



Queensland

# **Water and Other Legislation Amendment Bill 2011**





Queensland

# Water and Other Legislation Amendment Bill 2011

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# 2011

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## A Bill

for

***An Act to amend the Cape York Peninsula Heritage Act 2007, the River Improvement Trust Act 1940, the Water Act 2000, the Wild Rivers Act 2005, the Water Resource (Gulf) Plan 2007, the Sustainable Planning Regulation 2009, the Water Regulation 2002 and to make consequential or minor amendments to particular water resource plans under the Water Act 2000***

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[s 1]

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**The Parliament of Queensland enacts—** 1

**Part 1 Preliminary** 2

**Clause 1 Short title** 3

This Act may be cited as the *Water and Other Legislation Amendment Act 2011*. 4  
5

**Part 2 Amendment of Cape York Peninsula Heritage Act 2007** 6  
7

**Clause 2 Act amended** 8

This part amends the *Cape York Peninsula Heritage Act 2007*. 9

**Clause 3 Amendment of s 19 (Development in indigenous community use area)** 10  
11

(1) Section 19(b)— 12

*insert—* 13

‘(ix) if the area or a part of the area to which the plan relates is in a wild river high preservation area— 14  
15

(A) the title of the wild river area; and 16

(B) evidence to show that the development can not be carried out without amending the wild river declaration for the wild river area; and 17  
18  
19

(C) details of any adverse impact that is likely to result from the development on the natural values of the wild river area; and 20  
21  
22

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	(D) the nature and extent of anything proposed to be done that would result in a beneficial impact on the natural values of the wild river area; and’.	1 2 3 4
(2)	Section 19—	5
	<i>insert—</i>	6
	‘(e) if the area or a part of the area to which the property development plan relates is in a wild river high preservation area—the Minister administering the <i>Wild Rivers Act 2005</i> is satisfied (and, if that Minister is not the vegetation management Minister, has advised the vegetation management Minister) that—	7 8 9 10 11 12
	(i) the development may not reasonably be carried out without amending the wild river declaration for the wild river area; and	13 14 15
	(ii) the carrying out of the development will not have an overall adverse impact on the natural values of the wild river area; and	16 17 18
	(iii) the plan identifies environmental benefits associated with carrying out the development.	19 20
‘(2)	If the area or a part of the area to which the property development plan relates is in a wild river high preservation area (the <i>relevant land</i> ) and the vegetation management Minister is satisfied the development is for a special indigenous purpose, the plan is taken to be a property development plan, under the <i>Wild Rivers Act 2005</i> , that applies to the relevant land.’.	21 22 23 24 25 26 27
<b>Clause 4</b>	<b>Amendment of s 27 (Special provision about water reserve)</b>	28 29
	Section 27(5), definition <i>wild river declaration—</i>	30
	<i>omit.</i>	31

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[s 5]

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<b>Clause 5</b>	<b>Amendment of schedule (Dictionary)</b>	1
	(1) Schedule—	2
	<i>insert—</i>	3
	‘ <i>wild river area</i> means a wild river area under the <i>Wild Rivers Act 2005</i> .’	4
	<i>wild river declaration</i> means a wild river declaration under the <i>Wild Rivers Act 2005</i> .	5
	<i>wild river high preservation area</i> means a high preservation area, under the <i>Wild Rivers Act 2005</i> , for a wild river area.’	6
		7
	(2) Schedule, definition <i>high risk species</i> , paragraph (a), from ‘under’—	8
	<i>omit, insert—</i>	9
	‘—see the <i>Wild Rivers Act 2005</i> , schedule; or’.	10
		11
		12
		13

<b>Part 3</b>	<b>Amendment of River Improvement Trust Act 1940</b>	14
		15

<b>Clause 6</b>	<b>Act amended</b>	16
	This part amends the <i>River Improvement Trust Act 1940</i> .	17

<b>Clause 7</b>	<b>Amendment of s 5 (Membership of trust)</b>	18
	Section 5—	19
	<i>insert—</i>	20
	‘(3C) Despite subsections (2) and (2B), a person appointed under subsection (1)(a) or (c) continues to hold office as a member of the trust after the person’s term of office ends until the person’s successor is appointed.’	21
		22
		23
		24

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<b>Part 4</b>	<b>Amendment of Water Act 2000</b>	1
<b>Clause 8</b>	<b>Act amended</b>	2
	This part amends the <i>Water Act 2000</i> .	3
<b>Clause 9</b>	<b>Amendment of s 20 (Authorised taking of water without water entitlement)</b>	4
	(1) Section 20, heading, after ‘taking of’—	5
	<i>insert—</i>	6
	‘, or interference with,’.	7
	(2) Section 20—	8
	<i>insert—</i>	9
	‘(6A) A person may interfere with overland flow water.’.	10
<b>Clause 10</b>	<b>Replacement of s 37 (Notice of works and water use)</b>	11
	Section 37—	12
	<i>omit, insert—</i>	13
<b>‘37</b>	<b>Notice of works and water use</b>	14
	‘(1) This section applies to works for taking or interfering with water if the taking or interfering with the water is not authorised under a water entitlement.	15
	‘(2) The chief executive may, by publishing a notice (the <i>chief executive’s notice</i> ), require the owner of land on which the works are, or are to be, constructed to give the chief executive notice (the <i>owner’s notice</i> ) of the works and the water use or, for works to be constructed, proposed water use, relating to the works.	16
	‘(3) The chief executive’s notice—	17
	(a) may require the owner’s notice to be in the approved form; and	18
	(b) must state—	19
		20
		21
		22
		23
		24
		25
		26
		27
		28

[s 11]

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	(i) the part of the State to which the chief executive's notice applies; and	1 2
	(ii) the type of works required to be notified by the owner, including the purpose and size of the works; and	3 4 5
	(iii) whether the chief executive's notice relates to 1 or more of the following—	6 7
	(A) existing works;	8
	(B) works under construction;	9
	(C) on their completion, works constructed in the future; and	10 11
	(iv) the day by which the owner's notice must be given to the chief executive.	12 13
'(4)	The chief executive's notice remains in force for the period stated in the notice or, if no period is stated, until the chief executive publishes another notice withdrawing the first notice.	14 15 16 17
'(5)	A person to whom the chief executive's notice applies must comply with the notice. Maximum penalty—20 penalty units.	18 19 20
'(6)	As soon as practicable after the chief executive's notice is published, the chief executive must conduct public meetings in the part of the State to which the notice applies to explain the requirements of the notice to land owners.'	21 22 23 24
<b>Clause 11</b>	<b>Replacement of ch 2, pt 3, div 2, sdiv 1, hdg (Preparing and approving water resource plans)</b>	25 26
	Chapter 2, part 3, division 2, subdivision 1, heading— <i>omit, insert—</i>	27 28
<b>'Subdivision 1</b>	<b>Power to prepare water resource plans'.</b>	29 30

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<b>Clause 12</b>	<b>Amendment of s 38 (Minister may prepare water resource plans)</b>	1 2
(1)	Section 38(1), ‘The’— <i>omit, insert—</i> ‘Subject to subdivision 2, the’.	3 4 5
(2)	Section 38(4)(c), after ‘affecting’— <i>insert—</i> ‘the taking of’.	6 7 8
(3)	Section 38(4)(d), after ‘affect’— <i>insert—</i> ‘the taking of’.	9 10 11
<b>Clause 13</b>	<b>Replacement of ss 39 and 40</b>	12
	Sections 39 and 40— <i>omit, insert—</i>	13 14
	<b>‘Subdivision 2 Consultation requirements for particular plans before their preparation</b>	15 16 17
	<b>‘38A Application of sdiv 2</b>	18
‘(1)	This subdivision applies if a proposed draft water resource plan is intended to apply to a part of Queensland for which there is no water resource plan.	19 20 21
‘(2)	This subdivision also applies if the Minister considers that public consultation, as well as that under section 49, is required before preparing a proposed draft water resource plan because—	22 23 24 25
(a)	the proposed draft water resource plan is likely to significantly change arrangements for the allocation, and sustainable management, of water in the proposed plan area; or	26 27 28 29

[s 13]

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- (b) the terms of the proposed draft water resource plan are likely to be significantly different from the terms of water resource plans applying to other parts of Queensland; or
- (c) the Minister needs further information about community views and expectations about water allocation and sustainable management issues in the proposed plan area.

**‘39 Minister must first prepare a statement of proposals**

- ‘(1) The Minister must prepare a statement of proposals for the proposed draft water resource plan—
- (a) including a map of the proposed plan area; and
  - (b) stating the following—
    - (i) the water in the proposed plan area to which the proposed draft water resource plan is intended to apply;
    - (ii) water allocation and sustainable management issues in the proposed plan area, and proposed strategies for dealing with the issues;
    - (iii) proposed arrangements for assessment using best scientific information available and relevant to the preparation of a draft water resource plan for the proposed plan area;
    - (iv) proposed arrangements for implementing the proposed draft water resource plan;
    - (v) proposed arrangements for consultation in the proposed plan area.

*Note—*

Under section 1009 the chief executive must keep the statement of proposals available for inspection and purchase.

- ‘(2) The Minister must give the chief executive a copy of the statement of proposals.

- 
- ‘(3) As soon as practicable after receiving the statement of proposals, the chief executive must explain, by letter or public meetings, the implications of the statement of proposals to as many affected water entitlement holders as possible.
- ‘40 **Public notice of proposal to prepare draft water resource plan and availability of statement of proposals**
- ‘(1) Before preparing the draft water resource plan, the Minister must, after preparing the statement of proposals required under section 39, publish a notice stating—
- (a) the Minister’s intention to prepare a draft water resource plan for the proposed plan area; and
  - (b) that the statement of proposals is available for inspection and purchase.
- ‘(2) The notice must also state the following—
- (a) the purpose and reasons for which the draft plan is being prepared;
  - (b) the proposed plan area;
  - (c) the water in the proposed plan area to which the draft plan is intended to apply;
  - (d) where copies of the statement of proposals are available for inspection and purchase;
  - (e) that written submissions may be made by any entity about the statement of proposals;
  - (f) a day (the *closing day*) by which the submissions can be made, and the person to whom, and the place where, they must be made.
- ‘(3) The closing day can not be earlier than 30 business days after the day the notice is published.
- ‘(4) The Minister must give a copy of the notice to each local government whose local government area includes all or part of the proposed plan area.

[s 14]

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- ‘(5) A local government receiving a copy of the notice must make it available for inspection by the public. 1  
2
- ‘(6) The Minister may give a copy of the notice to any other entity the Minister considers appropriate. 3  
4

- Clause 14 Amendment of s 40A (Further public notice of proposal to prepare draft water resource plan) 5  
6**
- (1) Section 40A(1)(b), ‘information report’— 7  
*omit, insert—* 8  
‘statement of proposals’. 9
- (2) Section 40A(2) and (3)— 10  
*omit.* 11

- Clause 15 Replacement of s 41 (Community reference panels) 12**
- Section 41— 13  
*omit, insert—* 14
- ‘Subdivision 3 Preparing and approving water resource plans’. 15  
16**

- Clause 16 Amendment of s 46 (Content of draft water resource plans) 17  
18**
- (1) Section 46(1)(d), after ‘monitoring’— 19  
*insert—* 20  
‘and reporting’. 21
- (2) Section 46(1)(g) and (h)— 22  
*renumber* as section 46(1)(h) and (i). 23
- (3) Section 46(1)— 24  
*insert—* 25  
‘(g) state the strategies proposed for the establishment of 26  
water allocations for the proposed plan area; and’. 27

- 
- (4) Section 46(2)(c), ‘overland flow water,’— 1  
*omit.* 2
- (5) Section 46(2)— 3  
*insert—* 4  
‘(ca) the types of works for taking overland flow water that 5  
are intended to be assessable or self-assessable 6  
development under the *Sustainable Planning Act 2009*; 7  
(cb) directions to the chief executive about the refusal to 8  
grant, or non-acceptance of, an application for a water 9  
licence under this Act;’. 10
- (6) Section 46(2)— 11  
*insert—* 12  
‘(ha) for a draft plan that replaces an existing water resource 13  
plan—any rule for taking or sharing water, including, 14  
for example, water sharing rules for water 15  
entitlements;’. 16
- (7) Section 46(2)(ca) to (i)— 17  
*renumber* as section 46(2)(d) to (l). 18
- (8) Section 46(3), after ‘notice for’— 19  
*insert—* 20  
‘a type of’. 21

- Clause 17**      **Amendment of s 47 (Matters the Minister must consider 22  
when preparing draft water resource plan) 23**
- (1) Section 47(i)— 24  
*omit.* 25
- (2) Section 47(j) to (p)— 26  
*renumber* as section 47(i) to (o). 27

[s 18]

---

<b>Clause 18</b>	<b>Amendment of s 48 (Overview report)</b>	1
	Section 48(1), editor’s note—	2
	<i>omit, insert—</i>	3
	‘ <i>Note—</i>	4
	Under section 1009 the chief executive must keep the report available for inspection and purchase.’.	5
		6
<b>Clause 19</b>	<b>Amendment of s 49 (Public notice about availability of draft water resource plan)</b>	7
		8
	(1) Section 49, heading, after ‘plan’—	9
	<i>insert—</i>	10
	‘ <b>and overview report</b> ’.	11
	(2) Section 49(2)(a), after ‘plan’—	12
	<i>insert—</i>	13
	‘, and overview report prepared under section 48,’.	14
	(3) Section 49—	15
	<i>insert—</i>	16
	‘(7) Before publishing a notice under this section, the Minister must give the chief executive a copy of the draft water resource plan.’.	17
		18
		19
<b>Clause 20</b>	<b>Amendment of s 50 (Preparing and approving final water resource plan)</b>	20
		21
	(1) Section 50, heading, after ‘final’—	22
	<i>insert—</i>	23
	‘ <b>draft</b> ’.	24
	(2) Section 50(1) and (2), ‘after ‘final’—	25
	<i>insert—</i>	26
	‘draft’.	27

- 
- (3) Section 50(1), after ‘draft plan’— 1  
*insert*— 2  
‘under section 49’. 3

**Clause 21 Insertion of new s 50A** 4

After section 50— 5

*insert*— 6

**‘50A Copy of final draft water resource plan to be given to chief executive** 7  
8

‘The Minister must give a copy of a final draft water resource 9  
plan to the chief executive before it is approved by the 10  
Governor in Council under section 50(2).’ 11

**Clause 22 Amendment of s 51 (Minister must prepare report on consultation process)** 12  
13

- (1) Section 51(1), from ‘Within’ to ‘approved’— 14

*omit, insert*— 15

‘On or before the day the approved water resource plan is 16  
gazetted’. 17

- (2) Section 51(1), editor’s note— 18

*omit, insert*— 19

‘*Note*— 20

Under section 1009 the chief executive must keep the report available for 21  
inspection and purchase.’ 22

**Clause 23 Amendment of s 52 (Public notice of intention not to proceed with making draft water resource plan)** 23  
24

- (1) Section 52, heading, after ‘draft’— 25

*insert*— 26

‘**or final draft**’. 27

[s 24]

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- (2) Section 52(1), after ‘draft’— 1  
*insert*— 2  
‘or final draft’. 3

- Clause 24 Renumbering of ch 2, pt 3, div 2, sdivs 2–4** 4  
Chapter 2, part 3, division 2, subdivisions 2 to 4— 5  
*renumber* as chapter 2, part 3, division 2, subdivisions 4 to 6. 6

- Clause 25 Amendment of s 53 (Minister must report on all water resource plans)** 7  
8  
Section 53(2), editor’s note— 9  
*omit, insert*— 10  
‘*Note*— 11  
Under section 1009 the chief executive must keep the report available for inspection and purchase.’. 12  
13

- Clause 26 Amendment of s 54 (Matters the reports must include)** 14  
(1) Section 54(c), ‘plan’s objectives’— 15  
*omit, insert*— 16  
‘strategies for achieving the plan’s outcomes’. 17  
(2) Section 54— 18  
*insert*— 19  
(2) Each report may also include, for the reporting period, an assessment of whether the plan’s objectives, having regard to any new information available about water that is the subject of the plan, are continuing to promote the purpose of this chapter.’. 20  
21  
22  
23  
24

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<b>Clause 27</b>	<b>Amendment of s 55 (When water resource plans may be amended or replaced)</b>	1 2
(1)	Section 55(2), from ‘a report’ to ‘shows’— <i>omit, insert—</i> ‘about’.	3 4 5
(2)	Section 55(2)(b), after ‘plan’s objectives’— <i>insert—</i> ‘, or the strategies for achieving the plan’s outcomes,’.	6 7 8
<b>Clause 28</b>	<b>Amendment of s 56 (Preparing amending or new draft water resource plan)</b>	9 10
(1)	Section 56(4)— <i>omit.</i>	11 12
(2)	Section 56(3)— <i>renumber</i> as section 56(4).	13 14
(3)	Section 56(1) and (2)— <i>omit, insert—</i>	15 16
‘(1)	For a proposed amending water resource plan, subdivisions 1 to 3 apply—	17 18
(a)	as if—	19
(i)	a reference in the subdivisions to the proposed draft plan were a reference to the proposed amending plan; or	20 21 22
(ii)	a reference in the subdivisions to the draft plan were a reference to the amending plan; and	23 24
(b)	with any other necessary changes.	25
	<i>Note—</i>	26
	Sections 39, 40 and 40A apply only in the circumstances set out in section 38A.	27 28

[s 29]

---

- ‘(2) However, subdivision 2 does not apply to the proposed amending water resource plan if the amendment is of a type that the plan states may be made to the plan under this section. 1  
2  
3
- ‘(3) For a proposed new draft water resource plan, subdivisions 1 to 3 apply— 4  
5
- (a) as if— 6
- (i) a reference in the subdivisions to the proposed draft plan were a reference to the proposed new draft water resource plan; or 7  
8  
9
- (ii) a reference in the subdivisions to the draft plan were a reference to the new draft water resource plan; and 10  
11  
12
- (b) with any other necessary changes. 13
- (4) Section 56(4), as renumbered, ‘subsection (1) or (2)’— 14  
*omit, insert—* 15  
‘subsection (1) or (3)’. 16

- Clause 29 Amendment of s 57 (Minor or stated amendments of water resource plan)** 17  
18
- (1) Section 57, ‘sections 40 to 52’— 19  
*omit, insert—* 20  
‘subdivisions 1 to 3’. 21
- (2) Section 57(b)— 22  
*omit, insert—* 23
- ‘(b) the amendment is of a type allowed under the water resource plan for this paragraph, and the Minister reasonably believes the amendment will not adversely affect the rights of water entitlement holders or natural ecosystems; or’. 24  
25  
26  
27  
28

---

<b>Clause 30</b>	<b>Replacement of s 96 (Public notice of proposal to prepare draft resource operations plan)</b>	1 2
	Section 96—	3
	<i>omit, insert—</i>	4
<b>'96</b>	<b>When chief executive must prepare a draft resource operations plan</b>	5 6
	'(1) This section provides for when the chief executive must prepare a draft resource operations plan (the <i>draft ROP</i> ), to implement a proposed water resource plan, concurrently with the Minister's preparation of the draft water resource plan.	7 8 9 10
	'(2) The draft ROP must be prepared if, when the resulting water resource plan is to commence, it needs to provide for any of the following—	11 12 13
	(a) the conversion and granting of water allocations for the proposed plan area under section 121;	14 15
	(b) the granting of water licences for the proposed plan area under section 212;	16 17
	(c) the amendment of water licences for the proposed plan area under section 217;	18 19
	(d) the granting of a resource operations licence or distribution operations licence under section 107;	20 21
	(e) the granting of an interim resource operations licence under section 176;	22 23
	(f) the amendment of a resource operations licence or distribution operations licence under section 111A;	24 25
	(g) the amendment of an interim resource operations licence under section 184A;	26 27
	(h) environmental management rules;	28
	(i) water sharing rules;	29
	(j) water allocation change rules;	30
	(k) seasonal water assignment rules;	31

[s 31]

---

(l) the operating rules for any water infrastructure to which  
the resource operations plan is intended to apply. 1  
2

‘(3) In this section— 3  
*operating rules*, for any water infrastructure to which the 4  
resource operations plan is intended to apply, means the 5  
details of how the water infrastructure will be operated.’. 6

**Clause 31 Amendment of s 97 (Notice of proposal to water 7  
infrastructure operators) 8**

(1) Section 97(1), ‘must also’— 9  
*omit, insert— 10*  
‘may’. 11

(2) Section 97(2), from ‘requirements of’— 12  
*omit, insert— 13*  
‘requirements of— 14

(a) if the Minister has published a notice under section 15  
40(1) for the proposed draft plan—the statement of 16  
proposals prepared under section 39 for the proposed 17  
plan area; or 18

(b) otherwise—the existing water resource plan for the 19  
proposed plan area.’. 20

**Clause 32 Amendment of s 98 (Content of draft resource operations 21  
plan) 22**

(1) Section 98(1), after ‘operations plan’— 23  
*insert— 24*  
‘(the *draft plan*)’. 25

(2) Section 98(1)(a), after ‘resource plan’— 26  
*insert— 27*  
‘, or draft water resource plan,’. 28

(3) Section 98(1)(f), after ‘monitoring’— 29

---

<i>insert</i> —	1
‘and reporting’.	2
(4) Section 98(1)(g), ‘water resource plan’—	3
<i>omit, insert</i> —	4
‘the water resource plan, or draft water resource plan,’.	5
(5) Section 98(2)(e), after ‘any’—	6
<i>insert</i> —	7
‘amendments or’.	8
(6) Section 98(2)(c) to (f)—	9
<i>renumber</i> as section 98(2)(d) to (g).	10
(7) Section 98(2)—	11
<i>insert</i> —	12
‘(c) directions to the chief executive about the refusal to grant, or non-acceptance of, an application for a water licence under this Act;’.	13 14 15
(8) Section 98(3), after ‘regulating of’—	16
<i>insert</i> —	17
‘the taking of’.	18
(9) Section 98(4)(a)—	19
<i>omit, insert</i> —	20
‘(a) the rules for, and details of, any proposed conversions to water allocations of existing water licences, interim water allocations and other authorities to take water;’.	21 22 23

<b>Clause 33</b>	<b>Amendment of s 99 (Matters the chief executive must consider when preparing draft resource operations plan)</b>	24
		25
(1)	Section 99, after ‘consider’—	26
	<i>insert</i> —	27
	‘each of’.	28

[s 34]

---

- (2) Section 99(a)— 1  
*omit, insert*— 2  
'(a) the— 3  
(i) if the Minister has published a notice under section 40(1) for the proposed draft plan—statement of proposals prepared under section 39 for the proposed plan area; or 4  
5  
6  
7  
(ii) otherwise—existing water resource plan for the proposed plan area;'. 8  
9
- (3) Section 99(b)— 10  
*omit, insert*— 11  
'(b) if the Minister has published a notice under section 40(1) for the proposed draft plan—all properly made submissions about the statement of proposals prepared under section 39 for the proposed plan area;'. 12  
13  
14  
15
- (4) Section 99(c), before 'proposed'— 16  
*insert*— 17  
'any'. 18

**Clause 34 Insertion of new s 99A** 19

After section 99— 20

*insert*— 21

**'99A Overview report** 22

- '(1) On or before a notice is published under section 100, the chief executive must prepare an overview report about the proposed draft plan. 23  
24  
25

*Note*— 26

Under section 1009 the chief executive must keep the report available for inspection and purchase. 27  
28

- '(2) The report must summarise any assessments and findings about matters mentioned in section 99 that are available when the report is prepared.'. 29  
30  
31

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<b>Clause 35</b>	<b>Amendment of s 100 (Public notice about availability of draft resource operations plan)</b>	1 2
(1)	Section 100, heading, after ‘plan’— <i>insert</i> — ‘ <b>and overview report</b> ’.	3 4 5
(2)	Section 100(2) to (7)— <i>renumber</i> as section 100(4) to (9).	6 7
(3)	Section 100— <i>insert</i> —	8 9
‘(2)	Subsection (3) applies if, under section 49(7), the Minister gives the chief executive a copy of the draft water resource plan for the proposed plan area.	10 11 12
‘(3)	The Minister and chief executive must liaise to ensure a notice published under subsection (1) for the proposed plan area is published together with a notice under section 49 for the proposed plan area.’.	13 14 15 16
(4)	Section 100(4)(a), as renumbered, after ‘plan’— <i>insert</i> — ‘, and overview report prepared under section 99A.’.	17 18 19
(5)	Section 100(5), as renumbered, ‘subsection (2)(c)’— <i>omit, insert</i> — ‘subsection (4)(c)’.	20 21 22
<b>Clause 36</b>	<b>Amendment of s 102 (Reviewing submissions about draft resource operations plan)</b>	23 24
	Section 102(4)(a), after ‘plan’— <i>insert</i> — ‘or, if the draft resource operations plan was prepared under section 96, the draft water resource plan’.	25 26 27 28

[s 37]

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<b>Clause 37</b>	<b>Amendment of s 103 (Preparing and approving final draft resource operations plan)</b>	1 2
(1)	Section 103(1)(a), after ‘water resource plan’— <i>insert</i> — ‘or draft water resource plan’.	3 4 5
(2)	Section 103(5)(a) and (7), ‘water’— <i>omit, insert</i> — ‘final water’.	6 7 8
(3)	Section 103(5)(b)(ii), ‘section 100(5)’— <i>omit, insert</i> — ‘section 100(7)’.	9 10 11
(4)	Section 103(8)— <i>renumber</i> as section 103(9).	12 13
(5)	Section 103— <i>insert</i> —	14 15
‘(8)	Despite subsection (7) and any inconsistent provision in the resource operations plan, the resource operations plan can not commence earlier than the day the final water resource plan commences.’.	16 17 18 19
<b>Clause 38</b>	<b>Renumbering of s 104B (Public access to particular notices)</b>	20 21
	Section 104B— <i>renumber</i> as section 104D.	22 23
<b>Clause 39</b>	<b>Insertion of new ss 104B and 104C</b>	24
	After section 104A— <i>insert</i> —	25 26

---

<b>‘104B Concurrent approval by Governor in Council</b>	1
‘(1) This section applies if section 96 requires the chief executive to prepare a draft resource operations plan concurrently with the Minister’s preparation of a draft water resource plan.	2 3 4
‘(2) The Minister and chief executive must liaise with each other to ensure the concurrent approval by the Governor in Council of a final draft water resource plan under section 50(2), and a final draft resource operations plan under section 103(5), for a plan area.	5 6 7 8 9
<b>‘104C Chief executive must prepare report on consultation process</b>	10 11
‘(1) On or before the day notice of the approval of the final draft resource operations plan is gazetted, the chief executive must prepare a report about the plan.	12 13 14
<i>Note—</i>	15
Under section 1009 the chief executive must keep the report available for inspection and purchase.	16 17
‘(2) The report must include a summary of issues raised during the consultation process and how the issues have been dealt with.’.	18 19 20
<b>Clause 40 Amendment of s 105 (General provision for amending resource operations plan)</b>	21 22
(1) Section 105(2) and (3)—	23
<i>omit, insert—</i>	24
‘(2) Subsection (3) applies if a resource operations plan will be inconsistent with a water resource plan for which it has effect because of a proposed amendment to the water resource plan of which the chief executive has become aware under section 39(2) or 49(7).	25 26 27 28 29
‘(3) The chief executive must amend the resource operations plan if it is inconsistent with the water resource plan, as proposed to be amended, so that the 2 plans are consistent.’.	30 31 32

[s 41]

---

(2) Section 105(6), from ‘However’ to ‘if’— 1  
*omit, insert*— 2  
‘However, if the amendment of a resource operations plan is 3  
not being made under subsection (3), section 99(b), (ba), (ca) 4  
and (d) does not apply to the preparation of the amendment 5  
if’. 6

**Clause 41 Amendment of s 106 (Minor or stated amendments of 7  
resource operations plan) 8**  
Section 106(b)— 9  
*omit, insert*— 10  
‘(b) the amendment is of a type allowed under the plan for 11  
this paragraph, and the chief executive reasonably 12  
believes the amendment will not adversely affect the 13  
rights of water entitlement holders or natural 14  
ecosystems; or’. 15

**Clause 42 Insertion of new s 106AA 16**  
Chapter 2, part 4, division 2, subdivision 2— 17  
*insert*— 18  
**‘106AA Amendment of resource operations plan between 19  
approval and commencement 20**  
‘The chief executive may amend a resource operations plan 21  
after its approval under section 103(5) but before its 22  
commencement to take account of— 23  
(a) the current details of any proposed conversions of 24  
existing water licences, interim water allocations and 25  
other authorities, to take water or to interfere with the 26  
flow of water, to water allocations; or 27  
(b) the details of the current holders of the water licences, 28  
interim water allocations and other authorities 29  
mentioned in paragraph (a).’. 30

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<b>Clause 43</b>	<b>Amendment of s 106A (Continuation of resource operations plan for new water resource plan)</b>	1 2
	Section 106A(1)—	3
	<i>omit, insert—</i>	4
	‘(1) This section applies if—	5
	(a) a new water resource plan that replaces an existing water resource plan is approved under section 50(2); and	6 7
	(b) the chief executive has not prepared a resource operations plan, to implement the new water resource plan, concurrently with the Minister’s preparation of the draft water resource plan.’	8 9 10 11
<b>Clause 44</b>	<b>Amendment of s 121 (Converting water entitlements)</b>	12
	Section 121(4), ‘101(a)’—	13
	<i>omit, insert—</i>	14
	‘101(1)(a)’.	15
<b>Clause 45</b>	<b>Amendment of s 127 (Registration details for water allocations)</b>	16 17
	(1) Section 127(3)(a) and (b)—	18
	<i>omit.</i>	19
	(2) Section 127(3)(c) to (e)—	20
	<i>renumber</i> as section 127(3)(a) to (c).	21
	(3) Section 127—	22
	<i>insert—</i>	23
	‘(4) If the water allocation is not managed under a resource operations licence, the entry on the water allocations register for the allocation may also state the following—	24 25 26
	(a) the maximum rate for taking water;	27
	(b) the flow conditions under which the water may be taken.’	28 29

[s 46]

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<b>Clause 46</b>	<b>Amendment of s 128A (Amalgamation or subdivision of water allocations)</b>	1 2
	(1) Section 128A(7), ‘gives the certificate to’—	3
	<i>omit, insert—</i>	4
	‘lodges the certificate with’.	5
	(2) Section 128A(7A), (8) and (9)—	6
	<i>renumber</i> as section 128A(8), (10) and (11).	7
	(3) Section 128A—	8
	<i>insert—</i>	9
	‘(9) Subsection (8) does not apply if—	10
	(a) the resource operations licence holder and the allocation holder are the same person; or	11 12
	(b) the allocation holder is a subsidiary company of the resource operations licence holder.’.	13 14
<b>Clause 47</b>	<b>Amendment of s 129 (Changing water allocations permitted under water allocation change rules)</b>	15 16
	(1) Section 129(6), ‘gives the certificate to’—	17
	<i>omit, insert—</i>	18
	‘lodges the certificate with’.	19
	(2) Section 129(8)—	20
	<i>renumber</i> as section 129(9).	21
	(3) Section 129—	22
	<i>insert—</i>	23
	‘(8) Subsection (7) does not apply if—	24
	(a) the resource operations licence holder and the allocation holder are the same person; or	25 26
	(b) the allocation holder is a subsidiary company of the resource operations licence holder.’.	27 28

---

<b>Clause 48</b>	<b>Replacement of s 132 (Public notice of application to change water allocation)</b>	1 2
	Section 132—	3
	<i>omit, insert—</i>	4
<b>‘132</b>	<b>Public notice of application to change water allocation</b>	5 6
	‘(1) Subsection (2) applies when the chief executive is satisfied an application under section 130 has been properly made and the applicant has given the chief executive any additional information requested about the application.	7 8 9 10
	‘(2) The chief executive must give the applicant a notice the applicant must publish within the time and in the newspaper or newspapers stated by the chief executive.	11 12 13
	‘(3) The notice must include at least the following—	14
	(a) where copies of the application may be inspected and, on payment of a fee, purchased;	15 16
	(b) that written submissions may be made by any entity about the application;	17 18
	(c) a day (the <i>closing day</i> ) by which submissions must be made, and the person to whom, and the place where, the submissions must be made.	19 20 21
	‘(4) The closing day must not be earlier than 30 business days after the day the notice is published.	22 23
	‘(5) If the notice has been published as required under subsection (2), the applicant must, within 10 business days after the publication of the notice, give the chief executive a copy of the page in the newspaper or newspapers containing the notice.	24 25 26 27 28
	‘(6) If the applicant fails to comply with subsection (2) or (5), the application lapses.	29 30
	‘(7) If the notice has been published as required under subsection (2)—	31 32

[s 49]

---

- (a) the chief executive may send a copy of the notice to any other entity the chief executive considers appropriate; and
- (b) the chief executive may decide the application after the closing day.’.

**Clause 49      Amendment of s 135 (Registering approved application to change water allocation)**

- (1) Section 135(1), ‘gives the certificate to’—  
*omit, insert—*  
‘lodges the certificate with’.
- (2) Section 135(3)—  
*renumber* as section 135(4).
- (3) Section 135—  
*insert—*
- ‘(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.’.

**Clause 50      Amendment of s 144 (Deciding application for seasonal water assignment)**

- Section 144(7), ‘Section 150(5)’—  
*omit, insert—*  
‘Section 150(6)’.

**Clause 51      Amendment of s 150 (Interests and dealings that may be registered)**

- (1) Section 150(4) and (5)—  
*renumber* as section 150(5) and (6).

---

	(2) Section 150—	1
	<i>insert—</i>	2
	‘(4) Subsection (3) does not apply if—	3
	(a) the resource operations licence holder and the transferee or lessee of the allocation are the same person; or	4
	(b) the transferee or lessee of the allocation is a subsidiary company of the resource operations licence holder.’.	5
		6
		7
<b>Clause 52</b>	<b>Amendment of s 153 (Searching water allocations register)</b>	8
	Section 153, from ‘At’ to ‘may—’	9
	<i>omit, insert—</i>	10
	‘A person may, on payment of the fee prescribed under a regulation—’.	11
		12
		13
<b>Clause 53</b>	<b>Amendment of s 167 (Purpose of pt 5)</b>	14
	Section 167(a)—	15
	<i>omit, insert—</i>	16
	‘(a) existing water infrastructure other than existing water infrastructure to which a resource operations plan applies; or’.	17
		18
		19
<b>Clause 54</b>	<b>Amendment of s 198 (Effect of disposal of part of land to which interim water allocation attaches)</b>	20
	(1) Section 198(2), ‘related before the disposal’—	21
	<i>omit, insert—</i>	22
	‘attaches’.	23
		24
	(2) Section 198(3)—	25
	<i>omit, insert—</i>	26

[s 55]

---

- ‘(3) However, 1 or more of the owners of the land to which the interim water allocation attaches may, with the consent of the other owners, apply for 1 or more interim water allocations to replace the jointly held interim water allocation—
- (a) within 60 business days after the disposal of the part; or
  - (b) if, in a particular case, the chief executive extends the period for making the application—within the extended period.’.

**Clause 55      Amendment of s 198A (Effect of acquisition of land to which interim water allocation attaches)**

- (1) Section 198A(1)—  
*omit, insert—*
- ‘(1) This section applies to an interim water allocation if part of the land to which the allocation attaches—
- (a) is taken under the *Acquisition of Land Act 1967*; or
  - (b) is disposed of by the registered owner of the land to a constructing authority for a purpose for which land may be taken under that Act.’.
- (2) Section 198A(2), after ‘acquisition’, first mention—  
*insert—*  
‘or disposal’.
- (3) Section 198A(3), after ‘acquisition’, first mention—  
*insert—*  
‘or disposal’.

**Clause 56      Amendment of s 199 (Effect of acquisition of part of land adjoining a watercourse, lake or spring)**

- (1) Section 199(1)—  
*omit, insert—*

- 
- (1) This section applies to an interim water allocation if part of the land, adjoining a watercourse, lake or spring, to which the allocation attaches—
- (a) is taken under the *Acquisition of Land Act 1967*; or
  - (b) is disposed of by the registered owner of the land to a constructing authority for a purpose for which land may be taken under that Act.’
- (2) Section 199(3)(b) and (5), after ‘acquisition’—
- insert—*
- ‘or disposal’.

**Clause 57      Amendment of s 199A (Effect of acquisition of part of land above an aquifer)**

- (1) Section 199A(1)—
- omit, insert—*
- (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—
- (a) is taken under the *Acquisition of Land Act 1967*; or
  - (b) is disposed of by the registered owner of the land to a constructing authority for a purpose for which land may be taken under that Act.’
- (2) Section 199A(3)(b) and (5), after ‘acquisition’—
- insert—*
- ‘or disposal’.

**Clause 58      Amendment of s 199B (Effect of acquisition of part of other land)**

- (1) Section 199B(1)—
- omit, insert—*

[s 59]

---

- (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—
- (a) is taken under the *Acquisition of Land Act 1967*; or
  - (b) is disposed of by the registered owner of the land to a constructing authority for a purpose for which land may be taken under that Act.’
- (2) Section 199B(3)(b) and (5), after ‘acquisition’—
- insert—*
- ‘or disposal’.

**Clause 59      Amendment of s 203 (Definitions for pt 6)**      12

Section 203, definition *owner*, paragraph (b), after ‘lessee’—

*insert—*

‘, sublessee’.

**Clause 60      Amendment of s 206 (Applying for a water licence)**      16

(1) Section 206(4)(g)—

*renumber* as section 206(4)(i).

(2) Section 206(4)—

*insert—*

‘(g) CEWH;

(h) the water grid manager;’.

**Clause 61      Amendment of s 208 (Public notice of application for water licence)**      23

(1) Section 208(8), ‘properly published’—

*omit, insert—*

‘published as required under subsection (2)’.

---

	(2) Section 208(9)—	1
	<i>omit.</i>	2
<b>Clause 62</b>	<b>Amendment of s 212 (Granting a water licence under a plan or declaration process)</b>	3
	Section 212(1), after ‘allocation of water’—	4
	<i>insert—</i>	5
	‘, or interference with the flow of water,’.	6
<b>Clause 63</b>	<b>Amendment of s 213 (Contents of water licence)</b>	7
	(1) Section 213(e)(viii)—	8
	<i>renumber</i> as section 213(e)(ix).	9
	(2) Section 213(e)—	10
	<i>insert—</i>	11
	‘(viii) CEWH; or’.	12
	(3) Section 213—	13
	<i>insert—</i>	14
	‘(2) Despite subsection (1)(e), the following water licences attach only to the parcel of land on which the water is taken—	15
	(a) a water licence to take artesian water for stock purposes;	16
	(b) a water licence to take subartesian water, from an aquifer that is hydraulically connected to an artesian aquifer, for stock or domestic purposes.’.	17
<b>Clause 64</b>	<b>Amendment of s 215 (Where water under certain licences must be used)</b>	18
	Section 215(2)(c), ‘stock and domestic’—	19
	<i>omit, insert—</i>	20
	‘stock or domestic’.	21
		22
		23
		24
		25
		26

[s 65]

---

<b>Clause 65</b>	<b>Amendment of s 216A (Amending water licence without public notice)</b>	1 2
	(1) Section 216A(1)—	3
	<i>omit, insert—</i>	4
	‘(1) Despite section 216(2), section 208 does not apply to an application to amend a water licence—	5 6
	(a) by adding land to the land to which the licence attaches; or	7 8
	(b) by removing land from the land to which the licence attaches, whether or not the application also seeks a reduction in the volume of water that may be taken under the licence.’.	9 10 11 12
	(2) Section 216A(3)(c) and (d)—	13
	<i>omit.</i>	14
	(3) Section 216A(4)—	15
	<i>omit, insert—</i>	16
	‘(4) The application to amend the licence must be accompanied by written advice from the applicant that the applicant has complied with subsection (2) for the application.’.	17 18 19
	(4) Section 216A(7)—	20
	<i>omit, insert—</i>	21
	‘(7) The chief executive may send a copy of the notice to any other entity the chief executive considers appropriate.’.	22 23
<b>Clause 66</b>	<b>Amendment of s 222 (Transferring water licence to another person)</b>	24 25
	(1) Section 222—	26
	<i>insert—</i>	27
	‘(1A) Also, if the licensee is not an entity mentioned in section 206(4), the licensee may apply to transfer the licence to CEWH.’.	28 29 30

- 
- (2) Section 222(4A) and (5)— 1  
*renumber* as section 222(6) and (7). 2
- (3) Section 222— 3  
*insert*— 4
- ‘(5) A new licence given under subsection (4) for a transfer 5  
mentioned in subsection (1A) does not attach to the land of 6  
the transferee.’. 7

- Clause 67**      **Amendment of s 229 (Effect of disposal of part of land to 8  
which water licence to take water attaches) 9**
- Section 229(2) to (9)— 10  
*omit, insert*— 11
- ‘(2) On the day the owner disposes of the part, the water licence is 12  
taken to be held jointly by all owners of the land to which the 13  
licence attaches. 14
- ‘(3) However, 1 or more of the owners of the land to which the 15  
jointly held water licence attaches may, with the written 16  
consent of the other owners, apply for 1 or more water 17  
licences to replace the jointly held water licence— 18
- (a) within 90 business days after the owner disposes of the 19  
part; or 20
- (b) if, in a particular case, the chief executive extends the 21  
period for making the application—within the extended 22  
period. 23
- ‘(4) The application must— 24
- (a) be made to the chief executive in the approved form; and 25
- (b) be accompanied by the fee prescribed under a 26  
regulation; and 27
- (c) relate only to the land to which the jointly held licence 28  
relates; and 29

[s 67]

---

- (d) not seek to increase the volume of water that may be taken, the rate at which water may be taken or the period during which water may be taken; and 1  
2  
3
- (e) not seek to increase the area of land that may be irrigated. 4  
5
- ‘(5) The application must be dealt with as if the application were an application under section 225 to subdivide the jointly held licence. 6  
7  
8
- ‘(6) However, section 208 does not apply to the application unless the application seeks a change to the location from which the water may be taken. 9  
10  
11
- ‘(7) If an application is not made under subsection (3), the chief executive may give notice to the joint holders of the water licence about the chief executive’s proposal to amend, subdivide or cancel the licence. 12  
13  
14  
15
- ‘(8) The notice must state— 16
- (a) that a written submission may be made about the proposal; and 17  
18
- (b) a day by which the submission must be made, and the person to whom, and the place where, the submission must be made. 19  
20  
21
- ‘(9) The day stated under subsection (8)(b) must not be earlier than 30 business days after the day the notice is given. 22  
23
- ‘(10) The chief executive must consider any submissions made before amending, subdividing or cancelling the jointly held licence. 24  
25  
26
- ‘(11) Within 30 business days after amending, subdividing or cancelling the jointly held licence, the chief executive must give the holders of the licence an information notice about the decision to amend, subdivide or cancel the licence. 27  
28  
29  
30
- ‘(12) A replacement water licence granted in response to an application under subsection (3) has effect from the day the application is granted. 31  
32  
33

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‘(13) An amendment, subdivision or cancellation of the jointly held licence has effect from the day the information notice is given.’. 1  
2  
3

**Clause 68 Amendment of s 229B (Application of sdiv 6)** 4

(1) Section 229B(1)— 5  
*omit, insert—* 6

‘(1) This subdivision applies to a water licence if part of the land to which the licence attaches— 7  
8

(a) is taken under the *Acquisition of Land Act 1967*; or 9

(b) is disposed of by the registered owner of the land to a constructing authority for a purpose for which land may be taken under that Act.’. 10  
11  
12

(2) Section 229B(2), after ‘acquisition’, first mention— 13  
*insert—* 14

‘or disposal’. 15

(3) Section 229B(3), after ‘acquisition’, first mention— 16  
*insert—* 17

‘or disposal’. 18

**Clause 69 Amendment of s 229C (Effect of acquisition of part of land adjoining a watercourse, lake or spring)** 19  
20

(1) Section 229C(1) and (2)— 21  
*omit, insert—* 22

‘(1) This section applies to a water licence to take water from a watercourse, lake or spring adjoining the land to which the licence attaches, if part of the land— 23  
24  
25

(a) is taken under the *Acquisition of Land Act 1967*; or 26

(b) is disposed of by the registered owner of the land to a constructing authority for a purpose for which land may be taken under that Act. 27  
28  
29

[s 70]

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- ‘(2) If water taken under the licence can still be taken from the watercourse, lake or spring adjoining the remaining part of the land—
- (a) section 229 does not apply for the acquisition or disposal of land under subsection (1)(a) or (b); and
- (b) the licence may be amended under section 219 so it attaches to the remaining part of the land.’
- (2) Section 229C(3), from ‘acquisition’—
- omit, insert—*
- ‘acquisition or disposal were a disposal under that section.’

**Clause 70      Amendment of s 229D (Effect of acquisition of part of land above an aquifer)**

- (1) Section 229D(1) and (2)—
- omit, insert—*
- ‘(1) This section applies to a water licence to take water from an aquifer under the land to which the licence attaches, if part of the land—
- (a) is taken under the *Acquisition of Land Act 1967*; or
- (b) is disposed of by the registered owner of the land to a constructing authority for a purpose for which land may be taken under that Act.
- ‘(2) If the remaining part of the land is above the aquifer from which water may be taken under the licence, and the conditions of the licence allow water to be taken from the remaining part—
- (a) section 229 does not apply for the acquisition or disposal of land under subsection (1); and
- (b) the licence may be amended under section 219 so it attaches to the remaining part of the land.’
- (2) Section 229D(3), from ‘acquisition’—

---

*omit, insert—* 1

‘acquisition or disposal were a disposal under that section.’. 2

<b>Clause 71</b>	<b>Amendment of s 229E (Effect of acquisition of part of other land)</b>		3
			4
	(1) Section 229E(1) and (2)—		5
	<i>omit, insert—</i>		6
	‘(1) This section applies to a water licence granted in response to an application mentioned in section 206(3), if part of the land to which the licence attaches—		7
			8
			9
	(a) is taken under the <i>Acquisition of Land Act 1967</i> ; or		10
	(b) is disposed of by the registered owner of the land to a constructing authority for a purpose for which land may be taken under that Act.		11
			12
			13
	‘(2) If water taken under the licence can still be delivered to the remaining part of the land—		14
		15	
(a) section 229 does not apply for the acquisition or disposal of land under subsection (1); and		16	
		17	
(b) the licence may be amended under section 219 so it attaches to the remaining part of the land.’.		18	
		19	
(2) Section 229E(3), from ‘acquisition’—		20	
<i>omit, insert—</i>		21	
‘acquisition or disposal were a disposal under that section.’.		22	
<b>Clause 72</b>	<b>Amendment of s 283 (Deciding application for allocation of quarry material)</b>		23
			24
	Section 283(4)(b), ‘or suspended’—		25
	<i>omit, insert—</i>		26
	‘, suspended or surrendered’.		27

[s 73]

---

<b>Clause 73</b>	<b>Amendment of s 289 (Renewing allocations of quarry material)</b>	1 2
	(1) Section 289(1), after ‘renew the allocation notice’—	3
	<i>insert—</i>	4
	‘before it expires’.	5
	(2) Section 289—	6
	<i>insert—</i>	7
	‘(6) A renewed allocation notice remains in force, unless sooner cancelled, suspended or surrendered, for the period of not more than 5 years decided by the chief executive.’.	8 9 10
<b>Clause 74</b>	<b>Insertion of new s 291A</b>	11
	Chapter 2, part 9, division 4—	12
	<i>insert—</i>	13
	<b>‘291A Surrendering allocation notice</b>	14
	‘(1) The allocation notice holder may surrender the allocation notice by giving the chief executive notice of its surrender.	15 16
	‘(2) The surrender—	17
	(a) takes effect on the day the notice is received by the chief executive; and	18 19
	(b) does not affect in any way a requirement under this Act about the removal of quarry material imposed on the holder before the surrender.’.	20 21 22
<b>Clause 75</b>	<b>Amendment of s 360D (Standing references)</b>	23
	Section 360D(3), ‘waters’—	24
	<i>omit, insert—</i>	25
	‘water’.	26

---

<b>Clause 76</b>	<b>Amendment of s 360FA (Annual levy for underground water management)</b>	1 2
(1)	Section 360FA, heading, after ‘management’— <i>insert—</i> ‘—general’.	3 4 5
(2)	Section 360FA(4)(a), after ‘chapter 3’— <i>insert—</i> ‘in a financial year’.	6 7 8
<b>Clause 77</b>	<b>Insertion of new ss 360FB and 360FC</b>	9
	Chapter 2A, part 2— <i>insert—</i>	10 11
	<b>‘360FB Annual levy for underground water management—special provision for 2010–11 financial year</b>	12 13 14
‘(1)	A regulation may be made under section 360FA to provide—	15
(a)	for the annual levy payable under that section for the entire 2010–11 financial year even if that financial year has ended; and	16 17 18
(b)	that the annual levy payable under that section for the 2010–11 financial year is to be paid over 1 or more later financial years in addition to the annual levy payable for those financial years.	19 20 21 22
	<i>Example for paragraph (b)—</i>	23
	The regulation may provide that the annual levy payable for the 2010–11 financial year is to be paid in equal thirds over the 3 financial years after the 2010–11 financial year (in addition to the annual levy payable for those 3 financial years).	24 25 26 27
‘(2)	Section 360FA(5) does not apply in relation to the annual levy for the 2010–11 financial year.	28 29
‘(3)	The commission’s estimated costs of carrying out its functions under chapter 3 in the 2010–11 financial year must be prescribed under the regulation.	30 31 32

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[s 77]

---

- ‘(4) In this section— 1  
*2010–11 financial year* means the financial year ending on 30 2  
June 2011. 3

**‘360FC Annual levy for underground water 4  
management—special provision for 2011–12 5  
financial year 6**

- ‘(1) A regulation may be made under section 360FA to provide for 7  
the annual levy payable under that section for the entire 8  
2011–12 financial year even if that financial year has started. 9
- ‘(2) Section 360FA(5) does not apply in relation to the annual levy 10  
for the 2011–12 financial year. 11
- ‘(3) The commission’s estimated costs of carrying out its functions 12  
under chapter 3 in the 2011–12 financial year must be 13  
prescribed under the regulation. 14
- ‘(4) The commission’s estimated costs of carrying out its functions 15  
under chapter 3 in the 2011–12 financial year may be 16  
amended only if— 17
- (a) the estimated costs as amended are— 18
- (i) prepared by the commission in consultation with a 19  
relevant advisory body; and 20
- (ii) approved by the Minister; and 21
- (b) the time for paying the annual levy, or the final part of 22  
the annual levy, for the financial year under section 23  
360FA has not passed. 24
- ‘(5) A regulation may provide for anything necessary or 25  
convenient in relation to the payment of the annual levy, or the 26  
final part of the annual levy, for the 2011–12 financial year 27  
because of an amendment under subsection (4). 28

*Example—* 29

The regulation may provide for an extension of time for payment of the 30  
annual levy or final part of the annual levy. 31

- ‘(6) In this section— 32

---

*2011–12 financial year* means the financial year ending on 30 June 2012.’ 1  
2

<b>Clause 78</b>	<b>Insertion of new ss 633 and 634</b>	3
	Chapter 4, part 4A—	4
	<i>insert—</i>	5
<b>‘633</b>	<b>Dissolution of employing office</b>	6
	‘A regulation may—	7
	(a) dissolve the employing office for a water authority; and	8
	(b) provide for any of the following on the dissolution of the employing office—	9 10
	(i) the transfer of staff employed by the employing office;	11 12
	(ii) the transfer of any assets held by the employing office;	13 14
	(iii) the transfer of any rights or liabilities of the employing office;	15 16
	(iv) starting a proceeding that could have been started by or against the employing office before the dissolution;	17 18 19
	(v) continuing and finishing a proceeding by or against the employing office started before the dissolution.	20 21
<b>‘634</b>	<b>Executive officers go out of office on dissolution</b>	22
	‘(1) On the dissolution of the employing office for a water authority under section 633, the executive officer of the employing office goes out of office.	23 24 25
	‘(2) No compensation is payable to the executive officer because of subsection (1).’.	26 27

[s 79]

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<b>Clause 79</b>	<b>Amendment of s 691 (Dissolution of water authority and authority area)</b>	1 2
	Section 691(1)(c), after ‘section 700’—	3
	<i>insert</i> —	4
	‘or 700A’.	5
<b>Clause 80</b>	<b>Amendment of s 695 (Water authority may request its dissolution)</b>	6 7
	Section 695(1)(b), ‘two thirds’—	8
	<i>omit, insert</i> —	9
	‘a majority’.	10
<b>Clause 81</b>	<b>Amendment of s 698 (Water authority and local government must agree to proposed transfer)</b>	11 12
	(1) Section 698(2)(d), ‘section 700(3)’—	13
	<i>omit, insert</i> —	14
	‘section 700(4)’.	15
	(2) Section 698(3)—	16
	<i>renumber</i> as section 698(4).	17
	(3) Section 698—	18
	<i>insert</i> —	19
	‘(3) Subsection (2) does not apply for a proposed transfer to which section 700A applies.’.	20 21
<b>Clause 82</b>	<b>Amendment of s 699 (Joint report to Minister)</b>	22
	(1) Section 699(1) and (2)—	23
	<i>renumber</i> as section 699(2) and (3).	24
	(2) Section 699—	25
	<i>insert</i> —	26

---

‘(1) This section does not apply for a proposed transfer to which section 700A applies.’. 1  
2

**Clause 83 Amendment of s 700 (Transferring functions) 3**

(1) Section 700(1), ‘section 699(2)(a)’— 4

*omit, insert—* 5

‘section 699(3)(a)’. 6

(2) Section 700(2) to (6)— 7

*renumber* as section 700(3) to (7). 8

(3) Section 700— 9

*insert—* 10

‘(2) However, this section does not apply for a proposed transfer to which section 700A applies.’. 11  
12

(4) Section 700(3), as renumbered, ‘section 699(1)’— 13

*omit, insert—* 14

‘section 699(2)’. 15

(5) Section 700(5), as renumbered, ‘(3)’— 16

*omit, insert—* 17

‘(4)’. 18

**Clause 84 Insertion of new s 700A 19**

Chapter 4, part 7, division 2— 20

*insert—* 21

**‘700A Alternative process for proposed transfer 22**

‘(1) This section applies if— 23

(a) the Minister is satisfied— 24

(i) a local government and a water authority have 25

agreed in writing— 26

[s 84]

---

- (A) to a proposed transfer by the water authority to the local government of all or part of the authority's functions; and
    - (B) on how to implement the proposed transfer; and
  - (ii) the water authority has taken reasonable steps to inform—
    - (A) its customers and ratepayers of the proposed transfer; and
    - (B) its customers and ratepayers of the date of the proposed transfer; and
    - (C) its ratepayers of the amount of any proposed charges by the local government for the supply of water to be imposed for the first year after the proposed transfer, or how to work out the proposed charges; and
    - (D) its ratepayers of the terms of a model agreement between the local government and the persons to whom the local government is to supply water about the supply of water to the persons; and
    - (E) its ratepayers of whether the local government proposes to require persons to whom the local government is to supply water to enter into agreements between the local government and the persons about the supply of water; and
- (b) the local government and water authority have—
  - (i) notified the Minister of their agreement about the proposed transfer and on how it is to be implemented; and
  - (ii) asked, in writing, for the Minister's approval of the proposed transfer; and
- (c) the proposed transfer is because of action taken by the State in response to the Webbe-Weller review.

- 
- ‘(2) The Minister may require the local government or water authority to do either or both of the following—
- (a) provide the Minister with further particulars relating to the proposed transfer within a reasonable period of at least 28 days after the requirement is made;
  - (b) address an issue relevant to the proposed transfer in the agreement mentioned in subsection (1)(a)(i).
- ‘(3) The Minister may approve the proposed transfer.
- ‘(4) If the Minister approves the proposed transfer, a regulation may approve the agreement entered into between the water authority and the local government.
- ‘(5) The regulation must include, as an attachment, a copy of the agreement.
- ‘(6) The agreement takes effect when the regulation commences.’.

**Clause 85      Amendment of s 701 (Definitions for div 3)**      15

Section 701, definition *new entity*, paragraph (c)—      16

*omit, insert—*      17

‘(c) for a former water authority that is dissolved under section 691(1)(a) or (d)—the State; or      18  
19

(d) for a former water authority that is dissolved under section 691(1)(c)—the local government to which the former water authority transferred its functions.’.      20  
21  
22

**Clause 86      Amendment of s 704 (Existing employees)**      23

Section 704—      24

*insert—*      25

- ‘(4) A person who was employed by a former water authority that is dissolved after transferring all its functions to a local government under section 700A and who, on the changeover day, becomes an employee of a local government—      26  
27  
28  
29

[s 87]

---

- (a) must be employed on terms and conditions of employment that are at least as favourable as the person's existing terms and conditions of employment; and
- (b) remains entitled to all existing and accruing rights of employment.'

**Clause 87 Insertion of new s 707** 7

Chapter 4, part 7— 8

*insert—* 9

**'707 Water authority to help local government for transfer** 10

'(1) This section applies if a water authority transfers all or part of its functions to a local government under division 2. 11  
12

'(2) The water authority must give the local government all reasonable help to facilitate the transfer. 13  
14

*Examples for subsection (2)—* 15

- providing a list of ratepayers and customers 16
- providing information about the state of the accounts of ratepayers and customers 17  
18
- providing details of how rates and charges were calculated 19
- providing documents about the water authority's infrastructure.' 20

**Clause 88 Amendment of s 812A (Liability for unauthorised taking of water)** 21  
22

(1) Section 812A, heading, after 'taking'— 23

*insert—* 24

**'or supply'**. 25

(2) Section 812A(1)— 26

*omit, insert—* 27

'(1) This section applies if there is evidence that — 28

(a) the holder of a water allocation, interim water allocation, water licence, seasonal water assignment notice or water permit (an *authorisation*) has contravened a condition of the authorisation; or

(b) the holder of an authorisation has taken or supplied water in contravention of section 808(1).'

(3) Section 812A(2), from 'In' to 'contravention'—  
*omit, insert—*

'In a proceeding for a contravention mentioned in subsection (1)(a).'

(4) Section 812A(3) to (8)—  
*renumber* as section 812A(4) to (9).

(5) Section 812A—  
*insert—*

'(3) In a proceeding for a contravention mentioned in subsection (1)(b), the holder of the authorisation is taken to have taken or supplied the water without authority to take or supply the water in the absence of evidence to the contrary.'

(6) Section 812A(4), as renumbered, 'in the proceeding'—  
*omit, insert—*

'in a proceeding for a contravention mentioned in subsection (1).'

(7) Section 812A(5) and (6), as renumbered, 'subsection (3)'—  
*omit, insert—*

'subsection (4).'

**Clause 89      Amendment of s 814 (Destroying vegetation, excavating or placing fill without permit)**

(1) Section 814(2)(a)(iv) to (viii)—  
*renumber* as section 814(2)(a)(v) to (ix).

(2) Section 814(2)(a)—

[s 90]

---

*insert—*

‘(iv) that happens as a necessary and unavoidable part  
of the construction of works that are  
self-assessable development under the *Sustainable  
Planning Act 2009* and involve the taking or  
interfering with water in a watercourse, lake or  
spring; or’.

**Clause 90 Insertion of new ch 8, pt 4C**

Chapter 8—

*insert—*

**‘Part 4C Special provision for Gulf  
Resource Operations Plan**

**‘1003C Gulf Resource Operations Plan amended**

- ‘(1) On the commencement of this section, the Gulf ROP is  
amended by the Gulf ROP amendment.
- ‘(2) Subsection (1) applies despite any other provision of this Act.
- ‘(3) The Gulf ROP as amended under subsection (1) is the  
resource operations plan for the *Water Resource (Gulf) Plan  
2007*.
- ‘(4) This section does not affect the power of—
- (a) the chief executive to further amend the Gulf ROP; or
  - (b) the Governor in Council to approve a further  
amendment of the Gulf ROP; or
  - (c) the chief executive to prepare, or the Governor in  
Council to approve, a resource operations plan to  
replace the Gulf ROP as amended from time to time,  
including under subsection (1); or
  - (d) the Governor in Council to repeal the Gulf ROP as  
amended from time to time, including under subsection  
(1).

- 
- (5) In this section— 1
- Gulf ROP*** means the Gulf Resource Operations Plan 2  
approved by the Governor in Council on 24 June 2010. 3
- Gulf ROP amendment*** means the provisions for the Gulf ROP 4  
included in the document called ‘Gulf resource operations 5  
plan amendment’ signed by the chief executive on 6 June 6  
2011. 7
- Editor’s note—* 8
- On the commencement of this section, the Gulf ROP amendment is 9  
available for inspection at the department’s office at 41 George Street, 10  
Brisbane and on the department’s website.’. 11

**Clause 91 Amendment of s 1009 (Public inspection and purchase of documents)** 12  
13

- (1) Section 1009(1)(a), ‘information report’— 14  
*omit, insert—* 15  
‘statement of proposals’. 16
- (2) Section 1009(1)(b), after ‘48’— 17  
*insert—* 18  
‘or 99A’. 19
- (3) Section 1009(1)— 20  
*insert—* 21  
‘(ja) each report prepared by the chief executive under 22  
section 104C;’. 23

**Clause 92 Insertion of new ch 9, pt 5, div 17** 24

- After section 1181— 25  
*insert—* 26

[s 92]

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<b>‘Division 17</b>	<b>Transitional provisions for Water and Other Legislation Amendment Act 2011</b>	1 2 3
<b>‘1182 Definitions for div 17</b>		4
	‘In this division—	5
	<i>amending Act</i> means the <i>Water and Other Legislation Amendment Act 2011</i> .	6 7
	<i>commencement</i> means the commencement of the provision in which the term is used.	8 9
	<i>old</i> , for a provision of this Act, means the provision as in force immediately before the commencement.	10 11
<b>‘1183 Existing information report</b>		12
	‘An information report, for a proposed draft water resource plan, prepared by the Minister under old section 39 is taken to be a statement of proposals under section 39 for the proposed draft water resource plan.	13 14 15 16
<b>‘1184 Existing public notice of proposal to prepare draft water resource plan</b>		17 18
	‘A notice published under old section 40 for a proposed draft water resource plan is taken to be a notice under section 40(1) for the proposed draft water resource plan.	19 20 21
<b>‘1185 Existing written submission about proposed draft water resource plan and establishment of a community reference panel</b>		22 23 24
	‘A written submission, about a proposed draft water resource plan and the establishment of a community reference panel, made before or after the commencement for a notice under old section 40 is taken to be a written submission under section	25 26 27 28

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40(2)(e) about the statement of proposals for the proposed draft water resource plan.	1 2
<b>‘1186 Existing community reference panels</b>	3
‘(1) This section applies if—	4
(a) immediately before the commencement, a community reference panel was established under repealed section 41 for a proposed draft water resource plan; and	5 6 7
(b) the Minister has not prepared the draft water resource plan.	8 9
‘(2) The panel continues in existence until the Minister has prepared the draft water resource plan, unless the Minister sooner publishes a notice under section 52 about the Minister’s decision not to proceed with the preparation of a draft or final draft water resource plan for the proposed draft water resource plan.	10 11 12 13 14 15
‘(3) In preparing the draft water resource plan, the Minister must consider the advice from the panel.	16 17
<b>‘1187 Existing overview report</b>	18
‘An overview report about a draft water resource plan prepared under old section 48 is taken to be an overview report prepared under section 48.	19 20 21
<b>‘1188 Existing notice about availability of draft water resource plan</b>	22 23
‘A notice published under old section 49 about the availability of a draft water resource plan is taken to be a notice published under section 49 about the availability of—	24 25 26
(a) the draft plan; and	27
(b) an overview report prepared under section 48.	28

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<b>‘1189 Existing written submission about draft water resource plan</b>	1 2
‘A written submission, about a draft water resource plan, made before or after the commencement for a notice under old section 49 is taken to be a written submission under section 49(2)(b) about the draft water resource plan.	3 4 5 6
<b>‘1190 Stated amendments of water resource plan</b>	7
‘(1) Subsection (2) applies if a water resource plan states that an amendment of a stated type may be made to the plan by amendment under section 57 and the statement was in the plan immediately before the commencement.	8 9 10 11
‘(2) Old section 57(b) continues to apply to the amendment as if the amending Act had not been enacted.	12 13
<b>‘1191 Existing written submission about a proposed draft resource operations plan</b>	14 15
‘A written submission, about a proposed draft resource operations plan, made before or after the commencement for a notice under old section 96 must be considered by the chief executive in developing the proposed draft resource operations plan.	16 17 18 19 20
<b>‘1192 Existing notice to provide proposed arrangement for management of water</b>	21 22
‘(1) This section applies if, before the commencement, the chief executive gave a notice under old section 97.	23 24
‘(2) The notice is taken to be a notice under section 97.	25
<b>‘1193 Existing proposed arrangement for management of water</b>	26 27
‘(1) This section applies if, before the commencement, the holder of an interim resource operations licence, a resource operations licence or other authorisation to operate water	28 29 30

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infrastructure for the management of water to which a proposed water resource operations plan is intended to apply provided proposed arrangements for the management of the water under old section 97.	1 2 3 4
‘(2) The proposed arrangements are taken to be proposed arrangements, provided under section 97, for the management of the water.	5 6 7
<b>‘1194 Existing notice about availability of draft resource operations plan</b>	8 9
‘(1) A notice published under old section 100 about the availability of a draft resource operations plan is taken to be a notice published under section 100 about the availability of the draft resource operations plan.	10 11 12 13
‘(2) If a notice is published under old section 100 about the availability of a draft resource operations plan, an overview report under section 99A about the draft resource operations plan is not required.	14 15 16 17
<b>‘1195 Existing written submissions about draft resource operations plan</b>	18 19
‘A written submission, about a draft resource operations plan, made before or after the commencement for a notice under old section 100 is taken to be a written submission under section 100(4)(b) about the draft resource operations plan.	20 21 22 23
<b>‘1196 Stated amendments of resource operations plan</b>	24
‘(1) Subsection (2) applies if a resource operations plan states that an amendment of a stated type may be made to the plan by amendment under section 106 and the statement was in the plan immediately before the commencement.	25 26 27 28
‘(2) Old section 106(b) continues to apply to the amendment as if the amending Act had not been enacted.	29 30

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<b>‘1197 Existing draft water resource plans, draft amending water resource plans and draft new water resource plans to replace existing water resource plans</b>	1 2 3
‘(1) A draft water resource plan in existence under this Act immediately before the commencement continues to be a draft water resource plan for this Act.	4 5 6
‘(2) A draft amending water resource plan in existence under this Act immediately before the commencement continues to be a draft amending water resource plan for this Act.	7 8 9
‘(3) A draft new water resource plan, to replace an existing water resource plan, in existence under this Act immediately before the commencement continues to be a draft new water resource plan, to replace the existing water resource plan, for this Act.	10 11 12 13
<b>‘1198 Existing draft resource operations plans and draft amending resource operations plans</b>	14 15
‘(1) A draft resource operations plan in existence under this Act immediately before the commencement continues to be a draft resource operations plan for this Act.	16 17 18
‘(2) A draft amending resource operations plan in existence under this Act immediately before the commencement continues to be a draft amending water resource plan for this Act.	19 20 21
<b>‘1199 Existing final water resource plans</b>	22
‘A final water resource plan in existence under this Act immediately before the commencement, other than a final water resource plan mentioned in old section 50(3), is taken to be a final draft water resource plan for this Act.	23 24 25 26
<b>‘1200 Continuation of provisions relating to replacement of expired licence under old s 229(3)</b>	27 28
‘(1) Subsection (2) applies if, before the commencement—	29
(a) a water licence expired under old section 229(2); and	30

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(b)	no application has been made under old section 229(3) for 1 or more licences to replace the expired licence.	1 2
‘(2)	Old section 229(3) to (9) continue to apply in relation to the expired licence as if the amending Act had not been enacted.	3 4
‘(3)	Subsection (4) applies if—	5
(a)	before the commencement, 1 or more owners of land applied under old section 229(3) for 1 or more licences to replace an expired licence; and	6 7 8
(b)	the application has not been decided before the commencement.	9 10
‘(4)	Old section 229(5) to (9) continue to apply in relation to the application as if the amending Act had not been enacted.	11 12
<b>‘1201</b>	<b>Application of s 289(6)</b>	13
	‘Section 289(6) applies only to an allocation notice that is renewed after the commencement.	14 15
<b>‘1202</b>	<b>Existing process to prepare new draft water resource plan to replace Water Resource (Burnett Basin) Plan 2000</b>	16 17 18
‘(1)	Despite section 96, the chief executive need not prepare a resource operations plan, to implement the proposed new water resource plan, concurrently with the Minister’s preparation of the draft water resource plan.	19 20 21 22
‘(2)	If the chief executive does not prepare a resource operations plan, to implement the proposed new water resource plan, before the new water resource plan commences, the chief executive must prepare a resource operations plan, to implement the new water resource plan, as soon as practical after the new water resource plan commences.	23 24 25 26 27 28
‘(3)	Section 100(3) does not apply to—	29
(a)	the draft new water resource plan (if any); or	30

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- (b) the proposed draft amending resource operations plan (if any) to implement the proposed new water resource plan. 1  
2  
3
- ‘(4) Section 104B does not apply to— 4
  - (a) the final draft water resource plan (if any); or 5
  - (b) the final draft amending resource operations plan (if any) to implement the proposed new water resource plan. 6  
7  
8
- ‘(5) In this section— 9

*proposed new water resource plan* means the proposed new water resource plan under the notice of intention to prepare a draft new water resource plan to replace the *Water Resource (Burnett Basin) Plan 2000* published by the Minister under old section 40 on 18 January 2010. 10  
11  
12  
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*Editor’s note—* 15

The notice may be viewed at <[www.derm.qld.gov.au](http://www.derm.qld.gov.au)>. 16
- ‘1203 **Existing process to amend Water Resource (Condamine and Balonne) Plan 2004** 17  
18
  - ‘(1) Despite section 96, the chief executive need not prepare a resource operations plan, to implement the proposed amending water resource plan, concurrently with the Minister’s preparation of the draft water resource plan. 19  
20  
21  
22
  - ‘(2) If the chief executive does not prepare a resource operations plan, to implement the proposed amending water resource plan, before the water resource plan commences— 23  
24  
25
    - (a) the chief executive must prepare a resource operations plan, to implement the amending water resource plan, as soon as practical after the amending water resource plan commences; and 26  
27  
28  
29
    - (b) after the amending water resource plan commences and until the resource operations plan implementing it commences, the *Condamine and Balonne Resource Operations Plan 2008 (existing ROP)* is taken to be the 30  
31  
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resource operations plan for the amending water resource plan.	1 2
‘(3) However, to the extent of any inconsistency between the amending water resource plan and the existing ROP, the existing ROP prevails, unless the amending water resource plan expressly provides otherwise.	3 4 5 6
‘(4) Section 100(3) does not apply to—	7
(a) the draft amending water resource plan (if any); or	8
(b) the proposed draft amending resource operations plan (if any) to implement the proposed amending water resource plan.	9 10 11
‘(5) Section 104B does not apply to—	12
(a) the final draft amending water resource plan (if any); or	13
(b) the final draft amending resource operations plan (if any) to implement the proposed amending water resource plan.	14 15 16
‘(6) In this section—	17
<i>proposed amending water resource plan</i> means the proposed amending water resource plan under the notice of intention to prepare a draft water resource plan to amend the <i>Water Resource (Condamine and Balonne) Plan 2004</i> published by the Minister under old section 40 on 14 August 2009.	18 19 20 21 22
<i>Editor’s note</i> —	23
The notice may be viewed at < <a href="http://www.derm.qld.gov.au">www.derm.qld.gov.au</a> >.	24
<b>‘1204 Existing process to prepare new draft water resource plan to replace Water Resource (Cooper Creek) Plan 2004</b>	25 26 27
‘(1) To remove any doubt, it is declared that the chief executive need not prepare a resource operations plan, to implement the proposed new water resource plan, concurrently with the Minister’s preparation of the draft water resource plan.	28 29 30 31

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- ‘(2) If the chief executive does not prepare a resource operations plan, to implement the proposed new water resource plan, concurrently with the Minister’s preparation of the draft water resource plan, the chief executive must prepare a resource operations plan, to implement the new water resource plan, as soon as practical after the new water resource plan commences. 1  
2  
3  
4  
5  
6  
7
- ‘(3) Section 100(3) does not apply to— 8
- (a) the draft new water resource plan (if any); or 9
- (b) the draft resource operations plan (if any) to implement the proposed new water resource plan. 10  
11
- ‘(4) Section 104B does not apply to— 12
- (a) the final draft water resource plan (if any); or 13
- (b) the final draft resource operations plan (if any) to implement the proposed new water resource plan. 14  
15
- ‘(5) In this section— 16
- draft new water resource plan* means the Cooper Creek Draft Water Resource Plan under the notice about the availability of that draft plan published by the Minister under old section 49 on 18 October 2010. 17  
18  
19  
20
- Editor’s note—* 21
- The notice may be viewed at <[www.derm.qld.gov.au](http://www.derm.qld.gov.au)>. 22

**‘1205 Existing process to prepare new draft water resource plan to replace Water Resource (Fitzroy Basin) Plan 1999 23  
24  
25**

- ‘(1) To remove any doubt, it is declared that the chief executive need not prepare a resource operations plan, to implement the proposed new water resource plan, concurrently with the Minister’s preparation of the draft water resource plan. 26  
27  
28  
29
- ‘(2) If the chief executive does not prepare a resource operations plan, to implement the proposed new water resource plan, concurrently with the Minister’s preparation of the draft water resource plan, the chief executive must prepare a resource 30  
31  
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operations plan, to implement the new water resource plan, as soon as practical after the new water resource plan commences. 1  
2  
3

‘(3) Section 100(3) does not apply to— 4

(a) the draft new water resource plan (if any); or 5

(b) the proposed draft amending resource operations plan (if any) to implement the proposed new water resource plan. 6  
7  
8

‘(4) Section 104B does not apply to— 9

(a) the final draft water resource plan (if any); or 10

(b) the final draft amending resource operations plan (if any) to implement the proposed new water resource plan. 11  
12  
13

‘(5) In this section— 14

*proposed new water resource plan* means the draft Water Resource (Fitzroy Basin) Plan 2010 under the notice about the availability of that draft plan published by the Minister under old section 49 on 13 January 2011. 15  
16  
17  
18

*Editor’s note—* 19

The notice may be viewed at <[www.derm.qld.gov.au](http://www.derm.qld.gov.au)>. 20

**‘1206 Existing process to prepare draft water resource plan for wet tropics catchment 21  
22**

‘(1) The following apply— 23

(a) despite section 96, the Minister may prepare a draft water resource plan under section 38 for the proposed water resource plan; and 24  
25  
26

(b) the draft water resource plan may be made publicly available under section 49; and 27  
28

(c) the final draft water resource plan may be approved by the Governor in Council under section 50(2); 29  
30

[s 92]

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even if the chief executive has not prepared a resource operations plan, to implement the proposed water resource plan, concurrently with the Minister's preparation of the draft water resource plan.

'(2) A draft resource operations plan implementing the water resource plan may be prepared under section 95, or made publicly available under section 100, at any time before or after that approval.

'(3) Section 100(3) does not apply to—

- (a) the draft water resource plan (if any); or
- (b) the draft resource operations plan (if any) to implement the proposed water resource plan.

'(4) Section 104B does not apply to—

- (a) the final draft water resource plan (if any); or
- (b) the final draft resource operations plan (if any) to implement the proposed water resource plan.

'(5) In this section—

*proposed water resource plan* means the proposed Wet Tropics Water Resource Plan under the notice of intention to prepare a draft Wet Tropics Water Resource Plan published by the Minister under old section 40 on 26 February 2010.

*Editor's note—*

The notice may be viewed at <[www.derm.qld.gov.au](http://www.derm.qld.gov.au)>.

## **'1207 Particular notices are taken to be chief executive's or owners' notices**

'(1) This section applies if—

- (a) before the commencement, an owner of land gave a notice, purportedly under the *Water Regulation 2002*, section 3CA in relation to the Lockyer Valley area works as defined under that section; or
- (b) before the commencement of the *Water Resource (Pioneer Valley) Plan 2002*, section 30A, an owner of

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land gave a notice, purportedly under the *Water Regulation 2002*, section 3CA in relation to the Bundaberg, Cooloola and Pioneer Valley area works as defined under that section.

‘(2) The requirement under the *Water Regulation 2002*, section 3CA(2) as in force immediately before the commencement, to notify the chief executive of works and water use or proposed water use is taken to be a chief executive’s notice for the works mentioned in subsection (1).

‘(3) A notice mentioned in subsection (1) (a *relevant notice*) is taken to be the owner’s notice for the works.

‘(4) If a chief executive’s notice under section 37, other than a chief executive’s notice mentioned in subsection (2), relates to an owner of land and to works to which a relevant notice relates, the owner is not required to give the chief executive an owner’s notice under section 37 for the works.

*Note—*

See section 37(2).

**‘1208 Amendment of subordinate legislation under amending Act**

‘The amendment of subordinate legislation under the amending Act does not affect a power to further amend the subordinate legislation, to repeal it or to approve the further amendment or repeal.’.

**Clause 93 Amendment of sch 4 (Dictionary)**

(1) Schedule 4, definition *commencement—omit.*

(2) Schedule 4—*insert—*

*‘amending Act*, for chapter 9, part 5, division 17, see section 1182.

[s 93]

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- CEWH** means the Commonwealth Environmental Water Holder established under the *Water Act 2007* (Cwlth). 1  
2
- chief executive's notice** see section 37(2). 3
- commencement**— 4
- (a) for chapter 9, part 5, division 16, see section 1179; or 5
- (b) for chapter 9, part 5, division 17 see section 1182. 6
- old**, for chapter 9, part 5, division 17, in relation to a provision of this Act, see section 1182. 7  
8
- owners's notice** see section 37(2). 9
- subsidiary company**, of an entity, means that under the Corporations Act, section 9 the company is a subsidiary of the entity. 10  
11  
12
- urban area** means an area identified as an area intended specifically for urban purposes, including future urban purposes (but not rural residential or future rural residential purposes) on a map in a planning scheme under the *Sustainable Planning Act 2009* that— 13  
14  
15  
16  
17
- (a) identifies the areas using cadastral boundaries; and 18
- (b) is used exclusively or primarily to assess development applications under that Act. 19  
20
- Example*— 21
- a zoning map 22
- urban stormwater** means water flowing over land, or in drainage pipes, in an urban area. 23  
24
- (3) Schedule 4, definition *overland flow water*, paragraph 1, before 'flowing'— 25  
26
- insert*— 27
- 'that is urban stormwater or is other water' 28
- (4) Schedule 4, definition *owner*, paragraph (a)(ii), after 'lessee'— 29  
30
- insert*— 31



[s 96]

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(b) the development of a resource management economy in wild river areas. 1  
2

‘(3) The purposes mentioned in subsection (2) are to be achieved for a wild river area mainly by the carrying out of activities (particularly activities relating to the preservation of the natural values of rivers in the area) by individuals (each a *wild river ranger*) based in communities within the wild river area.’. 3  
4  
5  
6  
7  
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**Clause 96 Amendment of s 13 (Matters Minister must consider) 9**

Section 13(1)— 10

*insert—* 11

‘(d) if the Minister has established an Indigenous reference group for the proposed wild river area—advice from the group about the declaration proposal.’. 12  
13  
14

**Clause 97 Amendment of s 25 (Matters Minister must consider) 15**

Section 25(1)— 16

*insert—* 17

‘(d) if the Minister has established an Indigenous reference group for the wild river area—advice from the group about the amendment proposal.’. 18  
19  
20

**Clause 98 Insertion of new pt 5, div 1 and div 2 hdg 21**

Before section 48— 22

*insert—* 23

**‘Division 1 Indigenous reference groups 24**

**‘47A Establishment of Indigenous reference groups 25**

‘(1) The Minister may establish an advisory group (an *Indigenous reference group*) to advise the Minister about matters relating to a wild river area or a proposal to declare a wild river area. 26  
27  
28

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<i>Example of matters for subsection (1)—</i>	1
• the boundaries of the areas mentioned in section 3(2) in the wild river area or proposed wild river area	2 3
• proposals for development in the wild river area or proposed wild river area	4 5
‘(2) An Indigenous reference group—	6
(a) consists of the members appointed by the Minister; and	7
(b) must include members the Minister is satisfied represent the interests of Indigenous people of the wild river area or proposed wild river area.	8 9 10
<b>‘47B Notice about decisions to be given to Indigenous reference groups</b>	11 12
‘(1) This section applies if—	13
(a) the Minister declares an area to be a wild river area under section 15 or declares an amendment to a wild river declaration under section 27; and	14 15 16
(b) an Indigenous reference group has given the Minister advice about the declaration or amendment declaration; and	17 18 19
(c) the making of the declaration is inconsistent with the advice.	20 21
‘(2) The Minister must, as soon as practicable after making the declaration, give the Indigenous reference group written notice of the declaration.	22 23 24
‘(3) The notice must include—	25
(a) a statement about how the Indigenous reference group’s advice was dealt with by the Minister; and	26 27
(b) details about the ways in which the declaration is inconsistent with the advice; and	28 29
(c) the reasons for the decision to make the declaration.	30

[s 99]

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	<b>‘Division 2</b>	<b>Other matters’.</b>	1
<b>Clause 99</b>	<b>Amendment of schedule (Dictionary)</b>		2
	Schedule—		3
	<i>insert</i> —		4
	<i>‘Indigenous reference group</i> see section 47A(1).		5
	<i>wild river ranger</i> see section 8A(3).’.		6
	<b>Part 6</b>	<b>Amendment of Water Resource (Gulf) Plan 2007</b>	7 8
<b>Clause 100</b>	<b>Plan amended</b>		9
	This part amends the <i>Water Resource (Gulf) Plan 2007</i> .		10
	<i>Note</i> —		11
	See also the amendments in the schedule.		12
<b>Clause 101</b>	<b>Amendment of s 13 (General outcomes)</b>		13
	Section 13(j), after ‘area’—		14
	<i>insert</i> —		15
	‘or the Gulf wild river areas’.		16
<b>Clause 102</b>	<b>Replacement of s 28 (Particular unallocated water held as indigenous, strategic or general reserve)</b>		17 18
	Section 28—		19
	<i>omit, insert</i> —		20

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<b>'28</b>	<b>Particular unallocated water held as indigenous, strategic or general reserve</b>	1 2
	'(1) Unallocated water in the Morning Inlet, Settlement Creek and Staaten River catchment areas is held as an indigenous reserve or a strategic reserve.	3 4 5
	'(2) Unallocated water in the Gregory River subcatchment area is held as an indigenous reserve, a strategic reserve or a general reserve.	6 7 8
	'(3) Unallocated water in another part of the plan area, other than the Upper Leichhardt River subcatchment area, is held as a strategic reserve or a general reserve.'	9 10 11
<b>Clause 103</b>	<b>Amendment of s 32 (Purpose for which indigenous unallocated water may be granted)</b>	12 13
	Section 32, after 'area'—	14
	<i>insert—</i>	15
	'or the Gulf wild river areas'.	16
<b>Clause 104</b>	<b>Amendment of s 33 (Volumetric limits for indigenous unallocated water)</b>	17 18
	Section 33, from 'unallocated water'—	19
	<i>omit, insert—</i>	20
	'unallocated water from each area mentioned in schedule 6A, column 1, is stated opposite the area in column 2 of the schedule.'	21 22 23
<b>Clause 105</b>	<b>Insertion of new sch 6A</b>	24
	After schedule 6—	25
	<i>insert—</i>	26

[s 106]

**‘Schedule 6A Total volumes for indigenous unallocated water** 1  
2

section 33 3

‘Column 1	Column 2
Area	Total volume (ML)
Cape York Peninsula Region area	1000
Morning Inlet catchment area	50
Settlement Creek catchment area	1500
Gregory River subcatchment area	1000
Staaten River catchment area other than the part of the area that is within the Cape York Peninsula Region area	1500’.

**Clause 106 Amendment of sch 13 (Dictionary)** 4

Schedule 13— 5

*insert—* 6

‘*Gulf wild river area* means each of the following areas in the plan area— 7  
8

(a) Morning Inlet catchment area; 9

(b) Settlement Creek catchment area; 10

(c) Gregory River subcatchment area; 11

(d) Staaten River catchment area other than the part of the area that is within the Cape York Peninsula Region area.’. 12  
13  
14



<b>Schedule</b>	<b>Subordinate legislation amended</b>	1 2
	section 107	3
<b>Sustainable Planning Regulation 2009</b>		4
<b>1</b>	<b>Schedule 3, part 1, table 4, item 3(c)(i), from ‘a water’ to ‘2000’—</b>	5 6
	<i>omit, insert—</i>	7
	‘a wild river declaration’.	8
<b>2</b>	<b>Schedule 3, part 1, table 4, item 3—</b>	9
	<i>insert—</i>	10
	‘(f) taking overland flow water, if the operations are mentioned as assessable development in a water resource plan, or prescribed as assessable development under a regulation under the <i>Water Act 2000</i> .’.	11 12 13 14
<b>3</b>	<b>Schedule 3, part 2, table 4, item 1(b)(ii), from ‘a water’ to ‘2000’—</b>	15 16
	<i>omit, insert—</i>	17
	‘a wild river declaration’.	18
<b>4</b>	<b>Schedule 3, part 2, table 4, item 1—</b>	19
	<i>insert—</i>	20
	‘(e) taking overland flow water, if the operations are mentioned as self-assessable development in a water resource plan, or prescribed as self-assessable development under a regulation under the <i>Water Act 2000</i> .’.	21 22 23 24

<b>Water Regulation 2002</b>		1
<b>1</b>	<b>Section 3CA—</b>	2
	<i>omit.</i>	3
<b>2</b>	<b>Section 23(1)(d), ‘item 1(b)(ii)’—</b>	4
	<i>omit, insert—</i>	5
	‘item 1(e)’.	6
<b>Water Resource (Border Rivers) Plan 2003</b>		7
<b>1</b>	<b>Section 37(1), ‘item 3(c)(i)’—</b>	8
	<i>omit, insert—</i>	9
	‘item 3(f)’.	10
<b>2</b>	<b>Section 37(3), ‘item 1(b)(ii)’—</b>	11
	<i>omit, insert—</i>	12
	‘item 1(e)’.	13
<b>Water Resource (Burdekin Basin) Plan 2007</b>		14
<b>1</b>	<b>Section 82(1), ‘item 3(c)(i)’—</b>	15
	<i>omit, insert—</i>	16
	‘item 3(f)’.	17

<b>2</b>	<b>Section 82(3), ‘item 1(b)(ii)’—</b>	1
	<i>omit, insert—</i>	2
	‘item 1(e)’.	3
 <b>Water Resource (Burnett Basin) Plan 2000</b>		4
<b>1</b>	<b>Section 30F(b), ‘item 1(b)(iii)’—</b>	5
	<i>omit, insert—</i>	6
	‘item 1(e)’.	7
 <b>Water Resource (Calliope River Basin) Plan 2006</b>		8
<b>1</b>	<b>Section 18(1), ‘item 3(c)(i)’—</b>	9
	<i>omit, insert—</i>	10
	‘item 3(f)’.	11
<b>2</b>	<b>Section 18(3), ‘item 1(b)(ii)’—</b>	12
	<i>omit, insert—</i>	13
	‘item 1(e)’.	14
 <b>Water Resource (Condamine and Balonne) Plan 2004</b>		15
<b>1</b>	<b>Section 50(1), ‘item 3(c)(i)’—</b>	16
	<i>omit, insert—</i>	17
	‘item 3(f)’.	18

<b>2</b>	<b>Section 50(3), ‘item 1(b)(ii)’—</b>	1
	<i>omit, insert—</i>	2
	‘item 1(e)’.	3
 <b>Water Resource (Fitzroy Basin) Plan 1999</b>		4
<b>1</b>	<b>Section 28G(1), ‘item 3(c)(i)’—</b>	5
	<i>omit, insert—</i>	6
	‘item 3(f)’.	7
<b>2</b>	<b>Section 28G(3), ‘item 1(b)(ii)’—</b>	8
	<i>omit, insert—</i>	9
	‘item 1(e)’.	10
 <b>Water Resource (Georgina and Diamantina) Plan 2004</b>		11
<b>1</b>	<b>Section 15(1), ‘item 3(c)(i)’—</b>	12
	<i>omit, insert—</i>	13
	‘item 3(f)’.	14
<b>2</b>	<b>Section 15(3), ‘item 1(b)(ii)’—</b>	15
	<i>omit, insert—</i>	16
	‘item 1(e)’.	17

	<b>Water Resource (Gulf) Plan 2007</b>	1
<b>1</b>	<b>Section 81(1), ‘item 3(c)(i)’—</b>	2
	<i>omit, insert—</i>	3
	‘item 3(f)’.	4
<b>2</b>	<b>Section 81(3), ‘item 1(b)(ii)’—</b>	5
	<i>omit, insert—</i>	6
	‘item 1(e)’.	7
<b>3</b>	<b>Section 83(2)(b), ‘item 1(b)(iii)’—</b>	8
	<i>omit, insert—</i>	9
	‘item 1(e)’.	10
	 <b>Water Resource (Mitchell) Plan 2007</b>	 11
<b>1</b>	<b>Section 57(1), ‘item 3(c)(i)’—</b>	12
	<i>omit, insert—</i>	13
	‘item 3(f)’.	14
<b>2</b>	<b>Section 57(3), ‘item 1(b)(ii)’—</b>	15
	<i>omit, insert—</i>	16
	‘item 1(e)’.	17

<b>Water Resource (Moonie) Plan 2003</b>		1
<b>1</b>	<b>Section 37(1), ‘item 3(c)(i)’—</b>	2
	<i>omit, insert—</i>	3
	‘item 3(f)’.	4
<b>2</b>	<b>Section 37(3), ‘item 1(b)(ii)’—</b>	5
	<i>omit, insert—</i>	6
	‘item 1(e)’.	7
 <b>Water Resource (Moreton) Plan 2007</b>		 8
<b>1</b>	<b>Sections 73(1), 79(1) and 87(1), ‘regulation’—</b>	9
	<i>omit, insert—</i>	10
	‘chief executive’s notice’.	11
<b>2</b>	<b>Section 73(2), ‘must’—</b>	12
	<i>omit, insert—</i>	13
	‘may’.	14
<b>3</b>	<b>Section 79(2), ‘must’—</b>	15
	<i>omit, insert—</i>	16
	‘may’.	17
<b>4</b>	<b>Section 88(1), ‘, or interfering with,’—</b>	18
	<i>omit.</i>	19

Schedule

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<b>5</b>	<b>Section 88(1), ‘item 3(c)(i)’—</b>	1
	<i>omit, insert—</i>	2
	‘item 3(f)’.	3
<b>6</b>	<b>Section 88(3), ‘item 1(b)(ii)’—</b>	4
	<i>omit, insert—</i>	5
	‘item 1(e)’.	6
	<b>Water Resource (Pioneer Valley) Plan 2002</b>	7
<b>1</b>	<b>Section 30A(1), ‘regulation’—</b>	8
	<i>omit, insert—</i>	9
	‘chief executive’s notice’.	10
<b>2</b>	<b>Section 30A(2), ‘must’—</b>	11
	<i>omit, insert—</i>	12
	‘may’.	13
	<b>Water Resource (Warrego, Paroo, Bulloo and Nebine) Plan 2003</b>	14 15
<b>1</b>	<b>Section 37(1), ‘item 3(c)(i)’—</b>	16
	<i>omit, insert—</i>	17
	‘item 3(f)’.	18

<b>2</b>	<b>Section 37(3), ‘item 1(b)(ii)’—</b>	1
	<i>omit, insert—</i>	2
	‘item 1(e)’.	3

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