



Queensland

Water Amendment Regulation (No. 5) 2006

Subordinate Legislation 2006 No. 159

made under the

Water Act 2000

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1 Short title

This regulation may be cited as the *Water Amendment Regulation (No. 5) 2006*.

2 Commencement

Sections 22 and 24 commence on 1 July 2006.

3 Regulation amended

This regulation amends the *Water Regulation 2002*.

4 Amendment of s 3D (Requirement for land and water management plan—Act, s 73)

Section 3D(1), ‘section 73(1A)(b)’—
omit, insert—
‘section 73(1)(b)(ii) and (2A)(c)’.

5 Amendment of s 14 (Entities—Act, ss 206 and 213)

Section 14, ‘sections 206(4)(f) and 213(e)(vi)’—
omit, insert—
‘sections 206(4)(g) and 213(e)(vii)’.

6 Amendment of s 23 (Conditions of water bore driller’s licence—Act, s 302)

Section 23(1)(ca), ‘schedule 8, part 2, item 9A(b)(ii)’—
omit, insert—
‘schedule 8, part 2, table 4, item 1(b)(ii)’.

7 Amendment of s 49 (Destroying vegetation in a watercourse, lake or spring—Act, s 814)

Section 49—
insert—

- ‘(2) Also, destroying vegetation in a watercourse, lake or spring in the local government area of a local government mentioned in schedule 6A is permitted if—
- (a) the destruction is carried out for the purposes of the local government restoring road infrastructure under the natural disaster relief arrangements for Tropical Cyclones Larry and Monica; and
 - (b) the local government complies with the Queensland Department of Main Roads Guideline for Activities in a Watercourse or Lake for Destroying up to 0.25ha of Vegetation, Excavating up to 500m³, or Placing Fill up to 500m³.
- ‘(3) For subsection (2)(b), the guideline applies—
- (a) as if a reference to the Queensland Department of Main Roads were a reference to the relevant local government; and
 - (b) with any other necessary changes.’.

8 Amendment of s 50 (Excavating in a watercourse, lake or spring—Act, s 814)

Section 50—

insert—

- ‘(2) Also, excavating in a watercourse, lake or spring in the local government area of a local government mentioned in schedule 6A is permitted if—
- (a) the excavation is carried out for the purposes of the local government restoring road infrastructure under the natural disaster relief arrangements for Tropical Cyclones Larry and Monica; and
 - (b) the local government complies with the Queensland Department of Main Roads Guideline for Activities in a Watercourse or Lake for Destroying up to 0.25ha of Vegetation, Excavating up to 500m³, or Placing Fill up to 500m³.
- ‘(3) For subsection (2)(b), the guideline applies—

- (a) as if a reference to the Queensland Department of Main Roads were a reference to the relevant local government; and
- (b) with any other necessary changes.’.

9 Amendment of s 51 (Placing fill in a watercourse, lake or spring—Act, s 814)

Section 51—

insert—

- ‘(2) Also, placing fill in a watercourse, lake or spring in the local government area of a local government mentioned in schedule 6A is permitted if—
 - (a) the placing is carried out for the purposes of the local government restoring road infrastructure under the natural disaster relief arrangements for Tropical Cyclones Larry and Monica; and
 - (b) the local government complies with the Queensland Department of Main Roads Guideline for Activities in a Watercourse or Lake for Destroying up to 0.25ha of Vegetation, Excavating up to 500m³, or Placing Fill up to 500m³.
- ‘(3) For subsection (2)(b), the guideline applies—
 - (a) as if a reference to the Queensland Department of Main Roads were a reference to the relevant local government; and
 - (b) with any other necessary changes.’.

10 Amendment of s 55 (Water declared to be water in a watercourse—Act, s 1006(2))

- (1) Section 55(c), ‘AMTD 86.7km’—

omit, insert—

‘AMTD 180km’.

- (2) Section 55—

insert—

- ‘(g) water in an aquifer under the bed or banks of Barambah Creek, between AMTD 85km and AMTD 189.5km, to a depth of 15m below the bed of the creek;
- (h) water in an alluvial aquifer under the bed or banks of the Stuart River, between AMTD 0km and AMTD 80km, to a depth of 10m below the bed of the river.’.

11 Amendment of s 62 (Code for self-assessable development—Act, s 1014)

Section 62(c)—

omit, insert—

‘(c) for item 1(b)(ii)—

- (i) the Code for Self-assessable Development of Bores Identified in a Water Resource Plan as Self-assessable; and
- (ii) the Code for Self-assessable Development of Replacement Bores.’.

12 Amendment of s 70 (Metered entitlement notice)

(1) Section 70(2)(b), after ‘process’—

omit, insert—

‘, and the metering service charge and metering assessment charge to which the holder or owner may be subject; and’.

(2) Section 70(2)—

insert—

‘(d) if there are no existing works on the land, require the holder to notify the chief executive of the fact, within the period stated in the metered entitlement notice.’.

13 Insertion of new s 70A

After section 70—

insert—

‘70A Notice of no existing works

‘(1) If the holder does not have existing works on the land, the holder must, within the period stated in the metered entitlement notice, give the chief executive notice of the fact.

Maximum penalty—10 penalty units.

‘(2) Subsection (3) applies if—

- (a) the holder fails to notify the chief executive within the stated period; and
- (b) the chief executive arranges for a metering contractor to obtain information from the holder for completing the metering information notice.

‘(3) The chief executive must give the holder notice of the charge (the *metering assessment charge*) payable.

‘(4) The metering assessment charge—

- (a) must be paid within 20 business days after the chief executive gives notice of the charge; and
- (b) must not be more than the reasonable costs incurred by the chief executive acting under subsection (2)(b).’.

14 Amendment of s 75 (Declaration of metered entitlements)

(1) Section 75(2)—

omit.

(2) Section 75(3)—

renumber as section 75(2).

15 Insertion of new s 80A

After section 80—

insert—

‘80A Metering assessment charge

‘(1) This section applies if—

- (a) the chief executive gives the holder or owner a metered entitlement notice under section 70(1); and

- (b) the chief executive incurs costs by, for example, arranging for a metering contractor—
 - (i) to obtain information from the holder for completing the metering information notice; or
 - (ii) to carry out site preparation; and
 - (c) before an approved meter is attached to existing works, the holder or owner gives the chief executive notice that the holder or owner has decided to stop using the works.
- ‘(2) On receiving the notice, the chief executive must give the holder or owner notice of the charge (the *metering assessment charge*) payable.
- ‘(3) The metering assessment charge—
- (a) must be paid within 20 business days after the chief executive gives notice of the charge; and
 - (b) must not be more than the reasonable costs incurred by the chief executive acting under subsection (1)(b).’.

16 Replacement of ss 123 and 124

Sections 123 and 124—

omit, insert—

‘123 Adjustment of minimum charge

- ‘(1) This section applies—
- (a) if the water charges payable under section 58 of the unamended regulation and accrued on 31 December 2005 are less than the minimum charge for the water year ending after 31 December 2005 for a water management area; and
 - (b) despite—
 - (i) the minimum charge mentioned in schedule 14, column 3, of the unamended regulation for the water management areas mentioned in subsection (2); and

(ii) section 111.¹

- ‘(2) The following is the minimum charge for the part of the water year to 31 December 2005—
- (a) for the Border Rivers groundwater management area—\$24.87; and
 - (b) for the Bowen groundwater management area—\$96.00; and
 - (c) for the Bundaberg groundwater management area—\$50.25; and
 - (d) for the Burdekin River groundwater management area—\$49.50; and
 - (e) for the Callide Valley groundwater management area—\$49.75 and
 - (f) for the Condamine groundwater management area—\$50.30; and
 - (g) for the Cressbrook Creek water management area—\$49.75.

‘124 Adjustment of meter charges

- ‘(1) Subsection (2) applies despite the meter charge mentioned in schedule 14, column 3, for the water management areas mentioned in subsection (2).
- ‘(2) The following is the meter charge for the part of the water year to 31 December 2005—
- (a) for the Gowrie–Oakey Creek water management area—\$39.10; and
 - (b) for the Oakey Creek groundwater management area—\$44.72; and
 - (c) for the Pioneer groundwater management area—\$121.85; and
 - (d) for the Upper Hodgson Creek groundwater management area—\$44.72.

1 Section 111 (Effect of change to date water year ends)

- ‘(3) Subsection (4) applies despite the charge for each water licence to take groundwater for which a bore has been installed that is mentioned in schedule 14, column 3, of the unamended regulation for the Burdekin River groundwater management area.
- ‘(4) The following is the charge for the Burdekin River groundwater management area for the part of the water year to 31 December 2005 and for each water licence to take groundwater for which a bore has been installed—
- (a) with a nominal entitlement of not more than 25ML—\$49.50 for each water meter; and
 - (b) with a nominal entitlement of more than 25ML—\$223.75 for each water meter.’.

17 Amendment of s 125 (Definition for sdiv 2)

- (1) Section 125, heading, ‘Definition’—

omit, insert—

‘Definitions’.

- (2) Section 125—

insert—

‘*schedule 14 water meter charges* means the water charges for a water meter mentioned in schedule 14, column 3, for each of the following management areas—

- (a) Gowrie–Oakey Creek water management area;
 - (b) Oakey Creek groundwater management area;
 - (c) Pioneer groundwater management area;
 - (d) Upper Hodgson Creek groundwater management area.’.
- (3) Section 125, definition *part 8 water charges*—

omit, insert—

‘*part 8 water charges*—

- (a) means the water charges mentioned in part 8; and
- (b) includes the following—

- (i) the water charges mentioned in section 112;²
- (ii) the Dumaresq water harvesting charge; and
- (iii) the schedule 14 water meter charges.’.

18 Amendment of sch 1 (Persons nominated for the Act, section 168)

Schedule 1—

insert—

‘North Burdekin Water Board	Water distribution and aquifer recharge works located within the North Burdekin Water Board authority area
South Burdekin Water Board	Water distribution and aquifer recharge works located within the South Burdekin Water Board authority area
Townsville-Thuringowa Water Supply Joint Board	Ross River Dam Paluma Dam Crystal Creek’.

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

- (1) Schedule 2, items 3 and 4—

omit.

- (2) Schedule 2—

insert—

- ‘12 Australian Stockman’s Hall of Fame and Outback Heritage Centre ACN010007093
- 13 Etgold Pty Ltd ACN010705432
- 14 John Neville Rawlins, as holder of title reference 17645135
- 15 Stockyard Point Services Co-op Ltd QC0202

² Section 112 (Application of new water charges)

- 16 Thomas Powell Stevens, Elsie Janett Stevens, John Brian Stevens and Deborah Jean Stevens, as joint holders of licences with licence numbers 61070B and 17990B, or a licence that replaces either licence’.
- (3) Schedule 2, items 5 to 16—
renumber as items 3 to 14.

20 Amendment of sch 6 (Water authorities)

- (1) Schedule 6, entry for Coreen Water Board, ‘AP7347’—
omit, insert—
‘AP13403’.
- (2) Schedule 6, entry for Glamorgan Vale Water Board, ‘AP4063’—
omit, insert—
‘AP13402’.

21 Insertion of new sch 6A

After schedule 6—

insert—

‘Schedule 6A Local governments

sections 49 to 51

Aurukun Shire Council
Bamaga Island Council
Burke Shire Council
Carpentaria Shire Council
Cook Shire Council
Hope Vale Shire Council
Injinoo Shire Council

Kowanyama Shire Council
 Lockhart River Shire Council
 Mapoon Shire Council
 Mareeba Shire Council
 Napranum Shire Council
 New Mapoon Shire Council
 Pormpuraaw Shire Council
 Seisia Island Council’.

22 Replacement of sch 7 (Drainage rates)

Schedule 7—

omit, insert—

‘Schedule 7 Drainage rates

section 53

‘Drainage area	Drainage rate
Burdekin River drainage area, shown on AP4064	\$18.70 for each hectare of land
Dawson Valley drainage area, shown on AP4145	\$18.75 for each hectare of land
Emerald drainage area, shown on AP4146	\$18.75 for each hectare of irrigable land \$4.70 for each hectare of non-irrigable land
St George drainage area, shown on AP4150	\$18.75 for each hectare of irrigable land’.

23 Amendment of sch 11 (Subartesian areas)

Schedule 11—

insert—

Mulgildie subartesian area on plan AP12081 sheets 1 to 16	all purposes	stock or domestic purposes
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24 Replacement of schs 15–16

Schedules 15 to 16—

omit, insert—

‘Schedule 15 Royalties

section 17

\$

- ‘Removing State quarry material—for each m³ removed—
- (a) by a local government or other entity established under an Act and that does not represent the State (a *statutory body*), for its own use 0.53
 - (b) by another person for a statutory body if the statutory body issues a certificate stating that the material was supplied to the statutory body for its own use 0.53
 - (c) if paragraph (a) or (b) does not apply 1.47

'Schedule 15A Metered entitlements

section 75

'Column 1	Column 2
Part of the State	Authorisation
Weir River	Water licences 43410H and 47879H Water licences 38176H and 47958H Water licence 47901H Water licence 47902H Water licences 47968H and 47969H Water licences 47967H and 47997H Water licence 39934H Water licences 48000H and 54001H Water licence 54149H Water licence 43572H Water licence 56626H Water licence 179741 Water licences 47943H and 54196H Water licence 47999H Water licence 102524 Water licences 47831H and 47832H Water licence 54024H Water licence 47998H Water licences 47929H Water licence 47935H
The plan area of the Boyne River Basin Resource Operations Plan 2003	All water licences

'Schedule 16 Fees

section 63

	\$
'1 Application for approval of land and water management plan (Act, s 74(3)(c))—	
(a) approving a previously approved plan, if paragraph (b) does not apply	59.30
(b) approving a previously approved plan, if the plan to be approved applies to additional land or provides for a different or additional irrigation method.	118.60
(c) approving a new plan.	177.80
2 Application for deferral of requirement for approved land and water management plan (Act, s 79(2)(c)).	118.60
3 Application to amalgamate water allocations or subdivide a water allocation (Act, s 128A(2)(b)).	86.20
4 Application to change a water allocation (Act, ss 129(3)(c) and 130(3)(d))—	
(a) if the application is made with an application to amalgamate water allocations or subdivide a water allocation	nil
(b) otherwise—	
(i) for 1 application	86.20
(ii) for each additional application made at the same time	17.20
5 Application by water allocation holder for seasonal water assignment (Act, s 142(2)(c))	114.90
6 Creating, on request, a title or a separate title for a water allocation, other than under section 121 or 122 of the Act (Act, ss 148(2)(d) and 150(1))—for each title created . . .	48.05

	§
7 Lodging in the registry an instrument that changes ownership of a water allocation or an interest in a water allocation (Act, ss 148(2)(d) and 150(1))—	
(a) if lodgment is with an instrument changing ownership of a lot or an interest in a lot—for each water allocation	23.70
(b) otherwise—	
(i) for 1 water allocation	111.30
(ii) for each additional water allocation	23.70
8 Lodging in the registry a certificate approving amalgamation of water allocations or subdivision of a water allocation (Act, ss 148(2)(d) and 128A(7))	111.30
9 Lodging in the registry a certificate about a change to a water allocation (Act, ss 148(2)(d), 129(6) and 135(1)) . .	111.30
10 Lodging in the registry a cancellation, discharge or satisfaction of a writ of execution (Act, ss 148(2)(d) and 150(1))	23.70
11 Lodging in the registry an instrument received through the post, by courier service or by document exchange service (Act, ss 148(2)(d) and 150(1))—additional fee for each instrument	23.70
12 Lodging a standard terms document in the registry (Act, ss 148(2)(d) and 150(1))	nil
13 Lodging in the registry a request to remove from the title of a water allocation a lease that has expired or otherwise ended (Act, ss 148(2)(d) and 150(1))	nil
14 Lodging in the registry a request to note the lapsing of a caveat (Act, ss 148(2)(d) and 150(1))	nil
15 Lodging any other instrument in the registry (Act, ss 148(2)(d) and 150(1))	111.30
16 Depositing in, or withdrawing from, the registry a settlement notice (Act, ss 148(2)(d) and 150(1))	23.70
17 Depositing in, or removing from, the registry an administrative advice (Act, ss 148(2)(d) and 150(1))	11.80
18 Preparing and serving, by the registry, a caveat notice (Act, ss 148(2)(d) and 150(1))	23.80
19 Computer print-out (Act, s 148(2)(d))—	
(a) of a title for a water allocation generated—	

	\$
(i) within the registry	11.85
(ii) by external access	9.50
(b) of the historical details of a title generated—	
(i) within the registry	17.90
(ii) by external access	15.50
20 Optical disk print-out (Act, s 148(2)(d))—	
(a) of a title for a water allocation generated—	
(i) within the registry	11.85
(ii) by external access	9.50
(b) of another instrument lodged or deposited in the registry	23.95
21 Search, in the registry, of a statement of a registered dealing or administrative advice against a title (Act, s 153)	2.37
22 Investigative search, by the registrar, of the register (not including providing copies of documents) (Act, s 148(2)(d))—	
(a) if no additional computer programming time is required—for each hour or part of an hour	48.05
(b) if additional computer programming time is required—for each hour or part of an hour	120.10
23 Certifying, by the registrar, of a copy of the title of a water allocation or a registered instrument (Act, s 148(2)(d)).	23.95
24 Requisitioning a document lodged for registration (Act, s 148(2)(d)).	29.95
25 Application to transfer interim water allocation (Act, s 193(2)(c)).	252.90
26 Application for approval to transfer interim water allocation to other land (Act, s 195)—	
(a) for 1 application	252.90
(b) for each additional application, made at the same time, to transfer to the same land	55.65
27 Application to replace interim water allocation (Act, s 198(4)(b)).	86.20
28 Application for water licence (Act, s 206(6)(c))	86.20
28A Copy of an application (Act, s 208(4)(b))—	

	\$
(a) for 1 page	11.85
(b) for each additional page	0.21
29 Application to amend water licence (Act, s 216)	86.20
30 Application to reinstate expired water licence (Act, s 221(2)(b)).	86.20
31 Application to amalgamate water licences (Act, s 224(2)(b)).	86.20
32 Application to subdivide water licence (Act, s 225(2)(b))	86.20
33 Application to replace water licence on disposal of land to which expired licence related (Act, s 229(4)(b)).	86.20
34 Application by licensee of a water licence for seasonal water assignment (Act, s 231(2)(c))	114.90
35 Application for allocation of quarry material (Act, s 280(2)(c))—for each 6 month period, or part of a 6 month period, the allocation notice has effect	118.30
36 Application to renew allocation notice (Act, s 289(2)(b)).	118.30
37 Application for water bore driller's licence (Act, s 299(2)(e))—for 5 years—	
(a) if paragraphs (b) to (d) do not apply	388.55
(b) if s 20(2)(c)(iii) applies	698.00
(c) if s 21(2)(c)(iv) applies	1019.00
(d) if s 22(2)(d)(iii) applies	1233.00
38 Application to amend water bore driller's licence (Act, s 304)	114.90
39 Application to renew water bore driller's licence (Act, s 308(2)(c)).	373.70
39A Application to reinstate expired water bore driller's licence (Act, s 308A(2)(b))—for 5 years.	388.50
40 Application for operations licence (Act, s 328(2)(d))	86.20
40A Computer print-out of a document generated (Act, s 1009)—	
(a) at an office of the department	11.85
(b) by external access	9.50
40B Certifying a copy of a document (Act, s 1009)	23.95
41A Application for unallocated water under a resource operations plan (Act, s 1014(2)(a))	158.20

	\$
41B Investigative search, by the chief executive, of the department's water entitlement registration database (not including providing copies of documents) (Act, s 1014(2)(a))—	
(a) if no additional computer programming time is required—for each hour or part of an hour	48.05
(b) if additional computer programming time is required—for each hour or part of an hour	120.10
41C Copy of a report on an entry in the department's water entitlement registration database (Act, s 1014(2)(a))	5.95
42 Testing a water meter (Act, s 1014(2)(d))—for each hour	50.10
43 Reading a water meter (Act, s 1014(2)(d))—	
(a) for 1 water meter	55.65
(b) for each additional water meter on the same or an adjacent property	11.10
44 Development application (<i>Integrated Planning Act 1997</i> , ss 3.2.1(4)(b) and 3.3.3(1)(c)) for any of the following—	
(a) operational work for the taking of, or interfering with, water—	
(i) if the application is made with an application for a water licence	nil
(ii) otherwise	86.20
(b) the removal of quarry material	86.20
(c) operational work in a drainage and embankment area controlling the flow of water into or out of a watercourse, lake or spring	86.20
(d) operational work—	
(i) that is the construction of a referable dam	86.20
(ii) that will increase the storage capacity of a referable dam by more than 10%	86.20
(e) development in a declared catchment area	86.20'

25 Amendment of sch 17 (Dictionary)

(1) Schedule 17—

insert—

‘natural disaster relief arrangements’ means the funding arrangements agreed between the Commonwealth and the State for providing financial assistance to communities affected by natural disasters.

Note—

At the commencement of this definition, the funding arrangements were described in the document called ‘Natural Disaster Financial Assistance Arrangements within Queensland 2005/2006’, published by the Department of Emergency Services and available on that department’s website at <www.disaster.qld.gov.au>.

Tropical Cyclones Larry and Monica means the cyclones known as Tropical Cyclone Larry and Tropical Cyclone Monica that affected certain communities in North Queensland in March and April 2006.’.

- (2) Schedule 17, definition *metered entitlement*, ‘section 67H’—
omit, insert—
‘section 75’.
- (3) Schedule 17, definition *metered entitlement notice*, ‘section 67C’—
omit, insert—
‘section 70’.
- (4) Schedule 17, definition *metering exit charge*, ‘section 67M’—
omit, insert—
‘section 80’.
- (5) Schedule 17, definition *metering information notice*, ‘section 67C’—
omit, insert—
‘section 70’.
- (6) Schedule 17, definition *metering service charge*, ‘section 67I’—
omit, insert—
‘section 76’.

ENDNOTES

- 1 Made by the Governor in Council on 29 June 2006.
- 2 Notified in the gazette on 30 June 2006.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Natural Resources, Mines and Water.