



Queensland

# Water (Metering and Compliance) Amendment Regulation 2019

## Subordinate Legislation 2019 No. 1

made under the

*Water Act 2000*

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**1 Short title**

This regulation may be cited as the *Water (Metering and Compliance) Amendment Regulation 2019*.

**2 Regulation amended**

This regulation amends the *Water Regulation 2016*.

**3 Omission of s 20 (Selling water after auction or tender process)**

Section 20—

*omit.*

**4 Amendment of s 22 (Minister's reports on water plans—Act, s 49)**

(1) Section 22(2)(b), after 'previous report'—

*insert—*

unless subsection (3) applies

(2) Section 22—

*insert—*

(2A) However, if a notice under section 44(2) of the Act states, for a water plan, the matters mentioned in subsection (4), the notice is taken to be a subsequent report prepared by the Minister under subsection (2)(b) for the water plan.

(3) Section 22(2A) and (3)—

*renumber* as section 22(3) and (4).

**5 Amendment of s 41 (Effect of disposal of part of land to which water licence to take water attaches)**

(1) Section 41(1)(b), after 'owner'—

*insert—*

(the *disposer*)

(2) Section 41(2), ‘registered owner’—

*omit, insert—*

disposer

(3) Section 41—

*insert—*

(3) The chief executive must give all owners of the land to which the water licence attaches, other than the disposer, a copy of the licence.

## 6 Amendment of s 59 (Deciding application)

(1) Section 59(4)(b), after ‘protocol’—

*insert—*

, other than a protocol that contains a multi-year accounting rule for the allocation,

(2) Section 59(5), after ‘the notice’—

*insert—*

for the period stated in the notice

(3) Section 59—

*insert—*

(7) In this section—

***multi-year accounting rule***, for a water allocation, means a water sharing rule used to work out the volume of water that may be taken under the allocation, during a particular water year, having regard to the volume of water that was or may be taken under the allocation during other water years.

**7 Amendment of s 60 (Conditions of seasonal water assignment notice)**

Section 60—

*insert—*

- (2) If a seasonal water assignment rule, stated in a water management protocol, allows a change to a location condition of the allocation or existing notice, subsection (1)(a) or (b) does not apply in relation to the location condition.

- (3) In this section—

***location condition*** means a condition imposed on a water allocation or seasonal water assignment notice that states the location from which water may be taken under the allocation or notice.

**8 Amendment of s 98 (Works that are or are not assessable development—Act, s 39(f))**

Section 98, heading, ‘s 39(f)’—

*omit, insert—*

**s 39**

**9 Amendment of s 99 (Requirements for accepted development for operational work for taking water—Act, s 1014(2)(g))**

- (1) Section 99, heading, ‘s 1014(2)(g)’—

*omit, insert—*

**s 1014**

- (2) Section 99(2)(b)(i), ‘the self-assessable development of artesian’—

*omit, insert—*

self-assessable development of subartesian

[s 10]

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**10 Amendment of s 101A (Requirements for accepted development for category 1 levees—Act, s 1014(2)(g))**

(1) Section 101A, heading, ‘s 1014(2)(g)’—

*omit, insert—*

**s 1014**

(2) Section 101A(3), definition *levee code*—

*omit, insert—*

*levee code* means the document called ‘Self-assessable code for the construction or modification of levees’ made by the chief executive and published on the department’s website or on the Queensland Government business and industry portal.

**11 Amendment of s 102 (Assessment benchmarks for particular levees—Act, s 967(2))**

Section 102, heading, ‘s 967(2)’—

*omit, insert—*

**s 967**

**12 Amendment of s 105 (Definitions for part)**

(1) Section 105—

*insert—*

*faulty meter* means a meter that—

- (a) is not capable of being read; or
- (b) is not capable of recording the volume of water taken through the works to which the meter is attached within the permissible limits of error under the non-urban metering standard; or
- (c) leaks water or air; or

- (d) is attached to works with a connection or fitting that leaks water or air; or
- (e) has a tamper-proof seal that is broken or damaged or does not have a tamper-proof seal attached to it.

**relevant person**, for works, means—

- (a) the holder of a metered entitlement who takes water under the entitlement through the works; or
- (b) if there is no holder of a metered entitlement who takes water through the works—the owner of the works.

**tamper-proof seal**, in relation to a meter, means a seal designed to identify whether anything has been done to the meter that could affect its metrological performance.

- (2) Section 105, definition *non-urban metering standard*—

*omit, insert—*

**non-urban metering standard** means the document called the ‘Queensland interim water meter standard for non-urban metering’ and published on the department’s website or on the Queensland Government business and industry portal.

- (3) Section 105, definition *validation certificate*, editor’s note—

*omit.*

### 13 **Amendment of s 106 (Approved meter—Act, sch 4, def *approved meter*)**

- (1) Section 106(2)—

*insert—*

- (aa) section 110A(2);
- (ba) section 112A(2);

[s 14]

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- (2) Section 106(2)(aa) to (e)—  
*renumber* as section 106(2)(b) to (g).

**14 Amendment of s 107 (Metered entitlements—Act, sch 4, def *metered entitlement*)**

Section 107(2)—

*insert*—

- (e) the original authorisation expires under section 146(1)(a) of the Act and the second authorisation is granted under that section to the holder of the original authorisation.

**15 Amendment of s 108 (Chief executive may give meter notice to holder of authorisation or owner of works)**

Section 108(4)—

*omit, insert*—

- (4) A meter notice must be given at least—
- (a) if the notice is given after a meter is attached to works and installed in accordance with section 106(1)(d)(iii)—60 business days before the validation date; or
- (b) otherwise—1 year before the validation date.

**16 Insertion of new s 109A**

After section 109—

*insert*—

**109A Suspension or cancellation of appointment as authorised meter validator**

- (1) The chief executive may suspend or cancel a person's appointment as an authorised meter validator under section 109 if the chief executive is reasonably satisfied that—

- (a) the person gave another person a validation certificate under section 112(2)(b) and the information stated in the certificate is false or misleading; or
  - (b) the person has been convicted of an offence against the Act, the repealed Acts or an interstate law.
- (2) Before the chief executive acts under subsection (1), the chief executive must give the person a show cause notice about the proposed suspension or cancellation.
  - (3) In deciding whether to suspend or cancel the appointment, the chief executive must consider any properly made submission about the proposed suspension or cancellation.
  - (4) Within 30 business days after suspending or cancelling the appointment, the chief executive must give the person a notice stating the decision and the reasons for the decision.
  - (5) The suspension or cancellation takes effect from the day the person is given the notice.

## **17 Insertion of new s 110A**

After section 110—

*insert—*

### **110A Requirements for faulty meters**

- (1) This section applies if—
  - (a) a relevant person takes water through works to which an approved meter is attached; and
  - (b) the relevant person is aware the meter is a faulty meter.
- (2) The meter stops being an approved meter on the earlier of the following—

[s 18]

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- (a) non-compliance with subsections (3), (4) or (5) by the relevant person;
  - (b) the expiry date.
- (3) Within 3 business days after becoming aware the meter is a faulty meter, the relevant person must give the chief executive a written notice stating the meter is a faulty meter.
- (4) The relevant person must give the chief executive information about water taken through the works in accordance with all instructions, and covering all matters, stated in the approved form.
- (5) The relevant person must, before the expiry date—
- (a) ensure that a meter, other than a faulty meter, is attached to the works; and
  - (b) arrange a validation inspection for the meter and give the chief executive a copy of the validation certificate for the meter given to the relevant person after the inspection.
- (6) The chief executive may extend the expiry date by notice given to the relevant person if—
- (a) the relevant person requested the expiry date be extended; and
  - (b) the chief executive is reasonably satisfied the relevant person is unable to comply with subsection (5).
- (7) In this section—
- expiry date* means the day that is 60 business days after the chief executive is given notice under subsection (3).

**18 Amendment of s 111 (Existing meter not approved meter unless revalidated by revalidation date)**

Section 111(2), ‘section 106(1)(c),’—

*omit, insert—*

section 106(1)(b) and (c),

## 19 Insertion of new s 112A

After section 112—

*insert—*

### **112A Chief executive may request another validation certificate**

- (1) This section applies if—
  - (a) a person gives a relevant person for works, to which an approved meter is attached, a validation certificate (the *first certificate*) for the meter; and
  - (b) the relevant person gives the chief executive a copy of the first certificate.
- (2) The meter stops being an approved meter on the earlier of the following—
  - (a) non-compliance with subsection (5) by the relevant person;
  - (b) the expiry date.
- (3) The chief executive may give the relevant person a notice if the chief executive is reasonably satisfied that—
  - (a) the information stated in the first certificate is false or misleading; or
  - (b) the person who gave the relevant person the first certificate was not an authorised meter validator when the certificate was given; or
  - (c) the relevant person carried out the validation inspection for the first certificate.
- (4) The notice must state the following—
  - (a) the grounds for giving the notice;

[s 20]

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- (b) the relevant person must arrange for another validation inspection to be carried out on the meter and give the chief executive a copy of the new validation certificate for the meter before the expiry date;
  - (c) the meter will stop being an approved meter if the relevant person does not comply with the notice.
- (5) The relevant person must comply with the notice.  
Maximum penalty—20 penalty units.
- (6) The chief executive may extend the expiry date by notice given to the relevant person if—
- (a) the relevant person requested the expiry date be extended; and
  - (b) the chief executive is reasonably satisfied the relevant person is unable to comply with subsection (5).
- (7) In this section—
- expiry date* means the day that is 60 business days after the chief executive gives a notice under subsection (3).

**20 Amendment of s 113 (Chief executive may require meter reading by holder of metered entitlement or owner of works)**

- (1) Section 113, heading, from ‘holder’—  
*omit, insert—*
- relevant person**
- (2) Section 113(1)—  
*omit, insert—*
- (1) The chief executive may give a relevant person a notice requiring the person to—
    - (a) read a meter; and

- (b) do both of the following in the way and by the day stated in the notice—
  - (i) give the meter reading to the chief executive;
  - (ii) notify the chief executive about whether or not the meter is a faulty meter.

*Note—*

Section 110A may apply to a relevant person if the person is aware the meter is a faulty meter.

- (3) Section 113(2) and (3), ‘person’—

*omit, insert—*

relevant person

**21 Amendment of s 120 (Approved meter that does not comply with non-urban metering standard may stop being approved meter)**

Section 120(3), ‘1 year’—

*omit, insert—*

20 business days

**22 Amendment of s 124 (Qualifications or experience for class 1 licence—Act, s 981)**

- (1) Section 124(2)(a)(i), from ‘conducted’—

*omit, insert—*

prepared by the National Uniform Drillers Licensing Committee (*NUDLC*) for any licence endorsement for which the applicant is applying;  
or

- (2) Section 124(2)(c)(i)(A), ‘conducted by ADITC’—

*omit.*

- (3) Section 124(2)(d), ‘the National Uniform Driller’s Licensing Committee’—

*omit, insert—*

NUDLC

**23 Amendment of s 125 (Qualifications or experience for class 2 licence—Act, s 981)**

- (1) Section 125(2)(a)(i), from ‘conducted’—

*omit, insert—*

prepared by NUDLC for any licence endorsement for which the applicant is applying; or

- (2) Section 125(2)(d), ‘the National Uniform Driller’s Licensing Committee’—

*omit, insert—*

NUDLC

**24 Amendment of s 126 (Qualifications or experience for class 3 licence—Act, s 981)**

- (1) Section 126(2)(a)(i), from ‘conducted’—

*omit, insert—*

prepared by NUDLC for any licence endorsement for which the applicant is applying; or

- (2) Section 126(2)(d), ‘the National Uniform Driller’s Licensing Committee’—

*omit, insert—*

NUDLC

**25 Amendment of sch 4 (Prescribed entities)**

Schedule 4, item 16—

*omit, insert—*

- 16 Sealink Fraser Island Pty Ltd ACN 624 478 280

**26 Amendment of sch 11 (Metered entitlements)**

- (1) Schedule 11, entries for Zone A of the Fitzroy River, identified in the *Water Plan (Fitzroy Basin) 2011*, Zone C of the Fitzroy River, identified in the *Water Plan (Fitzroy Basin) 2011* and Zones D and E of the Fitzroy River, identified in the *Water Plan (Fitzroy Basin) 2011*—

*omit.*

- (2) Schedule 11—

*insert—*

<p>Fitzroy water management area under the <i>Water Plan (Fitzroy Basin) 2011</i>, other than Fitzroy B</p> <p><i>Note—</i></p> <p>Fitzroy B is a resource operations plan zone. See the Fitzroy Basin Resource Operations Plan.</p>	<p>all water allocations</p>	<p>30 November 2019</p>
<p>Flinders River catchment area under the <i>Water Plan (Gulf) 2007</i></p>	<p>all water entitlements</p>	<p>30 November 2023</p>
<p>Nogoa Mackenzie water management area under the <i>Water Plan (Fitzroy Basin) 2011</i></p>	<p>all water allocations</p>	<p>30 November 2023</p>

- (3) Schedule 11, entry for Coastal Burnett groundwater management area, column 2—

*omit, insert—*

all water entitlements, other than the following—

- (a) water licences for dewatering purposes only and water licences for agricultural dewatering purposes only;

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- (b) water entitlements for which the annual volumetric limit is not more than 2ML
- (4) Schedule 11, entry for Gilbert River catchment area under the *Water Plan (Gulf) 2007*, column 2—  
*omit, insert—*  
all water entitlements
- (5) Schedule 11, entry for the plan area of the *Water Plan (Barron) 2002*, column 2, ‘water licences,’—  
*omit, insert—*  
water entitlements,
- (6) Schedule 11, entry for the plan area of the *Water Plan (Pioneer Valley) 2002*, column 2—  
*omit, insert—*  
all water entitlements, other than water licences for stock or domestic purposes only
- (7) Schedule 11, entry for the plan area of the *Water Resource (Whitsunday) Plan 2010*, column 2, ‘water licences,’—  
*omit, insert—*  
water licences in subcatchment areas A, B, C and F,

**27 Amendment of sch 14 (Water charges)**

Schedule 14, entry for Barron River–Emerald Creek water management area—

*omit.*

**28 Amendment of sch 17 (Underground water areas)**

- (1) Schedule 17, authorising section—

*omit, insert—*

sections 139 and 140

- 
- (2) Schedule 17, part 2, entry for Burdekin underground water area, column 2, ‘200m’—

*omit, insert—*

—

## **29 Amendment of sch 19 (Dictionary)**

- (1) Schedule 19, definitions *ADITC*, *DICAT course* and *meter*—

*omit.*

- (2) Schedule 19—

*insert—*

*DICAT course*, for part 12, see section 124(2)(c)(i)(A).

*faulty meter*, for part 11, see section 105.

*NUDLC*, for part 12, see section 124(2)(a)(i).

*relevant person*, for part 11, see section 105.

- (3) Schedule 19, definition *water licence*, ‘or operations manual’—

*omit.*

ENDNOTES

- 1 Made by the Governor in Council on 31 January 2019.
- 2 Notified on the Queensland legislation website on 1 February 2019.
- 3 The administering agency is the Department of Natural Resources, Mines and Energy.

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