

Laid before the Legislative Assembly on 8 May 2008

Record of Proceedings (Hansard 13 May 2008)

Water Supply (Safety and Reliability) Bill 2008

Erratum to Explanatory Notes

Title of the Bill

Water Supply (Safety and Reliability Bill) 2008

Reason for Erratum

An inadvertent omission has been detected in the Explanatory Notes accompanying the *Water Supply (Safety and Reliability) Bill 2008* tabled in Parliament on 30 April 2008.

The section of the Explanatory Notes which details consistency with Fundamental Legislative Principles contains no reference to the new section 360ZDD inserted in the *Water Act 2000* by clause 713 of the Bill.

Notes on Provisions

Page 18: Consistency with Fundamental Legislative Principles – the following text should appear immediately before Limitation of liability of grid participants:

“Power for the Minister to impose contracts”

Section 4(2)(a) of the Legislative Standards Act requires that legislation has sufficient regard to the rights and liberties of individuals.

Section 360ZDD of the Bill gives the Minister the power, until 1 July 2011, to make a document in the form of a contract (a grid contract document), providing for the supply of declared water services to the Water Grid Manager, or the supply of water supplied by declared water services by the Water Grid Manager.

The grid contract document will have effect as a contract between the Water Grid Manager and the grid service provider or grid customer named in the document. The terms of the document will override any inconsistent term contained in any other agreement entered into by the parties.

The initial imposition of contracts between the parties is a necessary part of the overall framework being put in place by the Bill. The grid contract documents are a fundamental part of the State Government's policy for institutional arrangements in South East Queensland and are the key mechanism for sharing the costs of the water grid across the region.

Section 360ZDD is very limited in its scope, having practical application only to local governments, state government statutory authorities and government owned corporations in the SEQ region. The section also makes it clear that this is an interim measure only, with the power for the Minister to make a grid contract document applying only until 1 July 2011.

With the grid arrangements scheduled to commence on 1 July 2008, the timeframes do not allow for full commercial negotiations between grid participants and the Water Grid Manager. Further, it is generally acknowledged that the SEQ water market arrangements are highly regulated, and the contracts will not reflect normal commercial terms in any event.

Accordingly, given the nature of what is to be achieved, the timetable for its achievement and the limited field of operation of the section, it is considered that the provision is reasonable.”