



Queensland

# **Community Ambulance Cover and Other Acts Amendment Act 2007**

**Act No. 17 of 2007**





Queensland

# Community Ambulance Cover and Other Acts Amendment Act 2007

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Queensland

# **Community Ambulance Cover and Other Acts Amendment Act 2007**

## **Act No. 17 of 2007**

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**An Act to amend the *Community Ambulance Cover Act 2003*, and for other purposes**

**[Assented to 23 April 2007]**

**The Parliament of Queensland enacts—**

## **Part 1 Preliminary**

### **1 Short title**

This Act may be cited as the *Community Ambulance Cover and Other Acts Amendment Act 2007*.

### **2 Commencement**

- (1) Part 7 commences on a day to be fixed by proclamation.
- (2) The remaining provisions of this Act, other than the following provisions, commence on 1 July 2007—
  - part 2 heading
  - sections 3 and 29
  - parts 3 to 6 and 8.

## **Part 2 Amendment of Community Ambulance Cover Act 2003**

### **3 Act amended in pt 2**

This part amends the *Community Ambulance Cover Act 2003*.

### **4 Replacement of s 10 (Meaning of *standard contract*)**

Section 10—  
*omit, insert—*

---

## ‘10 Meaning of *customer sale arrangement*

- ‘(1) A *customer sale arrangement* is an arrangement for the sale of electricity by an electricity retailer to a person (the *relevant customer*), but only if, for the sale—
- (a) the electricity is supplied for consumption in Queensland; and
  - (b) the supply of the electricity is measured by a meter.

*Example—*

a retail contract under the Electricity Act for the sale of electricity by a special approval holder to a person for consumption at a house in Queensland, the supply of which is measured by a meter

- ‘(2) However, a *customer sale arrangement* does not include an arrangement for the sale of electricity if the electricity is accessed through a power card arrangement.
- ‘(3) There can be 2 or more customer sale arrangements in place even though there is only 1 contract for the sale of the electricity by the electricity retailer to a person who is the relevant customer for each of the arrangements.

*Example—*

If, under a contract for the sale of electricity by an electricity retailer to a person, electricity is supplied for consumption at each of 5 separate shops and each supply is measured by a meter, there are 5 customer sale arrangements.

- ‘(4) If a national metering identifier has been issued under the National Electricity Rules for the metering installation for a particular supply of electricity for consumption in Queensland, there is only 1 customer sale arrangement for the supply that is measured by 1 or more meters forming part of the installation.

*Example—*

If there is a contract for the sale of electricity by an electricity retailer to a person for consumption at a house, a national metering identifier has been issued for the metering installation for the supply of the electricity and the supply is measured by 3 meters, there is only 1 customer sale arrangement for the supply.

- ‘(5) In this section—

**arrangement** includes an unwritten arrangement or contract, and any of the following, whether or not in writing—

- (a) agreement;
- (b) other arrangement, whether enforceable or not, including an arrangement arising under an Act.

**National Electricity (Queensland) Law** has the meaning given in the *Electricity—National Scheme (Queensland) Act 1997*.

**National Electricity Rules** has the meaning given in the National Electricity (Queensland) Law.

**national metering identifier** see the Electricity Act, schedule 5.

*Notes—*

- 1 A customer sale arrangement may be a retail contract under the Electricity Act.
- 2 Under the Electricity Act, section 49, there are 3 types of retail contract, namely negotiated retail contracts, standard retail contracts and standard large customer retail contracts.’.

## 5 **Amendment of s 14 (Meaning of *on-supply arrangement (type 1)*)**

Section 14(1), examples, after ‘arrangements’—

*insert—*

‘*(type 1)*’.

## 6 **Amendment of s 15 (Meaning of *on-supply arrangement (type 2)*)**

Section 15(1), examples, after ‘Examples’—

*insert—*

‘*of on-supply arrangements (type 2)*’.

---

**7 Omission of s 16 (Meaning of *contestable sale arrangement*)**

Section 16—

*omit.*

**8 Amendment of s 17 (Person may have more than 1 role)**

- (1) Section 17(1), from ‘non-contestable’ to ‘sale arrangement,’—

*omit, insert—*

‘relevant customer for a customer sale arrangement’.

- (2) Section 17(1), example 1, ‘non-contestable customer for a standard contract’—

*omit, insert—*

‘relevant customer for a customer sale arrangement’.

- (3) Section 17(1), example 2, ‘contestable customer for a contestable sale arrangement’—

*omit, insert—*

‘relevant customer for a customer sale arrangement’.

**9 Replacement of pt 2 (Standard contracts)**

Part 2—

*omit, insert—*

**‘Part 2 Customer sale arrangements**

**‘Division 1 Imposition of levy**

**‘22 Imposition of levy on customer sale arrangements**

‘(1) This part imposes the levy on customer sale arrangements.

‘(2) A liability for the levy is imposed on a customer sale arrangement for each day the arrangement is in place.

---

Note—

Exemptions for the levy are dealt with in divisions 4 and 5.

**‘23 Imposition of levy if there are 2 or more customer sale arrangements in place**

- ‘(1) This section applies if there are 2 or more customer sale arrangements in place for a day for a particular supply of electricity to particular premises.
- ‘(2) For section 22, a liability for the levy for the day is imposed only on that customer sale arrangement for which the electricity retailer for the arrangement is the financially responsible retail entity for the premises for the day.
- ‘(3) In this section—  
*financially responsible retail entity* see the Electricity Act, schedule 5.

**‘24 Operation of customer sale arrangement**

- ‘(1) For this Act, the days a customer sale arrangement is in place do not include the day the arrangement starts, but do include the day the arrangement ends.
- ‘(2) Without limiting how and when a customer sale arrangement may end, a customer sale arrangement is taken to end if the supply of electricity for sale under the arrangement is disconnected, other than because of a temporary disconnection or other interruption.

**‘Division 2 Liability for levy**

**‘25 When liability for levy is imposed**

- ‘(1) Liability for the levy is imposed for a day even if no electricity is sold under the arrangement on the day, including, for example, because premises are temporarily unoccupied or because supply of electricity to premises is temporarily disconnected or otherwise interrupted.

- ‘(2) However, if the arrangement is put in place for premises not yet connected for the supply of electricity, liability is not imposed until the day the premises are connected.

**‘26 Who is liable to pay levy**

- ‘(1) The levy imposed on a customer sale arrangement must be paid by the relevant customer for the arrangement.
- ‘(2) If 2 or more persons are the relevant customer for the arrangement, all the persons are jointly and severally liable for payment of the levy.

**‘27 Consolidation arrangement does not affect liability for levy**

- ‘(1) A person must pay the levy for each customer sale arrangement for which the person is the relevant customer.
- ‘(2) If a person is the relevant customer for 2 or more customer sale arrangements and a single electricity account is issued for the sale of electricity under all the arrangements, the issue of the single electricity account does not affect the person’s liability to pay the levy for each of the arrangements.

**‘Division 3 Calculation of levy**

**‘28 Amount of levy**

‘The amount of the levy imposed on a customer sale arrangement for each day the arrangement is in place is the daily levy for the financial year in which the day happens.

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## ‘Division 4 Exempt customer sale arrangements generally

### ‘29 Exemption from liability for levy

‘Liability for the levy is not imposed on a customer sale arrangement for a day if, on that day or for any part of that day, the arrangement is an exempt customer sale arrangement.

### ‘30 Exemption on 2 or more grounds

‘(1) This section applies to a customer sale arrangement if—

- (a) a number of circumstances mentioned in division 5 apply to the arrangement; and
- (b) if all the circumstances are considered separately, whether by individual circumstance or individual set of circumstances, the arrangement would be, on the basis of each separate consideration, an exempt customer sale arrangement.

‘(2) The arrangement is taken to be an exempt customer sale arrangement.

*Example—*

A customer sale arrangement would be an exempt customer sale arrangement if all electricity sold under the arrangement is supplied to a farming shed and to a pump used for irrigation.

## ‘Division 5 Particular exemptions

### ‘31 Exemption for later customer sale arrangements for separate area

‘(1) This section applies if there are 2 or more customer sale arrangements for the sale of electricity for consumption only at the 1 separate area.

‘(2) Each of the arrangements that is a later customer sale arrangement is an exempt customer sale arrangement.



- (3) For subsection (2), a customer sale arrangement is a later customer sale arrangement if it is not the first of the arrangements to have commenced.

*Example—*

The owner of a shop has 3 customer sale arrangements with an electricity retailer for the sale of electricity for consumption at the shop. Arrangement A was entered into on 31 July 2006. Arrangement B was entered into on 31 August 2006. Arrangement C was entered into on 30 September 2006. Arrangements B and C are exempt customer sale arrangements. However, if arrangement A ends and arrangements B and C continue, only arrangement C will be an exempt customer sale arrangement.

## 32 Pensioner exemption

A customer sale arrangement is an exempt customer sale arrangement if—

- (a) either of the following apply—
- (i) only 1 person is the relevant customer for the arrangement and the person is a pensioner (the *pensioner*);
  - (ii) 2 or more persons are the relevant customer for the arrangement and at least 1 of the persons is a pensioner (also the *pensioner*); and
- (b) all electricity sold under the arrangement is supplied to premises that are the pensioner's principal place of residence; and
- (c) any other person sharing the premises, other than a visitor, is at least 1 of the following—
- (i) the pensioner's spouse;
  - (ii) a person who is wholly dependent on the pensioner;
  - (iii) another pensioner;
  - (iv) a social security beneficiary who does not pay rent for his or her occupation of the premises;

- (v) a person who is a carer of the pensioner and who does not pay rent for his or her occupation of the premises.

**‘33 Farming shed exemption**

‘A customer sale arrangement is an exempt customer sale arrangement if all electricity sold under the arrangement is supplied to a farming shed.

**‘34 Pump exemption**

‘A customer sale arrangement is an exempt customer sale arrangement if all electricity sold under the arrangement is supplied to a pump that is—

- (a) a water pump used for irrigation, stock or other purposes of primary production; or
- (b) a water or sewerage pump used for domestic purposes.

**‘35 Hot water system exemption**

‘A customer sale arrangement is an exempt customer sale arrangement if all electricity sold under the arrangement is supplied to a hot water system.

**‘36 Public park facility exemption**

‘A customer sale arrangement is an exempt customer sale arrangement if all electricity sold under the arrangement is supplied to a public park facility.

**‘37 Security lighting exemption**

- ‘(1) A customer sale arrangement (the *relevant arrangement*) is an exempt customer sale arrangement if—
- (a) all electricity sold under the relevant arrangement is supplied to security lighting for premises; and

- (b) there is at least 1 other electricity sale arrangement for the premises; and
  - (c) the relevant arrangement is not an exempt customer sale arrangement under the building common account exemption (type 1) or the building common account exemption (type 2).
- ‘(2) However, the relevant arrangement is not an exempt customer sale arrangement if—
- (a) all electricity sold under the other arrangement, or other arrangements, is supplied to security lighting for the premises; and
  - (b) the relevant arrangement is the first of the electricity sale arrangements to have commenced.

### **‘37A Exemption for equipment for medical condition**

‘A customer sale arrangement is an exempt customer sale arrangement if—

- (a) all electricity sold under the arrangement is supplied to an item of equipment; and
- (b) the equipment is for the use of a person for a medical condition the person has—
  - (i) whether or not the equipment is used only by the person; and
  - (ii) whether or not, when used by the person, the equipment is used only for the medical condition; and
- (c) the person has written advice from a doctor to the effect of either of the following—
  - (i) because of the medical condition, the person needs to use the equipment;
  - (ii) because of the medical condition, the person needs to have the equipment readily available for use in a medical emergency; and

- (d) the equipment is not in premises that are, or that are in the nature of, a hospital, an aged care hostel or a nursing home.

### **‘37B Retirement village common account exemption**

‘A customer sale arrangement is an exempt customer sale arrangement if—

- (a) all electricity sold under the arrangement is sold for consumption at a retirement village; and
- (b) all electricity sold under the arrangement is supplied for 1 or more of the following—
  - (i) common facilities for the retirement village;
  - (ii) 1 or more on-supply arrangements; and
- (c) there is an electricity sale arrangement, other than the customer sale arrangement, for each occupied accommodation unit in the retirement village that is a separate domestic area.

*Example—*

A retirement village has 6 accommodation units. For each occupied accommodation unit that is a separate domestic area, there is a separate customer sale arrangement for the supply of electricity to it. Additionally, the retirement village scheme operator is the relevant customer for a customer sale arrangement for the supply of electricity for the retirement village’s common lighting. The customer sale arrangement for the lighting is an exempt customer sale arrangement.

### **‘37C Building common account exemption (type 1)**

‘A customer sale arrangement is an exempt customer sale arrangement if—

- (a) all electricity sold under the arrangement is sold for consumption at a multi-unit building; and
- (b) the electricity is supplied for 1 or more of the following—
  - (i) common facilities for the building;
  - (ii) 1 or more on-supply arrangements; and

- (c) there is an electricity sale arrangement, other than the customer sale arrangement, for each occupied separate area in the building.

*Examples—*

- 1 A residential unit building has 6 units and common property. For each occupied unit, there is a separate customer sale arrangement for the supply of electricity to it. Additionally, the body corporate for the residential building is the relevant customer for a customer sale arrangement for the supply of electricity for the building's common lighting. The customer sale arrangement for the lighting is an exempt customer sale arrangement.
- 2 A shopping centre building has 14 shops. For each occupied shop there is an on-supply arrangement (type 1) for the supply of electricity. Electricity for the on-supply arrangements is supplied to the building owner under 1 customer sale arrangement. Additionally, the building owner is the relevant customer for 5 customer sale arrangements, all for security lighting for the shopping centre. All 6 customer sale arrangements are exempt customer sale arrangements.
- 3 A residential building consists of 6 flats. For each occupied flat there is an on-supply arrangement (type 2) for the supply of electricity. Electricity for the on-supply arrangements (type 2) is supplied to the building owner under a customer sale arrangement that relates also to the supply of electricity to the building's common use laundry area. The customer sale arrangement is an exempt customer sale arrangement.

**'37D Building common account exemption (type 2)  
(2 pensioner occupiers)**

- (1) A customer sale arrangement is an exempt customer sale arrangement if all the following circumstances apply—
- (a) all electricity sold under the arrangement is sold for consumption at a double unit building;
  - (b) the electricity is supplied for 1 or more of the following—
    - (i) common facilities for the building;
    - (ii) consumption at a separate area;
  - (c) if there were a separate electricity sale arrangement for each separate area in the building, each electricity sale

arrangement would be an exempt arrangement because of the pensioner exemption;

- (d) the pensioner who occupies each separate area has notified the relevant customer for the arrangement in the approved form of the circumstances supporting the application of paragraph (c).
- ‘(2) The pensioner who occupies a separate area is taken to have notified the relevant customer under subsection (1)(d) if an electricity rebate applies for the supply of electricity to the separate area.

**‘37E Building common account exemption (type 2)  
(1 pensioner occupier)**

- ‘(1) A customer sale arrangement is an exempt customer sale arrangement if all the following circumstances apply—
- (a) all electricity sold under 2 or more electricity sale arrangements (the *relevant arrangements*) is sold for consumption at a double unit building;
  - (b) the customer sale arrangement is one of the relevant arrangements;
  - (c) all electricity sold under the customer sale arrangement is supplied for 1 or more of the following—
    - (i) common facilities for the building;
    - (ii) consumption at a separate area;
  - (d) if there were a separate electricity sale arrangement for each separate area in the building, the customer sale arrangement applying for one of the separate areas (the *relevant separate area*) would be an exempt arrangement because of the pensioner exemption;
  - (e) the pensioner who occupies the relevant separate area has notified the relevant customer for the customer sale arrangement in the approved form of the circumstances supporting the application of paragraph (d);
  - (f) the customer sale arrangement is not the first of the relevant arrangements to have commenced.

- (2) The pensioner who occupies the relevant separate area is taken to have notified the relevant customer under subsection (1)(e) if an electricity rebate applies for the supply of electricity to the separate area.

**‘37F Building common account exemption (type 2)  
(no pensioner occupiers)**

‘A customer sale arrangement is an exempt customer sale arrangement if all the following circumstances apply—

- (a) all electricity sold under 3 or more electricity sale arrangements (the *relevant arrangements*) is sold for consumption at a double unit building;
- (b) the customer sale arrangement is one of the relevant arrangements;
- (c) all electricity sold under the customer sale arrangement is supplied for 1 or more of the following—
  - (i) common facilities for the building;
  - (ii) consumption at a separate area;
- (d) if there were a separate electricity sale arrangement for each separate area in the building, neither of the customer sale arrangements would be an exempt arrangement because of the pensioner exemption;

*Note—*

The reference to ‘neither’ in this paragraph arises because under the definition *double unit building* in the schedule, a double unit building has only 2 separate areas.

- (e) the customer sale arrangement is not the first or second of the relevant arrangements to have commenced.

**‘37G Commonwealth exemption**

‘A customer sale arrangement is an exempt customer sale arrangement if the relevant customer for the arrangement is the Commonwealth.

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**‘37H State exemption**

- ‘(1) A customer sale arrangement is an exempt customer sale arrangement if—
- (a) the relevant customer for the arrangement is the State; and
  - (b) all electricity sold under the arrangement is supplied to premises—
    - (i) that are used only for providing core government services; or
    - (ii) that are public infrastructure.
- ‘(2) In this section—

*State* includes any State instrumentality, authority, corporation or other State entity, including any GOC, and whether or not representing the State, but does not include a local government.

**‘37I Local government exemption**

- ‘A customer sale arrangement is an exempt customer sale arrangement if—
- (a) the relevant customer for the arrangement is a local government; and
  - (b) all electricity sold under the arrangement is supplied to premises—
    - (i) that are used only for providing core local government services; or
    - (ii) that are public infrastructure.

**‘37J Exemption for religious bodies and other institutions**

- ‘(1) A customer sale arrangement is an exempt customer sale arrangement if—
- (a) the relevant customer for the arrangement is a body, or the trustees of a body, that is either a religious body or a body—



- (i) that is controlled by, or associated with, a religious body; and
    - (ii) whose principal object and pursuit is the conduct of activities of a religious nature; and
  - (b) all electricity sold under the arrangement is supplied to premises used solely or almost solely as a church or other public place of worship, or as a church or other public place of worship and an associated hall, other than a hall used or hired out for commercial purposes.
- ‘(2) A customer sale arrangement is an exempt customer sale arrangement if—
- (a) the relevant customer for the arrangement is an institution or the trustees of an institution; and
  - (b) the principal object or pursuit of the institution is the care of sick, aged, infirm, afflicted or incorrigible persons; and
  - (c) all electricity sold under the arrangement is supplied to premises used solely or almost solely for the purposes of the institution’s principal object or pursuit; and
  - (d) the premises are not premises that are, or that are in the nature of, a hospital, an aged care hostel or a nursing home.
- ‘(3) A customer sale arrangement is an exempt customer sale arrangement if—
- (a) the relevant customer for the arrangement is an institution or the trustees of an institution; and
  - (b) the principal object or pursuit of the institution is the relief of poverty, suffering, distress or misfortune of people; and
  - (c) all electricity sold under the arrangement is supplied to premises used solely or almost solely for the purposes of the institution’s principal object or pursuit.
- ‘(4) A customer sale arrangement is an exempt customer sale arrangement if—

- (a) the relevant customer for the arrangement is an institution or the trustees of an institution; and
  - (b) the principal object or pursuit of the institution is the care of children by—
    - (i) being responsible for them on a full-time basis; and
    - (ii) providing them with all the necessary food, clothing and shelter; and
    - (iii) providing for their general wellbeing and protection; and
  - (c) all electricity sold under the arrangement is supplied to premises used solely or almost solely for the purposes of the institution's principal object or pursuit.
- ‘(5) However, a customer sale arrangement is an exempt customer sale arrangement under subsection (2), (3) or (4) only if, under the institution's constitution—
- (a) its income and property are used solely for promoting its objects; and
  - (b) no part of its income or property is to be distributed, paid or transferred by way of bonus, dividend or other similar payment to its members; and
  - (c) on its dissolution, the assets remaining after satisfying all debts and liabilities must be transferred to an institution whose principal object or pursuit is that of an institution mentioned in subsection (2), (3) or (4).’.

## **10 Replacement of ss 44 and 44A**

Sections 44 and 44A—

*omit, insert—*

### **‘44 Exemption for later power card arrangements for separate area**

- ‘(1) This section applies if there are 2 or more power card arrangements that relate to the sale of electricity for consumption only at the 1 separate area.

- ‘(2) Each of the arrangements that is a later power card arrangement is an exempt power card arrangement.
- ‘(3) For subsection (2), a power card arrangement is a later power card arrangement if it is not the first of the arrangements to have commenced.

*Example—*

There are 3 power card arrangements for the sale of electricity for consumption at a shop. Power card arrangement A commenced on 31 July 2006. Power card arrangement B commenced on 31 August 2006. Power card arrangement C commenced on 30 September 2006. Power card arrangements B and C are exempt power card arrangements. However, if power card arrangement A ends and power card arrangements B and C continue, only power card arrangement C will be an exempt power card arrangement.’

**11 Amendment of s 47E (Retirement village common account exemption)**

Section 47E, example, ‘standard contract’—

*omit, insert—*

‘customer sale arrangement’.

**12 Omission of pt 5 (Contestable sale arrangements)**

Part 5—

*omit.*

**13 Amendment of s 87 (Statement of levy liability)**

- (1) Section 87(1), example 1, ‘non-contestable customer for a standard contract’—

*omit, insert—*

‘relevant customer for a customer sale arrangement’.

- (2) Section 87(6)(a), ‘2, 4 or 5’—

*omit, insert—*

‘2 or 4’.

**14 Amendment of pt 7, div 2, hdg (Notification requirements for standard contracts)**

Part 7, division 2, heading, 'standard contracts'—

*omit, insert—*

'customer sale arrangements'.

**15 Amendment of s 90 (Notification requirement for exemption for standard contract)**

(1) Section 90, 'standard contract'—

*omit, insert—*

'customer sale arrangement'.

(2) Section 90, 'non-contestable'—

*omit, insert—*

'relevant'.

**16 Replacement of s 90A (Special provision for notification of hot water system exemption for standard contract instead of s 90)**

Section 90A—

*omit, insert—*

**'90A Notification requirement for exemption for previous customer sale arrangement**

'(1) This section applies if—

(a) there was in existence a customer sale arrangement (the *previous arrangement*) between a relevant customer and electricity retailer; and

(b) the customer entered into a new customer sale arrangement (the *new arrangement*) with the electricity retailer or another electricity retailer in place of the previous arrangement; and

(c) there are no other parties to the new arrangement; and

- (d) the previous arrangement and new arrangement relate to the supply of electricity that is measured by the same meter; and
  - (e) the customer had not given, or was not taken to have given under section 90B or 99 or part 13, the electricity retailer for the previous arrangement a notice under section 90(2) in relation to the arrangement.
- ‘(2) If the customer claims that the previous arrangement was, or had been for a particular period, an exempt customer sale arrangement, the customer may only notify the electricity retailer for the new arrangement (and not the electricity retailer for the previous arrangement, if that electricity retailer is different to the electricity retailer for the new arrangement) in the approved form of the circumstances supporting the claim.
- ‘(3) For subsection (1)(d), the supply of electricity is measured by the same meter even though the meter measuring the supply replaced another meter.

**‘90B When notification for exemption for customer sale arrangement taken to have been given**

- ‘(1) This section applies if—
- (a) there was in existence a customer sale arrangement (the *previous arrangement*) between a relevant customer and electricity retailer; and
  - (b) the customer entered into a new customer sale arrangement (the *new arrangement*) with the electricity retailer in place of the previous arrangement; and
  - (c) there are no other parties to the new arrangement; and
  - (d) the previous arrangement and new arrangement relate to the supply of electricity that is measured by the same meter; and
  - (e) the customer had given, or was taken to have given under section 99 or part 13, the electricity retailer a notice under section 90(2) of the circumstances causing

the previous arrangement to be an exempt customer sale arrangement; and

- (f) the circumstances mentioned in paragraph (e) continue to apply for the new arrangement.
- ‘(2) The customer is taken to have given the electricity retailer a notice under section 90(2) of the circumstances causing the new arrangement to be an exempt customer sale arrangement.
- ‘(3) For subsection (1)(d), the supply of electricity is measured by the same meter even though the meter measuring the supply replaced another meter.’.

**17 Amendment of s 91 (Notification requirement for loss of exemption for standard contract)**

- (1) Section 91, ‘standard contract’—  
*omit, insert—*  
‘customer sale arrangement’.
- (2) Section 91(2), ‘non-contestable’—  
*omit, insert—*  
‘relevant’.
- (3) Section 91(2), ‘the contract’—  
*omit, insert—*  
‘the arrangement’.
- (4) Section 91—  
*insert—*
- ‘(3) This section applies subject to section 91A.’.

**18 Insertion of new s 91A**

Before part 7, division 3—  
*insert—*

**‘91A Notification requirement for loss of exemption for previous customer sale arrangement**

- ‘(1) This section applies if—
- (a) there was in existence a customer sale arrangement (the *previous arrangement*) between a relevant customer and electricity retailer; and
  - (b) the customer enters into a new customer sale arrangement (the *new arrangement*) with the electricity retailer or another electricity retailer in place of the previous arrangement; and
  - (c) there are no other parties to the new arrangement; and
  - (d) the previous arrangement and new arrangement relate to the supply of electricity that is measured by the same meter; and
  - (e) the previous arrangement was, immediately before being replaced by the new arrangement, being dealt with by the electricity retailer for the previous arrangement, for the purposes of electricity accounts, as an exempt customer sale arrangement; and
  - (f) the previous arrangement stopped being an exempt customer sale arrangement before being replaced by the new arrangement.
- ‘(2) The customer must, within 28 days after the previous arrangement stopped being an exempt customer sale arrangement, notify the electricity retailer for the new arrangement in the approved form—
- (a) that the previous arrangement had stopped being an exempt customer sale arrangement; and
  - (b) when the previous arrangement stopped being an exempt customer sale arrangement.
- ‘(3) For subsection (1)(d), the supply of electricity is measured by the same meter even though the meter measuring the supply replaced another meter.’

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**19 Omission of s 92A (Special provision for notification of hot water system exemption for power card arrangement instead of s 92(2))**

Section 92A—

*omit.*

**20 Omission of pt 7, div 5 (Notification requirements for contestable sale arrangements)**

Part 7, division 5—

*omit.*

**21 Amendment of s 99 (Particular exemptions taken to be notified under divs 2–5)**

(1) Section 99, heading, ‘divs 2–5’—

*omit, insert—*

**‘div 2, 3 or 4’.**

(2) Section 99(1), ‘2, 3, 4 or 5’—

*‘2, 3 or 4’.*

(3) Section 99, ‘2, 3 or 5’—

*‘2 or 3’.*

**22 Amendment of s 100 (Notification for government exemptions)**

Section 100, ‘2, 3, 4 or 5’—

*‘2, 3 or 4’.*

**23 Amendment of s 104 (Voluntary contributions)**

(1) Section 104(1)(a)—

*omit.*

(2) Section 104(1)(b), ‘the electricity sale arrangement’—

*omit, insert—*



‘a customer sale arrangement’.

- (3) Section 104(1)(d), ‘electricity customer’—

*omit, insert—*

‘relevant customer’.

- (4) Section 104(1)(c) and (d), ‘electricity sale’—

*omit.*

- (5) Section 104(1)(b), (c) and (d)—

*renumber* as section 104(1)(a), (b) and (c).

## 24 Insertion of new s 105A

Before part 7, division 8—

*insert—*

### ‘105A Requirement to pay shortfall amount for previous customer sale arrangement

- ‘(1) This section applies if—

- (a) there was in existence a customer sale arrangement (the ***previous arrangement***) between a relevant customer and electricity retailer; and
- (b) the customer enters into a new customer sale arrangement (the ***new arrangement***) with the electricity retailer or another electricity retailer in place of the previous arrangement; and
- (c) there are no other parties to the new arrangement; and
- (d) the previous arrangement and new arrangement relate to the supply of electricity that is measured by the same meter; and
- (e) the previous arrangement was, immediately before being replaced by the new arrangement, being dealt with by the electricity retailer for the previous arrangement, for the purposes of electricity accounts, as an exempt customer sale arrangement.

- ‘(2) If the electricity retailer for the new arrangement becomes aware of a shortfall amount payable by the customer in

relation to the previous arrangement, the electricity retailer must give written notice to the customer of the shortfall amount.

- ‘(3) If a notice is given under subsection (2), section 105(3) to (7) apply as if the notice was given under section 105(1).
- ‘(4) For subsection (1)(d), the supply of electricity is measured by the same meter even though the meter measuring the supply replaced another meter.’.

**25 Amendment of s 107 (Refund of overpaid levy for electricity sale arrangement)**

Section 107(4), ‘but’—

*omit, insert—*

‘that’.

**26 Insertion of new s 107A**

After section 107—

**‘107A Refund of overpaid levy for previous customer sale arrangement**

- ‘(1) This section applies if—
  - (a) there was in existence a customer sale arrangement (the *previous arrangement*) between a relevant customer and electricity retailer; and
  - (b) the customer entered into a new customer sale arrangement (the *new arrangement*) with the electricity retailer or another electricity retailer in place of the previous arrangement; and
  - (c) there are no other parties to the new arrangement; and
  - (d) the previous arrangement and new arrangement relate to the supply of electricity that is measured by the same meter; and
  - (e) as required by a statement of levy liability, the customer paid the electricity retailer for the previous arrangement

- 
- a levy amount (the *paid amount*) for the previous arrangement; and
- (f) some or all of the paid amount (the *refund amount*) relates to a period of 1 or more days when the previous arrangement was an exempt customer sale arrangement.
- ‘(2) The customer may claim the refund amount by giving the electricity retailer for the new arrangement a claim in the approved form or by complying with the notification requirements under section 90A.<sup>1</sup>
- ‘(3) If the electricity retailer for the new arrangement is satisfied the customer is entitled to the refund amount, the electricity retailer must—
- (a) pay the refund amount to the customer; or
- (b) provide the customer with a credit for the refund amount in the next statement of levy liability issued to the customer.
- ‘(4) However, the electricity retailer for the new arrangement must apply all or part of the refund amount as payment for any levy amount the customer is liable to pay for the arrangement that has not been paid.
- ‘(5) A person is not entitled to a refund under this section if—
- (a) more than 1 year has elapsed since the paid amount was paid; and
- (b) in the year, the person has not claimed the refund in the way provided for in this section.
- ‘(6) For subsection (1)(d), the supply of electricity is measured by the same meter even though the meter measuring the supply replaced another meter.’.

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<sup>1</sup> Section 90A (Notification requirement for exemption for previous customer sale arrangement)

**27 Amendment of s 124B (Recovery of levy amount from pensioner prohibited for standard contract)**

- (1) Section 124B, ‘standard contract’—  
*omit, insert—*  
‘customer sale arrangement’.
- (2) Section 124B(1), ‘section 33H,’—  
*omit, insert—*  
‘section 37E.’
- (3) Section 124B(1), ‘section 33H(1)(f)’—  
*omit, insert—*  
‘section 37E(1)(f)’.
- (4) Section 124B(1)(a), ‘section 33H(1)(e)’—  
*omit, insert—*  
‘section 37E(1)(e)’.
- (5) Section 124B(1)(b), ‘section 33H(2)’—  
*omit, insert—*  
‘section 37E(2)’.
- (6) Section 124B, ‘non-contestable’—  
*omit, insert—*  
‘relevant’.

**28 Omission of s 124C (Recovery of levy amount from pensioner prohibited for contestable sale arrangement)**

Section 124C—  
*omit.*

**29 Replacement of pt 12 (Transitional provisions)**

Part 12—  
*omit, insert—*

**‘Part 12**                      **Transitional provision for  
Electricity and Other  
Legislation Amendment Act  
2006**

**‘155**    **Negotiated retail contract entered into under the  
Electricity Act, s 312(2)**

- ‘(1) This section applies if, before or after the commencement of this section, a non-contestable customer for premises entered or enters into a negotiated retail contract for the premises under the Electricity Act, s 312(2).<sup>2</sup>
- ‘(2) The contract is not, and never was, a standard contract.’.

**30**        **Insertion of new pt 13**

After section 155—

*insert—*

**‘Part 13**                      **Transitional provisions for  
Community Ambulance Cover  
and Other Acts Amendment Act  
2007**

**‘156**    **Definitions for pt 13**

‘In this part—

*commencement* means the day this section commences.

*former*, for a provision mentioned in this part, means the provision to which the reference relates is a provision of the pre-amended Act.

*pre-amended Act* means this Act as in force before the commencement.

<sup>2</sup> Electricity Act, section 312 (Small customer may enter into negotiated retail contract before FRC day)

**‘157 When notification for exemption for corresponding arrangements taken to have been given**

- ‘(1) This section applies if—
- (a) a standard contract or contestable sale arrangement (the *previous arrangement*) in force under the pre-amended Act immediately before the commencement becomes, on the commencement, 1 or more customer sale arrangements (the *corresponding arrangements*); and
  - (b) the customer for the previous arrangement had given, or was taken to have given under former section 99, the electricity retailer for the arrangement a notice under former section 90(2) or former section 97(2) of the circumstances causing the arrangement to be an exempt standard contract or exempt contestable sale arrangement under the pre-amended Act.
- ‘(2) The customer is taken to have given the electricity retailer for the corresponding arrangements a notice under section 90(2) of the circumstances causing the arrangements to be exempt customer sale arrangements.
- ‘(3) The circumstances mentioned in subsection (2) are taken to be identical to the circumstances mentioned in subsection (1)(b).

**‘158 Notification requirement for exemption for standard contract or contestable sale arrangement under pre-amended Act—corresponding arrangements**

- ‘(1) This section applies if a standard contract or contestable sale arrangement (the *previous arrangement*) in force under the pre-amended Act immediately before the commencement becomes, on the commencement, 1 or more customer sale arrangements (the *corresponding arrangements*).
- ‘(2) If the relevant customer for the corresponding arrangements claims that the previous arrangement was, or had been for a particular period, an exempt standard contract or exempt contestable sale arrangement under the pre-amended Act, the customer may notify the electricity retailer for the corresponding arrangements in the approved form of the circumstances supporting the claim.

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**‘159 Refund of overpaid levy for standard contract or contestable sale arrangement under pre-amended Act—corresponding arrangements**

- ‘(1) This section applies if—
- (a) a standard contract or contestable sale arrangement (the *previous arrangement*) in force under the pre-amended Act immediately before the commencement becomes, on the commencement, 1 or more customer sale arrangements (the *corresponding arrangements*); and
  - (b) as required by a statement of levy liability, the customer for the previous arrangement paid under the pre-amended Act the electricity retailer for the arrangement a levy amount (the *paid amount*) for the arrangement; and
  - (c) some or all of the paid amount (the *refund amount*) relates to a period of 1 or more days when the arrangement was an exempt standard contract or exempt contestable sale arrangement under the pre-amended Act.
- ‘(2) The customer may claim the refund amount by giving the electricity retailer for the corresponding arrangements a claim in the approved form or by complying with the notification requirements under section 158.
- ‘(3) If the electricity retailer for the corresponding arrangements is satisfied the customer is entitled to the refund amount, the electricity retailer must—
- (a) pay the refund amount to the customer; or
  - (b) provide the customer with a credit for the refund amount in the next statement of levy liability issued to the customer.
- ‘(4) However, the electricity retailer must apply all or part of the refund amount as payment for any levy amount the customer is liable to pay for 1 or more of the arrangements that has not been paid.
- ‘(5) A person is not entitled to a refund under this section if—

- (a) more than 1 year has elapsed since the paid amount was paid; and
- (b) in the year, the person has not claimed the refund in the way provided for in this section.

**‘160 Notification requirement for exemption for standard contract or contestable sale arrangement under pre-amended Act—new arrangements**

- ‘(1) This section applies if—
  - (a) a standard contract or contestable sale arrangement (the *previous arrangement*) in force under the pre-amended Act immediately before the commencement becomes, on the commencement, 1 or more customer sale arrangements (the *corresponding arrangements*); and
  - (b) the relevant customer for the corresponding arrangements enters into new customer sale arrangements (the *new arrangements*) with the electricity retailer for the corresponding arrangements or another electricity retailer in place of the corresponding arrangements; and
  - (c) there are no other parties to the new arrangements; and
  - (d) the previous arrangement and new arrangements relate to the supply of electricity that is measured by the same meter; and
  - (e) the customer had not given, or was not taken to have given under former section 99, the electricity retailer for the previous arrangement a notice under former section 90(2) or former section 97(2) of the circumstances causing the arrangement to be an exempt standard contract or exempt contestable sale arrangement under the pre-amended Act.
- ‘(2) If the customer claims that the previous arrangement was, or had been for a particular period, an exempt standard contract or exempt contestable sale arrangement under the pre-amended Act, the customer may only notify the electricity retailer for the new arrangements (and not the electricity retailer for the previous arrangement, if that electricity retailer



is different to the electricity retailer for the new arrangements) in the approved form of the circumstances supporting the claim.

- ‘(3) For subsection (1)(d), the supply of electricity is measured by the same meter even though the meter measuring the supply replaced another meter.

**‘161 Refund of overpaid levy for standard contract or contestable sale arrangement under pre-amended Act—new arrangements**

- ‘(1) This section applies if—
- (a) a standard contract or contestable sale arrangement (the *previous arrangement*) in force under the pre-amended Act immediately before the commencement becomes, on the commencement, 1 or more customer sale arrangements (the *corresponding arrangements*); and
  - (b) the relevant customer for the corresponding arrangements enters into new customer sale arrangements (the *new arrangements*) with the electricity retailer for the corresponding arrangements or another electricity retailer in place of the corresponding arrangements; and
  - (c) there are no other parties to the new arrangements; and
  - (d) the previous arrangement and new arrangements relate to the supply of electricity that is measured by the same meter; and
  - (e) as required by a statement of levy liability, the customer paid under the pre-amended Act the electricity retailer for the previous arrangement a levy amount (the *paid amount*) for the arrangement; and
  - (f) some or all of the paid amount (the *refund amount*) relates to a period of 1 or more days when the arrangement was an exempt standard contract or exempt contestable sale arrangement under the pre-amended Act.

- ‘(2) The customer may claim the refund amount by giving the electricity retailer for the new arrangements a claim in the approved form or by complying with the notification requirements under section 160.
- ‘(3) If the electricity retailer for the new arrangements is satisfied the customer is entitled to the refund amount, the electricity retailer must—
- (a) pay the refund amount to the customer; or
  - (b) provide the customer with a credit for the refund amount in the next statement of levy liability issued to the customer.
- ‘(4) However, the electricity retailer must apply all or part of the refund amount as payment for any levy amount the customer is liable to pay for 1 or more of the arrangements that has not been paid.
- ‘(5) A person is not entitled to a refund under this section if—
- (a) more than 1 year has elapsed since the paid amount was paid; and
  - (b) in the year, the person has not claimed the refund in the way provided for in this section.
- ‘(6) For subsection (1)(d), the supply of electricity is measured by the same meter even though the meter measuring the supply replaced another meter.

**‘162 Notification requirement for loss of exemption for standard contract or contestable sale arrangement under pre-amended Act**

- ‘(1) This section applies if—
- (a) a standard contract or contestable sale arrangement (the *previous arrangement*) in force under the pre-amended Act immediately before the commencement becomes, on the commencement, 1 or more customer sale arrangements (the *corresponding arrangements*); and
  - (b) the relevant customer for the corresponding arrangements enters into new customer sale arrangements (the *new arrangements*) with the

electricity retailer for the corresponding arrangements or another electricity retailer in place of the corresponding arrangements; and

- (c) there are no other parties to the new arrangements; and
  - (d) the previous arrangement and new arrangements relate to the supply of electricity that is measured by the same meter; and
  - (e) the previous arrangement was, immediately before the commencement, being dealt with under the pre-amended Act by the electricity retailer for the arrangement, for the purposes of electricity accounts, as an exempt standard contract or exempt contestable sale arrangement; and
  - (f) the arrangement stopped being an exempt standard contract or exempt contestable sale arrangement under the pre-amended Act.
- ‘(2) The customer must, within 28 days after the arrangement stopped being an exempt standard contract or exempt contestable sale arrangement under the pre-amended Act, notify the electricity retailer for the new arrangements in the approved form—
- (a) that the arrangement had stopped being an exempt standard contract or exempt contestable sale arrangement under the pre-amended Act; and
  - (b) when the arrangement stopped being an exempt standard contract or exempt contestable sale arrangement under the pre-amended Act.
- ‘(3) For subsection (1)(d), the supply of electricity is measured by the same meter even though the meter measuring the supply replaced another meter.

**‘163 Requirement to pay shortfall amount for standard contract or contestable sale arrangement under pre-amended Act**

- ‘(1) This section applies if—

- 
- (a) a standard contract or contestable sale arrangement (the *previous arrangement*) in force under the pre-amended Act immediately before the commencement becomes, on the commencement, 1 or more customer sale arrangements (the *corresponding arrangements*); and
  - (b) the relevant customer for the corresponding arrangements enters into new customer sale arrangements (the *new arrangements*) with the electricity retailer for the corresponding arrangements or another electricity retailer in place of the corresponding arrangements; and
  - (c) there are no other parties to the new arrangements; and
  - (d) the previous arrangement and new arrangements relate to the supply of electricity that is measured by the same meter; and
  - (e) the previous arrangement was, immediately before the commencement, being dealt with under the pre-amended Act by the electricity retailer for the arrangement, for the purposes of electricity accounts, as an exempt standard contract or exempt contestable sale arrangement; and
  - (f) the arrangement stopped being an exempt standard contract or exempt contestable sale arrangement under the pre-amended Act.
- ‘(2) If the electricity retailer for the new arrangements becomes aware of a shortfall amount payable by the customer for a period that includes a period after the arrangement stopped being an exempt standard contract or exempt contestable sale arrangement under the pre-amended Act, the electricity retailer must give written notice to the customer of the shortfall amount.
- ‘(3) If a notice is given under subsection (2), section 105(3) to (7) apply as if the notice was given under section 105(1).
- ‘(4) For subsection (1)(d), the supply of electricity is measured by the same meter even though the meter measuring the supply replaced another meter.’.

**31 Amendment of schedule (Dictionary)**

- (1) Schedule, definitions *contestable customer*, *contestable sale arrangement*, *disconnection provisions*, *exempt contestable sale arrangement*, *exempt standard contract*, *non-contestable customer*, *pensioner*, *relevant contestable customer* and *standard contract*—

*omit.*

- (2) Schedule—

*insert*—

*'commencement*, for part 13, see section 156.

*customer sale arrangement* see section 10.

*disconnection provisions* means a regulation made under the Electricity Act, or a provision of any industry code under that Act, that permits, requires, or otherwise provides for, the disconnection of supply of electricity under that Act.

*exempt customer sale arrangement* means a customer sale arrangement that is an exempt customer sale arrangement under part 2, division 5.

*former*, for part 13, see section 156.

*pensioner* means a person who is the holder of a current card of one of the following types—

- (a) a pensioner concession card issued by the department of the Commonwealth responsible for administering either of the following—
  - (i) the *Social Security Act 1991* (Cwlth);
  - (ii) the *Veterans' Entitlements Act 1986* (Cwlth);
- (b) a repatriation health card for all conditions (Gold Card) issued by the department of the Commonwealth responsible for administering the *Veterans' Entitlements Act 1986* (Cwlth);
- (c) a Queensland Government seniors card.

*pre-amended Act*, for part 13, see section 156.

*relevant customer* see section 10(1).'

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- (3) Schedule, definition *building common account exemption (type 1)*, ‘33F, 47F or 74F’—  
*omit, insert—*  
‘37C or 47F’.
- (4) Schedule, definition *building common account exemption (type 2)*, ‘33G, 33H, 33I, 74G, 74H or 74I’—  
*omit, insert—*  
‘37D, 37E or 37F’.
- (5) Schedule, definition *electricity customer*, paragraph (a)—  
*omit, insert—*  
‘(a) the relevant customer for a customer sale arrangement, if the electricity retailer is the electricity retailer that sells electricity to the customer; or’.
- (6) Schedule, definition *electricity customer*, paragraph (d)—  
*omit.*
- (7) Schedule, definition *electricity sale arrangement*, paragraph (a)—  
*omit, insert—*  
‘(a) a customer sale arrangement; or’.
- (8) Schedule, definition *electricity sale arrangement*, paragraph (d)—  
*omit.*
- (9) Schedule, definition *exempt arrangement*, paragraph (a)—  
*omit, insert—*  
‘(a) an exempt customer sale arrangement; or’.
- (10) Schedule, definition *exempt arrangement*, paragraph (d)—  
*omit.*
- (11) Schedule, definition *government exemption*, ‘34, 35, 36, 48, 49, 50, 60, 61, 62, 75, 76 or 77’—  
*omit, insert—*  
‘37G, 37H, 37I, 48, 49, 50, 60, 61 or 62’.

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- (12) Schedule, definition *hot water system exemption*, ‘33A, 47A or 74A’—  
*omit, insert—*  
‘35 or 47A’.
- (13) Schedule, definition *pensioner exemption*, ‘31, 45, 58 or 72’—  
*omit, insert—*  
‘32, 45 or 58’.
- (14) Schedule, definition *pump exemption*, ‘33, 47 or 74’—  
*omit, insert—*  
‘34 or 47’.
- (15) Schedule, definition *relevant electricity retailer*, paragraph (a)—  
*omit, insert—*  
‘(a) for a customer sale arrangement—the electricity retailer who sells electricity to the relevant customer for the arrangement; or’.
- (16) Schedule, definition *relevant electricity retailer*, paragraph (d)—  
*omit.*
- (17) Schedule, definition *retirement village common account exemption*, ‘33E, 47E or 74E’—  
*omit, insert—*  
‘37B or 47E’.
- (18) Schedule, definition *social security beneficiary*, paragraph (b)—  
*omit, insert—*  
‘(b) the *Veterans’ Entitlements Act 1986* (Cwlth).’.
- (19) Schedule, definition *statement of levy liability*, ‘5’—  
*omit, insert—*  
‘4’.

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## Part 3                      Amendment of Electricity Act 1994

### 32      Act amended in pt 3

This part amends the *Electricity Act 1994*.

### 33      Amendment of s 318 (Street lighting with non-metered connection point)

(1) Section 318, heading—

*omit, insert—*

#### ‘318 Particular unmetered street lighting’.

(2) Section 318(1)(a)—

*omit, insert—*

‘(a) has an unmetered connection point or supply point for the delivery of electricity; and’.

### 34      Amendment of s 319 (Other unmetered connection points)

Section 319(1), from ‘under the National Electricity Rules’—

*omit, insert—*

‘the premises has an unmetered connection point or supply point for the delivery of electricity.

*Example—*

a telephone booth’.

### 35      Insertion of new s 319A

After section 319—

*insert—*

#### ‘319A Particular watchman lights

‘(1) This section applies to NMI premises that, when the FRC day starts, consist only of a watchman light.



- ‘(2) However, this section applies only if the financially responsible retail entity for the premises is not an area retail entity.
- ‘(3) From the FRC day to the day prescribed under a regulation the post-amended Act applies to a customer in relation to the premises as if the customer were an excluded customer for the premises.
- ‘(4) Despite new sections 48A and 48B, the financially responsible retail entity for the premises may provide customer retail services to the customer for the premises.’.

**36 Amendment of s 320 (Obligation to decide notified prices for 2006–2007 financial year on basis of post amended Act)**

- (1) Section 320, heading—

*omit, insert—*

**‘320 Obligation to decide notified prices for 2007–2008 financial year on basis of post-amended Act**

- (2) Section 320(1), from ‘for—’—

*omit, insert—*

‘for customer retail services.’.

**Part 4 Amendment of Electricity and Other Legislation Amendment Act 2006**

**37 Act amended in pt 4**

This part amends the *Electricity and Other Legislation Amendment Act 2006*.

**38 Amendment of s 5 (Replacement of ss 23 and 23A of Act No. 64 of 1994)**

- (1) Section 5, inserted section 23(2), ‘supply network’—  
*omit, insert—*  
‘distribution entity’s supply network’.
- (2) Section 5, inserted section 23(3)—  
*omit.*
- (3) Section 5, inserted section 23(4), (5) and (6)—  
*renumber* as inserted section 23(3), (4) and (5).
- (4) Section 5, inserted section 23(6)—  
*omit, insert—*  
‘(6) An *excluded customer* is a customer whose premises are connected, or to be connected, to a distribution entity’s supply network that is not connected to the national grid.’.
- (5) Section 5, inserted section 23(4), as renumbered, ‘subsection (4)’—  
*omit, insert—*  
‘subsection (3)’.

**39 Amendment of s 13 (Replacement of ss 48–55C of Act No. 64 of 1994)**

- (1) Section 13, inserted section 48A(2), ‘, other than an excluded customer’—  
*omit.*
- (2) Section 13, inserted section 48A(3)—  
*renumber* as inserted section 48A(4).
- (3) Section 13, inserted section 48A—  
*insert—*  
‘(3) Despite subsection (2), a retail authority without a retail area authorises its holder to provide customer retail services to an excluded customer’s premises only if the provision of the services is required under the retail obligation.’.

*Note—*

For when the obligation applies, see section 48E(3).’.

- (4) Section 13, inserted section 48B(b)—  
*renumber* as section 48B(c).
- (5) Section 13, inserted section 48B—  
*insert—*  
‘(b) the entity is not the area retail entity for the premises,  
but the provision of the services is required under the  
retail obligation; or’.
- (6) Section 13, inserted section 48C(3), from ‘to the area’—  
*omit, insert—*  
‘to a retail entity if—  
(a) the entity is the area retail entity for the premises; or  
(b) all of the following apply—  
(i) the premises are NMI premises;  
(ii) the customer is a small customer for the premises;  
(iii) the customer has been, or the immediately  
preceding customer for the premises was, a large  
market customer for the premises.’.
- (7) Section 13, inserted section 48D(1)(b)—  
*omit, insert—*  
‘(b) the premises is, or is proposed to be, connected to a  
supply network; and  
(c) the customer is not a large market customer for the  
premises.’.
- (8) Section 13, inserted section 48D(3), ‘subsection (2)(b)’—  
*omit, insert—*  
‘subsection (2)’.
- (9) Section 13, inserted section 48D(3), ‘are not, or have never  
been,’—  
*omit, insert—*

‘are, are not or have never been’.

- (10) Section 13, inserted section 48D(4)—

*insert—*

‘**supply network** means a distribution entity’s supply network.’.

- (11) Section 13, inserted section 48E(1), ‘This section’—

*omit, insert—*

‘Subsection (2)’.

- (12) Section 13, inserted section 48E—

*insert—*

- ‘(3) If, under section 48C(3)(b), an excluded customer for premises makes a retail services application to the financially responsible retail entity for the premises, the entity must provide the customer retail services applied for to the premises.’.

- (13) Section 13, inserted section 50—

*insert—*

- ‘(3) In this section—

**supply network** means a distribution entity’s supply network.’.

- (14) Section 13, inserted section 54(3), ‘non-DUOS charges’—

*omit, insert—*

‘distribution non-network charges’.

**40 Amendment of s 16 (Insertion of new s 55G and new ch 2, pt 6A of Act No. 64 of 1994)**

- (1) Section 16, inserted section 55G(3), (4) and (5)—

*renumber* as inserted section 55G(4), (5) and (6).

- (2) Section 16, inserted section 55G(2)—

*omit, insert—*

- ‘(2) The retailer must not enter into a negotiated retail contract, unless it is entered into—

- 
- (a) for, or as part of, the program known as the ‘Solar cities programme’, administered by the Commonwealth’s Australian Greenhouse Office; or
  - (b) for, or as part of, a similar program prescribed under a regulation; or
  - (c) in the other circumstances prescribed under a regulation.
- ‘(3) If the retailer enters into a negotiated retail contract as permitted under subsection (2)(a), (b) or (c), the retailer must comply with the conditions prescribed under a regulation for—
- (a) the provision of customer retail services under the contract; and
  - (b) if the contract is for, or is part of, a program mentioned in subsection (2)(a) or (b)—the carrying out of activities under the program.

Maximum penalty—500 penalty units.’.

- (3) Section 16, inserted section 55G(5) and (6), as renumbered, ‘subsection (3)’—

*omit, insert—*

‘subsection (4)’.

**41 Amendment of s 22 (Amendment of s 90 (Deciding prices for non-contestable customers) of Act No. 64 of 1994)**

- (1) Section 22(2), inserted section 90(1)(b)—  
*omit.*
- (2) Section 22(2), inserted section 90(1)(c) and (d)—  
*renumber* as inserted section 90(1)(b) and (c).
- (3) Section 22(2), inserted section 90(2A)(c)—  
*omit, insert—*
- ‘(c) they may include network charges;
  - (d) they can not be made for distribution non-network charges.’.

(4) Section 22(4), inserted section 90(10), definitions—

*omit, insert—*

***‘distribution non-network charges*** means charges of a distribution entity, approved by the jurisdictional regulator under the National Electricity (Queensland) Law, that—

- (a) are referable to a specific customer or retail entity request; and
- (b) do not include network charges.

*Examples of distribution non-network charges—*

- a deenergisation or disconnection fee
- a reconnection fee
- a meter test fee

***network charges*** means charges of a distribution entity for—

- (a) distribution use of system charges for the use of a shared supply network of the distribution entity; and
- (b) any transmission use of system charges payable by the distribution entity for the use of a transmission grid to which the supply network is connected.’.

**42 Amendment of s 25 (Insertion of new ch 4, pt 2, div 3 of Act No. 64 of 1994)**

Section 25, inserted section 91B(2)—

*omit, insert—*

- ‘(2) However, indexation under this division only applies to prices for customer retail services decided or fixed under section 90(1).’.

**43 Amendment of s 30 (Replacement of ch 5, pts 1A–1C of Act No. 64 of 1994)**

(1) Section 30, inserted section 120H(1)(b)—

*omit, insert—*

- ‘(b) can not be materially detrimental to anyone’s interests.’.

(2) Section 30, inserted section 120P—

*omit, insert—*

**‘120P Application of div 5**

‘This division applies if QCA proposes to amend an industry code.

**‘120PA Required consultation for amendment**

- ‘(1) Before QCA may make the amendment it must prepare a draft of the amendment and engage in the consultation prescribed under a regulation.
- ‘(2) However, subsection (1) does not apply if QCA considers the amendment—
  - (a) is needed urgently; or
  - (b) does not materially detriment anyone’s interests; or
  - (c) is of an uncontroversial nature; or
  - (d) corrects an error.
- ‘(3) To remove any doubt, it is declared that subsection (2)(d) applies even if the correction is materially detrimental to someone’s interests.

**‘120PB Application of div 3 other than its consultation provision**

‘The provisions of division 3, other than section 120H, apply to the amendment—

- (a) as if a reference in the provisions to making the code were a reference to the making of the amendment; and
- (b) as if a reference in the provisions to the code were a reference to the amendment; and
- (c) with other necessary changes.’.

**44 Amendment of s 53 (Amendment of sch 5 (Dictionary) of Act No. 64 of 1994)**

- (1) Section 53(2), inserted definition *excluded customer*, ‘section 23(3)’—

*omit, insert—*

‘section 23(6)’.

- (2) Section 53(2), inserted definition *financially responsible retail entity*, paragraph (b), after ‘NMI premises’—

*insert—*

‘and are, or are proposed to be, connected to a distribution entity’s supply network that is part of the national grid’.

- (3) Section 53(2), inserted definition *financially responsible retail entity*, paragraph (b)(ii), ‘other entity’—

*omit, insert—*

‘other retail entity’.

- (4) Section 53(2), inserted definition *financially responsible retail entity* paragraph (b)(ii)(B), ‘the responsible entity.’—

*omit, insert—*

‘the responsible entity; or

‘(c) if the premises are NMI premises and are, or are proposed to be, connected to a distribution entity’s supply network that is not part of the national grid—

(i) generally—the retail entity who, from time to time, provides customer retail services to a customer at the premises; or

(ii) if a customer is a new customer at the premises and has not entered into a retail contract with another retail entity—the retail entity who provided customer retail services to the customer at the premises who immediately preceded the new customer.’.

- (5) Section 53(2), inserted definition *large customer*, ‘section 23(6)’—

*omit, insert—*



‘section 23(5)’.

- (6) Section 53(2), inserted definition *NMI premises*, paragraph 1—

*omit, insert—*

‘1 A premises, part of a premises or a group of premises is an *NMI premises* if—

- (a) it is, or is proposed to be, connected to a distribution entity’s supply network that is part of the national grid and the premises has, or is proposed to have, a connection point; or
- (b) it is, or is proposed to be, connected to a distribution entity’s supply network that is not part of the national grid and the premises has, or is proposed to have, a supply point for the delivery of electricity.’.

- (7) Section 53(2), inserted definition *small customer*, ‘section 23(4)’—

*omit, insert—*

‘section 23(3)’.

**45 Amendment of s 108 (Amendment of s 169 (Restriction on general retailers) of Act No. 29 of 2003)**

Section 108, after ‘scheme’—

*insert—*

‘, an insufficiency of supply declaration or an insufficiency of supply direction’.

**46 Amendment of s 109 (Insertion of new s 170 of Act No. 29 of 2003)**

Section 109, inserted section 170(b), after ‘scheme’—

*insert—*

‘, an insufficiency of supply declaration or an insufficiency of supply direction’.

**47 Amendment of s 114 (Replacement of ch 3, pt 2 (Customer retail services) of Act No. 29 of 2003)**

Section 114, inserted section 199, after ‘is made’—

*insert—*

‘or a longer period agreed between the retailer and the applicant’.

**48 Amendment of s 145 (Insertion of new ch 5A of Act No. 29 of 2003)**

(1) Section 145, inserted section 270G(1)(b)—

*omit, insert—*

‘(b) can not be materially detrimental to anyone’s interests.’.

(2) Section 145, inserted section 270O—

*omit, insert—*

**‘270O Application of pt 4**

‘This part applies if QCA proposes to amend an industry code.

**‘270OA Required consultation for amendment**

‘(1) Before QCA may make the amendment it must prepare a draft of the amendment and engage in the consultation prescribed under a regulation.

‘(2) However, subsection (1) does not apply if QCA considers the amendment—

(a) is needed urgently; or

(b) does not materially detriment anyone’s interests; or

(c) is of an uncontroversial nature; or

(d) corrects an error.

‘(3) To remove any doubt, it is declared that subsection (2)(d) applies even if the correction is materially detrimental to someone’s interests.

**‘2700B Application of pt 2 other than its consultation provision**

‘The provisions of part 2, other than section 270G, apply to the amendment—

- (a) as if a reference in the provisions to making the code were a reference to the making of the amendment; and
  - (b) as if a reference in the provisions to the code were a reference to the amendment.’.
- (3) Section 145, inserted section 270W(1)(a) to (c)—
- omit, insert—*
- ‘(a) committed a material contravention of an industry code; or
  - (b) attempted to a commit a material contravention of an industry code; or
  - (c) been involved in a material contravention of an industry code.’.

**49 Amendment of schedule (Minor and consequential amendments)**

Schedule, under heading Gas Supply Act 2003—

*insert—*

**‘6A Section 257A—**

*renumber as section 257AA.’.*

**Part 5 Amendment of Breakwater  
Island Casino Agreement Act  
1984**

**50 Act amended in pt 5**

This part amends the *Breakwater Island Casino Agreement Act 1984*.

**51 Insertion of new s 3A**

After section 3—

*insert—*

**‘3A Particular provisions of trustee leases**

‘(1) This section applies to the following (each a *relevant lease*)—

- (a) trustee lease 601414725;
- (b) trustee lease 703470717;
- (c) a trustee lease granted over—
  - (i) if trustee lease 601414725 or 703470717 is surrendered—the trust land to which it relates; or
  - (ii) if land is granted under a deed of grant in trust over all or part of lot 676 on CP909884, however described (the *lot 676 trust land*)—all or part of the lot 676 trust land; or
  - (iii) a combination of the trust lands mentioned in subparagraphs (i) and (ii);
- (d) a trustee lease granted to replace 1 or more of the relevant leases mentioned in paragraphs (a) to (c).

‘(2) Each relevant lease may—

- (a) despite the *Land Act 1994*, section 61(1)<sup>3</sup>, be granted for a period ending on 23 November 2063; and
- (b) despite the *Land Act 1994*, section 58(1)<sup>4</sup>, allow the trustee lessee of the relevant lease to rent berthing or mooring facilities on the leased land—
  - (i) under a licence or other similar arrangement; and
  - (ii) only with the written approval of, and on the conditions decided by, the trustee of the trust land to which the relevant lease relates.

<sup>3</sup> *Land Act 1994*, section 61 (Conditions on trustee leases and trustee permits)

<sup>4</sup> *Land Act 1994*, section 58 (Other transactions relating to trustee leases)

‘(3) Subsection (2) applies, and is taken always to have applied, to a relevant lease granted before the commencement of this section.

‘(4) In this section—

*deed of grant in trust* see the *Land Act 1994*, schedule 6.

*trustee lease* see the *Land Act 1994*, schedule 6.

*trust land* see the *Land Act 1994*, schedule 6.’.

## 52 Renumbering of ss 3A and 4

Sections 3A and 4—

*renumber* as sections 4 and 5.

# Part 6 Amendment of Lotteries Act 1997

## 53 Act amended in pt 6

This part amends the *Lotteries Act 1997*.

## 54 Amendment of s 130 (Amendment of prizes)

(1) Section 130—

*insert*—

‘(4A) A lottery licensee may also pay a prize to a person if, after appropriately investigating the person’s claim, having regard to the value of the prize being claimed, the licensee is satisfied the person is entitled to the prize even though—

(a) the person is not registered with the licensee; and

(b) the person does not give the licensee the winning lottery ticket for the prize.

- ‘(4B) Without limiting subsection (5), appropriately investigating the person’s claim may include investigating all or any of the following—
- (a) when, where and from whom the person claims to have obtained the winning lottery ticket;
  - (b) whether the person can establish a pattern of buying lottery tickets at a particular time and place or on a particular day of the week;
  - (c) whether the lottery licensee or lottery agent who sold the winning lottery ticket has any video or other record of the person’s purchase of the ticket;
  - (d) whether the person has previously claimed a prize without holding the winning lottery ticket.’.
- (2) Section 130(4A) to (5)—  
*renumber* as section (5) to (7).

**55 Insertion of new pt 12, div 5**

After section 251—

*insert—*

**‘Division 5                      Transitional provision for  
Community Ambulance Cover and  
Other Acts Amendment Act 2007**

**‘252 Payment of prizes—s 130**

‘Section 130(5) and (6) is taken to apply, and to have always applied, to an approved lottery conducted during the following period immediately before the commencement of this section—

- (a) if the approved lottery is prescribed under a regulation as a designated lottery for section 129—3 years; or
- (b) if paragraph (a) does not apply—7 years.’.

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## Part 7                                  Amendment of State Financial Institutions and Metway Merger Facilitation Act 1996

### 56      Act amended in pt 7

This part amends the *State Financial Institutions and Metway Merger Facilitation Act 1996*.

### 57      Amendment of s 64 (Metway group companies' articles to include certain provisions)

(1) Section 64(1)(b)—

*omit, insert—*

‘(b) at least the prescribed number of the directors of the company, 1 of whom must be the managing director, to be ordinarily resident in Queensland.’.

(2) Section 64—

*insert—*

‘(3) In this section—

***prescribed number*** of the directors of the company means the number that is the greatest of the following—

(a) 5;

(b) 40% of the total number of directors;

(c) if 40% of the total number of directors is not a whole number, the next highest whole number.’.

## Part 8                                  Amendment of Integrated Planning Act 1997

### 58      Act amended in pt 8

This part amends the *Integrated Planning Act 1997*.

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**59 Amendment of s 3.7.8 (When pt 7 does not apply)**

Section 3.7.8(1)—

*insert—*

‘(e) the acquisition of land for a water infrastructure facility.’.

**60 Amendment of sch 8 (Assessable development and self-assessable development)**

Schedule 8, part 1, table 3, item 1, column 2—

*insert—*

‘(j) is in relation to the acquisition of land for a water infrastructure facility.’.

**61 Amendment of sch 9 (Development that is exempt from assessment against a planning scheme)**

Schedule 9, table 3, item 2, column 2—

*insert—*

‘(i) is in relation to the acquisition of land for a water infrastructure facility.’.

**62 Amendment of sch 10 (Dictionary)**

Schedule 10—

*insert—*

‘*water infrastructure facility* means a measure, outcome, works or anything else that Queensland Water Infrastructure Pty Ltd (ACN 119 634 427) is directed to carry out or achieve under—

(a) the *State Development and Public Works Organisation Act 1971*; or

(b) the *Water Act 2000*.’.



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