

Water Legislation Amendment Bill 2015

Amendments during consideration in detail to be moved by
The Honourable the Minister for State Development and Minister for
Natural Resources and Mines

1 **Clause 8 (Insertion of new ch 9, pt 9)**

Page 7, line 12, ‘provision’—

omit, insert—

provisions

2 **Clause 8 (Insertion of new ch 9, pt 9)**

Page 9, after line 12—

insert—

1283 Validation of taking of, or interfering with, underground water by holders of particular mineral development licences and mining leases

- (1) This section applies to the taking of, or interfering with, underground water, before the commencement, by the holder of a mineral development licence or mining lease in the area of the licence or lease if—
 - (a) before the commencement, the holder of the licence or lease had started operations in the area of the licence or lease; and
 - (b) the taking of, or interfering with, the underground water was subject to any relevant alteration or limitation prescribed under a moratorium notice, water resource plan or regulation under section 1046; and
 - (c) the taking of, or interfering with, the underground water happened in the course of, or resulted from, the carrying out of an authorised activity for the licence or lease, including, for example, either of the following activities—

- (i) mine dewatering of underground water to the extent necessary to achieve safe operating conditions in the mine;
 - (ii) taking underground water as a result of evaporation from an open mine pit; and
- (d) the holder of the licence or lease did not hold a water entitlement or permit for the taking of, or interfering with, the underground water.
- (2) The holder of the licence or lease—
 - (a) is taken to have been granted a water licence that authorised the taking of, or interfering with, the underground water, before the taking or interfering happened; and
 - (b) is taken to continue to hold a water licence authorising the taking of, or interfering with, underground water on the area of the holder's licence or lease, after the commencement, if the taking or interfering happens in the course of, or results from, the carrying out of an authorised activity for the licence or lease.
- (3) The water licence continued under subsection (2)(b) attaches to the mineral development licence or mining lease.
- (4) From 6 December 2016, the provisions of chapter 3 of this Act and the *Mineral Resources Act 1989* apply to the holder of the water licence taken to be continued as if it were a water licence granted under chapter 2 of this Act.
- (5) In this section—
authorised activity see the *Mineral Resources Act 1989*, schedule 2.

mineral see the *Mineral Resources Act 1989*, schedule 2.

mineral development licence see the *Mineral*

Resources Act 1989, schedule 2.

mining lease see the *Mineral Resources Act 1989*, schedule 2.

started operations—

- (a) for a mineral development licence, means winning a mineral from the area of the licence; or
- (b) for a mining lease, means winning a mineral in payable quantities from the area of the lease.

3 Clause 18 (Amendment of s 201 (Amendment of ch 9 (Transitional provisions and repeals)))

Page 20, after line 27—

insert—

- (9A) Section 201, inserted section 1259(10), ‘Section 51(1) does’—

omit, insert—

The consultation provisions under section 51 do

4 Clause 19 (Amendment of s 202 (Amendment of sch 4 (Dictionary)))

Page 23, after line 7—

insert—

- (2A) Section 202(2), inserted definition *plan area*, ‘statutory water resource’—

omit, insert—

water

5 After clause 19

Page 23, after line 11—

insert—

20 Amendment of sch 2 (Amendment of Water Resource Plans)

Schedule 2, entry for *Water Resource (Whitsunday) Plan 2010—*

omit.

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