prev pt 3) renum 2001 SL No. 195 s 3

**Applying for approval—Act, s 74**

**s 12** prev s 12 exp 2 October 2000  
(prev s 11) renum 2001 SL No. 195 s 4

**Expiry of pt 3**

**s 13** exp 2 October 2000

**SCHEDULE 1—PERSONS NOMINATED FOR THE ACT, SECTION 168**

ins 2001 SL No. 195 s 7  
amd 2001 SL No. 295 s 8

**SCHEDULE 2—DICTIONARY**

(prev schedule) renum 2001 SL No. 195 s 6