



Queensland

# Water and Other Legislation Amendment Regulation (No. 1) 2008

## Subordinate Legislation 2008 No. 44

made under the

*State Penalties Enforcement Act 1999*  
*Water Act 2000*

## Contents

---

		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	2
<b>Part 2</b>	<b>Amendment of Water Regulation 2002</b>	
2	Regulation amended in pt 2 . . . . .	2
3	Insertion of new s 87A . . . . .	2
	87A Directions by service provider . . . . .	2
4	Insertion of new ss 92 and 93 . . . . .	4
	92 Offence not to comply with service provider's directions . . . . .	4
	93 Confidential information . . . . .	5
<b>Part 3</b>	<b>Amendment of State Penalties Enforcement Regulation 2000</b>	
5	Regulation amended in pt 3 . . . . .	5
6	Amendment of sch 5 (Other legislation) . . . . .	6

[s 1]

---

## **Part 1 Preliminary**

### **1 Short title**

This regulation may be cited as the *Water and Other Legislation Amendment Regulation (No. 1) 2008*.

## **Part 2 Amendment of Water Regulation 2002**

### **2 Regulation amended in pt 2**

This part amends the *Water Regulation 2002*.

### **3 Insertion of new s 87A**

After section 87—

*insert—*

#### **‘87A Directions by service provider**

- ‘(1) This section applies to a service provider carrying out the measure in schedule 10B, item 15 in relation to premises of a customer of the service provider if the premises are tenanted.
- ‘(2) The service provider may direct the customer, by written notice to the customer, to give the service provider, in writing, the name of the tenant of the premises within the stated period of at least 15 business days after the giving of the notice.
- ‘(3) Subsection (5) applies if—
  - (a) the service provider has given the customer an excessive water use notice for the premises; and
  - (b) the premises have been the subject of—
    - (i) an excessive water use notice; and
    - (ii) a continued excessive water use notice.

- 
- ‘(4) For subsection (3)(b), the premises have been the subject of an excessive water use notice or a continued excessive water use notice if the service provider has given the tenant of the premises the notice.
- ‘(5) The service provider may direct the customer, by written notice to the customer—
- (a) to carry out any of the following work at the premises—
    - (i) repair any water leaks on the premises, if the water is leaking from the service provider’s water service;
    - (ii) install water efficient shower heads and water efficient taps in each bathroom and kitchen in the premises; and
  - (b) to give the service provider within the stated period of at least 20 business days after the giving of the notice—
    - (i) a certificate from a licensed plumber certifying that the work directed to be carried out under the notice (the *relevant work*) has been carried out; or
    - (ii) a statutory declaration declaring the relevant work has been carried out.
- ‘(6) The service provider may give a direction under subsection (5) only if the service provider reasonably believes that carrying out the work will decrease the amount of water taken at the premises from the service provider’s water service.
- ‘(7) In this section—
- continued excessive water use notice*, for premises of a customer of the service provider, means a notice of continued excessive water use given by the service provider to the customer, or the tenant of the premises, under the notice of procedures document.
- excessive water use notice*, for premises of a customer of the service provider, means a notice of excessive water use given by the service provider to the customer, or the tenant of the premises, under the notice of procedures document.

[s 4]

---

***notice of procedures document*** means the document called ‘Notice of Procedures - Residential Excessive Water Users Compliance Program’ mentioned in schedule 10B, item 15.

***water efficient shower head*** means a shower head that has—

- (a) a 3 star rating or better under the WELS scheme; or
- (b) a maximum flow rate of 9 L/min.

***water efficient tap*** means a tap that has—

- (a) a 3 star rating or better under the WELS scheme; or
- (b) a maximum flow rate of 9 L/min.

***WELS scheme*** means the water efficiency labelling and standards scheme established by the *Water Efficiency Labelling and Standards Act 2005* and corresponding laws within the meaning of that Act.’.

#### **4 Insertion of new ss 92 and 93**

Part 8—

*insert—*

#### **‘92 Offence not to comply with service provider’s directions**

- ‘(1) If a service provider gives a customer of the service provider a direction under section 87A(2), the customer must comply with the direction unless the customer has a reasonable excuse.

*Example of reasonable excuse—*

the customer’s incapacity prevents the customer complying with the direction

Maximum penalty—6 penalty units.

- ‘(2) If a service provider gives a customer of the service provider a direction under section 87A(5), the customer must comply with the direction unless the customer has a reasonable excuse.

*Example of reasonable excuse—*

the customer has engaged a licensed plumber to carry out the work at the premises but the work is unable to be completed within the period stated in the direction

Maximum penalty—6 penalty units.

**‘93 Confidential information**

- ‘(1) A service provider who has gained or has access to confidential information must not disclose the information to anyone else, other than—
- (a) for a purpose of this part; or
  - (b) with the consent of the person to whom the information relates; or
  - (c) in compliance with lawful process requiring production of documents or giving of evidence before a court or tribunal; or
  - (d) as expressly permitted or required by another Act.
- ‘(2) In this section—

*confidential information* means information a person gives a service provider in the course of the service provider carrying out the measure in schedule 10B, item 15.’.

**Part 3 Amendment of State Penalties Enforcement Regulation 2000**

**5 Regulation amended in pt 3**

This part amends the *State Penalties Enforcement Regulation 2000*.

[s 6]

---

## 6 Amendment of sch 5 (Other legislation)

Schedule 5—

*insert—*

### ‘Water Regulation 2002

	Column 2 Infringement notice fine (penalty units)	
	Individual	Corporation
s 92(1) .....	2	6
s 92(2) .....	2	6

**Authorised person for service of infringement notices**—an authorised person appointed under the *Local Government Act 1993*, section 1084’.

---

#### ENDNOTES

- 1 Made by the Governor in Council on 6 March 2008.
- 2 Notified in the gazette on 7 March 2008.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Infrastructure and Planning.

© State of Queensland 2008