



Queensland

# Water Amendment Bill 2006





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# Water Amendment Bill 2006

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**2006**

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**A Bill**

for

an Act to amend the *Water Act 2000*

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	<b>The Parliament of Queensland enacts—</b>	1
<b>Clause 1</b>	<b>Short title</b>	2
	This Act may be cited as the <i>Water Amendment Act 2006</i> .	3
<b>Clause 2</b>	<b>Act amended</b>	4
	This Act amends the <i>Water Act 2000</i> .	5
<b>Clause 3</b>	<b>Amendment of s 25M (Appointment of person to carry out measures or achieve outcomes)</b>	6 7
	Section 25M(5), ‘water restrictions’—	8
	<i>omit, insert—</i>	9
	‘service provider water restrictions’.	10
<b>Clause 4</b>	<b>Amendment of s 25S (When compensation is not payable)</b>	11 12
	Section 25S(1)(a), ‘water restriction’—	13
	<i>omit, insert—</i>	14
	‘service provider water restriction’.	15
<b>Clause 5</b>	<b>Amendment of s 99 (Matters the chief executive must consider when preparing draft resource operations plan)</b>	16 17
	Section 99—	18
	<i>insert—</i>	19
	‘(ba) any system operating plan applying to the proposed plan area, or a part of the proposed plan area;’.	20 21
<b>Clause 6</b>	<b>Amendment of s 105 (Amending resource operations plan)</b>	22 23
	Section 105(4)—	24



	<i>insert—</i>	1
	‘(d) improve the relationship between the resource operations plan and any system operating plan applying to the plan area, or a part of the plan area.’	2 3 4
<b>Clause 7</b>	<b>Amendment of s 110 (Conditions of resource operations licence or distribution operations licence)</b>	5 6
	Section 110(1), ‘holder.’—	7
	<i>omit, insert—</i>	8
	‘holder and with section 360ZA. <sup>1</sup> ’.	9
<b>Clause 8</b>	<b>Amendment of s 178 (Conditions of interim resource operations licence)</b>	10 11
	Section 178—	12
	<i>insert—</i>	13
	‘(2) Also, it is a condition of an interim resource operations licence that the licence holder must comply with section 360ZA. <sup>2</sup> ’.	14 15 16
<b>Clause 9</b>	<b>Insertion of new ch 2A</b>	17
	After section 339—	18
	<i>insert—</i>	19

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1 Section 360ZA (Water service providers must comply with system operating plan)

2 Section 360ZA (Water service providers must comply with system operating plan)

<b>‘Chapter 2A</b>	<b>Water supply and demand management</b>	1
		2
<b>‘Part 1</b>	<b>Preliminary</b>	3
<b>‘340</b>	<b>Main purpose of ch 2A and its achievement</b>	4
‘(1)	The main purpose of this chapter is to ensure the delivery of sustainable and secure water supply and demand management for the SEQ region and designated regions.	5 6 7
‘(2)	The purpose is achieved primarily by—	8
(a)	making and implementing regional water security programs for the regions; and	9 10
(b)	establishing a commission to—	11
(i)	advise the Minister on—	12
(A)	matters relating to water supply and demand management; and	13 14
(B)	the delivery of desired levels of service objectives for water supplied to the SEQ region and designated regions; and	15 16 17
(ii)	facilitate and implement the programs; and	18
(iii)	ensure compliance with the programs; and	19
(iv)	in appropriate cases, impose restrictions on water supply; and	20 21
(v)	monitor and enforce compliance with the restrictions.	22 23
<b>‘341</b>	<b>What is the <i>SEQ region</i></b>	24
‘(1)	The <i>SEQ region</i> is—	25
(a)	the local government areas of the following local governments—	26 27
•	Beaudesert Shire Council;	28
•	Boonah Shire Council;	29

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• Brisbane City Council;	1
• Caboolture Shire Council;	2
• Caloundra City Council;	3
• Esk Shire Council;	4
• Gatton Shire Council;	5
• Gold Coast City Council;	6
• Ipswich City Council;	7
• Kilcoy Shire Council;	8
• Laidley Shire Council;	9
• Logan City Council;	10
• Maroochy Shire Council;	11
• Noosa Shire Council;	12
• Pine Rivers Shire Council;	13
• Redcliffe City Council;	14
• Redland Shire Council; and	15
(b) any local government area, or part of a local government area, adjacent to a local government area mentioned in paragraph (a) and designated by gazette notice.	16 17 18
‘(2) The SEQ region also includes Queensland waters adjacent to any of the local government areas mentioned in subsection (1).	19 20 21

## ‘Part 2                      **Queensland Water Commission**                      22

### ‘Division 1                      **Establishment**                      23

#### ‘342      **Establishment of commission**                      24

‘The Queensland Water Commission is established.                      25

<b>‘343</b>	<b>Commission represents the State</b>	1
	‘(1) The commission represents the State.	2
	‘(2) Without limiting subsection (1), the commission has the status, privileges and immunities of the State.	3 4
<b>‘344</b>	<b>Application of other Acts</b>	5
	‘(1) The commission is—	6
	(a) a unit of public administration; and	7
	(b) a statutory body under the <i>Financial Administration and Audit Act 1977</i> ; and	8 9
	(c) a statutory body under the <i>Statutory Bodies Financial Arrangements Act 1982</i> .	10 11
	‘(2) The <i>Statutory Bodies Financial Arrangements Act 1982</i> , part 2B, sets out the way in which the commission’s powers under this Act are affected by the <i>Statutory Bodies Financial Arrangements Act 1982</i> .	12 13 14 15
<b>‘Division 2</b>	<b>Functions and powers</b>	16
<b>‘345</b>	<b>Main functions of commission</b>	17
	‘The commission’s main functions are to do the following for the SEQ region and designated regions—	18 19
	(a) advise the Minister on—	20
	(i) matters relating to water supply and demand management for water; and	21 22
	(ii) the delivery of desired levels of service objectives for water supplied to the SEQ region and designated regions;	23 24 25
	(b) facilitate and implement regional water security programs;	26 27
	(c) ensure compliance with the programs and with commission water restrictions.	28 29

<b>‘346 Principles for performing functions</b>	1
‘(1) This section states the principles under which the commission is to perform its functions for the SEQ region or a designated region.	2 3 4
‘(2) The general principle is that water in the region is to be managed on a sustainable and integrated basis to provide secure and reliable supplies of water of acceptable quality for all uses.	5 6 7 8
‘(3) The specific principles are—	9
(a) for water sharing—the principle that water is a scarce resource that is to be shared across the region; and	10 11
(b) for water sources—the principle that the health of water catchments and their ecosystems should be considered to ensure the protection of water quality; and	12 13 14
(c) for water supply operations—the principle that water supply arrangements should maximise efficient and cost-effective service delivery and the efficient use of water as defined under section 10(3), including, for example, appropriate connectivity between supply sources; and	15 16 17 18 19 20
(d) for cost sharing and pricing, the principles that—	21
(i) the cost of water sources should be shared among users who benefit from them; and	22 23
(ii) pricing should be consistent with commitments of the State under intergovernmental agreements to which it is a party; and	24 25 26
(e) for planning—the principle that water supply assessments should apply the principles of ‘least cost planning’ to ensure proper economic comparison of all supply-side and demand-side options; and	27 28 29 30
(f) for commission water restrictions—the principle that they should reflect existing available water, projected demand and climatic outlook.	31 32 33

‘(4) Subsection (3)(f) is in addition to, and does not limit, section 360ZD(1). <sup>3</sup>	1 2
<b>‘347 General powers</b>	3
‘The commission has the powers necessary or convenient to perform its functions or to help to achieve the purposes of this chapter, including, for example, the power to enter into contracts or appoint agents.	4 5 6 7
<b>‘Division 3 Commissioners</b>	8
<b>‘348 Appointment</b>	9
‘(1) The commission consists of the chairperson and at least 2 other commissioners.	10 11
‘(2) The commissioners are to be appointed by the Governor in Council.	12 13
‘(3) The commissioners may be appointed as full-time or part-time commissioners.	14 15
<b>‘349 Eligibility for appointment</b>	16
‘A person is eligible for appointment as a commissioner only if the person—	17 18
(a) has a high level of knowledge and understanding of all or any of the following—	19 20
(i) sustainable water supply and demand management for water;	21 22
(ii) natural resource management;	23
(iii) the water industry;	24
(iv) the interests of customers of water service providers;	25 26
(v) economics, finance or business; and	27

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3 Section 360ZD (Restricting water supply)

(b)	is not—	1
(i)	under the Corporations Act, a related entity of a water service provider; or	2 3
(ii)	an employee of a water service provider; or	4
(iii)	a member of Parliament; or	5
(iv)	a councillor of a local government.	6
<b>'350</b>	<b>Duration of appointment</b>	7
'(1)	Subject to sections 352 and 353, a commissioner holds office for the term stated in the commissioner's instrument of appointment.	8 9 10
'(2)	The term stated in the instrument of appointment must not be longer than 3 years.	11 12
'(3)	However, a person appointed as a commissioner is eligible for reappointment.	13 14
<b>'351</b>	<b>Terms and conditions of appointment</b>	15
'(1)	A commissioner is to be paid the remuneration and allowances decided by the Governor in Council.	16 17
'(2)	A commissioner holds office on the terms and conditions, not provided for by this Act, that are decided by the Governor in Council.	18 19 20
<b>'352</b>	<b>Resignation</b>	21
	'A commissioner may resign by signed notice given to the Minister.	22 23
<b>'353</b>	<b>Termination of appointment</b>	24
'(1)	The Governor in Council may end a commissioner's appointment if the commissioner—	25 26
(a)	is convicted of an indictable offence, whether in Queensland or elsewhere; or	27 28

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(b)	is or becomes an insolvent under administration under the Corporations Act, section 9; or	1 2
(c)	does not, without reasonable excuse, comply with section 354.	3 4
‘(2)	Also, if a commissioner is appointed as a full-time commissioner, the Governor in Council may end the commissioner’s appointment if the commissioner—	5 6 7
(a)	is absent from duty or from the State, without the Minister’s leave and without reasonable excuse, for 14 consecutive days or 28 days in a year; or	8 9 10
(b)	engages in paid employment outside the duties of office without the Minister’s approval.	11 12
‘(3)	In this section—	13
	<b>convicted</b> , of an indictable offence, means a conviction for an indictable offence other than a spent conviction, including a finding of guilt or the acceptance of a plea of guilty by a court, whether or not a conviction is recorded.	14 15 16 17
	<b>spent conviction</b> means a conviction—	18
(a)	for which the rehabilitation period under the <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> has expired under that Act; and	19 20 21
(b)	that is not revived as prescribed by section 11 of that Act.	22 23
<b>‘354</b>	<b>Disclosure of interests</b>	24
‘(1)	This section applies if—	25
(a)	a commissioner has a direct or indirect pecuniary interest in a matter being considered, or about to be considered, by the commission; and	26 27 28
(b)	the interest could conflict with the proper performance of the commissioner’s functions for a matter.	29 30
‘(2)	The commissioner must, as soon as practicable, disclose the interest to—	31 32
(a)	for the chairperson—all the other commissioners; or	33



	(b) for another commissioner—the chairperson.	1
	‘(3) If a commissioner has disclosed an interest relating to a matter, the commissioner must not participate in the commission’s consideration of the matter.	2 3 4
<b>‘Division 4</b>	<b>Meetings and other business of commission</b>	5 6
<b>‘355</b>	<b>Conduct of business</b>	7
	‘Subject to this division, the commission may conduct its business, including its meetings, in the way it considers appropriate.	8 9 10
<b>‘356</b>	<b>Times and places of meetings</b>	11
	‘(1) Commission meetings are to be held at the times and places the chairperson decides.	12 13
	‘(2) However, the chairperson must call a meeting if asked, in writing, to do so by at least 2 commissioners.	14 15
	‘(3) Also, the chairperson must call a meeting at least once in each quarter.	16 17
<b>‘357</b>	<b>Quorum</b>	18
	‘A quorum for a commission meeting is more than half of the number of commissioners.	19 20
<b>‘358</b>	<b>Presiding at meetings</b>	21
	‘(1) The chairperson is to preside at all commission meetings at which the chairperson is present.	22 23
	‘(2) Otherwise, the commissioner chosen by the commissioners present is to preside.	24 25

<b>‘359</b>	<b>Conduct of meetings</b>	1
‘(1)	The commission may hold meetings, or allow commissioners to take part in its meetings, by using any technology allowing reasonably contemporaneous and continuous communication between persons taking part in the meeting.	2 3 4 5
‘(2)	A person who takes part in a commission meeting under subsection (1) is taken to be present at the meeting.	6 7
‘(3)	A decision at a commission meeting must be a majority decision of the commissioners present.	8 9
<b>‘360</b>	<b>Decisions outside meetings</b>	10
	‘A decision of the commission, other than a decision at a commission meeting, may be made only with the written agreement of a majority of the number of commissioners.	11 12 13
<b>‘360A</b>	<b>Minutes and record of decisions</b>	14
	‘The commission must keep—	15
	(a) minutes of its meetings; and	16
	(b) a record of any decisions under section 360.	17
<b>‘Division 5</b>	<b>Staff and other assistance to commission</b>	18 19
<b>‘360B</b>	<b>Commission’s staff</b>	20
‘(1)	The commission may employ the staff it considers appropriate to perform its functions, including, for example, a chief executive officer.	21 22 23
‘(2)	The commission’s staff are to be employed under the <i>Public Service Act 1996</i> .	24 25
‘(3)	The commissioner may arrange with the chief executive of a department, or with another unit of public administration, for the services of officers or employees of the department or other unit to be made available to the commission.	26 27 28 29

<b>‘360C Advisory bodies</b>	1
‘The commission may establish advisory bodies it considers appropriate to give the commission advice on the performance of its functions.	2 3 4
<b>‘Division 6                    Standing and other references</b>	5
<b>‘360D Standing references</b>	6
‘(1) The Minister may, by gazette notice—	7
(a) designate regions for which the commission is to perform its functions; and	8 9
(b) if the commission has already given regional water security options for the SEQ region or a designated region—require the commission to update or revise the options, having regard to the implementation of the relevant regional water security program.	10 11 12 13 14
‘(2) The Minister may, in the gazette notice, also identify the period within which the commission must give regional water security options, or updated or revised options, for the region.	15 16 17
‘(3) In deciding what are regions for subsection (1), the Minister must have regard to the geography, society and economy of proposed regions and water users and potential waters users within them.	18 19 20 21
<b>‘360E Other references</b>	22
‘The Minister may give the commission written directions to advise the Minister on any matter relating to—	23 24
(a) water supply and demand management in the SEQ region or a designated region; or	25 26
(b) water supply and demand management generally.	27

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<b>‘Division 7</b>	<b>Funding for commission’s functions</b>	1
<b>‘360F Annual levy</b>		2
‘(1)	The commission and the performance of the commission’s functions is funded by an annual levy payable by each water service provider.	3 4 5
‘(2)	The levy is to be in the amount and paid at the time and in the way prescribed under a regulation.	6 7
‘(3)	If a water service provider does not pay the levy as required under a regulation made under subsection (2), the State may recover from the provider the amount of the levy as a debt.	8 9 10
<b>‘Part 3</b>	<b>Water security planning</b>	11
<b>‘Division 1</b>	<b>Preliminary</b>	12
<b>‘360G Purpose of pt 3</b>		13
	‘The purpose of this part is to provide for the commission’s planning functions and its relationship with the Minister in assessing and recommending options to achieve water security in the SEQ region and designated regions.	14 15 16 17
<b>‘Division 2</b>	<b>Regional water security options</b>	18
<b>‘360H Application of div 2</b>		19
‘(1)	This division applies to the commission for the SEQ region and designated regions.	20 21
‘(2)	This division also applies to the commission if the Minister has, under section 360D(1)(b), required it to update or revise its options for the SEQ region or a designated region.	22 23 24

‘(3) In this division a reference to the options includes a reference to the updated or revised options.	1 2
<b>‘360I Advice to Minister on options</b>	3
‘(1) The commission must—	4
(a) make and give the Minister advice about its regional water security options for the region; or	5 6
(b) if the Minister asks—advice about revised options for the region.	7 8
‘(2) The advice must be given within any period required under section 360D(2). <sup>4</sup>	9 10
<b>‘360J Content of options</b>	11
‘(1) The options must address each of the following issues and may include alternatives for addressing the issues—	12 13
(a) water service providers for water supply works in the region who should have desired levels of service objectives;	14 15 16
(b) what are desired levels of service objectives for each of the water service providers mentioned in paragraph (a);	17 18
(c) demand management for water in the region;	19
(d) the extent to which implementation of the levels would involve modifying existing water supply works or building new water supply works;	20 21 22
(e) assessing the likely cost of the modifications or building;	23 24
(f) the preferred ways of sharing the cost, taking into account the extent to which end-users of water benefit from the modifications or building.	25 26 27
‘(2) Subsection (1) does not limit what may be included in the options.	28 29

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4 Section 360D (Standing references)

<b>‘360K Consultation</b>	1
‘The commission may, before giving the Minister the options, engage in any consultation the commission considers appropriate.	2 3 4
<b>‘Division 3                   Regional water security program</b>	5
<b>‘360M Ministerial response to commission’s advice</b>	6
‘(1) Within 4 months after receiving, under division 2, advice by the commission for the SEQ region or a designated region, the Minister must make and publish—	7 8 9
(a) a report outlining the Minister’s response to the commission’s advice; and	10 11
(b) a regional water security program to achieve water security for the region.	12 13
‘(2) The program must make provision about the matters mentioned in section 360J(1). <sup>5</sup>	14 15
<b>‘360N Effect of program for Integrated Planning Act 1997</b>	16
‘(1) This section applies if there is a regional water security program for the SEQ region or designated region.	17 18
‘(2) For the <i>Integrated Planning Act 1997</i> , the program is taken to be an applicable code for development relating to water supply works in the region.	19 20 21
‘(3) For the <i>Integrated Planning Act 1997</i> , section 3.1.3(4), <sup>6</sup> the program is a code that can not be changed under a local planning instrument or local law.	22 23 24
‘(4) If there is any inconsistency between the program and any other plan, policy or code under an Act, for the <i>Integrated     Planning Act 1997</i> , the program prevails to the extent of the inconsistency.	25 26 27 28

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5 Section 360J (Content of options)

6 *Integrated Planning Act 1997*, section 3.1.3 (Code and impact assessment for assessable development)

‘(5)	It is taken to be a condition (the <i>imposed condition</i> ) of any development approval for water supply works in the region that the carrying out of development under the approval must comply with the program.	1 2 3 4
‘(6)	If there is any inconsistency between the imposed condition and any other condition of the development approval, the imposed condition prevails to the extent of the inconsistency.	5 6 7
<b>‘Part 4</b>	<b>Facilitation of regional water security programs</b>	8 9
<b>‘360O Application of pt 4</b>		10
	‘This part applies to water supply works or proposed water supply works the subject of the regional water security program for the SEQ region or a designated region.	11 12 13
<b>‘360P Status of works for State Development and Public Works Organisation Act 1971</b>		14 15
	‘For the <i>State Development and Public Works Organisation Act 1971</i> , part 6, divisions 6 and 7, the works are taken to be an infrastructure facility mentioned in section 125(1)(f) of that Act. <sup>7</sup>	16 17 18 19
<b>‘360Q Designation of preferred entity for works</b>		20
‘(1)	The Coordinator-General under the <i>State Development and Public Works Organisation Act 1971</i> may, by gazette notice, designate an entity as the preferred entity to build or carry out the works.	21 22 23 24
‘(2)	However, the designation may be made only if the entity has agreed to the designation.	25 26

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<sup>7</sup> *State Development and Public Works Organisation Act 1971*, part 6, divisions 6 (Special powers incidental to planned development) and 7 (Investigating potential infrastructure facility) and section 125 (Power of Coordinator-General to take land)

‘(3) From the making of the designation—	1
(a) the preferred entity is taken to be a water service provider for the works; and	2 3
(b) the works are taken to be works under the <i>State Development and Public Works Organisation Act 1971</i> .	4 5
<b>‘Part 5</b>	
<b>Implementation of and compliance with regional water security programs</b>	6 7 8
<b>‘Division 1</b>	
<b>Program implementation</b>	9
<b>‘360R Commission’s role</b>	10
‘Without limiting section 345, <sup>8</sup> the commission must ensure the key actions and responsibilities of each of the following under each regional water security program and system operating plan are carried out or complied with—	11 12 13 14
(a) the department;	15
(b) other units of public administration;	16
(c) water service providers.	17
<b>‘360S Review and compliance reports</b>	18
‘The commission must whenever it considers it appropriate—	19
(a) review the implementation of each regional water security program; and	20 21
(b) give the Minister a report about the implementation of and the level of compliance with the system operating plan for the program; and	22 23 24
(c) publish the report.	25

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8 Section 345 (Main functions of commission)



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<b>‘360T Information may be required from water service providers</b>	1 2
‘(1) The commission may give a water service provider a notice requiring information the commission reasonably requires to enable the commission to perform its functions under this chapter.	3 4 5 6
‘(2) The notice must state the reasonable time in which the information must be given to the commission.	7 8
‘(3) The water service provider must comply with the notice, unless the provider has a reasonable excuse.	9 10
Maximum penalty—200 penalty units.	11
‘(4) However, if the water service provider is an individual, this section does not require the individual to give information if giving the information might tend to incriminate the individual.	12 13 14 15
<b>‘Division 2                   System operating plans</b>	16
<b>‘Subdivision 1           Making system operating plans</b>	17
<b>‘360U Application of sdiv 1</b>	18
‘This subdivision applies if there is a regional water security program for the SEQ region or a designated region.	19 20
<b>‘360V Commission to make system operating plan for region</b>	21 22
‘The commission must make a system operating plan for existing water supply works the subject of the program and other measures provided for under the program.	23 24 25
<b>‘360W Content of plan</b>	26
‘(1) The system operating plan must—	27
(a) give effect to the program in relation to the existing or proposed water supply works the subject of the program	28 29

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and the other measures provided for under the program;	1
and	2
(b) state each of the following—	3
(i) the plan area for the plan;	4
(ii) the water supply works in the plan area;	5
(iii) the water service providers for the water supply works;	6 7
(iv) the share of water available under the plan to each of the water service providers;	8 9
(v) the desired levels of service objectives and other obligations, requirements and other regulatory provisions imposed on the water service providers under the plan.	10 11 12 13
‘(2) However, the plan must be consistent with any water resource plan applying to the plan area for the system operating plan.	14 15
‘(3) Subsection (1) does not limit what may be included in the system operating plan.	16 17
<b>‘360X Consultation for plan</b>	18
‘(1) Before making the system operating plan the commission must make reasonable endeavours to consult with each proposed water service provider for the plan area.	19 20 21
‘(2) A failure to comply with subsection (1) does not invalidate or otherwise affect the plan.	22 23
<b>‘360Y Publication and taking effect of plan</b>	24
‘(1) As soon as practicable after making the system operating plan the commission must publish the plan and give a copy to each water service provider for water supply works in the plan area.	25 26 27
‘(2) The plan does not have effect until it is published.	28
‘(3) Despite subsection (1), the commission may decide not to publish or allow inspection of any part of the plan that the commission is reasonably satisfied contains sensitive security information.	29 30 31 32

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<b>‘Subdivision 2</b>	<b>Amendment of system operating plans</b>	1 2
<b>‘360Z</b>	<b>Amendment of plan</b>	3
‘(1)	The commission must amend a system operating plan if—	4
(a)	a water resource plan is made or amended and the water resource plan applies to the plan area for the system operation plan; or	5 6 7
(b)	under section 360Q, <sup>9</sup> a preferred entity is designated for proposed water supply works in the plan area; or	8 9
(c)	water supply works in the plan area not the subject of the existing system operating plan are commissioned.	10 11
‘(2)	For subsection (1)(c), works are commissioned when, under the relevant contract to build the works, they reach a stage under which the building of the works is, in a practical sense, complete.	12 13 14 15
‘(3)	If subsection (1)(a) applies, the system operating plan must be amended so that it is consistent with the water resource plan.	16 17
‘(4)	If subsection (1)(b) or (c) applies, the system operating plan must be amended so that the plan complies with section 360W <sup>10</sup> in relation to the works.	18 19 20
‘(5)	The commission may amend the plan to provide for proposed water supply works in the plan area for the plan.	21 22
‘(6)	Subdivision 2 applies, with necessary changes, for an amendment under this section as if a reference in the sections to the plan were a reference to the amendment.	23 24 25

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9 Section 360Q (Designation of preferred entity for works)

10 Section 360W (Content of plan)

<b>‘Subdivision 3</b>	<b>Compliance with system operating plans</b>	1 2
<b>‘360ZA</b>	<b>Water service providers must comply with system operating plan</b>	3 4
	‘Each water service provider for water supply works in the plan area for a system operating plan must ensure the plan is complied with to the extent it applies to the provider.	5 6 7
	Maximum penalty—1665 penalty units.	8
<b>‘360ZB</b>	<b>Publication requirements</b>	9
	‘(1) This section applies to a water service provider for water supply works in the plan area for a system operating plan.	10 11
	‘(2) The commission may, by notice (the <i>commission’s notice</i> ), require the water service provider to publish a notice (the <i>provider’s notice</i> ) about the extent to which the provider has, during a stated period, complied with the plan in relation to—	12 13 14 15
	(a) all matters under the plan; or	16
	(b) if the commission’s notice states a particular matter under the plan—that matter.	17 18
	‘(3) The commission’s notice must state a reasonable period for the water service provider to publish the provider’s notice.	19 20
	‘(4) The water service provider must comply with the requirement.	21
	Maximum penalty—1665 penalty units.	22
	‘(5) In this section—	23
	<i>publish</i> means publish in a newspaper circulating generally in the plan area.	24 25
<b>‘360ZC</b>	<b>Derivative use immunity for compliance with publication requirement</b>	26 27
	‘(1) It is not a defence to a proceeding for an offence against section 360ZB that complying with the requirement might tend to incriminate the water service provider.	28 29 30
	‘(2) However, if the water service provider is an individual	31

evidence of, or directly or indirectly derived from complying with the requirement or information it contains that might tend to incriminate the individual is not admissible in evidence against the individual in a civil or criminal proceeding, other than for an offence for which the falsity or misleading nature of the information is relevant.

## **‘Part 6                      Restriction of water supply by commission**

### **‘360ZD Restricting water supply**

- ‘(1) If the commission considers it necessary, because of climatic conditions or water conservation needs, it may impose a written restriction (a ***commission water restriction***) restricting all or any of the following in the SEQ region or a designated region—
- (a) the volume of water taken by or supplied to a customer or type of customer of a service provider;
  - (b) the hours when water may be used on premises for stated purposes;
  - (c) the way water may be used on premises.
- ‘(2) However, the restriction may be imposed only if—
- (a) there is an urgent need for it; or
  - (b) the available water supply has fallen to a level at which unrestricted use of the water is not in the public interest; or
  - (c) the restriction is essential to ensure the aims of a relevant regional water security program or system operating plan are met; or
  - (d) the Minister has published a notice under section 22 or if a regulation has been made under section 23.

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- ‘(3) Also, the commission may apply the restriction to water taken from a rainwater tank connected to a service provider’s reticulated supply. 1  
2  
3
- ‘(4) Also, the restriction may be made even if a service provider water restriction applies to a matter the subject of the restriction. 4  
5  
6
- ‘360ZE Notice of commission water restriction must be given 7**
- ‘(1) The commission must give notice of a commission water restriction to anyone affected by it in the way the commission considers appropriate having regard to the circumstances in which the restriction is imposed. 8  
9  
10  
11
- ‘(2) If, because of section 360ZF(2), a service provider water restriction will not apply while the commission water restriction continues in force, the notice must state that while the commission water restriction continues in force the service provider water restriction does not apply to the matter. 12  
13  
14  
15  
16
- ‘(3) The commission water restriction does not have effect until the day after the notice is given. 17  
18
- ‘(4) A person must not contravene a commission water restriction. 19  
Maximum penalty for subsection (4)—200 penalty units. 20
- ‘360ZF Relationship with service provider water restrictions 21**
- ‘(1) The making of a commission water restriction does not of itself invalidate a service provider water restriction that applies to a matter the subject of the commission water restriction. 22  
23  
24  
25
- ‘(2) However, if the commission water restriction states that while it continues in force it is to be the only restriction for the matter, while the commission water restriction continues in force, the service provider water restriction does not apply to the matter. 26  
27  
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	<b>‘360ZG Delegation of particular functions for commission water restrictions</b>	1 2
	‘(1) The commission may delegate to a relevant water service provider its functions of—	3 4
	(a) giving notices under section 360ZE about commission water restrictions; or	5 6
	(b) monitoring and enforcing compliance with commission water restrictions.	7 8
	‘(2) A water service provider to whom a function is delegated under subsection (1) must make all reasonable efforts to ensure the function is performed.	9 10 11
	Maximum penalty—1665 penalty units.	12
	‘(3) In this section—	13
	<i>functions</i> includes powers.	14
	<i>relevant service provider</i> , for commission water restrictions, means a water service provider for water supply works for the supply of the water the subject of the restrictions.’.	15 16 17
<b>Clause 10</b>	<b>Amendment of s 388 (Restricting water supply)</b>	18
	(1) Section 388(2), ‘a <i>water restriction</i> ’—	19
	<i>omit, insert—</i>	20
	‘a <i>service provider water restriction</i> ’.	21
	(2) Section 388(2)(a) ‘water restriction’—	22
	<i>omit, insert—</i>	23
	‘service provider water restriction’.	24
<b>Clause 11</b>	<b>Amendment of s 389 (Notice of water restriction must be given)</b>	25 26
	(1) Section 389, ‘water restriction’—	27
	<i>omit, insert—</i>	28
	‘service provider water restriction’.	29
	(2) Section 389, ‘water restrictions’—	30

	<i>omit, insert—</i>	1
	‘service provider water restrictions’.	2
<b>Clause 12</b>	<b>Amendment of s 408 (Preparing strategic asset management plan)</b>	3 4
	Section 408(4)—	5
	<i>insert—</i>	6
	‘(ca) demonstrate how the service provider will comply with any system operating plan applying to the service provider; and’.	7 8 9
<b>Clause 13</b>	<b>Amendment of s 414 (Complying with approved strategic asset management plan)</b>	10 11
	Section 414, penalty—	12
	<i>omit, insert—</i>	13
	‘Maximum penalty—1665 penalty units’.	14
<b>Clause 14</b>	<b>Replacement of s 414N (Application of div 1B)</b>	15
	Section 414N—	16
	<i>omit, insert—</i>	17
	<b>‘Subdivision 1      Service provider plans</b>	18
	<b>‘414N Application of sdiv 1</b>	19
	‘This subdivision applies to strategic asset management plans, system leakage management plans and drought management plans’.	20 21 22
<b>Clause 15</b>	<b>Amendment of s 417 (Providing regular audit reports)</b>	23
	Section 417(3)(a), ‘(the <i>auditor</i> )’—	24
	<i>omit.</i>	25



<b>Clause 16</b>	<b>Amendment of s 419 (Spot audits of plans)</b>	1
	Section 419(3), '(the <i>auditor</i> )'—	2
	<i>omit.</i>	3
<b>Clause 17</b>	<b>Insertion of new ch 3, pt 3, div 1B, sdiv 2 and sdiv 3, hdg</b>	4
	After section 420—	5
	<i>insert—</i>	6
	<b>'Subdivision 2 System operating plans</b>	7
	<b>'420A Spot audit by commission</b>	8
	'(1) This section applies if the commission is satisfied or reasonably believes a water service provider to whom a system operating plan applies has not complied with the plan to the extent it applies to the provider.	9 10 11 12
	'(2) The commission may, after giving the water service provider a show cause notice, arrange for a spot audit report to be prepared about the provider's level of compliance with the plan.	13 14 15 16
	'(3) The spot audit report must be prepared by a person who is appropriately qualified to carry out the audit.	17 18
	'(4) The commission must give the water service provider a copy of the report within 30 business days after the commission has received it.	19 20 21
	'(5) In this section—	22
	<i>water service provider</i> includes a person who operates water supply works in the plan area for a system operating plan.	23 24
	<b>'420B Requirement to comply with plan and provision for cost of report</b>	25 26
	'(1) This section applies if a spot audit report under section 420A states a water service provider the subject of the report has not complied with the plan to the extent it applies to the provider.	27 28 29
	'(2) The commission must give the water service provider an information notice requiring the provider, within the	30 31

reasonable period stated in the notice, to remedy the  
noncompliance. 1 2

‘(3) The water service provider must comply with the  
requirement, unless the provider has a reasonable excuse. 3 4

Maximum penalty—500 penalty units. 5

‘(4) The commission may recover from the service provider as a  
debt an amount equal to the cost of preparing the report. 6 7

### ‘Subdivision 3 Miscellaneous provision’. 8

#### Clause 18 Amendment of s 430 (Service provider to report annually) 9

(1) Section 430(1), after ‘approved’— 10

*insert—* 11

‘or a system operating plan applying to the service provider  
has been made’. 12 13

(2) Section 430(4)(a), after ‘subsection (1)’— 14

*insert—* 15

‘to the extent the report relates to a strategic asset  
management plan or system leakage management plan’. 16 17

(3) Section 430(4)— 18

*insert—* 19

‘(ab) for a report mentioned in subsection (1) to the extent the  
report relates to a system operating plan—measure the  
service provider’s performance with the desired levels  
of service objectives and other obligations and  
requirements that apply to the provider under the plan;  
or’. 20 21 22 23 24 25

#### Clause 19 Amendment of s 457 (Restricting domestic water supply in certain circumstances) 26 27

Section 457(1)(b)(i), ‘water restriction’— 28

*omit, insert—* 29

‘service provider water restriction’. 30

<b>Clause 20</b>	<b>Amendment of s 932 (Proceedings for offences)</b>	1
	Section 932(1)—	2
	<i>insert</i> —	3
	‘(c) section 360ZE(4) <sup>11</sup> —may be brought only by—	4
	(i) the commission; or	5
	(ii) a service provider to whom the commission has delegated the function of bringing the proceeding; or	6 7 8
	(d) chapter 2A (other than section 360ZE(4))—the commission.’	9 10
<b>Clause 21</b>	<b>Insertion of new ch 9, pt 5, div 6</b>	11
	After section 1139—	12
	<i>insert</i> —	13
<b>‘Division 6</b>	<b>Transitional provisions for Water Amendment Act 2006</b>	14 15
<b>‘1140</b>	<b>Definitions for div 6</b>	16
	In this division—	17
	<i>amending Act</i> means the <i>Water Amendment Act 2006</i> .	18
	<i>commencement</i> means the date of assent of the amending Act.	19 20
<b>‘1141</b>	<b>Existing regional water supply strategies</b>	21
	‘(1) Despite not having been given advice by the commission under section 360I(1), <sup>12</sup> the Minister may make a report mentioned in section 360M(1)(a) <sup>13</sup> and a regional water security program that adopts a relevant existing strategy.	22 23 24 25

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11 Section 360ZE (Notice of commission water restriction must be given)

12 Section 360I (Advice to Minister on options)

13 Section 360M (Ministerial response to commission’s advice)

‘(2) If the Minister adopts a relevant existing strategy as a regional water security program the commission can not give regional water security options for the region the subject of the program, other than under a requirement under section 360D(1)(b). <sup>14</sup>	1 2 3 4 5
‘(3) Subsection (4) applies for the SEQ region or a designated region only if the Minister has not made a regional water security program for the region that adopts a relevant existing strategy.	6 7 8 9
‘(4) In preparing regional water security options for the region, the commission may have regard to and use all or part of a relevant existing strategy.	10 11 12
‘(5) In this section— <i>relevant existing strategy</i> means—	13 14
(a) for the SEQ region—the series of documents prepared before the commencement by the department and local governments for the project called ‘South East Queensland regional water supply strategy’; or	15 16 17 18
(b) for a designated region—any series of documents (however called) prepared before the commencement by the department and local governments about a regional water supply strategy for the region.	19 20 21 22
<b>‘1142 Provision for particular existing licences</b>	23
The amendments to sections 110 and 178 <sup>15</sup> made under the amending Act apply for a licence mentioned in the sections whether the licence was granted before or after the commencement.	24 25 26 27

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14 Section 360D (Standing references)

15 Sections 110 (Conditions of resource operations licence or distribution operations licence) and 178 (Conditions of interim resource operations licence)

<b>‘1143 Existing development approvals</b>	1
The condition under section 360N(5) <sup>16</sup> does not apply to a development approval granted before the commencement.’.	2 3
<b>Clause 22 Amendment of sch 4 (Dictionary)</b>	4
(1) Schedule 4, definitions <i>water</i> , <i>water restriction</i> and <i>water service provider</i> —	5 6
<i>omit</i> .	7
(2) Schedule 4—	8
<i>insert</i> —	9
‘ <i>auditor</i> , for an audit under chapter 3, part 3, division 1B, means the person who, under the division, has prepared, or is to prepare, an audit report for the audit.	10 11 12
<i>chairperson</i> means the commissioner holding an appointment as chairperson under section 348.	13 14
<i>commission</i> means the Queensland Water Commission.	15
<i>commission water restriction</i> see section 360ZD(1).	16
<i>commissioner</i> means a member of the commission, including the chairperson.	17 18
<i>demand management</i> , for water, includes—	19
(a) reducing demand for water; and	20
(b) increasing the efficiency of water supply works; and	21
(c) increasing the efficiency of the use of water by end-users; and	22 23
(d) substituting a process that does not use a water resource for one that does use a water resource;	24 25
(e) substituting one water resource for another.	26
<i>designated region</i> means a region designated under section 360D.	27 28

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16 Section 360N (Effect of program for Integrated Planning Act 1997)

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- desired levels of service objectives***, for water, includes the maximum duration, frequency, and severity of water restrictions that may be expected by end-users of the water.
- regional water security program*** means a regional water security program made under section 360M.
- regional water security options*** means regional water security options made under section 360I.
- SEQ region*** see section 341.
- service provider water restriction*** see section 388(2).
- system operating plan*** means a system operating plan under chapter 2A, part 5, division 2.
- unit of public administration*** see the *Crime and Misconduct Act 2001*, section 20.
- water***—
- 1 Generally, *water* means all or any of the following—
    - (a) water in a watercourse, lake or spring;
    - (b) underground water;
    - (c) overland flow water;
    - (d) water that has been collected in a dam.
  - 2 In chapter 2A, *water* also includes recycled and desalinated water, from any source.
- water security*** includes the reliability of water supply.
- water service provider***—
- 1 A *water service provider* is a person registered under chapter 3, part 2 as a service provider for a water service.
  - 2 In chapter 2A the term also includes a person who operates, or controls the operation of, water supply works in the plan area for a system operating plan.
- water supply works*** means water infrastructure or other works for the supply of water or the storage, distribution or treatment of water.’.
- (2) Schedule 4, definition *publish*—

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*insert—*

- ‘2A *Publish*, for a document made by an entity mentioned in  
chapter 2A means—
- (a) publish a gazette notice about where the document  
may be inspected, free of charge; and
  - (b) publish the document on the entity’s website on the  
internet, or, for the Minister, on the department’s  
website on the internet.’.

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