



*Water Act 2000*

# Water Regulation 2016

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## **Reprint note**

An amendment to part 11, division 3, heading was not incorporated into an earlier version of this reprint. See 2024 SL No. 121 s 4.

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Queensland

# Water Regulation 2016

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# Water Regulation 2016

## Part 1 Preliminary

### Division 1 Introduction

#### 1 Short title

This regulation may be cited as the *Water Regulation 2016*.

#### 2 Commencement

This regulation commences on the commencement of the *Water Reform and Other Legislation Amendment Act 2014*, section 68.

#### 3 Definitions

The dictionary in schedule 19 defines particular words used in this regulation.

### Division 2 Watercourse identification and outer bank location

#### Subdivision 1 Preliminary

#### 4 Purpose of division

The purpose of this division is to support the application of the provisions of the Act relating to the identification of watercourses and establishing the location of outer banks of watercourses.

## **5 Meaning of terms used in division**

- (1) If a term used in this division is defined in chapter 1, part 2 of the Act, or in schedule 4 of the Act to the extent it supports the operation of chapter 1, part 2 of the Act, the term has the same meaning in this division and in schedule 1.
- (2) However, a reference to a watercourse is not intended to be limited in the way provided for in section 5(4) of the Act.

## **Subdivision 2 Supporting provisions**

### **6 Diagram depicting different valley reaches**

Diagram A in schedule 1, part 1 depicts in overview the upper, middle and lower valley reaches of a valley drained by a typical watercourse.

### **7 Explanations and accompanying cross-section diagrams for typical upper valley reach**

Schedule 1, part 2—

- (a) gives an explanation of the characteristics of a typical upper valley reach and associated watercourse; and
- (b) includes a diagram (diagram B) in cross-section form that depicts the natural features that are likely to be found in a typical upper valley reach; and
- (c) includes a diagram (diagram C) in cross-section form that depicts the natural features that are likely to be found in a typical watercourse in an upper valley reach and that can help in locating outer banks.

### **8 Explanations and accompanying cross-section diagrams for typical middle valley reach**

Schedule 1, part 3—

- (a) gives an explanation of the characteristics of a typical middle valley reach and associated watercourse; and

- (b) includes a diagram (diagram D) in cross-section form that depicts the natural features that are likely to be found in a typical middle valley reach; and
- (c) includes a diagram (diagram E) in cross-section form that depicts the natural features that are likely to be found in a typical watercourse in a middle valley reach and that can help in locating outer banks.

## **9 Explanations and accompanying cross-section diagrams for typical lower valley reach**

- (1) Schedule 1, part 4—
  - (a) gives an explanation of the characteristics of a typical lower valley reach and associated watercourse; and
  - (b) includes a diagram (diagram F) in cross-section form that depicts the natural features that are likely to be found in a typical lower valley reach; and
  - (c) includes a diagram (diagram G) in cross-section form that depicts the natural features that are likely to be found in a typical watercourse in a lower valley reach and that can help in locating outer banks.
- (2) Schedule 1, part 4 also includes—
  - (a) a diagram (diagram H) in cross-section form that depicts the natural features that are likely to be found in a typical lower valley reach where 2 or more watercourses in the form of anabranches are contained within the valley; and
  - (b) a diagram (diagram I) in cross-section form that depicts the natural features that are likely to be found in typical watercourses in a lower valley reach where the valley contains 2 or more watercourses in the form of anabranches, and that can help in locating outer banks in a multiple watercourse environment.

## **10 Additional information about applicability of cross-section diagrams**

- (1) For any valley, a particular valley reach could contain a section of valley reach, or a section of watercourse within a section of valley reach, that is not typical, having regard to the valley reach and watercourse cross-sections depicted in schedule 1, parts 2, 3 and 4.

*Example—*

The cross-section of part of a middle valley reach of a particular watercourse might more closely resemble what is typical for an upper valley reach cross-section, and the cross-section of part of a lower valley reach of a particular watercourse might more closely resemble what is typical for a middle valley reach cross-section.

- (2) Accordingly, a cross-section diagram could be used to help in the location of an outer bank, regardless of the valley reach in which the section of watercourse under consideration is located.

## **11 Explanation about valley margins**

- (1) Schedule 1 includes a number of references to valley margins.
- (2) A reference to a valley margin, in relation to a valley drained by a watercourse, is intended as a reference to the bedrock feature that forms a lateral extent of the valley floor.
- (3) A valley margin could consist of a hill, cliff, ridge or mountain, but this will generally vary according to where the valley margin is situated in the valley as a whole.

*Example—*

A valley margin in an upper valley reach could be a mountain, but in a lower valley reach, a valley margin is likely to be no higher than a ridge.

## **12 Explanation about terraces**

- (1) Schedule 1 includes a number of references to terraces.
- (2) A reference to a terrace, in relation to a valley drained by a watercourse, is intended as a reference to an abandoned

floodplain that is situated above an active floodplain associated with the watercourse.

- (3) A terrace is formed when floodplains are abandoned during down-cutting into the valley floor by base level change in the form of tectonic activity, by shifts in sediment load or by changes in the flow regime of the watercourse.

## **Part 2                      Water rights and planning**

### **Division 1                      Collecting information about water**

#### **13                      Notice of works and water use—Act, s 36**

For section 36(3)(b) of the Act, a chief executive's notice must state the following matters—

- (a) the land to which the notice applies;
- (b) the type of works required to be notified by the owner, including the purpose and size of the works;
- (c) which 1 or more of the following the notice relates to—
  - (i) existing works;
  - (ii) works under construction;
  - (iii) on their completion, works constructed in the future;
- (d) an expiry date of the notice;
- (e) the proposed consultation arrangements for the notice.

## **Division 2                    Unallocated water**

### **Subdivision 1            Reserving unallocated water**

#### **14            Particular unallocated water reserved—Act, s 39**

For section 39(a) of the Act, unallocated water, that is described in schedule 2, is reserved for a part of the State or for particular water to which no water plan applies.

#### **15            Public consultation**

- (1) If the Minister proposes to reserve unallocated water, the Minister may decide whether public consultation on the proposal is required.
- (2) If the Minister decides public consultation is required, the Minister must publish a notice of the proposal stating—
  - (a) the location of the unallocated water; and
  - (b) the type of water to be reserved; and
  - (c) the purpose for which the water is to be reserved; and
  - (d) the volume of water to be reserved; and
  - (e) the proposed consultation arrangements; and
  - (f) where information about the proposed unallocated water reserve is available for public access.

### **Subdivision 2            Processes for releasing unallocated water**

#### **16            Public auction, tender, fixed price sale or grant for a particular purpose—Act, ss 39 and 40**

This subdivision prescribes, for sections 39(b) and 40(2) of the Act, the processes for releasing unallocated water by—

- (a) public auction; or
- (b) tender; or
- (c) fixed price sale; or
- (d) grant for a particular purpose.

## 17 Public notice of availability of water

- (1) The chief executive must publish a notice about the availability of the water by auction or tender.
- (2) The notice must be published before—
  - (a) the day the auction is held; or
  - (b) the start of the period in which tenders may be made.
- (3) The notice must state the following—
  - (a) whether the water is being sold by public auction or tender;
  - (b) the type of water entitlement to be granted for the sale;
  - (c) details as follows for identifying the water—
    - (i) any water plan or water management protocol under which the water is available;
    - (ii) the purpose for which the water is available;
  - (d) other details, if any, sufficient to identify the water, including, for example—
    - (i) if the water is described in schedule 2—the water so described; and
    - (ii) the volume of water available to be sold; and
    - (iii) the location from which the water may be taken;
  - (e) for an auction—where and when the auction is to be held;
  - (f) for a tender—
    - (i) the day (the *closing day*) by which tenders must be made; and

- (ii) the place where tenders must be lodged or the way tenders must be lodged electronically;
  - (g) where the terms of sale are available;
  - (h) anything else relating to the proposed sale the chief executive considers appropriate.
- (4) The chief executive may publish a notice about the availability of the water by fixed price sale.

## **18 Terms of sale or grant**

The chief executive may decide the terms—

- (a) of a sale of water under this division; or

*Note—*

Under section 40 of the Act, the chief executive may set a price for the sale of the water.

- (b) for granting water for a particular purpose under this division.

## **19 Failure to complete purchase**

- (1) This section applies if—
  - (a) a person enters into an agreement under this division to purchase water; and
  - (b) the person does not complete the purchase in accordance with the terms of sale.
- (2) Any deposit paid by the person is forfeited to the State and the State may otherwise deal with the water under this division.

## **21 Sale of water may be withdrawn**

- (1) The chief executive may withdraw a sale under this division of all or part of the water—
  - (a) for a sale by auction—
    - (i) before the auction; or

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- (ii) if the water is not sold at the auction, after the auction; or
  - (b) for a sale by tender—before the closing day for the tender; or
  - (c) for a fixed price sale—before an agreement is entered into under this division for the sale.
- (2) If a sale is withdrawn under subsection (1)(a) or (b), the chief executive must publish a notice about the withdrawal.

## **Division 3                    Minister’s reports on water plans**

### **22            Minister’s reports on water plans—Act, s 49**

- (1) This section prescribes, for section 49(2)(a) of the Act, the times at which the Minister must prepare reports about each water plan and the matters a report must state.
- (2) The Minister must prepare the following reports about each water plan—
  - (a) an initial report within 5 years after the commencement of the plan; and
  - (b) a subsequent report each no more than 5 years after the previous report unless subsection (3) applies.
- (3) 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.
- (4) The Minister’s report about a water plan must state the following—
  - (a) whether the plan is advancing the sustainable management of Queensland’s water resources;
  - (b) an assessment of the effectiveness of the implementation of the plan in achieving the plan’s outcomes;



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water without a water entitlement' approved by the chief executive.

## **Division 2                      Authorised taking of, or interference with, water without water entitlement**

### **25            Prescribed activities—Act, s 101**

- (1) Each activity mentioned in schedule 3 is prescribed for section 101(1)(a) of the Act.
- (2) However, subsection (1) does not apply to the extent the water for the activity is taken from an area to which a water supply scheme applies, unless the water is taken by a person who holds—
  - (a) a resource operations licence for the water supply scheme; or
  - (b) an interim resource operations licence for the water supply scheme; or
  - (c) a distribution operations licence for the water supply scheme.

## **Part 4                              Matters relating to water licences**

### **Division 1                      Preliminary**

#### **26            Prescribed entities—Act, s 104, definition *prescribed entity***

For section 104 of the Act, definition *prescribed entity*, paragraph (1), the entities mentioned in schedule 4 are prescribed.

## Division 2                      Water sharing rules

### 27            **Water sharing rules—Act, schedule 4, definition *water sharing rules***

- (1) For schedule 4 of the Act, definition *water sharing rules*, paragraph (c), the water sharing rules for taking water from a water management area, or a part of the area, mentioned in schedule 5, column 1, are opposite the area in column 2.

*Editor's note—*

A copy of the water sharing rules for a water management area, or a part of the area, may be obtained from the department's regional office for the area.

- (2) The water sharing rules for taking water from a particular water management area, or a part of the area, may state the following—
- (a) if, under the rules, the chief executive is required to decide an announced entitlement—
- (i) how the announced entitlement is decided; and
  - (ii) whether the announced entitlement may be varied during the water year; and
  - (iii) whether the announced entitlement applies in relation to the taking of water for a particular purpose;
- (b) the extent to which, and the conditions on which, carry overs and forward draws may be authorised in the area, or the part of the area.
- (3) Subsection (2) does not limit the matters that may be stated in the water sharing rules.

### 28            **Nominal entitlement**

- (1) A ***nominal entitlement*** is the volume of water authorised to be taken during a water year under a water licence.

- (2) However, the volume of water that may be taken during a particular water year is the annual entitlement for the water year.

## 29 Announced entitlement

- (1) If the water sharing rules for taking water from a water management area, or a part of the area, require the chief executive to decide an *announced entitlement*, the chief executive must—
- (a) decide the announced entitlement before the start of the water year to which the announced entitlement relates; and
  - (b) publish the announced entitlement.
- (2) An announced entitlement is a percentage of a nominal entitlement.
- (3) In deciding an announced entitlement, the chief executive must consider—
- (a) the following to the extent appropriate for the water management area, or the part of the area, to which the entitlement relates—
    - (i) trends in underground water levels;
    - (ii) long-term average sustainable yield;
    - (iii) historical water use;
    - (iv) anticipated water use;
    - (v) water available to supplement water licences in the area;
    - (vi) weather conditions, including weather forecasts; and
  - (b) the water sharing rules for taking water from the area.
- (4) If the chief executive varies an announced entitlement during a water year, subsection (1)(b) applies to the varied announced entitlement.

### **30 Annual entitlement**

- (1) If, for a water year, the chief executive has decided an announced entitlement for a water management area, or a part of the area, the *annual entitlement* for a water licence to which the announced entitlement relates is calculated by—
  - (a) multiplying the nominal entitlement for the water licence by the announced entitlement; and
  - (b) adjusting the volume for any carry over or forward draw that applies to the licence for the water year.
- (2) If, for a water year, the chief executive has not decided an announced entitlement for a water management area, or a part of the area, the annual entitlement for a water licence in the area or the part of the area is the nominal entitlement for the licence adjusted for any carry over or forward draw that applies to the licence for the water year.

## **Division 3 Relocation of water licences**

### **32 Purpose of division**

This division states, for section 126(3) of the Act, the process for dealing with an application for relocation of—

- (a) a water licence for the taking of water from a location in a water management area—
  - (i) declared by the chief executive under section 137(1); and
  - (ii) for which water sharing rules mentioned in schedule 5 for the taking of water from the area allow all or part of the licence to be relocated under section 126 of the Act; or
- (b) a water licence if a water management protocol allows all or part of the licence to be relocated under section 126 of the Act.

### 33 Definitions for division

In this division—

*amalgamation*, in relation to a water licence, means amalgamation of the licence with another water licence held or to be held by the transferee.

*amendment*, in relation to a water licence, means amendment of the licence to change the purpose for which water may be taken under the licence.

*new licence* means the water licence that the chief executive may issue under this division after an application for relocation is decided.

*transfer*, in relation to a water licence, means transfer of the licence to a prescribed person within the meaning of section 126(4) of the Act.

*transfer notice* see section 37(2).

### 34 Application to relocate water licences

- (1) This section applies to an application to relocate a water licence.
- (2) The application must be—
  - (a) made to the chief executive in the approved form; and
  - (b) if the application includes a transfer or amalgamation—made jointly by the following—
    - (i) the holder of the licence;
    - (ii) the proposed transferee.
- (3) The application must—
  - (a) state each of the following—
    - (i) details of the licence;
    - (ii) if the licence, or part of the licence, is to be amalgamated with the transferee's water licence—details of the transferee's licence;

- (iii) the purpose for which the water will be taken under the new licence;
  - (iv) details of the location of the proposed taking of water under the new licence;
  - (v) the volume of water proposed to be taken under the new licence; and
- (b) be accompanied by—
  - (i) a statutory declaration by the holder of the licence that each person (an *interested entity*) who has a financial or other interest in the land of the holder for which the licence is held has been given notice of the proposed relocation; and
  - (ii) the written consent of each interested entity to the proposed relocation; and
  - (iii) the application fee.
- (4) The application to relocate may include 1 or more transfers, amendments or amalgamations.

### **35 Criteria for deciding application**

- (1) In deciding whether to approve the application, the chief executive must consider—
  - (a) any additional information given about the application; and
  - (b) each of the following that apply to the water licence that is the subject of the application—
    - (i) a water plan;
    - (ii) a water management protocol, including, in particular, the rules stated in the protocol for relocating water licences;
    - (iii) water sharing rules mentioned in schedule 5, to the extent the rules are about relocating water licences.
- (2) Subsection (1) does not limit the matters the chief executive may consider.

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## **36 Deciding application**

- (1) After considering the matters mentioned in section 35, the chief executive may—
  - (a) refuse the application; or
  - (b) approve the application with or without conditions.
- (2) Subsection (3) applies if approving the application would be inconsistent with the matters the chief executive must consider under section 35(1)(b).
- (3) The chief executive must refuse the application and give notice of the decision, including the reasons for the decision, within 30 business days after deciding the application.
- (4) Subsection (5) applies if the chief executive makes a decision consistent with the matters the chief executive must consider under section 35(1)(b) and if no other decision could have been made.
- (5) The chief executive must give notice of the decision, including the reasons for the decision, within 30 business days after deciding the application.
- (6) Subsection (7) applies if—
  - (a) water sharing rules mentioned in schedule 5 apply to the relocation of the licence that is the subject of the application; or
  - (b) the chief executive makes a decision consistent with the water plan or water management protocol and a different decision consistent with the plan or protocol could have been made.
- (7) The chief executive must give the applicant an information notice about the decision within 30 business days after deciding the application.

## **37 Intention to proceed**

- (1) This section applies if the applicant—
  - (a) is given an information notice for the decision; and

- (b) is eligible and intends to proceed with the relocation.
- (2) The applicant must give the chief executive notice in the approved form (a *transfer notice*) within 30 business days after—
  - (a) if the applicant appeals against the decision—the day the appeal is finally decided; or
  - (b) otherwise—the day the applicant receives the information notice.
- (3) For subsection (1)(b), the applicant is eligible to proceed with the relocation if—
  - (a) the chief executive has approved the application with or without conditions; or
  - (b) the applicant appeals against the decision and the decision is confirmed, amended or substituted so that the application is approved with or without conditions.

### **38 Completion of relocation**

- (1) This section applies if the chief executive—
  - (a) gives the applicant notice of the decision, other than an information notice; or
  - (b) receives a transfer notice within the period mentioned in section 37(2).
- (2) The chief executive may require the proposed transferee to give a document evidencing ownership of land to which the new licence will attach.
- (3) The chief executive must cancel, amend or subdivide the water licence the subject of the application, or issue a new licence, necessary to give effect to the relocation within 30 business days after—
  - (a) if the chief executive has, under subsection (2), required the proposed transferee to give a document—the day the chief executive receives the document; or

- (b) if the chief executive receives a transfer notice—the day the chief executive receives the notice; or
- (c) otherwise—the day the chief executive gives notice of the decision under section 36(3) or (5).

## **Division 4                      Seasonal water assignments and rules—Act, section 127**

### **39            Seasonal water assignments and rules—Act, s 127**

For section 127(2)(b) of the Act—

- (a) seasonal water assignments are allowed in a water management area, or a part of the area, mentioned in schedule 6, column 1, for a water licence mentioned for the area in column 2; and
- (b) the seasonal water assignment rules for a water management area, or a part of the area, stated, for the area, in column 3 are prescribed.

*Editor's note—*

A copy of seasonal water assignment rules mentioned in schedule 6 may be obtained from the department's regional office for the area to which the rules relate.

## **Division 5                    Effects of land dealings or    acquisition of land on water    licences**

### **Subdivision 1                Effects of land dealings on water    licences**

#### **40                    Effect of licensee ceasing to be an owner of land**

- (1) If a water licence attaches to land and the licensee ceases to be an owner of the land, on the day the licensee ceases to be the owner—
  - (a) the licensee ceases to be the holder of the licence; and
  - (b) the registered owner of the land becomes the new licensee.
- (2) The chief executive must give the new licensee a new licence that has the same effect as the previous licence.

#### **41                    Effect of disposal of part of land to which water licence to take water attaches**

- (1) This section applies if—
  - (a) a water licence of either of the following types attaches to land—
    - (i) a licence to take water;
    - (ii) a licence mentioned in section 107(1)(c) of the Act; and
  - (b) the registered owner (the *disposer*) of the land disposes of part of the land.
- (2) On the day the disposer disposes of the part, the water licence is taken to be held jointly by all owners of the land to which the licence attaches.

*Note—*

See section 121 of the Act about who may apply for a dealing with a water licence.

- (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.

## **42 Effect of disposal of part of land to which water licence to interfere with water attaches**

- (1) This section applies if—
  - (a) a water licence to interfere with the flow of water on, under or adjoining land is attached to land; and
  - (b) the registered owner of the land disposes of part of the land.
- (2) Subsection (3) applies if the location at which water may be interfered with is on, under or adjoining either the part of the land disposed of or the part retained by the owner.
- (3) The licence attaches to the part and the chief executive must amend the licence under section 132 of the Act, to show the change.
- (4) Subsection (5) applies if the location at which water may be interfered with is on, under or adjoining both the part of the land disposed of and the part retained.
- (5) The chief executive must amend the licence under section 132 of the Act, so that the licence is held jointly by both the owner of the part retained and the owner of the part disposed of.

## **Subdivision 2 Effects of acquisition or disposal of land on water licences**

### **43 Effect of acquisition or disposal of part of land**

- (1) This section applies to a water licence if part of the land to which the licence 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) If the acquisition or disposal includes a transfer of the licence, the chief executive must record the transfer in the department's records as if the transfer were a proposed dealing mentioned in section 131(1) of the Act.
- (3) If water that may be taken under the licence can still be taken from the original source on or adjoining the remaining part of the land, the chief executive must amend the licence under section 132 of the Act, so the licence attaches to the remaining part of the land.
- (4) If the remaining part of the land no longer adjoins the original source, on the day the acquisition or disposal happens the water licence is taken to be held jointly by all owners of the land to which the licence attaches.

*Note—*

See section 121 of the Act about who may apply for a dealing with a water licence.

## **Part 5                      Water allocations**

### **Division 1                      Criteria for establishing elements of particular proposed water allocations**

#### **Subdivision 1              Criteria**

#### **44              Criteria and application of criteria—Act, s 39**

- (1) For section 39(c) of the Act, the criteria for establishing the elements of proposed water allocations to be granted on

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conversion from a water entitlement or other authorisation (each an *existing authorisation*) are—

- (a) to the extent a relevant water plan applies the criteria stated in subdivision 2 or 3—the criteria; and
  - (b) any criteria in a relevant water plan for converting an existing authorisation to a water allocation.
- (2) If there is an inconsistency between criteria mentioned in subsection (1)(a) and criteria mentioned in subsection (1)(b), the criteria mentioned in subsection (1)(b) prevail.

## **Subdivision 2      Establishing nominal volumes**

### **45      Nominal volume based on nominal entitlement**

- (1) If a water plan states that the nominal volume for a water allocation is to be based on the nominal entitlement for the existing authorisation, the nominal volume for the allocation is the nominal entitlement stated on the existing authorisation.
- (2) In this section—  
*nominal entitlement* means—
  - (a) for a water licence—see section 28; or
  - (b) for a continuing interim water allocation—the volume of water stated on the allocation that may be taken in a period of 12 months.

### **46      Nominal volume based on assessment of water taken under existing authorisation**

- (1) If a water plan states that the nominal volume for a water allocation is to be based on an assessment of the water taken under the existing authorisation, the chief executive must decide the nominal volume having regard to the following—
  - (a) the local availability of water;

[s 47]

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- (b) the conditions under which water may be taken under the existing authorisation;
  - (c) if the existing authorisation states the maximum volume of water that may be taken under the existing authorisation during a stated period—the volume;
  - (d) the average annual volume of water for the period stated in the relevant water plan worked out or estimated by the chief executive to have been able to be taken under the existing authorisation;
  - (e) any other criteria, for making the decision, stated in the relevant water plan.
- (2) For subsection (1)(a), the local availability of water includes consideration of the volume of water worked out or estimated by the chief executive to have been able to be taken by authorisations, other than the existing authorisation, that would have affected access to water under the existing authorisation.

### **Subdivision 3      Establishing volumetric limits**

#### **47      Volumetric limit based on limit stated on existing authorisation**

- (1) If a water plan states that the volumetric limit for a water allocation is to be based on the limit stated on the existing authorisation, the volumetric limit for the allocation is the volume of water that may be taken in a period of 12 months stated on the allocation.
- (2) However, if the water plan states an alternative period, the volumetric limit for the water allocation is the volume of water allowed to be taken under the existing authorisation in the period stated in the water plan.

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**48 Volumetric limit based on area stated on existing authorisation**

If a water plan states that the volumetric limit for a water allocation is to be based on the area able to be irrigated that is stated on the existing authorisation, the volumetric limit for the allocation is the area stated as being able to be irrigated on the existing authorisation multiplied by the factor stated in the water plan.

**49 Volumetric limit if no limit is stated on existing authorisation**

If a water plan states that the volumetric limit for a water allocation is to be based on an assessment of water taken under the existing authorisation and the efficiency of the use of the water, the volumetric limit for the allocation is the volume decided by the chief executive having regard to the following—

- (a) the conditions under which water may be taken under the existing authorisation;
- (b) the water taking capacity of any works for taking water under the allocation;
- (c) the volume of water required for the allocation's intended purpose;
- (d) the annual volumes of water for the period stated in the relevant water plan estimated by the chief executive to have been taken under the existing authorisation with the works that were in place immediately before the commencement of this section;
- (e) the efficiency of the use of the water mentioned in paragraph (d);
- (f) any other criteria, for making the decision, stated in the relevant water plan.

**50 Maximum rate for water allocation based on rate stated on existing authorisation**

If a water plan states that the maximum rate for a water allocation is to be based on the maximum rate for the existing authorisation, the maximum rate for the allocation is the maximum rate for taking water under the existing authorisation.

**51 Maximum rate for water allocation based on related development permit**

- (1) Subsection (2) applies if a water plan states that the maximum rate for a water allocation is to be based on the pump size stated on a development permit related to the existing authorisation.
- (2) The maximum rate for the allocation is—
  - (a) if the water plan states the maximum rate for taking water in litres per second and—
    - (i) the pump size is mentioned in schedule 7, column 1—the rate stated in schedule 7, column 2, for the pump size; or
    - (ii) the pump size is not mentioned in schedule 7, column 1—the rate decided by the chief executive having regard to the rates stated for similar pump sizes in schedule 7, column 2; or
  - (b) if the water plan states the maximum rate for taking water in megalitres per day and—
    - (i) the pump size is mentioned in schedule 7, column 1—the rate stated in schedule 7, column 3, for the pump size; or
    - (ii) the pump size is not mentioned in schedule 7, column 1—the rate decided by the chief executive having regard to the rates stated for similar pump sizes in schedule 7, column 3.
- (3) Subsection (4) applies if the chief executive, in finalising a water entitlement notice under section 75 of the Act, is

satisfied the maximum rate for the allocation is different from the maximum rate decided under subsection (2) for the allocation.

- (4) Despite subsection (2), the maximum rate for the allocation is the rate decided by the chief executive having regard to the following—
  - (a) the conditions under which water may be taken under the existing authorisation;
  - (b) the water taking capacity of the pump to which the development permit relates;
  - (c) any other criteria, for making the decision, stated in the relevant water plan.

## **52 Maximum rate for water allocation based on other considerations**

- (1) This section applies if a water plan states that the maximum rate for a water allocation is to be decided by the chief executive, other than if—
  - (a) the existing authorisation states a maximum rate; or
  - (b) a related development permit states a pump size for taking water.
- (2) The maximum rate for the allocation is the rate decided by the chief executive having regard to—
  - (a) the purpose stated on the existing authorisation; and
  - (b) the chief executive's estimate or measurement of the rate at which water can be taken under the existing authorisation; and
  - (c) any other criteria, for making the decision, stated in the relevant water plan.

**53 Daily volumetric limit for water allocation based on rate stated on existing authorisation**

If a water plan states that the daily volumetric limit for a water allocation is to be based on the existing authorisation, the daily volumetric limit for the allocation is the maximum rate for taking water in a day, stated on the existing authorisation.

**54 Daily volumetric limit for water allocation based on related development permit**

- (1) This section applies if a water plan states that the daily volumetric limit for a water allocation is to be based on the pump size stated on a development permit related to the existing authorisation.
- (2) The daily volumetric limit for the allocation is—
  - (a) if the pump size is mentioned in schedule 7, column 1—the daily volumetric limit stated in schedule 7, column 3, for the pump size; or
  - (b) if the pump size is not mentioned in schedule 7, column 1—the daily volumetric limit for the allocation decided by the chief executive having regard to the daily volumetric limits for similar pump sizes stated in schedule 7, column 3.
- (3) Subsection (4) applies if the chief executive, in finalising a water entitlement notice under section 75 of the Act, is satisfied the daily volumetric limit for the allocation is different from the daily volumetric limit decided under subsection (2) for the allocation.
- (4) Despite subsection (2), the daily volumetric limit for the water allocation is the volume decided by the chief executive having regard to the following—
  - (a) the conditions under which water may be taken under the existing authorisation;
  - (b) the efficiency of the use of water taken under the existing authorisation;

- (c) the water taking capacity of the pump to which the development permit relates under normal operating conditions;
  - (d) any other criteria, for making the decision, stated in the relevant water plan.
- (5) However, if the allocation states a maximum rate for the allocation, the chief executive must ensure the daily volumetric limit for the allocation is no more than the volume that may be taken in a day at that rate.

## **55 Daily volumetric limit for water allocation based on other considerations**

- (1) This section applies if a water plan states that the daily volumetric limit is to be decided by the chief executive, other than if—
- (a) the existing authorisation states a daily volumetric limit; or
  - (b) a related development permit states a pump size for taking water relating to the permit.
- (2) The daily volumetric limit for the water allocation is the daily volumetric limit decided by the chief executive having regard to—
- (a) the purpose stated on the existing authorisation; and
  - (b) the chief executive's estimate or measurement of the rate at which water can be taken under the existing authorisation; and
  - (c) any other criteria, for making the decision, stated in the relevant water plan.
- (3) However, if the allocation states a maximum rate for taking water for the allocation, the chief executive must ensure the daily volumetric limit for the allocation is no more than the volume that may be taken in a day at that rate.

## **Subdivision 4      Establishing conditions of water allocation**

### **56      Conditions for taking water**

- (1) The chief executive may impose on a water allocation any condition the chief executive is satisfied is necessary to ensure the purpose and outcomes of the relevant water plan are achieved.
- (2) In deciding the flow conditions under which water may be taken under the allocation, the chief executive must have regard to—
  - (a) any conditions stated on the existing authorisation; and
  - (b) any other criteria, for making the decision, stated in the relevant water plan.

## **Division 2              Seasonal water assignments**

### **Subdivision 1      Seasonal water assignments for water allocations not managed under resource operations licence**

#### **57      Application of subdivision**

This subdivision applies to a water allocation if—

- (a) the allocation is not managed under a resource operations licence; and
- (b) a water management protocol allows seasonal water assignments for the allocation.

#### **58      Applying for a seasonal water assignment**

- (1) The holder of a water allocation may apply to the chief executive for a seasonal water assignment for the water

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allocation for the water year, or shorter period prescribed by a water management protocol, in which the application is made.

- (2) The holder of a seasonal water assignment notice for a water allocation may apply to the chief executive for a seasonal water assignment for the seasonal water assignment notice for the water year, or shorter period prescribed by a water management protocol, in which the application is made.
- (3) An application under subsection (1) or (2) must be—
  - (a) in the approved form; and
  - (b) accompanied by the application fee stated in schedule 12.

## 59 Deciding application

- (1) If the application is consistent with the seasonal water assignment rules (the *relevant rules*) stated in a water management protocol applying to the relevant water plan area, the chief executive must approve the application, with or without conditions.
- (2) If the application is inconsistent with the relevant rules, the chief executive must refuse the application.
- (3) As soon as practicable after deciding the application, the chief executive must—
  - (a) give the applicant notice of the decision; and
  - (b) if the application is approved—give the proposed assignee a seasonal water assignment notice.
- (4) The notice mentioned in subsection (3)(a) must be an information notice if, having regard to the information in the application, the chief executive could have made a different decision consistent with the relevant rules.
- (5) The notice mentioned in subsection (3)(a) must include the reasons for the decision if—
  - (a) subsection (4) does not apply; and
  - (b) the decision is to—

- (i) refuse the application; or
  - (ii) approve the application—
    - (A) with a condition not requested in the application; or
    - (B) if the application requested a particular condition—without the condition.
- (6) To the extent the application is approved, the applicant is not authorised to take water that is the subject of the seasonal water assignment.
- (7) Subsection (8) applies if—
  - (a) the assignee holds a water allocation for the water management area in which the assignee proposes to take the benefit of the assignment; and
  - (b) a water management protocol, other than a protocol that contains a multi-year accounting rule for the allocation, allows the seasonal water assignment.
- (8) The seasonal water assignment notice applying to the allocation increases the volume of water that may be taken under the allocation by the volume stated in the notice for the period stated in the notice.
- (9) The assignment has effect from the day stated in the seasonal water assignment notice mentioned in subsection (3)(b).
- (10) 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.

## 60 Conditions of seasonal water assignment notice

- (1) The seasonal water assignment notice is subject to—
  - (a) the conditions to which the water allocation is subject; and

- (b) if the applicant for the seasonal water assignment is the holder of a seasonal water assignment notice (the *existing notice*) for the water allocation—the conditions to which the existing notice is subject; and
  - (c) any conditions imposed by the chief executive under section 59(1) for the assignment.
- (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.

## **Subdivision 2      Seasonal water assignments for water allocations managed under resource operations licence**

### **61      Arrangement for seasonal water assignment**

- (1) This section applies if a person is the holder of a water allocation managed under a resource operations licence.
- (2) The holder of the allocation may enter into an arrangement for a seasonal water assignment in relation to the allocation if—
  - (a) the holder of the resource operations licence consents to the arrangement; and
  - (b) the water to which the allocation relates is distributed to the holder of the allocation by a distribution operations licence holder and the distribution operations licence holder consents to the arrangement.



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- (2) The chief executive must give the applicant a notice requiring the applicant—
    - (a) to publish the information mentioned in subsection (3), for the period and in the way, stated in the notice given by the chief executive; or
    - (b) to publish a notice that states the application has been made and refers to the information mentioned in subsection (3) and published on the department's website or the Queensland Government business and industry portal, for the period and in the way, stated in the notice given by the chief executive.
  - (3) The information must include the following—
    - (a) where copies of the application may be inspected and, on payment of a fee, purchased;
    - (b) that written submissions may be made by any entity about the application;
    - (c) a day (the *closing day*) by which submissions must be made, and the person to whom, and the place where, the submissions must be made.
  - (4) The closing day must not be earlier than 30 business days after the day the information is published.
  - (5) If the information has been published as required under subsection (2)—
    - (a) the applicant must, within 10 business days after the publication of the information or notice referring to the information, give the chief executive evidence of the publication; and
    - (b) the chief executive may—
      - (i) send a copy of the information to any other entity the chief executive considers appropriate; and
      - (ii) decide the application after the closing day.
  - (6) If the applicant fails to comply with subsection (5)(a), the application lapses.

## **65 Additional information may be required**

- (1) The chief executive may require—
  - (a) the applicant to give the chief executive additional information about the application; or
  - (b) any information included in the application, or any additional information required under paragraph (a), to be verified by statutory declaration; or
  - (c) any submitter to give additional information about the submission.
- (2) If the applicant fails, without reasonable excuse, to comply with a requirement made of the applicant under subsection (1)(a) or (b) within the reasonable time stated in the requirement, the application lapses.

## **66 Applicant to pay reasonable cost of investigating application**

- (1) This section applies if—
  - (a) a person makes an application under section 63; and
  - (b) the chief executive is satisfied there will be considerable expense in investigating the application.
- (2) The chief executive must—
  - (a) estimate the likely cost of investigating the application; and
  - (b) give the person written notice of the estimated cost.
- (3) The person must pay the amount of the estimated cost to the chief executive within the reasonable time stated in the notice.
- (4) If the applicant fails to comply with subsection (3), the application lapses.
- (5) If the cost of investigating the application is less than the estimated cost, the chief executive must refund to the person the difference between the cost paid and the actual cost.

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## **67 Deciding application**

- (1) This section applies to an application for a water allocation dealing if neither subdivision 3 nor a water management protocol states that the dealing is permitted or prohibited.
- (2) The chief executive must decide the application—
  - (a) for a dealing that must be assessed under subdivision 4—in accordance with that subdivision; and
  - (b) for a dealing that must be assessed under a water management protocol—in accordance with the criteria for the assessment stated in the protocol.
- (3) In making a decision under subsection (2), the chief executive must consider—
  - (a) the application; and
  - (b) any additional information given by the applicant under section 65; and
  - (c) any properly made submission about the application.

## **68 Chief executive to give notice of decision**

- (1) This section applies to an application made under this division.
- (2) Within 10 business days of deciding the application, the chief executive must give written notice of the decision to—
  - (a) the applicant; and
  - (b) any entity that made a properly made submission about the application.
- (3) However, if the application was decided in accordance with subdivision 4, the notice must be an information notice.

## **Subdivision 3 Permitted water allocation dealings**

### **69 Permitted amalgamation of water allocations**

An amalgamation of 2 or more water allocations into a single water allocation is permitted if—

- (a) for each allocation being amalgamated, the ratio between the nominal volume of the allocation and each other attribute of the allocation is the same as the ratio between the nominal volume of each other allocation being amalgamated and each attribute of that other allocation; and

*Example—*

If water allocation A has a nominal volume of 1 and a volumetric limit of 2, it may be amalgamated with water allocation B which has a nominal volume of 2 and a volumetric limit of 4, but not with water allocation C which has a nominal volume of 2 and a volumetric limit of 3.

- (b) the allocations being amalgamated have the same conditions; and
- (c) the amalgamation results in an allocation—
  - (i) for which the ratio between the nominal volume of the allocation and each other attribute of the allocation is the same as the ratio between the nominal volume of each allocation being amalgamated and each attribute of that allocation; and
  - (ii) that has the same conditions as the allocations being amalgamated.

*Note—*

See section 143 of the Act for the attributes and conditions of water allocations.

### **70 Permitted subdivision of a water allocation**

A subdivision of a water allocation is permitted if—

- (a) the total of the nominal volumes of the resulting water allocations is the same as the nominal volume of the water allocation being subdivided; and
- (b) each attribute of the water allocation being subdivided is subdivided in proportion to the nominal volume of each resulting water allocation; and
- (c) each resulting water allocation states the same conditions as the water allocation being subdivided.

## **Subdivision 4      Assessed water allocation dealings**

### **71      Main purpose of this subdivision**

The main purpose of this subdivision is to state types of water allocation dealings that must be assessed and the criteria against which they must be assessed.

### **72      Particular water allocation dealings to be assessed and notice of application published**

- (1) This section applies to an application for a water allocation dealing if—
  - (a) neither subdivision 3 nor a water management protocol states that the dealing is permitted or prohibited (an *other dealing*); and
  - (b) a water management protocol does not state that the dealing is of a type that must be assessed under the protocol.
- (2) For section 64(1)(b), the applicant must publish a notice of the application.
- (3) The water allocation dealing must be assessed under section 73.

### **73 Criteria for assessing particular dealings**

- (1) Subsection (2) applies if the chief executive is satisfied the application is for a water allocation dealing that—
  - (a) is compatible with the objectives of the relevant water plan; and
  - (b) is in the public interest; and
  - (c) will not significantly adversely affect water entitlement holders, resource operations licence holders or natural ecosystems; and
  - (d) for a water allocation managed under a resource operations licence, does not—
    - (i) increase the water allocation's share of the water the resource operations licence holder has available to supply the water allocations managed under the licence; or
    - (ii) increase the water the resource operations licence holder has available to supply the water allocations managed under the licence; and
  - (e) for a water allocation not managed under a resource operations licence, does not—
    - (i) change the nominal volume for the water allocation; or
    - (ii) increase the water allocation's share of the water available to be taken under the water allocations in all water allocation groups mentioned in the relevant water plan area.
- (2) The chief executive must approve the application, with or without conditions.
- (3) If the chief executive is not satisfied as mentioned in subsection (1), the chief executive must refuse the application.

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## **Division 4                    Registering water allocations and interests and dealings for water allocations**

### **74            Prescribed registration details for water allocations—Act, s 152**

- (1) For section 152(1)(g) of the Act, this section applies if the water sharing rules for a water allocation managed under a resource operations licence are stated to be continuous sharing rules in the resource operations licence.
- (2) The entry on the water allocations register for the allocation must state the nominal location for the allocation.
- (3) In this section—

*nominal location*, for a water allocation, means the location from which water may be taken on the day the continuous sharing rules first apply to the water allocation.

## **Part 6                        Water supply and demand management**

### **Division 1                    Desired level of service objectives and water security program**

#### **Subdivision 1              Definitions for division**

##### **77            Definitions for division**

In this division—

*bulk water supply system* means the infrastructure for supplying water to bulk water customers in the SEQ region, including—

- (a) Baroon Pocket Dam, Cooloolabin Dam, Ewan Maddock Dam, Hinze Dam, Lake Kurwongbah, Lake McDonald, Leslie Harrison Dam, Little Nerang Dam, North Pine Dam, Somerset Dam, Wappa Dam and Wivenhoe Dam; and
- (b) the Western Corridor Recycled Water Scheme, and the South East Queensland (Gold Coast) Desalination Facility; and
- (c) the main connecting pipelines (the Northern Pipeline Inter-connector, Southern Regional Water Pipeline and Eastern Pipeline Inter-connector).

***minimum operating level***, of a dam, means the minimum operating level of the dam stated on the resource operations licence relating to the dam.

***non-residential water use*** is water use that is not residential water use.

*Example—*

water use in industry, power stations or for a business purpose

***residential water use*** is water use at a residence or for other domestic purposes.

*Example of water use for another domestic purpose—*

watering a garden at a residence

***SEQ water security program*** means the bulk water supply authority's water security program for the SEQ region, under section 350 of the Act.

## Subdivision 2      **Desired level of service objectives**

### 78      **Desired level of service objectives—Act, s 344**

For section 344(1)(a) of the Act, this subdivision prescribes the desired level of service objectives for water security for the SEQ region.

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## 79 Projected regional average urban demand for SEQ region

- (1) The bulk water supply system is to be able to supply enough water to meet the projected regional average urban demand.
- (2) The bulk water supply authority must—
  - (a) work out the projected regional average urban demand in collaboration with the SEQ service providers, and publicly publish the projection in the way stated in the SEQ water security program; and
  - (b) assess annually whether the projected regional average urban demand or latest projected regional average urban demand is still current, and publicly publish the outcome of the assessment in the way stated in the SEQ water security program.
- (3) In this section—

*projected regional average urban demand* means the demand, expressed in litres for each person for each day, for residential and non-residential water use that is estimated for the SEQ region for each year over the next 30 years.

## 80 Bulk water drought supply

- (1) The bulk water supply system is to be able to supply enough water so that medium level water restrictions on residential water use—
  - (a) will not happen more than once every 10 years on average; and
  - (b) will not restrict the average water use for the SEQ region to less than 140L for each person for each day.
- (2) The bulk water supply system is to be able to supply enough water so that medium level water restrictions on non-residential water use that is incidental to the purpose of a business will not happen more than once every 10 years on average.

*Example of water use that is incidental to the purpose of a business—*  
watering a garden in the grounds of a factory

- (3) The bulk water supply system is to be able to supply enough water so that medium level water restrictions or more severe water restrictions last no longer than 5% of the modelled time.
- (4) In this section—

***drought response level*** is the level in the bulk water supply system stated in the SEQ water security program that is the trigger for taking action in response to drought.

*Example of action in response to drought—*

reducing the supply of water from the bulk water supply system

***medium level water restrictions*** means water restrictions imposed on residential and non-residential water use in response to drought, when the level in the bulk water supply system is between—

- (a) the drought response level; and
- (b) the safe minimum storage level.

***modelled time*** means the total time simulated in the stochastic model.

***more severe water restrictions*** means water restrictions imposed on residential and non-residential water use in response to drought, when the level in the bulk water supply system is below the safe minimum storage level.

***safe minimum storage level*** is the level in the bulk water supply system stated in the SEQ water security program that is the trigger for taking more severe action in response to drought, to minimise the risk of reaching the minimum operating levels.

***stochastic model*** means the model known as the Regional Stochastic Model used by the bulk water supply authority to model long-term water security.

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**81 Minimum operating levels and essential minimum supply volume**

- (1) Each of the following dams will not reach its minimum operating level more than once in every 10,000 years on average—
  - (a) Baroon Pocket Dam;
  - (b) Hinze Dam;
  - (c) Wivenhoe Dam.
- (2) The bulk water supply system—
  - (a) will be able to supply the essential minimum supply volume; and
  - (b) will not be reduced to being able to supply only the essential minimum supply volume more than once in every 10,000 years on average.
- (3) In this section—

*essential minimum supply volume* means the volume needed to supply an average of 100L for each person for each day for residential and non-residential water use.

**Subdivision 3 Water security program**

**82 Content of water security program—Act, s 353**

The following matters are prescribed for section 353(1)(f) of the Act—

- (a) the process the bulk water supply authority will use to work out the projected regional average urban demand including, for example, the authority's key assumptions and methodology;
- (b) deciding the level in the bulk water supply system that is the trigger for taking action in response to drought;

*Example of action in response to drought—*

reducing the supply of water from the bulk water supply system

- (c) deciding the level in the bulk water supply system that is the trigger for taking more severe action in response to drought, to minimise the risk of reaching the minimum operating levels.

## **Division 2                      Water supply arrangements for SEQ region**

### **83                      Declaration of bulk water customers—Act, s 360C, definition *bulk water customer***

- (1) For section 360C of the Act, definition *bulk water customer*, paragraph (b), the following entities declared to be bulk water customers under the repealed regulation continue to be bulk water customers for chapter 2A, part 3 of the Act—
  - (a) Toowoomba Regional Council;
  - (b) Stanwell Corporation Limited ABN 370 788 486 74.
- (2) Also, for section 360C of the Act, definition *bulk water customer*, paragraph (b), each of the following entities is declared to be a bulk water customer for chapter 2A, part 3 of the Act—
  - (a) CleanCo Queensland Limited ACN 628 008 159;
  - (b) Seqwater;
  - (c) Southern Downs Regional Council.

### **83A                      Declaration of SEQ bulk suppliers—Act, s 360C, definition *SEQ bulk supplier***

For section 360C of the Act, definition *SEQ bulk supplier*, paragraph (b), the Central SEQ Distributor-Retailer Authority, established under the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*, section 8, is declared to be an SEQ bulk supplier for chapter 2A, part 3 of the Act.

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## Part 7                      Annual levy for underground water management—Act, section 479

### Division 1                  Preliminary

#### 84              Purpose of part

This part provides for—

- (a) an annual levy under section 479 of the Act; and
- (b) the apportionment to resource tenure holders of the total annual levy payable by all resource tenure holders.

#### 85              Definitions for part

In this part—

*class A tenure* see section 87A(1).

*class B tenure* see section 87A(2).

*class C tenure* see section 87A(3).

*levyable mining tenure* see section 87A(4).

*office income statement*, for a financial year, means the office's income statement for the financial year, contained in the document called 'Service Delivery Statement' prepared by the department in which chapter 3A of the Act is administered and published in the State budget for the financial year.

*Editor's note—*

A copy of the Service Delivery Statement is available at [www.budget.qld.gov.au](http://www.budget.qld.gov.au).

*office's estimated costs* means the office's estimated costs under section 479(4)(a) of the Act.

*office's estimated mining costs* see section 88A(b).

*office's estimated petroleum costs* see section 88A(a).

*relevant date*, for a financial year, means 1 July of the financial year.

*relevant sub-block* see section 87(1).

*resource project* see the *Environmental Protection Act 1994*, section 112.

*sub-block* see the *Petroleum and Gas Act*, section 29(2).

## 86 Office's estimated costs

The office's estimated costs for a financial year must be stated in the office income statement for the financial year.

## 87 Relevant sub-blocks for petroleum tenures and classes of relevant sub-blocks

- (1) A sub-block is a *relevant sub-block* if—
  - (a) either—
    - (i) the sub-block is within a cumulative management area; or
    - (ii) the sub-block is outside a cumulative management area and the office performs functions under the Act for the sub-block; and
  - (b) either—
    - (i) the sub-block is in the area of a petroleum lease; or
    - (ii) the sub-block is in an area that is—
      - (A) in the area of an authority to prospect, or an area to which an application for an authority to prospect applies; and
      - (B) in which gas field development is being, or is proposed to be, carried out.
- (2) For this part, relevant sub-blocks are divided into the following classes—

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- (a) relevant sub-blocks outside the cumulative management area;
  - (b) relevant sub-blocks within the cumulative management area that are used, or intended to be used, for conventional petroleum or gas production;
  - (c) relevant sub-blocks within the cumulative management area that are used, or intended to be used, for coal seam gas production.
- (3) In this section—

***authority to prospect*** means an authority to prospect under the Petroleum and Gas Act or the *Petroleum Act 1923*.

***coal seam gas production*** has the same meaning it has under the Petroleum and Gas Act.

***conventional petroleum or gas production*** means petroleum production, or gas production, that is not coal seam gas production.

***gas field development*** means the development of an area for coal seam gas production, or conventional petroleum or gas production, for which the EIS process has been completed under the *Environmental Protection Act 1994*.

*Note—*

See the *Environmental Protection Act 1994*, section 60 for when the EIS process is completed for a project.

***petroleum lease*** means a petroleum lease under the Petroleum and Gas Act or the *Petroleum Act 1923*.

## **87A Classes of levyable mining tenures**

- (1) A mining lease is a ***class A tenure*** if the lease is a CMA tenure under chapter 3 of the Act.
- (2) A mineral development licence is a ***class B tenure*** if—
  - (a) the licence is a CMA tenure under chapter 3 of the Act; and

[s 87A]

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- (b) the holder of the licence has applied for a mining lease under the Mineral Resources Act for carrying out activities; and
  - (c) any of the following apply—
    - (i) the proposed lease is a relevant tenure for an environmental authority or proposed environmental authority under which the activities are to be carried out as part of a resource project;
    - (ii) the activities are part of a project for which an EIS process applies under the *Environmental Protection Act 1994*, section 37;
    - (iii) the activities are part of a coordinated project for which an EIS is required under the *State Development and Public Works Organisation Act 1971*.
- (3) A mining lease is a ***class C tenure*** for a financial year if—
- (a) the lease is not a CMA tenure under chapter 3 of the Act; and
  - (b) the lease is a relevant tenure for an environmental authority under which activities are carried out as part of a resource project; and
  - (c) for the resource project, an average of at least 500ML of water each year for the levy period for the financial year has been taken or interfered with under the Mineral Resources Act, section 334ZP(1).
- (4) A ***levyable mining tenure*** is a class A tenure, class B tenure or class C tenure.
- (5) In this section—
- coordinated project*** see the *State Development and Public Works Organisation Act 1971*, schedule 2.
- levy period***, for a financial year, means the period of 3 years ending immediately before the relevant day for the financial year.

*mineral development licence* means a mineral development licence under the Mineral Resources Act.

*mining lease* means a mining lease under the Mineral Resources Act.

*relevant tenure* see the *Environmental Protection Act 1994*, schedule 4.

## **Division 2                      Working out annual levy**

### **Subdivision 1                Total annual levy and office's estimated costs**

#### **88                      Amount of total annual levy**

- (1) The total annual levy must be based on a financial year.
- (2) The total annual levy payable under section 479 of the Act for a financial year is an amount not more than the office's estimated costs for the financial year.

#### **88A                    Apportionment between office's estimated petroleum costs and office's estimated mining costs**

The office must apportion the office's estimated costs for a financial year to—

- (a) the estimated cost of performing its functions for the financial year for petroleum tenure holders (the *office's estimated petroleum costs*); and
- (b) the estimated cost of performing its functions for the financial year for mining tenure holders (the *office's estimated mining costs*).

## **Subdivision 2      Apportionment of annual levy for petroleum tenure holders**

### **89      Apportionment of office’s estimated petroleum costs to each relevant sub-block**

- (1) This section provides for the apportionment of the office’s estimated petroleum costs for a financial year to each relevant sub-block.
- (2) The office must apportion the office’s estimated petroleum costs to each class of relevant sub-blocks according to the proportion of the office’s functions under the Act carried out in the financial year for the class of relevant sub-blocks.
- (3) The office must apportion the amount worked out under subsection (2) for a class of relevant sub-blocks to each relevant sub-block in that class equally, according to the number of relevant sub-blocks of that class existing on the relevant date for the financial year.

### **90      Apportionment of annual levy among petroleum tenure holders**

- (1) This section provides for the apportionment of the total annual levy payable by petroleum tenure holders for a financial year to classes of petroleum tenure holders according to the number of relevant sub-blocks in the areas of the petroleum tenures held by the petroleum tenure holders on the relevant date for the financial year.
- (2) The total annual levy must be apportioned among petroleum tenure holders as follows—
  - (a) for a petroleum tenure holder who does not hold any relevant sub-blocks—nil;
  - (b) for each other petroleum tenure holder—according to the amount worked out by multiplying the number of relevant sub-blocks of each class in the areas of the petroleum tenures held by the holder on the relevant

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date by the amount worked out for each relevant sub-block of that class under section 89(3).

### **Subdivision 3      Apportionment of annual levy for mining tenure holders**

#### **90A      Apportionment of office's estimated mining costs**

- (1) This section provides for the apportionment of the office's estimated mining costs for a financial year in relation to levyable mining tenures.
- (2) The office must apportion the office's estimated mining costs to each class of levyable mining tenure according to the proportion of the office's functions under the Act carried out in the financial year for the class of levyable mining tenure.
- (3) The office must further apportion the amount worked out under subsection (2) for a class of levyable mining tenure by—
  - (a) for a class A tenure—dividing the amount apportioned for class A tenures by the total number of hectares in all class A tenures existing on the relevant date for the financial year; and
  - (b) for a class B tenure—dividing the amount apportioned for class B tenures by the total number of hectares in all class B tenures existing on the relevant date for the financial year; and
  - (c) for a class C tenure—dividing the amount apportioned for class C tenures by the total number of resource projects that include a class C tenure, worked out on the relevant date for the financial year.

## **90B Apportionment of annual levy among mining tenure holders**

- (1) This section provides for the apportionment of the total annual levy payable by mining tenure holders for a financial year to classes of mining tenure holders.
- (2) The total annual levy related to mining tenure holders must be apportioned among the mining tenure holders as follows—
  - (a) for a mining tenure holder who does not hold a levyable mining tenure on the relevant date for the financial year—nil;
  - (b) for each mining tenure holder who holds a class A tenure or class B tenure on the relevant date for the financial year—by multiplying the number of hectares, including any part of a hectare, in the tenure by the amount worked out for the tenure under section 90A(3)(a) or (b);
  - (c) for each mining tenure holder who holds a class C tenure on the relevant date for the financial year—by multiplying the number of resource projects that include the tenure by the amount worked out for each project under section 90A(3)(c).

## **Division 3 Collecting annual levy**

### **91 Requirements for notice of annual levy**

- (1) This section applies if the annual levy payable by a resource tenure holder for a financial year is more than nil.
- (2) The manager must give the resource tenure holder a notice about the annual levy payable by the holder for the financial year.
- (3) The manager may give a notice to a resource tenure holder on a quarterly basis or at an interval decided by the manager (the *levy period*).
- (4) The notice must state the following—

- 
- (a) the number of—
    - (i) for a petroleum tenure holder—each class of relevant sub-blocks to which the notice applies; or
    - (ii) for a mining tenure holder—each class of mining tenure to which the notice applies;
  - (b) the financial year to which the notice applies;
  - (c) the levy period to which the notice applies;
  - (d) the amount of the annual levy payable by the resource tenure holder for the levy period (*levy amount*);
  - (e) that the levy amount becomes payable on the day the notice is given;
  - (f) the day by which the levy amount must be paid (the *due date*);
  - (g) the way in which the levy amount must be paid;
  - (h) that if the levy amount is not paid by the due date, the State may, under section 479A of the Act, recover from the holder the amount as a debt.

## 92 Payment of annual levy

- (1) The levy amount for a levy period becomes payable by a resource tenure holder on the day the holder is given a notice under section 91 for the levy period.
- (2) The resource tenure holder must pay the levy amount—
  - (a) within 30 days after the manager gives the holder the notice; and
  - (b) in the way stated in the notice.
- (3) In this section—

*levy amount* see section 91(4)(d).

*levy period* see section 91(3).

## **Part 8**                      **Water authorities**

### **Division 1**                      **Continuation**

#### **93**                      **Continuation of water authorities established under establishment regulation**

- (1) Each water authority mentioned in schedule 8, part 1, column 1, that was established under an establishment regulation continues as a water authority under this regulation.
- (2) If the authority was established for an authority area, the authority area is shown on the plan mentioned opposite the authority in column 2.

*Note—*

See the Act, section 548(4).

#### **94**                      **Continuation of amalgamated water authorities**

- (1) Each amalgamated water authority mentioned in schedule 8, part 2, column 1, amalgamated under the repealed regulation, continues as an amalgamated water authority under this regulation.
- (2) The authority's authority area is shown on the plan mentioned opposite the authority in column 2.

### **Division 2**                      **Dissolution**

#### **94A**                      **Dissolution of particular water authorities for conversion to alternative institutional structures—Act, s 691**

- (1) This section applies to a water authority mentioned in schedule 8, part 3, column 1.
- (2) For section 691(1)(b) of the Act, the water authority is dissolved for converting the authority to the alternative

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institutional structure mentioned opposite the authority in schedule 8, part 3, column 3.

- (3) For section 691(2) of the Act, the authority area for the water authority shown on the plan mentioned opposite the water authority in schedule 8, part 3, column 2 is dissolved.

#### **94B Old entity document—Act, s 691A**

For section 691A(2) of the Act, the document called ‘Agreement for the distribution of water under the Yambocully Water Supply Scheme Distribution Operations Licence’ dated May 2020 is identified as the old entity document held by the Yambocully Water Board.

## **Part 9 Investigations, enforcement and offences**

#### **95 Authorised taking of water—Act, s 808**

- (1) For section 808(1)(b) of the Act, an authorisation to take water under a NSW access licence in accordance with the Border Rivers water management protocol and the New South Wales–Queensland Border Rivers Intergovernmental Agreement 2008 declared under the repealed regulation to be an authorisation of a similar nature and to have a similar effect to a water allocation continues to be an authorisation of that nature and effect.

- (2) In this section—

***Border Rivers water management protocol*** means the water management protocol to implement the *Water Plan (Border Rivers and Moonie) 2019*.

***New South Wales–Queensland Border Rivers Intergovernmental Agreement 2008*** means the intergovernmental agreement of that name, signed by the Premier on 16 February 2009.

*NSW access licence* means an access licence under the *Water Management Act 2000* (NSW).

**96 Destroying vegetation, excavating or placing fill in a watercourse, lake or spring—Act, s 814**

(1) For section 814(2)(i) of the Act, destroying vegetation, excavating or placing fill in a watercourse, lake or spring is permitted if the destruction, excavation or placing of fill is carried out under—

- (a) a lease or authority to prospect under the *Petroleum Act 1923*; or
- (b) a licence, petroleum lease or authority to prospect under the *Petroleum and Gas Act*; or
- (c) a licence under the *Fossicking Act 1994*; or
- (d) an environmental authority for a resource activity; or
- (e) the document called ‘Riverine Protection Permit Exemption Requirements’ approved by the chief executive and published on the department’s website or the Queensland Government business and industry portal.

(2) In this section—

*resource activity* see the *Environmental Protection Act 1994*, section 107.

**97 Requirements for decommissioning a water bore—Act, s 817**

For section 817(2) of the Act, the decommissioning of a water bore must be carried out in accordance with the document called ‘Minimum construction requirements for water bores in Australia’, published on the department’s website or the Queensland Government business and industry portal.

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## Part 10 Relationship with Planning Act

### Division 1 Works for taking or interfering with water

*Note—*

See sections 139(5) and 140 in relation to works for taking underground water in an underground water area.

#### 98 Works that are or are not assessable development—Act, s 39

- (1) For section 39(f) of the Act, the following works are to be regulated as assessable development—
- (a) works for taking overland flow water that are in an area mentioned in schedule 9, part 1, column 1;
  - (b) works for taking underground water through a subartesian bore that are in an area mentioned in schedule 9, part 2, column 1;

*Note—*

For the regulation of works for taking or interfering with underground water through an artesian bore, other than through a water monitoring bore, see the *Planning Regulation 2017*.

- (c) works for interfering with underground water that are in an area mentioned in schedule 9, part 3, column 1.
- (2) However—
- (a) the works mentioned in schedule 9, part 1, column 2 or part 2, column 2 are to be regulated as assessable development only to the extent the operational work to which the works relate does not comply with the requirements for the work mentioned in section 99(2); and
  - (b) the following works are not to be regulated as assessable development—

- (i) works mentioned in subsection (1) relating to PDA-related development;
  - (ii) works mentioned in schedule 9, part 1, column 3, part 2, column 3 or part 3, column 2.
- (3) In this section—
- PDA-related development* see the *Planning Regulation 2017*, schedule 24.

## **99 Requirements for accepted development for operational work for taking water—Act, s 1014**

- (1) This section applies to operational work involving works that are—
- (a) in an area mentioned in schedule 9, part 1, column 1 or part 2, column 1; and
  - (b) mentioned in schedule 9, part 1, column 2 or part 2, column 2, opposite the area; and
  - (c) not of a type mentioned in schedule 9, part 1, column 3 or part 2, column 3, opposite the area.
- (2) For section 1014(2)(g) of the Act, to be categorised as accepted development—
- (a) operational work involving taking overland flow water must comply with the requirements applying to the work mentioned in each of the following documents—
    - (i) ‘Accepted development requirements for taking overland flow water for stock or domestic purposes, or using limited capacity works’;
    - (ii) ‘Accepted development requirements for taking overland flow water to satisfy the requirements of an environmental authority or a development permit for carrying out an environmentally relevant activity’; and
  - (b) operational work involving taking underground water must comply with the requirements applying to the work mentioned in the document called ‘Accepted

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development requirements for subartesian bores or replacement bores’.

- (3) A reference in this section to a document by name is a reference to the document of that name made by the chief executive and published on the department’s website or on the Queensland government business and industry portal.

## Division 2                      Levees

### 100      **Prescribed volume of material for fill—Act, sch 4, definition *levee***

The prescribed volume of material for fill for schedule 4 of the Act, definition *levee*, paragraph 3(b)(ii) is 50m<sup>3</sup>.

### 101      **Construction of new levees and modification of existing levees**

- (1) For assessing proposed development that is the construction of a new levee or the modification of an existing levee, the levee can be categorised as 1 of the following types of levees—
- (a) category 1 levee;
  - (b) category 2 levee;
  - (c) category 3 levee.
- (2) A **category 1 levee** is a levee that has no off-property impact.
- (3) A **category 2 levee** is a levee—
- (a) that has an off-property impact; and
  - (b) for which the affected population is less than 3.
- (4) A **category 3 levee** is a levee—
- (a) that has an off-property impact; and
  - (b) for which the affected population is at least 3.
- (5) In this section—

***affected population***, for a levee, means the total number of persons occupying all buildings on which the levee has a significant impact.

***levee property***—

- (a) means the lot or parcel of land on which a levee is situated; and
- (b) includes another lot or parcel of land that is contiguous with the lot or parcel mentioned in paragraph (a) and owned by the same entity.

***off-property impact***, for a levee, means an impact the levee has on people, property or the environment outside the levee property.

***significant impact***, of a levee on a building, means each of the following—

- (a) an increase, caused by the levee, of more than 5cm in the flow height of water over the floorboards of the building;
- (b) an increase, caused by the levee, of more than 0.2 m/s in the flow velocity of water over the floorboards of the building.

## **101A Requirements for accepted development for category 1 levees—Act, s 1014**

- (1) This section applies to operational work that is—
  - (a) the construction of a new category 1 levee; or
  - (b) the modification of an existing levee if, after the modification, the levee will be a category 1 levee.
- (2) For section 1014(2)(g) of the Act, to be categorised as accepted development the operational work must comply with the requirements stated in the levee code.
- (3) In this section—

***levee code*** means the document called ‘Accepted development requirements for the construction of new levees or the

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modification of existing levees' made by the chief executive and published on the department's website or on the Queensland Government business and industry portal.

## 102 **Assessment benchmarks for particular levees—Act, s 967**

- (1) This section applies to a development application for, or change application relating to, the following assessable development, if a local government is the assessment manager or responsible entity under the Planning Act for the application—
  - (a) operational work for the construction of a new category 2 levee or category 3 levee;
  - (b) operational work for the modification of an existing levee if, after the modification, the levee will fulfil the requirements for a category 2 levee or category 3 levee.
- (2) For section 967(2) of the Act, the code in schedule 10 is an assessment benchmark under the Planning Act for assessing the development.

# Part 11 **Measurement requirements for taking water**

## Division 1 **General**

### 103 **Definitions for part**

In this part—

*associated document*, for a compliance certificate for a measurement device, means a document that supports or is evidence of matters considered by a duly qualified person in inspecting the device for the purpose of giving the certificate.

*Examples of associated documents—*

a calibration report, a diagnostic record, a photograph

***compliance certificate***, for a measurement device, means a certificate, in the approved form, given by a duly qualified person stating that the device complies with the measurement standards.

***duly qualified person*** see section 104.

***faulty***, in relation to a measurement device, see section 105.

***faulty period***, for a faulty measurement device attached to works through which water is taken under a relevant authorisation, means the period—

- (a) if section 117 applies in relation to the device—
  - (i) starting when the holder of the relevant authorisation becomes aware, or suspects, the device is faulty; and
  - (ii) ending when section 117(1)(b) has been complied with for the device; or
- (b) if section 118 applies in relation to the device—
  - (i) starting when the chief executive gives the holder of the relevant authorisation notice under section 118 stating the chief executive suspects the device is faulty; and
  - (ii) ending when section 118(2)(b) has been complied with for the device.

***measurement standards*** means the standards made under section 217I of the Act.

## **104 Duly qualified persons—Act, s 217B**

- (1) This section prescribes, for section 217B of the Act, definition ***duly qualified person***, persons who are duly qualified persons for the measurement requirements under this part.
- (2) Each of the following persons is a ***duly qualified person*** for performing a function under this part for the measurement requirements under division 2—

- 
- (a) for a function relating to a closed conduit meter or a modular meter—a person who holds certification as a certified meter installer and validator issued by Irrigation Australia;
  - (b) for a function relating to a storage meter—a person who holds certification as a certified storage meter installer and validator issued by Irrigation Australia;
  - (c) for a function relating to a telemetry device—a person who holds certification as a telemetry installer and validator issued by Irrigation Australia;
  - (d) for a function relating to any measurement device—a person appointed as a duly qualified person for the device under section 121A.
- (3) However, the following persons are not a *duly qualified person* for performing a function under this part in relation to a measurement device attached to works through which water is taken under a relevant authorisation—
- (a) the holder of the authorisation;
  - (b) an employee or agent of the holder of the authorisation.
- (4) Subsection (2) does not apply in relation to a relevant authorisation held by—
- (a) the State, a local government or a water authority; or
  - (b) the holder of a resource operations licence or distribution operations licence.
- (5) In this section—

*closed conduit meter* means a meter used to measure or record water volume in a full flowing pipe.

*Irrigation Australia* means Irrigation Australia Ltd ACN 002 567 633.

*modular meter* means a meter that includes 2 or more sensors and is used to measure or record water volume.

*storage meter* means a meter used to measure the level of water held in storage.

**105 When a measurement device is *faulty*—Act, s 217B**

- (1) This section prescribes, for section 217B of the Act, definition *faulty*, the circumstances in which a measurement device is *faulty*.
- (2) A measurement device is *faulty* if—
  - (a) the device is not capable of measuring or recording the volume of water taken through works to which the device is attached—
    - (i) at all; or
    - (ii) within the accuracy range for the device stated in the measurement standards; or
  - (b) it is not possible to read or obtain information from the device to calculate or measure the volume of water taken through works to which the device is attached; or
  - (c) the device is leaking water or air; or
  - (d) a fitting or other thing used to attach the device to works through which water is taken is leaking water or air;
  - (e) a seal, mark, access code or other thing attached or applied to the device by an authorised officer, a measurement contractor or a duly qualified person has been removed, damaged or otherwise tampered with; or
  - (f) the device does not, for a period of 3 or more days, transmit or otherwise report information calculated, measured, read or recorded by the device.
- (3) For this part, a measurement device attached to works through which water is taken under a relevant authorisation is taken to be *faulty* if—
  - (a) the holder of the authorisation is aware or suspects the device is *faulty* as mentioned in section 117; or
  - (b) the chief executive gives a notice under section 118 in relation to the device.
- (4) Subsection (2) applies only during the *faulty* period for the measurement device.

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## Division 2                      Measurement requirements for    using measurement devices

### Subdivision 1              Preliminary

#### 106      Purpose of division

This division prescribes measurement requirements under section 217E of the Act that apply to relevant authorisations mentioned in section 107.

*Note—*

See section 808(3) of the Act for an offence for the holder of a relevant authorisation mentioned in section 107 taking water while contravening the measurement requirements under this division.

#### 107      Relevant authorisations

- (1) For section 217C of the Act, the following authorisations are declared to be authorisations that are subject to the measurement requirements under this division—
  - (a) an authorisation stated in schedule 11, column 2, for an area identified in schedule 11, column 1;
  - (b) an authorisation that replaces an authorisation mentioned in paragraph (a);
  - (c) a seasonal water assignment notice for taking water given in relation to an authorisation mentioned in paragraph (a) or (b).
- (2) For subsection (1)(b), an authorisation (the ***second authorisation***) replaces another authorisation (the ***original authorisation***) in the following circumstances—
  - (a) the original authorisation expires and the second authorisation is granted in relation to the same land;
  - (b) the original authorisation is amalgamated with another authorisation and the second authorisation is granted in

- relation to the land to which the original authorisation and other authorisation related;
- (c) the original authorisation expires and 2 or more second authorisations are granted in relation to the same land;
  - (d) part of the land to which the original authorisation related is disposed of and 1 or more second authorisations are granted in relation to the same land;
  - (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.

## **Subdivision 2      General requirements**

### **108      Attaching and maintaining measurement device**

- (1) The holder of a relevant authorisation must ensure a measurement device stated in schedule 11, column 3 opposite the authorisation is attached to works through which water is taken under the authorisation.

*Note—*

See, however, section 153 in relation to attaching particular measurement devices on or before a particular date.

- (2) The holder of the relevant authorisation must ensure the measurement device is—
  - (a) attached to the works in the way stated in the measurement standards; and
  - (b) certified by a duly qualified person as complying with the measurement standards; and
  - (c) not faulty.
- (3) Also, the holder of the relevant authorisation must ensure the measurement device is maintained in accordance with the measurement standards.

- (4) The holder does not contravene subsection (2)(c) in relation to a faulty measurement device if the holder complies with subdivision 3 during the faulty period for the device.

## **109 Taking water under relevant authorisation**

The holder of a relevant authorisation must ensure that water taken under the authorisation is taken—

- (a) through works to which a measurement device is attached under section 108; or
- (b) if the measurement device becomes faulty—in accordance with the alternative requirements stated in subdivision 3 for the authorisation.

## **110 Ongoing certification requirements**

- (1) This section applies in relation to a measurement device, other than a telemetry device, that is attached, under section 108, to works through which water is taken under a relevant authorisation.
- (2) The holder of the relevant authorisation must ensure the measurement device is certified by a duly qualified person as complying with the measurement standards every 5 years.
- (3) For subsection (2), if the measurement device is certified by a duly qualified person as complying with the measurement standards before the end of a 5-year period, the next 5-year period starts on the day the device is certified.

*Example for subsection (3)—*

A measurement device is certified as complying with the measurement standards on 1 December 2024. The 5-year period starts on that date meaning the device must be next certified on or before 1 December 2029.

However, the device becomes faulty 2 years later and is certified as complying with the measurement standards on 23 September 2026. The 5-year period starts again on 23 September 2026 meaning the device must be next certified on or before 23 September 2031.

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- (4) If the holder of the relevant authorisation does not comply with subsection (2), at the end of the 5-year period mentioned in the subsection—
- (a) the previous compliance certificate for the measurement device is of no effect; and
  - (b) the measurement device is taken not to be certified by a duly qualified person as complying with the measurement standards for the purposes of section 108(2)(b).

### **111 Information about water taken**

The holder of a relevant authorisation must give the chief executive the information about water taken under the authorisation—

- (a) stated in schedule 11A; and
- (b) at the times, and in the way, stated in schedule 11A.

## **Subdivision 3 Alternative requirements**

### **112 Purpose of subdivision**

This subdivision states the alternative requirements that apply if a measurement device, attached to works through which water is taken under a relevant authorisation, becomes faulty.

### **113 Alternative measurement requirements**

- (1) The holder of the relevant authorisation must give the chief executive information, about water taken through the works during the faulty period for the measurement device, in accordance with all the instructions, and covering all the matters, stated in the approved form.
- (2) The information must be given to the chief executive—

- (a) within 20 business days after the end of the faulty period for the measurement device or a later time agreed to by the chief executive; and
  - (b) if required by the chief executive by notice during the faulty period—at each other time during the rectification period stated in the notice.
- (3) In this section—
- rectification period*, for a faulty measurement device attached to works through which water is taken under a relevant authorisation, means the period within which section 117(1)(b) or 118(2)(b) must be complied with for the device.

## **Subdivision 4      Contravention of particular requirements**

### **114      Offence to contravene requirement to give particular information**

- (1) The holder of a relevant authorisation who contravenes section 111 or 113 without a reasonable excuse commits an offence.  
Maximum penalty—20 penalty units.
- (2) Subsection (3) applies if an act done or omission made by the holder of a relevant authorisation constitutes both of the following—
  - (a) an element of an offence against section 808(3) of the Act in relation to taking water under the authorisation;
  - (b) a contravention of section 111 or 113.
- (3) The holder may not be punished, in relation to the act or omission, for an offence against subsection (1) if the holder is punished for an offence against section 808(3) of the Act in relation to the act or omission.

## **Division 3                      Faulty measurement devices**

### **115      Application of division**

This division prescribes, under section 217G of the Act, matters about a measurement device attached to works through which water is taken under a relevant authorisation mentioned in section 107.

### **116      When holder of relevant authorisation is taken to be aware or suspect measurement device is faulty**

- (1) This section—
  - (a) provides for circumstances in which the holder of the relevant authorisation is taken to be aware, or suspect, that the measurement device is faulty; and
  - (b) does not limit the circumstances in which the holder may be aware of, or suspect, the matter mentioned in paragraph (a).
- (2) The holder of the relevant authorisation is taken to be aware, or suspect, that the measurement device is faulty if the holder—
  - (a) knows, or ought reasonably to know, the device has been damaged; or
  - (b) knows, or ought reasonably to know, the device is not measuring or recording the volume of water taken through works to which the device is attached, even though water has been taken through the works; or
  - (c) for a telemetry device—knows, or ought reasonably to know, the information recorded by the device about water volume, or level of water held in storage, is not being received by the device or thing to which the information is being transferred.

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## 117 Notifying and rectifying faults

- (1) If the holder of the relevant authorisation becomes aware, or suspects, that the measurement device is faulty, the holder must, unless the holder has a reasonable excuse—
  - (a) within 3 business days after becoming aware of, or suspecting, the fault, give the chief executive a notice complying with subsection (2) about the fault; and
  - (b) within 30 business days after becoming aware of, or suspecting, the fault or a longer period agreed to by the chief executive—
    - (i) rectify the fault and ensure a duly qualified person certifies the device as complying with the measurement standards; or
    - (ii) replace the device with another measurement device that is certified by a duly qualified person as complying with the measurement standards; or
    - (iii) if the device is found not to be faulty—ensure a duly qualified person certifies the device as complying with the measurement standards.

Maximum penalty—20 penalty units.

*Note—*

See also—

- (a) section 109(b) and division 2, subdivision 3 for measurement requirements about taking water while a measurement device is faulty; and
  - (b) section 808(3) of the Act for an offence for taking water while contravening the measurement requirements.
- (2) The notice under subsection (1)(a) must include the following information—
    - (a) details about the device that is faulty or suspected to be faulty;
    - (b) the date the holder became aware of, or suspected, the fault;
    - (c) details about the fault or suspected fault;

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- (d) details of each other relevant authorisation held by the holder under which water is taken through the works;
- (e) details of each other person who takes water through the works;
- (f) if known at the time the notice is given—details of the duly qualified person who is or is to be engaged to certify the device under subsection (1)(b).

### **118 Chief executive may give notice of suspected faulty measurement device**

- (1) This section applies if the chief executive suspects the measurement device is faulty.
- (2) The chief executive may give the holder of the relevant authorisation a notice stating—
  - (a) that the chief executive suspects the measurement device is faulty; and
  - (b) that the holder of the authorisation must within 30 business days after the notice is given or a longer period agreed to by the chief executive—
    - (i) rectify the fault and ensure a duly qualified person certifies the device as complying with the measurement standards; or
    - (ii) replace the device with another measurement device that is certified by a duly qualified person as complying with the measurement standards; or
    - (iii) if the device is found not to be faulty—ensure a duly qualified person certifies the device as complying with the measurement standards.
- (3) The holder of the relevant authorisation must comply with a notice given to the holder under subsection (2), unless the holder has a reasonable excuse.

Maximum penalty—20 penalty units.

*Note—*

See also—

- 
- (a) section 109(b) and division 2, subdivision 3 for measurement requirements about taking water while a measurement device is faulty; and
  - (b) section 808(3) of the Act for an offence for taking water while contravening the measurement requirements.

## **Division 4                      Record keeping**

### **119      Application of division**

This division prescribes requirements about records under section 217H of the Act.

### **120      Requirement to keep copies of records**

- (1) The holder of a relevant authorisation must keep, for the record keeping period, the following records in relation to the measurement requirements under division 2, unless the holder has a reasonable excuse—
  - (a) a record of, or about, the volume of water measured or recorded by a measurement device under the measurement requirements at the following times—
    - (i) the end of each period of 5 years mentioned in section 110;
    - (ii) each time the holder becomes aware, or suspects, the device is faulty;
  - (b) a record of each activity carried out to maintain a measurement device attached to works through which water is taken under the authorisation;

*Note—*

See section 108(3) for the requirement to maintain measurement devices.

- (c) a copy of the following for the measurement device mentioned in paragraph (b)—
  - (i) each compliance certificate for the device;

- (ii) each associated document given to the holder under section 121B(2)(b)(ii) for each compliance certificate mentioned in subparagraph (i).

Maximum penalty—20 penalty units.

- (2) In this section—

*record keeping period* means—

- (a) for a record mentioned in subsection (1)(a)—12 months from when the record was made; or
- (b) for a record mentioned in subsection (1)(b) about a measurement device—from the day the record is made until the day a duly qualified person gives a new compliance certificate for the device; or
- (c) for a compliance certificate, or associated document for a compliance certificate, mentioned in subsection (1)(c)—6 years from the day the certificate is given.

## **121 Requirement to give copies of records**

- (1) The chief executive may, by notice, require the holder of a relevant authorisation to give the chief executive a copy of a record kept under section 120 within 20 business days after the notice is given.
- (2) The holder of a relevant authorisation to whom a notice is given under subsection (1) must comply with the notice, unless the holder has a reasonable excuse.

Maximum penalty—20 penalty units.

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## **Division 5                    Duly qualified persons**

### **Subdivision 1            Appointment of duly qualified persons**

#### **121A   Appointment of duly qualified person**

The chief executive may appoint an appropriately qualified person to be a duly qualified person for a measurement device.

### **Subdivision 2            Performance of functions**

#### **121B   Inspection by duly qualified person**

- (1) This section applies if a duly qualified person is engaged by the holder of a relevant authorisation to certify a measurement device attached to works through which water is taken under the authorisation as complying with the measurement standards.
- (2) The duly qualified person must, unless the person has a reasonable excuse—
  - (a) physically inspect the measurement device as soon as practicable; and
  - (b) within 10 business days after the inspection, give—
    - (i) the chief executive—
      - (A) if the device does not comply with the measurement standards—a notice stating the non-compliance particulars for the device; or
      - (B) if the device complies with the measurement standards—a compliance certificate for the device; and
    - (ii) the holder of the relevant authorisation a copy of a notice or compliance certificate given to the chief

executive under subparagraph (i) and, if a compliance certificate is given, a copy of the associated documents for the certificate.

Maximum penalty—20 penalty units.

(3) In this section—

*non-compliance particulars*, for a measurement device, means—

- (a) how the device does not comply with the measurement standards; and
- (b) if the duly qualified person believes the device could comply with the measurement standards if the device is modified—the modifications needed for the device to comply with the measurement standards; and
- (c) if the duly qualified person believes the device can not comply with the measurement standards, even with modifications—that the device can not be modified to comply with the measurement standards.

### **121C Chief executive may require further inspection**

(1) This section applies if the chief executive—

- (a) is given a compliance certificate under section 121B for a measurement device attached to works through which water is taken under a relevant authorisation; and
- (b) is satisfied—
  - (i) the information stated in the certificate is inaccurate, incomplete or mistaken; or
  - (ii) the person who gave the certificate was not a duly qualified person for the measurement device when the certificate was given.

(2) The chief executive may give the holder of the relevant authorisation a notice directing the holder to engage a duly qualified person to certify the measurement device as complying with the measurement standards.

- (3) The notice must state—
  - (a) the grounds on which the notice is given; and
  - (b) that the holder of the relevant authorisation must, within 30 business days after the notice is given or a longer period agreed to by the chief executive, ensure a duly qualified person certifies the device as complying with the measurement standards.
- (4) The holder of a relevant authorisation to whom a notice is given under subsection (2) must comply with the notice, unless the holder has a reasonable excuse.

Maximum penalty—20 penalty units.
- (5) Section 121B applies to a duly qualified person engaged under this section.

## **Subdivision 3      Action for improper conduct**

### **121D    Application of subdivision**

This subdivision applies if the chief executive knows or believes that a person who is a duly qualified person—

- (a) has contravened section 121B; or
- (b) has performed the work of a duly qualified person under this part incompetently; or
- (c) has engaged in fraudulent conduct in relation to the work of a duly qualified person under this part; or
- (d) has been found guilty of an offence against a provision of the Act or against a law of another State that provides for the same matter as a provision of the Act.

### **121E    Action chief executive may take**

- (1) The chief executive may—

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- (a) if the chief executive appointed the person as a duly qualified person under section 121A—cancel the appointment; or
  - (b) otherwise—give the relevant professional body a notice about the chief executive’s knowledge or belief of the matter mentioned in section 121D(a), (b), (c) or (d).
- (2) In this section—
- relevant professional body*, for a person who is a duly qualified person, means the entity who issued the certificate mentioned in section 104(2)(a), (b) or (c) to the person.

## 121F Process for cancelling appointment

- (1) Before acting under section 121E(1)(a), the chief executive must—
- (a) give the person a notice (a *show cause notice*) stating—
    - (i) that the chief executive intends to cancel the person’s appointment as a duly qualified person (the *proposed action*); and
    - (ii) the ground for the proposed action; and
    - (iii) an outline of the facts and circumstances forming the basis for the ground for the proposed action; and
    - (iv) that the person may, within 14 days after the notice is given or a longer period agreed to by the chief executive, give the chief executive a written response to the proposed action; and
  - (b) have regard to any response received under paragraph (a)(iv).
- (2) If the chief executive cancels a person’s appointment as a duly qualified person under this subdivision—
- (a) the chief executive must give the person an information notice for the decision to cancel the appointment; and

- 
- (b) the cancellation takes effect from the day the person is given the information notice.

## Part 12 Water bore drillers

### 122 Classes of licence—Act, s 981

- (1) For section 981(2)(b) of the Act, the following are the classes of water bore driller's licences—
- (a) class 1 water bore driller's licence;
  - (b) class 2 water bore driller's licence;
  - (c) class 3 water bore driller's licence.
- (2) A class 1 licence authorises the licence holder to carry out a water bore drilling activity in relation to a subartesian bore in a formation that contains the aquifer closest to the surface of the land where the bore site is located.
- (3) A class 2 licence authorises the licence holder to carry out a water bore drilling activity in relation to a subartesian bore.
- (4) A class 3 licence authorises the licence holder to carry out a water bore drilling activity in relation to an artesian bore or subartesian bore.
- (5) In this section—  
*water bore drilling activity* see section 816(2) of the Act.

### 123 Water bore driller's licence endorsements—Act, s 981

- (1) For section 981(2)(c) of the Act, the following are the water bore driller's licence endorsements—
- (a) cable tool;
  - (b) auger;
  - (c) rotary air;
  - (d) rotary mud;

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- (e) non-drilling rig;
- (f) sonic.
- (2) A cable tool endorsement authorises drilling activities using cable tool or cable percussion drilling methods.
- (3) An auger endorsement authorises drilling activities using bucket auger, hollow stem auger or solid stem auger methods.
- (4) A rotary air endorsement authorises drilling activities using rotary drilling methods with air as the drilling fluid.
- (5) A rotary mud endorsement authorises drilling activities using rotary drilling methods with water as the drilling fluid or as the base for the drilling fluid.
- (6) A non-drilling rig endorsement authorises water bore activities using non-drilling rig methods including spear point construction, hand digging and the use of excavators or backhoes for the construction of wells, excavations and galleries.
- (7) A sonic endorsement authorises drilling activities using sonic drilling methods.

## **124 Qualifications or experience for class 1 licence—Act, s 981**

- (1) For section 981(2)(d) of the Act, the qualifications or experience for a class 1 water bore driller's licence are either—
  - (a) holding a licence, equivalent to a class 1 water bore driller's licence granted by the entity that administers the licensing of water bore drillers in another State if the qualifications or experience required for the granting of the licence are considered equivalent by the chief executive to those stated in subsection (2); or
  - (b) the qualifications or experience stated in subsection (2).
- (2) For subsection (1)(b), the qualifications or experience are—
  - (a) successful completion of—

- (i) the class 1 licence module and the drilling method endorsement module of the examinations prepared by the National Uniform Drillers Licensing Committee (*NUDLC*) for any licence endorsement for which the applicant is applying; or
- (ii) another course considered equivalent by the chief executive; and
- (b) demonstrated drilling and grouting knowledge; and
- (c) either—
  - (i) both—
    - (A) successful completion of the Drilling Industry Certification and Training Course (the *DICAT course*) or another course considered equivalent by the chief executive; and
    - (B) employment in the operation of a drilling machine for at least 6 months during which at least 6 bores were drilled under the direct supervision of a licensed water bore driller; or
  - (ii) employment in the operation of a drilling machine for at least 12 months during which at least 6 bores were drilled under the direct supervision of a licensed water bore driller; or
  - (iii) employment in the operation of a drilling machine, other than in water bore drilling activities, for at least 12 months during which at least 6 bores that intersect underground water were drilled; or
  - (iv) if the employment was undertaken in a foreign country—employment in the operation of a drilling machine in water bore drilling activities for at least 12 months during which at least 6 bores that intersect underground water were drilled; and

- (d) successful completion of the class 1 water bore driller's licence examination prepared by NUDLC and administered by the department.

## **125 Qualifications or experience for class 2 licence—Act, s 981**

- (1) For section 981(2)(d) of the Act, the qualifications or experience for a class 2 water bore driller's licence are either—
  - (a) holding a licence, equivalent to a class 2 water bore driller's licence granted by the entity that administers the licensing of water bore drillers in another State if the qualifications or experience required for the granting of the licence are considered equivalent by the chief executive to those stated in subsection (2); or
  - (b) the qualifications or experience stated in subsection (2).
- (2) For subsection (1)(b), the qualifications or experience are—
  - (a) successful completion of—
    - (i) the class 2 licence module and the drilling method endorsement module of the examinations prepared by NUDLC for any licence endorsement for which the applicant is applying; or
    - (ii) another course considered equivalent by the chief executive; and
  - (b) demonstrated drilling and grouting knowledge; and
  - (c) either—
    - (i) all of the following—
      - (A) holding a class 1 water bore drillers licence or the qualifications and experience stated in section 124;
      - (B) employment in the operation of a drilling machine for at least 12 months;

- (C) drilling at least 6 bores for which a class 2 licence is required (a *class 2 bore*) under the direct supervision of the holder of a class 2 licence, or at least 6 bores for which a class 1 licence is required and at least 3 class 2 bores under the direct supervision of the holder of a class 2 licence; or
- (ii) all of the following—
  - (A) successful completion of the DICAT course or another course considered equivalent by the chief executive;
  - (B) employment in the operation of a drilling machine for at least 6 months;
  - (C) drilling at least 6 class 2 bores under the direct supervision of the holder of a class 2 licence, or at least 6 bores for which a class 1 licence is required and at least 3 class 2 bores under the direct supervision of the holder of a class 2 licence; or
- (iii) employment in the operation of a drilling machine, other than in water bore drilling activities, for at least 12 months during which at least 9 bores that intersect multiple aquifer systems were drilled; or
- (iv) if the employment was undertaken in a foreign country—employment in the operation of a drilling machine in water bore drilling activities for at least 12 months during which at least 9 bores that intersect multiple aquifer systems were drilled; and
- (d) successful completion of the class 2 water bore driller’s licence examination prepared by NUDLC and administered by the department.

**126 Qualifications or experience for class 3 licence—Acts 981**

- (1) For section 981(2)(d) of the Act, the qualifications or experience for a class 3 water bore driller's licence are either—
  - (a) holding a licence, equivalent to a class 3 water bore driller's licence granted by the entity that administers the licensing of water bore drillers in another State if the qualifications or experience required for the granting of the licence are considered equivalent by the chief executive to those stated in subsection (2); or
  - (b) the qualifications or experience stated in subsection (2).
- (2) For subsection (1)(b), the qualifications or experience are—
  - (a) successful completion of—
    - (i) the class 3 licence module and the drilling method endorsement module of the examinations prepared by NUDLC for any licence endorsement for which the applicant is applying; or
    - (ii) another course considered equivalent by the chief executive; and
  - (b) demonstrated drilling and grouting knowledge; and
  - (c) either—
    - (i) both—
      - (A) employment as a licensed class 2 driller for at least 12 months, and in the operation of a drilling machine for at least 24 months; and
      - (B) drilling at least 6 class 2 bores and, under the direct supervision of the holder of a class 3 licence, at least 3 bores for which a class 3 licence is required (a **class 3 bore**); or
    - (ii) all of the following—

- 
- (A) successful completion of the DICAT course or another course considered equivalent by the chief executive;
  - (B) employment as a licensed class 2 driller for at least 12 months, and in the operation of a drilling machine for at least 12 months;
  - (C) drilling at least 6 class 2 bores and, under the direct supervision of the holder of a class 3 licence, at least 3 class 3 bores; or
- (iii) employment in the operation of a drilling machine, other than in water bore drilling activities, for at least 24 months during which at least 9 bores were drilled that intersect an aquifer with artesian pressure; or
  - (iv) if the employment was undertaken in a foreign country—employment in the operation of a drilling machine in water bore drilling activities for at least 24 months during which at least 9 artesian bores were drilled; and
- (d) successful completion of the class 3 water bore driller’s licence examination prepared by NUDLC and administered by the department.
- (3) In this section—  
*class 2 bore* see section 125(2)(c)(i)(C).

## **127 Conditions of water bore driller’s licence—Act, s 983A**

For section 983A(1)(a) of the Act, the following are the conditions for a water bore driller’s licence—

- (a) water bore drilling activities that tap an aquifer in the sediments of an artesian basin must be carried out in accordance with ‘Minimum standards for the construction and reconditioning of water bores that intersect the sediments of artesian basins in Queensland’, published on the department’s website or

- the Queensland Government business and industry portal;
- (b) other water bore drilling activities must be carried out in accordance with ‘Minimum construction requirements for water bores in Australia’, published on the department’s website or the Queensland Government business and industry portal;
  - (c) if a development approval is required to carry out particular water bore drilling activities, the licence holder must see the approval and carry out the activities in accordance with the approval;
  - (d) development that is operational work involving works for taking or interfering with underground water through a subartesian bore must comply with the requirements provided for in section 99(2) to the extent the requirements apply to the work;
  - (e) the licence has effect for a period of 10 years.

## **128 Records of water bores drilled—Act, s 983L**

For section 983L(1) of the Act, the following is the information required to be kept about each water bore drilling activity—

- (a) the name and address of the owner of the land on which the activity is being carried out;
- (b) the location of the activity;
- (c) the name and water bore driller’s licence number of the driller performing the work;
- (d) the drilling method used;
- (e) the dates the water bore drilling activity started and finished;
- (f) details of the following—
  - (i) the strata drilled;

- (ii) water produced by the strata, including the volume and quality of the water, the depth at which it is struck and the depth to which it rises naturally;
  - (iii) the borehole diameter;
  - (iv) the type and diameter of the bore casing;
  - (v) the diameter and location of the borehole cementing;
  - (vi) the number and size of the slots or perforations in the casing, or screens installed, for water entry;
- (g) an estimation of the rate at which water may be produced from the bore.

## **Part 13**                      **Declarations about watercourses**

### **129**      **Water declared to be water in a watercourse—Act, s 1006**

For section 1006(1) of the Act, the following water declared to be water in a watercourse under the repealed regulation continues to be water in a watercourse—

- (a) water in an aquifer under the Kolan River, between AMTD 14.5km and AMTD 76.4km, to a depth of 10m below the bed of the river;
- (b) water in an alluvial aquifer under the Burnett River, between AMTD 25.9km and AMTD 333.9km, to a depth of 10m below the bed of the river;
- (c) water in an alluvial aquifer under the Boyne River, between AMTD 0km and AMTD 180km, to a depth of 10m below the bed of the river;
- (d) water in an alluvial aquifer under the Nogo River, between AMTD 0km and AMTD 23km, to a depth of 10m below the bed of the river;

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- (e) water in an aquifer under Lockyer Creek, between AMTD 0km and AMTD 41.9km, to a depth of 10m below the bed of the creek;
- (f) water in an aquifer under Lockyer Creek, between AMTD 41.9km and AMTD 70.9km, to a depth of 6m below the bed of the creek;
- (g) water in an aquifer under Barambah Creek, between AMTD 85km and AMTD 189.5km, to a depth of 15m below the bed of the creek;
- (h) water in an alluvial aquifer under the Stuart River, between AMTD 0km and AMTD 80km, to a depth of 10m below the bed of the river.

## **Part 14                      Fees, charges etc.**

### **Division 1                      Fees**

#### **Subdivision 1                      General provisions**

##### **130      Fees**

The fees, other than titles registry fees, payable under the Act are stated in schedule 12.

#### **Subdivision 2                      Water licence fees**

##### **131      Water licence fee**

- (1) The water licence fee mentioned in schedule 12 is payable for a water licence, other than the following—
  - (a) a water licence only to take supplemented water;
  - (b) a water licence to take water for stock or domestic purposes, unless the licence is for taking underground

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water to which the *Water Plan (Great Artesian Basin and Other Regional Aquifers) 2017* applies for stock or domestic purposes;

- (c) a water licence with a stated purpose of ‘CYPHA’.

*Note—*

See also the *Water Plan (Cape York) 2019*, section 59(1)(a)(i).

- (2) The water licence fee for a water licence—
- (a) is payable for each year the licence is in force; and
- (b) must be paid within the period stated in a notice given to the licensee under subsection (3).
- (3) The chief executive must give the licensee a notice stating—
- (a) the amount of the water licence fee and the period to which it relates; and
- (b) the period, of at least 20 business days after the notice is given, in which the fee must be paid.

### **Subdivision 3 Fees for continuing interim water allocations**

#### **132 Fees for continuing interim water allocations**

- (1) This section applies to an interim water allocation (a *continuing interim water allocation*) in relation to which chapter 2, part 5 of the unamended Act continues to apply under section 1271 of the Act.
- (2) The fees payable for the purposes of the continued application of chapter 2, part 5 of the unamended Act are stated in schedule 13.

## **Division 2                      Charges for water allocated, supplied or taken**

### **133      Charges for water allocated, supplied or taken**

The charges mentioned in schedule 14, column 3, are payable to the chief executive—

- (a) for the allocation, supply or taking of water in a water management area mentioned opposite the charges in column 1; and
- (b) for the water year ending on the date mentioned opposite the charges in column 2.

### **134      Notice for payment of charges**

- (1) A charge under section 133—
  - (a) may be levied—
    - (i) for the period decided by the chief executive; or
    - (ii) if the chief executive does not decide a period—quarterly; and
  - (b) may be levied by giving notice to the holder of the authorisation under which water is taken; and
  - (c) becomes payable on the day the notice is given; and
  - (d) must be paid within 30 business days after the notice is given.
- (2) If any part of the charge remains unpaid after 30 business days, the late fee prescribed under section 1013A(2) of the Act is the interest, accruing daily at the rate that is 2% above the Suncorp Metway Ltd business banking variable lending base rate, on the part of the charge.
- (3) The interest starts accruing on the day immediately after the charge became payable and ends on the day the charge is paid in full, both days inclusive.
- (4) A notice given under subsection (1)(b) must state—

- (a) the amount of the charge and the period for which it is levied; and
- (b) the time and place for payment; and
- (c) that a late fee is payable on any part of the charge remaining unpaid after 30 business days; and
- (d) how the late fee is calculated under subsections (2) and (3).

### **Division 3                    Royalty for State quarry material**

#### **135    Royalty for State quarry material—Act, s 240**

- (1) For section 240(1) of the Act, the rate at which royalty is payable under the Act is stated in schedule 15.
- (2) However, no royalty is payable for State quarry material removed under an allocation notice if the chief executive of a department issues a certificate stating that the material was supplied to the department for the department's use.

### **Division 4                    Drainage rates**

#### **136    Drainage rates—Act, s 993**

For section 993(1) of the Act, the drainage rates payable for a water year by an owner of land in a drainage area mentioned in schedule 16, column 1, are stated opposite the area in column 2.

## **Part 15**                      **Miscellaneous provisions**

### **Division 1**                      **Water management areas**

#### **137**      **Water management areas**

- (1) The chief executive may declare an area of the State to be a water management area for water not managed under an interim resource operations licence or a resource operations licence.
- (2) The declaration may be for—
  - (a) fixing water charges payable to the chief executive; or
  - (b) allowing seasonal water assignments and making seasonal water assignment rules; or
  - (c) prescribing water sharing rules; or
  - (d) implementing measurement requirements under part 11.
- (3) The chief executive may name the area, for example, the ‘Barker–Barambah Creeks water management area’.
- (4) An area that is declared to be an underground water area under section 139 is also a water management area.
- (5) A water plan or a water management protocol may declare a part of the plan area to be a water management area.
- (6) The chief executive must display a map or plan showing the boundaries of a water management area in the department’s regional office in or near the area.
- (7) The chief executive must—
  - (a) give notice of the declaration to the persons authorised to take water from the area; or
  - (b) publish a notice about the declaration.
- (8) Subsection (7) does not apply to a water management area declared under a water plan or a water management protocol.

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### **138 Changing boundaries of water management areas**

- (1) The chief executive may change the boundaries of a water management area by—
  - (a) including land in the area; or
  - (b) removing land from the area.
- (2) If the chief executive changes the boundaries of a water management area, the chief executive must—
  - (a) give notice of the change to the persons authorised to take water from land included in, or removed from, the area; or
  - (b) publish a notice about the change.
- (3) However, subsection (2) does not apply to a change made under a water plan or water management protocol.

## **Division 2                      Underground water areas**

### **139 Declared underground water areas—Act, s 1046**

- (1) For section 1046(1) of the Act, each area mentioned in schedule 17, part 1, column 1 is declared to be an underground water area and is given the name mentioned for the area.
- (2) The exact location of the boundary for each underground water area is held in digital electronic form by the department, and may be inspected at any of the department's service centres.

*Editor's note—*

The location of a boundary may also be inspected through the interactive online tool called the Queensland Globe.

- (3) A water entitlement is required to take or interfere with underground water in the Fraser Island underground water area, other than for a purpose mentioned in schedule 17, part 1, column 2 for the area.

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- (4) A water entitlement, water permit or seasonal water assignment notice is required to take or interfere with underground water in another underground water area, other than for a purpose mentioned in schedule 17, part 1, column 2 for the area.
- (5) Works for taking underground water through a subartesian bore in an underground water area mentioned in schedule 17, part 1 are assessable development if they are—
  - (a) for the Black River underground water area—not an exempt bore; and
  - (b) for another underground water area—
    - (i) not an exempt bore; or
    - (ii) not works for a prescribed activity.

*Note—*

For the regulation of works for the taking or interfering with underground water through an artesian bore, other than through a monitoring bore, see the *Planning Regulation 2017*.

- (6) To remove any doubt, it is declared that the taking or interfering with water for a prescribed activity in the Black River underground water area is limited to zero.

*Note—*

See section 101 of the Act.

- (7) However, subsection (4), and the limitation mentioned in subsection (6), do not apply to the taking or interfering with water if the taking or interference—
  - (a) is necessary for a prescribed activity in the Black River underground water area; and
  - (b) is carried out using a bore lawfully constructed—
    - (i) in the Black River underground water area; and
    - (ii) before 6 December 2016.

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**140 Critical distances for non-stock or domestic water bores in particular underground water areas**

- (1) This section applies to a non-stock or domestic water bore in an underground water area mentioned in schedule 17, part 2, column 1.
- (2) The *critical distance* of the bore from a boundary of a parcel of land is the distance stated opposite the area in schedule 17, part 2, column 2.
- (3) The *critical distance* of the bore from a watercourse is the distance stated opposite the area in schedule 17, part 2, column 3.
- (4) The *critical distance* of the bore from another water bore is the distance stated opposite the area in schedule 17, part 2, column 4.

**Division 3 Former water areas**

**141 Continuing former water areas—Act, s 1083**

- (1) This section applies only to former water areas—
  - (a) taken, under the Act, section 1083(2), to be authority areas established under the Act; and
  - (b) for which no water board was in existence immediately before the commencement of the Act, section 1083.
- (2) A former water area mentioned in schedule 18, column 1, is shown on the plan mentioned opposite the area in column 2.
- (3) The chief executive's appointment to perform the functions of a water authority for the areas continues.

## **Division 4                      Other matters**

### **141A Prescribed ADR institutes—Act, s 426**

For section 426(11) of the Act, definition *prescribed ADR institute*, the Resolution Institute ABN 69 008 651 232 is prescribed.

### **141B Arbitration election notice—Act, s 433A**

- (1) This section prescribes, for section 433A(3)(f) of the Act, other information for an arbitration election notice.
- (2) The other information is—
  - (a) that the party who receives the notice must accept or refuse the request for arbitration within the period mentioned in section 433A(4) of the Act; and
  - (b) either party may be represented by a lawyer at the arbitration.

### **141C Prescribed arbitration institutes—Act, s 433A**

For section 433A(8) of the Act, definition *prescribed arbitration institute*, the following entities are prescribed—

- (a) the Queensland Law Society ABN 33 423 389 441;
- (b) the Resolution Institute ABN 69 008 651 232.

### **142 Accounting period—Act, sch 4, definition *water year***

The accounting period for a water management protocol, resource operations licence, operations manual, interim resource operations licence or water licence for schedule 4, definition *water year*, paragraph (a) of the Act is—

- (a) if the accounting period for the protocol, licence or manual is stated in the relevant water plan, water management protocol, resource operations licence, interim resource operations licence, operations manual,

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water sharing rules or seasonal water assignment rules (the *relevant plan, protocol, manual, licence or rules*)—as stated in the relevant plan, protocol, manual, licence or rules; or

- (b) if the accounting period for the protocol, licence or manual is not stated in the relevant plan, protocol, manual, licence or rules—as otherwise prescribed under this regulation; or
- (c) if the accounting period for the protocol, licence or manual is not stated in the relevant plan, protocol, manual, licence or rules and not otherwise prescribed under this regulation—as stated in the licence; or
- (d) if the accounting period for the protocol, licence or manual is not stated in the relevant plan, protocol, manual, licence or rules, not otherwise prescribed under this regulation or stated in the licence—from 1 July to 30 June in the following year.

## **Part 16                      Repeal and transitional provisions**

### **Division 1                      Repeal provision**

#### **143      Repeal**

The following regulations are repealed—

- Water Regulation 2002, SL No. 70
- Water and Other Legislation Amendment Regulation (No. 1) 2014, SL No. 334
- Water and Other Legislation Amendment Regulation (No. 2) 2015, SL No. 123.

## **Division 2**                      **Transitional provisions for SL No. 216 of 2016**

### **144**    **Declared water management areas**

- (1) This section applies to an area that was declared to be a water management area under section 56(1) of the repealed regulation.
- (2) The area continues as a water management area.

### **145**    **References to repealed regulation**

A reference in an Act or other document to the repealed regulation may, if the context permits, be taken to be a reference to this regulation.

## **Division 3**                      **Transitional provisions for Mineral Resources and Other Legislation Amendment Regulation 2019**

### **146**    **References to transfers, amendments or amalgamations**

- (1) This section applies in relation to an application to relocate a water licence under section 126 of the Act made on or after the commencement.
- (2) A reference in a water plan, water management protocol or water sharing rules to the transfer, amendment or amalgamation of the licence may, if the context permits, be taken to be a reference to the relocation of the licence.

### **147**    **Non-compliance with revalidation of meter before commencement**

- (1) This section applies in relation to a meter attached to works through which the holder of a metered entitlement takes water if, before the commencement—

- 
- (a) the meter stopped being an approved meter under section 111(2); and
  - (b) the holder had not complied with section 112.
- (2) Schedule 11, as in force immediately before the commencement, continues to apply to the metered entitlement until section 112(3) is complied with in relation to the meter.

## **Division 4                      Transitional provisions for Water Amendment Regulation 2022**

### **148      Application of new s 59 to existing applications for seasonal water assignments for particular water allocations**

- (1) This section applies to an application under section 58(1) or (2) that was made, but not decided, before the commencement.
- (2) The application must be decided under new section 59.
- (3) In this section—  
*new section 59* means section 59 as in force from the commencement.

### **149      Continued application of former ss 99 and 101A to particular operational work**

- (1) This section applies to operational work that was started, but not completed, before the commencement.
- (2) Former sections 99 and 101A continue to apply in relation to the operational work as if the *Water Amendment Regulation 2022* had not been enacted.
- (3) In this section—  
*former*, for a provision of this regulation, means the provision as in force immediately before the commencement.

## **Division 5**                      **Transitional provisions for Water and Other Legislation Amendment Regulation 2024**

### **Subdivision 1**            **Preliminary**

#### **150**    **Definitions for division**

In this division—

*amendment regulation* means the *Water and Other Legislation Amendment Regulation 2024*.

*approved meter* means an approved meter under former section 106 for which a validation certificate has been given as mentioned in former section 106(1)(c).

*authorised meter validator* means—

- (a) a person who is accredited by Irrigation Australia Limited ACN 002 567 633 as a certified meter validator;  
or
- (b) a person who is an authorised meter validator for this division under section 170.

*duly qualified person* see section 104.

*former*, for a provision of this regulation, means the provision as in force from time to time before the commencement.

*measurement standards* see section 103.

*metered entitlement* means an authority under the Act to take or interfere with water that was a metered entitlement under the Act as in force immediately before the commencement.

*relevant authorisation* means an authorisation that, on the commencement is a relevant authorisation mentioned in section 107.

*validation inspection*, for a meter, means a validation inspection under former section 112.

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## Subdivision 2      General arrangements

### 151      Approved meters

- (1) This section applies if, immediately before the commencement, an approved meter was attached to works through which water is taken, on the commencement, under a relevant authorisation.
- (2) The approved meter is taken to be—
  - (a) a measurement device attached to the works as required under section 108(2)(a); and
  - (b) certified by a duly qualified person as complying with the measurement standards.
- (3) The holder of the relevant authorisation must ensure the meter is certified by a duly qualified person as complying with the measurement standards on or before the revalidation date for the meter.
- (4) For applying section 110(2) to the meter, the first 5-year period mentioned in the section starts on the day the meter is certified as mentioned in subsection (3).
- (5) If the holder of the relevant authorisation does not comply with subsection (3), subsection (2) stops applying to the meter on the revalidation date for the meter.
- (6) This section is subject to sections 154, 155, 156 and 160 to 162.

*Note—*

Generally speaking, sections 154 and 155 deal with meters that are faulty and sections 156 and 160 to 162 deal with meters that should be, are or have been the subject of validation inspections.

- (7) In this section—

**revalidation date**, for a meter attached to works through which water is taken under a relevant authorisation, means—

  - (a) if, immediately before the commencement, the authorisation was a metered entitlement—the later of the following—

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- (i) the day that is 5 years after the last validation certificate was given for the meter under former section 112(2)(b);
  - (ii) the revalidation date for the metered entitlement under former section 111; or
- (b) if paragraph (a) does not apply—the day that is 5 years after the last validation certificate was given for the meter under former section 112(2)(b).

## 152 Approved telemetry devices

- (1) This section applies if an approved telemetry device is attached to works through which water is taken under a relevant authorisation, whether before or after the commencement.
- (2) The approved telemetry device is taken to be—
- (a) a measurement device attached to the works as required under section 108(2)(a); and
  - (b) certified by a duly qualified person as complying with the measurement standards.
- (3) In this section—

***approved telemetry device*** means a telemetry device installed by Goanna Ag or SunWater under the Queensland Murray-Darling Basin Telemetry Project.

***Goanna Ag*** means Discovery Ag Pty Ltd, ACN 117 305 567, trading as Goanna Ag.

***Queensland Murray-Darling Basin Telemetry Project*** means the project implemented by the department to provide a subsidy for the installation of telemetry devices in particular locations in the Murray-Darling Basin.

*Note—*

Details of the Queensland Murray-Darling Basin Telemetry Project can be found on the department's website.

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**153 Application of measurement requirements requiring measurement device from stated day**

- (1) This section applies in relation to a relevant authorisation if schedule 11 states that a particular measurement device must be attached to works through which water is taken under the authorisation from a stated day (the *compliance start day*).
- (2) The measurement requirements under part 11 apply to the holder of the relevant authorisation in relation to the measurement device from the earlier of the following—
  - (a) the day after the commencement on which the holder first complies with section 108(2) for the device;
  - (b) the compliance start day for the device.

**Subdivision 3 Arrangements relating to faulty meters**

**154 Faulty meters**

- (1) This section applies in relation to an approved meter to which section 151(2) applies that is attached to works through which water is taken under a relevant authorisation if, immediately before the commencement, former section 110A(4) applied to the works.
- (2) Section 151(2) applies to the meter only—
  - (a) if the holder of the relevant authorisation gives the chief executive the information required under former section 110A(4); and
  - (b) until the end of the expiry date applying to the meter under former section 110A.
- (3) The holder of the relevant authorisation may arrange for a validation inspection to be carried out on the meter before the expiry date.
- (4) If the holder arranges a validation inspection under subsection (3), former section 112 continues to apply in

relation to the validation inspection as if the amendment regulation had not been made.

*Note—*

See subdivision 5 in relation to validation inspections finalised after the commencement.

## **155 Requirement if holder of relevant authorisation aware of faulty meter**

- (1) This section applies in relation to an approved meter to which section 151(2) applies that is attached to works through which water is taken under a relevant authorisation if, immediately before the commencement—
  - (a) the holder of the authorisation was required to give, but had not given, the chief executive notice under former section 110A(3) stating the meter is a faulty meter; and
  - (b) the period within which the notice under former section 110A(3) was required to be given had not ended.
- (2) The meter is taken to be faulty for the purposes of section 109.
- (3) The holder of the relevant authorisation must comply with section 117 in relation to the meter and, for that purpose—
  - (a) the holder is taken to have become aware of the fault on the day this section commences; and
  - (b) the period within which the holder must comply with section 117(1)(a) ends on the later of the following—
    - (i) 1 business day after the day this section commences;
    - (ii) the day on or before which the holder was required to give the notice under former section 110A(3); and
  - (c) the period within which the holder must comply with section 117(1)(b) is 30 business days after the day this section commences.

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## **Subdivision 4 Arrangements for validation inspections not started or finalised**

### **156 Starting validation inspection on approved meter in particular circumstances**

- (1) This section applies in relation to a relevant authorisation if, immediately before the commencement—
  - (a) a validation inspection was required to be carried out on a meter attached to works through which water is taken under the authorisation because—
    - (i) the revalidation period for the authorisation under former section 111 had started in relation to the meter; or
    - (ii) the chief executive had given the holder of the authorisation a notice under former section 112A requiring the holder to arrange another validation inspection on the meter; and
  - (b) the validation inspection had not been started on the meter; and
  - (c) the validation date for the validation inspection had not passed.
- (2) The holder of the relevant authorisation may arrange for a validation inspection to be carried out on the meter before the validation date.
- (3) If the holder of the relevant authorisation arranges a validation inspection under subsection (2), former section 112 continues to apply in relation to the validation inspection as if the amendment regulation had not been made.

*Note—*

See subdivision 5 in relation to validation inspections finalised after the commencement.

- (4) If the holder of the relevant authorisation does not arrange a validation inspection under subsection (2), section 151(2) stops applying to the meter on the validation date.

- (5) In this section—
- validation date*, for a validation inspection mentioned in subsection (1)(a), means—
- (a) if subsection (1)(a)(i) applies—the revalidation date for the relevant authorisation applying under former section 111; or
  - (b) if subsection (1)(a)(ii) applies—the expiry date applying under former section 112A.

**157 Starting validation inspection if meter notice given before commencement**

- (1) This section applies in relation to a relevant authorisation if, immediately before the commencement—
- (a) the relevant authorisation was not a metered entitlement; and
  - (b) the works through which water is taken under the relevant authorisation did not have an approved meter attached; and
  - (c) the chief executive had given the holder of the authorisation a meter notice for the authorisation; and
  - (d) the validation date for the meter notice had not passed.
- (2) The holder of the relevant authorisation may arrange for a validation inspection to be carried out on the meter before the validation date.
- (3) If the holder of the relevant authorisation arranges a validation inspection under subsection (2), former section 112 continues to apply in relation to the validation inspection as if the amendment regulation had not been made.

*Notes—*

See subdivision 5 in relation to validation inspections finalised after the commencement.

- (4) If the holder of the relevant authorisation does not arrange a validation inspection under subsection (2), part 11 applies in relation to the authorisation as provided under section 153

disregarding the meter notice and the validation date for the meter notice.

(5) In this section—

*meter notice*, in relation to a relevant authorisation, means a notice given by the chief executive under former section 108 requiring an approved meter to be attached to works through which water is taken under the authorisation.

*validation date*, for a meter notice, means the date stated in the meter notice as the validation date or, if applicable, a later date stated in a notice given by the chief executive under former section 108(5) in relation to the meter notice.

## **158 Finalising validation inspection started before commencement**

- (1) This section applies if, immediately before the commencement, an authorised meter validator—
- (a) had started or completed a validation inspection on a meter attached to works through which water is taken under a relevant authorisation; but
  - (b) had not given a notice or validation certificate under former section 112(2) in relation to the inspection.
- (2) Former section 112 continues to apply in relation to the validation inspection as if the amendment regulation had not been made.

*Note—*

See subdivision 5 in relation to the effect of a notice or validation certificate under former section 112(2) given after the commencement.

## **159 Further validation inspection may be started**

- (1) This section applies if—
- (a) a validation inspection for a meter attached to works through which water is taken under a relevant authorisation was carried out before the commencement and the following applies in relation to the inspection—

- (i) the authorised meter validator gave a notice for the meter under former section 112(2)(a)(ii) less than 30 days before the day of the commencement;
    - (ii) immediately before the commencement, the meter was an approved meter; or
  - (b) section 154, 156, 157 or 158 applies in relation to a meter attached to works through which water is taken under a relevant authorisation and an authorised meter validator gives a notice for the meter under former section 112(2)(a)(ii), as applying under section 154, 156, 157 or 158.
- (2) The holder of the relevant authorisation may, within 30 days after the notice under former section 112(2)(a)(ii) was or is given, arrange—
- (a) the meter to be modified; and
  - (b) a further validation inspection on the modified meter to be carried out by an authorised meter validator under former section 112.
- (3) If the holder of the relevant authorisation arranges a further validation inspection on a meter under subsection (2), former section 112 continues to apply in relation to the further validation inspection as if the amendment regulation had not been made.
- (4) However, the authorised meter validator may only decide whether the meter, as modified, complies or does not comply with the non-urban metering standard, and may not give a notice under former section 112(2)(a)(ii) in relation to the meter.
- (5) In this section—
- non-urban metering standard* see former section 105.

## **160 Status of particular meters if section 159 applies**

- (1) This section applies in relation to a meter to which a relevant provision applies that is attached to works through which

water is taken under a relevant authorisation if section 159 applies in relation to the meter.

- (2) If the holder of the relevant authorisation does not arrange a validation inspection under section 159(2), the relevant provision stops applying to the meter on the day the period mentioned in section 159(2) ends.
- (3) If the holder of the relevant authorisation arranges a validation inspection under section 159(2), until the authorised meter validator gives a notice or certificate under former section 112(2), as applying under section 159, in relation to the inspection—
  - (a) the relevant provision continues to apply to the meter; and
  - (b) the meter is taken to be faulty for the purposes of section 109.
- (4) In this section—

*relevant provision* means section 151(2) or 163(2).

## **Subdivision 5 Outcome of validation inspections**

### **161 Effect of notice of noncompliance on approved meters**

- (1) This section applies in relation to an approved meter to which section 151(2) applies if—
  - (a) a validation inspection on the meter is carried out or finalised under section 154, 156, 158 or 159; and
  - (b) an authorised meter validator gives a notice under former section 112(2)(a)(iii), as applying under section 154, 156, 158 or 159, for the meter.
- (2) Section 151(2) stops applying to the meter on the day the notice is given.

## **162 Effect of validation certificate on approved meters**

- (1) This section applies in relation to an approved meter to which section 151(2) applies if—
  - (a) a validation inspection on the meter is carried out or finalised under section 154, 156, 158 or 159; and
  - (b) the authorised meter validator gives a validation certificate under former section 112(2)(b), as applying under section 154, 156, 158 or 159, for the meter.
- (2) Section 151(2) continues to apply to the meter except that the revalidation date for the meter for the purposes of section 151 is the day that is 5 years after the validation certificate is given.

## **163 Effect of validation certificate on other meters**

- (1) This section applies in relation to a meter that is not an approved meter to which section 151(2) applies if—
  - (a) the meter is attached to works through which water is taken under a relevant authorisation; and
  - (b) a validation inspection on the meter is carried out or finalised under section 157, 158 or 159; and
  - (c) the authorised meter validator gives a validation certificate under former section 112(2)(b), as applying under section 157, 158 or 159, for the meter.
- (2) The meter is taken to be—
  - (a) a measurement device attached to the works as required under section 108(2)(a); and
  - (b) certified by a duly qualified person as complying with the measurement standards.
- (3) The holder of the relevant authorisation must ensure the meter is certified by a duly qualified person as complying with the measurement standards within 5 years after the validation certificate is given.

- (4) For applying section 110(2) to the meter, the first 5-year period mentioned in the section starts on the day the meter is certified as mentioned in subsection (3).
- (5) If the holder of the relevant authorisation does not comply with subsection (3), subsection (2) stops applying to the meter 5 years after the day the validation certificate is given.

## **Subdivision 6 Chief executive powers**

### **164 Chief executive may require new certification**

- (1) This section applies if the chief executive—
  - (a) is given a copy of a validation certificate for a meter attached to works through which water is taken under a relevant authorisation under former section 112 as applying under a provision of this division; and
  - (b) is satisfied—
    - (i) the information stated in the certificate is inaccurate, incomplete or mistaken; or
    - (ii) the person who gave the certificate was not an authorised meter validator when the certificate was given; or
    - (iii) the person who gave the certificate was the holder of the relevant authorisation.
- (2) The chief executive may give the holder of the relevant authorisation a notice under section 121C(2) for the meter.
- (3) If a relevant provision applies to the meter when the notice under section 121C(2) is given and the holder of the relevant authorisation engages a duly qualified person to give the certification required by the notice—
  - (a) the relevant provision continues to apply to the meter—
    - (i) while the duly qualified person is performing functions for the purpose of giving the certification; and

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- (ii) if the duly qualified person gives the chief executive a notice under section 121B(2)(b)(i)(B); and
  - (b) the relevant provision stops applying to the meter if the duly qualified person gives the chief executive a notice under section 121B(2)(b)(i)(A).
- (4) If a relevant provision applies to the meter when the notice under section 121C(2) is given and the holder of the relevant authorisation does not comply with the notice, the relevant provision stops applying to the meter when the period within which the notice is required to be complied with ends.
- (5) In this section—  
*relevant provision* means section 151(2) or 163(2).

### **165 Meter reading required by chief executive under former section 113 not yet complied with**

- (1) This section applies in relation to a notice given to a person under former section 113 if, immediately before the commencement—
- (a) the person had not complied with the notice; and
  - (b) the time for complying with the notice had not passed.
- (2) Former section 113 continues to apply in relation to the notice as if the amendment regulation had not been made.

## **Subdivision 7 Charges**

### **166 Meter operating charge**

- (1) This section applies in relation to a meter—
- (a) for which a meter operating charge was payable under former section 115 immediately before the commencement; and
  - (b) that—

- (i) is attached to works through which water is taken under a relevant authorisation; and
  - (ii) is the property of the State.
- (2) Former section 115 continues to apply in relation to the meter as if the amendment regulation had not been made.
- (3) For subsection (2), the meter operating charge is payable by the holder of the relevant authorisation.

### **167 Meter use charge**

- (1) This section applies in relation to a meter—
  - (a) for which a meter use charge was payable under former section 116 immediately before the commencement; and
  - (b) that—
    - (i) is attached to works through which water is taken under a relevant authorisation; and
    - (ii) is the property of the State, or was the property of the State before ownership was transferred to the holder of the relevant authorisation.
- (2) Former section 116 continues to apply in relation to the meter as if the amendment regulation had not been made.
- (3) For subsection (2), the meter use charge is payable by the holder of the relevant authorisation.

### **168 Metering exit charge**

- (1) This section applies if the holder of a relevant authorisation gives the chief executive notice that the holder has decided to stop using a meter to which section 167 applies.
- (2) The chief executive must give the holder of the relevant authorisation notice of the charge (the *metering exit charge*) payable.

- (3) Former section 117(3) and (4) apply in relation to the metering exit charge, as if the notice was given under that section and the amendment regulation had not been made.

## **169 Unpaid charges**

- (1) This section applies in relation to a charge that was payable, but was not paid, under former section 115, 116 or 117 before the commencement.
- (2) The charge continues to be payable and, if not paid, may be recovered by the State as a debt.

## **Subdivision 8 Miscellaneous**

### **170 Continued appointment of authorised meter validators**

A person who, immediately before the commencement, was appointed as an authorised meter validator under former section 109 continues as an authorised meter validator for this division.

## Schedule 1 Valley reaches

sections 6 to 12

### Part 1 Overview of valley reaches

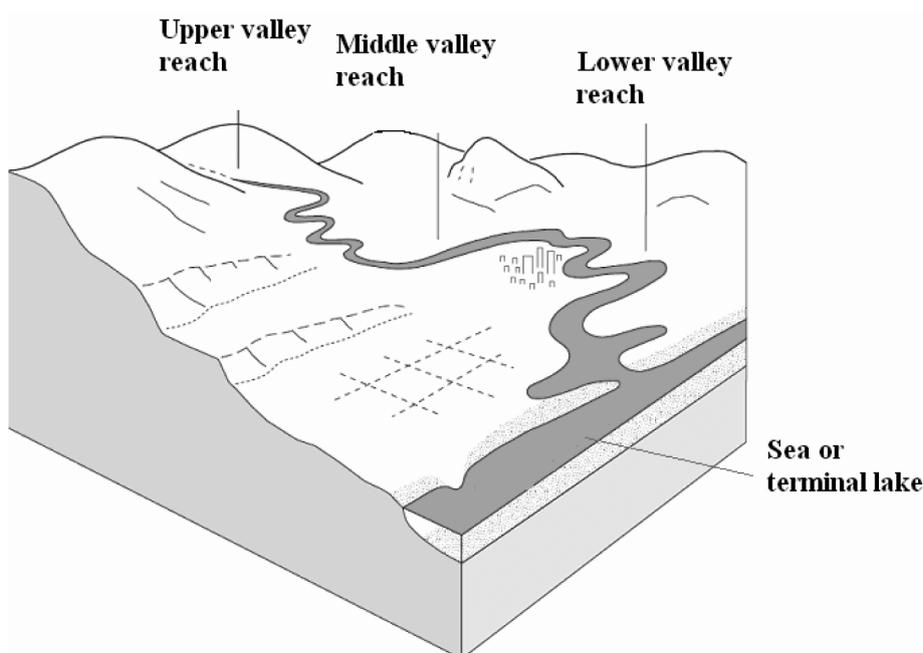


Diagram A—Overview of valley reaches

### Part 2 Upper valley reach

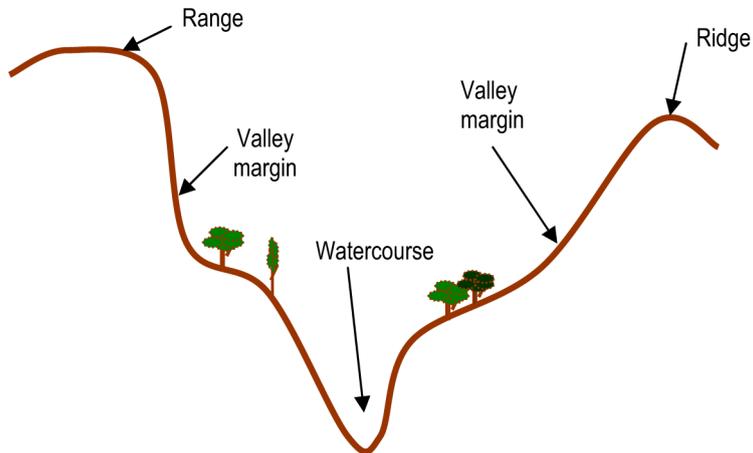
#### Explanation of upper valley reach and associated watercourse

The upper valley reach of a valley drained by a watercourse is typically located in the most elevated parts of the watercourse catchment, often near the catchment's watershed. The valley floor is typically quite narrow, characterised by gorges and in some

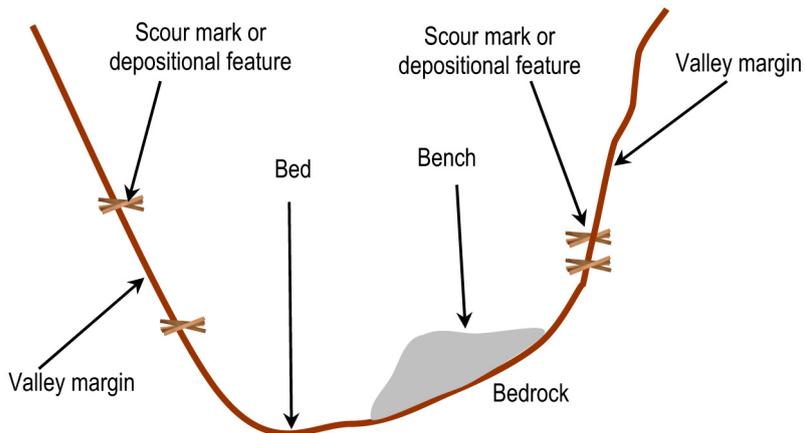
places is only as wide as the watercourse itself. The valley floor is typically quite steep, characterised by waterfalls and cascades. The general direction and location of the reach is dictated by the valley margins which appear as significant geomorphic features.

The watercourse is typically narrow and deep with a V-shaped profile carved into the bedrock. The location of the watercourse within the narrow valley floor is generally dictated by the valley margins. The flow in the watercourse has high velocity and high energy, resulting in high erosive power. High flow events are confined within the watercourse by the adjoining valley margins. Past flow levels are often evidenced by scour marks on the valley margin or the deposition of lighter material, for example sands and twigs, carried by the flow. The bed and banks of the watercourse typically consist of bedrock and very coarse material, including boulders, cobbles and gravel. The movement and deposition of material happens primarily in periods of high flow. Flow tends to respond directly to rainfall events and during dry periods there is little or no base flow. Vegetation within or along the watercourse is often sparse or immature due to the regular scouring caused by high flow energy or by the absence of deep soil profiles.

Where the watercourse is wider, it could have a narrow bench adjacent to one bank or the other. These benches are typically made of finer materials, commonly cobbles and gravel. These benches tend to be short in length and disconnected, and alternate from one side of the watercourse to the other as the flow rebounds from one valley margin to the other. These benches are regularly reshaped by flow events.



**Diagram B—Cross-sectional view of a typical upper valley reach**



**Diagram C—Cross-sectional view of a typical watercourse in an upper valley reach**

## Part 3 Middle valley reach

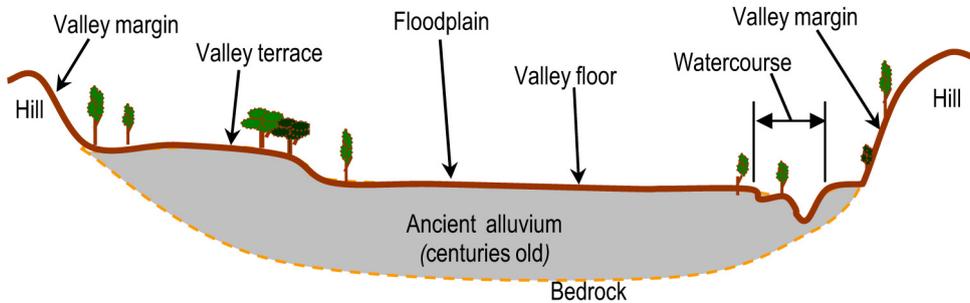
### Explanation of middle valley reach and associated watercourse

The middle valley reach of a valley drained by a watercourse is typically located in the watercourse catchment's pediment or foothills. The middle valley reach is at a higher elevation than the

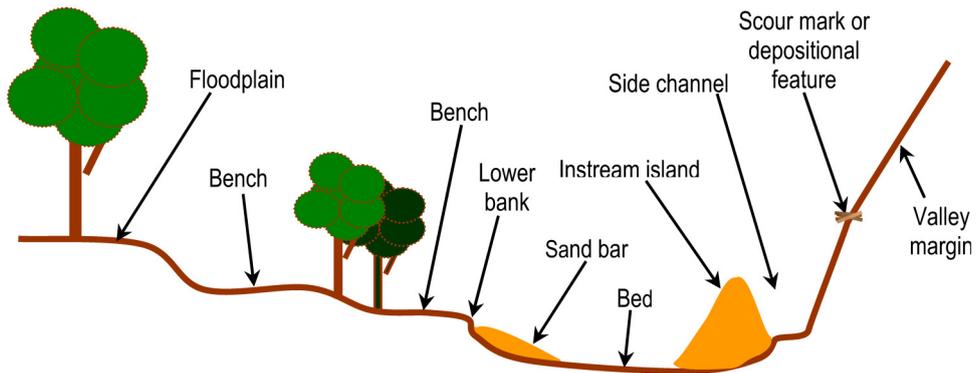
lower valley reach but is not as high as the upper valley reach. The valley floor is typically of moderate width, and is characterised by narrow floodplains between valley margins of fringing hills, terraces and low ridges. The valley floor has a moderate grade, characterised by a meandering watercourse and occasional cascades. The valley floor is typically comprised of ancient sediments deposited by the watercourse in earlier geological periods, and can be interrupted by occasional bedrock ridges or bars that are exposed in the watercourse.

The watercourse carries flow from several tributaries and so is typically deeper and wider than in the upper valley reach. The location of the watercourse within the valley floor is generally dictated by its meander pattern and is occasionally bounded by the valley margin. The flow in the watercourse has less energy and is not as fast as in the upper valley reach. However, it has enough energy to transport sediment eroded in the upper valley reach down to the lower valley reach. Much of the sediment being transported is temporarily stored in the watercourse (typically as in-stream benches and islands) or on adjacent floodplains before being further eroded and transported downstream in subsequent high flow events.

A number of benches are typical in the watercourse, created by the mixture of flow size and frequency. The lower, narrower channel of the watercourse is shaped by the more frequent, smaller flows and the wider, deeper channel of the watercourse is shaped by less frequent large flows. High flow events commonly erupt from the watercourse onto the adjacent floodplain. The bed and banks of the watercourse typically consist of medium-sized material, such as cobbles, gravel and sand. Subject always to long-term weather cycles, almost perennial base flows occur because of the slow drainage of upper sections of the middle valley reach and underground water inflows from alluvial floodplain aquifers along the watercourse. Vegetation within or along the watercourse is well established because of the reliable base flows and stable channel profile.



**Diagram D—Cross-sectional view of a typical middle valley reach**



**Diagram E—Cross-sectional view of a typical watercourse in a middle valley reach**

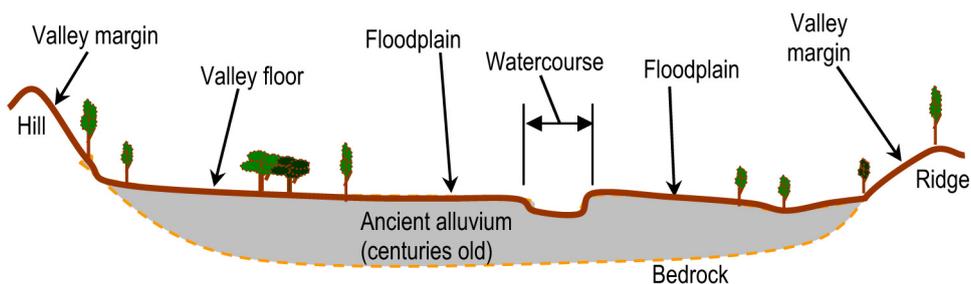
## Part 4 Lower valley reach

### Explanation of lower valley reach and associated watercourse

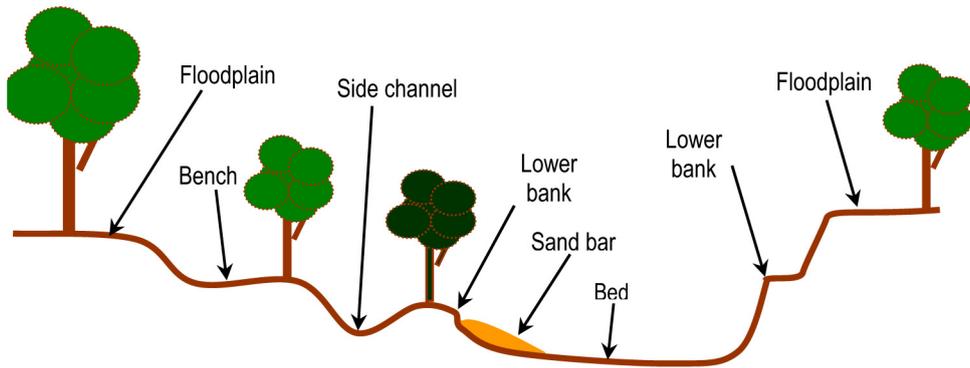
The lower valley reach of a valley drained by a watercourse is typically located in the watercourse catchment's lowest elevations, generally immediately upstream of where the watercourse becomes tidal or where it flows into a natural terminal lake. The valley floor is quite broad, characterised by extensive floodplains between distant valley margins of fringing hills and low ridges. The valley floor has a low gradient, characterised by a strongly meandering watercourse with oxbows and occasional anabranches.

The valley floor is typically comprised of ancient sediments deposited by the watercourse in earlier geological periods.

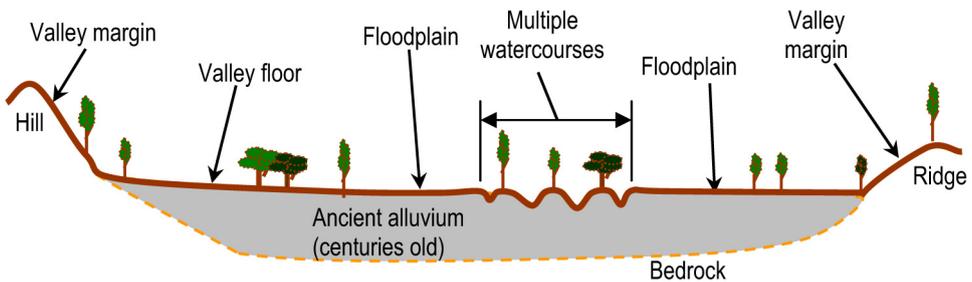
The watercourse gradient is quite low, resulting in slow moving flow. However, the watercourse is now carrying water from all upstream reaches and so dissipates this kinetic energy by meandering across the valley floor, eroding and depositing sediment along the way. This results in a comparatively wide, shallow channel, often with large sediment accumulations such as in-stream benches and islands. Sediment that makes up the channel of the watercourse and adjoining floodplains tends to be fine, commonly gravel, sand and silt, with low resistance to erosion. Large flows result in floods that spread across the floodplains, depositing fine sediment. Perennial base flows occur because of the slow drainage of upper sections of the lower valley reach and underground water inflows from alluvial floodplain aquifers along the watercourse. Vegetation within or along the watercourse is well established due to the reliable base flows and stable channel profile.



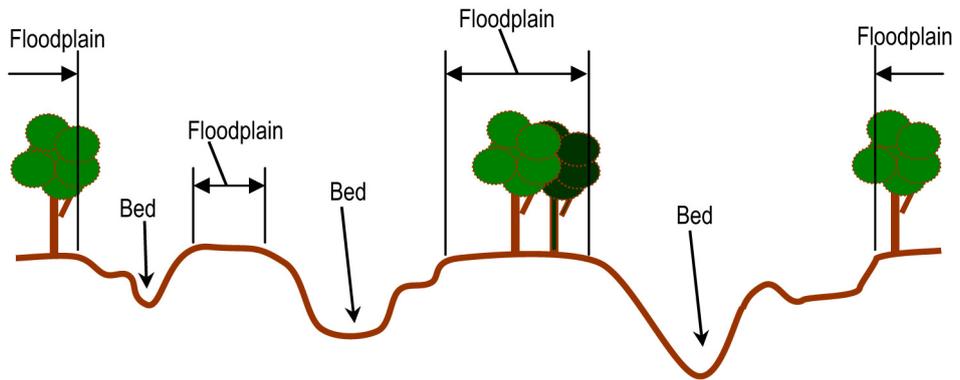
**Diagram F—Cross-sectional view of a typical lower valley reach**



**Diagram G—Cross-sectional view of a typical watercourse in a lower valley reach**



**Diagram H—Cross-sectional view of a typical lower valley reach with multiple watercourses**



**Diagram I—Cross-sectional view of typical watercourses in a lower valley reach with multiple watercourses**

## Schedule 2 Particular unallocated water reserved

section 14

Location of unallocated water	Type of water reserved	Purpose for which water is reserved	Volume of water reserved
North Stradbroke Island (Minjerribah)	water in a watercourse, lake or spring, or underground water	planning for the sustainable management, use and allocation of water for the economic or social benefit of the Quandamooka people	30,595ML
North Stradbroke Island (Minjerribah)	water in a watercourse, lake or spring, or underground water	planning for the sustainable management, use and allocation of water to support the water-related cultural, environmental and spiritual values of the Quandamooka people	30,595ML

## **Schedule 3      Prescribed activities, Act, section 101(1)(a)**

### section 25

- 1 washing, for processing or packing, produce from a single farming enterprise
- 2 operating a dairy
- 3 washing down equipment, plant or vehicles—
  - (a) in accordance with best practice to prevent the spread of weed seeds; or
  - (b) for safety purposes; or
  - (c) used for private purposes
- 4 washing down a place used to house domestic animals kept as pets

*Examples of places used to house domestic animals kept as pets—*

  - a doghouse in the backyard of a residential property
  - enclosures at a shelter for animals operated by a charitable organisation, for example, the RSPCA
- 5 filling spray units used to apply herbicides or pesticides
- 6 using stock dips and spray races for controlling parasites on livestock
- 7 supplying water for temporary camps, or living quarters, for staff, for example, for operating toilets, showers, kitchens or laundries—
  - (a) on or for a farm; or
  - (b) that is incidental activity for an authority to prospect administered under the Petroleum and Gas Act; or
  - (c) as part of exercising entitlements under an exploration permit issued under the Mineral Resources Act
- 8 supplying non-potable water to premises used solely for education or training purposes—

- 
- (a) including for use in a building; but  
*Examples of a building in which non-potable water may be used—*  
toilet block, classroom, dormitory, residence, workshop or laboratory
- (b) not including irrigating land with an area of more than 0.5ha
- 9 managing a public recreation area—
- (a) including operating public toilets and showers; but
- (b) not including irrigating land with an area of more than 0.5ha
- 10 constructing works, infrastructure or plant—
- (a) on or for a farm; or  
*Example—*  
using water to mix cement to be used to construct a shed on a farm
- (b) that is an incidental activity for an authority to prospect, petroleum lease, pipeline licence or petroleum facility licence granted under the Petroleum and Gas Act; or
- (c) that are temporary and reasonably necessary for, or incidental to, carrying on mining under a mining lease granted under the Mineral Resources Act  
*Examples of temporary infrastructure or plant—*
- mobile or temporary camps
  - temporary power lines
- 11 constructing, but not maintaining, roads within—
- (a) a farm; or
- (b) the area of a mineral development licence, or mining lease, granted under the Mineral Resources Act; or
- (c) the area of an authority to prospect, petroleum lease, pipeline licence or petroleum facility licence granted under the Petroleum and Gas Act

Schedule 3

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- 12 constructing or maintaining infrastructure approved under an interim resource operations licence, resource operations licence or distribution operations licence
- 13 the following activities in relation to pumps, wells or bores—
  - (a) constructing or drilling (including site establishment and rehabilitation and drill bit lubrication);
  - (b) proving supply;
  - (c) testing water quality;
  - (d) flushing out
- 14 rehabilitating riparian land

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## Schedule 4 Prescribed entities

## section 26

- 1 Hampton Irrigators Pty Ltd ACN 064 888 633
- 2 Hinchley Bore Pty Ltd ACN 105 498 628
- 3 Nuhrunnda Park Co-operative Society Ltd ABN 28 992 741 260
- 4 Minmore Road Water Group Ltd ACN 108 178 936
- 5 Westaroy Progress Association Inc IA 15321
- 6 Walker Pastoral and Agency Company Pty Ltd ACN 001 099 261
- 7 Body Corporate for Coolibah Community Titles Scheme CMS 28706
- 8 Body Corporate for Acacias Community Titles Scheme CMS 30332
- 9 Australian Stockman's Hall of Fame and Outback Heritage Centre ACN 010 007 093
- 10 Etgold Pty Ltd ACN 010 705 432
- 11 Stockyard Point Services Co-op Ltd QC 0202
- 12 Body Corporate for Williams' Retreat Community Titles Scheme CMS 23581
- 13 Body Corporate for Crystal Waters Permaculture Village Community Titles Scheme CMS 20926
- 14 Body Corporate for Sandalwoods Community Titles Scheme CMS 23452
- 15 Body Corporate for Burdekin Riverside Community Titles Scheme CMS 18617
- 16 Sealink Fraser Island Pty Ltd ACN 624 478 280
- 17 Rosedale Water Supply Association Inc ABN 37 265 819 522

- 18 Aurizon Operations Limited ACN 124 649 967
- 19 Stanwell Corporation Limited ACN 078 848 674
- 20 The Conondale Water Supply Co-op Ltd QC 0317
- 21 Callide Power Management Pty. Limited ACN 082 468 700
- 22 C S Energy Limited ACN 078 848 745
- 23 Meridian Energy Australia Pty Limited ACN 143 533 322
- 24 Troy Peter Sobczak and Kate Louise Sobczak, in their capacity as trustees for the Evergreen Trust under instrument 713266609, as joint holders of licences with licence numbers 61070B and 17990B or a licence that replaces either licence
- 25 CP Water Pty Ltd ACN 164 388 612
- 26 Coreen Water Pty Ltd ACN 165 776 036
- 27 Grevillea Water Pty Ltd ACN 165 645 081
- 28 Kooingal Water Pty Ltd ACN 165 779 322
- 29 The parties to the ‘Middle Park Closed Water Agreement’, registered dealing number 715140398
- 30 Mulgildie Water Pty Ltd ACN 165 779 331
- 31 Myall Plains Water Co-operative Ltd QC 0316
- 32 Oaky Creek Water Pty Ltd ACN 165 779 340
- 33 The parties to the ‘Juandah Bore Water Group Closed Water Authority Agreement’, registered dealing number 715578077
- 34 Washpool Water Pty Ltd ACN 167 582 514
- 35 The parties to the ‘Marathon Bore Water Group Agreement’, registered dealing number 715961002
- 36 The parties to the ‘Palmgrove Bore Water Group Agreement’, registered dealing number 715662828
- 37 Crowley Vale Water Co-operative Limited QC 0333
- 38 The parties to the ‘Weengallon Bore Water Group Agreement’, registered dealing number 716094379
- 39 Adani Infrastructure Pty Ltd ACN 606 764 827

- 40 an eligible person under the *Water Plan (Cape York) 2019*, section 32(6)
- 41 CleanCo Queensland Limited ACN 628 008 159
- 42 Granite Belt Water Limited ACN 631 442 129
- 43 Carmichael Rail Network Pty Ltd ACN 601 738 685
- 44 Merlwood Water Pty Ltd ACN 611 379 278
- 45 Mondure Water Supply Inc. IA56117
- 46 Quandamooka Yoolooburrabee Aboriginal Corporation RNTBC ABN 30 457 275 826

## **Schedule 5      Water sharing rules**

section 27

<b>Column 1</b>	<b>Column 2</b>
<b>Water management area</b>	<b>Water sharing rules</b>
Bowen groundwater management area	Bowen groundwater management area water sharing rules
Burdekin groundwater management area	Burdekin groundwater management area water sharing rules

## Schedule 6      Seasonal water assignments

section 39

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Water management area</b>	<b>Type of water licence</b>	<b>Seasonal water assignment rules</b>
Bowen groundwater management area	water licence to take underground water	Bowen groundwater management area seasonal water assignment rules
Burdekin groundwater management area	water licence to take underground water	Burdekin groundwater management area seasonal water assignment rules

## Schedule 7 Rates and pump sizes

sections 51 and 54

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Pump size (mm)</b>	<b>Maximum rate (litres/second)</b>	<b>Maximum rate per day or daily volumetric limit (megalitres)</b>
32	6.9	0.6
40	11.6	1
50	25.5	2.2
65	45.1	3.9
80	64.8	5.6
100	84.5	7.3
125	90.3	7.8
150	140	12.1
200	180	15.6
250	250	21.6
300	300	25.9
350	400	34.6
375	430	37.2
400	500	43.2
500	550	47.5
600	1,000	86.4
660	1,390	120
700	1,740	150

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Pump size (mm)</b>	<b>Maximum rate (litres/second)</b>	<b>Maximum rate per day or daily volumetric limit (megalitres)</b>
750	2,080	180
780	2,320	200

## Schedule 8 Water authorities

sections 93, 94 and 94A

### Part 1 Established water authorities

Column 1	Column 2
Water authority	Plan
Avondale Water Board	AP4014
Babinda Swamp Drainage Board	AP4045
Bollon South Water Authority	AP6513
Bollon West Water Authority	AP7351
Bones Knob Water Board	AP4016
Eugun Bore Water Authority	AP7343
Fernlee Water Authority	AP6941
Gladstone Area Water Board	—
Glamorgan Vale Water Board	AP22179
Ingie Water Authority	AP7350
Kaywana Bore Water Board	AP13400
Mount Isa Water Board	AP7346
Roadvale Water Board	AP4038
South Maroochy Drainage Board	AP4059

## Part 2 Amalgamated water authorities

Column 1	Column 2
Water authority	Plan
Lower Burdekin Water	AP22327
Lower Herbert Water Management Authority <i>Note—</i> The formation of the Lower Herbert Water Management Authority is confirmed and validated under the Act, section 1282.	AP4064
Orchard Creek and East Euramo Drainage Board	AP22324

## Part 3 Water authorities dissolved for conversion to alternative institutional structures

Column 1	Column 2	Column 3
Dissolved water authority	Plan of dissolved authority area	Alternative institutional structure
Brigooda Water Board	AP4018	the institutional structure consisting of all the parties to the Brigooda Water Supply Agreement (dealing number 716109624)
Callandoon Water Supply Board	AP4019	Callandoon Water Users Limited ACN 636 809 400

## Schedule 8

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Dissolved water authority</b>	<b>Plan of dissolved authority area</b>	<b>Alternative institutional structure</b>
East Deeral Drainage Board	AP4047	the institutional structure consisting of all the parties to the East Deeral Drainage Scheme Agreement (dealing numbers 719616504 and 719616508)
Matthews Road Drainage Board	AP4052	the institutional structure consisting of all the parties to the Matthews Road Drainage Scheme Agreement (dealing number 720157247)
Merlwood Water Board	AP7342	Merlwood Water Pty Ltd ACN 611 379 278
Silkwood Drainage Board	AP4057	Silkwood Draining Group (dealing number 723270116)
Yambocully Water Board	AP4044	Yambocully Water Pty Ltd ACN 641 083 409

## Schedule 9 Assessable development or accepted development

section 98

### Part 1 Works for taking overland flow water

Column 1	Column 2	Column 3
Area	Works that are accepted development if relevant requirements complied with	Works that are not assessable development
<i>Water Plan (Baffle Creek Basin) 2010 plan area</i>	<p>Works for stock or domestic purposes</p> <p>Works of a capacity of not more than 20ML</p> <p>Works constructed to satisfy the requirements of—</p> <p>(a) an environmental authority; or</p> <p>(b) a development permit for carrying out an environmentally relevant activity</p>	<p>Repair or maintenance of either of the following works if the repair or maintenance does not alter the design of the works—</p> <p>(a) existing works mentioned in section 52(1) of that plan;</p> <p>(b) works constructed under a development permit</p>

Column 1	Column 2	Column 3
Area	Works that are accepted development if relevant requirements complied with	Works that are not assessable development
<i>Water Plan (Border Rivers and Moonie) 2019 plan area</i>	<p>Works for stock or domestic purposes</p> <p>Works of a capacity of not more than 5ML for taking water under section 99(2) of the Act</p>	<p>Repair or maintenance of any of the following works if the repair or maintenance does not alter the design of the works—</p> <ul style="list-style-type: none"> <li>(a) notified existing overland flow works within the meaning of the <i>Water Plan (Border Rivers and Moonie) 2019</i>;</li> <li>(b) works constructed for the taking of, or interfering with, water under section 97 of the Act;</li> <li>(c) works constructed under a development permit</li> </ul> <p>Construction, repair or maintenance of existing works, within the meaning of the <i>Water Plan (Border Rivers and Moonie) 2019</i>, section 38(3), used to take water for prescribed activities mentioned in schedule 3</p>

Column 1	Column 2	Column 3
Area	Works that are accepted development if relevant requirements complied with	Works that are not assessable development
<i>Water Plan (Burdekin Basin) 2007 plan area</i>	<p>Works for stock or domestic purposes</p> <p>Works of a capacity of not more than 250ML</p> <p>Works constructed to satisfy the requirements of—</p> <p>(a) an environmental authority; or</p> <p>(b) a development permit for carrying out an environmentally relevant activity</p>	<p>Repair or maintenance of either of the following works if the repair or maintenance does not alter the design of the works—</p> <p>(a) existing works mentioned in section 80(1) of that plan;</p> <p>(b) works constructed under a development permit</p>
<i>Coastal Burnett overland flow area under the Water Plan (Burnett Basin) 2014</i>	<p>Works for stock or domestic purposes</p> <p>Works of a capacity of not more than 20ML</p> <p>Works constructed to satisfy the requirements of—</p> <p>(a) an environmental authority; or</p> <p>(b) a development permit for carrying out an environmentally relevant activity</p>	<p>Repair or maintenance of works if the repair or maintenance does not alter the design of the works—</p> <p>(a) existing works mentioned in section 91(2)(g) of that plan;</p> <p>(b) works constructed under a development permit</p>
<i>Water Plan (Calliope River Basin) 2006 plan area</i>	<p>Works for stock or domestic purposes</p> <p>Works of a capacity of not more than 5ML</p> <p>Works constructed to satisfy the requirements of—</p> <p>(a) an environmental authority; or</p> <p>(b) a development permit for carrying out an environmentally relevant activity</p>	<p>Repair or maintenance of either of the following works if the repair or maintenance does not alter the design of the works—</p> <p>(a) existing works mentioned in section 15(1) of that plan;</p> <p>(b) works constructed under a development permit</p>

Column 1	Column 2	Column 3
Area	Works that are accepted development if relevant requirements complied with	Works that are not assessable development
<i>Water Plan (Cape York) 2019 plan area</i>	<p>Works for stock or domestic purposes</p> <p>Works to take overland flow water with a capacity of not more than 50ML situated in a catchment, other than the Normanby catchment, mentioned in schedule 2 of that plan</p> <p>Works constructed to satisfy the requirements of—</p> <ul style="list-style-type: none"> <li>(a) an environmental authority; or</li> <li>(b) a development permit for carrying out an environmentally relevant activity</li> </ul> <p>Works of a capacity of not more than 5ML situated in the Normanby catchment for taking water under section 99(2) of the Act</p>	<p>Repair or maintenance of any of the following works if the repair or maintenance does not alter the design of the works—</p> <ul style="list-style-type: none"> <li>(a) existing works mentioned in section 28(c) and (d) of that plan;</li> <li>(b) works constructed for the taking of, or interfering with, water under section 97 of the Act;</li> <li>(c) works constructed under a development permit</li> </ul>

Column 1	Column 2	Column 3
Area	Works that are accepted development if relevant requirements complied with	Works that are not assessable development
<i>Water Plan (Condamine and Balonne) 2019</i> plan area	<p>Works for stock or domestic purposes</p> <p>Works of a capacity of not more than 5ML for taking water under section 99(2) of the Act</p>	<p>Repair or maintenance of any of the following works if the repair or maintenance does not alter the design of the works—</p> <ul style="list-style-type: none"> <li>(a) notified existing overland flow works within the meaning of the <i>Water Plan (Condamine and Balonne) 2019</i>;</li> <li>(b) works constructed for the taking of, or interfering with, water under section 97 of the Act;</li> <li>(c) works constructed under a development permit</li> </ul> <p>Construction, repair or maintenance of existing works, within the meaning of the <i>Water Plan (Condamine and Balonne) 2019</i>, section 36(3), used to take water for prescribed activities mentioned in schedule 3</p>

Column 1	Column 2	Column 3
Area	Works that are accepted development if relevant requirements complied with	Works that are not assessable development
<i>Water Plan (Cooper Creek) 2011 plan area</i>	<p>Works for stock or domestic purposes</p> <p>Works, for taking water for a purpose other than irrigation, of a capacity of not more than 10ML</p> <p>Works constructed to satisfy the requirements of—</p> <p>(a) an environmental authority; or</p> <p>(b) a development permit for carrying out an environmentally relevant activity</p>	<p>Repair or maintenance of either of the following works if the repair or maintenance does not alter the design of the works—</p> <p>(a) existing works mentioned in section 37 of that plan;</p> <p>(b) works constructed under a development permit</p>
<i>Water Plan (Fitzroy Basin) 2011 plan area</i>	<p>Works for stock or domestic purposes</p> <p>Works downstream of the Fitzroy Barrage of a capacity of not more than 5ML</p> <p>Other works of a capacity of not more than 50ML</p> <p>Works constructed to satisfy the requirements of—</p> <p>(a) an environmental authority; or</p> <p>(b) a development permit for carrying out an environmentally relevant activity</p>	<p>Repair or maintenance of either of the following works if the repair or maintenance does not alter the design of the works—</p> <p>(a) existing works mentioned in section 111 of that plan;</p> <p>(b) works constructed under a development permit</p>

Column 1	Column 2	Column 3
Area	Works that are accepted development if relevant requirements complied with	Works that are not assessable development
<i>Water Plan (Georgina and Diamantina) 2004 plan area</i>	<p>Works for stock or domestic purposes</p> <p>Works of a capacity of not more than 5ML for taking water under section 99(2) of the Act</p>	<p>Repair or maintenance of any of the following works if the repair or maintenance does not alter the design of the works—</p> <p>(a) existing works mentioned in section 12 of that plan;</p> <p>(b) works constructed for the taking of, or interfering with, water under section 97 of the Act;</p> <p>(c) works constructed under a development permit</p>
<i>Water Plan (Gulf) 2007 plan area</i>	<p>Works for stock or domestic purposes</p> <p>Works of a capacity of not more than 250ML</p> <p>Works constructed to satisfy the requirements of—</p> <p>(a) an environmental authority; or</p> <p>(b) a development permit for carrying out an environmentally relevant activity</p>	<p>Repair or maintenance of either of the following works if the repair or maintenance does not alter the design of the works—</p> <p>(a) existing works mentioned in section 79 of that plan;</p> <p>(b) works constructed under a development permit</p>

Column 1	Column 2	Column 3
Area	Works that are accepted development if relevant requirements complied with	Works that are not assessable development
<i>Water Plan (Mitchell) 2007</i> plan area	<p>Works for stock or domestic purposes</p> <p>Works of a capacity of not more than 250ML</p> <p>Works constructed to satisfy the requirements of—</p> <p>(a) an environmental authority; or</p> <p>(b) a development permit for carrying out an environmentally relevant activity</p>	<p>Repair or maintenance of either of the following works if the repair or maintenance does not alter the design of the works—</p> <p>(a) existing works mentioned in section 55 of that plan;</p> <p>(b) works constructed under a development permit</p>
<i>Water Plan (Moreton) 2007</i> plan area	<p>Works for stock or domestic purposes</p> <p>Works of a capacity of not more than 5ML</p> <p>Works constructed to satisfy the requirements of—</p> <p>(a) an environmental authority; or</p> <p>(b) a development permit for carrying out an environmentally relevant activity</p>	<p>Repair or maintenance of either of the following works if the repair or maintenance does not alter the design of the works—</p> <p>(a) works mentioned in sections 86 and 87 of that plan;</p> <p>(b) works constructed under a development permit</p>

Column 1	Column 2	Column 3
Area	Works that are accepted development if relevant requirements complied with	Works that are not assessable development
<i>Water Plan (Warrego, Paroo, Bulloo and Nebine) 2016 plan area</i>	<p>Works for stock or domestic purposes</p> <p>Works constructed to satisfy the requirements of—</p> <p>(a) an environmental authority; or</p> <p>(b) a development permit for carrying out an environmentally relevant activity</p> <p>Works of a capacity of not more than 5ML for taking water under section 99(2) of the Act</p>	<p>Repair or maintenance of either of the following works if the repair or maintenance does not alter the design of the works—</p> <p>(a) existing works mentioned in section 26 of that plan;</p> <p>(b) works constructed under a development permit</p> <p>Works for prescribed activities mentioned in schedule 3</p>
<i>Water Resource (Whitsunday) Plan 2010 plan area</i>	<p>Works for stock or domestic purposes</p> <p>Works of a capacity of not more than 20ML</p> <p>Works constructed to satisfy the requirements of—</p> <p>(a) an environmental authority; or</p> <p>(b) a development permit for carrying out an environmentally relevant activity</p>	<p>Repair or maintenance of either of the following works if the repair or maintenance does not alter the design of the works—</p> <p>(a) existing works mentioned in section 68 of that plan;</p> <p>(b) works constructed under a development permit</p>

## Part 2

## Works for taking underground water through a subartesian bore

Column 1	Column 2	Column 3
Area or groundwater unit	Works that are accepted development if relevant requirements complied with	Works that are not assessable development
Atherton underground water management area or the Cairns Northern Beaches underground water management area under the <i>Water Plan (Barron) 2023</i>		<p>An exempt bore</p> <p>A water bore (the <i>first bore</i>) constructed more than 200m from a watercourse and—</p> <p>(a) more than 400m from another water bore; or</p> <p>(b) if the first bore is constructed within 400m of another water bore (the <i>second bore</i>)—</p> <p>(i) the second bore is situated on land owned by the landholder constructing the first bore; or</p> <p>(ii) the owner of the land on which the second bore is situated has given written consent to the construction of the first bore</p>

Column 1	Column 2	Column 3
<b>Area or groundwater unit</b>	<b>Works that are accepted development if relevant requirements complied with</b>	<b>Works that are not assessable development</b>
Underground water in the parts of an underground water unit that are within the underground water management area under the <i>Water Plan (Border Rivers and Moonie) 2019</i>		An exempt bore A water bore that— (a) is constructed more than— (i) 200m from a boundary of a parcel of land; and (ii) 400m from another water bore; and (b) takes water from an aquifer other than the Border Rivers Alluvium (deep)

Column 1	Column 2	Column 3
Area or groundwater unit	Works that are accepted development if relevant requirements complied with	Works that are not assessable development
Groundwater management areas under the <i>Water Plan (Burnett Basin) 2014</i>		<p>An exempt bore</p> <p>Prescribed existing groundwater works as defined under that plan, schedule 12</p> <p>A water bore for prescribed activities mentioned in schedule 3</p> <p>A water bore that is constructed more than—</p> <ul style="list-style-type: none"> <li>(a) 100m from a boundary of a parcel of land; and</li> <li>(b) 200m from another water bore; and</li> <li>(c) for the Barambah Creek groundwater management area—200m from Barambah Creek between AMTD 101km and AMTD 143km; and</li> <li>(d) for the Central Burnett River groundwater management area—200m from the Burnett River between AMTD 250km and AMTD 295km; and</li> <li>(e) for the Coastal Burnett groundwater management area—200m from the Elliott River</li> </ul>

Column 1	Column 2	Column 3
Area or groundwater unit	Works that are accepted development if relevant requirements complied with	Works that are not assessable development
<p><i>Water Plan (Cape York) 2019 plan area</i></p>		<p>An exempt bore</p> <p>A water bore that is constructed—</p> <ul style="list-style-type: none"> <li>(a) more than 200m from a watercourse, lake or spring; and</li> <li>(b) more than 200m from a boundary of a parcel of land; and</li> <li>(c) more than 400m from another water bore.</li> </ul> <p>A water bore that is constructed more than 200m from a watercourse, lake or spring if—</p> <ul style="list-style-type: none"> <li>(a) the water bore is located within 200m of a boundary of a parcel of land (the <b><i>neighbouring land</i></b>), other than the land on which the bore is being constructed, and the person constructing the bore— <ul style="list-style-type: none"> <li>(i) is the owner of the neighbouring land; or</li> <li>(ii) has the written consent of the owner of the neighbouring land; or</li> </ul> </li> </ul>

Column 1	Column 2	Column 3
Area or groundwater unit	Works that are accepted development if relevant requirements complied with	Works that are not assessable development
		<p>(b) the water bore (the <i>new water bore</i>) is located within 400m of another water bore and the person constructing the new water bore—</p> <ul style="list-style-type: none"> <li>(i) is the owner of the land on which the other water bore is situated; or</li> <li>(ii) has the written consent of the owner of the land on which the other water bore is situated.</li> </ul>

Column 1	Column 2	Column 3
Area or groundwater unit	Works that are accepted development if relevant requirements complied with	Works that are not assessable development
Underground water in an underground water unit under the <i>Water Plan (Condamine and Balonne) 2019</i>		<p>An exempt bore</p> <p>A water bore that is constructed—</p> <ul style="list-style-type: none"> <li>(a) more than 200m from a boundary of a parcel of land; and</li> <li>(b) more than 400m from another water bore; and</li> <li>(c) outside of the following underground water sub-areas under the <i>Water Plan (Condamine and Balonne) 2019</i>— <ul style="list-style-type: none"> <li>(i) Central Condamine Alluvium;</li> <li>(ii) Cunningham Alluvium;</li> <li>(iii) Dalrymple Creek Alluvium;</li> <li>(iv) Oakey Creek Alluvium</li> </ul> </li> </ul>
Groundwater management areas under the <i>Water Plan (Fitzroy Basin) 2011</i>		<p>An exempt bore</p> <p>A water bore that is constructed more than—</p> <ul style="list-style-type: none"> <li>(a) 200m from a boundary of a parcel of land; and</li> <li>(b) 400m from another water bore</li> </ul>
groundwater units, other than the south-eastern groundwater units and groundwater sub-areas, under the <i>Water Plan (Great Artesian Basin and Other Regional Aquifers) 2017</i>	A replacement water bore that is a subartesian bore	An exempt bore

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Area or groundwater unit</b>	<b>Works that are accepted development if relevant requirements complied with</b>	<b>Works that are not assessable development</b>
south-eastern groundwater units and groundwater sub-areas under the <i>Water Plan (Great Artesian Basin and Other Regional Aquifers) 2017</i>	Works for stock or domestic purposes Works for a replacement water bore that is a subartesian bore	An exempt bore
<i>Water Plan (Gulf) 2007</i> plan area		An exempt bore Works that are more than— (a) 200m from a boundary of a parcel of land; and (b) 400m from another water bore
Cooloola Sandmass subartesian area under the <i>Water Plan (Mary Basin) 2006</i> plan area		An exempt bore
<i>Water Plan (Mitchell) 2007</i> plan area		An exempt bore Works that are more than— (a) 200m from a boundary of a parcel of land; and (b) 400m from another water bore
Warrill-Bremer Alluvial groundwater management area and the watercourse buffer zone under the <i>Water Plan (Moreton) 2007</i>	Works replacing works in the watercourse buffer zone	An exempt bore

Column 1	Column 2	Column 3
Area or groundwater unit	Works that are accepted development if relevant requirements complied with	Works that are not assessable development
Cressbrook Creek Alluvial groundwater management area and Lockyer Valley groundwater management area under the <i>Water Plan (Moreton) 2007</i>		<p>An exempt bore</p> <p>A water bore that is constructed more than—</p> <ul style="list-style-type: none"> <li>(a) 100m from a boundary of a parcel of land; and</li> <li>(b) 200m from another water bore; and</li> <li>(c) 50m from a watercourse</li> </ul>
<i>Water Plan (Pioneer Valley) 2002</i> plan area		<p>An exempt bore</p> <p>Repair or maintenance of works if the repair or maintenance does not alter the design of the works</p> <p>A water bore that is constructed more than—</p> <ul style="list-style-type: none"> <li>(a) 200m from— <ul style="list-style-type: none"> <li>(i) a boundary of a parcel of land; and</li> <li>(ii) a boundary of subcatchment area 10; and</li> <li>(iii) a relevant watercourse; and</li> </ul> </li> <li>(b) 400m from another water bore; and</li> <li>(c) 100m from a watercourse, other than a relevant watercourse</li> </ul>

## Schedule 9

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Area or groundwater unit</b>	<b>Works that are accepted development if relevant requirements complied with</b>	<b>Works that are not assessable development</b>
Groundwater in a groundwater unit under the <i>Water Plan (Warrego, Paroo, Bulloo and Nebine) 2016</i>		<p>An exempt bore</p> <p>A water bore for prescribed activities mentioned in schedule 3</p> <p>A water bore that is constructed more than—</p> <p>(a) 200m from a boundary of a parcel of land; and</p> <p>(b) 400m from another water bore</p>
Groundwater management areas under the <i>Water Plan (Wet Tropics) 2013</i>	A water bore that is within 400m of a watercourse, lake, spring or water bore	<p>An exempt bore</p> <p>A water bore that is constructed more than 400m from—</p> <p>(a) a watercourse; and</p> <p>(b) another water bore</p>

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Area or groundwater unit</b>	<b>Works that are accepted development if relevant requirements complied with</b>	<b>Works that are not assessable development</b>
<i>Water Resource (Whitsunday) Plan 2010</i> plan area		<p>An exempt bore</p> <p>Repair or maintenance of either of the following works if the repair or maintenance does not alter the design of the works—</p> <p>(a) existing works mentioned in section 73 of that plan;</p> <p>(b) works constructed under a development permit</p> <p>A water bore that is constructed more than—</p> <p>(a) 200m from a boundary of a parcel of land; and</p> <p>(b) 400m from another water bore; and</p> <p>(c) 200m from a watercourse</p>

### **Part 3**                      **Works that interfere with underground water**

<b>Column 1</b>	<b>Column 2</b>
<b>Area or groundwater unit</b>	<b>Works that are not assessable development</b>
<i>Water Plan (Pioneer Valley) 2002</i> plan area	An excavation that interferes with underground water, other than an excavation in sub-area 3, 15, 16 or 17

## **Schedule 10 Code for assessment of development for construction or modification of particular levees**

section 102

### **1 Application of code**

- (1) The code applies for the assessment of assessable development for—
  - (a) the construction of a new category 2 levee or new category 3 levee (each a *new levee*); or
  - (b) the modification of an existing levee if, after the modification, the levee (the *modified levee*) will fulfil the requirements for a category 2 levee or category 3 levee.
- (2) The code should be read together with the document called ‘Guidelines for the construction or modification of category 2 and 3 levees’ published by the department.

*Editor’s note—*

A copy of the document called ‘Guidelines for the construction or modification of category 2 and 3 levees’ is available on the department’s website.

### **2 Purpose of code**

The purpose of the code is to ensure that a new levee or modified levee meets a set of criteria.

### **3 Definitions**

In this schedule—

*modified levee* see section 1(1)(b).

*new levee* see section 1(1)(a).

*off-property impact*, for a levee, see section 101(5) of this regulation.

#### 4 Compliance with code

- (1) The code is complied with if each of the performance outcomes stated in column 1 of the table is complied with for a new levee or modified levee.
- (2) A performance outcome is complied with if the new levee or modified levee—
  - (a) complies with an acceptable outcome stated in column 2 of the table; or
  - (b) otherwise satisfies the performance outcome mentioned in column 1 of the table.

Column 1	Column 2
Performance outcome	Acceptable outcome
<p>1 any off-property impact from the levee is minimised and acceptable having regard to the following—</p> <ul style="list-style-type: none"> <li>• the environment in which the levee is located;</li> <li>• the measures proposed to be taken to mitigate any off-property impact;</li> <li>• any compensation measures for an impact that are proposed by the applicant</li> </ul>	<p>the levee does not result in—</p> <ol style="list-style-type: none"> <li>(a) an unacceptable change in hydraulic effects that occur off-property; and</li> <li>(b) an unacceptable impact on people, property or the environment</li> </ol>
<p>2 the levee is a safe and stable structure</p>	<p>the design, construction, operation and maintenance for the levee is appropriate for the materials used and the levee's intended function</p>

<b>Column 1</b>	<b>Column 2</b>
<b>Performance outcome</b>	<b>Acceptable outcome</b>
3 community safety is ensured in the event a category 3 levee fails or overtops	appropriate emergency action procedures are in place for category 3 levees

## Schedule 11 Measurement requirements—relevant authorisations and measurement devices

sections 107(1)(a) and 108(1)

### Water Plan (Barron) 2023

Column 1	Column 2	Column 3
Area under water plan	Relevant authorisation	Measurement device
the plan area	all water entitlements, other than water entitlements to take water for stock or domestic purposes only	a meter

### Water Plan (Border Rivers and Moonie) 2019

Column 1	Column 2	Column 3
Area under water plan	Relevant authorisation	Measurement device
Border Rivers Alluvium (deep) underground water sub-unit	all water allocations	a meter

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Area under water plan</b>	<b>Relevant authorisation</b>	<b>Measurement device</b>
Border Rivers Alluvium (shallow) underground water sub-unit	all water entitlements, other than the following— (a) water entitlements to take water for stock or domestic purposes only; (b) water entitlements to take water for public amenity or education premises purposes only; (c) water entitlements for which the annual volumetric limit is not more than 5ML	from 1 April 2025—a meter
Border Rivers water management area	all water entitlements, other than the following— (a) water entitlements to take overland flow water only; (b) water entitlements to take water for stock or domestic purposes only; (c) water entitlements to take water for public amenity or education premises purposes only; (d) water entitlements for which the annual volumetric limit is not more than 5ML	from 1 April 2025 to 30 November 2027—a meter
		from 1 December 2027—a meter and a telemetry device

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Area under water plan</b>	<b>Relevant authorisation</b>	<b>Measurement device</b>
Callandoon Creek water management area	all water entitlements, other than the following— (a) water entitlements to take overland flow water only; (b) water entitlements to take water for stock or domestic purposes only; (c) water entitlements to take water for public amenity or education premises purposes only; (d) water entitlements for which the annual volumetric limit is not more than 5ML	from 1 April 2025 to 30 November 2027—a meter
		from 1 December 2027—a meter and a telemetry device
Lower Weir River water management area	all water allocations to take unsupplemented surface water	until 30 November 2027—a meter
		from 1 December 2027—a meter and a telemetry device
Macintyre Brook water management area	all water entitlements, other than the following— (a) water entitlements to take overland flow water only; (b) water entitlements to take water for stock or domestic purposes only; (c) water entitlements to take water for public amenity or education premises purposes only; (d) water entitlements for which the annual volumetric limit is not more than 5ML	from 1 April 2025 to 30 November 2027—a meter
		from 1 December 2027—a meter and a telemetry device

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Area under water plan</b>	<b>Relevant authorisation</b>	<b>Measurement device</b>
Moonie water management area	all water entitlements to take surface water, other than the following—	until 30 November 2025—a meter
	(a) water entitlements to take overland flow water only; (b) water licences to take water for stock or domestic purposes only	from 1 December 2025—a meter and a telemetry device
Northern Weir River water management area	all water entitlements, other than the following—	from 1 April 2025 to 30 November 2027—a meter
	(a) water entitlements to take overland flow water only; (b) water licences to take water for stock or domestic purposes only; (c) water licences to take water for public amenity or education premises purposes only; (d) water licences for which the annual volumetric limit is not more than 5ML	from 1 December 2027—a meter and a telemetry device

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Area under water plan</b>	<b>Relevant authorisation</b>	<b>Measurement device</b>
Stanthorpe water management area	1 all water allocations that were in effect on the commencement of the water plan	until 30 November 2025—a meter
	2 all water entitlements, other than the following— (a) water licences to take water for stock or domestic purposes only; (b) water licences to take water for public amenity or education premises purposes only; (c) water licences for which the annual volumetric limit is not more than 5ML	from 1 December 2025—a meter and a telemetry device
underground water management area	all water entitlements, other than the following— (a) all underground water allocations Border Rivers Alluvium (deep) underground water sub-unit under the water plan; (b) water entitlements to take water for stock or domestic purposes only; (c) water entitlements to take water for public amenity or education premises purposes only; (d) water entitlements for which the annual volumetric limit is not more than 5ML	from 1 April 2025 to 30 November 2027—a meter

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Area under water plan</b>	<b>Relevant authorisation</b>	<b>Measurement device</b>
Upper Weir River water management area	all water allocations to take unsupplemented surface water	until 30 November 2027—a meter
		from 1 December 2027—a meter and a telemetry device

### Water Plan (Boyne River Basin) 2013

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Area under water plan</b>	<b>Relevant authorisation</b>	<b>Measurement device</b>
the plan area	all water licences	a meter

### Water Plan (Burdekin Basin) 2007

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Area under water plan</b>	<b>Relevant authorisation</b>	<b>Measurement device</b>
subcatchment area E	water licence 620909 and water licence 621164	a meter

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Area under water plan</b>	<b>Relevant authorisation</b>	<b>Measurement device</b>
subcatchment area E	all water licences, other than the following— (a) water licence 620909 and water licence 621164; (b) water licences to take water for stock or domestic purposes only; (c) water licences to take water for public amenity or education premises purposes only; (d) water licences for which the annual volumetric limit is not more than 5ML	from 1 December 2024—a meter
subcatchment area F	all water entitlements, other than water entitlements to take water for stock or domestic purposes only	a meter
subcatchment area G	all water entitlements, other than water entitlements to take water for stock or domestic purposes only	a meter

## Water Plan (Burnett Basin) 2014

*Note—*

The water management areas under the *Water Plan (Burnett Basin) 2014* are identified in provisions of the Burnett Basin Resource Operations Plan 2003 taken to be included in the water plan under sections 1259 and 1264 of the Act. A copy of the provisions is available on the department's website.

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Area under water plan</b>	<b>Relevant authorisation</b>	<b>Measurement device</b>
Barambah Creek groundwater management area	all water entitlements	from 1 April 2026—a meter
Boyne and Stuart Rivers water management area	all water entitlements	a meter
Coastal Burnett groundwater management area	all water entitlements, other than the following— (a) water entitlements to take water for dewatering purposes only; (b) water entitlements to take water for agricultural dewatering purposes only; (c) water entitlements for which the annual volumetric limit is not more than 2ML	a meter
Lower Burnett and Kolan Rivers water management area	all water entitlements	from 1 April 2027—a meter
subcatchment area J	water allocation 2189/AP6975	a meter
subcatchment area R	the following water licences— (a) water licences 177472; (b) water licence 177470; (c) water licence 177450; (d) water licence 177451; (e) water licence 177464; (f) water licence 53394M; (g) water licence 60631M	from 1 April 2027—a meter
Upper Burnett and Nogo Rivers water management area	all water entitlements	from 1 April 2027—a meter

## Water Plan (Calliope River Basin) 2006

Column 1	Column 2	Column 3
Area under water plan	Relevant authorisation	Measurement device
the plan area	all water licences, other than water licences to take water for stock or domestic purposes only	a meter

## Water Plan (Cape York) 2019

Column 1	Column 2	Column 3
Area under water plan	Relevant authorisation	Measurement device
Lakeland water licence zones 1 and 2	all water licences to take underground water, other than water licences to take underground water for stock or domestic purposes only	a meter
the plan area, other than Lakeland water licence zones 1 and 2	all water entitlements, other than the following— (a) water entitlements to take water for stock or domestic purposes only; (b) water licences for which the annual volumetric limit is not more than 5ML	a meter

## Water Plan (Condamine and Balonne) 2019

Column 1	Column 2	Column 3
Area under water plan	Relevant authorisation	Measurement device
Central Condamine Alluvium underground water sub-area	all water licences to take underground water, other than water licences to take underground water for stock or domestic purposes only	a meter
Condamine and Balonne Tributaries water management area, water management area zones CBT-01, CBT-02 and CBT-03	all water entitlements to take unsupplemented surface water, other than the following— (a) water entitlements to take overland flow water; (b) water entitlements to take unsupplemented surface water for stock or domestic purposes only; (c) water entitlements to take unsupplemented surface water for public amenity or education premises purposes only; (d) water entitlements for which the annual volumetric limit is not more than 5ML	from 1 April 2025 to 30 November 2025—a meter
		from 1 December 2025—a meter and a telemetry device

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Area under water plan</b>	<b>Relevant authorisation</b>	<b>Measurement device</b>
Condamine and Balonne Tributaries water management area, water management area zones CBT-04, CBT-05, CBT-06, CBT-07, CBT-08 and CBT-09	all water entitlements to take unsupplemented surface water, other than the following— (a) water entitlements to take overland flow water; (b) water entitlements to take unsupplemented surface water for stock or domestic purposes only; (c) water entitlements to take unsupplemented surface water for public amenity or education premises purposes only; (d) water entitlements for which the annual volumetric limit is not more than 5ML	from 1 October 2024 to 30 November 2025—a meter
		from 1 December 2025—a meter and a telemetry device
Condamine and Balonne water management area, water management area zones CBU-01, CBU-02, CBU-03, CBU-04, CBU-05, CBU-06, CBU-07, CBU-08 and CBU-09	all water allocations to take unsupplemented surface water, other than water allocations to take overland flow water only	until 30 November 2025—a meter
		from 1 December 2025—a meter and a telemetry device

Column 1	Column 2	Column 3
Area under water plan	Relevant authorisation	Measurement device
Condamine and Balonne water management area, water management area zones CBU-010, CBU-11, CBU-12, CBU-13, CBU-14, CBU-15, CBU-16, CBU-17, CBU-18, CBU-21 and CBU-22	all water entitlements to take unsupplemented surface water, other than the following— (a) water entitlements to take overland flow water only; (b) water entitlements to take unsupplemented surface water for stock or domestic purposes only; (c) water entitlements to take unsupplemented surface water for public amenity or education premises purposes only; (d) water entitlements for which the annual volumetric limit is not more than 5ML	from 1 April 2025 to 30 November 2025—a meter
		from 1 December 2025—a meter and a telemetry device
Cunningham Alluvium underground water sub-area	all water entitlements, other than the following— (a) water entitlements to take unsupplemented surface water for stock or domestic purposes only; (b) water entitlements to take unsupplemented surface water for public amenity or education premises purposes only; (c) water entitlements for which the annual volumetric limit is not more than 5ML	a meter
Dalrymple Creek Alluvium underground water sub-area	all water allocations to take underground water	a meter

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Area under water plan</b>	<b>Relevant authorisation</b>	<b>Measurement device</b>
Gowrie and Oakey Creek water management area, water management area zones GOU-01, GOU-02, GOU-03 and GOU-04	all water entitlements to take unsupplemented surface water, other than the following— (a) water entitlements to take overland flow water; (b) water entitlements to take unsupplemented surface water for stock or domestic purposes only	until 30 November 2027—a meter
		from 1 December 2027—a meter and a telemetry device
Gowrie and Oakey Creek water management area, water management area zones GOU-05, GOU-06, GOU-07, GOU-08 and GOU-09	all water entitlements to take unsupplemented surface water, other than the following— (a) water entitlements to take overland flow water; (b) water entitlements to take water for stock or domestic purposes only; (c) water entitlements to take water for public amenity or education premises purposes only; (d) water entitlements for which the annual volumetric limit is not more than 5ML	from 1 April 2025 to 30 November 2027—a meter
		from 1 December 2027—a meter and a telemetry device
Jimbour Creek Alluvium underground water sub-area	all water licences to take underground water, other than water licences to take underground water for stock or domestic purposes only	a meter
Lower Balonne water management area	all water entitlements to take unsupplemented surface water, other than water entitlements to take overland flow water only	until 30 November 2025—a meter
		from 1 December 2025—a meter and a telemetry device

## Schedule 11

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Area under water plan</b>	<b>Relevant authorisation</b>	<b>Measurement device</b>
Lower Balonne water management area	all water licences to take overland flow water only	until 30 November 2027—a meter
		from 1 December 2027—a storage meter and a telemetry device
Nobby Basalts underground water sub-area	all water entitlements, other than the following— (a) water entitlements to take unsupplemented surface water for stock or domestic purposes only; (b) water entitlements to take unsupplemented surface water for public amenity or education premises purposes only; (c) water entitlements for which the annual volumetric limit is not more than 5ML	a meter
Oakey Creek Alluvium underground water sub-area	all water allocations to take underground water	a meter
Toowoomba City Basalts underground water sub-area	all water licences to take underground water, other than water licences to take underground water for stock or domestic purposes only	a meter

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Area under water plan</b>	<b>Relevant authorisation</b>	<b>Measurement device</b>
Upper Condamine Alluvium (Tributaries) underground water unit, other than Oakey Creek Alluvium, Dalrymple Creek Alluvium, Jimbour Creek Alluvium and Cunningham Alluvium underground water sub-areas	all water entitlements to take underground water, other than the following— (a) water entitlements to take underground water for stock or domestic purposes only; (b) water entitlements to take underground water for public amenity or education premises purposes only; (c) water entitlements for which the annual volumetric limit is not more than 5ML	from 1 October 2024—a meter
Upper Condamine Basalts underground water unit, other than Toowoomba City Basalts, Upper Hodgson Creek Basalts, Nobby Basalts underground water sub-areas	all water entitlements to take underground water, other than the following— (a) water entitlements to take unsupplemented surface water for stock or domestic purposes only; (b) water entitlements to take unsupplemented surface water for public amenity or education premises purposes only; (c) water entitlements for which the annual volumetric limit is not more than 5ML	from 1 October 2024—a meter

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Area under water plan</b>	<b>Relevant authorisation</b>	<b>Measurement device</b>
Upper Condamine water management area, water management area zones UCU-01, UCU-02, UCU-03, UCU-04, UCU-05, UCU-06, UCU-07, UCU-08, UCU-09, UCU-10 and UCU-11	all water allocations to take unsupplemented surface water, other than the following— (a) water allocations to take overland flow water; (b) water allocations to take unsupplemented surface water for stock or domestic purposes only; (c) water allocations to take unsupplemented surface water for public amenity or education premises purposes only; (d) water allocations for which the annual volumetric limit is not more than 5ML	from 1 April 2025 to 30 November 2025—a meter
		from 1 December 2025—a meter and a telemetry device
Upper Condamine water management area, water management area zones UCU-12, UCU-13, UCU-14, UCU-15 and UCU-16	all water allocations to take unsupplemented surface water, other than water allocations to take overland flow water	until 30 November 2025—a meter
		from 1 December 2025—a meter and a telemetry device
Upper Hodgson Creek Basalts underground water sub-area	all water licences to take underground water, other than water licences to take underground water for stock or domestic purposes only	a meter

## Water Plan (Fitzroy Basin) 2011

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Area under water plan</b>	<b>Relevant authorisation</b>	<b>Measurement device</b>
Comet water management area	all water allocations	a meter
Dawson Valley water management area	all water allocations	a meter
Don and Dee groundwater sub-area	all water licences to take underground water	a meter
Don and Dee Rivers and Alma Creek water management area	all water licences to take surface water, other than water licences to take surface water for stock or domestic purposes only	a meter
Fitzroy water management area, other than water management area zone Fitzroy B	all water allocations	a meter
Isaac Connors subcatchment area	all water licences, other than water licences to take water for stock or domestic purposes only	a meter
Lower Callide groundwater sub-area	all water entitlements	a meter
Nogoa Mackenzie water management area	all water allocations	a meter
Prospect Creek groundwater sub-area	all water licences	a meter
Theresa Retreat water management area	all water allocations	a meter
Upper Callide groundwater sub-area	all water licences	a meter

## Water Plan (Gold Coast) 2006

*Note—*

The water management areas under the *Water Plan (Gold Coast) 2006* are identified in provisions of the Gold Coast Resource Operations Plan 2010 taken to be included in the water plan under sections 1259 and 1264 of the Act. A copy of the provisions is available on the department's website.

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Area under water plan</b>	<b>Relevant authorisation</b>	<b>Measurement device</b>
Lower Nerang water management area	all water entitlements	a meter

## Water Plan (Great Artesian Basin and Other Regional Aquifers) 2017

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Area under water plan</b>	<b>Relevant authorisation</b>	<b>Measurement device</b>
Eastern Downs Marburg groundwater sub-area	water licence 100875	a meter

Column 1	Column 2	Column 3
Area under water plan	Relevant authorisation	Measurement device
Gatton Esk Road Marburg groundwater sub-area	all water licences, other than the following— <ul style="list-style-type: none"> <li>(a) water licences to take water for stock or domestic purposes only;</li> <li>(b) water licence 406711;</li> <li>(c) water licence 406717;</li> <li>(d) water licence 406722;</li> <li>(e) water licence 406725;</li> <li>(f) water licence 406732;</li> <li>(g) water licence 406735;</li> <li>(h) water licence 406738;</li> <li>(i) water licence 406751;</li> <li>(j) water licence 406755;</li> <li>(k) water licence 406761;</li> <li>(l) water licence 406807;</li> <li>(m) water licence 406867;</li> <li>(n) water licence 407196;</li> <li>(o) water licence 409175</li> </ul>	a meter

## Schedule 11

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Area under water plan</b>	<b>Relevant authorisation</b>	<b>Measurement device</b>
Gatton Esk Road Woogaroo groundwater sub-area	all water licences, other than the following— (a) water licences to take water for stock or domestic purposes only; (b) water licence 406711; (c) water licence 406717; (d) water licence 406722; (e) water licence 406725; (f) water licence 406732; (g) water licence 406735; (h) water licence 406738; (i) water licence 406751; (j) water licence 406755; (k) water licence 406761; (l) water licence 406807; (m) water licence 406867; (n) water licence 407196; (o) water licence 409175	a meter
Mulgildie North Hutton groundwater unit	all water licences	a meter
Mulgildie North Precipice groundwater sub-area	all water licences	a meter
Mulgildie South Precipice groundwater sub-area	all water licences	a meter

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Area under water plan</b>	<b>Relevant authorisation</b>	<b>Measurement device</b>
Surat Hutton groundwater sub-area	all water licences, other than the following— (a) water licences to take water for stock or domestic purposes only; (b) water licences to take water for public amenity or education premises purposes only; (c) water licences for which the annual volumetric limit is not more than 5ML	from 1 April 2025—a meter

## Water Plan (Gulf) 2007

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Area under water plan</b>	<b>Relevant authorisation</b>	<b>Measurement device</b>
Flinders River catchment area	all water entitlements	a meter
Gilbert River catchment area	all water entitlements	a meter

## Water Plan (Logan Basin) 2007

*Note—*

The water management areas under the *Water Plan (Logan Basin) 2007* are identified in provisions of the Logan Basin Resource Operations

## Schedule 11

Plan 2009 taken to be included in the water plan under sections 1259 and 1264 of the Act. A copy of the provisions is available on the department's website.

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Area under water plan</b>	<b>Relevant authorisation</b>	<b>Measurement device</b>
Burnett Creek water management area	all water entitlements, other than the following— (a) water licences to take water for stock or domestic purposes only; (b) water licences to take water for public amenity or education premises purposes only; (c) water licences for which the annual volumetric limit is not more than 5ML	from 1 December 2025—a meter
Christmas Creek water management area	all water allocations	a meter
Logan River water management area	all water licences, other than the following— (a) water licences to take water for stock or domestic purposes only; (b) water licences to take water for public amenity or education premises purposes only; (c) water licences for which the annual volumetric limit is not more than 5ML	from 1 December 2025—a meter
Running Creek water management area	all water allocations	a meter

## Water Plan (Mary Basin) 2024

Column 1	Column 2	Column 3
Area under water plan	Relevant authorisation	Measurement device
Amamoor Creek subcatchment	<p>all water licences, other than the following—</p> <ul style="list-style-type: none"> <li>(a) water licences to take water for stock or domestic purposes only;</li> <li>(b) water licences to take water for public amenity or education premises purposes only;</li> <li>(c) water licences for which the annual volumetric limit is not more than 5ML</li> </ul>	from 1 July 2030—a meter
Burrum River subcatchment	<p>all water licences, other than the following—</p> <ul style="list-style-type: none"> <li>(a) water licences to take water for stock or domestic purposes only;</li> <li>(b) water licences to take water for public amenity or education premises purposes only;</li> <li>(c) water licences for which the annual volumetric limit is not more than 5ML</li> </ul>	from 1 July 2031—a meter
Cooloola Sandmass underground water management area	<p>all water licences, other than the following—</p> <ul style="list-style-type: none"> <li>(a) water licence 190197;</li> <li>(b) water licence 190200</li> </ul>	a meter

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Area under water plan</b>	<b>Relevant authorisation</b>	<b>Measurement device</b>
Deep Creek subcatchment	all water licences, other than the following— (a) water licences to take water for stock or domestic purposes only; (b) water licences to take water for public amenity or education premises purposes only; (c) water licences for which the annual volumetric limit is not more than 5ML	from 1 April 2031—a meter
Glastonbury Creek subcatchment	all water licences, other than the following— (a) water licences to take water for stock or domestic purposes only; (b) water licences to take water for public amenity or education premises purposes only; (c) water licences for which the annual volumetric limit is not more than 5ML	from 1 April 2031—a meter
Kandanga Creek subcatchment	all water licences, other than the following— (a) water licences to take water for stock or domestic purposes only; (b) water licences to take water for public amenity or education premises purposes only; (c) water licences for which the annual volumetric limit is not more than 5ML	from 1 July 2030—a meter

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Area under water plan</b>	<b>Relevant authorisation</b>	<b>Measurement device</b>
Lower Mary River subcatchment	<p>all water licences, other than the following—</p> <p>(a) water licences to take water for stock or domestic purposes only;</p> <p>(b) water licences to take water for public amenity or education premises purposes only;</p> <p>(c) water licences for which the annual volumetric limit is not more than 5ML</p>	from 1 April 2031—a meter
Maroochy River subcatchment	<p>all water licences, other than the following—</p> <p>(a) water licences to take water for stock or domestic purposes only;</p> <p>(b) water licences to take water for public amenity or education premises purposes only;</p> <p>(c) water licences for which the annual volumetric limit is not more than 5ML</p>	from 1 April 2031—a meter
Mid Mary River including Eel Creek subcatchment	<p>all water licences, other than the following—</p> <p>(a) water licences to take water for stock or domestic purposes only;</p> <p>(b) water licences to take water for public amenity or education premises purposes only;</p> <p>(c) water licences for which the annual volumetric limit is not more than 5ML</p>	from 1 April 2031—a meter

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Area under water plan</b>	<b>Relevant authorisation</b>	<b>Measurement device</b>
Mooloolah River subcatchment	all water licences, other than the following— (a) water licences to take water for stock or domestic purposes only; (b) water licences to take water for public amenity or education premises purposes only; (c) water licences for which the annual volumetric limit is not more than 5ML	from 1 July 2031—a meter
Munna Creek subcatchment	all water licences, other than the following— (a) water licences to take water for stock or domestic purposes only; (b) water licences to take water for public amenity or education premises purposes only; (c) water licences for which the annual volumetric limit is not more than 5ML	from 1 July 2031—a meter
Myrtle Creek subcatchment	all water licences, other than the following— (a) water licences to take water for stock or domestic purposes only; (b) water licences to take water for public amenity or education premises purposes only; (c) water licences for which the annual volumetric limit is not more than 5ML	from 1 July 2031—a meter

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Area under water plan</b>	<b>Relevant authorisation</b>	<b>Measurement device</b>
Noosa River and coastal streams north of the Noosa River subcatchment	all water licences, other than the following— (a) water licences to take water for stock or domestic purposes only; (b) water licences to take water for public amenity or education premises purposes only; (c) water licences for which the annual volumetric limit is not more than 5ML	from 1 July 2031—a meter
Obi Obi Creek subcatchment	all water licences, other than the following— (a) water licences to take water for stock or domestic purposes only; (b) water licences to take water for public amenity or education premises purposes only; (c) water licences for which the annual volumetric limit is not more than 5ML	from 1 July 2030—a meter
Pie and Calico Creeks subcatchment	all water licences, other than the following— (a) water licences to take water for stock or domestic purposes only; (b) water licences to take water for public amenity or education premises purposes only; (c) water licences for which the annual volumetric limit is not more than 5ML	from 1 July 2030—a meter

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Area under water plan</b>	<b>Relevant authorisation</b>	<b>Measurement device</b>
Six Mile Creek subcatchment	all water licences, other than water licences to take water for stock or domestic purposes only	a meter
Tinana Creek subcatchment	all water licences, other than water licences to take water for stock or domestic purposes only	a meter
Upper Mary River subcatchment	all water licences, other than the following— (a) water licences to take water for stock or domestic purposes only; (b) water licences to take water for public amenity or education premises purposes only; (c) water licences for which the annual volumetric limit is not more than 5ML	from 1 July 2030—a meter
Wide Bay Creek subcatchment	all water licences, other than water licences to take water for stock or domestic purposes only	a meter
Widgee Creek subcatchment	all water licences, other than water licences to take water for stock or domestic purposes only	a meter
Yabba Creek subcatchment	all water licences, other than the following— (a) water licences to take water for stock or domestic purposes only; (b) water licences to take water for public amenity or education premises purposes only; (c) water licences for which the annual volumetric limit is not more than 5ML	from 1 July 2030—a meter

## Water Plan (Mitchell) 2007

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Area under water plan</b>	<b>Relevant authorisation</b>	<b>Measurement device</b>
the plan area	all water licences, other than water licences to take water for stock or domestic purposes only	a meter

## Water Plan (Moreton) 2007

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Area under water plan</b>	<b>Relevant authorisation</b>	<b>Measurement device</b>
Cressbrook Creek alluvial groundwater management area	all water licences, other than water licences to take water for stock or domestic purposes only	a meter
implementation area 1 for Lockyer Valley groundwater management area	all water licences, other than water licences to take water for stock or domestic purposes only	a meter

**Water Plan (Pioneer Valley) 2002**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Area under water plan</b>	<b>Relevant authorisation</b>	<b>Measurement device</b>
the plan area	all water entitlements, other than water entitlements to take water for stock or domestic purposes only	a meter

**Water Plan (Warrego, Paroo, Bulloo and Nebine) 2016**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Area under water plan</b>	<b>Relevant authorisation</b>	<b>Measurement device</b>
Bulloo catchment area	all water entitlements to take surface water, other than the following— (a) water entitlements to take supplemented water; (b) water entitlements to take water for stock or domestic purposes only	a meter
Nebine catchment area	all water entitlements to take surface water, other than the following— (a) water entitlements to take supplemented water; (b) water entitlements to take water for stock or domestic purposes only	until 30 November 2027—a meter
		from 1 December 2027—a meter and a telemetry device

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Area under water plan</b>	<b>Relevant authorisation</b>	<b>Measurement device</b>
Paroo catchment area	all water entitlements to take surface water, other than the following— (a) water entitlements to take supplemented water; (b) water entitlements to take water for stock or domestic purposes only	until 30 November 2027—a meter
		from 1 December 2027—a meter and a telemetry device
Warrego catchment area	all water entitlements to take surface water, other than the following— (a) water entitlements to take supplemented water; (b) water entitlements to take water for stock or domestic purposes only	until 30 November 2027—a meter
		from 1 December 2027—a meter and a telemetry device

## Water Plan (Wet Tropics) 2013

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Area under water plan</b>	<b>Relevant authorisation</b>	<b>Measurement device</b>
Mulgrave–Russell catchment area	all water entitlements, other than the following— (a) water entitlements to take water for stock or domestic purposes only; (b) water entitlements for which the annual volumetric limit is not more than 2ML	a meter

## Water Resource (Whitsunday) Plan 2010

Column 1	Column 2	Column 3
Area under water plan	Relevant authorisation	Measurement device
subcatchment areas A, B, C and F	all water licences, other than the following— (a) water licences to take overland flow water; (b) water licences to take water for stock or domestic purposes only	a meter
subcatchment areas D and E	all water licences, other than the following— (a) water licences to take overland flow water; (b) water licences to take water for stock or domestic purposes only	from 1 December 2027—a meter

## Other areas

Column 1	Column 2	Column 3
Area	Relevant authorisation	Measurement device
Bowen underground water area on plan CAS3065	all water licences, other than water licences to take water for stock or domestic purposes only	a meter
Burdekin underground water area on plan AP10054	all water licences, other than water licences to take water for stock or domestic purposes only	a meter

## Schedule 11A Measurement requirements— information about water taken

### section 111

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Information to be given</b>	<b>When information to be given</b>	<b>Way information to be given</b>
<p>details of the following for the works through which the water is taken—</p> <ul style="list-style-type: none"> <li>(a) the works;</li> <li>(b) each measurement device attached to the works;</li> <li>(c) each other relevant authorisation held by the holder under which water is taken using the works;</li> <li>(d) each other person who takes water using the works</li> </ul>	<p>within 20 business days after each time the measurement device attached to the works is inspected under section 121B</p>	<p>in the approved form</p>
<p>details of each change to any of the following for the works through which the water is taken—</p> <ul style="list-style-type: none"> <li>(a) the works;</li> <li>(b) the relevant authorisations held by the holder under which water is taken using the works;</li> <li>(c) the persons who take water using the works</li> </ul>	<p>within 10 business days after the change</p>	<p>in the approved form</p>
<p>the reading from a meter, or record made by a telemetry device, attached to the works through which the water is taken at each time the meter or telemetry device is replaced</p>	<p>within 10 business days after the replacement</p>	<p>in the approved form</p>

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Information to be given</b>	<b>When information to be given</b>	<b>Way information to be given</b>
the reading from a meter, attached to the works through which the water is taken, of water taken in each water period stated in table 2 for the authorisation	within 10 business days after the water period ends	in the way stated in the measurement standards
the record made by a telemetry device, attached to the works through which the water is taken, of water taken in each day	at the end of the day	in the way stated in the measurement standards

<b>Column 1</b>	<b>Column 2</b>
<b>Relevant authorisation</b>	<b>Water period</b>
<p>relevant authorisation for taking water in any of the following areas—</p> <p>(a) the Border Rivers Alluvium (deep) underground water sub-unit under the <i>Water Plan (Border Rivers and Moonie) 2019</i>;</p> <p>(b) the Central Condamine Alluvium underground water sub-area under the <i>Water Plan (Condamine and Balonne) 2019</i>;</p> <p>(c) the Coastal Burnett groundwater management area under the <i>Water Plan (Burnett Basin) 2014</i>;</p> <p>(d) the Don and Dee groundwater sub-area under the <i>Water Plan (Fitzroy Basin) 2011</i></p>	<p>both of the following—</p> <p>(a) the period from 1 July of a year to 1 March of the following year;</p> <p>(b) the period from 1 July of a year to 30 June of the following year</p>
relevant authorisation for taking water in the Dawson Valley water management area under the <i>Water Plan (Fitzroy Basin) 2011</i>	the period from 1 October of a year to 30 September of the following year
relevant authorisation for taking water in the Lockyer Valley groundwater management area under the <i>Water Plan (Moreton) 2007</i>	the period from 1 May of a year to 30 April of the following year

<b>Table 2—Water periods for relevant authorisations</b>	
<b>Column 1</b>	<b>Column 2</b>
<b>Relevant authorisation</b>	<b>Water period</b>
relevant authorisation for taking water in the Bowen underground water area on plan CAS3065	both of the following— (a) the period from 1 April to 1 November of a year; (b) the period from 1 April of a year to 31 March of the following year
relevant authorisation not otherwise mentioned in this table	the period from 1 July of a year to 30 June of the following year

## Schedule 12 Fees

sections 58(3), 63(b), 130 and 131(1)

	<b>Fee units</b>
1 Application for a seasonal water assignment (s 58(3)(b))—	
(a) for a water allocation	184.00
(b) for a seasonal water assignment notice	184.00
2 Application for a water allocation dealing (s 63(b))	137.90
3 Application for a water licence (Act, s 110(b))	137.90
4 Application for a dealing with a water licence to renew the licence (Act, s 122(1)(b))	nil
5 Application for a dealing with a water licence to relocate the licence (Act, s 122(1)(b))	405.10
6 Application for a dealing with a water licence for a seasonal water assignment notice for a seasonal water assignment (Act, s 122(1)(b))	184.00
7 Application for 1 or more other dealings with a water licence (Act, s 122(1)(b))	137.90
8 Water licence fee—for each year (s 131(1))	86.80
9 Application for an operations licence (Act, s 206(2)(d))	137.90
10 Application for an allocation of quarry material (Act, s 227(2)(c))—for each 6-month period, or part of a 6-month period, the allocation notice has effect	189.10
11 Application to renew an allocation notice (Act, s 236(2)(b))—for each 6-month period, or part of a 6-month period, the renewed allocation notice has effect	189.10

	<b>Fee units</b>
12	Application for a water bore driller's licence (Act, s 981(2)(e))—
	(a) if the applicant relies on section 124(2)(c)(iii) or (iv) 1,116.00
	(b) if the applicant relies on section 125(2)(c)(iii) or (iv) 1,630.00
	(c) if the applicant relies on section 126(2)(c)(iii) or (iv) 1,974.00
	(d) if paragraphs (a) to (c) do not apply 621.00
13	Application to amend a water bore driller's licence under section 983B of the Act (Act, s 981(2)(e)) 184.00
14	Application to renew a water bore driller's licence (Act, s 983F(2)(c)) 597.00
15	Application to reinstate an expired water bore driller's licence (Act, s 983G(2)(b)) 621.00
16	Purchase a copy of a document available for inspection under section 1009(1) of the Act (Act, s 1009(3))—
	(a) if the copy is generated at an office of the department 18.65
	(b) if the copy is generated electronically 14.90
17	Certifying a copy of a document available for inspection under section 1009(1) of the Act 38.15
18	Investigative search, by the chief executive, of the department's water entitlement database (not including providing copies of documents)—
	(a) if no additional computer programming time is required—for each hour or part of an hour 76.85
	(b) if additional computer programming time is required—for each hour or part of an hour 189.80

	<b>Fee units</b>
19 Copy of a report on an entry in the department's water entitlement database	9.15

## Schedule 13 Fees for continuing interim water allocations

section 132(2)

	<b>Fee units</b>
1 Application under section 193 of the unamended Act to transfer all or part of a continuing interim water allocation	405.10
2 Application under section 195 of the unamended Act to transfer all or part of a continuing interim water allocation—	
(a) for 1 application	405.10
(b) for each additional application, made at the same time, to transfer to the same land	89.10
3 Application under section 198 of the unamended Act to replace jointly held continuing interim water allocation	137.90
4 Application under section 216 of the unamended Act to amend continuing interim water allocation	137.90
5 Application under section 224 of the unamended Act to amalgamate continuing interim water allocations	137.90
6 Application under section 225 of the unamended Act to replace continuing interim water allocation with 2 or more new continuing interim water allocations	137.90

*Note—*

For items 4, 5 and 6 see section 192 of the unamended Act.

## Schedule 14 Water charges

section 133

Column 1	Column 2	Column 3
Water management area	Date water year ends	Water charges
Barker–Barambah Creeks water management area	30 June	Water harvesting—4.90 fee units for each megalitre
Border Rivers water management area	30 June	Water harvesting—4.90 fee units for each megalitre
Bowen–Broken Rivers water management area	30 June	Water harvesting—4.90 fee units for each megalitre
Boyne and Stuart Rivers water management area	30 June	Water harvesting—4.90 fee units for each megalitre
Central Lockyer water management area	30 June	Water harvesting—4.90 fee units for each megalitre
Dawson Valley water management area	30 September	Water harvesting from zone Dawson B to M as identified in the Fitzroy Basin water management protocol—4.90 fee units for each megalitre
Dumaresq River water management area	30 June	Water from a watercourse flowing from Glenlyon Dam— (a) part A—12.20 fee units (b) part B—14.95 fee units

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Water management area</b>	<b>Date water year ends</b>	<b>Water charges</b>
Fitzroy water management area	30 June	Water harvesting from zone Fitzroy A as identified in the Fitzroy Basin water management protocol—4.90 fee units for each megalitre
Logan River water management area	30 June	Water harvesting from Burnett Creek or Logan River—4.90 fee units for each megalitre
Lower Balonne water management area	30 June	Water harvesting— (a) from a supplemented section of the Thuraggi watercourse or Thuraggi diversion channel—4.90 fee units for each megalitre (b) from Beardmore Dam or from any watercourse downstream of Beardmore Dam to the Queensland/New South Wales border—4.90 fee units for each megalitre
Lower Burnett and Kolan Rivers water management area	30 June	Water harvesting—4.90 fee units for each megalitre
Lower Lockyer water management area	30 April	Water harvesting—4.90 fee units for each megalitre
Macintyre Brook water management area	30 June	Water harvesting—4.90 fee units for each megalitre

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Water management area</b>	<b>Date water year ends</b>	<b>Water charges</b>
Nogoa Mackenzie water management area	30 June	Water harvesting from Lake Maraboon or Nogoa River or Mackenzie River to the junction with Springton Creek—4.90 fee units for each megalitre
Pioneer River water management area	30 June	Water harvesting from zones Cattle 01, Cattle 02, Pioneer 01, Pioneer 02, Pioneer 03, Pioneer 04 or Silver/McGregor 01 under the <i>Water Plan (Pioneer Valley) 2002</i> as having effect under section 1259(2)(e) of the Act—4.90 fee units for each megalitre
Three Moon Creek water management area	30 June	Water harvesting—4.90 fee units for each megalitre
Upper Burnett and Nogo Rivers water management area	30 June	Water harvesting from Nogo River or Burnett River—4.90 fee units for each megalitre
Upper Condamine water management area	30 June	Water harvesting from zones UCU-03 (excluding the ponded area of Leslie Dam), UCU-04, UCU-05, UCU-06, UCU-07, UCU-08, UCU-09 or UCU-11 identified in the Condamine and Balonne water management protocol—4.90 fee units for each megalitre

Column 1	Column 2	Column 3
Water management area	Date water year ends	Water charges
Warrill Valley water management area	30 June	Water harvesting— <ul style="list-style-type: none"> <li data-bbox="697 433 1125 691">(a) from Reynolds Creek, Warrill Creek from its junction with Reynolds Creek or Bremer River from the junction of Warrill Creek downstream to Berry’s Lagoon—4.90 fee units for each megalitre</li> <li data-bbox="697 706 1125 900">(b) from Black Gully, Kent’s Lagoon, Normanby Gully, West Branch, Waroolaba Creek or the Upper Warrill systems—4.90 fee units for each megalitre</li> </ul>

## Schedule 15 Royalties

section 135(1)

	<b>Fee units</b>
Removing State quarry material—for each cubic metre removed—	
(a) by a local government or other entity established under an Act and that does not represent the State (a <i>statutory body</i> ), for its own use	0.79
(b) by another person for a statutory body if the statutory body issues a certificate stating that the material was supplied to the statutory body for its own use	0.79
(c) if paragraphs (a) and (b) do not apply	2.30

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## Schedule 16     Drainage rates

section 136

<b>Drainage area</b>	<b>Drainage rate</b>
Burdekin River drainage area, shown on AP23668	29.75 fee units for each hectare of land

## Schedule 17      Underground water areas

sections 139 and 140

### Part 1                      Areas and purposes

Column 1	Column 2
Area and plan	Purposes for which water entitlement, water permit or seasonal water assignment notice not required
Black River underground water area on plan WM3085	<p>stock or domestic purposes if the land concerned does not have access to a reticulated supply, and—</p> <p>(a) the land exists in the same surveyed form it was in at the commencement of this entry; or</p> <p>(b) if the land is subdivided after the commencement of this entry, for each individual parcel of land resulting from the subdivision—the size of the individual parcel is at least 40ha</p>
Bowen underground water area on plan CAS3065	<p>(a) stock or domestic purposes</p> <p>(b) a prescribed activity</p>
Burdekin underground water area on plan AP10054	<p>(a) stock or domestic purposes</p> <p>(b) a prescribed activity</p>
Dryander underground water area on plan CAS1827	<p>(a) stock or domestic purposes</p> <p>(b) a prescribed activity</p>

Column 1	Column 2
Area and plan	Purposes for which water entitlement, water permit or seasonal water assignment notice not required
Farnborough underground water area on plan AP10058	(a) stock or domestic purposes (b) a prescribed activity
Fraser Island underground water area on plan AP10063	(a) domestic purposes (b) a prescribed activity
Greater Western underground water area on plan WM3083	(a) stock purposes from aquifers not dealt with under the <i>Water Plan (Great Artesian Basin and Other Regional Aquifers) 2017</i> (b) domestic purposes (c) a prescribed activity
Highlands underground water area on plan CAS2055	(a) stock or domestic purposes (b) a prescribed activity
Moreton Island underground water area on plan AP10065	(a) stock or domestic purposes (b) a prescribed activity
North Stradbroke Island underground water area on plan AP10067	(a) stock or domestic purposes (b) a prescribed activity
Sarina underground water area on plan CAS1672	(a) stock or domestic purposes (b) a prescribed activity
Upper Georgina underground water area on plan WM3088	(a) stock or domestic purposes (b) a prescribed activity

## Part 2 Critical distances for non-stock or domestic water bores

Column 1	Column 2	Column 3	Column 4
Underground water area as mentioned in part 1, column 1	Critical distance from a boundary of a parcel of land	Critical distance from a watercourse	Critical distance from another water bore
Black River underground water area	—	—	300m
Bowen underground water area	100m	—	—
Burdekin underground water area	—	—	400m
Dryander underground water area	200m	40m	400m
Greater Western underground water area	200m	—	400m
Highlands underground water area	200m	—	400m
Moreton Island underground water area	100m	—	200m
Sarina underground water area	200m	40m	400m

## Schedule 18 Authority areas

section 141

<b>Column 1</b>	<b>Column 2</b>
<b>Former water area</b>	<b>Plan</b>
Alva Bore Water Supply Area	AP3961
Ardoch Bore Water Area	AP3962
Bindebango Bore Water Supply Area	AP3964
Cabanda Bore Water Supply Area	AP3965
Chesterfield Bore Water Supply Area	AP3967
Chippeway Bore Water Supply Area	AP3968
Coongoola Bore Water Supply Area	AP3969
Cypress Downs Bore Water Supply Area	AP3970
Dillalah No. 1 Bore Water Area	AP3971
Dillalah No. 2 Bore Water Area	AP3972
Euthella Bore Water Supply Area	AP3974
Glenlyon Bore Water Supply Area	AP3976
Hopeland Bore Water Supply Area	AP3977
Jabiru Bore Water Area	AP3979
Juanbong Bore Water Area	AP3980
Julia Creek Bore Water Supply Area	AP3981
Mackunda Downs Bore Water Supply Area	AP3983
Maroungle Bore Water Supply Area	AP7344
Maxwelton Bore Water Supply Area	AP3985

<b>Column 1</b>	<b>Column 2</b>
<b>Former water area</b>	<b>Plan</b>
Merridew Bore Water Supply Area	AP3986
Minetta Bore Water Supply Area	AP3987
Mona Bore Water Area	AP3988
Mooro Bore Water Supply Area	AP3989
Moselle Bore Water Supply Area	AP3990
Murweh Bore Water Supply Area	AP3991
Neabul Bore Water Supply Area	AP3993
Nebine Bore Water Supply Area	AP3994
Nelia Ponds Bore Water Supply Area	AP3995
Noondoo Bore Water Area	AP3996
Oakhampton Bore Water Supply Area	AP3998
Pigurra Bore Water Supply Area	AP3999
Sesbania Bore Water Supply Area	AP4000
Stamfordham Bore Water Supply Area	AP4001
Thomby Bore Water Area	AP4002
Toorak Bore Water Supply Area	AP4003
Weengallon No. 2 Bore Water Supply Area	AP4005
Wellshot Bore Water Supply Area	AP4006
Whyenbah Bore Water Supply Area	AP4007
Whynot Bore Water Area	AP4008
Wierbolla Bore Water Supply Area	AP4009
Winbin Bore Water Supply Area	AP4011
Yanborra Bore Water Supply Area	AP4013

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## Schedule 19 Dictionary

### section 3

*amalgamation*, for part 4, division 3, see section 33.

*amendment*, for part 4, division 3, see section 33.

*AMTD* means the adopted middle thread distance which is the distance in kilometres, measured along the middle of a watercourse, that a specific point in the watercourse is from the watercourse's mouth or junction with the main watercourse.

*announced entitlement* see section 29.

*annual entitlement* see section 30.

*associated document*, for a compliance certificate for a measurement device, for part 11, see section 103.

*authorisation* means a water licence, water permit, water allocation or other authority to take or interfere with water under the Act.

*Border Rivers Alluvium (deep)* means the underground water sub-unit with that name under the *Water Plan (Border Rivers and Moonie) 2019*.

*bulk water supply authority* means the Queensland Bulk Water Supply Authority under the *South East Queensland Water (Restructuring) Act 2007*, section 6.

*bulk water supply system*, for part 6, see section 77.

*camp* means a camp, with an area of no more than 1ha, that does not accommodate more than 60 persons at a time.

*category 1 levee* see section 101(2).

*category 2 levee* see section 101(3).

*category 3 levee* see section 101(4).

*class A tenure*, for part 7, see section 87A(1).

*class B tenure*, for part 7, see section 87A(2).

***class C tenure***, for part 7, see section 87A(3).

***closing day***, for a tender, see section 17(3)(f)(i).

***compliance certificate***, for a measurement device, for part 11, see section 103.

***continuing interim water allocation***, see section 132(1).

***critical distance***, of a non-stock or domestic water bore in an underground water area mentioned in schedule 17, part 2, column 1, from—

- (a) a boundary of a parcel of land—see section 140(2); or
- (b) a watercourse—see section 140(3); or
- (c) another water bore—see section 140(4).

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

***duly qualified person***, for part 11, see section 104.

***education premises purpose***, for schedule 11, means supplying non-potable water to premises used solely for education or training purposes.

***excavation*** means a cavity, of a capacity of more than 2 megalitres, in the surface of land that—

- (a) is open: and
- (b) results from digging or scooping out material; and
- (c) exposes the water table at its intersection with the upper zone of saturation.

***exempt bore*** means—

- (a) a water bore used for monitoring—
  - (i) the physical characteristics of an aquifer: or
  - (ii) the physical, chemical or biological characteristics of water in an aquifer; or

*Examples of physical characteristics of water—*

standing water level, water discharge rate, water pressure

- 
- (b) for taking or interfering with water that is not Great Artesian Basin plan related water—any of the following—
- (i) a water bore for testing the water production capacity, water production quality or hydraulic properties of an aquifer;
  - (ii) a water bore for taking water for stock or domestic purposes;
  - (iii) a non-stock or domestic water bore constructed, erected or installed in an underground water area mentioned in schedule 17, part 2, column 1, but not within the critical distance from a boundary of a parcel of land, a watercourse or another water bore;
  - (iv) a replacement water bore.

***existing authorisation*** see section 44(1).

***existing levee*** see section 1247(2) of the Act.

***faulty***, in relation to a measurement device, for part 11, see section 105.

***faulty period***, for a faulty measurement device attached to works through which water is taken under a relevant authorisation, for part 11, see section 103.

***Great Artesian Basin plan related water*** means—

- (a) water to which the *Water Plan (Great Artesian Basin and Other Regional Aquifers) 2017* applies, other than the water in—
  - (i) the Betts Creek beds groundwater unit; and
  - (ii) the Cape Rolling Downs groundwater sub-area; and
  - (iii) the Normanton groundwater area; and
  - (iv) the Winton Mackunda groundwater unit; and
- (b) water that is accessible by drilling through water mentioned in paragraph (a).

***interested entity***, for part 4, division 3, subdivision 2, see section 34(3)(b)(i).

***levyable mining tenure***, for part 7, see section 87A(4).

***measurement standards***, for part 11, see section 103.

***minimum operating level***, for part 6, see section 77.

***modify***, for an existing levee, means any or all of the following—

- (a) to raise or lower the height of the levee;
- (b) to extend or reduce the length of the levee;
- (c) to make another change to the levee that affects the flow of water.

***new licence***, for part 4, division 3, see section 33.

***nominal entitlement*** see section 28.

***non-residential water use***, for part 6, see section 77.

***non-stock or domestic water bore*** means a water bore for taking water for a purpose other than a stock or domestic purpose.

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

***office income statement***, for part 7, see section 85.

***office's estimated costs***, for part 7, see section 85.

***office's estimated mining costs***, for part 7, see section 88A(b).

***office's estimated petroleum costs***, for part 7, see section 88A(a).

***part A***, for water charges mentioned in schedule 14, means the amount payable for each megalitre of nominal entitlement.

***part B***, for water charges mentioned in schedule 14, means the amount payable for each megalitre of water taken up to the annual entitlement.

***prescribed activity*** means an activity mentioned in schedule 3 for a general authorisation to take water.

**priority notice** see the *Land Title Act 1994*, section 139(1).

**public amenity purpose**, for schedule 11, means taking water to operate public toilets, showers or laundry rooms.

**relevant date**, for part 7, see section 85.

**relevant sub-block**, for part 7, see section 87(1).

**relevant watercourse** means any of the following—

- (a) Cattle Creek;
- (b) Finch Hatton Creek;
- (c) McGregor Creek;
- (d) Owen Creek;
- (e) Sandringham Lagoon.

**repealed regulation** means the *Water Regulation 2002*.

**replacement water bore** means a water bore that—

- (a) is constructed, installed or erected—
  - (i) to replace a water bore (the **previous bore**) used for the taking of, or interfering with, water—
    - (A) for which a development permit was held or, under section 1048A of the Act, was taken to be held; or
    - (B) for which a development permit was not required; or
    - (C) which, under the repealed *Sustainable Planning Act 2009*, section 681(1), was taken to be a lawful use of the premises in which the previous bore was constructed, installed or erected; and
  - (ii) within 10m of the location of the previous bore; and
- (b) taps the same aquifer tapped by the previous bore.

**residential water use**, for part 6, section 77.

**resource project**, for part 7, see section 85.

***SEQ water security program***, for part 6, see section 77.

***settlement notice*** means a settlement notice under the *Land Title Act 1994*, part 7A.

***south-eastern groundwater units and groundwater sub-areas***, in relation to the *Water Plan (Great Artesian Basin and Other Regional Aquifers) 2017*, means—

- (a) the Mulgildie North Hutton groundwater unit under that plan; and
- (b) the following groundwater sub-areas under that plan—
  - Crows Nest Marburg
  - Crows Nest Woogaroo
  - Eastern Downs Marburg
  - Eastern Downs Precipice
  - Eastern Downs Springbok Walloon
  - Gatton Esk Road Marburg
  - Gatton Esk Road Woogaroo
  - Mulgildie North Precipice
  - Mulgildie South Precipice
  - Murphys Creek Marburg
  - Murphys Creek Woogaroo
  - Redbank Creek Woogaroo
  - Southern Clarence Moreton Marburg
  - Southern Clarence Moreton Walloon
  - Southern Clarence Moreton Woogaroo.

***standard terms document*** see the *Land Title Act 1994*, section 168.

***sub-block***, for part 7, see section 85.

***Suncorp Metway Ltd business banking variable lending base rate*** means the variable base interest rate set by the Suncorp Metway Bank for loans to business entities.

***supplemented water*** means water supplied under an interim resource operations licence, resource operations licence or other authority to operate infrastructure.

***surface water*** means water in a watercourse.

***telemetry device*** means an electronic device that records information received from a device that measures or records water volume or the level of water held in storage, and transfers the information to another device or thing.

***transfer***, for part 4, division 3, see section 33.

***transfer notice***, for part 4, division 3, see section 37(2).

***unamended Act*** means the Act as in force immediately before the commencement of section 1250 of the Act.

***water entitlement database*** means a database kept by the chief executive containing details of water entitlements.

***water licence***, for sections 28, 29 and 30, means a water licence not managed under a water management protocol.

***water management area*** see section 137.