



Queensland

Water and Other Legislation Amendment Act 2005

Act No. 19 of 2005



Queensland

Water and Other Legislation Amendment Act 2005

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Queensland

Water and Other Legislation Amendment Act 2005

Act No. 19 of 2005

An Act to amend the *Water Act 2000*, and for other purposes

[Assented to 19 May 2005]

The Parliament of Queensland enacts—**Part 1 Preliminary****1 Short title**

This Act may be cited as the *Water and Other Legislation Amendment Act 2005*.

2 Commencement

- (1) Sections 99 to 109, 135 and 172 to the extent it inserts section 1136F and 1136G commence on 1 October 2005 or, if this Act is assented to after 1 October 2005, on the day of assent.
- (2) The following provisions commence on a day to be fixed by proclamation—
 - (a) sections 13 to 16, 48, 49, 51, 52, 56 to 59, 61, 78, 85, 87 to 91, 94, 140, 141, 146, 157(1), 159 and 160 and part 3;
 - (b) section 172 to the extent it inserts sections 1136B and 1136H.

Part 2 Amendment of Water Act 2000**3 Act amended in pt 2**

This part amends the *Water Act 2000*.

4 Amendment of s 20 (Authorised taking of water without water entitlement)

- (1) Section 20(6), ‘or interfere with overland flow water and’—
omit, insert—

‘overland flow water or take or interfere with’.

- (2) Section 20(6)(b), ‘taking or interfering’—

omit, insert—

‘taking of or interfering’.

- (3) Section 20(7), ‘(3)(a)’—

omit, insert—

‘(3)(b)’.

- (4) Section 20(8), ‘For subsection (3)’—

omit, insert—

‘In this section’.

5 Amendment of s 25 (Limiting water taken under water licence or permit)

- (1) Section 25, heading—

omit, insert—

‘25 Limiting water taken under water licence, permit or allocation’.

- (2) Section 25(1)—

omit, insert—

- ‘(1) If there is a shortage of water, the chief executive may, by publishing a notice, limit the water that may be—

- (a) taken or interfered with under a water licence; or
- (b) taken under a water permit; or
- (c) taken under a water allocation not managed under a resource operations licence.’.

- (3) Section 25(2)(c), ‘licensee or permittee’—

omit, insert—

‘licensee, permittee or the holder of a water allocation’.

6 Amendment of s 26 (Moratorium notices)

- (1) Section 26(4), ‘not currently regulated by a water resource plan’—

omit.

- (2) Section 26—

insert—

- ‘(9) In this section—

moratorium notice includes a moratorium notice the effect of which has been amended or continued under a water resource plan.’.

7 Amendment of s 36 (Obtaining water information)

- (1) Section 36(1), ‘under this chapter’—

omit, insert—

‘under this Act’.

- (2) Section 36(1)(c) and (d), after ‘managed’—

insert—

‘, taken or supplied’.

- (3) Section 36(1)—

insert—

‘(e) about the taking or supplying of water by the person under the person’s authority.’.

8 Amendment of s 37 (Notice of works)

Section 37, heading—

omit, insert—

‘37 Notice of works and water use’.

9 Amendment of s 38 (Minister may prepare water resource plans)

Section 38(4)(a) and (b), ‘, or interfering with,’—
omit.

10 Amendment of s 46 (Content of draft water resource plans)

(1) Section 46(2)(b), ‘, or interfering with, overland flow water or’—

omit, insert—

‘overland flow water, or taking or interfering with’.

(2) Section 46(2)—

insert—

‘(ca) the types of works for interfering with overland flow water that are intended to be assessable or self assessable development under the *Integrated Planning Act 1997*;’.

11 Amendment of s 55 (When water resource plans may be amended or replaced)

Section 55(2), from ‘shows’—

omit, insert—

‘shows either of the following in relation to a water resource plan—

(a) the plan’s outcomes are not being achieved;

(b) the plan’s objectives are no longer appropriate for its plan area.’.

12 Amendment of s 56 (Preparing amending or new draft water resource plan)

Section 56—

insert—

- ‘(4) However, sections 39 to 41 and 48 do not apply to the preparation of an amending water resource plan if—
- (a) the Minister is satisfied that sufficient public notice of, and opportunity to make submissions on, the proposed amendment, will be available under section 49; or
 - (b) the amendment is of a type that the water resource plan states may be made to the plan under this subsection.’.

13 Amendment of s 74 (Applying for approval of land and water management plans)

Section 74—

insert—

- ‘(4) Subsection (5) applies if a person holds a certificate from an organisation approved by the chief executive to provide an accredited farm management system program stating that the person’s farm management system satisfies the requirements of the program.
- ‘(5) The person may apply under this section for approval of the person’s farm management system as a land and water management plan.
- ‘(6) An application mentioned in subsection (5) must be supported by the certificate mentioned in subsection (4).’.

14 Amendment of s 76 (Criteria for deciding application for approval of land and water management plan)

Section 76—

insert—

- ‘(2) Subsection (1)(a) does not apply to an application for approval of a farm management system as a land and water management plan.’.

15 Amendment of s 77 (Deciding application for approval of land and water management plan)

Section 77—

insert—

- ‘(7) Subsection (4) does not apply to approval of a farm management system as a land and water management plan.
- ‘(8) A farm management system approved under this section is taken to be an approved land and water management plan for this Act.’.

16 Amendment of s 101 (Additional requirements for notices for draft resource operations plans that establish water allocations)

Section 101—

insert—

- ‘(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.
- ‘(2) It is declared that—
- (a) an existing mortgagee of land to which an existing water entitlement or other authority 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.’.

17 Amendment of s 105 (Amending resource operations plan)

Section 105—

insert—

- ‘(5) However, sections 96, 97 and 99(b) to (d) do not apply to the preparation of an amendment to a resource operations plan if—
- (a) the chief executive is satisfied that sufficient public notice of, and opportunity to make submissions on, the proposed amendment, will be available under section 100; or
 - (b) the amendment is of a type that the resource operations plan states may be made to the plan under this subsection.’.

18 Replacement of ch 2, pt 4, div 3, hdg

Chapter 2, part 4, division 3, heading—

omit, insert—

‘Division 3 Resource operations licences and distribution operations licences’.

19 Replacement of ch 2, pt 4, div 3, sdiv 1, hdg

Chapter 2, part 4, division 3, subdivision 1, heading—

omit, insert—

‘Subdivision 1 Granting resource operations licences and distribution operations licences’.

20 Amendment of s 107 (Effect of resource operations plan)

Section 107(b), after ‘licences’—

insert—

‘and distribution operations licences’.

21 Amendment of s 107A (Authority to interfere with water)

Section 107A—

insert—

- ‘(2) A distribution operations licence authorises the holder of the licence to take water or interfere with the flow of water to distribute water under water allocations.
- ‘(3) A resource operations licence or a distribution operations licence may be held only by—
 - (a) the owner of the water infrastructure to which the licence applies; or
 - (b) if the owner of the water infrastructure to which the licence applies is a subsidiary company, the parent company of the subsidiary.’.

22 Amendment of s 108 (Granting resource operations licences)

- (1) Section 108, heading, after ‘licences’—

insert—

‘and distribution operations licences’.

- (2) Section 108(1)—

omit, insert—

- ‘(1) Subsection (2) applies if a resource operations plan states a process for the granting of—
 - (a) a resource operations licence to meet future water requirements; or
 - (b) a distribution operations licence to meet future water distribution requirements.’.

23 Insertion of new ch 2, pt 4, div 3, sdiv 1A

Chapter 2, part 4, division 3—

insert—

‘Subdivision 1A Granting distribution operations licences other than under a resource operations plan

‘108A Applying for a distribution operations licence other than under a resource operations plan

- ‘(1) A person may apply for a distribution operations licence not granted under a resource operations plan.
- ‘(2) The application must be—
 - (a) made to the chief executive in the approved form; and
 - (b) supported by details of—
 - (i) all water distributed, or intended to be distributed, by the applicant and taken, or to be taken, under water allocations; and
 - (ii) the names and addresses of the holders of existing water allocations mentioned in subparagraph (i) and details of any existing arrangements for the distribution of the water; and
 - (iii) the applicant’s proposed arrangements for any distribution infrastructure; and
 - (iv) any other information that may enable the chief executive to decide the application; and
 - (c) accompanied by the fee prescribed under a regulation.

‘108B Additional information may be required

‘The chief executive may require—

- (a) the applicant to give additional information about the application; or
- (b) any information included in the application, or any additional information required under paragraph (a), to be verified by statutory declaration.

‘108C Deciding application for distribution operations licence

- ‘(1) In deciding whether to grant the application, the chief executive must consider the application and any additional information given in relation to the application.
- ‘(2) The chief executive may also consider whether the applicant has been convicted of an offence against this Act, the repealed Act or an interstate law.
- ‘(3) If the chief executive is satisfied the application should be granted, the chief executive may grant the application, with or without conditions.
- ‘(4) If the chief executive is not satisfied the application should be granted, the chief executive must refuse to grant the application.
- ‘(5) Within 30 business days after deciding the application, the chief executive must give the applicant an information notice about the decision on the application and, if the chief executive has decided to grant the licence, a distribution operations licence.
- ‘(6) The licence takes effect from the day the applicant is given the information notice.
- (7) Subsections (1) and (2) do not limit the matters the chief executive may consider in deciding whether to grant the application.’.

24 Amendment of ch 2, pt 4, div 3, sdiv 2, hdg

Chapter 2, part 4, division 3, subdivision 2, heading, after ‘licences’—

insert—

‘and distribution operations licences’.

25 Amendment of s 109 (Content of resource operations licence)

- (1) Section 109, heading, after ‘licence’—

insert—

‘or distribution operations licence’.

- (2) Section 109, ‘The licence’—
omit, insert—
‘A resource operations licence or distribution operations licence’.
- (3) Section 109(b), ‘the resource’—
omit, insert—
‘any resource’.

26 Amendment of s 110 (Conditions of resource operations licence)

- (1) Section 110, heading, after ‘licence’—
insert—
‘or distribution operations licence’.
- (2) Section 110(1), after ‘licence’, first mention—
insert—
‘or a distributions operations licence’.
- (3) Section 110(1), after ‘supply’—
insert—
‘or distribution’.
- (4) Section 110(2)(a)(i) to (iii)—
renumber as subparagraphs (ii) to (iv).
- (5) Section 110(2)(a)—
insert—
‘(i) install a meter to measure the taking of or interfering with water through the water infrastructure to which the licence applies;’.

27 Amendment of ch 2, pt 4, div 3, sdiv 3, hdg

Chapter 2, part 4, division 3, subdivision 3, heading, after ‘licences’—

insert—

‘and distribution operations licences’.

28 Amendment of s 111 (Amending a resource operations licence for consistency with a resource operations plan)

(1) Section 111, heading, ‘resource operations’—

omit.

(2) Section 111(1), after ‘licence’—

insert—

‘or a distribution operations licence’.

(3) Section 111(1), after ‘operations plan’—

insert—

‘to which the licence relates’.

29 Amendment of s 111A (Amending a resource operations licence under a resource operations plan process)

(1) Section 111A, heading, ‘resource operations’—

omit.

(2) Section 111A(1), after ‘licence’—

insert—

‘or a distribution operations licence’.

30 Amendment of s 112 (Other amendments chief executive may make to resource operations licence)

(1) Section 112, heading, ‘resource operations’—

omit.

(2) Section 112(1), after ‘operations licence’—

insert—

‘or a distribution operations licence’.

31 Amendment of s 113 (Minor or stated amendments of resource operations licence)

- (1) Section 113, heading, ‘resource operations’—
omit.
- (2) Section 113(1), after ‘licence’, first mention—
insert—
‘or a distribution operations licence’.
- (3) Section 113(1), ‘resource operations’, second mention—
omit.

32 Amendment of ch 2, pt 4, div 3, sdiv 4, hdg

Chapter 2, part 4, division 3, subdivision 4, heading, after ‘licences’—

insert—

‘and distribution operations licences’.

33 Amendment of s 114 (Applying for transfer of resource operations licence)

- (1) Section 114, heading, ‘resource operations’—
omit.
- (2) Section 114(1), ‘A resource operations licence holder’—
omit, insert—
‘The holder of a resource operations licence or a distribution operations licence’.

34 Amendment of s 115 (Additional information may be required)

Section 115—

insert—

- (2) If the applicant fails, without reasonable excuse, to comply with the requirement within the reasonable time stated in the requirement, the application lapses.’.

35 Amendment of s 116 (Deciding application to transfer resource operations licence)

Section 116, heading, ‘resource operations’—
omit.

36 Amendment of s 117 (Approving application to transfer resource operations licence)

- (1) Section 117, heading, ‘resource operations’—
omit.
- (2) Section 117(2), ‘resource operations’—
omit.

37 Amendment of s 118 (Refusing application to transfer resource operations licence)

- (1) Section 118, heading, ‘resource operations’—
omit.
- (2) Section 118(1), ‘an application for the transfer of a resource operations licence’—
omit, insert—
‘the application’.
- (3) Section 118(1)(a)—
omit, insert—
 - (a) if 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—
 - (i) a resource operations licence;
 - (ii) an interstate resource operations licence;
 - (iii) a distribution operations licence;
 - (iv) an interstate distribution operations licence; or’.

- (4) Section 118(1)(b), ‘resource operations licence or interstate resource operations licence’—

omit, insert—

‘relevant licence’.

38 Amendment of s 118A (Amalgamating resource operations licences)

- (1) Section 118A, heading, ‘resource operations’—

omit.

- (2) Section 118A—

insert—

‘(1A) 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) Section 118A(2), ‘The application must’—

omit, insert—

‘An application under subsection (1) or (1A) must’.

- (4) Section 118A(2)(b) and (4)(a), ‘resource operations’—

omit.

39 Amendment of ch 2, pt 4, div 3, sdiv 5, hdg

Chapter 2, part 4, division 3, subdivision 5, heading, after ‘licences’—

insert—

‘and distribution operations licences’.

40 Amendment of s 119 (Cancelling resource operations licence)

- (1) Section 119, heading, ‘resource operations’—

omit.

- (2) Section 119(1), after ‘licence’, first mention—

insert—

‘or a distribution operations licence’.

41 Amendment of s 120 (Procedure for cancelling resource operations licence)

- (1) Section 120, heading, ‘resource operations’—
omit.
- (2) Section 120(1), ‘a resource operations’—
omit, insert—
‘the’.
- (3) Section 120—
renumber as section 119A.

42 Amendment of s 120A (Cancelling resource operations licence no longer required)

- (1) Section 120A, heading, ‘resource operations’—
omit.
 - (2) Section 120A—
insert—
- ‘(1A) 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
 - (b) the chief executive and the distribution operations licence holder have agreed the distribution operations licence is no longer required.’.
- (3) Section 120A(2)—
omit, insert—
- ‘(2) If the chief executive decides to cancel the resource operations licence under subsection (1) or the distribution operations licence under subsection (1A), the chief executive must, within 30 business days after making the decision, give the

licence holder an information notice about the decision to cancel the licence.’.

- (4) Section 120A(3), ‘resource operations’—
omit.
- (5) Section 120A—
renumber as section 119B.

43 Insertion of new ch 2, pt 4, div 3, sdiv 6

Chapter 2, part 4, division 3—
insert—

‘Subdivision 6 Audit reports

‘119C 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.

‘119D Access for conducting audit reports

‘A resource operations licence holder and a distribution operations licence holder must give any person authorised by the chief executive to participate in conducting an audit under this subdivision, free and uninterrupted access to the holder’s infrastructure and any records relating to the infrastructure for conducting the audit.

Maximum penalty—200 penalty units.’.

44 Amendment of s 121 (Converting water entitlements)

- (1) Section 121(2) and (3)—
omit, insert—

- ‘(2) If an 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.
- ‘(3) Subsection (2) does not apply if—
 - (a) the resource operations licence holder and the allocation holder are the same person; or
 - (b) the allocation holder is a subsidiary company of the resource operations licence holder.’.
- (2) Section 121(8), ‘an information notice’—
omit, insert—
‘a notice’.

45 Amendment of s 122 (Granting water allocations)

- (1) Section 122(4) and (5)—
omit, insert—
- ‘(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.
- ‘(5) Subsection (4) does not apply if the resource operations licence holder and the allocation holder are the same person or related entities.’.
- (2) Section 122(6), ‘an information notice’—
omit, insert—
‘a notice’.

46 Amendment of s 122A (Chief executive may approve standard supply contracts)

- Section 122A(4)—
omit, insert—
- ‘(4) On the day an allocation is granted, the standard supply contract for the area applies to the allocation unless—

- (a) the allocation holder and the resource operations licence holder have a supply contract for the allocation; or
- (b) section 121(3) applies to the allocation.’.

47 Replacement of s 123 (Relationship between resource operations plan and water allocation)

Section 123—

omit, insert—

‘123 Relationship between plans and water allocation

- ‘(1) The taking of water under a water allocation from the plan area for a water resource plan is subject to that plan and the resource operations plan that implements the water resource plan.
- ‘(2) If there is a conflict between either plan and the water allocation, the plan prevails.’.

48 Amendment of s 125 (Amending water allocations)

- (1) Section 125(1)—

insert—

‘(aa) a resource operations plan states, for a water allocation, the water management area that includes the location from which the water may be taken; or’.

- (2) Section 125(2), ‘an information notice’—

omit, insert—

‘a notice’.

49 Amendment of s 127 (Registration details for water allocations)

Section 127(3)—

insert—

‘(e) the water management area that includes the location from which the water may be taken.’.

50 Insertion of new ss 127B and 127C

Chapter 2, part 4, division 4, subdivision 1A—

insert—

‘127B Water allocations to which a distribution operations licence applies

- ‘(1) This section applies if—
- (a) a water allocation is granted under section 121; and
 - (b) at the time the allocation is granted, water may be distributed to the water allocation holder by the holder of 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.

‘127C Preservation of obligation in particular circumstances

- ‘(1) This section applies if—
- (a) the location from which water may be taken under a water allocation mentioned in section 127B(1) 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 subdivided or amalgamated with another 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 allocation is no longer an allocation to which a distribution operations licence applies.’

51 Amendment of s 128A (Amalgamation or subdivision of water allocations)

(1) Section 128A(8)—

renumber as section 128A(9).

(2) Section 128A—

insert—

‘(8) However, if an allocation being amalgamated or subdivided is subject to a registered mortgage, the registrar must not act under subsection (7) unless the mortgagee has consented to the amalgamation or subdivision.’.

52 Insertion of new s 128B

After section 128A—

insert—

‘128B Transfer of water allocations

‘(1) A water allocation holder who proposes to transfer a water allocation not managed under a resource operations licence must give the chief executive notice of the proposed transfer.

‘(2) The notice must be—

(a) in the approved form; and

(b) accompanied by the fee prescribed under a regulation.

‘(3) The chief executive may require the water allocation holder to give the chief executive additional information about the proposed transfer.

‘(4) The chief executive must give the water allocation holder a certificate about the proposed transfer, within 10 business days after—

(a) receiving the notice; or

(b) if the chief executive has required further information under subsection (3)—receiving the additional information.

‘(5) The certificate—

(a) must be in the approved form; and

- (b) remains valid—
 - (i) until the date stated in the certificate; or
 - (ii) if the certificate does not state a date—for 40 business days.’.

53 Amendment of s 134 (Deciding application to change water allocation)

- (1) Section 134(4)(b), after ‘application’—
insert—
‘without conditions’.
- (2) Section 134—
insert—
- ‘(4A) If the chief executive approves the application with a condition requiring the applicant to take some action, the chief executive must give the applicant a certificate stating that the change has been approved within 10 business days after the action is taken.’.
- (3) Section 134(5), ‘The certificate’—
omit, insert—
‘A certificate under subsection (4)(b) or (4A)’.

54 Amendment of s 138 (Water allocations may forfeited)

- (1) Section 138(7)—
insert—
‘(ba) thirdly—in discharging the liability, if any, of the former allocation holder for any outstanding debt due to the distribution operations licence holder under distribution arrangements;’.
- (2) Section 138(7)(c), ‘thirdly’—
omit, insert—
‘fourthly’.
- (3) Section 138(7)(d), ‘fourthly’—

omit, insert—

‘fifthly’.

- (4) Section 138(7)(e), ‘fifthly’—

omit, insert—

‘sixthly’.

55 Amendment of s 140 (Priority for applying proceeds of sale of water allocations under a power of sale)

- (1) Section 140(1)—

insert—

‘(c) if distribution arrangements give a distribution operations licence holder a power to sell the water allocation—the holder.’.

- (2) Section 140(2)—

omit, insert—

‘(2) The holder of a resource operations licence may exercise a power of sale only in accordance with the supply contract.

‘(2A) The holder of a distribution operations licence may exercise a power of sale only in accordance with the distribution arrangements.’.

56 Replacement of s 142 (Applying for a seasonal water assignment)

Section 142—

omit, insert—

‘142 Applying for a seasonal water assignment

‘(1) A water allocation holder or the holder of a seasonal water assignment notice may apply for a seasonal water assignment for the water year in which the application is made.

‘(2) The application must be—

(a) made to the chief executive in the approved form; and

(b) include the following details of the proposed assignee—

- (i) name and address;
- (ii) if the proposed assignee holds a water allocation for the water management area in which the assignee proposes to take the benefit of the assignment—details of the water allocation; and
- (c) supported by sufficient information, including the written consent of the proposed assignee, to enable the chief executive to decide the application; and
- (d) accompanied by the fee prescribed under a regulation.’.

57 Amendment of s 144 (Deciding application for seasonal water assignment)

- (1) Section 144(4), ‘water permit’—
omit, insert—
‘seasonal water assignment notice’.
- (2) Section 144—
insert—
- ‘(5A) If the assignee holds a water allocation for the water management area in which the assignee proposes to take the benefit of the assignment, a notice given under subsection (4) has the effect of increasing the volume of water authorised to be taken under the allocation by the volume stated in the notice.’.

58 Amendment of s 145 (Conditions of seasonal water assignment)

- (1) Section 145, ‘water permit’—
omit, insert—
‘seasonal water assignment notice’.
- (2) Section 145(c), ‘permit’—
omit, insert—
‘notice’.

59 Replacement of s 146 (Application of s 243)

Section 146—

omit, insert—

‘146 Application of s 243

‘Section 243 applies to a seasonal water assignment notice as if a reference in the section to a water permit were a reference to a seasonal water assignment notice and a reference to the permittee were a reference to the holder of a seasonal water assignment notice.’.

60 Replacement of s 146B (Arrangements for seasonal water assignments)

Section 146B—

omit, insert—

‘146B Arrangements for seasonal water assignments

- ‘(1) The holder of a water allocation to which this subdivision applies may enter into an arrangement for a seasonal water assignment in relation to the water allocation.
- ‘(2) The holder may enter the arrangement only if—
- (a) the proposed assignment is allowed under the seasonal water assignment rules stated in the resource operations plan; and
 - (b) the holder of the resource operations licence consents to the arrangement; and
 - (c) if the water to which the allocation relates is distributed to the allocation holder by a distributions operations licence holder—the holder of the distributions operations licence consents to the arrangement.
- ‘(3) Subsection (2)(b) and (c) do not apply to the extent the seasonal water assignment rules do not require the consent.’.

61 Replacement of s 150 (Interests and dealings that may be registered)

Section 150—

omit, insert—

‘150 Interests and dealings that may be registered

- ‘(1) Subject to subsection (2), an interest or dealing that may be registered for land under the *Land Title Act 1994*, may be registered for a water allocation on the water allocations register.
- ‘(2) An interest or dealing, the provisions for which are excluded under section 151(1)(e), may not be registered under this Act.
- ‘(3) If a water allocation is managed under a resource operations licence, the registrar must not record a transfer of the allocation until the registrar has received from the resource operations licence holder notice in the approved form of the existence of a supply contract between the transferee of the allocation and the resource operations licence holder.
- ‘(4) The registrar must not record the transfer of a water allocation not managed under a resource operations licence until the registrar receives a certificate under section 128B(4) about the transfer.
- ‘(5) 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.

‘150A Effect on priority of notices given under s 101(1)(b)

- ‘(1) If the chief executive is given a notice about a water allocation under section 101(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—
 - (a) 60 business days expire after details of the water allocation are recorded on the water allocations register under section 121(1)(b);
 - (b) the interest mentioned in the notice is recorded on the register.
- ‘(2) Subsection (1) applies despite the expiry under section 121(1)(a) of the former water entitlement or other authority to take water.

- ‘(3) However if, before an event mentioned in subsection (1)(a) or (b) happens, the interest 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 150B(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 101(1)(b), the interests must be recorded in accordance with the priority the interests have on the land registry, as at the day the allocation is recorded, for the land to which the former water entitlement 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.

‘150B Effect on priority of notices given under s 101(1)(c)

- ‘(1) If the chief executive is given a notice about a water allocation under section 101(1)(c), the registrar must record the notice, for the water allocation—
- (a) within 60 business days after details of the water allocation are recorded on the water allocations register under section 121(1)(b); and
 - (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.

- ‘(2) A notice recorded under subsection (1)—
 - (a) has the effect of encumbering the water allocation for which the notice is recorded with the interest mentioned in the notice; and
 - (b) for the application of section 151, is taken to be a mortgage for the water allocation for the *Land Title Act 1994*, part 6, division 3.
- ‘(3) No fee under this Act or duty under the *Duties Act 2001* is payable for the recording of a notice under subsection (1).’.

62 Amendment of s 167A (Authority to interfere with water)

Section 167A—

insert—

- ‘(2) An interim resource operations licence may be held only by—
 - (a) the owner of the water infrastructure to which the licence applies; or
 - (b) if the owner of the water infrastructure to which the licence applies is a subsidiary company, the parent company of the subsidiary.’.

63 Amendment of s 168 (Who must apply for an interim resource operations licence)

Section 168(1)—

omit, insert—

- ‘(1) A regulation may nominate the owner of water infrastructure in relation to the operation of the infrastructure or the management of water stated in the regulation.’.

64 Amendment of s 169 (Applying for interim resource operations licence)

Section 169(b)(i)—

omit, insert—

- ‘(i) all water stored or released by the applicant and all water taken by customers of the applicant under

authorisations under this Act or the repealed Act, including the names and addresses of the customers and details of any existing contracts for the supply of the water; and’.

65 Amendment of s 170 (Additional information may be required)

Section 170—

insert—

- ‘(2) If the applicant fails, without reasonable excuse, to comply with the requirement within the reasonable time stated in the requirement, the application lapses.’.

66 Amendment of s 178 (Conditions of interim resource operations licence)

- (1) Section 178(a)(i) and (ii)—

renumber as section 178(ii) and (iii).

- (2) Section 178(a)—

insert—

- ‘(i) install a meter to measure the taking of or interfering with water through the water infrastructure to which the licence applies;’.

67 Amendment of s 184 (Amending interim resource operations licence on notice)

- (1) Section 184(2), ‘However, the amendment must not’—

omit, insert—

‘Subsection (3) applies if the amendment does not’.

- (2) Section 184—

insert—

- ‘(3A) If the proposed amendment would have 1 or more of the effects mentioned in subsection (2), the chief executive—

- (a) must give the licence holder notice of the proposed amendment; and
 - (b) must publish notice of the proposed amendment in the area to which the licence relates; and
 - (b) may give a copy of the notice to any other entity the chief executive considers appropriate.
- ‘(3B) A notice under subsection (3A) must include at least the following—
- (a) a summary of the proposed amendment to the licence;
 - (b) where copies of the proposed amendment are available;
 - (c) that written submissions may be made by any entity about the proposed amendment;
 - (d) the day by which submissions must be made and the person to whom, and the place where, the submissions must be made.
- ‘(3C) The day stated under subsection (3B)(d) must not be earlier than 30 business days after the day the notice is published.’.
- (3) Section 184(5), from ‘must give’—
omit, insert—
‘must give—
- (a) the licence holder an amended notice in the approved form; and
 - (b) the licence holder and any person who made a properly made submission an information notice about the decision to amend the licence.’.
- (4) Section 184(6), after ‘holder’—
insert—
‘and any person who made a properly made submission’.

68 Insertion of new ch 2, pt 5, div 2, sdiv 5A

Chapter 2, part 5, division 2—

insert—

‘Subdivision 5A Other amendments to interim resource operations licences

‘185A Amending interim resource operations licences

- ‘(1) The chief executive may amend the details of the water sharing rules in an interim resource operations licence, for a water year or part of a water year, if—
- (a) either—
 - (i) the licence allows amendment; and
 - (ii) the licence holder requests an amendment in accordance with the licence; or
 - (b) the chief executive is satisfied the rules need to be amended because of seasonal conditions.
- ‘(2) If the chief executive amends the rules—
- (a) the licence is taken to be amended, for the part of the water year, to the extent of the amendment to the rules; and
 - (b) the amendment to the licence has effect when the chief executive gives notice of the amendment to the licence holder.
- ‘(3) As soon as practicable after receiving the notice, the licence holder must give notice of the amendment to the holders of interim water allocations managed under the licence.
- ‘(4) A notice given under subsection (2) or (3) must state—
- (a) details of the amendment; and
 - (b) the reasons for the amendment; and
 - (c) the part of the water year to which the amendment applies.’.

69 Insertion of new ch 2, pt 5, div 2, sdiv 7

Chapter 2, part 5, division 2—

insert—

‘Subdivision 7 Audit reports

‘186A Preparing regular audit reports

‘The chief executive may prepare an audit report—

- (a) about an interim resource operation 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.

‘186B Access for conducting audit reports

‘An interim resource operations licence holder must give any person authorised by the chief executive to participate in conducting an audit under this subdivision free and uninterrupted access to the holder’s infrastructure and any records relating to the infrastructure for conducting the audit.

Maximum penalty—200 penalty units.’.

70 Amendment of s 187 (Granting interim water allocations)

Section 187(1), ‘subdivision 1’—

omit, insert—

‘subdivision 1A’.

71 Amendment of s 191 (Conditions of interim water allocation)

Section 191(2)(d), from ‘water entitlement’—

omit, insert—

‘persons, authorised under this Act to take water, who would be affected by the granting of the allocation;’.

72 Amendment of s 194 (Deciding application to transfer by interim resource operations licence holder)

Section 194(1), ‘the application’—

omit, insert—

‘an application under section 193’.

73 Amendment of s 197 (Surrendering an interim water allocation)

Section 197—

insert—

‘(2A) If the notice is about an interim water allocation managed under an interim resource operations licence, the chief executive must, as soon as practicable after receiving the notice, give the holder of the interim resource operations licence a copy of the notice.’.

74 Replacement of s 198 (Effect of disposal of part of land to which interim water allocation attaches)

Section 198—

omit, insert—

‘198 Effect of disposal of part of land to which interim water allocation attaches

‘(1) This section applies if—

- (a) an interim water allocation is attached to land; and
- (b) the registered owner of the land disposes of part of the land.

‘(2) On the day the owner disposes of the part, the interim water allocation is taken to be held jointly by all owners of the land to which the interim water allocation related before the disposal.

‘(3) However, within 60 business days after the owner disposes of the part, 1 or more of the owners of the land to which the interim water allocation relates may, with the consent of the other owners, apply for 1 or more interim water allocations to replace the jointly held interim water allocation.

‘(4) The application must be—

- (a) in the approved form; and

- (b) accompanied by the fee prescribed under a regulation.
- ‘(5) The chief executive must grant the application if—
 - (a) the application relates only to land to which the jointly held interim water allocation relates; and
 - (b) granting the application would not increase the volume of water that may be taken.
- ‘(6) If an application is not made under subsection (3), the chief executive may give notice to the joint holders of the interim water allocation about replacing the allocation.
- ‘(7) The notice must state—
 - (a) that a written submission may be made about the details of replacing the allocation; and
 - (b) a day by which the submission must be made, and the person to whom, and the place where, the submission must be made.
- ‘(8) The day stated under subsection (7)(b) must not be earlier than 30 business days after the day the notice is given.
- ‘(9) The chief executive must consider any submissions made before issuing 1 or more replacement interim water allocations.
- ‘(10) Within 30 business days after issuing the replacement interim water allocations, the chief executive must give the holders of the jointly held interim water allocation an information notice.
- ‘(11) A replacement interim water allocation has effect from—
 - (a) for an application granted under subsection (5)—the day the application is granted; and
 - (b) for a replacement interim water allocation issued under subsection (9)—the day the information notice is given.

‘198A Effect of acquisition of land to which interim water allocation attaches

- ‘(1) This section applies to an interim water allocation if part of the land to which the allocation attaches is taken under the *Acquisition of Land Act 1967*.

- ‘(2) If the acquisition includes an acquisition of the allocation, section 222 applies for transferring the allocation to the entity that acquired the land as if the allocation were a water licence.
- ‘(3) If the acquisition does not include an acquisition of the allocation, sections 199 to 199B apply.’.

75 Amendment of s 199 (Effect of acquisition of part of land to which interim water allocation attaches)

- (1) Section 199, heading, ‘to which interim water allocation attaches’—
omit, insert—
‘adjoining a watercourse, lake or spring’.
- (2) Section 199(1), after ‘land’—
insert—
‘, adjoining a watercourse, lake or spring,’.
- (3) Section 199(2) and (3)—
omit, insert—
 - ‘(2) If the remaining part of the land continues to adjoin the watercourse, lake or spring from which water may be taken under the interim water allocation—
 - (a) section 198 does not apply to the interim water allocation; and
 - (b) the interim water allocation may be amended under section 192 so it attaches to the remaining part of the land.
 - ‘(3) Subsection (4) applies if—
 - (a) the remaining part of the land no longer adjoins the watercourse, lake or spring; and
 - (b) the holder of the allocation does not, within 60 business days after the acquisition, satisfy the chief executive that the requirements of section 206(3)(b) have been met in relation to the allocation.
- ‘(4) The allocation is taken to be surrendered, and the chief executive must deal with the allocation under section 197(3).

- ‘(5) However, subsection (2)(a) and (b) apply if, within 60 business days after the acquisition, the holder satisfies the chief executive that the requirements of section 206(3)(b) have been met in relation to the allocation.’

76 Insertion of new ss 199A and 199B

Chapter 2, part 5, division 3, subdivision 4—

insert—

‘199A Effect of acquisition of part of land above an aquifer

- ‘(1) This section applies to an interim water allocation to take water from an aquifer under the land to which the allocation attaches, if part of the land is taken under the *Acquisition of Land Act 1967*.
- ‘(2) If the remaining part of the land is above the aquifer from which water may be taken under the allocation, and the conditions of the allocation allow water to be taken from the remaining part—
- (a) section 198 does not apply to the allocation; and
 - (b) the allocation may be amended under section 219, as if the allocation were a water licence, so it attaches to the remaining part of the land.
- ‘(3) Subsection (4) applies if—
- (a) the remaining part of the land is not above the aquifer, or the conditions of the allocation do not allow water to be taken from the remaining part; and
 - (b) the holder of the allocation does not, within 60 business days after the acquisition, satisfy the chief executive that the requirements of section 206(3)(b) have been met in relation to the allocation.
- ‘(4) The allocation is taken to be surrendered and the chief executive must deal with the allocation under section 197(3).
- ‘(5) However, subsection (2)(a) and (b) apply if, within 60 business days after the acquisition, the holder satisfies the chief executive that the requirements of section 206(3)(b) have been met in relation to the allocation.

‘199B Effect of acquisition of part of other land

- ‘(1) This section applies to an interim water allocation granted in response to an application mentioned in section 206(3), as if the allocation were a water licence, if part of the land to which the allocation attaches is taken under the *Acquisition of Land Act 1967*.
- ‘(2) If water taken under the allocation can still be delivered to the remaining part of the land—
- (a) section 198 does not apply to the allocation; and
 - (b) the allocation may be amended under section 192 so it attaches to the remaining part of the land.
- ‘(3) Subsection (4) applies if—
- (a) water taken under the allocation can not still be delivered to the remaining part of the land; and
 - (b) the holder of the allocation does not, within 60 business days after the acquisition, satisfy the chief executive that the requirements of section 206(3)(b) have been met in relation to the allocation.
- ‘(4) The allocation is taken to be surrendered and the chief executive must deal with the allocation under section 197(3).
- ‘(5) However, subsection (2)(a) and (b) apply if, within 60 business days after the acquisition, the holder satisfies the chief executive that the requirements of section 206(3)(b) have been met in relation to the allocation.’.

77 Amendment of s 203 (Definitions for pt 6)

Section 203, definition *owner*—

insert—

‘(ba) the trustee of a reserve over the land or the holder of a permit to occupy the land under the *Land Act 1994*;’.

78 Amendment of s 205 (Decisions to be in accordance with plans)

Section 205—

insert—

- ‘(2) If the chief executive makes a decision under this part, in accordance with a water resource plan or a resource operations plan, the chief executive is required to give, for the decision—
- (a) to the extent a different decision, consistent with the plan, could have been made—an information notice; or
 - (b) otherwise—a notice stating the decision and the reasons for the decision.
- ‘(3) In this section—
decision includes a part of a decision.’.

79 Amendment of s 206 (Applying for a water licence)

Section 206(3)(b)—

omit, insert—

- ‘(b) in relation to the land (the *intervening land*) between the proposed point of taking and the applicant’s land and for the purpose of taking the water and delivering it to the applicant’s land—
- (i) to the extent the intervening land is freehold land—the applicant has written agreement, from all the owners of the intervening land, to give the applicant a registrable lease or easement over the intervening land; or
 - (ii) to the extent the intervening land is unallocated State land under the *Land Act 1994*—the applicant holds or has applied for a permit under section 177 of that Act to occupy the intervening land; or
 - (iii) to the extent the intervening land is a State-controlled road under the *Transport Infrastructure Act 1994*—the requirements of section 50 of that Act have been complied with in relation to any necessary ancillary works and encroachments under that section; or
 - (iv) to the extent the intervening land is a road under the control of a local government—the

requirements of the *Local Government Act 1993* and of any local laws of the local government have been complied with in relation to any necessary works, including ancillary works and encroachments under that Act; or

- (v) to the extent the intervening land is other land—the applicant holds or has applied for permission to occupy the intervening land, from the owner or the authority administering the land.’.

80 Amendment of s 208 (Public notice of application for water licence)

Section 208(4)—

insert—

‘(aa) details of the applicant’s land to which the water licence, if granted, would attach;’.

81 Amendment of s 210 (Criteria for deciding application for water licence)

- (1) Section 210(1)(g)—

omit, insert—

‘(g) strategies and policies for the sustainable management of water in the area to which the application relates;’.

- (2) Section 210(1)(h), from ‘including’—

omit, insert—

‘including any relevant coastal zone and regional aquifer systems;’.

82 Amendment of s 211A (Effect of disposal of part of land to which application for water licence relates)

Section 211A(2), ‘expires’—

omit, insert—

‘lapses’.

83 Amendment of s 214 (Conditions of water licence)

Section 214(2)(d), ‘water entitlement holders’—

omit, insert—

‘persons, authorised under this Act to take water.’.

84 Amendment of s 215 (Where water under certain licences must be used)

Section 215(2)—

omit, insert—

‘(2) However, subsection (1) does not apply to—

- (a) water taken under a licence attached to land the subject of a water facility agreement under the *Land Protection (Pest and Stock Route Management) Act 2002*; or
- (b) artesian water taken under a water licence for stock purposes; or
- (c) subartesian water, in an aquifer that is hydraulically connected to an artesian aquifer, taken under a water licence for stock and domestic purposes.’.

85 Insertion of new s 216A

After section 216—

insert—

‘216A Amending water licence without public notice

- ‘(1) Despite section 216(2), section 208 does not apply to an application to amend a water licence by adding land to, or removing land from, the land to which the licence attaches.
- ‘(2) However, 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.
- ‘(3) The notice must include at least the following—
 - (a) a description of the proposed changes to the land to which the licence attaches;

- (b) where copies of the application may be inspected and, on payment of a fee, purchased;
 - (c) that written submissions may be made about the application;
 - (d) the day by which submissions must be made, and the person to whom, and the place where, the submissions must be made.
- ‘(4) The day mentioned in subsection (3)(d) must not be earlier than 30 business days after the day the notice is given.
- ‘(5) Within 10 business days after the notice is given, the applicant must give the chief executive a copy of the notice.
- ‘(6) If the applicant fails, without reasonable excuse, to comply with subsection (5), the application lapses.
- ‘(7) The chief executive may—
- (a) send a copy of the notice to any other entity the chief executive considers appropriate; and
 - (b) decide the application after the day mentioned in subsection (3)(d).’.

86 Amendment of s 222 (Transferring water licence to another person)

- (1) Section 222—
insert—
- ‘(2A) Subsection (2B) applies if the licensee is—
- (a) an entity mentioned in subsection 206(4); and
 - (b) the owner of land to which the licence attached at the time the licensee became the owner of the land.
- ‘(2B) The licensee may also apply to transfer the licence to a person who will be an owner of the land at the time the transfer is approved.’.
- (2) Section 222(3), ‘The application’—
omit, insert—
‘An application under this section’.

- (3) Section 222—
insert—
- ‘(3A) If the licensee is the entity mentioned in section 206(4)(a), the licensee may transfer the licence to a person—
- (a) who, immediately before the transfer takes effect, is being supplied with water from the land to which the licence will attach at the time the transfer takes effect; and
 - (b) who will be the owner of the land at the time the transfer takes effect.’.

(4) Section 222(4)(b), after ‘(1)(b)’—
insert—
‘or (2B)’.

(5) Section 222(4)—
insert—
‘(c) for a transfer under subsection (3A)—as soon as practicable after the person becomes the owner of the land.’.

(6) Section 222—
insert—

‘(4A) A new licence given under subsection (4) for a transfer mentioned in subsection (2B) or (3A) attaches to the land of the transferee.’.

87 Amendment of s 229 (Effect of disposal of part of land to which water licence to take water attaches)

Section 229(3)—

omit, insert—

- ‘(3) However, 1 or more of the owners of the land to which the expired licence related may apply for 1 or more licences to replace the expired licence—
- (a) within 60 business days after the owner disposes of the part; or

- (b) if, in a particular case, the chief executive extends the period for making the application—within the extended period.’.

88 Amendment of s 231 (Applying for seasonal water assignment)

- (1) Section 231(1), after ‘water licence’—

insert—

‘or the holder of a seasonal water assignment notice’.

- (2) Section 231(2)—

omit, insert—

- ‘(2) The application must—

- (a) be made to the chief executive in the approved form; and
- (b) be supported by sufficient information to enable the chief executive to decide the application; and
- (c) include the name and address of the proposed assignee; and
- (d) if the proposed assignee holds a water licence for the water management area in which the assignee proposes to take the benefit of the assignment—include details of the water licence; and
- (e) include the written consent of the proposed assignee; and
- (f) be accompanied by the fee prescribed under a regulation.’.

89 Amendment of s 233 (Deciding application for seasonal water assignment)

- (1) Section 233(4), ‘water permit’—

omit, insert—

‘seasonal water assignment notice’.

- (2) Section 233—

insert—

- ‘(4A) If the assignee holds a water licence for the water management area in which the assignee proposes to take the benefit of the assignment, a notice given under subsection (4) has the effect of increasing the volume of water authorised to be taken under the licence by the volume stated in the notice.’.

90 Amendment of s 235 (Conditions of seasonal water assignment)

- (1) Section 235, ‘water permit’—
omit, insert—
‘seasonal water assignment notice’.
- (2) Section 235(c), ‘permit’—
omit, insert—
‘notice’.

91 Amendment of s 236 (Application of ss 25, 243 and 244 to water permit)

- (1) Section 236, heading, ‘to water permit’—
omit.
- (2) Section 236, from ‘to a water permit’—
omit, insert—
‘to a seasonal water assignment notice as if a reference in the sections to a water permit were a reference to a seasonal water assignment notice.’.

92 Amendment of s 266 (Applying for permit to destroy vegetation, excavate or place fill in a watercourse, lake or spring)

- Section 266(2)—
omit, insert—
- ‘(2) Subsection (2A) 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—

- (a) the registered owner of the land;
 - (b) the holder of a mineral development licence or a mining lease under the *Mineral Resources Act 1989* for the land.
- ‘(2A) The application must include the written consent of the registered owners of land—
- (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
 - (b) adjoining the watercourse, lake or spring where the activity is to take place.’.

93 Amendment of s 267 (Additional information may be required)

Section 267(2)—

omit, insert—

- ‘(2) If the applicant fails, without reasonable excuse, to comply with the requirement within the reasonable time stated in the requirement, the application lapses.’.

94 Amendment of s 273 (Notice to owner of land to remove vegetation etc.)

- (1) Section 273—

insert—

- ‘(1A) This section also applies if—
- (a) there is, in a watercourse or lake, vegetation, litter, refuse or other matter; and
 - (b) the circumstances of the vegetation, litter, refuse or matter in the watercourse or lake correspond to the circumstances required under subsection (1)(b) in relation to vegetation, litter, refuse or matter; and
 - (c) the watercourse or lake is on land or forms a boundary or part of a boundary of land.’.
- (2) Section 273(2), ‘the person’—
- omit, insert—*

‘the owner’.

(3) Section 273—

insert—

‘(2A) 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.’.

(4) Section 273(4), ‘section’—

omit, insert—

‘sections 783 and’.

95 Amendment of s 300 (Additional information may be required)

Section 300(2)—

omit, insert—

‘(2) If the applicant fails, without reasonable excuse, to comply with the requirement within the reasonable time stated in the requirement, the application lapses.’.

96 Amendment of s 370 (Who must apply for registration as a service provider)

Section 370(c)—

omit, insert—

‘(c) each person who is—

(i) the legal owner of 1 or more elements of infrastructure for supplying water or sewerage services for which a charge is intended to be made; or

(ii) if a person is nominated in a regulation as a related entity of a person mentioned in subparagraph (i)—the person nominated.’.

97 Insertion of new s 376B

After section 376A—

insert—

‘376B Applying for cancellation of registration as service provider

- ‘(1) A service provider may apply to the regulator to have the provider’s registration cancelled if the provider has not supplied, and does not intend to start supplying, the service for which the provider is registered.
- ‘(2) The application must be—
 - (a) made in the approved form; and
 - (b) supported by sufficient information to enable the regulator to decide the application.
- ‘(3) The regulator may require—
 - (a) the applicant to give additional information about the application; or
 - (b) the information included in the application, or the additional information required under paragraph (a), to be verified by statutory declaration.
- ‘(4) If the regulator is satisfied the applicant has complied with subsections (1) to (3), the regulator must—
 - (a) cancel the service provider’s registration as a service provider for the infrastructure and services shown in the application; and
 - (b) give the service provider notice of the cancellation under paragraph (a).’.

98 Omission of ch 3, pt 3, div 1, sdivs 1 and 2, hdgs

Chapter 3, part 3, division 1, subdivisions 1 and 2, headings—
omit.

99 Amendment of s 412 (Refusing strategic asset management plan)

Section 412(5)—

omit, insert—

- ‘(5) The service provider must comply with the requirements given to the provider under subsection (4) and give the regulator a copy of the revised plan or new plan for approval under section 411.

Maximum penalty for subsection (5)—500 penalty units.’.

100 Amendment of s 414 (Complying with approved strategic asset management plan)

Section 414—

insert—

‘Maximum penalty—500 penalty units.’.

101 Insertion of new ch 3, pt 3, divs 1A and 1B

Chapter 3, part 3, after section 414—

insert—

‘Division 1A System leakage management plans

‘Subdivision 1 Preliminary

‘414A Application of div 1A

‘This division applies only to water service providers but does not apply to water service providers who supply only drainage services.

‘Subdivision 2 Preparing and submitting plan

‘414B Preparing system leakage management plans

- ‘(1) Each water service provider must have an approved system leakage management plan directed at minimising water losses from leakage from the water service provider’s distribution system.

- ‘(2) The water service provider must prepare a system leakage management plan for approval by the regulator.
- ‘(3) The plan must be prepared in accordance with any guidelines issued by the regulator for preparing the plan and state—
 - (a) the registered services to which the plan applies; and
 - (b) the infrastructure for providing the services; and
 - (c) details of system leakage and how it was worked out; and
 - (d) details of measures to reduce the leakage; and
 - (e) details of a cost-benefit analysis, for the distribution system, in relation to implementing the measures; and
 - (f) the water service provider’s plan for implementing, including proposed timing for implementing, the measures that are cost-effective to implement; and
 - (g) the amount of money the water service provider intends to spend, and when the money is to be spent, to implement the plan.
- ‘(4) The plan may be part of a document prepared for another purpose if the part fulfils the requirements of subsection (3).

‘414C Certifying system leakage management plan

- ‘(1) The system leakage management plan must be certified by a registered professional engineer as being appropriate for the water service provider’s infrastructure and registered services.
- ‘(2) The certification must include the engineer’s name and registration details.

‘414D Submitting system leakage management plan for approval

‘The water service provider must, within 2 years after the day the service provider is registered, give a copy of the system leakage management plan, prepared for the purposes of section 414B and certified for the purposes of section 414C, to the regulator for approval.

Maximum penalty—200 penalty units.

‘Subdivision 3 Exemption from preparing plan

‘414E Application for exemption

- ‘(1) A water service provider may apply to the regulator for an exemption from complying with subdivision 2.
- ‘(2) The application must be—
 - (a) in the approved form; and
 - (b) supported by sufficient information to enable the regulator to decide the application.
- ‘(3) For approval under section 414F(1)(b)(iv), (v), (vi) or (vii), the application must include details of the current water leakage from the distribution system.
- ‘(4) Also, for approval under section 414F(1)(b)(vii), the application must include details of—
 - (a) available measures to reduce the current water leakage; and
 - (b) an analysis of whether the cost of implementing the measures would outweigh the benefits to be gained.
- ‘(5) The application must be certified as being accurate for the water service provider’s infrastructure and registered services—
 - (a) for approval under section 414F(1)(b)(i), (ii), (iii), (v) or (vi)—by the chief executive officer, however named, of the water service provider; or
 - (b) for approval under section 414F(1)(b)(iv) or (vii)—by a registered professional engineer.
- ‘(6) A certification under subsection (5)(b) must include the engineer’s name and registration details.

‘414F Deciding the application

- ‘(1) The regulator must grant the application if—
 - (a) the application complies with section 414E; and
 - (b) the regulator is satisfied—

- (i) the water service provider's distribution system is considered relatively new under guidelines issued by the regulator; or
 - (ii) the water service distributes underground water from the Great Artesian Basin primarily for stock and domestic purposes; or
 - (iii) the water service provider's distribution system is designed to operate as a groundwater recharge system; or
 - (iv) current water leakage from the distribution system is considered low under the guidelines; or
 - (v) current water leakage from the distribution system is considered high under the guidelines but the water service provider does not have the financial capacity to undertake a cost-benefit analysis for the distribution system; or
 - (vi) current water leakage from the distribution system is considered high under the guidelines but the cost of undertaking a cost-benefit analysis for the distribution system is more than the cost of the water that could be recovered; or
 - (vii) a cost-benefit analysis for the distribution system shows that it is not cost-effective to implement any measures to reduce leakage.
- '(2) Otherwise, the regulator must refuse to grant the application.
- '(3) Within 10 business days after deciding the application, the regulator must give the water service provider an information notice about the decision.

'414G Conditions of exemption

- '(1) An exemption applies only for the period of time for which it is granted.
- '(2) An exemption granted under section 414F(1)(b)(iv), (v), (vi) or (vii) is subject to the following conditions—

- (a) the water service provider must have in place a leakage control system of a standard approved under guidelines issued by the regulator;
 - (b) the water service provider must, for each 2 year period the exemption is in force, give the regulator a report on the leakage levels.
- ‘(3) The exemption applies only if the conditions are complied with.

‘414H Cancelling or amending an exemption

- ‘(1) If the circumstances under which an exemption was given change, the water service provider must immediately give the regulator notice of the change.
- ‘(2) The regulator may amend or cancel an exemption—
- (a) after receiving notice under subsection (1); or
 - (b) if the regulator otherwise becomes aware of a change in the circumstances under which an exemption was given.
- ‘(3) If the regulator amends or cancels an exemption, the regulator must give the water service provider an information notice about the decision to amend or cancel.

‘Subdivision 4 Approving or refusing to approve plan

‘414I Approving system leakage management plan

- ‘(1) The regulator must, within 3 months after receiving, under section 414D, a system leakage management plan for approval, approve the plan, and give the water service provider notice of the approval, if the regulator is satisfied—
- (a) the plan was certified by a registered professional engineer; and
 - (b) the plan is adequate in all material particulars.
- ‘(2) A notice given under subsection (1) must tell the water service provider—

- (a) the intervals, of not less than 1 year, at which regular reviews of the approved plan must be conducted; and
- (b) if the regulator requires regular audits of the approved plan under section 417—the intervals, of not less than 2 years, at which the audits must be conducted.

‘414J Refusing to approve system leakage management plan

- ‘(1) If the regulator is not satisfied that the system leakage management plan has been certified by a registered professional engineer, the regulator must—
 - (a) return the plan to the water service provider; and
 - (b) give the water service provider a notice stating that the plan must be—
 - (i) certified by a registered professional engineer; and
 - (ii) returned to the regulator within the reasonable time stated in the notice.
- ‘(2) The water service provider must comply with the notice.
Maximum penalty—200 penalty units.
- ‘(3) If the regulator is not satisfied that the plan is adequate in all material particulars, the regulator must return the plan to the water service provider and give the service provider an information notice about the decision not to approve the plan.
- ‘(4) For deciding if a plan is inadequate in a material particular, the regulator must, in considering any material particular, take account of cost considerations for the water service provider and its customers.
- ‘(5) The information notice must also state how the plan is inadequate in any material particular and include a requirement that—
 - (a) the plan be revised to make it adequate and returned to the regulator within the reasonable time stated in the notice; or

- (b) a new plan that is adequate be prepared, certified and given to the regulator within the reasonable time stated in the notice.
- ‘(6) The water service provider must comply with a requirement included in the information notice under subsection (5).
- Maximum penalty for subsection (6)—200 penalty units.

‘414K Regulator may seek further information

- ‘(1) If the regulator is not satisfied about a matter mentioned in section 414I(1) in relation to a plan received, the regulator may require the water service provider to provide further information about the matter.
- ‘(2) If the water service provider does not provide the information within the reasonable time stated in the request, the regulator—
 - (a) must refuse to approve the plan; and
 - (b) must give an information notice under section 414J(3) stating that the plan is inadequate on the basis that the information has not been given.

‘Subdivision 5 Miscellaneous

‘414L Changing system leakage management plan

- ‘(1) A water service provider may, with the regulator’s agreement, change a system leakage management plan after it is approved.
- ‘(2) The plan, as changed in the way agreed by the regulator, is taken to be approved by the regulator.

‘414M Complying with approved system leakage management plan

‘A water service provider must comply with the provider’s approved system leakage management plan when supplying water services to the service provider’s customers.

Maximum penalty—200 penalty units.

‘Division 1B Audit reports and reviews**‘414N Application of div 1B**

‘This division applies to strategic asset management plans, system leakage management plans and drought management plans.’.

102 Amendment of s 415 (Reviewing strategic asset management plan)

- (1) Section 415, heading—

omit, insert—

‘415 Reviewing plans’.

- (2) Section 415(2) and (3)—

renumber as section 415(3) and (4).

- (3) Section 415(1)—

omit, insert—

- ‘(1) A service provider must regularly review the service provider’s strategic asset management plan, in accordance with the notice given by the regulator under section 411.

Maximum penalty—500 penalty units.

- ‘(2) A service provider must regularly review the service provider’s system leakage management plan, in accordance with the notice given by the regulator under section 414I.

Maximum penalty—200 penalty units.’.

103 Amendment of s 416 (Changing strategic asset management plan following review)

- (1) Section 416, heading—

omit, insert—

‘416 Changing plans following review’.

- (2) Section 416(3), ‘Section 411 applies’—

omit, insert—

‘Sections 409, 411 and 412 apply’.

- (3) Section 416—

insert—

- ‘(4) Within 30 business days after the review of a system leakage management plan ends, the service provider must—

(a) if the review indicates the plan needs to be changed to reflect best practice industry standards for the types of services provided by the service provider—give the regulator a copy of a new plan indicating the actions taken or planned to be taken and improvements made or planned to be made since the plan being reviewed was approved; or

(b) otherwise—give the regulator a further copy of the existing plan.

Maximum penalty—200 penalty units.

- ‘(5) Sections 414C, 414I and 414J apply to a plan given to the regulator under subsection (4).’.

104 Amendment of s 417 (Providing regular audit reports)

- (1) Section 417(1)—

omit, insert—

- ‘(1) The service provider must, in accordance with the requirements of this section, arrange for regular audit reports about the service provider’s plans and compliance with the plans to be prepared and given to the regulator.

Maximum penalty—

- (a) in relation to a strategic asset management plan—500 penalty units; or
 - (b) in relation to a system leakage management plan—200 penalty units.
- ‘(1A) A regular audit report must be prepared in accordance with the notice given by the regulator—
- (a) for a strategic asset management plan—under section 411; and
 - (b) for a system leakage management plan—under section 414I.’
- (2) Section 417(3), penalty—
omit.

105 Amendment of s 419 (Spot audits of strategic asset management plans)

- (1) Section 419, heading, ‘strategic asset management’—
omit.
- (2) Section 419(1)(a)(i) and (ii), (2) and (5)(a), after ‘plan’—
insert—
‘or system leakage management plan’.
- (3) Section 419(7), penalty—
omit, insert—
‘Maximum penalty—

 - (a) for a notice about a strategic asset management plan—1 655 penalty units; or
 - (b) for a notice about a system leakage management plan—670 penalty units.’.

106 Insertion of new ch 3, pt 3, div 2A

After section 429—

insert—

‘Division 2A Drought management plans

‘429A Purpose of div 2A

‘The purpose of this division is to ensure water service providers have drought management plans in place to minimise the impact on communities of water shortages caused by drought.

‘429B Application of div 2A

‘This division applies only to water service providers but does not apply to—

- (a) a water service provider to the extent the provider is supplying water services to a customer who holds a water entitlement; or
- (b) a water service provider who supplies only drainage services.

‘429C Preparing drought management plans

- ‘(1) Each water service provider must have a drought management plan for—
- (a) each service area in which the water service provider supplies a retail water service; and
 - (b) if the water service provider is a water authority established for an authority area—the authority area; and
 - (c) if the water service provider is the legal owner of 1 or more elements of infrastructure for supplying water services for which a charge is intended to be made—each area in which the water service provider supplies a water service.

Note—

Failure to comply with this provision results in a report being tabled in the Legislative Assembly under section 429K.

- ‘(2) In preparing the drought management plan, the water service provider must—

- (a) consult with the water service provider's customers and, if the water is being managed under an interim resource operations licence or resource operations licence, the holder of the interim resource operations licence or resource operations licence; and
 - (b) consider the following—
 - (i) the needs of classes of customers and whether the needs vary according to the location to which water is being supplied;
 - (ii) the likely future requirements of customers for water;
 - (iii) the contractual rights of customers and classes of customers;
 - (iv) the availability and proposed use of water from various sources, including sources intended to be used only in an emergency; and
 - (c) ensure the plan is consistent with any requirements, about drought or critical water supply management—
 - (i) under the resource operations plan for the area; or
 - (ii) in a plan prepared under the resource operations plan for the area; or
 - (iii) in a plan prepared for an interim resource operations licence in the area.
- ‘(3) The drought management plan must be prepared in accordance with any guidelines issued by the regulator for preparing drought management plans and state—
- (a) the registered water service and area to which the plan applies; and
 - (b) the infrastructure for providing the services; and
 - (c) details of the situations in which the water service provider intends to act under part 2, division 3¹ or take other measures to minimise the impact of water shortages; and

1 Part 2 (Service providers), division 3 (Power to restrict water supply)

- (d) details of the actions intended to be taken under part 2, division 3 or other measures intended to be taken.
- ‘(4) The drought management plan may be part of a document prepared for another purpose if the part fulfils the requirements of this section.

‘429D Certifying drought management plan

‘The drought management plan must be certified by the chief executive officer, however named, of the water service provider as being the drought management plan for the provider.

‘429E Submitting drought management plan for registration

‘The water service provider must, within 1 year after the day the service provider is registered—

- (a) prepare a drought management plan for the water service; and
- (b) give a copy of the plan to the regulator for registration.

‘429F Exemption from preparing drought management plan

- ‘(1) A water service provider may apply to the regulator for an exemption from complying with this division for an area in which the provider supplies a water service.
- ‘(2) The application must be—
 - (a) in the approved form; and
 - (b) supported by sufficient information to enable the regulator to decide the application.
- ‘(3) The regulator must approve the application if the regulator is satisfied the water service provider supplies at least 70% of the water service for the area from a source or sources that can not be affected by drought.

Examples of sources—

underground water from the Great Artesian Basin, desalinated sea water

- ‘(4) Unless the regulator is satisfied under subsection (3), the regulator must refuse the application.
- ‘(5) Within 10 business days after deciding the application, the regulator must give the water service provider an information notice about the decision.

‘429G Cancelling or amending exemption from preparing drought management plan

- ‘(1) If the circumstances under which an exemption was given change, the water service provider must immediately give the regulator notice of the change.
- ‘(2) The regulator may amend or cancel an exemption—
 - (a) after receiving notice under subsection (1) for the exemption; or
 - (b) if the regulator becomes aware of a change in the circumstances under which the exemption was given.
- ‘(3) If the regulator amends or cancels an exemption, the regulator must give the water service provider an information notice about the decision to amend or cancel the exemption.

‘429H Registering a drought management plan

- ‘(1) If the regulator is satisfied a drought management plan complies with the registration criteria in any guidelines issued by the regulator for preparing the plan, the regulator must, as soon as practicable after receiving a copy of the plan—
 - (a) register the plan; and
 - (b) give the water service provider notice of the registration.
- ‘(2) The notice must also tell the water service provider the intervals, of not less than 1 year, at which regular reviews of the plan must be conducted.
- ‘(3) Registration under subsection (1) is not approval of the contents of the plan by the regulator.

‘429I Changing a drought management plan

- ‘(1) The water service provider may change the drought management plan after it is registered.
- ‘(2) As soon as practicable after changing the drought management plan, the water service provider must—
 - (a) have the changed plan certified under section 429D; and
 - (b) give a copy of the changed plan to the regulator for registration under section 429H.

‘429J Complying with drought management plan

‘The water service provider must comply with the drought management plan when supplying water services to the service provider’s customers.

Maximum penalty—200 penalty units.

‘429K Tabling in Legislative Assembly

‘The Minister must, as soon as practicable after 1 January each year—

- (a) prepare a list of the water service providers who—
 - (i) do not have a drought management plan registered under section 429H; and
 - (ii) do not have an exemption under section 429F from preparing a drought management plan; and
- (b) table the list in the Legislative Assembly.’.

107 Amendment of s 430 (Service provider to report annually)

- (1) Section 430(1), after ‘plan’—

insert—

‘or system leakage management plan’.
- (2) Section 430(4)(a)(i), after ‘plan’—

insert—

‘and the system leakage management plan’.

- (3) Section 430(5), ‘A copy of the report must be given’—
omit, insert—
‘The service provider must give a copy of the report’
- (4) Section 430(6) and (7)—
omit, insert—
- ‘(6) Subsections (4) and (5) do not apply to a service provider that is—
- (a) a local government if—
 - (i) the local government includes the information mentioned in subsection (4) in a report required under the *Local Government Act 1993*, section 531; and
 - (ii) the local government gives a copy of the report to the regulator within 30 business days after the report is adopted; or
 - (b) the chief executive if—
 - (i) the chief executive includes the information mentioned in subsection (4) in a report required under the *Financial Administration and Audit Act 1977*, section 39; and
 - (ii) the chief executive gives a copy of the report to the regulator within 30 business days after the report is given to the Minister.
- ‘(7) A copy of a report mentioned in subsection (4) or (6) must be available for inspection and purchase.’.

108 Amendment of s 434 (Small service providers may apply for exemption from divs 1–3)

- (1) Section 434, heading, ‘from divs 1–3’—
omit.
- (2) Section 434(1), from ‘with’—
omit, insert—
‘with—

- (a) divisions 1 and 1B in relation to a strategic asset management plan; or
- (b) division 2; or
- (c) all or part of division 3 in relation to a strategic asset management plan.’.

109 Amendment of s 435 (Deciding application for exemption)

Section 435(1)(a) to (c)—

omit, insert—

- ‘(a) divisions 1 and 1B in relation to a strategic asset management plan;
- (b) division 2;
- (c) all or part of division 3 in relation to a strategic asset management plan.’.

110 Amendment of s 487 (Accepting, rejecting or reviewing failure impact assessment)

Section 487—

insert—

- ‘(3) Without limiting subsection (2), the chief executive may require the preparation of documents including a comprehensive report, by a registered professional engineer, on the design and operation of the dam.’.

111 Amendment of s 491 (Safety conditions for existing referable dams)

Section 491—

insert—

- ‘(3A) Without limiting subsection (2), the notice may require the preparation of documents including a comprehensive report, by a registered professional engineer, on the design and operation of the dam.’.

112 Amendment of s 492 (Changing conditions)

- (1) Section 492(1), ‘in the interests of dam safety’—
omit.
- (2) Section 492(1A) to (5)—
renumber as section 492(2), (6), (7), (8), (9) and (10).
- (3) Section 492—
insert—
- ‘(3) In deciding what the conditions should be, the chief executive may give the owner of the dam a notice requesting the owner to give the chief executive—
- (a) within the reasonable time stated in the notice, information that will help the chief executive to decide the conditions to be applied; and
- (b) the fee prescribed under a regulation.
- ‘(4) The owner must comply with the notice, unless the owner has a reasonable excuse.
Maximum penalty—200 penalty units.
- ‘(5) Without limiting subsection (3), the notice may require the preparation of documents including a comprehensive report, by a registered professional engineer, on the design and operation of the dam.’.

113 Replacement of s 494 (Emergency powers)

Section 494—

omit, insert—

‘494 Emergency powers

- ‘(1) This section applies if the chief executive is satisfied, or reasonably believes—
- (a) there is danger of the failure of—
- (i) a referable dam; or
- (ii) a dam for which no failure impact assessment has been carried out, if the chief executive reasonably believes that if an assessment were carried out, the

dam would have a category 1 or category 2 failure impact rating; and

- (b) action is necessary to prevent the failure or minimise its impact.
- ‘(2) The chief executive may, by notice, direct the owner of the land on which the part of the dam where the action is necessary is situated (the *emergency part*), or the operator of the dam, to take stated reasonable action within a stated reasonable time.
- ‘(3) The notice—
- (a) is taken to be a compliance notice; and
 - (b) is not a compliance notice for which a show cause notice must first be given; and
 - (c) if the emergency part is land other than land mentioned in paragraph (d)—attaches to the land and binds the owner of the land and the owner’s successors in title; and
 - (d) if the emergency part is land leased from the State under the *Land Act 1994*—is taken to be a remedial action notice under the *Land Act 1994*, other than for the purposes of a review of, or an appeal against, the decision to give the notice.²
- ‘(4) The person to whom the notice is given and any person bound by the notice under subsection (3)(c) must comply with the notice, unless the person has a reasonable excuse.
- Maximum penalty—1 665 penalty units.
- ‘(5) Subsection (4) does not apply if the person to whom the notice is given—
- (a) gives the chief executive notice that the person intends to remove the dam; and
 - (b) complies with the intention in accordance with any direction given by the chief executive.
- ‘(6) Subsection (7) applies if—

2 See chapter 6.

- (a) the person to whom the notice is given does not comply, or does not fully comply, with the notice; and
 - (b) the chief executive incurs expense under section 783(1) or (3) in relation to the notice.
- ‘(7) The chief executive may give the owner a notice stating the action taken under section 783(1) or (3) and the amount of the expense incurred (the *debt*).
- ‘(8) If the chief executive gives a notice under subsection (7) in relation to land mentioned in subsection (3)(c)—
- (a) the debt becomes a charge on the land; and
 - (b) the chief executive must lodge in the land registry—
 - (i) a request in the appropriate form to register the charge as an encumbrance over the land; and
 - (ii) a certificate signed by the chief executive stating the debt is a charge over the land under this section; and
 - (iii) a copy of the notice given under subsection (7); and
 - (c) the charge is in addition to any other remedy the chief executive has for recovery of the debt.
- ‘(9) The chief executive must, as soon as practicable after payment of the debt, lodge in the land registry—
- (a) a request in the appropriate form to release the charge; and
 - (b) a certificate stating that the debt has been paid.
- ‘(10) The chief executive may at any time lodge in the land registry—
- (a) a request to vary or release the charge; and
 - (b) for a request to vary a charge—a certificate stating the type of variation requested.
- ‘(11) If the chief executive gives a notice under subsection (7) in relation to land mentioned in subsection (3)(d)—
- (a) the debt is a condition of the lease from the day the notice is given; and

- (b) the chief executive must lodge in the land registry—
 - (i) a request in the appropriate form to register the details of the condition; and
 - (ii) a certificate signed by the chief executive stating the details of the debt; and
 - (iii) a copy of the notice given under subsection (7); and
 - (c) the condition is in addition to any other remedy the chief executive has for recovery of the debt; and
 - (d) if the owner has possession of a tenure document for the lease—the owner must return the tenure document to the land registry.
- ‘(12) Subsection (13) applies if the chief executive is satisfied, or reasonably believes—
- (a) there is imminent danger of the failure of a dam; and
 - (b) immediate action is necessary to prevent or minimise the impact of the failure.
- ‘(13) The chief executive may give the notice required under subsection (2) verbally or by leaving the notice on the land.
- ‘(14) For giving notice under subsection (13), it is sufficient to give the notice to an employee or agent of the owner or operator.’.

114 Amendment of s 498 (Amending flood mitigation manual)

Section 498(3), ‘The’—

omit, insert—

‘If the owner complies with the chief executive’s request, the’.

115 Amendment of s 500 (Protection from liability for complying with flood mitigation manual)

- (1) Section 500(4), definition *owner*, paragraphs (a) to (c)—
renumber as paragraphs (b) to (d).
- (2) Section 500(4), definition *owner*—

insert—

‘(a) the operator of the dam; or’.

116 Amendment of s 569 (Main function of water authority)

Section 569(3)(a)(ii), ‘it’s’—

omit, insert—

‘its’.

117 Amendment of s 580 (Notice of proposed significant action)

(1) Section 580(2), ‘the water authority’—

omit, insert—

‘and as soon as practicable after proposing to do it, the water authority’.

(2) Section 580(3)—

omit, insert—

‘(3) A category 1 water authority is not required to comply with subsection (2) if, before taking the proposed significant action, the authority gives details of the proposed significant action in its performance plan.’.

118 Amendment of ch 4, pt 7, hdg

Chapter 4, part 7, heading, after ‘authorities’—

insert—

‘and authority areas’.

119 Amendment of ch 4, pt 7, div 1, hdg

Chapter 4, part 7, division 1, heading, after ‘authorities’—

insert—

‘and authority areas’.

120 Amendment of s 690 (Amalgamating water authorities and authority areas)

(1) Section 690(2)—

insert—

‘(d) if the former authorities had authority areas—dissolve the areas.’.

(2) Section 690—

insert—

‘(3) A regulation may amalgamate 2 or more former water areas—

(a) taken, under section 1083(2), to be authority areas; and

(b) for which the chief executive continues to perform the functions of a water authority.

‘(4) The regulation must—

(a) identify the new area; and

(b) dissolve the former areas.’.

121 Amendment of s 691 (Dissolution of water authority and authority area)

Section 691—

insert—

‘(3) If the Minister is satisfied that either of the following no longer serves the function for which it was established, a regulation may dissolve—

(a) a former water area—

(i) taken, under section 1083(2), to be an authority area; and

(ii) for which the chief executive continues to perform the functions of a water authority; or

(b) an authority area whose water authority was dissolved under subsection (1)(d).

‘(4) The chief executive’s appointment to perform the functions of a water authority, for an authority area dissolved under subsection (3), ceases on the dissolution of the area.’.

122 Amendment of s 692 (Public notice of proposed amalgamation or dissolution)

- (1) Section 692, ‘dissolves a water authority’—

omit, insert—

‘authority areas or dissolves a water authority or an authority area’.

- (2) Section 692(b)—

omit, insert—

‘(b) for a proposed amalgamation of water authorities or dissolution of a water authority—a newspaper circulating—

(i) if any of the authorities proposed to be amalgamated have an authority area—generally, in each authority area; or

(ii) if the authority proposed to be dissolved has an authority area—generally, in the authority area; or

(iii) otherwise—throughout the State; and

(c) for a proposed amalgamation of authority areas or dissolution of an authority area—a newspaper circulating generally in the authority area or areas.’.

- (3) Section 692—

insert—

- ‘(2) For a proposed amalgamation or dissolution of a former water area or authority area mentioned in section 691(3)—

(a) subsection (1)(c) does not apply; but

(b) the chief executive must give the notice to all landholders in the former water area or authority area who are being supplied with water at the time of the proposed amalgamation or dissolution.’.

123 Amendment of s 693 (Content of notice of proposed amalgamation or dissolution)

- (1) Section 693(1), after ‘amalgamation’, first mention—

insert—

‘of water authorities’.

(2) Section 693—

insert—

‘(1A) For a proposed amalgamation of authority areas, the notice must identify the areas.’.

(3) Section 693(2), after ‘dissolution’, first mention—

insert—

‘of a water authority’.

(4) Section 693—

insert—

‘(2A) A notice under subsection (2) may include any other information the chief executive considers necessary.

‘(2B) For a proposed dissolution of an authority area under section 691(3), the notice must—

(a) identify the area; and

(b) state the proposed arrangements for any water infrastructure in the area.’.

(5) Section 693(3)(b), after ‘published’—

insert—

‘or given’.

124 Amendment of s 694 (Considering submissions on proposed amalgamation or dissolution)

Section 694, after ‘authority’—

insert—

‘or authority area’.

125 Amendment of s 695 (Water authority may request its dissolution)

(1) Section 695(1)(b), ‘a majority of its’—

omit, insert—

‘at least two thirds of the’.

(2) Section 695—

insert—

‘(2A) Before conducting the special ballot, the water authority must give all ratepayers details of the possible consequences for the ratepayers of the proposed conversion.’.

(3) Section 695—

insert—

‘(3A) The chief executive may require the authority to provide further particulars of the proposed conversion.’.

126 Amendment of s 740 (Functions and powers of authorised officers)

Section 740(1)(b)(ii)—

omit, insert—

‘(ii) the *Integrated Planning Act 1997* so far as that Act relates to—

(A) a development condition; or

(B) operations of any kind and all things constructed or installed for taking, or interfering with, water under this Act; or

(C) all aspects of development for removing quarry material from a watercourse or lake if an allocation notice is required under this Act.’.

127 Amendment of s 747 (Power to enter land to collect information)

(1) Section 747, heading, ‘to collect information’—

omit, insert—

‘in relation to information collection’.

(2) Section 747(1)—

insert—

‘(e) to retrieve or decommission monitoring equipment previously constructed on the land.’.

- (3) Section 747(5)—
omit.

128 Amendment of s 752 (Issue of warrant)

- (1) Section 752(1)(a)—
omit, insert—

‘(a) there is a particular thing or activity (the *evidence*) that may provide evidence of—

- (i) an offence against this Act; or
(ii) an *Integrated Planning Act 1997* offence; and’.

- (2) Section 752(2)(a), after ‘that’—
insert—

‘any authorised officer or’.

- (3) Section 752(2)(e)—
renumber as section 752(2)(f).

- (4) Section 752(2)—
insert—

‘(e) the extent of re-entry permitted; and’.

- (5) Section 752—
insert—

- ‘(3) A provision of this part applying to entry authorised under a warrant is taken also to apply to any re-entry authorised under the warrant.’.

129 Amendment of s 754 (Warrants—procedure before entry)

Section 754(1)—
omit, insert—

- ‘(1) This section applies if an authorised officer is intending to enter a place under a warrant issued under this division.’.

130 Insertion of new ch 5, pt 1, div 4A

Chapter 5, part 1—

insert—

‘Division 4A Power to seize evidence**‘757A Seizing evidence**

- ‘(1) This section applies if, under this part, an authorised officer enters a place after obtaining the consent of an occupier or under a warrant.
- ‘(2) If the authorised officer enters the place with the occupier’s consent, the authorised officer may seize a thing at the place if—
 - (a) the authorised officer reasonably believes the thing is evidence of—
 - (i) an offence against this Act; or
 - (ii) an *Integrated Planning Act 1997* offence; and
 - (b) seizure of the thing is consistent with the purpose of entry as told to the occupier when asking for the occupier’s consent.
- ‘(3) If the authorised officer enters the place with a warrant, the authorised officer may seize the evidence for which the warrant was issued.
- ‘(4) The authorised officer may seize anything else at the place if the authorised officer reasonably believes—
 - (a) the thing is evidence of—
 - (i) an offence against this Act; or
 - (ii) an *Integrated Planning Act 1997* offence; and
 - (b) the seizure is necessary to prevent the thing being—
 - (i) hidden, lost or destroyed; or
 - (ii) used to continue, or repeat, the offence.
- ‘(5) Also, the authorised officer may seize a thing at the place if the authorised officer reasonably believes it has just been used in committing—

- (a) an offence against this Act; or
- (b) an *Integrated Planning Act 1997* offence.

‘757B Securing seized things

‘Having seized a thing, an authorised officer may—

- (a) move the thing from the place where it was seized (the *place of seizure*); or
- (b) leave the thing at the place of seizure but take reasonable action to restrict access to it; or

Examples of restricting access to a thing—

- 1 sealing a thing and marking it to show access to it is restricted
 - 2 sealing the entrance to a place where the thing is situated and marking it to show access to it is restricted
- (c) if the thing is equipment—make it inoperable.

Example of making equipment inoperable—

dismantling equipment or removing a component of equipment without which the equipment is not capable of being used

‘757C Tampering with seized things

- ‘(1) If an authorised officer restricts access to a seized thing, a person must not tamper, or attempt to tamper, with the thing, or something restricting access to the thing, without an authorised officer’s approval.

Maximum penalty—100 penalty units.

- ‘(2) If an authorised officer makes seized equipment inoperable, a person must not tamper, or attempt to tamper, with the equipment, without an authorised officer’s approval.

Maximum penalty—100 penalty units.

‘757D Powers to support seizure

- ‘(1) To enable a thing to be seized, an authorised officer may require the person in control of it—

- (a) to take it to a stated reasonable place by a stated reasonable time; and
 - (b) if necessary, to remain in control of it at the stated place for a stated reasonable period.
- ‘(2) The requirement—
- (a) must be made by notice in the approved form; or
 - (b) if for any reason it is not practicable to give the notice, may be made orally and confirmed by a notice in the approved form as soon as practicable.
- ‘(3) A further requirement may be made under this section about the thing if it is necessary and reasonable to make the further requirement.
- ‘(4) A person of whom a requirement is made under subsection (1) or (3) must comply with the requirement, unless the person has a reasonable excuse.

Maximum penalty for subsection (4)—50 penalty units.

‘757E Receipts for seized things

- ‘(1) As soon as practicable after an authorised officer seizes a thing, the authorised officer must give a receipt for it to the person from whom it was seized.
- ‘(2) However, if for any reason it is not practicable to comply with subsection (1), the authorised officer must leave the receipt at the place of seizure in a conspicuous position and in a reasonably secure way.
- ‘(3) The receipt must describe generally each thing seized and its condition.
- ‘(4) This section does not apply to a thing if it is impracticable, or would be unreasonable, to give the receipt, having regard to the thing’s nature, condition and value.

‘757F Forfeiture by authorised officer

- ‘(1) A thing that has been seized under this division is forfeited to the State if the authorised officer who seized the thing—

- (a) can not find its owner, after making reasonable inquiries; or
 - (b) can not return it to its owner, after making reasonable efforts.
- ‘(2) In applying subsection (1)—
- (a) subsection (1)(a) does not require the authorised officer to make inquiries if it would be unreasonable to make inquiries to find the owner; and
 - (b) subsection (1)(b) does not require the authorised officer to make efforts if it would be unreasonable to make efforts to return the thing to its owner.
- Example for paragraph (b)—*
- The owner of the thing has migrated to another country.
- ‘(3) Regard must be had to a thing’s nature, condition and value in deciding—
- (a) whether it is reasonable to make inquiries or efforts; and
 - (b) if making inquiries or efforts—what inquiries or efforts, including the period over which they are made, are reasonable.

‘757G Forfeiture on conviction

- ‘(1) On conviction of a person for either of the following, the court may order the forfeiture to the State of anything owned by the person and seized under this division—
- (a) an offence against this Act;
 - (b) an *Integrated Planning Act 1997* offence.
- ‘(2) The court may make any order to enforce the forfeiture it considers appropriate.
- ‘(3) This section does not limit the court’s powers under the *Penalties and Sentences Act 1992* or another law.

‘757H Dealing with forfeited things

- ‘(1) On forfeiture of a thing to the State, the thing becomes the State’s property and may be dealt with by the chief executive as the chief executive considers appropriate.
- ‘(2) Without limiting subsection (1), the chief executive may destroy or dispose of the thing.

‘757I Return of seized things

- ‘(1) If a seized thing is not forfeited, the authorised officer must return it to its owner—
 - (a) at the end of 6 months; or
 - (b) if a proceeding for either of the following involving the thing is started within 6 months, at the end of the proceeding and any appeal from the proceeding—
 - (i) an offence against this Act;
 - (ii) an *Integrated Planning Act 1997* offence.
- ‘(2) Despite subsection (1), unless the thing is forfeited, the authorised officer must immediately return a thing seized to its owner if the authorised officer stops being satisfied—
 - (a) its continued retention as evidence is necessary; or
 - (b) its continued retention is necessary to prevent the thing being used to continue, or repeat, the offence.

‘757J Access to seized things

- ‘(1) Until a seized thing is forfeited or returned, an authorised officer must allow its owner to inspect it and, if it is a document, to copy it.
- ‘(2) Subsection (1) does not apply if it is impracticable, or would be unreasonable, to allow the inspection or copying.’

131 Amendment of s 760 (Power to require production of documents)

Section 760(1), from ‘authorised officer’, last mention—
omit, insert—

‘authorised officer, a document relating to the taking of, or interfering with, water.’.

132 Amendment of s 762 (Failure to produce document)

Section 762(2)—

omit, insert—

- ‘(2) It is not a reasonable excuse for a person to fail to comply with a document production requirement because complying with the requirement might tend to incriminate the person.
- ‘(3) However, if the person is an individual, evidence of, or evidence directly or indirectly derived from, the document that might tend to incriminate the person is not admissible in evidence against the person in a civil or criminal proceeding, other than a proceeding for an offence about the falsity of the document.
- ‘(4) If a person is convicted of an offence against subsection (1), the court may, as well as imposing a penalty for the offence, order the person to comply with the requirement.’.

133 Amendment of s 763 (Power to require information)

Section 763(4)—

omit, insert—

- ‘(4) It is not a reasonable excuse for a person to fail to give the information because giving the information might tend to incriminate the person.
- ‘(5) However, if the person is an individual, evidence of, or evidence directly or indirectly derived from, the information that might tend to incriminate the person is not admissible in evidence against the person in a civil or criminal proceeding, other than a proceeding for an offence about the falsity of the information.
- ‘(6) If a person is convicted of an offence against subsection (3), the court may, as well as imposing a penalty for the offence, order the person to comply with the requirement.’.

134 Insertion of new ch 5, pt 1, div 7

Chapter 5, part 1—

insert—

‘Division 7 Obtaining criminal history reports**‘766 Purpose of div 7**

‘The purpose of this division is to help an authorised officer to decide whether the authorised officer’s unaccompanied entry of a place under this part would create an unacceptable level of risk to the authorised officer’s safety.

‘767 Chief executive’s power to obtain criminal history report

- ‘(1) The chief executive may ask the commissioner of the police service for a written report about the criminal history of a person if the authorised officer reasonably suspects the person may be present at the place when the authorised officer enters the place under this part.
- ‘(2) The commissioner must give the report to the chief executive.
- ‘(3) However, the report is required to contain only criminal history that is in the commissioner’s possession or to which the commissioner has access.
- ‘(4) The chief executive must examine the report and identify, to the extent it is reasonably practicable to do so, offences involving the use of a weapon or violence against a person.
- ‘(5) The chief executive may give the authorised officer information in the report about the offences identified under subsection (4).

‘768 Criminal history is confidential document

- ‘(1) A person must not, directly or indirectly, disclose to anyone else a report about a person’s criminal history, or information contained in the report, given under section 767.

Maximum penalty—100 penalty units.

- ‘(2) However, the person does not contravene subsection (1) if—
- (a) the disclosure is for the purpose of the other person performing a function under or in relation to this Act; or
 - (b) the disclosure is otherwise required or permitted by law.
- ‘(3) The chief executive or an authorised officer to whom the report or written information in the report is provided must destroy the report or information as soon as practicable after the authorised officer considers the risk mentioned in section 766.’.

135 Amendment of s 778 (When regulator may give a show cause notice)

Section 778(1), after ‘plan’—

insert—

‘or system leakage management plan’.

136 Amendment of s 783 (Chief executive or regulator may take action and recover costs)

(1) Section 783—

insert—

‘(3A) If the chief executive or regulator incurs expense in doing a thing under subsection (1) or (3), the chief executive or regulator must give the person a notice stating the amount of the expense incurred.’.

(2) Section 783—

insert—

‘(5) A debt due under subsection (4) bears interest at the rate stated in the regulation.’.

137 Replacement of s 808 (Unauthorised taking, supplying or interfering with water)

Section 808—

omit, insert—

‘808 Unauthorised taking, supplying or interfering with water

‘(1) A person must not take or supply water to which this Act applies unless authorised to take or supply the water—

- (a) under this Act;³ or
- (b) under a law of another State or Territory if the authorisation is declared under a regulation to be of a similar nature and to have a similar effect to a stated authorisation under this Act.

Maximum penalty—1 665 penalty units.

‘(2) A person must not interfere with water to which this Act applies, other than overland flow water, unless authorised to interfere with the water—

- (a) under this Act;⁴ or
- (b) under a law of another State or Territory if the authorisation is declared under a regulation to be of a similar nature and to have a similar effect to a stated authorisation under this Act.

Maximum penalty—1 665 penalty units.

‘(3) The holder of a metered entitlement must not take water under the entitlement other than through works that have an approved meter attached.

Maximum penalty—1 665 penalty units.’.

138 Amendment of s 810 (Using water contrary to approved land and water management plan)

Section 810, ‘plan for land’—

omit, insert—

‘plan for the use of water on land’.

3 See also the *Petroleum and Gas (Production and Safety) Act 2004*, sections 188 and 196 (Authorisation for Water Act).

4 See also the *Petroleum and Gas (Production and Safety) Act 2004*, sections 188 and 196 (Authorisation for Water Act).

139 Amendment of s 811 (Tampering with devices)

(1) Section 811(1) and (2), penalties, ‘1 000’—

omit, insert—

‘1 665’.

(2) Section 811(3)—

omit, insert—

‘(3) In this section—

tamper, with a device, includes—

(a) remove the device from the place where—

(i) it is used for a purpose mentioned in subsection (1); or

(ii) it was installed by the chief executive to monitor water; and

(b) tamper with works associated with the device in a way that may hinder the capacity of the device to measure, read, record or transmit information.’.

140 Replacement of s 812 (Contravening conditions of water allocation, interim water allocation, water licence or permit)

Section 812—

omit, insert—

‘812 Contravening conditions of water entitlement, seasonal water assignment notice or water permit

‘The holder of a water allocation, interim water allocation, water licence, seasonal water assignment notice or water permit must not contravene a condition of the allocation, licence, notice or permit.

Maximum penalty—1 665 penalty units.’.

141 Amendment of s 812A (Liability for unauthorised taking of water)

Section 812A(1), after ‘water licence’—

insert—

‘, seasonal water assignment notice’.

142 Amendment of s 813 (Contravening condition of resource operations licence, interim resource operations licence or operations licence)

(1) Section 813, heading—

omit, insert—

‘813 Contravening licence condition’.

(2) Section 813(1), after ‘licence,’—

insert—

‘a distribution operations licence,’.

143 Amendment of s 814 (Destroying vegetation, excavating or placing fill without permit)

(1) Section 814(2)(a)(i)(B), ‘item 3A(a) or (d) or 3B’—

omit, insert—

‘table 4, item 3(a) or (d) or 4 or table 5, item 1’.

(2) Section 814(3), after ‘(1)’—

insert—

‘or (2A)’.

144 Amendment of s 825 (False or misleading statements)

Section 825(1), after ‘anything to’—

insert—

‘the chief executive or’.

145 Amendment of s 826 (False or misleading documents)

(1) Section 826(1), after ‘give’—

insert—

‘the chief executive or’.

- (2) Section 826(2)(a), after ‘tells the’—
insert—
‘chief executive or’.

146 Amendment of s 851 (Who is an interested person)

Section 851(2)—

omit, insert—

- ‘(2) However, if the decision for which the notice was given is in relation to a water resource plan or a resource operations plan, the interested person may appeal only to the extent a different decision, consistent with the plan, could have been made.’.

147 Amendment of s 864 (Review decision)

- (1) Section 864—

insert—

- ‘(2A) The reviewer may, by notice to the applicant, before the period mentioned in subsection (2) has expired, extend the period by not more than 30 business days.

- ‘(2B) Only 1 notice may be given under subsection (2A) for each review.’.

- (2) Section 864(4)(c)—

omit.

- (3) Section 864(4)(d) and (e)—

renumber as section 864(4)(c) and (d).

- (4) Section 864—

insert—

- ‘(4A) A copy of the relevant appeal or arbitration provisions of this Act must also be given with each review notice or copy of a review notice.’.

148 Amendment of s 878 (Starting an appeal)

Section 878—

insert—

- ‘(4) A copy of the notice of appeal must be served on the chief executive within 10 business days after the notice of appeal is filed with the court.’.

149 Amendment of s 955 (Governor in Council may appoint administrator to operate infrastructure)

Section 955(1)(b), ‘or interim resource operations licence’—

omit, insert—

‘, an interim resource operations licence or a distribution operations licence’.

150 Amendment of s 967 (IPA approval for development is subject to approval under this Act)

- (1) Section 967(1)(a), ‘required to hold a water entitlement’—

omit, insert—

‘authorised or required to be authorised’.

- (2) Section 967(4)(a) and (b)—

omit, insert—

‘(a) the person is not authorised under this Act to take or interfere with water; or

(b) the person is authorised but the works for which the development permit is required are not consistent with the authorisation; or’.

- (3) Section 967(5)(a) and (6)(a), ‘adjoins’—

omit, insert—

‘forms all or part of the boundary of’.

151 Amendment of s 968 (Chief executive may direct works to be modified or removed)

Section 968(3), from ‘a compliance notice’—

omit, insert—

‘a notice requiring the person to modify or remove the works and the notice is taken to be a compliance notice for this Act.’.

152 Amendment of s 969 (Development applications for the removal of quarry material)

Section 969(a)—

omit, insert—

‘(a) evidence of an allocation notice granted under section 283 in relation to the land the subject of the application; and’.

153 Amendment of s 972 (When an applicant may appeal to the Land and Resources Tribunal)

Section 972(1)(a), ‘items 3B and 3C’—

omit, insert—

‘table 4, items 3 and 4’.

154 Amendment of s 977 (Power to enter places for stated purposes)

Section 977(1)—

insert—

‘(g) to clear vegetation or any other thing adversely affecting access to a meter.’.

155 Insertion of new ch 8, pt 4A

Chapter 8—

insert—

‘Part 4A Private water supply agreements for former water areas

‘1000 Entering private water supply agreements

- ‘(1) This section applies for a former water area if—
- (a) all the registered owners of land (the *relevant land*) being supplied with water from the area enter into a written agreement about supplying water to the relevant land; and
 - (b) the area is, under section 1083(2), an authority area; and
 - (c) the chief executive is performing the functions of a water authority for the area.
- ‘(2) The agreement (a *private water supply agreement*) must state—
- (a) the water, land and works to which the agreement applies; and
 - (b) the arrangements for supplying the water to each registered owner’s land; and
 - (c) the arrangements for the maintenance or replacement of the works and the sharing of the cost of the maintenance or replacement; and
 - (d) the arrangements for accessing the works; and
 - (e) provisions for the cancellation of the agreement with the consent of all parties.

‘1001 Registration of private water supply agreement

- ‘(1) As soon as practicable after entering the private water supply agreement—
- (a) the parties must give the chief executive a copy of the agreement; and
 - (b) the chief executive must give the registrar of titles notice of the agreement.

- ‘(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 the relevant land will show the existence of the agreement.
- ‘(3) If the agreement is cancelled, as soon as practicable after the cancellation—
 - (a) the parties must give the chief executive notice of the cancellation; and
 - (b) the chief executive must give the registrar of titles notice of the cancellation; and
 - (c) the registrar must remove the particulars of the agreement from the registrar’s records.
- ‘(4) While the agreement has effect, the obligations on each party attach to the party’s land and bind the party and the party’s successors in title to the land.

‘1002 When agreement has effect

‘Despite any other provision of this part, the private water supply agreement does not have effect until the former water area is dissolved under this Act.

‘1003 Amending a private water supply agreement

- ‘(1) A private water supply agreement (the *original agreement*) may be amended only once and only if the works to which the original agreement applies are capped and piped or are to be capped and piped.
- ‘(2) If additional land is required because of the capping and piping, the amending agreement may include—
 - (a) the addition of land to the original agreement; and
 - (b) if the registered owner of the land is not already a party to the original agreement—the addition of the registered owner as a party.
- ‘(3) As soon as practicable after making the amending agreement, the parties must give the chief executive a copy of the amending agreement.

- ‘(4) If the amending agreement varies the land to which the original agreement applies, the chief executive must give the registrar of titles notice of the amending agreement.
- ‘(5) The registrar must record the notice in a way that a search of the register kept by the registrar under any Act relating to the land the subject of the original agreement, as amended, will show the existence of the original agreement and the amending agreement.
- ‘(6) In this section—
- cap and pipe*, in relation to works, means—
- (a) repairing or replacing a bore forming the whole or part of the works so that the flow of water can be controlled by a valve on the headworks of the bore; and
 - (b) replacing a bore drain distribution system with a pipe-line distribution system.

‘1003A Chief executive may approve standard agreement

- ‘(1) The chief executive may approve a document (a *standard agreement*) to operate as a private water supply agreement in the absence of the agreement of the registered owners of particular land.
- ‘(2) The chief executive must gazette the approval of the standard agreement.
- ‘(3) On and from the day the former water area to which the standard agreement applies is dissolved, the standard agreement applies as a private water supply agreement for the area until the registered owners enter into a private water supply agreement to replace the standard agreement.’

156 Amendment of s 1006 (Declarations about watercourses)

- (1) Section 1006(2), after ‘regulation’—
- insert—*
- ‘or a water resource plan’.
- (2) Section 1006(3), ‘under a regulation’—
- omit.*

157 Amendment of s 1007 (Records to be kept in registries)

(1) Section 1007—

insert—

‘(2A) If the chief executive grants a water licence or an interim water allocation, the chief executive must give the registrar of titles notice of the grant and the land to which the licence or allocation attaches.

‘(2B) The registrar must record the notice in a way that a search of the register kept by the registrar under any Act relating to the land will show that the licence or allocation attaches to the land.’.

(2) Section 1007(3), ‘or (7)’—

omit.

(3) Section 1007(4)(a), ‘or (7)’—

omit.

(4) Section 1007—

insert—

‘(4A) If the chief executive is satisfied the notice has been complied with or is no longer required, the chief executive must ask the registrar of titles to remove the notice from the register.

‘(4B) If the registrar of titles receives a request under section 494(8)(b), (9) or (10), the registrar must register, release or vary the charge according to the request.’.

(5) Section 1007—

insert—

‘(7) If the registrar receives a notice under section 127B(2), the registrar must record the notice in a way that a search of the register relating to the water allocation will show that the allocation is an allocation to which section 127C applies.

‘(8) If the registrar receives a notice under section 127B(4), the registrar must record the notice in a way that a search of the register relating to the water allocation will show that the allocation is no longer an allocation to which section 127C applies.’.

158 Amendment of s 1009 (Public inspection and purchase of documents)

(1) Section 1009(1)—

insert—

‘(fa) each notice of existing works that allow taking overland flow water required to be given to the chief executive under a water resource plan;

(ka) each distributions operations licence;

(qa) each water bore driller’s licence;

(sa) each guideline for preparing a system leakage management plan under section 414B;

(sb) each guideline for granting an exemption from preparing a system leakage management plan under section 414F;

(ta) each guideline for preparing a drought management plan under section 429C;

(x) each guideline for applying safety conditions to a referable dam;

(y) each private water supply agreement.’.

(2) Section 1009(1)(u), ‘425’—

omit, insert—

‘435’.

(3) Section 1009(3)(b) and (c)—

renumber as section 1009(3)(c) and (d).

(4) Section 1009(3)—

insert—

‘(b) each drought management plan prepared under section 429C;’.

159 Amendment of s 1013A (Fee and charges payable to the chief executive)

(1) Section 1013A(2)—

omit, insert—

- ‘(2) If an amount of a fee or charge remains unpaid after the day stated in the regulation for payment of the fee or charge—
- (a) the amount is a debt due and payable to the State; and
 - (b) the late fee prescribed in the regulation applies to the amount.’.
- (2) Section 1013A(3), ‘and any interest payable on the fee or charge’—

omit.

160 Amendment of s 1013B (Non-payment of fees or charges)

Section 1013B(2)(b), ‘interest’—

omit, insert—

‘any late fee’.

161 Amendment of s 1014 (Regulation-making power)

- (1) Section 1014(2)—

insert—

- ‘(ca) prescribe organisations approved by the chief executive to provide accredited farm management system programs; and
- (cb) prescribe accredited farm management system programs; and’.

- (2) Section 1014(2)—

insert—

‘(ga) state a process for—

- (i) converting authorities to take or interfere with water, identified as existing water supply responsibilities in an interim resource operations licence, to interim water allocations; and
- (ii) granting interim water allocations in relation to authorities to which the Three Moon Creek Irrigation Project Agreement for the

Monto/Mulgildie Salinity Area, endorsed, in 1997, by the Minister administering the repealed Act, applies; and’.

- (3) Section 1014(2)(j), ‘item 9A’—
omit, insert—
 ‘table 4, item 1’.

162 Amendment of s 1037 (Local government authorities)

- (1) Section 1037(1)(a) and (b)—
omit, insert—
 ‘(a) the chief executive grants a water licence to replace the authority;
 (b) the authority is replaced with a water entitlement, interim resource operations licence, resource operations licence or distribution operations licence.’.
- (2) Section 1037(2)—
omit, insert—
 ‘(2) The chief executive may grant a water licence under subsection (1)(a) without the need for an application to be made under section 206.’.

163 Insertion of new s 1037A

After section 1037—

insert—

‘1037A Other continuing authorities

- ‘(1) Subsection (2) applies to a following entity if, immediately before the commencement of this section, the entity was taking or interfering with water to which this Act applies—
- (a) a local government who lodged an application under the *Local Government Act 1936* (repealed), section 32;
- (b) Toowoomba City Council in relation to the Cooby Creek Dam;

- (c) an entity to which a special agreement Act applies, to the extent the special agreement Act authorises the taking of, or interfering with, water.
- ‘(2) An entity mentioned in subsection (1)(a) or (b) is taken to hold an authority under this Act to take or interfere with water and the authority continues under this Act until whichever of the following first happens—
- (a) the chief executive grants a water licence to replace the authority;
 - (b) the authority is replaced with a water entitlement, interim resource operations licence, resource operations licence or distribution operations licence.
- ‘(3) An entity mentioned in subsection (1)(c)—
- (a) continues to hold the authority to take or interfere with water under the special agreement Act; and
 - (b) is taken to also hold an authority under this Act to take or interfere with water.
- ‘(4) An authority under this Act to take or interfere with water, held by the South East Queensland Water Corporation Limited ABN 14 088 729 766 and in force on 12 April 2003, continues under this Act until whichever of the following first happens—
- (a) the chief executive grants a water licence to replace the authority;
 - (b) the authority is replaced with a water entitlement, interim resource operations licence, resource operations licence or distribution operations licence.
- ‘(5) In this section—
- special agreement Act* see *Environmental Protection Act 1994*, section 614(2).’.

164 Insertion of new ss 1057 and 1058

Chapter 9, part 1—

insert—

‘1057 Reinstating particular expired licences

- ‘(1) This section applies to a licence under the repealed Act—
 - (a) in force immediately before 13 November 2001; and
 - (b) not in force immediately before the commencement of this section.
- ‘(2) The chief executive may reinstate the licence by granting a water licence under this Act without an application being made under section 221.
- ‘(3) A water licence granted under this section is taken to have been in force from the day it expired.

‘1058 Reinstating particular expired licences in former water areas

- ‘(1) This section applies to a licence in a former water area if—
 - (a) the former water area was continued in existence under section 1083(2); and
 - (b) under the licence the registered owner of land was supplied with water; and
 - (c) the licence has expired; and
 - (d) the registered owner has continued to be supplied with water as if the licence had not expired.
- ‘(2) The chief executive may reinstate the licence by granting a water licence under this Act without an application being made under section 221—
 - (a) if the former water area’s former water board was continued in existence as a water authority under section 1083(3)—to the water authority; or
 - (b) otherwise—to the chief executive.
- ‘(3) A water licence granted under subsection (2) is taken to have been in force from the day the licence it replaced expired.’.

165 Amendment of s 1089 (Existing authorities to take, or interfere with, water)

Section 1089(2), (3) and (4)—

omit, insert—

- ‘(2) If the authority was given under 1 of the repealed Acts, it continues under that Act as if that Act had not been repealed until whichever of the following first happens—
- (a) the chief executive grants a water licence to replace the authority;
 - (b) the authority is replaced with a water entitlement, interim resource operations licence, resource operations licence or distribution operations licence.
- ‘(3) If the authority was given under another Act, it continues under that Act until whichever of the following first happens—
- (a) the chief executive grants a water licence to replace the authority;
 - (b) the authority is replaced with a water entitlement, interim resource operations licence, resource operations licence or distribution operations licence.
- ‘(3A) An authority continued under subsection (2) or (3) is taken to also be an authority under this Act to take or interfere with water.
- ‘(4) The chief executive may grant a water licence under subsection (2)(a) or (3)(a) without the need for an application to be made under section 206.’

166 Insertion of new s 1089A

After section 1089—

insert—

‘1089A Conversion of existing authorities to take water

- ‘(1) This section applies if a former water board was authorised to deliver water to the holder of an authorisation in accordance with the instrument mentioned, for the board’s area, in the *Water Resources (Areas and Boards) Regulation 2000* (repealed), schedule 5.
- ‘(2) Each authorisation that relates to a board mentioned in subsection (9), definition *former water board*, paragraph (a), (b) or (d) is taken to be an interim water allocation, with the

volume mentioned for the authorisation as a property allocation or an annual water entitlement in the instrument.

- ‘(3) An interim water allocation mentioned in subsection (2) attaches to the land described, for the authorisation to which it relates, in the instrument.
- ‘(4) The interim water allocation is taken to be held by—
 - (a) the person identified, for the authorisation, in the instrument; or
 - (b) if the person identified, for the authorisation, in the instrument has ceased to be the owner or occupier of all or part of the land to which the interim water allocation attaches—the registered owner or owners of the land; or
 - (c) if no person is identified for the authorisation, in the instrument—the registered owner or owners of the land to which the interim water allocation attaches.
- ‘(5) Each authorisation that relates to a board mentioned in subsection (9), definition *former water board*, paragraph (c), is taken to be an interim water allocation with the volume mentioned, for the authorisation, as a nominal volume in attachment 3(a) of the Pioneer Draft Resource Operations Plan made available under section 100 on 2 August 2004.
- ‘(6) An interim water allocation mentioned in subsection (5) attaches to all or part of the land described in the instrument mentioned for the former water board’s area in the *Water Resources (Areas and Boards) Regulation 2000* (repealed) with the farm ID identified for the authorisation in the instrument and in attachment 3(a).
- ‘(7) The interim water allocation is taken to be held by—
 - (a) if the person identified, for the authorisation, in attachment 3(a) has not ceased to be the owner or occupier of all or part of the land to which the interim water allocation attaches—the person identified, for the authorisation, in attachment 3(a); or
 - (b) if the person identified, for the authorisation, in attachment 3(a) has ceased to be the owner or occupier of all or part of the land to which the interim water

allocation attaches—the registered owner or owners of the land.

‘(8) The provisions of the instruments mentioned in subsection (1) that deal with the delivery of water by a former water board continue to have effect.

‘(9) In this section—

authorisation means an authorisation to take water continued under section 1089(2).

former water board means each of the following former water boards continued in existence under section 1083(3)—

- (a) Avondale Water Supply Board;
- (b) Kelsey Creek Water Board;
- (c) Pioneer Valley Water Board;
- (d) Six Mile Creek Water Supply Board.’.

167 Amendment of s 1116 (Minister must approve standard supply contracts)

Section 1116—

insert—

‘(8) A reference in subsection (1) to an agreement mentioned in section 1117 is taken to include and to have always included a reference to an order in council mentioned in section 1117.’.

168 Insertion of new of new s 1117A

After section 1117—

insert—

‘1117A When conditions of supply contract do not apply

‘(1) This section applies if—

- (a) immediately before an interim water allocation was granted, its holder was authorised to take water under an agreement or order in council mentioned in section 1117; and

- (b) the interim water allocation was granted to replace the authorisation; and
 - (c) the water is being taken under the interim water allocation from a weir owned by the holder.
- ‘(2) A regulation may prescribe an interim water allocation holder and an interim water allocation, or the part of an interim water allocation, to which any condition about payment for the storage and supply of water, in the supply contract under which the interim water allocation is managed, does not apply.
- ‘(3) The regulation applies only while the weir is maintained.
- ‘(4) In this section—
interim water allocation includes a water allocation to which the interim water allocation has been converted under section 121.’

169 Insertion of new ch 9, pt 5, div 1, hdg

Chapter 9, part 5, before section 1129—

insert—

‘Division 1 Miscellaneous’.

170 Insertion of new s 1135A and ch 9, pt 5, div 2 hdg

After section 1135—

insert—

‘1135A Validation of particular decisions

‘The following decisions, made or purported to have been made between 1 October 2000 and 20 October 2003, are taken to be, and to always have been, valid—

- (a) a decision to extend time, made under section 863(2);
- (b) a decision made under section 864(2).⁵

⁵ Section 863 (Applying for an internal review) and 864 (Review decision)

‘Division 2 **Transitional provision for Water and Other Legislation Amendment Act 2003’.**

171 **Insertion of new ch 9, pt 5, div 3, hdg**

After section 1136—

insert—

‘Division 3 **Transitional provision for Petroleum and Other Legislation Amendment Act 2004’.**

172 **Insertion of new ch 9, pt 5, div 4**

Chapter 9, part 5—

insert—

‘Division 4 **Transitional provision for Water and Other Legislation Amendment Act 2005**

‘1136B Notices given under s 101(1)(b) and (1)(c)

- ‘(1) This section applies to a notice given under section 101(b) for a draft resource operation plan that did not become effective under section 103 before the commencement of the *Water and Other Legislation Amendment Act 2005*, section 16.
- ‘(2) The notice is taken to be a notice given under section 101(1)(b) as in force after the commencement.
- ‘(3) Despite subsection (2), an existing interest holder may, within 60 business days after details of the water allocation to which the notice relates are recorded on the water allocations register, give a notice under section 101(1)(c) as in force after the commencement and, on the giving of the notice—
 - (a) subsection (2) ceases to apply; and
 - (b) section 150B(1) as in force after the commencement applies.

‘1136C Effect of disposal of part of land to which interim water allocation attaches

- ‘(1) This section applies if, before the commencement of this section—
- (a) an interim water allocation attached to land; and
 - (b) the registered owner of the land disposed of part of the land; and
 - (c) no application was made under section 198(3) as in force before the commencement.
- ‘(2) The interim water allocation is taken—
- (a) not to have been surrendered; and
 - (b) to be held jointly by all owners of the land to which the interim water allocation related before the disposal.
- ‘(3) However, within 60 business days after the commencement of this section, 1 or more of the owners of the land to which the interim water allocation relates may, with the consent of the other owners, apply for 1 or more interim water allocations to replace the jointly held interim water allocation.
- ‘(4) Section 198(4) to (11) as in force after the commencement applies to the application to replace the interim water allocation.

‘1136D Effect of acquisition of part of land to which interim water allocation attaches

- ‘(1) This section applies if, before the commencement of this section—
- (a) an interim water allocation attached to land; and
 - (b) part of the land was taken under the *Acquisition of Land Act 1967*; and
 - (c) the remaining part of the land no longer adjoined the watercourse, lake or spring from which water could be taken under the allocation; and
 - (d) no application was made under section 198(3) as in force immediately before the commencement.

- ‘(2) The interim water allocation is taken to have been surrendered and the chief executive must deal with the allocation under section 197(3).
- ‘(3) However subsection (2) does not apply if, within 60 business days after the commencement, the holder of the allocation satisfies the chief executive that the requirements of section 206(3)(b) have been met in relation to the allocation.

‘1136E Condition about measuring device not effective

- ‘(1) This section applies to a water licence in force immediately before the commencement of this section if—
 - (a) the water licence is subject to a condition requiring the licensee to install a measuring device to measure the volume of water taken, the rate at which it is taken and the time it is taken; and
 - (b) on the commencement, the measuring device has not been installed.
- ‘(2) From the commencement, the water licence is no longer subject to the condition.

‘1136F Submitting system leakage management plans for approval

- ‘(1) This section applies to a water service provider registered as a service provider immediately before the commencement of this section.
- ‘(2) Despite section 414D, the water service provider must give a copy of the service provider’s system leakage management plan to the regulator for approval—
 - (a) for a small service provider—within 3 years after the commencement of this section; or
 - (b) for a medium or large service provider—within 2 years after the commencement of this section.

Maximum penalty—200 penalty units.

‘1136G Submitting drought management plan for registration

- ‘(1) This section applies to a water service provider registered as a service provider immediately before the commencement of this section.
- ‘(2) Despite section 429E, the water service provider must give a copy of the service provider’s drought management plan to the regulator for registration—
 - (a) for a large service provider—within 1 year after the commencement of this section; or
 - (b) otherwise—within 2 years after the commencement of this section.
- ‘(3) If the water service provider fails to comply with subsection (2), the name of the provider must be included in a list tabled in the Legislative Assembly under section 429K.

‘1136H Interest payable under section 1013A

- ‘(1) This section applies to interest on a fee or charge under this Act remaining unpaid immediately before the commencement of this section.
- ‘(2) On the commencement, the interest becomes the late fee for the purposes of section 1013A(2) as in force on the commencement.’.

173 Amendment of sch 4 (Dictionary)

- (1) Schedule 4, definitions *information notice*, *seasonal water assignment*, *stock purposes*, *storage capacity*, and *water sharing rules*—
omit.
- (2) Schedule 4—
insert—
‘approved meter means a meter prescribed under a regulation as an approved meter.
cost-benefit analysis, for a distribution system, means an analysis of—

- (a) the cost of measures to reduce leakage; and
- (b) the economic benefit of saving water from leakage; and
- (c) the reduced operational costs and deferred infrastructure costs that would result from reducing leakage.

distribution operations licence means a distribution operations licence granted under chapter 2, part 4, division 3.

distribution system means the infrastructure for—

- (a) the transmission of water; or
- (b) the reticulation of water; or
- (c) water treatment or recycling.

holder, of a water allocation, means—

- (a) the person whose details are stated on the water allocations register as the person who holds the water allocation; or
- (b) if a lease of the water allocation is registered on the register, the lessee of the lease.

information notice, about a decision under this Act, means a notice—

- (a) stating the following—
 - (i) the decision;
 - (ii) the reasons for the decision;
 - (iii) the name and address of any other person who was given the notice;
 - (iv) that any person given the notice may appeal against the decision, or apply for arbitration, within 30 business days after the day the notice is given; and
- (b) including a copy of the relevant appeal or arbitration provisions of this Act.

Integrated Planning Act 1997 offence means an offence against the Integrated Planning Act 1997, section 4.3.1(1), 4.3.2, 4.3.2A, 4.3.3(1), 4.3.4(1), 4.3.5 or 4.3.15(1)⁶ to the extent the section relates to the taking of, or interfering with, water.

interstate distribution operations licence means a licence that is granted under an interstate law and authorises the licence holder to operate infrastructure to distribute water.

metered entitlement means an authority under this Act to take or interfere with water, prescribed under a regulation to be a metered entitlement.

monitoring equipment means equipment for reading rainfall, water flow, water levels or for assessing the effects of water use on land and water.

private water supply agreement see section 1000.

registered proprietor, of land, see the *Land Title Act 1994*, schedule 2.

seasonal water assignment, for an interim water allocation, a water allocation, a seasonal water assignment notice or a water licence, means the assignment by the holder of the allocation, notice or licence of the benefit under the allocation, notice or licence to another person, for a water year, of all or part of the water that may be taken under the allocation, notice or licence.

seasonal water assignment notice means—

- (a) for a water allocation—a seasonal water assignment notice granted under chapter 2, part 4, division 5; or
- (b) for a water licence—a seasonal water assignment notice granted under chapter 2, part 6, division 3.

stock purposes, in relation to taking water, means—

⁶ *Integrated Planning Act 1997*, section 4.3.1 (Carrying out assessable development without permit), 4.3.2 (Self-assessable development must comply with codes), 4.3.2A (Certain assessable development must comply with codes), 4.3.3 (Compliance with development approval), 4.3.4 (Compliance with identified codes about use of premises), 4.3.5 (Offences about the use of premises) or 4.3.15 (Offences relating to enforcement notice)

- (a) watering stock of a number that would normally be depastured on the land on which the water is, or is to be, used; or
- (b) watering travelling stock on a stock route.

stock route see the *Land Protection (Pest and Stock Route Management) Act 2002*, schedule 3.

system leakage management plan means a plan certified by a registered professional engineer under chapter 3, part 3, division 1A.

travelling stock see the *Land Protection (Pest and Stock Route Management) Act 2002*, schedule 3.

unallocated State land see the *Land Act 1994*, schedule 6.

water management area means—

- (a) an area of the State declared under a regulation to be a water management area; or
- (b) an area identified in a water resource plan or a resource operations plan as a water management area.

water sharing rules means—

- (a) for a water entitlement, or other authorisation to take water under this Act, managed under a resource operations plan—the water sharing rules included in the plan; or
 - (b) for a water licence, or other authorisation to take water under this Act, not managed under a resource operations plan—the water sharing rules prescribed under a regulation; or
 - (c) for an interim water allocation or other authorisation to take water under this Act managed under an interim resource operations licence—the water sharing rules included in the interim resource operations licence under which the interim water allocation or other authorisation is managed.’.
- (3) Schedule 4, definition *resource operations licence*, ‘a licence’—

omit, insert—

175 Amendment of sch 8A (Assessment manager for development applications)

Schedule 8A, table 4, item 3, paragraph (a)—

omit, insert—

‘(a) development for an environmentally relevant activity mentioned in the *Environmental Protection Regulation 1998*, schedule 1, item 19 (dredging material) or 20 (extracting rock or other material), or for a combination of environmentally relevant activities mentioned in any of the following combinations of items in that schedule—

(i) items 19 and 20;

(ii) items 19 and 22 (screening etc. materials);

(iii) items 20 and 22;

(iv) items 19, 20 and 22; and’.

Part 4 Amendment of Lake Eyre Basin Agreement Act 2001

176 Act amended in pt 4

This part amends the *Lake Eyre Basin Agreement Act 2001*.

177 Replacement of ss 2 and 3

Sections 2 and 3—

omit, insert—

‘2 Definitions

‘In this Act—

agreement means the original agreement as amended by the first amending agreement.

first amending agreement means the agreement a copy of which is set out in schedule 2.

original agreement means the agreement a copy of which is set out in schedule 1.

‘3 Approval and ratification of agreements

‘The following agreements are approved and ratified—

- (a) the original agreement;
- (b) the first amending agreement.’.

178 Amendment of schedule (Lake Eyre Basin Intergovernmental Agreement)

Schedule, heading—

omit, insert—

‘Schedule 1 Lake Eyre Basin Intergovernmental Agreement

section 2, definition *original agreement*’.

179 Insertion of new sch 2

After schedule 1, as renumbered—

insert—

‘Schedule 2 First Amending Agreement

section 2, definition *first amending agreement*

DEED dated the **Tenth** day of **June 2004**.

BETWEEN:

THE COMMONWEALTH OF AUSTRALIA (“the Commonwealth”)

AND

THE STATE OF QUEENSLAND (“Queensland”)

AND

THE STATE OF SOUTH AUSTRALIA (“South Australia”)

AND

THE NORTHERN TERRITORY OF AUSTRALIA (“the Northern Territory”)

BACKGROUND

1. On the 21st day of October 2000, the Commonwealth, Queensland and South Australia (“the Original Parties”) entered into the LAKE EYRE BASIN INTERGOVERNMENTAL AGREEMENT (“the Original Agreement”) to provide for the establishment of arrangements for the management of water and related natural resources for that portion of the Lake Eyre Basin as identified in Clause 1.1 of the Agreement.
2. The Northern Territory wishes to become a party to the Original Agreement.
3. The Original Parties:
 - a. have agreed to admit the Northern Territory as a party to the Original Agreement; and
 - b. wish to amend certain provisions of the Original Agreement as set out in this Deed.

OPERATIVE PART:

1. MEANING OF WORDS

- (a) “**Effective Date**” means, pursuant to clause 12 of the Original Agreement, the date on which this Deed is approved and ratified by the Parliaments of Queensland, South Australia and the Northern Territory.
- (b) All other capitalised terms used in this Deed have the meaning given to them in the Original Agreement.

2. CHANGES TO PARTIES

On and from the Effective Date the Northern Territory:

- (a) becomes a Party to the Original Agreement; and

- (b) is bound by the terms of the Original Agreement in all respects as if the Northern Territory had been named as a Party to the Original Agreement.

3. **AMENDMENTS TO THE AGREEMENT**

The Original Agreement is varied in the following manner:

- (a) by removing clause 1.1 and replacing it with the following clause:
 - “1.1 This Agreement applies to that area of the Lake Eyre Basin (the Agreement Area) encompassing portions of Queensland, South Australia and the Northern Territory of Australia, as depicted in Schedule 1 of this Agreement, including within that area the following river systems and associated catchments, floodplains, overflow channels, lakes, wetlands and sub-artesian waters dependant on surface flows of:
 - a. the Cooper Creek system and associated tributaries in Queensland and South Australia;
 - b. the Diamantina River system and associated tributaries in Queensland and South Australia;
 - c. the Georgina river system and associated tributaries in Queensland, South Australia and the Northern Territory;
 - d. the Hay River system and associated tributaries in Queensland and the Northern Territory; and
 - e. the Finke River and Todd River systems and associated tributaries in the Northern Territory.
- (b) by adding the following sub-clause (h) to clause 1.3:

“a reference to a “State” includes the Northern Territory.”
- (c) by removing sub-clause 9.2 and replacing it with the following sub-clause:

“9.2 Any amendment of this Agreement, including the addition or amendment of a Schedule approved by the Ministerial Forum under clause 10 or 12, is subject to approval and ratification by the Parliaments of Queensland, South Australia

and the Northern Territory and will come into effect when so approved and ratified.”

- (d) by replacing the map in Schedule 1 to the Original Agreement with the map at **Annexure A** to this Deed.
- (e) by this Deed becoming a schedule to the Original Agreement being “Schedule 2”.

4. **TERMS AND CONDITIONS**

For the purpose of clause 12.1 of the Original Agreement, the terms and conditions prescribed by the Original Parties are as set out in **Annexure B** to this Deed.

5. **GENERAL**

- (a) Each party must:
 - (a) use its best efforts to do all things necessary or desirable to give full effect to this Deed; and
 - (b) refrain from doing anything that might hinder performance of this Deed.
- (b) This Deed may be signed in any number of counterparts.
- (c) Except as varied above the Original Agreement remains in full force and effect.

Signed, Sealed & Delivered by **The Minister for**)
the Environment and Heritage of the)
Commonwealth)
) David Kemp (sgd)
)
 This 10 day of June 2004)

In the presence of
 Mick Roche (sgd)

 Witness

Signed, Sealed & Delivered by The Minister for)
Natural Resources, Mines and Energy of the)
State of Queensland)

) Stephen Robertson
(sgd)
)
)

this 10th day of June 2004)

in the presence of
Mick Roche (sgd)

.....

Witness

The Common Seal of)
The Minister for Environment and Conservation) (seal affixed)
of the State of South Australia) John Hill (sgd)

)
)

affixed this 10 day of June 2004)

in the presence of
Mick Roche (sgd)

.....

Witness

Signed, Sealed & Delivered for and on behalf of)
the Northern Territory of Australia by)
The Minister for Central Australia)

)
) Peter Toyne (sgd)
)
)

this 10th day of June 2004)

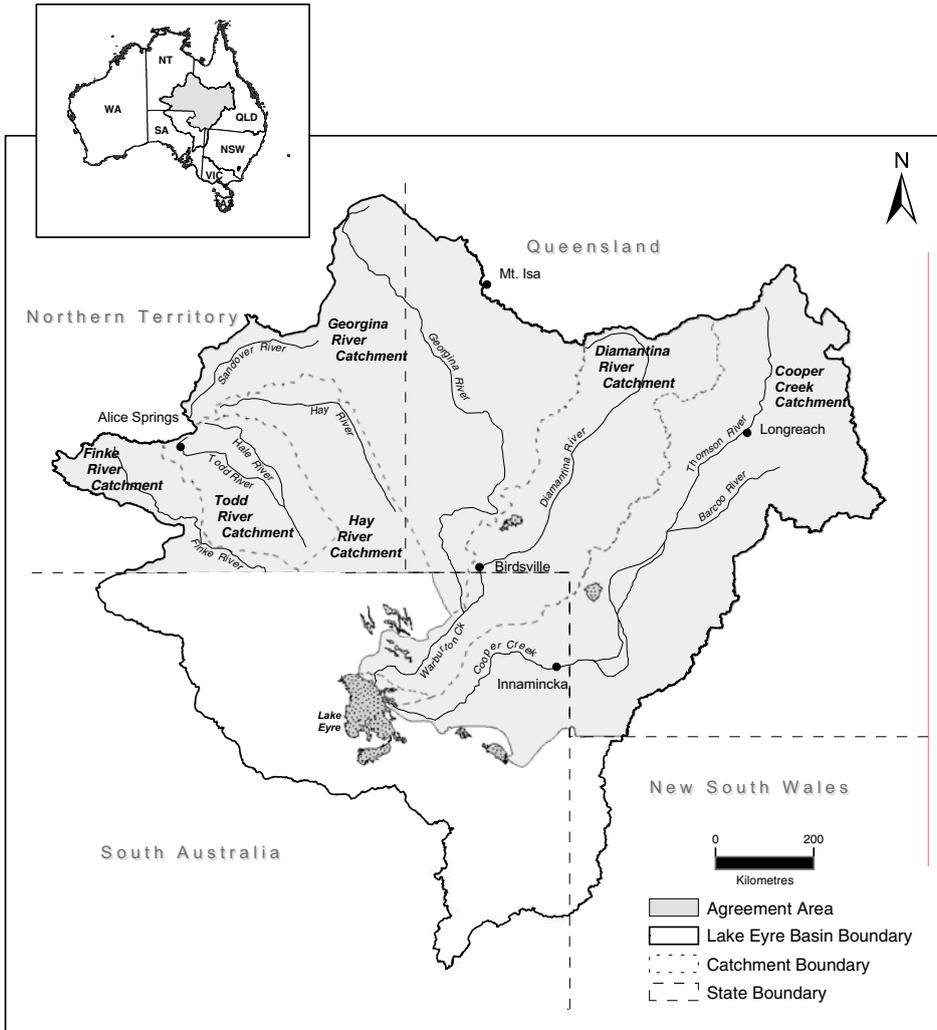
in the presence of

Mick Roche (sgd)

.....

Witness

'Annexure A The Lake Eyre Basin Agreement Area



‘Annexure B Terms

The Northern Territory will join the Original Agreement on the following terms agreed by and with the Original Parties:

- a) the Northern Territory will contribute financial and other resources of \$50,000 per annum towards the Ministerial Forum Budget, at least \$10,000 of which will be provided as a cash contribution;
- b) the cash component of the Northern Territory contribution will be managed in accordance with existing financial arrangements agreed by parties, but will be targeted to travel and other costs involved in supporting Northern Territory participation in the Community Advisory Committee to the Ministerial Forum;
- c) the remainder of the Northern Territory contribution will be drawn from natural resource management, environmental or other program activities within the Agreement Area that support the objectives of the Lake Eyre Basin Inter-governmental Agreement (but excluding any activities funded jointly through existing Commonwealth – Territory agreements).’.

Part 5 Amendment of Land Protection (Pest and Stock Route Management) Act 2002

180 Act amended in pt 5

This part amends the *Land Protection (Pest and Stock Route Management) Act 2002*.

181 Amendment of s 325 (Existing agreement about water facilities)

Section 325(4), ‘2 years’—

omit, insert—

‘4 years’.