



Queensland

Water and Another Act Amendment Bill 2009



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2009

A Bill

for

An Act to amend the *Water Act 2000* and to make a consequential amendment to the *Public Service Act 2008*

The Parliament of Queensland enacts—	1
Clause 1 Short title	2
This Act may be cited as the <i>Water and Another Act Amendment Act 2009</i> .	3 4
Clause 2 Commencement	5
This Act commences on the later of the following days—	6
(a) the date of assent;	7
(b) 19 June 2009.	8
Clause 3 Acts amended	9
(1) This Act amends the <i>Water Act 2000</i> .	10
(2) The schedule also amends the <i>Public Service Act 2008</i> .	11
Clause 4 Replacement of s 348 (Appointment)	12
Section 348—	13
<i>omit, insert—</i>	14
‘ 348 Membership of commission	15
‘The commission consists of 1 commissioner.	16
‘ 348A Appointment of commissioner	17
‘(1) The commissioner is to be appointed by the Governor in Council.	18 19
‘(2) The appointment may be full-time or part-time.’.	20
Clause 5 Replacement of ss 354 to 360A	21
Sections 354 to 360A—	22

omit, insert—

‘354 Conflicts of interest

‘(1) This section applies if—

(a) the commissioner has a direct or indirect pecuniary interest in a matter the subject of a function of the commissioner; and

(b) the commissioner is performing or is proposing to perform the function; and

(c) the interest could conflict with the proper performance of the function.

‘(2) The commissioner—

(a) must, as soon as practicable, disclose the interest to the Minister; and

(b) must not perform or continue to perform the function.

‘(3) In this section—

function includes power.

‘355 Acting commissioner

‘(1) This section applies if—

(a) the commissioner has not been appointed; or

(b) the office of the commissioner is vacant; or

(c) the appointed commissioner (the *usual commissioner*) is absent or is unable to perform the functions or a particular function of the commissioner because of illness or another reason.

Example of another reason—

performance of the function by the commissioner is prohibited under section 354(2)(b)

‘(2) The Minister may, by signed notice, appoint a person to act in the office of the commissioner to perform—

(a) generally—all of its functions; or

[s 6]

- (b) for an inability to perform a particular function—that function. 1
2
- ‘(3) The appointment is under this Act and not the *Public Service Act 2008*. 3
4
- ‘(4) For the circumstances mentioned in subsection (1)(a) or (b), the appointment ends when, if the Governor in Council appoints someone else as the commissioner, the term of that appointment starts. 5
6
7
8
- ‘(5) Also, for the circumstances mentioned in subsection (1)(c) the appointment ends if the Minister gives the appointee notice that the usual commissioner has resumed the functions the subject of the appointment. 9
10
11
12
- ‘(6) The *Acts Interpretation Act 1954*, section 24B(7D) to (15) applies to the appointee as if the appointee had been appointed under that section. 13
14
15
- ‘(7) This section does not limit or otherwise affect the *Acts Interpretation Act 1954*, section 24B. 16
17
- ‘(8) In this section— 18
function includes power. 19

‘Division 4 Records of decisions 20

- ‘356 Records required 21**
- ‘The commissioner must keep a record of the commission’s decisions.’. 22
23

- Clause 6 Amendment of s 360B (Commission’s staff) 24**
- (1) Section 360B(1), from ‘, including’ to ‘officer’— 25
omit. 26
- (2) Section 360B(2), ‘*Public Service Act 1996*’— 27
omit, insert— 28
‘Public Service Act 2008’. 29

- (3) Section 360B(3), ‘chairperson’— 1
omit, insert— 2
‘commissioner’. 3

Clause 7 Amendment of sch 4 (Dictionary) 4

- (1) Schedule 4, definitions, *chairperson* and *commissioner*— 5
omit. 6
- (2) Schedule 4— 7
insert— 8
‘***commissioner*** means the commissioner appointed under 9
section 348A.’. 10

Schedule	Consequential amendments	1
	section 3	2
Public Service Act 2008		3
1	Schedule 1, entry for Queensland Water Commission—	4
	<i>omit, insert—</i>	5
	‘Queensland Water Commission under the <i>Water Act 2000</i>	
	the commissioner under the <i>Water Act 2000</i> ’.	
Water Act 2000		6
1	Chapter 2A, part 2, division 3, heading—	7
	<i>omit, insert—</i>	8
	‘Division 3 Membership’.	9
2	Sections 349, 350 and 353(2), ‘a commissioner’—	10
	<i>omit, insert—</i>	11
	‘the commissioner’.	12
3	Sections 351 and 352, ‘A commissioner’—	13
	<i>omit, insert—</i>	14
	‘The commissioner’.	15

4	Section 353(1), ‘a commissioner’s’—	1
	<i>omit, insert—</i>	2
	‘the commissioner’s’.	3

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