

Queensland



*Water Act 2000*

# **WATER REGULATION 2000**

**Reprinted as in force on 4 October 2000  
(regulation not amended up to this date)**

**Reprint No. 1**

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# Information about this reprint

This regulation is reprinted as at 4 October 2000.

Minor editorial changes allowed under the Reprints Act 1992, section 37 have been made to omit provisions that are no longer required.

**See endnotes for information about when provisions commenced.**

# Queensland



## WATER REGULATION 2000

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# WATER REGULATION 2000

[reprinted as in force on 4 October 2000]

## PART 1—PRELIMINARY

### Short title

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

### Commencement

2. This regulation commences on 1 October 2000.

### Dictionary

3. The dictionary in the schedule defines particular words used in this regulation.

## PART 2—TRANSFERRING INTERIM WATER ALLOCATION

### Transferring interim water allocation to other land

4.(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—
  - (i) is managed under the interim resource operations licence for the Mareeba Dimbulah water supply scheme; and

- (ii) is applied for primary production; and
- (b) 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
- (c) 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
- (d) the proposed transferee intends to apply the transferee’s allocation for primary production; and
- (e) the transfer is made in accordance with the chief executive’s written approval.

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

**5.(1)** This section applies for obtaining the chief executive’s approval of a transfer mentioned in section 4.

- (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 for the Mareeba Dimbulah water supply scheme.

### **Publication of notice about proposed transfer**

**6.(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.

### **Consideration of approval application**

**7.** 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.

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

**8.(1)** After considering the matters mentioned in section 7 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 primary production.

(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.

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

**9.(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 primary production.

(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.

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

**10.(1)** This section applies to a transfer mentioned in section 4.

**(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.

**SCHEDULE****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). However, no amendments have commenced operation on or before that day. 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

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

## **4 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)

## **5 List of annotations**

### **PART 3—AMENDMENT OF WATER RESOURCES REGULATION 1999**

**pt 3 (ss 11–13)** exp 2 October 2000 (see s 13)

om R1 (see RA s 37)