

1998–2000

LEGISLATIVE ASSEMBLY OF QUEENSLAND

VOTES AND PROCEEDINGS

NO. 106

FIRST SESSION OF THE FORTY–NINTH PARLIAMENT

THURSDAY, 7 SEPTEMBER 2000

CONTENTS

Adjournment	1186
Attendance	1186
Criminal Law Amendment Bill	1144
Declaration as Urgent Bills—	
Vegetation Management Amendment Bill	1143
Water Bill	1143
Meeting of the House	1142
Members' Ethics and Parliamentary Privileges Committee – Papers	1143
Ministerial Statements—	
Back office operations, shared business and call centres	1142
Cape York Partnership Business Summit – Weipa	1142
Doomadgee	1142
Queensland's wine industry	1142
Recognition of Australian South Sea Islanders	1142
State Emergency Services volunteers	1142
Notice of Motion	1143
Notice of Motion (debated)—	
Sugar industry	1186
Parliamentary Criminal Justice Committee – Paper	1142
Petitions	1142
Private Members' Statements	1143
Property Agents and Motor Dealers Bill	1144
Questions without notice	1143
Statement by Speaker—	
Member for Caloundra's personal explanation	1142
Vegetation Management Amendment Bill	1183
Water Bill	1145

1 MEETING OF THE HOUSE

The House met at 9.30am pursuant to adjournment. The Speaker (Honourable R K Hollis) read prayers.

2 STATEMENT BY SPEAKER – MEMBER FOR CALOUNDRA'S PERSONAL EXPLANATION

Mr Speaker made the following statement—

'I refer to the Member for Caloundra's personal explanation to the House last evening, regarding the ringing of the bells on Levels 10 & 11.

I have investigated this matter and I am informed by the technicians that on both floors the volume controls (located next to the fax machines) had been manually turned off.

I have instructed staff to identify ways to prevent these controls being inappropriately interfered with. Further, I am keen to investigate additional methods of alerting Members of divisions.'

3 PETITIONS

The following petitions, lodged with The Clerk by the Members indicated, were received—

Mr Borbidge from 608 petitioners, requesting the House to call on the Beattie Labor Government to intervene in the decision making process by Ergon Energy to ensure that a Call Centre and Ergon Energy office remains located in Dalby.

Mr Dalgleish from 1,007 petitioners, requesting the House to redirect the funds set aside for further enquiries into the high price of petroleum into finding a long term solution to the problem and that this money be spent on research and development of an alternative fuel supply, eg ethanol, liquid coal, natural gas, light crude oil, which are all resources available in large quantities in Queensland and would boost the economy of rural and regional Queensland.

4 MINISTERIAL STATEMENTS

- (a) Premier (Mr Beattie), by leave, made a ministerial statement relating to the Cape York Partnership Business Summit held in Weipa.
- (b) Premier (Mr Beattie), by leave, made a ministerial statement relating to the recognition of Australian South Sea Islanders.

Paper: Mr Beattie, during his statement, tabled the following paper—
Queensland Government Recognition Statement – Australian South Sea Islander Community

Mr Beattie moved – That his statement be noted.

Debate ensued.

Question put and agreed to.

- (c) Deputy Premier and Minister for State Development and Minister for Trade (Mr Elder), by leave, made a ministerial statement relating to back office operations, shared business and jobs in call centres in Queensland.
- (d) Minister for Aboriginal and Torres Strait Islander Policy and Minister for Women's Policy and Minister for Fair Trading (Ms Spence), by leave, made a ministerial statement relating to Doomadgee.
- (e) Minister for Tourism and Racing (Mrs Rose), by leave, made a ministerial statement relating to growth in Queensland's wine industry.
- (f) Minister for Emergency Services (Mr Robertson), by leave, made a ministerial statement relating to State Emergency Services volunteers.

5 PARLIAMENTARY CRIMINAL JUSTICE COMMITTEE – PAPER

Chairman of the Parliamentary Criminal Justice Committee (Mr Lucas) tabled the following paper—

Criminal Justice Commission—

Prevention Pays! – Newspaper of the Criminal Justice Commission – Number 3, August 2000

6 MEMBERS' ETHICS AND PARLIAMENTARY PRIVILEGES COMMITTEE – PAPERS

Chairman of the Members' Ethics and Parliamentary Privileges Committee (Mr Mickel) tabled the following papers—

Members' Ethics and Parliamentary Privileges Committee—

Report No. 45 – Annual Report 1999–2000

Audit of Discharge of Responsibilities 1 July 1999 to 30 June 2000

Report *ordered* to be printed

7 NOTICE OF MOTION

8 PRIVATE MEMBERS' STATEMENTS

Private Members' statements were made.

Paper: Leader of the Opposition (Mr Borbidge), during his speech, tabled the following paper—
Extract from court proceedings

Statements continued.

Paper: Mr Turner, during his speech, tabled the following paper—
Letter, dated 5 November 1993, from K McElligott MLA, the Member for Townsville to Mrs B Hanson

Statements continued.

Statements concluded.

9 QUESTIONS WITHOUT NOTICE

Questions without notice were asked.

Papers: Premier (Mr Beattie) tabled the following papers—
Letter, dated 23 August 2000, from Senator Hill to Mr Beattie
Letter, dated 9 May 2000, from Mr Beattie to Senator Hill

Questions continued.

Paper: Minister for Health (Mrs Edmond) tabled the following paper—
Radiation Oncology Services Plan 2000–2003

Questions continued.

Paper: Attorney-General and Minister for Justice and Minister for The Arts (Mr Foley) tabled the following paper—
Transcript of 4QR News dated 31 July 2000

Questions continued.

Paper: Mrs E Cunningham tabled the following paper—
Copy of cheque dated 30 August 2000 to Tannum Rural Fire Brigade for \$4,907.95

Questions continued.

Questions concluded.

10 DECLARATION AS URGENT BILLS – WATER BILL AND VEGETATION MANAGEMENT AMENDMENT BILL

Leader of the House (Mr Mackenroth), by leave, moved – That under the provisions of Standing Order 273, the Water Bill and the Vegetation Management Amendment Bill be declared urgent Bills and the following time limits apply to enable the Bills to be passed through their remaining stages at this day's sitting—

Water Bill—

- (a) Report from Committee of the Whole House by 3.30pm ;
- (b) Third reading by 3.35pm ; and
- (c) Title agreed by 3.40pm.

Vegetation Management Amendment Bill—

- (a) Second reading by 10.30pm;
- (b) Report from Committee of the Whole House by 11.20pm ;
- (c) Third reading by 11.25pm ; and
- (d) Title agreed by 11.30pm.

At the times so specified, Mr Speaker or the Chairman, as the case may be, shall put all remaining questions necessary to pass the Bills, including clauses and Schedules and any amendments *en bloc* to be moved by the Minister in charge of the Bills, without further amendment or debate.

Motion seconded by Treasurer (Mr Hamill).

Debate ensued.

Question put.

The House divided.

AYES, 40

Attwood	Cunningham, J	Kaiser	Nuttall	Robertson
Barton	Edmond	Lucas	Palaszczuk	Rose
Beattie	Elder	Mackenroth	Pearce	Schwarzen
Bligh	Fenlon	McGrady	Pitt	Spence
Boyle	Foley	Mickel	Purcell*	Sullivan*
Braddy	Fouras	Mulherin	Reeves	Welford
Bredhauer	Hamill	Musgrove	Reynolds	Wells
Briskey	Hayward	Nelson–Carr	Roberts	Wilson

NOES, 40

Baumann*	Davidson	Johnson	Nelson	Simpson
Beanland	Elliott	Knuth	Paff	Slack
Black	Feldman	Laming	Pratt	Springborg
Borbidge	Gamin	Lester	Prenzler	Stephan
Connor	Goss	Lingard	Quinn	Turner
Cooper	Healy	Littleproud	Santoro	Veivers
Cunningham, E	Hegarty*	Malone	Seeney	Wellington
Dalglish	Hobbs	Mitchell	Sheldon	Watson

Pairs – Dr Clark, Mrs Lavarch, Mrs Miller and Ms Struthers (AYES) and Messrs Grice and Horan, Dr Kingston and Mr Rowell (NOES)

*Tellers

The numbers being equal, Mr Speaker cast his vote with the 'AYES'.

Question agreed to.

11 CRIMINAL LAW AMENDMENT BILL

Attorney–General and Minister for Justice and Minister for The Arts (Mr Foley), by leave, moved – That leave be granted to bring in a Bill for an Act to amend the criminal law and for other purposes.

Question put and agreed to.

Bill and Explanatory Notes presented by Mr Foley, Bill read a first time and *ordered* to be printed.

Mr Foley moved – That the Bill be now read a second time.

Debate ensued.

Mr Springborg moved – That the debate be now adjourned.

Question put and agreed to.

Ordered – That the resumption of the debate be made an order of the day for tomorrow.

12 PROPERTY AGENTS AND MOTOR DEALERS BILL

Minister for Aboriginal and Torres Strait Islander Policy and Minister for Women's Policy and Minister for Fair Trading (Ms Spence), by leave, moved – That leave be granted to bring in a Bill for an Act to comprehensively provide for the regulation of the activities,

licensing and conduct of restricted letting agents, real estate agents, pastoral houses, auctioneers, property developers, motor dealers and commercial agents and their employees, and for other purposes.

Question put and agreed to.

Bill and Explanatory Notes presented by Ms Spence, Bill read a first time and *ordered* to be printed.

Ms Spence moved – That the Bill be now read a second time.

Debate ensued.

Mr Goss moved – That the debate be now adjourned.

Question put and agreed to.

Ordered – That the resumption of the debate be made an order of the day for tomorrow.

13 WATER BILL

Order of the day read for the further consideration of the Bill in Committee of the Whole House.

In Committee

Clause 19 (*Rights in all water vests in State*)—

The following amendment was proposed by Mr Lester—

At page 35, lines 26 and 27—

omit, insert—

'**(1)** All rights to the use, flow and control of all water in watercourses, lakes and springs and all underground water are vested in the State.

'**(2)** All rights to the use, flow and control of overland flow water are vested in the owner of the land over which the water flows.

'**(3)** However, a moratorium notice or a water resource plan may limit or alter the volume of overland flow water that may be taken or interfered with on land.

'**(4)** Subsection (5) applies if a moratorium notice or a water resource plan limits or alters the volume of overland flow water that may be taken or interfered with on land.

'**(5)** To the extent any rights mentioned in subsection (2) are not limited or altered by the moratorium notice or the water resource plan, the rights remain vested in the owner of the land.'

Debate ensued.

Question put – That Mr Lester's amendment be agreed to.

The Committee divided.

AYES, 39

Baumann*	Elliott	Knuth	Paff	Slack
Beanland	Feldman	Laming	Pratt	Springborg
Black	Gamin	Lester	Prenzler	Stephan
Borbridge	Goss	Lingard	Quinn	Turner
Connor	Healy	Littleproud	Santoro	Veivers
Cooper	Hegarty*	Malone	Seeney	Watson
Cunningham, E	Hobbs	Mitchell	Sheldon	Wellington
Dalgleish	Johnson	Nelson	Simpson	

NOES, 40

Attwood	Cunningham, J	Hollis	Nuttall	Robertson
Barton	Edmond	Kaiser	Palaszcuk	Rose
Beattie	Elder	Lucas	Pearce	Schwarten
Bligh	Fenlon	Mackenroth	Pitt	Spence
Boyle	Foley	McGrady	Purcell*	Sullivan*
Braddy	Fouras	Mulherin	Reeves	Welford
Bredhauer	Hamill	Musgrove	Reynolds	Wells
Briskey	Hayward	Nelson-Carr	Roberts	Wilson

Pairs – Messrs Grice and Horan, Dr Kingston and Mr Rowell (AYES) and Dr Clark, Mrs Lavarch, Mrs Miller and Ms Struthers (NOES)

*Tellers

Question negatived.

Clause 19, as read, agreed to.

Clause 20 (*Authorised taking of water without water entitlement*)—

The following amendment was proposed by Mr Welford—

At page 36, after line 26—

insert—

'(8) For subsection (3)—

"land" includes any land contiguous with the land adjoining the watercourse, lake or spring if all the land is owned by the same registered owner.'.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 20, as amended, agreed to.

Clause 21 (*Limiting taking of water under s 20(3) or (4)*)—

The following amendments were proposed by Mrs E Cunningham—

At page 36, line 27, 'or (4)'—
omit.

At page 36, line 29, 'or (4)(a)'—
omit.

Debate ensued.

Question – That Mrs Cunningham's amendment be agreed to – put and agreed to.

Clause 21, as amended, agreed to.

Clauses 22 and 23 agreed to.

Clause 24, heading—

The following amendment was proposed by Mr Welford—

At page 38, line 25, '**watercourses and lakes**'—
omit, insert—
'**land**'.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 24, as amended, agreed to.

Clauses 25 to 34 – Not allocated for drafting purposes.

Clause 35 agreed to.

Clause 36 (*Obtaining water information*)—

The following amendment was proposed by Mr Welford—

At page 40, line 12, 'For planning under this part,'—
omit, insert—

'For advancing the purposes of this chapter.'

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 36, as amended, agreed to.

Clauses 37 to 41 agreed to.

Clause 42 (*Moratorium notices*)—

The following amendments were proposed by Mr Welford—

At page 44, lines 14 to 18—

omit, insert—

'(2) The notice may state that an application under this Act, or the repealed Act, will not be accepted, or will be accepted but not dealt with, while the moratorium notice has effect if granting the application would have 1 or more of the following effects on the water, the subject of the proposed plan—

- (a) increase the amount of the water taken, or interfered with;
- (b) change the location from which the water may be taken, or interfered with;
- (c) change the purpose for which the water may be taken, or interfered with;
- (d) increase the maximum flow rate for taking, or interfering with, the water;
- (e) change the flow conditions under which the water may be taken.'

At page 44, lines 21 to 22—

omit, insert—

'(4) For water, the subject of the proposed plan, including overland flow water and subartesian water not currently regulated by a water resource plan, the notice may also state that while the moratorium'

At page 45, after line 17—

insert—

(ca) if a permit under the *Local Government Act 1993*, section 940¹ is required for the works—the permit has been issued; and'

Debate ensued.

Question – That Mr Welford's amendments be agreed to – put and agreed to.

Clause 42, as amended, agreed to.

Clauses 43 and 44 agreed to.

Clause 45 (*Exceptions to ss 42 and 52*)—

The following amendment was proposed by Mr Welford—

At page 46, lines 13 and 14, '52'—

omit, insert—

'44'.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 45, as amended, agreed to.

Clause 46 (*Content of draft water resource plans*)—

The following amendments were proposed by Mr Lester—

At page 47, after line 5—

insert—

'(h) include information about the impact the plan will have on existing entitlements to water in the proposed plan area.'

At page 47, after line 30—

insert—

'(4) However, a draft plan that is intended to apply to overland flow water, must not contain provisions that limit an owner of land from taking, interfering with or diverting overland flow water to an extent less than the person was able to immediately before the Minister published a notice under section 40(1) for the draft plan.'

Debate ensued.

Question put – That Mr Lester's amendment be agreed to.

The Committee divided.

AYES, 39

Baumann*	Davidson	Johnson	Nelson	Simpson
Beanland	Elliott	Knuth	Paff	Slack
Black	Feldman	Laming	Pratt	Springborg
Borbidge	Gamin	Lester	Prenzler	Stephan
Connor	Goss	Lingard	Quinn	Turner
Cooper	Healy	Littleproud	Santoro	Veivers
Cunningham, E	Hegarty*	Malone	Seeney	Watson
Dalglish	Hobbs	Mitchell	Sheldon	

NOES, 41

Attwood	Edmond	Lucas	Pitt	Sullivan*
Barton	Elder	Mackenroth	Purcell*	Welford
Beattie	Fenlon	McGrady	Reeves	Wellington
Bligh	Foley	Mulherin	Reynolds	Wells
Boyle	Fouras	Musgrove	Roberts	Wilson
Braddy	Hamill	Nelson-Carr	Robertson	
Bredhauer	Hayward	Nuttall	Rose	
Briskey	Hollis	Palaszczuk	Schwarten	
Cunningham, J	Kaiser	Pearce	Spence	

Pairs – Messrs Grice and Horan, Dr Kingston and Mr Rowell (AYES) and Dr Clark, Mrs Lavarch, Mrs Miller and Ms Struthers (NOES)

**Tellers*

Question negatived.

The following amendments were proposed by Mr Welford—

At page 47, line 12, after 'assessable'—

insert—

'or self assessable'.

At page 47, line 16, after 'a process for'—

insert—

'granting, reserving or otherwise'.

Debate ensued.

Question – That Mr Welford's amendments be agreed to – put and agreed to.

Clause 46, as amended, agreed to.

Clause 47 (*Matters the Minister must consider when preparing draft water resource plan*)—

The following amendments were proposed by Mr Welford—

At page 48, lines 15 and 16, 'economic, cultural and environmental'—

omit, insert—

'cultural, economic, environmental and social'.

At page 48, line 17, 'cultural and economic'—

omit, insert—

'cultural, economic and social'.

At page 48, line 25, '(Water Policy)'—

omit, insert—

'(Water) Policy'.

Debate ensued.

Question – That Mr Welford's amendments be agreed to – put and agreed to.

Clause 47, as amended, agreed to.

Clauses 48 and 49 agreed to.

New Clause 49A—

The following amendment was proposed by Mr Lester—

At page 49, after line 25—

insert—

'Further public notice if proposed final draft water resource plan is substantially different from plan previously advertised

'49A.(1) Subsection (2) applies if the final draft water resource plan prepared by the Minister is substantially different from the plan, notice of which the Minister has previously given under section 49.

'(2) The Minister must again take the actions mentioned in section 49 for the different plan.'

Debate ensued.

Question – That Mr Lester's amendment be agreed to – put and negated.

Clauses 50 to 53 agreed to.

Clause 54 (*Matters the reports must include*)—

The following amendment was proposed by Mr Welford—

At page 51, line 15, 'the Act'—

omit, insert—

'this chapter'.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 54, as amended, agreed to.

Clauses 55 to 59 agreed to.

Clause 60 (*Minister may prepare water use plans*)—

The following amendment was proposed by Mr Welford—

At page 54, line 3—

omit, insert—

'(2) Subject to subsection (2A), only 1 water use plan may have effect for the part at any time.

'(2A) Two plans may have effect for the same part of Queensland at the same time if—

(a) one of the plans applies to—

(i) artesian water; and

(ii) subartesian water connected to the artesian water; and

(iii) water in springs connected to the artesian water; and

(b) the other plan does not apply to water mentioned in paragraph (a).'

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 60, as amended, agreed to.

Clauses 61 to 82 agreed to.

Clauses 83 to 93 – Not allocated for drafting purposes.

Clauses 94 to 96 agreed to.

Clause 97 (*Notice of proposal to water infrastructure operators*)—

The following amendments were proposed by Mr Welford—

At page 65, lines 29 and 30—

omit, insert—

'which the proposed plan is intended to apply a notice requesting the holder to provide proposed arrangements for the management of the water, including, for example, water allocation transfer rules and water and natural ecosystem monitoring practices.'

At page 66, line 1—

omit, insert—

'operate any infrastructure to which the proposed plan is intended to apply, in accordance with the water resource plan.'

Debate ensued.

Question – That Mr Welford's amendments be agreed to – put and agreed to.

Clause 97, as amended, agreed to.

Clause 98 (*Content of draft resource operations plan*)—

The following amendment was proposed by Mr Lester—

At page 66, after line 11—

insert—

'(ca) state details of any changes to be made to existing entitlements to water in the proposed plan area; and'.

Debate ensued.

Question – That Mr Lester's amendment be agreed to – put and negated.

The following amendment was proposed by Mr Welford—

At page 66, line 25, after 'a process for'—

insert—

'granting, reserving or otherwise'.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 98, as amended, agreed to.

Clauses 99 to 106 agreed to.

Clause 107 (*Converting interim resource operations licences*)—

The following amendment was proposed by Mr Welford—

At page 72, lines 5 to 11—

omit, insert—

- (a) the following interim resource operations licences cease to have effect—
 - (i) licences for the operation of water infrastructure for the management of water to which the plan applies;
 - (ii) licences for the management of water to which the plan applies; and
- (b) the chief executive must grant to each interim resource operations licence holder a resource operations licence, in the approved form and in accordance with the plan, for the water the holder manages and to which the plan applies.'

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 107, as amended, agreed to.

Clause 108 agreed to.

Clause 109 (*Content of resource operations licence*)—

The following amendments were proposed by Mr Welford—

At page 73, line 1, 'the water'—

omit, insert—

'any water'.

At page 73, lines 2 and 3, 'the operating arrangements'—

omit, insert—

'any operating arrangements'.

Debate ensued.

Question – That Mr Welford's amendments be agreed to – put and agreed to.

Clause 109, as amended, agreed to.

Clause 110 (*Conditions of resource operations licence*)—

The following amendments were proposed by Mr Welford—

At page 73, line 7, 'the operating arrangements'—

omit, insert—

'any operating arrangements'.

At page 73, lines 12 and 13—

omit, insert—

- '(ii) give the chief executive information reasonably required by the chief executive about the holder's performance under the licence and information about resource management aspects of the holder's operations for the administration or enforcement of this Act;'

At page 73, lines 15 and 16, 'the water infrastructure'—

omit, insert—

'any water infrastructure'.

Debate ensued.

Question – That Mr Welford's amendments be agreed to – put and agreed to.

Clause 110, as amended, agreed to.

Clause 111 agreed to.

Clause 112 (*Other amendments chief executive may make to resource operations licence*)—

The following amendment was proposed by Mr Welford—

At page 74, line 10, '(made either orally or in writing)'—

omit, insert—

'made, either orally or in writing, by the licence holder'.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 112, as amended, agreed to.

Clause 113 (*Minor amendment of resource operations licence*)—

The following amendment was proposed by Mr Welford—

At page 74, line 28, 'division'—

omit, insert—

'subdivision'.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 113, as amended, agreed to.

Clauses 114 to 118 agreed to.

Clause 119 (*Cancelling resource operations licence*)—

The following amendments were proposed by Mr Welford—

At page 77, line 19, '(made either orally or in writing)'—

omit, insert—

'made, either orally or in writing, by the holder'.

At page 77, after line 19—

insert—

'(2) Subsection (1)(a) does not apply if the holder has been convicted under section 813 for the non-compliance.'

Debate ensued.

Question – That Mr Welford's amendments be agreed to – put and agreed to.

Clause 119, as amended, agreed to.

Clause 120 (*Procedure for cancelling resource operations licence*)—

The following amendment was proposed by Mr Welford—

At page 78, line 15, 'and'—

omit, insert—

'or'.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 120, as amended, agreed to.

Clause 121 (*Converting water entitlements*)—

The following amendments were proposed by Mr Welford—

At page 78, line 26, 'or water permits'—

omit.

At page 78, line 28, 'or water permit'—

omit.

Debate ensued.

Question – That Mr Welford's amendments be agreed to – put and agreed to.

Clause 121, as amended, agreed to.

Clauses 122 and 123 agreed to.

New clause 123A—

The following amendment was proposed by Mr Welford—

At page 80, after line 25—

insert—

'Security for supply and storage of water allocation

'123A. If a water allocation is managed under a resource operations licence, the licence holder may require the allocation holder to give the licence holder reasonable security for supplying and storing the allocation.'

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clauses 124 to 126 agreed to.

Clause 127 (*Meaning of "change to a water allocation"*)—

The following amendment was proposed by Mr Welford—

At page 82, after line 16—

insert—

'(ba) the resource operations licence holder through which the water may be supplied under the allocation;'

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 127, as amended, agreed to.

Clauses 128 to 136 agreed to.

Clause 137 (*Water allocations may be forfeited*)—

The following amendment was proposed by Mr Welford—

At page 88, line 20—

omit, insert—

'by public auction, public ballot or public tender.'

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 137, as amended, agreed to.

Clause 138 agreed to.

Clause 139 (*Priority for applying proceeds of sale of water allocations under a power of sale*)—

The following amendments were proposed by Mr Welford—

At page 89, line 19, '(4)'—

omit, insert—

'(6)'

At page 89, after line 30—

insert—

'(6) The purchaser of an allocation under this section takes the allocation free of all interests.'

Debate ensued.

Question – That Mr Welford's amendments be agreed to – put and agreed to.

Clause 139, as amended, agreed to.

Clause 140 agreed to.

Clause 141 (*Applying for a seasonal water assignment*)—

The following amendment was proposed by Mr Welford—

At page 90, lines 9 and 10, 'to assign all or part of the benefits of the allocation to another person'—

omit, insert—

'for a seasonal water assignment'.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 141, as amended, agreed to.

Clause 142 agreed to.

Clause 143 (*Deciding application for seasonal water assignment*)—

The following amendment was proposed by Mr Welford—

At page 91, line 1, 'chief executive'—

omit, insert—

'the chief executive'.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 143, as amended, agreed to.

Clauses 144 to 152 agreed to.

Clauses 153 to 166 – Not allocated for drafting purposes.

Clause 167 (*Purpose of pt 5*)—

The following amendment was proposed by Mr Welford—

At page 95, lines 8 and 9, 'through water infrastructure' to the end—

omit, insert—

'through—

- (a) existing water infrastructure in an area where a resource operations plan has not been approved; or
- (b) proposed water infrastructure.’.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 167, as amended, agreed to.

Heading before clause 168—

The following amendment was proposed by Mr Welford—

At page 95, line 12, ‘**water infrastructure**’—

omit, insert—

‘**operations**’.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Heading, as amended, agreed to.

Clause 168 (*Who must apply for an interim resource operations licence*)—

The following amendments were proposed by Mr Welford—

At page 95, line 15, after ‘infrastructure’—

insert—

‘or manages water’.

At page 95, line 18, after ‘infrastructure’—

insert—

‘or manage the water’.

Debate ensued.

Question – That Mr Welford's amendments be agreed to – put and agreed to.

Clause 168, as amended, agreed to.

Clause 169 (*Applying for interim resource operations licence*)—

The following amendments were proposed by Mr Welford—

At page 96, line 5—

omit, insert—

‘contracts for the supply of the water; and’.

At page 96, line 6, ‘for the’—

omit, insert—

‘for any’.

Debate ensued.

Question – That Mr Welford's amendments be agreed to – put and agreed to.

Clause 169, as amended, agreed to.

Clauses 170 to 175 agreed to.

Heading before clause 176—

The following amendment was proposed by Mr Welford—

At page 99, line 23, ‘**water infrastructure**’—

omit, insert—

‘**operations**’.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Heading, as amended, agreed to.

Clause 176 agreed to.

Clause 177 (*Content of interim resource operations licences*)—

The following amendment was proposed by Mr Welford—

At page 100, line 12, ‘the water infrastructure’—

omit, insert—

‘any water infrastructure’.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 177, as amended, agreed to.

Clause 178 (*Conditions of interim resource operations licence*)—

The following amendment was proposed by Mr Welford—

At page 100, line 25, ‘operating the’—

omit, insert—

‘operating’.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 178, as amended, agreed to.

Clauses 179 to 186 agreed to.

Clause 187 (*Granting interim water allocations*)—

The following amendments were proposed by Mr Welford—

At page 106, line 8—

omit.

At page 106, after line 10—

insert—

‘(e) an entity prescribed under a regulation.’.

Debate ensued.

Question – That Mr Welford's amendments be agreed to – put and agreed to.

Clause 187, as amended, agreed to.

Clause 188 (*Existing supply arrangements taken to be supply contracts*)—

The following amendment was proposed by Mr Welford—

At page 106, line 19, ‘suppling’—

omit, insert—

‘supplying’.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 188, as amended, agreed to.

Clause 189 (*Granting interim water allocations*)—

The following amendments were proposed by Mr Welford—

At page 107, line 5—

omit.

At page 107, after line 7—

insert—

‘(e) an entity prescribed under a regulation.’.

Debate ensued.

Question – That Mr Welford's amendments be agreed to – put and agreed to.

Clause 189, as amended, agreed to.

Heading before clause 190—

The following amendment was proposed by Mr Welford—

At page 107, line 10, ‘**transferring or**’—

omit, insert—

‘**renewing, transferring, forfeiting or**’.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Heading, as amended, agreed to.

Clause 190 (*Amending, transferring or cancelling interim water allocation*)—

The following amendments were proposed by Mr Welford—

At page 107, line 12, after ‘**Amending,**’—

insert—

‘**renewing,**’.

At page 107, line 13, after ‘amended,’—

insert—

‘renewed.’.

Debate ensued.

Question – That Mr Welford's amendments be agreed to – put and agreed to.

Clause 190, as amended, agreed to.

Clause 191 (*Who certain interim water allocations may be transferred to*)—

The following amendments were proposed by Mr Welford—

At page 107, line 22—

omit, insert—

‘(b) an interim resource operations licence holder;’.

At page 107, after line 24—

omit, insert—

‘(e) an entity prescribed under a regulation.’.

Debate ensued.

Question – That Mr Welford's amendments be agreed to – put and agreed to.

Clause 191, as amended, agreed to.

Clause 192 agreed to.

New clauses 192A and 192B—

The following amendment was proposed by Mr Welford—
At page 108, after line 20—

insert—

'Transferring interim water allocations to other land

'192A.(1) This section applies only if a regulation provides for all or part of the authority to take water in relation to land to be transferred so that the authority attaches to other land, whether in or outside Queensland.

'(2) The allocation holder may apply to the chief executive to transfer all or part of the authority in accordance with the regulation.

'Forfeiting an interim water allocation

'192B.(1) Subsection (2) applies if—

- (a) an interim water allocation holder has been convicted of an offence against this Act; or
- (b) the chief executive is satisfied the holder has breached a condition of the interim water allocation.

'(2) The chief executive may deal with the interim water allocation under section 137(2) to (9) as if—

- (a) the interim water allocation were a water allocation; and
- (b) a reference in the section to a resource operations licence were a reference to an interim resource operations licence.'

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clauses 193 to 203 – Not allocated for drafting purposes.

Clauses 204 and 205 agreed to.

Clause 206 (Applying for a water licence)—

The following amendment was proposed by Mr Welford—

At page 110, lines 11 to 13—

omit, insert—

'(4) The following entities may also apply for a water licence for taking water or interfering with the flow of water—

- (a) a local government;
- (b) a water authority;
- (c) a resource operations licence holder;
- (d) an interim resource operations licence holder;
- (e) an entity prescribed under a regulation.'

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 206, as amended, agreed to.

Clauses 207 and 208 agreed to.

Clause 209 (Applications that may be decided without public notice)—

The following amendment was proposed by Mr Welford—

At page 112, line 8, '211'—

omit, insert—

'206'.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 209, as amended, agreed to.

Clauses 210 to 214 agreed to.

Clause 215 (Where water under certain licences must be used)—

The following amendment was proposed by Mr Welford—

At page 115, after line 14—

insert—

'Maximum penalty—1 665 penalty units.'

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 215, as amended, agreed to.

Clauses 216 and 217 agreed to.

Clause 218 (Other amendments chief executive may make to water licence)—

The following amendment was proposed by Mr Welford—

At page 116, line 9, 'that'—

omit.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 218, as amended, agreed to.

Clauses 219 and 220 agreed to.

Clause 221 (*Reinstating expired water licence*)—

The following amendments were proposed by Mr Welford—

At page 119, lines 9 to 15—

omit, insert—

'**221.(1)** If a licensee fails to renew a water licence, the licensee, or if the licensee has ceased to be an owner of the land to which the licence was attached, another owner of the land, may, within 30 business days after the licence expires, apply to have the licence reinstated.'

(2) At page 119, lines 19 to 21—

omit, insert—

'**(4)** If an application for the reinstatement of a water licence is made, the expired licence is taken to have been in force from the day the application was made until the applicant has been notified of the chief executive's decision on the application.'

Debate ensued.

Question – That Mr Welford's amendments be agreed to – put and agreed to.

Clause 221, as amended, agreed to.

Clauses 222 to 227 agreed to.

Clause 228 (*Effect of licensee ceasing to be an owner of land*)—

The following amendment was proposed by Mr Welford—

At page 122, lines 6 to 17—

omit, insert—

'**228.(1)** Subsection (2) applies if—

- (a) a water licence attaches to land; and
- (b) the licensee ceases to be an owner of the land; and
- (c) before ceasing to be an owner of the land the licensee applied, in accordance with section 222, to transfer the licence to another person.

(2) On the day the licensee ceases to be an owner of the land—

- (a) the licensee ceases to be the holder of the licence; and
- (b) the other person becomes the new licensee.

(3) However, subsection (4) applies if—

- (a) a water licence attaches to land; and
- (b) the licensee ceases to be an owner of the land; and
- (c) before ceasing to be an owner of the land the licensee did not apply, in accordance with section 222, to transfer the licence to another person.

(4) On the day the licensee ceases to be an owner of the land—

- (a) the licensee ceases to be the holder of the licence; and
- (b) the registered owner of the land becomes the new licensee.

(5) Within 30 business days after becoming the new licensee, the new licensee must give the chief executive notice that the previous licensee has ceased to be the licensee.

(6) Within 30 business days after receiving the notice, the chief executive must give the new licensee a new licence on conditions that have the same effect as the conditions on the previous licence, other than for the change of name of the licensee.'

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 228, as amended, agreed to.

Clause 229 (*Effect of disposal of part of land to which water licence attaches*)—

The following amendments were proposed by Mr Welford—

At page 122, line 20, 'relating to land is in force'—

omit, insert—

'is attached to land'.

At page 122, line 23, '1 year'—

omit, insert—

'60 business days'.

Debate ensued.

Question – That Mr Welford's amendments be agreed to – put and agreed to.

Clause 229, as amended, agreed to.

Clause 230— (*Application of div 3*)

The following amendment was proposed by Mr Welford—

At page 123, line 27, 'of the licences'—

omit.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 230, as amended, agreed to.

Clause 231 (*Applying for seasonal water assignment*)—

The following amendment was proposed by Mr Welford—

At page 124, lines 2 and 3, 'to assign all or part of the benefits of a water licence to another person'—

omit, insert—

'for a seasonal water assignment'.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 231, as amended, agreed to.

Clause 232 agreed to.

Clause 233 (*Deciding application for seasonal water assignment*)—

The following amendment was proposed by Mr Welford—

At page 124, line 21, 'chief executive'—

omit, insert—

'the chief executive'.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 233, as amended, agreed to.

Clauses 234 to 243 agreed to.

Clause 244 (*Cancelling water permit*)—

The following amendments were proposed by Mr Welford—

At page 128, line 3, 'licence'—

omit, insert—

'permit'.

At page 128, line 5, 'sections'—

omit, insert—

'section'.

Debate ensued.

Question – That Mr Welford's amendments be agreed to – put and agreed to.

Clause 244, as amended, agreed to.

Clause 245 agreed to.

Clause 246, heading—

The following amendment was proposed by Mr Welford—

At page 128, line 20, '**licences or permits**'—

omit, insert—

'**licence or permit**'.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Heading, as amended, agreed to.

Clause 246 agreed to.

Clauses 247 to 257 – Not allocated for drafting purposes.

Clauses 258 to 265 agreed to.

Heading before clause 266—

The following amendment was proposed by Mr Welford—

At page 130, line 6, '**destroying, excavating or filling**'—

omit, insert—

'**destroying vegetation, excavating or placing fill in a watercourse, lake or spring**'.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Heading, as amended, agreed to.

Clause 266, heading—

The following amendment was proposed by Mr Welford—
At page 130, line 7, ‘**destroy, excavate or fill**’—
omit, insert—

‘destroy vegetation, excavate or place fill in a watercourse, lake or spring’.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Heading, as amended, agreed to.

Clauses 266 and 267 agreed to.

Clause 268, heading—

The following amendment was proposed by Mr Welford—
At page 131, lines 10 and 11, ‘**destroy, excavate or fill**’—
omit, insert—

‘destroy vegetation, excavate or place fill in a watercourse, lake or spring’.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Heading, as amended, agreed to.

Clause 268 agreed to.

Clause 269, heading—

The following amendment was proposed by Mr Welford—
At page 132, line 3, ‘**destroy, excavate or fill**’—
omit, insert—

‘destroy vegetation, excavate or place fill in a watercourse, lake or spring’.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Heading, as amended, agreed to.

Clause 269 agreed to.

Heading before Clause 270—

The following amendment was proposed by Mr Welford—
At page 132, line 17, ‘**permits**’—
omit, insert—

‘permits to destroy vegetation, excavate or place fill in a watercourse, lake or spring’.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Heading, as amended, agreed to.

Clauses 270 to 273 agreed to.

Clauses 274 to 278 – Not allocated for drafting purposes.

Clauses 279 to 292 agreed to.

Clauses 293 to 298 – Not allocated for drafting purposes.

Clauses 299 to 305 agreed to.

Clause 306 (*Deciding proposed amendment of water bore driller's licence*)—

The following amendment was proposed by Mr Welford—
At page 145, lines 7 and 11, ‘licensee’—
omit, insert—
‘holder’.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 306, as amended, agreed to.

Clauses 307 to 312 agreed to.

Clause 313 (*Records of water bores drilled*)—

The following amendment was proposed by Mr Welford—
At page 149, lines 14 and 15, ‘each water bore drilled by the holder’—
omit, insert—
‘any activity the holder may carry out under this Act’.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 313, as amended, agreed to.

Clause 314 agreed to.

Clauses 315 to 325 – Not allocated for drafting purposes.

Clauses 326 to 330 agreed to.

Clause 331 (*Deciding application for operations licence*)—

The following amendment was proposed by Mr Welford—
At page 152, after line 10—

insert—

'(6) From the day the licence has effect, a holder of an entitlement mentioned in the licence must not take water under the entitlement.'

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 331, as amended, agreed to.

Clauses 332 to 334 agreed to.

Clause 335 (*When chief executive must amend operations licence*)—

The following amendments were proposed by Mr Welford—

At page 153, lines 25 to 27—

omit.

At page 154, line 4, 'The'—

omit, insert—

'Unless the licensee otherwise consents, the'.

At page 154, after line 6—

insert—

'(6) If subsection (3) applies because of subsection (1)(b), the amendment may, with the consent of the new entitlement holder and the licensee, include the new holder instead of the previous holder.'

Debate ensued.

Question – That Mr Welford's amendments be agreed to – put and agreed to.

Clause 335, as amended, agreed to.

Clauses 336 to 338 agreed to.

Clause 339, heading—

The following amendment was proposed by Mr Welford—

At page 155, line 3, 'of'—

omit.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Heading, as amended, agreed to.

Clause 339 agreed to.

Clauses 340 to 360 – Not allocated for drafting purposes.

Clauses 361 and 362 agreed to.

Clauses 363 to 369 – Not allocated for drafting purposes.

Clauses 370 to 374 agreed to.

Clause 375 (*Registering transferee as a service provider*)—

The following amendment was proposed by Mr Welford—

At page 159, line 1, 'the'—

omit.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 375, as amended, agreed to.

Clauses 376 and 377 agreed to.

Clause 378 (*Reviewing and changing service provider registration details*)—

The following amendments were proposed by Mr Welford—

At page 160, line 6, after 'regulator'—

insert—

'must'.

At page 160, line 7, 'must'—

omit.

Debate ensued.

Question – That Mr Welford's amendments be agreed to – put and agreed to.

Clause 378, as amended, agreed to.

Clauses 379 to 383 agreed to.

Clause 384 (*Power to enter places for restricted purposes*)—

The following amendments were proposed by Mr Welford—

At page 162, line 26, '(2)(b)'—

omit, insert—

'(2)(c)'.

At page 162, line 27, 'officer'—

omit, insert—

'person'.

Debate ensued.

Question – That Mr Welford's amendments be agreed to – put and agreed to.

Clause 384, as amended, agreed to.

Clauses 385 to 389 agreed to.

Clause 390 (*Temporary interruptions to water supply*)—

The following amendment was proposed by Mr Welford—

At page 166, after line 2—

insert—

'(4) If the service provider acts under subsection (3), the service provider must give, to anyone likely to be affected by the action—

(a) notice of the action; and

(b) the reasons for the action; and

(c) if the action is continuing when the notice is given—notice about how long the action will continue.'

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 390, as amended, agreed to.

Clauses 391 to 394 agreed to.

Clause 395 (*Liability of service providers for negligence*)—

The following amendment was proposed by Mr Welford—

At page 167, lines 15 to 18—

omit, insert—

'**395.(1)** A service provider, owner of land, operator of water infrastructure, lessee of a service provider or operator (each "**an affected party**") is not liable for an event or circumstance beyond the control of the affected party.

'(2) Subsection (1)—

(a) applies only if, in relation to the event or circumstance, the affected party acted reasonably and without negligence; and

(b) does not affect, or in any way limit, the liability of an affected party for negligence.

'(3) In this section—

"**an event or circumstance beyond the control of the affected party**" includes—

(a) the escape of water from water infrastructure or works; and

(b) flooding upstream or downstream of water infrastructure or works; and

(c) contamination of, or the quality of, water flowing, or released from, water infrastructure or works.'

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 395, as amended, agreed to.

Clauses 396 to 407 – Not allocated for drafting purposes.

Clause 408 (*Preparing strategic asset management plan*)—

The following amendment was proposed by Mr Welford—

At page 168, line 24, 'approved'—

omit, insert—

'issued'.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 408, as amended, agreed to.

Clauses 409 and 410 agreed to.

Clause 411 (*Approving strategic asset management plan*)—

The following amendment was proposed by Mr Welford—

At page 169, line 27, 'committee'—

omit, insert—

'council'.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 411, as amended, agreed to.

Clauses 412 to 418 agreed to.

Clause 419 (*Spot audits of strategic asset management plans*)—

The following amendments were proposed by Mr Welford—

At page 173, line 19, 'relevant'—

omit, insert—

'adequate'.

At page 173, line 27, 'on'—

omit, insert—

'to be prepared about'.

At page 174, line 5, 'there is a significant deficiency in'—

omit.

At page 174, line 6, after 'plan'—

insert—

'is inadequate in a material particular'.

At page 174, line 11, 'deficiency'—

omit, insert—

'inadequacy'.

At page 174, lines 13 to 15—

omit, insert—

'(7) The service provider must comply with the notice, unless the service provider has a reasonable excuse.'

Debate ensued.

Question – That Mr Welford's amendments be agreed to – put and agreed to.

Clause 419, as amended, agreed to.

Clauses 420 to 424 agreed to.

Clause 425 (*Content of customer service standard*)—

The following amendment was proposed by Mr Welford—

At page 176, line 1, 'approved'—

omit, insert—

'issued'.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 425, as amended, agreed to.

Clauses 426 to 428 agreed to.

Clause 429 (*Reviewing customer service standard*)—

The following amendment was proposed by Mr Welford—

At page 177, line 12, 'because'—

omit, insert—

'because of'.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 429, as amended, agreed to.

Clauses 430 to 435 agreed to.

Clause 436 (*Notice of decision on application for exemption*)—

The following amendments were proposed by Mr Welford—

At page 180, line 25, 'information notice'—

omit, insert—

'an information notice'.

At page 181, after line 2—

insert—

'(ba) the division, or divisions, to which the exemption applies;'

Debate ensued.

Question – That Mr Welford's amendments be agreed to – put and agreed to.

Clause 436, as amended, agreed to.

Clause 437 (*Cancelling or amending an exemption*)—

The following amendment was proposed by Mr Welford—

At page 181, after line 16—

insert—

'(3) If the regulator amends or cancels the exemption, the regulator must—

(a) give the service provider an information notice about the amendment or cancellation; and

(b) as soon as is practicable after amending or cancelling the exemption, give notice of the amendment or cancellation in the gazette.’

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 437, as amended, agreed to.

Clauses 438 to 447 – Not allocated for drafting purposes.

Clauses 448 and 449 agreed to.

Clause 450 (*Notice of declaration of service area*)—

The following amendment was proposed by Mr Welford—

At page 182, line 21, ‘service provider’—

omit, insert—

‘local government’.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 450, as amended, agreed to.

Clause 451 agreed to.

Clause 452 (*Access to service in service area*)—

The following amendment was proposed by Mr Welford—

At page 183, line 23, ‘if the service is’—

omit, insert—

‘for’.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 452, as amended, agreed to.

Clauses 453 to 457 agreed to.

Clauses 458 to 468 – Not allocated for drafting purposes.

Clauses 469 to 471 agreed to.

Clauses 472 to 479 – Not allocated for drafting purposes.

Clause 480 (*Definitions for div 1*)—

The following amendment was proposed by Mr Welford—

At page 190, lines 7 and 8—

omit.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 480, as amended, agreed to.

Clause 481 (*Meaning of "referable dam"*)—

The following amendment was proposed by Mr Welford—

At page 190, line 22—

omit, insert—

‘(b) a weir, unless the weir has a variable flow control structure on the crest of the weir.’

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 481, as amended, agreed to.

Clause 482 (*Meaning of "failure impact assessment"*)—

The following amendment was proposed by Mr Welford—

At page 190, line 24, ‘prepared and’—

omit.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 482, as amended, agreed to.

Clause 483 (*When a damn must be failure impact assessed*)—

The following amendment was proposed by Mr Welford—

At page 191, line 18, ‘100’—

omit, insert—

‘250’.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 483, as amended, agreed to.

Clause 484 agreed to.

Clause 485 (*Offences about failure impact assessments*)—

The following amendments were proposed by Mr Welford—

At page 192, lines 26 and 27—

omit, insert—

'485.(1) A person must not certify a failure impact assessment containing information the'.

At page 192, line 30, 'giving'—

omit, insert—

'certifying'.

At page 193, line 5, after 'gives'—

insert—

'the chief executive'.

At page 193, lines 6, 8 and 19, 'preparing'—

omit, insert—

'certifying'.

Debate ensued.

Question – That Mr Welford's amendments be agreed to – put and agreed to.

Clause 485, as amended, agreed to.

Clause 486 (*Cost of failure impact assessment*)—

The following amendments were proposed by Mr Welford—

At page 193, lines 24, 29 and 31, after 'preparing'—

insert—

'and certifying'.

At page 194, line 1, after 'preparing'—

insert—

'and certifying'.

Debate ensued.

Question – That Mr Welford's amendments be agreed to – put and agreed to.

Clause 486, as amended, agreed to.

Clauses 487 and 488 agreed to.

Clause 489 (*Reviewing failure impact assessment*)—

The following amendments were proposed by Mr Welford—

At page 194, line 21, after 'must'—

insert—

', within 30 business days after being satisfied under subsection (1)'.

At page 194, lines 24 to 27—

omit, insert—

'(3) The information notice must require the owner to—

(a) have the assessment reviewed, corrected or completed and recertified; and

(b) return the recertified assessment to the chief'.

Debate ensued.

Question – That Mr Welford's amendments be agreed to – put and agreed to.

Clause 489, as amended, agreed to.

Clause 490 (*Rejecting failure impact assessment*)—

The following amendments were proposed by Mr Welford—

At page 195, lines 6 to 16—

omit, insert—

'490.(1) The chief executive may reject a failure impact assessment or a recertified assessment if the assessment or recertified assessment is incorrect or incomplete in a material particular or not completed in accordance with the guidelines mentioned in section 482.'

At page 195, line 17, 'the chief executive must'—

omit, insert—

'or the recertified assessment, the chief executive must, within 30 business days after the rejection,'.

Debate ensued.

Question – That Mr Welford's amendments be agreed to – put and agreed to.

Clause 490, as amended, agreed to.

Clause 491 (*Safety conditions for referable dams*)—

The following amendments were proposed by Mr Welford—

At page 195, line 19, '**referable**'—

omit, insert—

'existing referable'.

At page 195, lines 20 to 25—

omit, insert—

'491.(1) The chief executive may apply safety conditions to a referable dam.

'(1A) For assessing the safety conditions that are to apply, the chief executive may give the owner of the dam a notice requesting the owner to give the chief executive—

- (a) within the reasonable time stated in the notice, information that will assist the chief executive in deciding the conditions to be applied; and
- (b) the fee prescribed under a regulation.'

At page 196, lines 8 to 11—

omit, insert—

'(5) The safety conditions must be relevant to, but not an unreasonable imposition on, the dam or reasonably required for the dam.'

Debate ensued.

Question – That Mr Welford's amendments be agreed to – put and agreed to.

Clause 491, as amended, agreed to.

Clauses 492 to 496 agreed to.

Clause 497 (*Approving flood mitigation manual*)—

The following amendment was proposed by Mr Welford—

At page 199, line 8, 'committee'—

omit, insert—

'council'.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 497, as amended, agreed to.

Clause 498 (*Amending flood mitigation manual*)—

The following amendment was proposed by Mr Welford—

At page 199, line 22, 'committee'—

omit, insert—

'council'.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 498, as amended, agreed to.

Clause 499 agreed to.

Clause 500 (*Protection from liability for complying with flood mitigation manual*)—

The following amendments were proposed by Mr Welford—

At page 200, line 2, 'committee'—

omit, insert—

'council'.

At page 200, line 12, 'means'—

omit, insert—

'includes'.

Debate ensued.

Question – That Mr Welford's amendments be agreed to – put and agreed to.

Clause 500, as amended, agreed to.

Clauses 501 to 513 – Not allocated for drafting purposes.

Clause 514 agreed to.

Clause 515 (*Regulator's general functions*)—

The following amendments were proposed by Mr Welford—

At page 201, lines 1 and 2, 'Act'—

omit, insert—

'chapter'.

At page 201, line 6, 'purpose'—

omit, insert—

'purposes'.

Debate ensued.

Question – That Mr Welford's amendments be agreed to – put and agreed to.

Clause 515, as amended, agreed to.

Clauses 516 to 520 agreed to.

Clauses 521 to 541 – Not allocated for drafting purposes.

Clause 542 agreed to.

Clauses 543 to 547 – Not allocated for drafting purposes.

Clauses 548 to 557 agreed to.

Clauses 558 to 568 – Not allocated for drafting purposes.

Clauses 569 to 585 agreed to.

Clauses 586 to 596 – Not allocated for drafting purposes.

Clauses 597 to 613 agreed to.

Clause 614 (*Water authority not to pay premiums for particular liabilities of officers*)—

The following amendment was proposed by Mr Welford—

At page 224, line 14, 'or'—

omit, insert—

'and'.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 614, as amended, agreed to.

Clauses 615 to 624 agreed to.

Clauses 625 to 636 – Not allocated for drafting purposes.

Clauses 637 to 663 agreed to.

Clauses 664 to 674 – Not allocated for drafting purposes.

Clauses 675 to 678 agreed to.

Clauses 679 to 689 – Not allocated for drafting purposes.

Clauses 690 to 705 agreed to.

Clauses 706 to 716 – Not allocated for drafting purposes.

Clause 717 agreed to.

Clauses 718 to 738 – Not allocated for drafting purposes.

Clause 739 agreed to.

Clause 740 (*Functions and powers of authorised officers*)—

The following amendment was proposed by Mr Welford—

At page 258, line 20, after 'development condition'—

insert—

'or operations of any kind and all things constructed or installed for taking, or interfering with, water under this Act'.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 740, as amended, agreed to.

Clauses 741 to 746 agreed to.

Clause 747 (*Power to enter land to collect information*)—

The following amendment was proposed by Mr Welford—

At page 261, after line 26—

insert—

'(c) to measure the health of watercourses, lakes, springs and aquifers.'

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 747, as amended, agreed to.

Clause 748 (*Power to enter land to search for unauthorised drilling or taking of or interfering with water*)—

The following amendments were proposed by Mr Welford—

At page 262, lines 15 and 16, '**drilling or taking of or interfering with water**'—

omit, insert—

'**activities**'.

At page 262, lines 17 to 23—

omit, insert—

'**748.(1)** Subsection (2) applies if an authorised officer reasonably believes 1 or more of the following activities is happening—

(a) unauthorised drilling;

(b) unauthorised taking of, interfering with or use of water;

(c) unauthorised taking of other resources;

(d) unauthorised interference with the physical integrity of a watercourse, lake or spring.

'**(2)** The authorised officer may enter land to find out, or confirm whether, an unauthorised activity mentioned in subsection (1) is happening or has happened.'

Debate ensued.

Question – That Mr Welford's amendments be agreed to – put and agreed to.

Clause 748, as amended, agreed to.

Clauses 749 to 765 agreed to.

Clauses 766 to 777 – Not allocated for drafting purposes.

Clauses 778 to 783 agreed to.

Clause 784 (*Proceeding for orders*)—

The following amendments were proposed by Mr Welford—

At page 276, lines 27 and 30, 'is'—

omit, insert—

'is for'.

At page 276, after line 29—

insert—

'(2A) Subsection (2) applies for an offence against section 956 only if the appointment of the administrator was made for section 955(1)(a).'

At page 277, line 1, 'is'—

omit, insert—

'is for'.

At page 277, after line 6—

insert—

'(6) If a person other than the chief executive brings a proceeding under this section, the person must, within 5 business days of commencing to bring the proceeding, give the chief executive notice of the proceeding.'

Debate ensued.

Question – That Mr Welford's amendments be agreed to – put and agreed to.

Clause 784, as amended, agreed to.

Clause 785 (*Proceeding brought in a representative capacity*)—

The following amendment was proposed by Mr Welford—

At page 277, line 8, '932'—

omit, insert—

'784'.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 785, as amended, agreed to.

Clauses 786 to 791 agreed to.

Clause 792 (*Parties to pay own costs for proceedings*)—

The following amendment was proposed by Mr Welford—

At page 281, lines 14 to 17—

omit, insert—

'(3) If the court makes an order under subsection (2), the court may also order the party ordered to pay costs under subsection (2) to pay to the other party an amount as compensation for loss or damage suffered by the other party because of the proceeding if the court considers—

(a) the proceeding was started merely to delay or obstruct; or

(b) the proceeding, or part of the proceeding, to have been frivolous or vexatious.'

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 792, as amended, agreed to.

Clauses 793 to 807 – Not allocated for drafting purposes.

Clauses 808 to 812 agreed to.

Clause 813 (*Contravening conditions of water allocation, interim water allocation, water licence or permit*)—

The following amendment was proposed by Mr Welford—

At page 283, after line 2—

insert—

'(2) Subsection (1) does not apply to a contravention for which a licence has been cancelled.'

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 813, as amended, agreed to.

Clauses 814 to 828 agreed to.

Clauses 829 to 850 – Not allocated for drafting purposes.

Clause 851 (*Who is an interested person*)—

The following amendment was proposed by Mr Welford—

At page 290, lines 11 to 14—

omit, insert—

'(2) However, if the decision or action for which the notice was given is in relation to a resource operations plan, the interested person may only appeal to the extent—

- (a) the decision is inconsistent with the plan; or
- (b) a different decision, consistent with the plan, could have been made.'

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 851, as amended, agreed to.

Clauses 852 to 860 – Not allocated for drafting purposes.

Clauses 861 and 862 agreed to.

Clause 863 (*Applying for an internal review*)—

The following amendments were proposed by Mr Welford—

At page 291, lines 18 and 19, after 'about the decision'—

insert—

'or a compliance notice'.

At page 291, line 19, after 'information notice'—

insert—

'or a compliance notice'.

At page 291, line 24, 'notice of'—

omit, insert—

'an information notice about'.

Debate ensued.

Question – That Mr Welford's amendments be agreed to – put and agreed to.

Clause 863, as amended, agreed to.

Clause 864 (*Review decision*)—

The following amendment was proposed by Mr Welford—

At page 293, after line 21—

insert—

'(ca) if the notice states under paragraph (b)(i), that the applicant may apply for arbitration—that the applicant may apply to a court of competent jurisdiction for a stay of the review decision; and'.

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 864, as amended, agreed to.

Clause 865 agreed to.

Clauses 866 to 876 – Not allocated for drafting purposes.

Clauses 877 to 881 agreed to.

Clause 882 (*Powers of court on appeal*)—

The following amendment was proposed by Mr Welford—

At page 297, lines 7 to 21—

omit, insert—

'(3) Each party to the appeal must bear the party's own costs for the appeal.

'(4) However, the court may order costs for the appeal, including allowances to witnesses attending for giving evidence at the appeal, as it considers appropriate in the following circumstances—

- (a) the court considers the appeal was started merely to delay or obstruct;
- (b) the court considers the appeal, or part of the appeal, to have been frivolous or vexatious;
- (c) a party has not been given reasonable notice of intention to apply for an adjournment of the appeal;
- (d) a party has incurred costs because the party is required to apply for an adjournment because of the conduct of another party;
- (e) a party has incurred costs because another party has defaulted in the court's procedural requirements;
- (f) without limiting paragraph (d), a party has incurred costs because another party has introduced, or sought to introduce, new material;

(g) a party to the appeal does not properly discharge its responsibilities in the appeal.

'(5) If the court makes an order under subsection (4), the court may also order the party ordered to pay costs under subsection (4) to pay to the other party an amount as compensation for loss or damage suffered by the other party because of the appeal if the court considers—

- (a) the appeal was started merely to delay or obstruct; or
- (b) the appeal, or part of the appeal, to have been frivolous or vexatious.'

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 882, as amended, agreed to.

Clauses 883 to 890 – Not allocated for drafting purposes.

Clauses 891 to 896 agreed to.

Clauses 897 to 917 – Not allocated for drafting purposes.

Clause 918 agreed to.

New Clause 918A—

The following amendment was proposed by Mr Welford—

At page 299, after line 17—

insert—

'Appearance

918A. A party to a proceeding may appear personally or by lawyer or agent.'

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clauses 919 and 920 agreed to.

Clauses 921 to 930 – Not allocated for drafting purposes.

Clause 931 (*Proceedings for offences*)—

The following amendments were proposed by Mr Welford—

At page 302, line 14, '100'—

omit, insert—

'500'.

At page 302, after line 15—

insert—

'(8) If a person other than the chief executive brings a proceeding under this section, the person must, within 5 business days of starting the proceeding, give the chief executive notice of the proceeding.'

Debate ensued.

Question – That Mr Welford's amendments be agreed to – put and agreed to.

Clause 931, as amended, agreed to.

Clause 932 (*Proceedings for offences*)—

The following amendment was proposed by Mr Welford—

At page 302, after line 18—

insert—

'(1A) Subsection (1) applies for an offence against section 956 only if the appointment of the administrator was made for section 955(1)(a).'

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clause 932, as amended, agreed to.

Clauses 933 to 936 agreed to.

Clauses 937 to 954 – Not allocated for drafting purposes.

Clauses 955 to 958 agreed to.

Clauses 959 to 965 – Not allocated for drafting purposes.

Clause 966 (*Additional criteria for assessing development applications*)—

The following amendments were proposed by Mr Welford—

At page 307, line 13, after '1997'—

insert—

'for—

- (a) operational work for the taking of or interfering with water; or
- (b) the removal of quarry material; or
- (c) operational work that is the construction and maintenance of a referable dam'.

At page 307, lines 14 to 18—

omit, insert—

- '(2) The chief executive must assess the development application against the purposes of this Act to the extent the purposes relate to—
- (a) the taking of or interfering with water; or
 - (b) other resources; or
 - (c) referable dams.'

Debate ensued.

Question – That Mr Welford's amendments be agreed to – put and agreed to.

Clause 966, as amended, agreed to.

Clause 967 (*IPA approval for development is subject to approval under this Act*)—

The following amendments were proposed by Mr Welford—

At page 307, line 22, 'Subsection (2) applies'—

omit, insert—

'Subsections (2) and (3) apply'.

At page 308, lines 10 and 14, 'managing,'—

omit.

Debate ensued.

Question – That Mr Welford's amendments be agreed to – put and agreed to.

Clause 967, as amended, agreed to.

Clauses 968 to 971 agreed to.

New clause 971A—

The following amendment was proposed by Mr Welford—

At page 310, after line 18—

insert—

'When an applicant may appeal to the Land and Resources Tribunal

'971A.(1) Subsection (2) applies if—

- (a) an applicant makes a development application for assessable development mentioned in the *Integrated Planning Act 1997*, schedule 8, part 1, items 3B and 3C; and
- (b) the assessable development is related to an activity authorised under the *Mineral Resources Act 1989*; and
- (c) the applicant has applied under the *Mineral Resources Act 1989* for authorisation to carry out the activity.

'(2) Despite the *Integrated Planning Act 1997*, chapter 4, if the applicant appeals against a decision about the development application, the appeal may be to the Land and Resources Tribunal.'

Debate ensued.

Question – That Mr Welford's amendment be agreed to – put and agreed to.

Clauses 972 to 983 – Not allocated for drafting purposes.

Clauses 984 and 985 agreed to.

Clause 986 (*Compensation for reduced value of entitlement to water*)—

The following amendment was proposed by Mr Lester—

At page 311, lines 11 to 15—

omit, insert—

'986. An owner of a water allocation is entitled to be paid reasonable compensation by the State if a change reduces the value of the allocation.'

Debate ensued.

Question put – That Mr Lester's amendment be agreed to.

The Committee divided.

AYES, 37

Baumann*
Black
Connor
Cooper
Cunningham, E
Dalgleish
Davidson
Elliott

Feldman
Gamin
Goss
Healy
Hegarty*
Hobbs
Horan
Johnson

Knuth
Laming
Lester
Lingard
Littleproud
Mitchell
Nelson
Paff

Pratt
Prenzler
Quinn
Rowell
Santoro
Seeney
Sheldon
Simpson

Slack
Stephan
Turner
Veivers
Wellington

NOES, 37

Attwood	Edmond	Lucas	Pitt	Struthers
Bligh	Elder	Mackenroth	Purcell*	Sullivan*
Boyle	Fenlon	McGrady	Reeves	Welford
Braddy	Foley	Mickel	Reynolds	Wells
Bredhauer	Hamill	Miller	Roberts	Wilson
Briskey	Hayward	Musgrove	Robertson	
Clark	Kaiser	Nelson-Carr	Rose	
Cunningham, J	Lavarch	Palaszczuk	Spence	

Pairs – Messrs Grice, Beanland and Borbidge, Dr Kingston Messrs Malone and Springborg and Dr Watson (AYES) and Messrs Barton, Beattie, Hollis, Mulherin, Nuttall, Pearce and Schwarten (NOES)

*Tellers

The numbers being equal, The Chairman cast his vote with the 'NOES'.

Question negated.

Clause 986, as read, agreed to.

Limitation of Debate: Under the provisions of the Resolution agreed to by the House and the time limit for the consideration of the Bill having expired—

Question put – That Clauses 987 to 1145, Schedules 1 to 4 and the remaining amendments circulated by Mr Welford, viz:

New Clauses 992A to 992E—

At page 313, after line 18—

insert—

'PART 3A—PROVISIONS ABOUT THE CORPORATISED ENTITY

'Power to collect drainage rates

'993A.(1) The corporatised entity may collect drainage rates prescribed under a regulation.

'(2) Subsection (1) does not limit the ways in which a drainage rate may be made or levied under the regulation.

'Exemption from drainage rates

'993B. Despite section 993A, the regulation can not make and levy drainage rates for the following land—

- (a) unoccupied State land;
- (b) unallocated State land reserved for a public purpose;
- (c) land occupied by the State, other than land leased by the State from a person;
- (d) land prescribed under the regulation for this section.

'Interest on overdue drainage rates

'993C.(1) An overdue drainage rate under section 993A bears interest at the annual rate, decided by the chief executive, of not more than—

- (a) 15%; or
- (b) if another percentage is prescribed under a regulation—the other percentage.

'(2) The interest must be calculated as simple interest.

'(3) In this section—

"overdue drainage rate" means the amount of the rate that is not paid when it becomes payable.

'Discount for payment of drainage rates

'993D.(1) The chief executive may allow a discount for payment of a drainage rate.

'(2) Unless a regulation prescribes otherwise, the discount must not be more than 15% of the drainage rate.

'Recovering drainage rates

'993E. The corporatised entity may recover an overdue drainage rate, and any interest payable on the overdue drainage rate, as a debt due to the corporatised entity by the person on whom the rate is made or levied.'

Clause 1005 (*Advisory committees*)—

At page 314, lines 7 to 13—

omit, insert—

'Advisory councils

‘1005.(1) The Minister may establish as many advisory councils as the Minister considers appropriate for the administration of this Act, including, for example, for any of the following—

- (a) flood mitigation;
- (b) referable dams;
- (c) guidelines;
- (d) policy recommendations.’.

At page 314, lines 14, 15 and 17, ‘committee’—
omit, insert—
‘council’.

Clause 1009 (*Exemption from application of Freedom of Information Act 1992*)—

At page 315, line 21 to page 316, line 6—
relocate and renumber as section 992F.

Clause 1010 (*Public inspection and purchase of documents*)—

At page 316, line 10, ‘and’—
omit, insert—
‘or’.

At page 316, after line 19—
insert—

- ‘(fa) each approved water use plan;
- (fb) guidelines for preparing land and water management plans.’

At page 317, after line 9—
insert—

‘(u) each guideline for failure impact assessment of a dam under section 482.’.

Clause 1011 (*Protecting officials from liability*)—

At page 318, line 4, ‘committee’—
omit, insert—
‘council’.

At page 318, line 5, after ‘Minister’—
insert—

‘, the chief executive’.

Clause 1015 (*Regulation-making power*)—

At page 318, line 23, after ‘Act’—
insert—

‘including, for example, for the taking and supplying of water under this Act and for drainage and resource management services ’.

Clause 1038 (*Approved water management plans*)—

At page 320, after line 4—
insert—

‘(2) A reference in a plan mentioned in subsection (1) to section 25K of the repealed Act is taken to be a reference to section 57 of this Act.’.

Clause 1039 (*Proposed water management plans*)—

At page 320, line 14, ‘section 25N’—
omit, insert—

‘sections 25N and 25O’.

At page 320, line 15, ‘WR’—
omit.

Clause 1040 (*Draft water management plans*)—

At page 320, lines 20 to 24—
omit, insert—

‘1040.(1) Subsections (2) and (3) apply if, before the commencement of this section, public notice is given under the repealed Act that a draft water management plan has been prepared by the Minister.

‘(2) The draft plan is taken to be a draft water resource plan that does not provide for a framework for establishing water allocations.

‘(3) The public notice is taken to be a moratorium notice for the draft plan stating the matters mentioned in sections 25N and 25O of the repealed Act.’.

Clause 1042 (*Proposed water allocation and management plans and flow management plans*)—

At page 321, lines 18 and 19—
omit.

At page 321, after line 27—

insert—

‘(4) In the final draft water resource plan for the Border Rivers, the provisions about restricting the granting of or amending any entitlement issued under this Act or the repealed Act to take or interfere with water or water sharing under the plan may give priority to—

- (a) water users—
 - (i) located in the plan area; and
 - (ii) who had constructed, or started construction of, works for the taking of or interfering with overland flow water before 25 November 1999; and
- (b) water users who—
 - (i) hold entitlements issued under this Act or the repealed Act to take or interfere with water to which the plan applies; and
 - (ii) had constructed, or started construction of, works for the taking of or interfering with water under the entitlement before 25 November 1999.’

Clause 1043 (*Draft water allocation and management plan*)—

At page 321, lines 29 and 30 and page 322, lines 1 to 9—

omit, insert—

‘1043.(1) Subsection (2) applies to the following draft water allocation and management plans publicly released under the repealed Act—

- (a) *Draft Water Allocation and Management Plan (Burnett Basin) June 2000;*
- (b) *Draft Water Allocation and Management Plan (Condamine–Balonne Basin) June 2000.*

‘(2) Each draft plan is taken to be a draft water resource plan that provides a framework for establishing water allocations.

‘(3) For preparing the final draft water resource plan for each draft plan, sections 39 to 49 are taken to have been complied with if the final draft water resource plan complies with section 46.

‘(4) In the final draft water resource plan mentioned in subsection (1)(b), the provisions about restricting the granting of or amending any entitlement issued under this Act or the repealed Act to take or interfere with water or water sharing under the plan may give priority to—

- (a) water users—
 - (i) located in the overland flow restrictions areas; and
 - (ii) who had constructed, or started construction of, works for the taking of or interfering with overland flow water before 14 June 2000; and
- (b) water users—
 - (i) located in the plan area but outside the areas mentioned in subsection (4)(a)(i); and
 - (ii) who had constructed, or started construction of, works for the taking of or interfering with overland flow water before 14 August 2000; and
- (c) water users who—
 - (i) hold entitlements issued under this Act or the repealed Act to take or interfere with water to which the plan applies; and
 - (ii) had constructed, or started construction of, works for the taking of or interfering with water under the entitlement before 14 August 2000.

‘(5) In this section—

“**overland flow restrictions areas**” means the areas shown in schedule 2 of the draft plan as areas subject to overland flow restrictions being more particularly—

- (a) the area shown in Department of Natural Resources registered plan number SW3185A3 and titled *Upper Condamine Floodplain Management and Briglow-Jimbour Floodplain Study Areas*; and
- (b) the areas shown as approximate extent of floodplain in drawings 1 to 13 in the report called the *Lower Balonne River System Floodplain Management Plan Phase 1 Study Volume 2*; and
- (c) the area shown in the schedule as a 2 km wide strip along the trunk stream.’

Clause 1046 (*Declared subartesian areas*)—

At page 322, line 29 to page 323, line 8—

omit, insert—

'**1046.(1)** A regulation may declare an area to be a subartesian area.

'**(2)** A regulation made under subsection (1) may, for a subartesian area—

- (a) regulate the taking of, or interfering with, subartesian water; and
- (b) state the types of works for taking subartesian water that are assessable or self-assessable development under the *Integrated Planning Act 1997*.'

Clause 1047 (*Existing land and water management plans*)—

At page 324, after line 3—

insert—

'**(6)** The *Guidelines for Land and Water Management Plans Mareeba–Dimbulah Irrigation Area July 1999* are taken to be guidelines issued under section 72.'

Clause 1048 (*Existing applications, licences and permits*)—

At page 324, lines 5 to 32 and page 325, lines 1 to 23—

omit, insert—

'**1048.(1)** If, immediately before the commencement of this section, an application made under the repealed Act for or about a licence or permit had not been decided, the application must be decided and a licence or permit granted as if the repealed Act had not been repealed.

'**(2)** Despite subsection (1), if part of an application mentioned in subsection (1) is about a referable dam that is more than 8 m in height—

- (a) subsection (1) does not apply to the part; and
- (b) the applicant must ensure a failure impact assessment is completed and given to the chief executive within 1 year of the commencement if the dam, after its construction, will be—
 - (i) more than 8 m in height and have a storage capacity of more than 500 ML; or
 - (ii) more than 8 m in height and have a storage capacity of more than 250 ML and a catchment area that is more than 3 times its maximum surface area at full supply level.

'**(3)** Despite subsection (1), if part of an application mentioned in subsection (1) is about a referable dam that is 8 m or less in height, the part lapses.

'**(4)** Despite subsection (1), if an application mentioned in subsection (1) is about water to which a plan approved under chapter 2, part 3 applies, the chief executive must consider the plan when deciding the application.

'**(5)** Despite subsection (1), if a water resource plan or resource operations plan would prevent the approval of an application mentioned in subsection (1) if the application were made under this Act, the chief executive must refuse the application without publishing notice of the application under section 42(6) of the repealed Act.

'**(6)** Subsection (7) applies to—

- (a) each licence or permit granted under the repealed Act and in force immediately before the commencement; and
- (b) the part of each licence or permit granted under the repealed Act and that is not an interim water allocation under section 1113 and in force immediately before the commencement; and
- (c) each licence or permit granted under subsection (1).

'**(7)** On the commencement—

- (a) if a licence mentioned in subsection (6)(a) or (c) was a licence for works under part 4 of the repealed Act—the licence is taken to be a water licence given under chapter 2, part 6, and its conditions that related to the works, are taken to be a development permit; and
- (b) if a part of a licence mentioned in subsection (6)(b) was a licence for works under part 4 of the repealed Act—the part is taken to be a development permit; and
- (c) if a permit mentioned in subsection (6) was a permit granted under section 56(2)(a) of the repealed Act—the permit is taken to be a water licence given under chapter 2, part 6, and its conditions that related to the works, are taken to be a development permit; and

- (d) if a permit mentioned in subsection (6) was a permit granted under section 56(2)(b) of the repealed Act—the permit is taken to be a water permit given under chapter 2, part 6; and
- (e) if a permit mentioned in subsection (6) was a permit granted under section 57 of the repealed Act to an owner of land abutting a watercourse lake or spring, the permit—
 - (i) to the extent it relates to the taking of water—ceases to exist; and
 - (ii) to the extent it relates to works for the taking of water and conditions that relate to the works—is taken to be a development permit; and
- (f) if a permit mentioned in subsection (6) was a permit granted under section 57 of the repealed Act to an owner of land abutting a weir, barrage or dam, the permit is taken to be a water licence given under chapter 2, part 6, and its conditions that related to the works, are taken to be a development permit; and
- (g) if a permit mentioned in subsection (6) was a permit granted under section 58 of the repealed Act—the permit is taken to be an allocation notice given under chapter 2, part 9, and its conditions that related to removal of quarry material, are taken to be a development permit; and
- (h) if a permit mentioned in subsection (6) was a permit granted under section 71 of the repealed Act—the permit is taken to be a permit given under chapter 2, part 8; and
- (i) if a licence mentioned in subsection (6) was a driller's licence—the licence is taken to be a water bore driller's licence given under chapter 2, part 10.

'(8) A licence or permit mentioned in subsection (7) and taken to be a licence, permit or allocation notice under this Act is a licence, permit or allocation notice for the period the licence or permit would have been in force if the repealed Act had not been repealed.

'(9) For 1 year after the commencement, sections 311 and 816 do not apply to a person carrying out drilling activities for a subartesian bore in an area that was not a declared subartesian area under the repealed Act immediately before the commencement.'

New Clauses 1048A to 1048H—

At page 325, after line 23—

insert—

'Existing applications about water in irrigation or project areas

'1048A.(1) Subsection (2) applies if—

- (a) before the commencement of section 1110, an application is made under the repealed Act for—
 - (i) a licence or permit for the taking of water or an increase in the volume, rate or times when water, that will be managed by the corporatised entity under an interim resource operations licence, may be taken; or
 - (ii) an approval of an agreement under section 231 of that Act for the use of water that will be managed by the corporatised entity under an interim resource operations licence; and
- (b) the application has not been decided before the commencement.

'(2) The chief executive must—

- (a) for an application mentioned in subsection (1)(a)(i)—refuse the application without publishing notice of the application under section 42(6) of the repealed Act; and
- (b) for an application mentioned in subsection (1)(a)(ii)—refuse the application.

'Existing applications for approval under s 231 of the repealed Act (not in irrigation or project areas)

'1048B.(1) Subsection (2) applies if—

- (a) before the commencement of this section an application is made for an approval of an agreement under section 231 of the repealed Act; and
- (b) the application relates to water that will not be managed by the corporatised entity under an interim resource operations licence; and
- (c) the application has not been decided before the commencement.

'(2) The application must be decided as if the repealed Act had not been repealed.

'(3) If the decision under subsection (2) approves the agreement, the applicant must be given a permit.

'(4) The permit is taken to be a permit granted under chapter 2, part 6.

'Applications before commencement of ch 2 pt 6 to add land to a licence under the repealed Act

'1048C.(1) Subsection (2) applies—

- (a) from the commencement of chapter 2, part 3 until the commencement of chapter 2, part 6; and
- (b) if a person has a licence under the repealed Act; and
- (c) the licence refers to land owned by the person.

'(2) An application to amend the licence to include a reference to other land must not be approved unless the other land is owned by the person and is contiguous to the land already referred to in the licence.

'Applications before commencement of ch 2 pt 6 about water to which a plan under chapter 2, part 3 applies

'1048D.(1) Subsection (2) applies—

- (a) from the commencement of chapter 2, part 3 until the commencement of chapter 2, part 6; and
- (a) to an application made under the repealed Act about water to which a plan approved under chapter 2, part 3 applies.

'(2) The chief executive must consider the plan when deciding the application.

'Applications before commencement of ch 2 pt 6 for approval under s 231 of the repealed Act

'1048E.(1) Subsection (2) applies from the commencement of this section until the commencement of chapter 2, part 6.

'(2) The holder of an interim water allocation must not, in relation to the interim water allocation, apply for an approval under section 231 of the repealed Act.

'Preserving existing downstream limits

'1048F.(1) The *Declaration of Downstream Limits Notification (No. 1) 2000*, made on 3 May 2000 and published in the gazette on 19 May 2000 is taken to be a regulation made under section 1006.

'(2) Subsection (1) applies until the expiry of this section.

'(3) This section expires 2 years after the day it commences.

'Certain dealings with water licences for 2 years after the commencement of ch 2 pt 6

'1048G.(1) This section applies—

- (a) for 2 years after the day chapter 2, part 6 commences; and
- (b) despite chapter 2, part 6; and
- (c) only to a water licence or water licences under this Act that were originally issued under the repealed Act.

'(2) The chief executive may amalgamate, subdivide or amend a water licence or water licences with the consent of the licensee or all licensees.

'(3) An action under subsection (2) must not increase the volume of water that may be taken by a licensee.

'(4) Despite section 206, subsection (2) applies for amalgamating licences if—

- (a) the licences are held by the same licensee; and
- (b) the land relating to the licences is not contiguous; and
- (c) the conditions of the licences allow the total volume of water to be taken under the licences to be taken from, and used on, either parcel of land.

'Application of repealed Act to interim water allocations until ch 2 pt 6 commences

'1048H.(1) Subsection (2) applies until chapter 2, part 6 commences.

'(2) For amending, cancelling, renewing, suspending or transferring, an interim water allocation, the allocation must be dealt with as if—

- (a) for an allocation for water that is managed in an area that was an irrigation area under the repealed Act—the allocation were a water licence granted under part 9 of the repealed Act; and
- (b) for all other allocations—the allocation were a water licence granted under part 4 of the repealed Act.

'(3) Subsection (2) does not apply to a transfer under section 191 or 192A.'

Clause 1060 (*Registration of existing local authorities and water boards as service providers*)—

At page 326, lines 6 to 11—

omit, insert—

'Registration of existing local governments, water authorities or other persons as service providers

'1060.(1) Sections 370 and 821 do not apply to a local government, water authority or other person mentioned in section 370 and operating a similar business to that of a service provider at the commencement of this section until 1 January 2001.

'(2) If a local government, water authority or other person mentioned in section 370 applies under section 371 before 1 January 2001 for registration as a service provider, the local government, water authority or other person is taken to be a service provider for section 821.'

Clause 1061, heading—

At page 326, lines 12 and 13—

omit, insert—

'Service provider obligations for existing local governments, water authorities or other persons'.

Clause 1065 (*Application of div 2*)—

At page 327, line 23, after '1994'—

insert—

'or a development approval'.

Clause 1067 (*Failure impact assessing existing unlicensed dams*)—

At page 328, line 15, '100'—

omit, insert—

'250'.

Clause 1069 (*Failure impact assessing licensed dams not prescribed*)—

At page 329, line 15, '100'—

omit, insert—

'250'.

Clause 1070 (*Failure impact assessing small licensed dams*)—

At page 330, line 10, '100'—

omit, insert—

'250'.

Clause 1088 (*Authorised works of former water boards*)—

At page 333, line 27, '**of former water boards**'—

omit, insert—

'in former water areas'.

At page 333, lines 28 to 30 and page 334, lines 1 to 5—

omit, insert—

'1088.(1) Subsection (2) applies to works a former water board or the chief executive was authorised to construct under the repealed Act in a former water area.

'(2) On the commencement of this section—

(a) if immediately after the commencement there is a water authority for the area—the water authority is taken to hold a development permit for the works; or

(b) if immediately after the commencement there is no water authority for the area—the chief executive is taken to hold a development permit for the works.'

Clause 1089 (*Existing authorities to take, or interfere with, water*)—

At page 334, lines 7 to 12—

omit, insert—

'1089.(1) This section applies if a former water board or the chief executive was authorised under the repealed Acts or another Act to take or interfere with water.'

At page 334, line 13, 'a repealed Act'—

omit, insert—

'the repealed Acts'.

Clause 1090 (*Existing contracts to supply water under GAWB Act*)—

At page 334, line 20, before ‘GAWB’—

insert—

‘repealed’.

At page 335, line 1, before ‘GAWB’—

insert—

‘repealed’.

Clause 1092 (*Existing regulations*)—

At page 335, line 12, after ‘**regulations**’—

insert—

‘**and notices**’.

At page 335, after line 22—

insert—

‘**(3)** Subsection (4) applies to notices published—

(a) under section 131 of the repealed Act; and

(b) for a matter mentioned in section 129(8) of the repealed Act; and

(c) after 1 January 1998; and

(d) before the commencement of this section.

‘**(4)** The notice is taken to be a notice published for the matter under section 552 or 556 of this Act.’.

New clause 1107A—

At page 336, after line 19—

insert—

‘**Delegated powers taken to have been validly exercised**

‘**1107A.(1)** Subsection (2) applies if—

(a) on 30 June 2000 a person had a delegation to exercise a power under the *Water Resources Act 1989*; and

(b) the person purported to exercise the power after 30 June 2000 but before 18 August 2000.

‘**(2)** The person is taken to have validly exercised the power.’.

Clause 1108 (*Definition for div 2*)—

At page 337, after line 10—

insert—

‘“**customer**” means a person supplied water by the corporatised entity under an authority.’.

Clause 1110 (*Granting interim resource operations licence to corporatised entity*)—

At page 337, line 26, ‘On the day’—

omit, insert—

‘Within 30 business days after’.

At page 338, line 2, after ‘for’—

insert—

‘Julius Dam and for’.

At page 338, after line 17—

insert—

‘(e) details of other existing water supply responsibilities.’.

At page 338, line 20, ‘the licence an’—

omit, insert—

‘subsection (2)(c) and (d)’.

At page 338, after line 24—

insert—

‘**(6)** Although a customer mentioned in subsection (2)(d) does not get an interim water allocation, the customer is entitled to the continued supply of water under the authority.’.

Clause 1111 (*Granting water entitlements to corporatised entity*)—

At page 338, line 26, ‘On the day this division commences,’—

omit, insert—

‘On the day the chief executive grants the corporatised entity interim resource operations licences under section 1110,’.

At page 338, line 30, ‘the commencement’—

omit, insert—

‘the interim resource operations licences were granted’.

At page 338, line 32, 'water'—
omit.

At page 339, after line 1—
insert—

'(1A) The licence granted under subsection (1)(b) is taken to be a licence granted under part 4 of the repealed Act.'

At page 339, line 4, 'given'—
omit, insert—
'given the'.

Clause 1112 (*Granting interim water allocations to customers under interim resource operations licences*)—

At page 339, lines 8 to 15—
omit, insert—

'1112.(1) On the day the chief executive grants the corporatised entity interim resource operations licences under section 1110, the chief executive must grant each customer of the corporatised entity, mentioned in section 1110(2)(c), an interim water allocation in accordance with the interim resource operations licence for the allocation.

'(2) Before the chief executive grants an interim water allocation under subsection (1), the chief executive must consider, for the granting of the interim water allocation, the following matters in relation to the customers existing authority—

- (a) whether the authority stated that the customer was granted nominal allocation of the water;
- (b) whether the authority was in existence when the relevant irrigation area or project was established;
- (c) whether the supply of water under the authority had an end date;
- (d) whether the customer has, over the term of the authority, paid the full commercial value for the supply of water under the authority;
- (e) whether the customer has paid the full commercial value for all or part of the supply of the water under the authority and it is reasonable that a proportion of the authority should be granted to the customer as an interim water allocation.

'(3) On the day the grant is made under subsection (1), the chief executive must give the allocation to the grantee.

'(4) Each interim water allocation attaches to the land of the grantee unless the grantee is—

- (a) a local government; or
- (b) a water authority; or
- (c) an entity prescribed under a regulation.

'(5) Each interim water allocation takes effect from the day the grantee is given the allocation.

'(6) Subsection (7) applies if—

- (a) a person, immediately before the commencement of this division, was supplied water under an authority; and
- (b) the person owed an amount of money to the State under a financial arrangement under the authority for nominal allocation of the water; and
- (c) the person is granted an interim water allocation under this section for the water.

'(7) On the commencement—

- (a) the amount owed by the person, immediately before the commencement, is a debt due by the person to the corporatised entity; and
- (b) repayment of the amount to the corporatised entity is a condition of the interim water allocation.'

Clause 1113 (*Authorities under part 4 or 9 of the repealed Act*)—

At page 339, line 19, 'the commencement of this division'—
omit, insert—

'the day the chief executive grants the corporatised entity interim resource operations licences under section 1110'.

At page 339, lines 26 to 28—
omit, insert—

'(2) On and from the day the chief executive grants the corporatised entity interim resource operations licences under section 1110, the authority, to the extent it relates to the volume of water nominally allocated under the authority, is an interim water allocation.'

At page 339, after line 28—

insert—

'(3) Each interim water allocation attaches to the land to which the authority attached unless the holder of the authority is—

- (a) a local government; or
- (b) a water authority; or
- (c) an entity prescribed under a regulation.

'(4) Subsection (5) applies if a customer granted an interim water allocation under subsection (2) owed an amount of money to the State under a financial arrangement under the authority.

'(5) On the commencement—

- (a) the amount owed by the customer, immediately before the commencement, is a debt due by the customer to the corporatised entity; and
- (b) repayment of the amount to the corporatised entity is a condition of the interim water allocation.'

Clause 1114 (*Review of grant of interim water allocation*)—

At page 340, line 8, 'before the commencement of this division,'—

omit, insert—

'before the day the chief executive grants the corporatised entity interim resource operations licences under section 1110.'

At page 340, line 18, 'a part of the full commercial value for'—

omit, insert—

'the full commercial value for all or part of'.

Clause 1115 (*Minister must approve standard supply contracts*)—

At page 341, line 3, 'On the day this division commences,'—

omit, insert—

'On the day the chief executive grants the corporatised entity interim resource operations licences under section 1110.'

At page 341, line 12, 'sections 1112 and 1113(2) apply'—

omit, insert—

'section 1113(2) applies'.

At page 341, lines 23 to 27—

omit.

Clause 1116 (*Supply under s 15 of repealed Act*)—

At page 341, lines 28 to 31 and page 342, lines 1 to 3—

omit, insert—

'Supply under written agreements or orders in council

'1116.(1) Subsection (2) applies—

- (a) to written agreements for the supply of water that is managed under an interim resource operations licence; and
- (b) if the agreement was effective, immediately before the day the chief executive grants the corporatised entity interim resource operations licences under section 1110.

'(2) The provisions of the agreement, other than the provisions that deal with the allocation of water, continue to have effect after the interim resource operations licences are granted.

'(3) Also, if the agreement is an agreement that was made under section 15 of the repealed Act, the conditions in section 15 that deal with the storage and delivery of water by the corporatised entity continue to have effect, for the agreement, after the interim resource operations licences are granted.

'(4) Subsection (5) applies if an order in council or other order for the supply of water that is managed under an interim resource operations licence was in force, immediately before the day the chief executive grants the corporatised entity interim resource operations licences under section 1110.

'(5) The provisions of the order in council or other order, other than the provisions that deal with the allocation of water, continue to have effect after the interim resource operations licences are granted.

'(6) This section does not apply to an interim water allocation mentioned in section 1113(2).'

Clause 1117 (*Application of Water Resources (Rates and Charges) Regulation 1992*)—

At page 342, lines 5 to 14—

omit, insert—

'1117.(1) Subsection (2) applies if—

- (a) immediately before the day the chief executive grants the corporatised entity interim resource operations licences under section 1110, a person owes an amount of money to the State for a rate or charge made under the *Water Resources (Rates and Charges) Regulation 1992*; and
- (b) the person, after the day mentioned in paragraph (a), becomes a customer of the corporatised entity or the person owed the amount for a drainage rate.

'(2) The amount owing by the person to the State is a debt due by the person to the corporatised entity.

'(3) On and from the day the chief executive grants the corporatised entity interim resource operations licences under section 1110, the rates and charges that applied under the regulation are the charges of the corporatised entity until the corporatised entity sets new charges.'

Clause 1118—

At page 342, line 18, ', suspending'—

omit.

New Clause 1119A—

At page 343, after line 6—

insert—

'Application of powers until interim resource operations licences are granted

'1119A.(1) From the commencement of this division until the day the chief executive grants the corporatised entity interim resource operations licences under section 1110, the corporatised entity must exercise the powers of an interim resource operations licence holder under this Act to supply customers with water.

'(2) Subsection (1) applies even though the corporatised entity does not hold an interim resource operations licence.'

New Clause 1130A—

At page 344, after line 14—

insert—

'Regulations continue to have effect

'1130A.(1) The following regulations and order in council, made under the repealed Act, as well as any definitions in the repealed Act relevant to the regulations, continue to have effect, and may be amended, as if they had been made under this Act—

- (a) the *Water Resources Regulation 1999*;
- (b) the *Water Resources (Areas and Boards) Regulation 2000*;
- (c) the *Water Resources (Quarry Material) Regulation 1992*;
- (d) the *Water Resources (Rates and Charges) Regulation 1992*;
- (e) the *Water Resources (Watercourse Protection) Regulation 1993*.

'(2) The regulations and order must be read with the changes necessary to make them consistent with this Act and to adapt their operation to the provisions of this Act.

'(3) Subsection (1) has effect despite the repeal of the repealed Act.

'(4) This section expires on 1 July 2002.'

Schedule 2 (*Amendments about planning matters*)—

At page 348, after line 4—

insert—

'1A. Section 1.1.2(2), '2001'—

omit, insert—

‘2002’.

At page 351, lines 14 to 16—

omit, insert—

‘(b) taking, or interfering with, artesian water under the *Water Act 2000*; or

(c) taking, or interfering with—

(i) overland flow water mentioned in a water resource plan under the *Water Act 2000*; or

(ii) subartesian water mentioned in a water resource plan under the *Water Act 2000* or prescribed under a regulation.’

At page 352, lines 1 to 4—

omit, insert—

‘9A. Carrying out operational work that is operations of any kind and all things constructed or installed for taking water if the operations are for—

(a) taking water from a watercourse, lake or spring under the *Water Act 2000*, section 20(3); or

(b) taking, or interfering with—

(i) overland flow water mentioned in a water resource plan under the *Water Act 2000*; or

(ii) subartesian water mentioned in a water resource plan under the *Water Act 2000* or prescribed under a regulation.’

Schedule 3 (*Other Amendments*)—

At page 363, after line 1—

insert—

‘1A. Section 2, definition “referable dam”, paragraphs (a)(i) and (ii)—

omit, insert—

‘(i) is more than 8 m in height and has a storage capacity of more than 500 ML; or

(ii) is more than 8 m in height and has a storage capacity of more than 250 ML and a catchment area that is more than 3 times its maximum surface area at full supply level;’.

‘1B. Section 2, definition “referable dam”, at the end—

insert—

‘The term does not include a weir, other than a weir that has a variable flow control structure on the crest of the weir.’.

‘1C. Section 2—

insert—

‘ “full supply level” means the level of the water surface when the water storage is at maximum operating level when not affected by flood.’.

At page 363, lines 17 to 20—

omit, insert—

‘3. Sections 3 to 5, 16, 25A to 25P, 26, 34 and 104 to 109—

omit.

‘3A. Sections 8(2), 14, 17, 18 to 22, 24, 25, 27, 33, 35, 80 to 90A, 110 to 119, 124, 125 to 215, 215C to 215J, 215M to 215Y, 232, 236 and 243—

omit.

‘3B. Section 79—

omit.’.

At page 363, after line 24—

insert—

‘5A. After section 257—

insert—

‘Transitional provisions for Water Act 2000

‘258.(1) Subsection (2) applies to a referable dam if a licence was granted under section 43 for the dam and the dam is not—

(a) more than 8 m in height and does not have a storage capacity of more than 500 ML; or

(b) more than 8 m in height and does not have a storage capacity of more than 250 ML and a catchment area that is not more than 3 times its maximum surface area at full supply level.

'(2) On the commencement of this section, the referable dam conditions applying to the licence no longer apply.

'(3) Subsection (4) applies if before the commencement of this section, an application made under section 43 for a referable dam has not been decided, and the dam is not—

- (a) more than 8 m in height and does not have a storage capacity of more than 500 ML; or
- (b) more than 8 m in height and does not have a storage capacity of more than 250 ML and a catchment area that is not more than 3 times its maximum surface area at full supply level.

'(4) The application—

- (a) if it is for a dam on a watercourse—must be decided under the Act as an application for a dam; or
- (b) if it is for a dam that is not on a watercourse—lapses.

'(5) In this section—

“referable dam” does not include works that contain hazardous waste.’.

Schedule 4 (*Dictionary*)—

At page 365, lines 9 and 10—

omit, insert—

“annual report”—

1. “Annual report”, for a water authority, means its annual report under the *Financial Administration and Audit Act 1977*.
2. “Annual report”, for a service provider, means a report prepared by the service provider under section 430(1).’.

At page 367, lines 16 and 17, ‘for domestic or commercial purposes’—
omit.

At page 367, after line 19—

insert—

“corporatised entity” see section 1109.².

At page 368, lines 8 to 13—

omit, insert—

“dam”—

1. “Dam” means—
 - (a) works that include a barrier, whether permanent or temporary, that does or could or would impound water; and
 - (b) the storage area created by the works.
2. The term includes an embankment or other structure that controls the flow of water and is incidental to works mentioned in item (1)(a).
3. The term does not include a rainwater tank.’.

At page 371, line 5, after ‘infrastructure’—

insert—

‘solely’.

At page 371, line 11, ‘allocation’—

omit, insert—

‘entitlement or a moratorium notice’.

At page 373, line 12—

omit, insert—

- (a) a service provider primarily providing bulk water services; or’.

At page 373, lines 15 and 16—

omit, insert—

‘(c) for an irrigation service—a service provider with—

- (i) more than 500 users; and
- (ii) a volume throughput, in any of the last 5 financial years, of more than 10 000 ML.’.

At page 373, lines 21 and 22—

omit, insert—

‘(b) for an irrigation service—a service provider with—

- (i) more than 100 but not more than 500 users; and

- (ii) a volume throughput, in any of the last 5 financial years, of more than 10 000 ML.’

At page 375, lines 29 to 32—

omit, insert—

‘ “**process**”, for sections 46(2)(e), 98(2)(c) and (d), 108, 122, 176, 189 and 212, includes selling or dealing with water entitlements, interim resource operations licences or resource operations licences by public auction, public ballot or public tender.’

At page 376, line 24, ‘214’

omit, insert—

‘208’.

At page 378, line 7, ‘the repealed’—

omit, insert—

‘the’.

At page 378, line 11, ‘the repealed’—

omit, insert—

‘the’.

At page 378, after line 26—

insert—

‘ “**seasonal water assignment**”, for a water allocation or water licence, means the assignment by the holder of the allocation or licence of the benefit under the allocation or licence to another person, for a water year, of all or part of the water that may be taken under the allocation or licence.’

At page 379, line 29 and page 380, line 1—

omit, insert—

‘(b) for an irrigation service—a service provider with—

- (i) 100 or less users; or

- (ii) a volume throughput, in any of the last 5 financial years, of 10 000 ML or less.’

At page 382, line 26, ‘if paragraph (d) does not apply’—

omit, insert—

‘unless a regulation under paragraph (d) otherwise declares’.

At page 384, lines 6 to 8—

omit, insert—

‘ “**water year**”, for a resource operations plan, interim resource operations licence or water licence, means—

- (a) the accounting period prescribed under a regulation for the plan or licence; or

- (b) until a period is prescribed under paragraph (a)—the accounting period stated in the plan or licence for taking water under the plan or licence.’

be agreed to.

The Committee divided.

AYES, 37

Attwood
Bligh
Boyle
Braddy
Bredhauer
Briskey
Clark
Cunningham, J

Edmond
Elder
Fenlon
Foley
Fouras
Hamill
Hayward
Lavarch

Lucas
Mackenroth
McGrady
Mickel
Miller
Musgrove
Nelson–Carr
Palaszczyk

Pitt
Purcell*
Reeves
Reynolds
Roberts
Robertson
Rose
Spence

Struthers
Sullivan*
Welford
Wells
Wilson

NOES, 37

Baumann*
Black
Connor
Cooper
Cunningham, E
Dalglish
Davidson
Elliot

Feldman
Gamin
Goss
Healy
Hegarty*
Hobbs
Horan
Johnson

Knuth
Laming
Lester
Lingard
Littleproud
Mitchell
Nelson
Paff

Pratt
Prenzler
Quinn
Rowell
Santoro
Seeney
Sheldon
Simpson

Slack
Stephan
Turner
Veivers
Wellington

Pairs – Messrs Barton, Beattie, Hollis, Mulherin, Nuttall, Pearce and Schwarten (AYES) and Messrs Grice, Beanland and Borbidge, Dr Kingston Messrs Malone and Springborg and Dr Watson (NOES)

*Tellers

The numbers being equal, The Chairman cast his vote with the 'AYES'.
 Question agreed to.
 Bill to be reported with amendments.

In the House

Bill reported with amendments.
Ordered – That the Bill, as amended, be taken into consideration.
 Mr Welford moved – That the Bill be now read a third time.
 Question put.
 The House divided.

AYES, 37

Attwood	Edmond	Lucas	Pitt	Struthers
Bligh	Elder	Mackenroth	Purcell*	Sullivan*
Boyle	Fenlon	McGrady	Reeves	Welford
Braddy	Foley	Mickel	Reynolds	Wells
Bredhauer	Fouras	Miller	Roberts	Wilson
Briskey	Hamill	Musgrove	Robertson	
Clark	Hayward	Nelson–Carr	Rose	
Cunningham, J	Lavarch	Palaszczuk	Spence	

NOES, 37

Baumann*	Feldman	Knuth	Pratt	Slack
Black	Gamin	Laming	Prenzler	Stephan
Connor	Goss	Lester	Quinn	Turner
Cooper	Healy	Lingard	Rowell	Veivers
Cunningham, E	Hegarty*	Littleproud	Santoro	Wellington
Dalgleish	Hobbs	Mitchell	Seeney	
Davidson	Horan	Nelson	Sheldon	
Elliott	Johnson	Paff	Simpson	

Pairs – Messrs Barton, Beattie, Hollis, Mulherin, Nuttall, Pearce and Schwarten (AYES) and Messrs Grice, Beanland and Borbidge, Dr Kingston Messrs Malone and Springborg and Dr Watson (NOES)

*Tellers

The numbers being equal, The Deputy Speaker cast his vote with the 'AYES'.
 Question agreed to.
 Bill read a third time and passed.
 Title agreed to.

14 VEGETATION MANAGEMENT AMENDMENT BILL

Order of the day read for the adjourned debate on the motion of the Minister for Environment and Heritage and Minister for Natural Resources (Mr Welford) – That the Bill be now read a second time.

Debate resumed.

Debate adjourned on the motion of Mr Black.

Ordered – That the resumption of the debate be made an order of the day for a later hour of the sitting..

15 NOTICE OF MOTION – SUGAR INDUSTRY

Mr Malone, pursuant to notice, moved – That this House condemns the Beattie Labor Government for its failure to provide adequate support for the sugar industry and for water, roads, education, health and social infrastructure in the Mackay region.
 Debate ensued.

The following amendment was proposed by Minister for Education (Mr Wells)—

Delete all words after 'That' and insert the following—

'this House acknowledges the commitment of the Beattie Labor Government to regional and rural Queensland and in particular the capital works budget for the Mackay region which this year totalled over \$217m dollars.'

Debate ensued.

Question put – That Mr Wells' amendment be agreed to.

The House divided.

AYES, 42

Attwood	Edmond	McGrady	Pitt	Struthers
Beattie	Fenlon	Mickel	Purcell*	Sullivan*
Bligh	Foley	Miller	Reeves	Welford
Boyle	Fouras	Mulherin	Reynolds	Wellington
Braddy	Hayward	Musgrove	Roberts	Wells
Bredhauer	Kaiser	Nelson–Carr	Robertson	Wilson
Briskey	Lavarch	Nuttall	Rose	
Clark	Lucas	Palaszczuk	Schwarten	
Cunningham, J	Mackenroth	Pearce	Spence	

NOES, 40

Baumann*	Davidson	Horan	Mitchell	Seeney
Beanland	Elliott	Johnson	Nelson	Sheldon
Black	Feldman	Knuth	Paff	Simpson
Borbidge	Gamin	Laming	Pratt	Slack
Connor	Goss	Lester	Prenzler	Stephan
Cooper	Healy	Lingard	Quinn	Turner
Cunningham, E	Hegarty*	Littleproud	Rowell	Veivers
Dagleish	Hobbs	Malone	Santoro	Watson

Pairs – Messrs Barton, Elder and Hamill (AYES) and Mr Grice, Dr Kingston and Mr Springborg (NOES)

*Tellers

Question agreed to.

Question put – That the motion, as amended be agreed to.

The House divided.

AYES, 42

Attwood	Edmond	McGrady	Pitt	Struthers
Beattie	Fenlon	Mickel	Purcell*	Sullivan*
Bligh	Foley	Miller	Reeves	Welford
Boyle	Fouras	Mulherin	Reynolds	Wellington
Braddy	Hayward	Musgrove	Roberts	Wells
Bredhauer	Kaiser	Nelson–Carr	Robertson	Wilson
Briskey	Lavarch	Nuttall	Rose	
Clark	Lucas	Palaszczuk	Schwarten	
Cunningham, J	Mackenroth	Pearce	Spence	

NOES, 40

Baumann*	Davidson	Horan	Mitchell	Seeney
Beanland	Elliott	Johnson	Nelson	Sheldon
Black	Feldman	Knuth	Paff	Simpson
Borbidge	Gamin	Laming	Pratt	Slack
Connor	Goss	Lester	Prenzler	Stephan
Cooper	Healy	Lingard	Quinn	Turner
Cunningham, E	Hegarty*	Littleproud	Rowell	Veivers
Dagleish	Hobbs	Malone	Santoro	Watson

Pairs – Messrs Barton, Elder and Hamill (AYES) and Mr Grice, Dr Kingston and Mr Springborg (NOES)

*Tellers

Question agreed to.

16 VEGETATION MANAGEMENT AMENDMENT BILL

Order of the day read for the adjourned debate on the motion of the Minister for Environment and Heritage and Minister for Natural Resources (Mr Welford) – That the Bill be now read a second time.

Debate resumed.

Limitation of Debate: Under the provisions of the Resolution agreed to by the House and the time limit for the consideration of the Bill having expired—

Question – That the Bill be read a second time – put and agreed to.

Bill read a second time.

Bill committed on the motion of Mr Welford.

In Committee

Clauses 1 to 5 agreed to.

Clause 6 (*Amendment of s 16 (Preparing declaration)*)—

The following amendment was proposed by Mr Lester—

At page 5, lines 11 and 12—

omit, insert—

‘(4) Subject to subsection (5), the Minister must not prepare the declaration until the end of 42 days after the latest notice is given to a land owner under subsection (3).

‘(5) Subsections (6) and (7) apply if a land owner makes an application to the Land Court under section 63A about the stated area the subject of the notice.

‘(6) The Minister must not prepare the declaration until the final decision of the Land Court on the application or the application otherwise ends.

‘(7) The Minister must not—

(a) if the Land Court’s final decision is to declare that the stated area is not an area of high nature conservation value or an area vulnerable to land degradation—prepare the declaration; or

(b) if the Land Court’s final decision is to declare that the owner’s land in the stated area is not an area of high nature conservation value or an area vulnerable to land degradation—include the land in the stated area.’

‘(3) Section 16(1A) to (7)—

renumber as section 16(2) to (8).’

Debate ensued.

Question put – That Mr Lester’s amendment be agreed to.

The Committee divided.

AYES, 37

Baumann*	Davidson	Knuth	Paff	Slack
Beanland	Elliott	Laming	Pratt	Stephan
Black	Gamin	Lester	Prenzler	Turner
Borbidge	Healy	Lingard	Quinn	Veivers
Connor	Hegarty*	Littleproud	Rowell	Wellington
Cooper	Hobbs	Malone	Santoro	
Cunningham, E	Horan	Mitchell	Seeney	
Dalglish	Johnson	Nelson	Simpson	

NOES, 39

Attwood	Fenlon	Mackenroth	Pearce	Schwarten
Bligh	Foley	McGrady	Pitt	Spence
Boyle	Hamill	Mickel	Purcell*	Struthers
Bredhauer	Hayward	Miller	Reeves	Sullivan*
Briskey	Hollis	Mulherin	Reynolds	Welford
Clark	Kaiser	Nelson-Carr	Roberts	Wells
Cunningham, J	Lavarch	Nuttall	Robertson	Wilson
Edmond	Lucas	Palaszczuk	Rose	

Pairs – Messrs Feldman and Grice, Dr Kingston, Mr Springborg and Dr Watson (AYES) and Messrs Barton, Beattie, Braddy, Elder and Musgrove (NOES)

*Tellers

Question negatived.

Clause 6, as read, agreed to.

Clauses 7 to 11 agreed to.

New Clause 11A—

The following amendment was proposed by Mr Lester—

At page 7, after line 6—

insert—

‘**Insertion of new pt 2A**

‘11A. After part 2—

insert—

‘PART 2A—COMPENSATION

‘**Compensation payable for effect of implementation of Act**

‘23A.(1) Compensation is payable by the State to the owner of freehold land if—

(a) the owner applies, under the *Integrated Planning Act 1997*, for a development approval for operational work that is the clearing of native vegetation on freehold land; and

(b) the approval is refused wholly, or partly.

‘(2) Compensation is payable to offset any diminution in the market value, or profitability, of the land caused by the refusal.

‘(3) The amount, and form, of compensation is the amount, and form—

(a) agreed between the chief executive and the land owner; or

(b) failing agreement, decided by the Land Court.

'(4) In deciding the amount of compensation payable, regard must be had to the following matters—

- (a) the capacity of the owner's land to sustain the existing use;
- (b) any change in the value of the owner's land because of the refusal;
- (c) any change in the profitability of the land because of the refusal;
- (d) any duty of care relating to the land and stated in a regional vegetation management plan, or property vegetation management plan, for the land.

'(5) Subsection (4) does not limit the matters to which regard may be had in deciding the amount of compensation.

'(6) Without limiting subsection (3), the form of compensation payable may include 1 or more of the following—

- (a) a low interest loan;
- (b) restructuring assistance;
- (c) an ex-gratia payment;
- (d) alternative or additional land;
- (e) land management assistance, including, for example, fencing.

'(7) A claim for compensation must—

- (a) be made in a form approved by the chief executive; and
- (b) be made to the chief executive within 6 months after the owner is given notice of the refusal mentioned in subsection (1), or the longer period the chief executive or Land Court in special circumstances allows.'.

Debate ensued.

Question put – That Mr Lester's amendment be agreed to.

The Committee divided.

AYES, 37

Baumann*	Davidson	Knuth	Paff	Slack
Beanland	Elliott	Laming	Pratt	Stephan
Black	Gamin	Lester	Prenzler	Turner
Borbidge	Healy	Lingard	Quinn	Veivers
Connor	Hegarty*	Littleproud	Rowell	Wellington
Cooper	Hobbs	Malone	Santoro	
Cunningham, E	Horan	Mitchell	Seeney	
Dalgleish	Johnson	Nelson	Simpson	

NOES, 39

Attwood	Fenlon	Mackenroth	Pearce	Schwarten
Bligh	Foley	McGrady	Pitt	Spence
Boyle	Hamill	Mickel	Purcell*	Struthers
Bredhauer	Hayward	Miller	Reeves	Sullivan*
Briskey	Hollis	Mulherin	Reynolds	Welford
Clark	Kaiser	Nelson–Carr	Roberts	Wells
Cunningham, J	Lavarch	Nuttall	Robertson	Wilson
Edmond	Lucas	Palaszczuk	Rose	

Pairs – Messrs Feldman and Grice, Dr Kingston, Mr Springborg and Dr Watson (AYES) and Messrs Barton, Beattie, Braddy, Elder and Musgrove (NOES)

*Tellers

Question negatived.

Limitation of Debate: Under the provisions of the Resolution agreed to by the House and the time limit for the consideration of the Bill in Committee of the Whole House having expired—

Question put – That Clauses 12 to 25 be agreed to.

The Committee divided.

AYES, 39

Attwood	Fenlon	Mackenroth	Pearce	Schwarten
Bligh	Foley	McGrady	Pitt	Spence
Boyle	Hamill	Mickel	Purcell*	Struthers
Bredhauer	Hayward	Miller	Reeves	Sullivan*
Briskey	Hollis	Mulherin	Reynolds	Welford
Clark	Kaiser	Nelson–Carr	Roberts	Wells
Cunningham, J	Lavarch	Nuttall	Robertson	Wilson
Edmond	Lucas	Palaszczuk	Rose	

NOES, 37

Baumann*	Davidson	Knuth	Paff	Slack
Beanland	Elliott	Laming	Pratt	Stephan
Black	Gamin	Lester	Prenzler	Turner
Borbidge	Healy	Lingard	Quinn	Veivers
Connor	Hegarty*	Littleproud	Rowell	Wellington
Cooper	Hobbs	Malone	Santoro	
Cunningham, E	Horan	Mitchell	Seeney	
Dalgleish	Johnson	Nelson	Simpson	

Pairs – Messrs Barton, Beattie, Braddy, Elder and Musgrove (AYES) and Messrs Feldman and Grice, Dr Kingston, Mr Springborg and Dr Watson (NOES)

*Tellers

Question agreed to.

Question put – That the Chairman report the Bill without amendment.
The Committee divided.

AYES, 39

Attwood	Fenlon	Mackenroth	Pearce	Schwarten
Bligh	Foley	McGrady	Pitt	Spence
Boyle	Hamill	Mickel	Purcell*	Struthers
Bredhauer	Hayward	Miller	Reeves	Sullivan*
Briskey	Hollis	Mulherin	Reynolds	Welford
Clark	Kaiser	Nelson–Carr	Roberts	Wells
Cunningham, J	Lavarch	Nuttall	Robertson	Wilson
Edmond	Lucas	Palaszczuk	Rose	

NOES, 37

Baumann*	Davidson	Knuth	Paff	Slack
Beanland	Elliott	Laming	Pratt	Stephan
Black	Gamin	Lester	Prenzler	Turner
Borbidge	Healy	Lingard	Quinn	Veivers
Connor	Hegarty*	Littleproud	Rowell	Wellington
Cooper	Hobbs	Malone	Santoro	
Cunningham, E	Horan	Mitchell	Seeney	
Dalgleish	Johnson	Nelson	Simpson	

Pairs – Messrs Barton, Beattie, Braddy, Elder and Musgrove (AYES) and Messrs Feldman and Grice, Dr Kingston, Mr Springborg and Dr Watson (NOES)

*Tellers

Question agreed to.

In the House

Bill reported without amendment.

Mr Welford moved – That the Bill be now read a third time.

Question put.

The Committee divided.

AYES, 39

Attwood	Fenlon	Mackenroth	Pearce	Schwarten
Bligh	Foley	McGrady	Pitt	Spence
Boyle	Fouras	Mickel	Purcell*	Struthers
Bredhauer	Hamill	Miller	Reeves	Sullivan*
Briskey	Hayward	Mulherin	Reynolds	Welford
Clark	Kaiser	Nelson–Carr	Roberts	Wells
Cunningham, J	Lavarch	Nuttall	Robertson	Wilson
Edmond	Lucas	Palaszczuk	Rose	

NOES, 37

Baumann*	Davidson	Knuth	Paff	Slack
Beanland	Elliott	Laming	Pratt	Stephan
Black	Gamin	Lester	Prenzler	Turner
Borbidge	Healy	Lingard	Quinn	Veivers
Connor	Hegarty*	Littleproud	Rowell	Wellington
Cooper	Hobbs	Malone	Santoro	
Cunningham, E	Horan	Mitchell	Seeney	
Dalgleish	Johnson	Nelson	Simpson	

Pairs – Messrs Barton, Beattie, Braddy, Elder and Musgrove (AYES) and Messrs Feldman and Grice, Dr Kingston, Mr Springborg and Dr Watson (NOES)

*Tellers

Question agreed to.

Bill read a third time and passed.
Title agreed to.

17 ADJOURNMENT

Leader of the House (Mr Mackenroth) moved – That this House do now adjourn.
Question agreed to.
The House adjourned at 11.37pm.

18 ATTENDANCE

The following Members were present—

Attwood	Davidson	Knuth	Paff	Simpson
Barton	Edmond	Laming	Palaszczuk	Slack
Baumann	Elder	Lavarch	Pearce	Spence
Beanland	Elliott	Lester	Pitt	Springborg
Beattie	Feldman	Lingard	Pratt	Stephan
Black	Fenlon	Littleproud	Prenzler	Struthers
Bligh	Foley	Lucas	Purcell	Sullivan
Borbidge	Fouras	Mackenroth	Quinn	Turner
Boyle	Gamin	Malone	Reeves	Veivers
Braddy	Goss	McGrady	Reynolds	Watson
Bredhauer	Hamill	Mickel	Roberts	Welford
Briskey	Hayward	Miller	Robertson	Wellington
Clark	Healy	Mitchell	Rose	Wells
Connor	Hegarty	Mulherin	Rowell	Wilson
Cooper	Hobbs	Musgrove	Santoro	
Cunningham, E	Horan	Nelson	Schwarten	
Cunningham, J	Johnson	Nelson–Carr	Seeney	
Dalgleish	Kaiser	Nuttall	Sheldon	

R K HOLLIS
Speaker

R D DOYLE
The Clerk of the Parliament