

# Distribution Operations Licence

## Water Act 2000



### Name of licence

Emerald Channel Scheme Distribution Operations Licence

### Holder

Fairbairn Irrigation Network Pty Ltd ACN 615 973 754

### Water plan

The licence relates to the Water Plan (Fitzroy Basin) 2011.

### Water infrastructure

The water infrastructure to which the licence relates is detailed in attachment 1.

### Authority to take water and to interfere with the flow of water

The licence holder is authorised to take water or interfere with the flow of water to distribute water under water allocations.

### Conditions

#### 1. Requirement for operations manual

- 1.1. The licence holder must operate in accordance with an approved operations manual made under this licence.
- 1.2. The approved operations manual must include—
  - 1.2.1. water sharing rules; and
  - 1.2.2. seasonal water assignment rules

#### 2. Metering

- 2.1. The licence holder must meter the taking of water under all water allocations and seasonal water assignments to which the licence holder distributes water.

#### 3. Notification requirements

- 3.1. The licence holder must comply with the requirements as detailed in attachment 2.

#### 4. Monitoring and reporting requirements

- 4.1. The licence holder must carry out and report on the monitoring requirements as set out in attachment 3.
- 4.2. The licence holder must provide any monitoring data required under condition 5.1 to the chief executive within a stated time upon request.
- 4.3. The licence holder must ensure that the monitoring, including the measurement, collection, analysis and storage of data, is consistent with the Water Monitoring Data Collection Standards<sup>1</sup>.
- 4.4. The licence holder must ensure that the transfer of data and reporting are consistent with the Water Monitoring Data Reporting Standards<sup>2</sup>.

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<sup>1</sup> The Water Monitoring Data Collection Standards can be inspected at any of the department's offices or accessed online at: <[www.dnrm.qld.gov.au](http://www.dnrm.qld.gov.au)>

<sup>2</sup> The Water Monitoring Data Reporting Standards can be inspected at any of the department's offices or accessed online at: <[www.dnrm.qld.gov.au](http://www.dnrm.qld.gov.au)>

## **5. Other conditions**

- 5.1.** The operating and supply arrangements, and the monitoring required under this licence, do not apply in situations where implementing the rules or meeting the requirements would be unsafe to a person or persons. In these circumstances, the licence holder must comply with the requirements for operational or emergency reporting prescribed in attachment 4.
- 5.2.** The licence holder may at any time submit an interim program or an amendment to an existing program to the chief executive for approval in accordance with attachment 4, if the holder proposes to operate in a way that does not meet the requirements of this licence.
- 5.3.** Where there is conflict between the requirements of this licence and an approved program, the program prevails for the time it is in place.

### **Commencement of licence**

The licence took effect on 1 July 2019

**Granted under section 723 of the *Water Act 2000* on 21 May 2019**

**David Wiskar**  
**Executive Director, Water Policy**

# Attachment 1 Infrastructure details for the Emerald Channel System

## *Pump station*

Pump station	AMTD (km) Dawson River	Maximum diversion rate (ML/day)
Selma temporary pump station	685.6	150

# Attachment 2 Notification requirements

## 1 Notification of resource operations licence holder

- (1) The licence holder must notify the resource operations licence holder for the Nogoia Mackenzie Water Supply Scheme —
  - (a) within 2 business days after the licence holder receives an application for a seasonal water assignment that requires the consent of the licence holder and resource operations licence holder; and
  - (b) within 1 business days after becoming aware of any operational incident or emergency that may impact the resource operations licence holder.

# Attachment 3 Licence holder monitoring and reporting

## Part 1 Monitoring requirements

### Division 1 Water quantity

#### 1 Water diversions

- (1) The licence holder must measure and record the daily total volumes of water diverted by the—
  - (a) Selma channel system
  - (b) Weemah channel system
  - (c) Selma temporary pump station
- (2) The methodology for determining the volume delivered must be approved by the chief executive.

#### 2 Restrictions

- (1) The licence holder must record details of any restriction on volumes for each priority group that may be supplied, including—
  - (a) the start and end date; and
  - (b) the volume of water to be supplied.
- (2) Subsection (1) does not apply if the restriction is a result of announced allocation.

#### 3 Carryover

The licence holder must record details of the total volume of water carried over to the water year from the previous water year.

#### 4 Water taken by water users

The licence holder must, on an annual basis, record the total volume of water taken by each water user for each zone.

#### 5 Seasonal water assignment of a water allocation

The licence holder, upon consent to a seasonal water assignment, must record details of seasonal water assignment arrangements, including—

- (a) the name of the assignee and the assignor;
- (b) the volume of the assignment;
- (c) the location—
  - (i) from which it was assigned; and
  - (ii) to which it was assigned; and
- (d) the effective date of the seasonal water assignment.

## **Division 2      Data transfer**

### **6            Transfer of data**

The licence holder must, when requested by the resource operations licence holder, transfer all data measured, collected and recorded to the resource operations licence holder—

- (a) that is reasonably required for the resource operations licence holder to comply with the rules and requirements of attachment 3, part 2 of the resource operations licence; and
- (b) within 15 business days of a request being made, or another timeframe if agreed to by the licence holder and resource operations licence holder.

## **Part 2            Reporting requirements**

### **7            Reporting requirements**

The licence holder must provide—

- (a) annual reports for the previous water year; and
- (b) operational or emergency reports.

## **Division 1      Annual reporting**

### **8            Annual report**

- (1) The licence holder must submit an annual report to the chief executive after the end of the water year.
- (2) The annual report must include—
  - (a) water quantity monitoring results required under attachment 3, section 9; and
  - (b) a discussion on any issues that arose as a result of the implementation and application of the rules and requirements of this licence.

### **9            Water quantity monitoring**

- (1) The licence holder must include in the annual report—
  - (a) instances where any restrictions, other than an announced allocation, have been implemented including—
    - (i) an evaluation of the effectiveness of the limitation or restriction procedures and outcomes; and
    - (ii) the date and value for each restriction;
  - (b) details of seasonal water assignments, including—
    - (i) the total number of seasonal water assignments; and
    - (ii) the total volume of water seasonally assigned;
  - (c) a summary of carryover determinations, including—
    - (i) the total carryover to the water year from the previous water year; and
    - (ii) the total carryover from the water year to the next water year;

- (d) the total annual volume of water taken by all water users, specified by zone, including—
  - (i) the total volume of supplemented water taken;
  - (ii) the total volume of supplemented water entitled to be taken; and
  - (iii) the basis for determining the total volume entitled to be taken;
- (e) all details of changes to the storage and delivery infrastructure or the operation of the storage and infrastructure that may impact on compliance with this licence;
- (f) details of any new monitoring devices used, such as equipment to measure stream flow;
- (g) the details and status of any interim programs implemented under condition 5.2.

## **Division 2      Operational or emergency reporting**

### **10      Operational or emergency reporting<sup>3</sup>**

- (1) The licence holder must notify the chief executive within one business day after becoming aware of—
  - (a) an operational incident where, as a result of the incident, the licence holder cannot comply with the conditions of this licence;
  - (b) an emergency where, as a result of the emergency, the licence holder cannot comply with the conditions of this licence.
- (2) The licence holder must provide to the chief executive upon request, and within the timeframe requested, a report which includes details of—
  - (a) the incident or emergency;
  - (b) the conditions under which the incident or emergency occurred;
  - (c) any responses or activities carried out as a result of the incident or emergency; and
  - (d) in relation to an emergency only, any requirements under this licence that the licence holder is either permanently or temporarily unable to comply with due to the emergency.

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<sup>3</sup> This does not preclude requirements for dam safety under the *Water Act 2000* and any other applicable legislation.

# Attachment 4 Interim programs

## 1 Submission of interim program

The licence holder may, at any time, submit an interim program or an amendment to an existing program to the chief executive for approval, including a timetable for returning to full compliance with the licence and interim arrangements.

## 2 Requirement for additional information

The chief executive, in considering any submitted interim program, may request additional information.

## 3 Approving an interim program

- (1) The chief executive, in dealing with a submitted interim program, may either—
  - (a) approve the interim program, with or without conditions;
  - (b) amend and approve the amended program; or
  - (c) require the licence holder to submit a revised interim program.
- (2) In making a decision under subsection (1), the chief executive must consider the public interest.
- (3) Within 10 business days of making a decision on an interim program submitted under this section, the chief executive must notify the licence holder of the decision.

## 4 Implementing and publishing interim program

Following approval of the program by the chief executive, the licence holder must—

- (a) implement and operate in accordance with the approved interim program;
- (b) make public details of the approved interim program on its internet site; and
- (c) notify the resource operations licence holder of the approved interim program.

## 5 Relationship between interim program and licence

- (1) Where there is conflict between the provisions of this licence and the provisions of an approved interim program, the approved interim program prevails for the time that the interim program is in place.
- (2) Where an interim program has been submitted under attachment 4, section 1, but not dealt with under attachment 4, section 3, the licence holder may operate under the interim program despite the conditions of this licence until a decision is made under attachment 4, section 3.



## Attachment 5 Glossary

Term	Definition
AMTD	Adopted middle thread distance is the distance in kilometres, measured along the middle of the watercourse, that a specific point in the watercourse is from the watercourse's mouth; or—if the watercourse is not a main watercourse—the watercourse's confluence with its main watercourse.
Assignee	The person or entity to whom an interest or right to water is being transferred – for example, seasonally assigned.
Assignor	The person or entity who transfers an interest or right in water to an assignee – for example, a seasonal assignment.
Channel system	A system of channels, canals, pumps and pipelines and other works used for the distribution of water to water users in a water supply scheme.
Licence holder	Distributions operations licence holder for the Emerald Channel Scheme.
Location	<p>For a water allocation, means—</p> <ul style="list-style-type: none"> <li>(a) the zone from which water under the water allocation can be taken; or</li> <li>(b) an AMTD within a zone, from which water under the water allocation can be taken.</li> </ul> <p>For a water licence—means the section of the watercourse, lake, spring or aquifer abutting or contained by the land described on the water licence at which water may be taken.</p> <p>For a water licence to take overland flow water —means land described on the water licence at which water may be taken.</p>
Megalitre (ML)	One million litres.
Resource operations licence holder	The holder of the resource operations licence for the Nogoa Mackenzie Water Supply Scheme.
Water user	The holder of a valid water entitlement.