



Queensland

# **South East Queensland Water (Restructuring) and Other Legislation Amendment Bill 2012**





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# South East Queensland Water (Restructuring) and Other Legislation Amendment Bill 2012

## Contents

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		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	12
2	Commencement . . . . .	12
<b>Part 2</b>	<b>Amendment of South-East Queensland Water (Distribution and Retail Restructuring) Act 2009</b>	
3	Act amended . . . . .	12
4	Amendment of s 4 (Achievement of purposes) . . . . .	13
5	Amendment of s 11 (Functions) . . . . .	13
6	Amendment of s 36 (Disqualifications for independent member). . . . .	13
7	Amendment of s 49A (Individual directions). . . . .	13
8	Omission of s 53AE (Provision for market rules) . . . . .	13
9	Omission of s 92CT (Provision for market rules) . . . . .	14
10	Omission of ch 4, pt 3A (Code administration) . . . . .	14
11	Amendment of s 99AT (Restricting water supply) . . . . .	14
12	Amendment of s 99BB (Public notice about availability of draft code) . . . . .	14
13	Amendment of s 99BQ (Matters SEQ service provider must have regard to in making plan) . . . . .	14
14	Omission of ch 5, pt 2 (Local government price mitigation documents) . . . . .	15
15	Amendment of s 99BZD (Compensation by local governments for particular matters) . . . . .	15
16	Amendment of s 100C (Commission may make guidelines) . . . . .	15
17	Amendment of s 100DA (Requirement for SEQ service provider to give information) . . . . .	15
18	Amendment of s 100F (Application of Water Supply Act enforcement provisions for particular offences) . . . . .	15

Contents

---

19	Amendment of s 101 (Approved forms) . . . . .	16
20	Insertion of new ch 6, pt 8 . . . . .	16
	Part 8 Transitional provision for South East Queensland Water (Restructuring) and Other Legislation Amendment Act 2012	
	130 Effect of SEQ design and construction code . . . . .	17
21	Amendment of schedule (Dictionary) . . . . .	17
<b>Part 3</b>	<b>Amendment of South East Queensland Water (Restructuring) Act 2007</b>	
<b>Division 1</b>	<b>Preliminary</b>	
22	Act amended . . . . .	17
<b>Division 2</b>	<b>Amendments commencing on assent</b>	
23	Amendment of s 6 (Establishment of new water entities) . . . . .	18
24	Amendment of s 9 (Functions of new water entities other than the water grid manager) . . . . .	18
25	Amendment of s 11 (Functions to be carried out commercially) . . . . .	19
26	Amendment, relocation and renumbering of s 89 (Entry to, and use of, water entity's land after transfer of asset attached to the land) . . . . .	19
27	Relocation and renumbering of s 93 (Things done by, or given to, responsible Ministers) . . . . .	20
28	Omission of chs 3 and 4 . . . . .	20
29	Amendment of s 104 (Relevant water entities) . . . . .	20
30	Amendment of s 105 (Transfer of shares, assets, liabilities etc. to relevant water entity) . . . . .	20
31	Amendment of s 110 (Non-liability for State taxes) . . . . .	21
32	Replacement of s 111 (Preservation of rights of transferred employee) . . . . .	22
	111 Rights of transferred employees etc. . . . .	22
33	Omission of s 112 (Prohibition on retrenchment because of transfer of employee) . . . . .	23
34	Insertion of new ch 7 . . . . .	23
	Chapter 7 Transitional provisions for South East Queensland Water (Restructuring) and Other Legislation Amendment Act 2012	
	118 Application of former ss 111 and 112 to employees transferred from WaterSecure to Queensland Bulk Water Supply Authority . . . . .	23
	119 Continuation of repealed evidentiary provision relating to the project . . . . .	24
35	Omission of sch 1 (Local governments that are water entities) . . . . .	25

36	Amendment of sch 3 (Dictionary) . . . . .	25
<b>Division 3</b>	<b>Amendments commencing on proclamation</b>	
37	Replacement of ch 2, hdg (Water grid manager and bulk water supply authorities) . . . . .	25
38	Amendment of s 6 (Establishment of new water entities) . . . . .	26
39	Amendment of s 9 (Functions of new water entities other than the water grid manager) . . . . .	26
40	Omission of s 10 (Functions of the water grid manager) . . . . .	27
41	Replacement of s 11 (Functions to be carried out commercially)	27
	11 Functions to be carried out commercially. . . . .	27
42	Amendment of s 16 (Appointment of members). . . . .	27
43	Insertion of new s 50A . . . . .	28
	50A Strategic and operational plans must not be inconsistent with statement of obligations . . . . .	28
44	Amendment of s 51 (Content of operational plan) . . . . .	28
45	Insertion of new ch 2, pt 4, div 5. . . . .	28
	Division 5 Statement of obligations	
	51A Issue of statement of obligations . . . . .	29
	51B Consultation with the board before issuing statement of obligations . . . . .	29
	51C Content of statement of obligations . . . . .	29
	51D Expiry of statement of obligations . . . . .	30
46	Amendment of s 104 (Relevant water entities). . . . .	30
47	Insertion of new ss 120 and 121 . . . . .	30
	120 Strategic and operational plans for 2013–14 financial year . . . . .	30
	121 Authority to give final quarterly report for LinkWater or water grid manager . . . . .	31
<b>Part 4</b>	<b>Amendment of Water Act 2000</b>	
48	Act amended . . . . .	31
49	Amendment of s 212A (Applying for transmission water licence)	32
50	Amendment of s 340 (Main purpose of ch 2A and its achievement) . . . . .	32
51	Replacement of ch 2A, pts 2 to 7 . . . . .	33
	Part 2 Water security planning	
	Division 1 Designation of regions and nomination of water service providers	
	342 Designation of regions . . . . .	33

Contents

---

343	Nomination of water service providers . . . . .	33
Division 2	Desired level of service objectives	
344	Desired level of service objectives . . . . .	34
345	Public notice about proposed desired level of service objectives . . . . .	34
346	Chief executive must consider properly made submissions . . . . .	36
347	Report on desired level of service objectives . . . . .	36
348	Review of desired level of service objectives . . . . .	37
Division 3	Water security program	
Subdivision 1	Preliminary	
349	Definition for div 3. . . . .	37
Subdivision 2	Requirement for water security program	
350	Bulk water supply authority to have water security program . . . . .	37
351	Nominated water service providers to have water security program. . . . .	38
352	Particular water service providers to have water security program. . . . .	38
353	Content of water security program . . . . .	38
Subdivision 3	Preparing and finalising water security program	
354	Preparing draft water security program . . . . .	39
355	Consultation for draft water security program. . . . .	39
356	Chief executive to review draft water security program	39
357	Special procedures for draft water security program if changes recommended . . . . .	40
358	Finalisation and publication of water security program	41
Subdivision 4	Review and amendment of water security program	
359	Review of water security program . . . . .	41
360	Amendment of water security program. . . . .	42
360A	Procedure for amending water security program . . . .	42
Subdivision 5	Miscellaneous provision	
360B	Designated water security entity not required to prepare drought management plan under Water Supply Act . . . . .	42
Part 3	Arrangements for SEQ region	
Division 1	Preliminary	

	360C	Definitions for pt 3. . . . .	43
	360D	Operation of pt 3. . . . .	44
	360E	Application of pt 3. . . . .	44
	360F	Obtaining information . . . . .	44
	Division 2	Bulk water supply agreements	
	360G	Making agreement . . . . .	45
	360H	Bulk water party may amend non-mandatory terms of agreement . . . . .	46
	360I	Minister's direction about agreement amendment . . .	46
	360J	Offence to fail to comply with Minister's direction about agreement amendment . . . . .	47
	360K	Record of bulk water supply agreements . . . . .	47
	360L	Liability of bulk water parties . . . . .	47
	Division 3	Bulk water supply code	
	Subdivision 1	General provisions about code	
	360M	Minister's power to make code . . . . .	50
	360N	Content of code—costs and prices . . . . .	50
	360O	Content of code—general . . . . .	51
	360P	When code takes effect . . . . .	51
	360Q	Tabling of code . . . . .	52
	360R	Publication of code . . . . .	52
	360S	Compliance with code . . . . .	52
	360T	Civil liability not affected by code . . . . .	52
	Subdivision 2	Process for making or amending code	
	360U	Consultation for code . . . . .	53
	Division 4	Supply of bulk services	
	360V	Supply under bulk water supply agreement . . . . .	53
	360W	Minister may decide cost or price. . . . .	54
	360X	Amended cost or price . . . . .	55
	360Y	Limitation of review. . . . .	55
	360Z	Minister's direction about bulk services supplied by SEQ service provider . . . . .	55
52		Amendment of s 361 (Purpose of ch 3) . . . . .	56
53		Amendment of s 365 (Declaring cumulative management areas)	56
54		Amendment of s 368 (Who is a responsible entity) . . . . .	57
55		Amendment of s 370 (Obligation to give underground water impact report) . . . . .	57

Contents

---

56	Amendment of s 372 (Obligation to give notice of closure—general) . . . . .	57
57	Amendment of s 374 (Obligation to give final report) . . . . .	57
58	Amendment of s 376 (Content of underground water impact report) . . . . .	57
59	Amendment of s 377 (Content of final report) . . . . .	58
60	Amendment of s 378 (Content of water monitoring strategy) . . . . .	58
61	Amendment of s 379 (Content of spring impact management strategy) . . . . .	58
62	Amendment of s 380 (Identifying responsible tenure holders for cumulative management areas) . . . . .	58
63	Amendment of s 385 (Decision on report) . . . . .	58
64	Amendment of s 391 (Minor or agreed amendments of approved report) . . . . .	59
65	Amendment of s 393 (Other amendments) . . . . .	59
66	Amendment of s 405 (Notice of outcome of baseline assessment) . . . . .	59
67	Amendment of s 419 (Notice of outcome of bore assessment) . . . . .	59
68	Omission of ch 3, pt 7 (Functions and powers of commission) . . . . .	59
69	Amendment of s 449 (Chief executive may direct petroleum tenure holder to carry out water monitoring activities) . . . . .	60
70	Insertion of new ch 3A . . . . .	60
	Chapter 3A Office of Groundwater Impact Assessment	
	Part 1 General provisions about the office	
	Division 1 Establishment	
	455 Establishment . . . . .	60
	Division 2 Functions and powers	
	456 Functions of office . . . . .	60
	457 General powers of office . . . . .	61
	458 Advice to chief executive . . . . .	61
	459 Office to keep and maintain database . . . . .	61
	460 Obtaining information about underground water from petroleum tenure holders . . . . .	62
	461 Advisory bodies . . . . .	62
	Division 3 Membership of the office	
	462 Membership of office . . . . .	62
	Division 4 Staff of the office	
	Subdivision 1 Manager of the office	



	463	Manager of the office . . . . .	63
	464	Appointment of manager . . . . .	63
	465	Eligibility for appointment . . . . .	63
	466	Term of appointment. . . . .	64
	467	Functions of the manager. . . . .	64
	468	Powers of the manager . . . . .	64
	469	Independence in performing functions . . . . .	65
	470	Manager not to engage in other paid employment. . .	65
	471	Vacancy in office of manager . . . . .	65
	472	Termination of appointment . . . . .	65
	473	Delegation . . . . .	66
	474	Preservation of rights as public service officer. . . . .	66
	475	Superannuation if previously a public service officer .	67
		Subdivision 2 Other staff of the office	
	476	Office staff . . . . .	67
	477	Alternative staffing arrangements. . . . .	67
		Part 2 Funding for office	
	478	Groundwater Impact Assessment Fund. . . . .	68
	479	Annual levy for underground water management	68
	480	Payment of amounts into Groundwater Impact Assessment Fund. . . . .	69
	481	Payment of amounts from Groundwater Impact Assessment Fund. . . . .	69
	482	Administration of Groundwater Impact Assessment Fund . . . . .	70
		Part 3 Miscellaneous provisions	
	483	Public access to database . . . . .	70
	484	Petroleum tenure holder access to information . . . . .	71
71		Amendment of s 739 (Appointment and qualifications of authorised officers). . . . .	71
72		Omission of s 748A (Power of entry for monitoring commission water restrictions and water efficiency management plans). . . . .	71
73		Amendment of s 749 (Power to enter places for other purposes)	72
74		Amendment of s 932 (Who may bring proceedings for offences).	72
75		Amendment of s 1013 (Approved forms) . . . . .	72
76		Amendment of s 1014 (Regulation-making power) . . . . .	72
77		Insertion of new ch 9, pt 5, div 19. . . . .	72

Contents

---

Division 19	Transitional provisions for South East Queensland Water (Restructuring) and Other Legislation Amendment Act 2012	
Subdivision 1	Preliminary	
1210	Definitions for div 19 . . . . .	73
Subdivision 2	Provisions relating to annual levies	
1211	Transfer of funds into Groundwater Impact Assessment Fund. . . . .	73
1212	Notices to pay levy . . . . .	74
Subdivision 3	Transfer of particular authorities to bulk water supply authority	
1213	Definitions for sdiv 3 . . . . .	75
1214	Application of sdiv 3 . . . . .	76
1215	Transfer scheme . . . . .	76
1216	Transfer notice . . . . .	77
1217	Process after transfer notice . . . . .	79
1218	Continuing authorities . . . . .	79
1219	References in supply agreements to particular transferring entities . . . . .	80
Subdivision 4	Provisions for ending the water market	
1220	Definitions for sdiv 4 . . . . .	81
1221	Existing grid contracts . . . . .	81
1222	Existing customer contracts . . . . .	82
1223	Market rules . . . . .	82
1224	Consultation for first code . . . . .	82
1225	Transitional regulation-making power for market rules and contracts . . . . .	83
Subdivision 5	Miscellaneous provisions	
1226	Continuation of system operating plan . . . . .	83
1227	Delayed application of ss 350–352. . . . .	84
1228	Notice to prepare water efficiency management plan given before commencement of no effect. . . . .	84
1229	Water efficiency management plan made before commencement of no effect . . . . .	84
1230	Commission water restriction imposed before commencement of no effect . . . . .	85
1231	Particular underground water impact reports taken to have been given by the office . . . . .	85
1232	Expenditure Advisory Committee . . . . .	85

	1233	First manager of the office . . . . .	86
	1234	Transitional regulation-making power for former commission and office . . . . .	86
78		Amendment of sch 4 (Dictionary) . . . . .	87
<b>Part 5</b>		<b>Amendment of Water Fluoridation Act 2008</b>	
79		Act amended . . . . .	89
80		Insertion of new s 6A . . . . .	89
	6A	Meaning of eligible relevant public potable water supply . . . . .	89
81		Replacement of s 7 (Requirement to add fluoride to relevant public potable water supply) . . . . .	90
	7	Requirement to add fluoride to relevant public potable water supply . . . . .	90
82		Amendment of s 8 (Exemption from requirement to add fluoride to relevant public potable water supply) . . . . .	91
83		Amendment of s 9 (When applicant not required to comply with s 7) . . . . .	92
84		Amendment of s 10 (Minister may refuse vexatious application) .	93
85		Insertion of new pt 12 . . . . .	93
	Part 12	Transitional provision for South East Queensland Water (Restructuring) and Other Legislation Amendment Act 2012	
	102	Applications for exemption . . . . .	93
86		Amendment of schedule (Dictionary) . . . . .	93
<b>Part 6</b>		<b>Amendment of Water Supply (Safety and Reliability) Act 2008</b>	
87		Act amended . . . . .	94
88		Amendment of s 13 (Requirement for responsible entity to give information) . . . . .	94
89		Amendment of s 41 (Restricting water supply outside the SEQ region) . . . . .	94
90		Amendment of s 42 (Regulator may direct restriction) . . . . .	95
91		Amendment of s 51 (Application of div 6) . . . . .	96
92		Amendment of s 52 (When water efficiency management plan may be required) . . . . .	96
93		Amendment of s 132 (Application of div 7) . . . . .	96
94		Amendment of s 138 (Guidelines for rate notice or account for supply of water to residential premises) . . . . .	96
95		Amendment of s 139 (Service provider to give occupier water advice) . . . . .	97

Contents

---

96	Amendment of s 169 (Restricting domestic water supply in particular circumstances) . . . . .	97
97	Amendment of s 318 (Meaning of relevant location for a drinking water service provider) . . . . .	97
98	Insertion of new s 356A . . . . .	97
	356A Compliance with safety or development condition . . . . .	97
99	Amendment of s 497 (Limitation on who may bring particular proceedings) . . . . .	98
100	Amendment of s 579 (Regulator may share particular information) . . . . .	98
101	Amendment of sch 3 (Dictionary) . . . . .	98
<b>Part 7</b>	<b>Minor and consequential amendments</b>	
102	Acts amended . . . . .	99
<b>Schedule</b>	<b>Acts amended</b> . . . . .	100
<b>Part 1</b>	<b>Amendments commencing on assent</b>	
	Local Government Act 2009 . . . . .	100
<b>Part 2</b>	<b>Amendments commencing by proclamation</b>	
	Energy and Water Ombudsman Act 2006 . . . . .	102
	Public Service Act 2008 . . . . .	103
	South East Queensland Water (Restructuring) Act 2007 . . . . .	103
	Water Act 2000 . . . . .	110

# 2012

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## A Bill

for

**An Act to amend the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*, the *South East Queensland Water (Restructuring) Act 2007*, the *Water Act 2000*, the *Water Fluoridation Act 2008* and the *Water Supply (Safety and Reliability) Act 2008* to facilitate the restructuring of the South East Queensland bulk water industry and for other purposes, and to make minor or consequential amendments of Acts as stated in the schedule**

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[s 1]

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**The Parliament of Queensland enacts—** 1

**Part 1 Preliminary** 2

**Clause 1 Short title** 3

This Act may be cited as the *South East Queensland Water (Restructuring) and Other Legislation Amendment Act 2012*. 4  
5

**Clause 2 Commencement** 6

The following provisions commence on a day to be fixed by proclamation— 7  
8

- parts 2 and 6 9
- part 3, division 3 10
- part 4, other than to the extent it amends the *Water Act 2000* to insert chapter 9, part 5, division 19, subdivisions 1 and 3 11  
12  
13
- schedule, part 2. 14

**Part 2 Amendment of South-East Queensland Water (Distribution and Retail Restructuring) Act 2009** 15  
16  
17  
18

**Clause 3 Act amended** 19

This part amends the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*. 20  
21

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<b>Clause 4</b>	<b>Amendment of s 4 (Achievement of purposes)</b>	1
	Section 4(2)(a), note—	2
	<i>omit.</i>	3
<b>Clause 5</b>	<b>Amendment of s 11 (Functions)</b>	4
	Section 11(1)(a)—	5
	<i>omit, insert—</i>	6
	‘(a) purchase water;’.	7
<b>Clause 6</b>	<b>Amendment of s 36 (Disqualifications for independent member)</b>	8
	(1) Section 36(c)—	9
	<i>omit.</i>	10
	(2) Section 36(f)(ii), ‘a new water entity’—	11
	<i>omit, insert—</i>	12
	‘the Queensland Bulk Water Supply Authority established’.	13
	(3) Section 36(d) to (f)—	14
	<i>renumber</i> as section 36(c) to (e).	15
<b>Clause 7</b>	<b>Amendment of s 49A (Individual directions)</b>	16
	(1) Section 49A(2)(b)—	17
	<i>omit.</i>	18
	(2) Section 49A(2)(c)—	19
	<i>renumber</i> as section 49A(2)(b).	20
<b>Clause 8</b>	<b>Omission of s 53AE (Provision for market rules)</b>	21
	Section 53AE—	22
	<i>omit.</i>	23
		24

<b>Clause 9</b>	<b>Omission of s 92CT (Provision for market rules)</b>	1
	Section 92CT—	2
	<i>omit.</i>	3
<b>Clause 10</b>	<b>Omission of ch 4, pt 3A (Code administration)</b>	4
	Chapter 4, part 3A—	5
	<i>omit.</i>	6
<b>Clause 11</b>	<b>Amendment of s 99AT (Restricting water supply)</b>	7
	Section 99AT(1)(b)(ii), ‘or commission water restriction under the Water Act’—	8 9
	<i>omit, insert</i> —	10
	‘under the Water Supply Act, section 41’.	11
<b>Clause 12</b>	<b>Amendment of s 99BB (Public notice about availability of draft code)</b>	12 13
	Section 99BB(1)(d), ‘commission’—	14
	<i>omit, insert</i> —	15
	‘chief executive’.	16
<b>Clause 13</b>	<b>Amendment of s 99BQ (Matters SEQ service provider must have regard to in making plan)</b>	17 18
	(1) Section 99BQ(1)(a), examples, third dot point—	19
	<i>omit.</i>	20
	(2) Section 99BQ(1)(d), ‘commission’—	21
	<i>omit, insert</i> —	22
	‘chief executive’.	23



---

<b>Clause 14</b>	<b>Omission of ch 5, pt 2 (Local government price mitigation documents)</b>	1 2
	Chapter 5, part 2—	3
	<i>omit.</i>	4
<b>Clause 15</b>	<b>Amendment of s 99BZD (Compensation by local governments for particular matters)</b>	5 6
	(1) Section 99BZD(1)(c)—	7
	<i>omit.</i>	8
	(2) Section 99BZD(1)(d)—	9
	<i>renumber</i> as section 99BZD(1)(c).	10
<b>Clause 16</b>	<b>Amendment of s 100C (Commission may make guidelines)</b>	11 12
	(1) Section 100C, heading, ‘Commission’—	13
	<i>omit, insert—</i>	14
	‘ <b>Chief executive</b> ’.	15
	(2) Section 100C, ‘commission’—	16
	<i>omit, insert—</i>	17
	‘chief executive’.	18
<b>Clause 17</b>	<b>Amendment of s 100DA (Requirement for SEQ service provider to give information)</b>	19 20
	Section 100DA(1) and (2), ‘commission’—	21
	<i>omit, insert—</i>	22
	‘chief executive’.	23
<b>Clause 18</b>	<b>Amendment of s 100F (Application of Water Supply Act enforcement provisions for particular offences)</b>	24 25
	(1) Section 100F(1)(b)—	26

[s 19]

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*omit.* 1

(2) Section 100F(1)(c)— 2

*renumber* as section 100F(1)(b). 3

(3) Section 100F(3)(b)— 4

*omit.* 5

(4) Section 100F(3)(c), ‘subsection (1)(c)’— 6

*omit, insert*— 7

‘subsection (1)(b)’. 8

(5) Section 100F(3)(c)— 9

*renumber* as section 100F(3)(b). 10

**Clause 19 Amendment of s 101 (Approved forms)** 11

Section 101, ‘commissioner under the Water Act’— 12

*omit, insert*— 13

‘chief executive of the department in which the Water Supply 14

Act is administered’. 15

**Clause 20 Insertion of new ch 6, pt 8** 16

Chapter 6— 17

*insert*— 18

---

<b>‘Part 8</b>	<b>Transitional provision for South East Queensland Water (Restructuring) and Other Legislation Amendment Act 2012</b>	1 2 3 4 5
<b>‘130</b>	<b>Effect of SEQ design and construction code</b>	6
‘(1)	This section applies to the SEQ design and construction code in effect for each SEQ service provider immediately before the commencement of this section.	7 8 9
‘(2)	On the commencement, the SEQ design and construction code continues as the SEQ design and construction code adopted by the SEQ service provider under this Act.’	10 11 12
<b>Clause 21</b>	<b>Amendment of schedule (Dictionary)</b>	13
	Schedule, definitions <i>commission</i> and <i>final price path</i> — <i>omit.</i>	14 15
<b>Part 3</b>	<b>Amendment of South East Queensland Water (Restructuring) Act 2007</b>	16 17 18
<b>Division 1</b>	<b>Preliminary</b>	19
<b>Clause 22</b>	<b>Act amended</b>	20
	This part amends the <i>South East Queensland Water (Restructuring) Act 2007</i> .	21 22

[s 23]

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*Note—*

See also the amendments in the schedule.

		1
		2
<b>Division 2</b>	<b>Amendments commencing on</b>	<b>3</b>
	<b>assent</b>	<b>4</b>
<b>Clause 23</b>	<b>Amendment of s 6 (Establishment of new water entities)</b>	<b>5</b>
(1)	Section 6(1)(c)—	6
	<i>omit.</i>	7
(2)	Section 6(1)(d)—	8
	<i>renumber</i> as section 6(1)(c).	9
<b>Clause 24</b>	<b>Amendment of s 9 (Functions of new water entities other than the water grid manager)</b>	<b>10</b>
(1)	Section 9(2)—	11
	<i>insert—</i>	12
	‘(fa) undertaking, with the State and service providers, collaborative planning activities with a view to doing each of the following and having regard to supply and demand—	13
	(i) supporting cost-effective operations;	14
	(ii) promoting efficient use of and investment in water infrastructure and other ancillary infrastructure;	15
	(iii) ensuring the safe, secure and reliable supply of water;’.	16
(2)	Section 9(2)(g), ‘(f)—	17
	<i>omit, insert—</i>	18
	‘(g)’.	19
(3)	Section 9(2)(fa) to (h)—	20
	<i>renumber</i> as section 9(2)(g) to (i).	21
		22
		23
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		25
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	(4) Section 9(3), ‘Seqwater’—	1
	<i>omit, insert—</i>	2
	‘the Queensland Bulk Water Supply Authority’.	3
	(5) Section 9—	4
	<i>insert—</i>	5
	‘(4) In this section—	6
	<i>service provider</i> see the <i>Water Act 2000</i> , schedule 4.	7
	<i>water infrastructure</i> see the <i>Water Act 2000</i> , schedule 4.’.	8
<b>Clause 25</b>	<b>Amendment of s 11 (Functions to be carried out commercially)</b>	9
	Section 11(2) and (3), ‘water entity’—	10
	<i>omit, insert—</i>	11
	‘new water entity’.	12
		13
<b>Clause 26</b>	<b>Amendment, relocation and renumbering of s 89 (Entry to, and use of, water entity’s land after transfer of asset attached to the land)</b>	14
	(1) Section 89—	15
	<i>insert—</i>	16
	‘(12) In this section—	17
	<i>repealed</i> , in relation to a provision of this Act, means the provision as it was in force immediately before its repeal by the <i>South East Queensland Water (Restructuring) and Other Legislation Amendment Act 2012</i> .	18
	<i>transfer notice</i> has the meaning given under repealed section 67.	19
	<i>water entity</i> has the meaning given under repealed section 65.’.	20
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[s 27]

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	(2) Section 89—	1
	<i>relocate</i> and <i>renumber</i> as section 116A.	2
<b>Clause 27</b>	<b>Relocation and renumbering of s 93 (Things done by, or given to, responsible Ministers)</b>	3
	Section 93—	4
	<i>relocate</i> and <i>renumber</i> as section 116B.	5
<b>Clause 28</b>	<b>Omission of chs 3 and 4</b>	6
	Chapters 3 and 4—	7
	<i>omit</i> .	8
<b>Clause 29</b>	<b>Amendment of s 104 (Relevant water entities)</b>	9
	Section 104(1)—	10
	<i>insert</i> —	11
	‘(ca) the Queensland Water Commission;’.	12
<b>Clause 30</b>	<b>Amendment of s 105 (Transfer of shares, assets, liabilities etc. to relevant water entity)</b>	13
	(1) Section 105(1)—	14
	<i>insert</i> —	15
	‘(la) the application of a particular industrial instrument to—	16
	(i) the employees mentioned in paragraph (l); or	17
	(ii) the relevant water entity to which the employees mentioned in paragraph (l) are transferred; or	18
	(iii) other employees of the relevant water entity mentioned in subparagraph (ii);’.	19
	(2) Section 105(1)(la) to (n)—	20
	<i>renumber</i> as section 105(1)(m) to (o).	21

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(3) Section 105—	1
<i>insert—</i>	2
‘(2A) Without limiting subsection (2), to remove any doubt it is declared that a regulation made under section 105(1)(m) applies despite—	3 4 5
(a) the <i>Industrial Relations Act 1999</i> ; and	6
(b) any industrial instrument.’	7
(4) Section 105—	8
<i>insert—</i>	9
‘(4A) Without limiting subsection (1), a regulation may make provision about accounting treatment in relation to a matter mentioned in subsection (1).’	10 11 12
(5) Section 105(6), definitions <i>authority</i> and <i>instrument—</i>	13
<i>omit.</i>	14
(6) Section 105(6)—	15
<i>insert—</i>	16
‘ <i>industrial instrument</i> see the <i>Public Service Act 2008</i> , schedule 4.’	17 18
(7) Section 105(2A) to (6)—	19
<i>renumber</i> as section 105(3) to (8).	20
<b>Clause 31      Amendment of s 110 (Non-liability for State taxes)</b>	21
(1) Section 110(1) and (2)—	22
<i>omit, insert—</i>	23
‘(1) A relevant water entity is not liable to pay a State tax in relation to—	24 25
(a) a transfer of a share, business, asset, liability or instrument, or any other thing done, under a regulation made under section 105; or	26 27 28

[s 32]

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(b) another dealing affecting a share, business, asset, liability or instrument as part of a restructure of a relevant water entity under a regulation made under section 105.’. 1  
2  
3  
4

(2) Section 110(3)— 5  
*renumber* as section 110(2). 6

**Clause 32 Replacement of s 111 (Preservation of rights of transferred employee)** 7  
8

Section 111— 9

*omit, insert—* 10

**‘111 Rights of transferred employees etc.** 11

‘(1) This section applies if there is a transfer of an employee (a *transferred employee*) from a relevant water entity (the *transferor*) to another relevant water entity (the *transferee*) under a regulation made under section 105. 12  
13  
14  
15

‘(2) The transfer does not— 16

(a) reduce the transferred employee’s total remuneration; or 17

(b) prejudice the transferred employee’s existing or accruing rights to superannuation or recreation, sick, long service or other leave; or 18  
19  
20

(c) interrupt continuity of service, except that the transferred employee is not entitled to claim the benefit of a right or entitlement more than once in relation to the same period of service; or 21  
22  
23  
24

(d) constitute a termination, retrenchment or redundancy of the transferred employee’s employment by the transferor; or 25  
26  
27

(e) entitle the transferred employee to a payment or other benefit merely because he or she is no longer employed by the transferor; or 28  
29  
30

(f) require the transferor to make any payment in relation to the transferred employee’s accrued rights to recreation, 31  
32



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	sick, long service or other leave irrespective of any arrangement between the transferor and the transferred employee.	1 2 3
	‘(3) The transfer has effect despite any other contract, law or instrument.	4 5
	‘(4) If the regulation mentioned in subsection (1) provides for the application of a particular industrial instrument to an employee of the transferee other than a transferred employee, the provision does not reduce the other employee’s total remuneration.’.	6 7 8 9 10
<b>Clause 33</b>	<b>Omission of s 112 (Prohibition on retrenchment because of transfer of employee)</b>	11 12
	Section 112—	13
	<i>omit.</i>	14
<b>Clause 34</b>	<b>Insertion of new ch 7</b>	15
	After chapter 6—	16
	<i>insert—</i>	17
<b>‘Chapter 7</b>	<b>Transitional provisions for South East Queensland Water (Restructuring) and Other Legislation Amendment Act 2012</b>	18 19 20 21 22
<b>‘118</b>	<b>Application of former ss 111 and 112 to employees transferred from WaterSecure to Queensland Bulk Water Supply Authority</b>	23 24 25
	‘(1) This section applies to employees transferred from WaterSecure to the Authority under a regulation made under section 105.	26 27 28

[s 34]

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‘(2) On the commencement of this section—	1
(a) former sections 111 and 112 stop applying for the transferred employees; and	2 3
(b) any requirement in a document for the Authority to act in accordance with former section 112 no longer applies.	4 5 6
‘(3) In this section—	7
<i>Authority</i> means the Queensland Bulk Water Supply Authority.	8 9
<i>former</i> , in relation to a provision, means as in force immediately before the replacement or repeal of the provision by the <i>South East Queensland Water (Restructuring) and Other Legislation Amendment Act 2012</i> .	10 11 12 13
<i>WaterSecure</i> means the Queensland Manufactured Water Authority previously established under former section 6.	14 15
<b>‘119 Continuation of repealed evidentiary provision relating to the project</b>	16 17
‘(1) Repealed section 95, as it was in force immediately before the commencement of this section, continues to apply despite its repeal.	18 19 20
‘(2) For subsection (1), a term used in repealed section 95 has the meaning given under this Act as it was in force immediately before the commencement of this section.	21 22 23
<i>Note—</i>	24
Repealed section 95 provided for—	25
• a certificate signed by the Minister to be evidence of particular matters relating to the project; and	26 27
• a copy of a project direction certified by the Minister to be evidence of the direction.’	28 29

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<b>Clause 35</b>	<b>Omission of sch 1 (Local governments that are water entities)</b>	1
	Schedule 1—	2
	<i>omit.</i>	3
		4
<b>Clause 36</b>	<b>Amendment of sch 3 (Dictionary)</b>	5
(1)	Schedule 3, definitions <i>certified agreement, Esk–Gatton–Laidley Water Board, infrastructure department, instrument, person involved in the project, project, project direction, Seqwater, SunWater, transfer notice, treasury department, Water Act, water activity, water entity, Water regulation, WaterSecure and Water Supply Act—</i>	6
	<i>omit.</i>	7
		8
(2)	Schedule 3—	9
	<i>insert—</i>	10
	<i>‘instrument</i> means any document, and includes—	11
	(a) an oral agreement; and	12
	(b) an application; and	13
	(c) an accreditation, allocation, approval, certificate, entitlement, exemption, licence, manual, notice, permit, plan and any other authority.	14
	<i>Water Supply Act</i> means the <i>Water Supply (Safety and Reliability) Act 2008</i> .’.	15
		16
		17
		18
		19
		20
		21
		22
<b>Division 3</b>	<b>Amendments commencing on proclamation</b>	23
		24
<b>Clause 37</b>	<b>Replacement of ch 2, hdg (Water grid manager and bulk water supply authorities)</b>	25
	Chapter 2, heading—	26
		27

[s 38]

---

*omit, insert—*

1

## **‘Chapter 2 Queensland Bulk Water Supply Authority’.**

2

3

### **Clause 38 Amendment of s 6 (Establishment of new water entities)**

4

(1) Section 6, heading, ‘new water entities’—

5

*omit, insert—*

6

**‘Queensland Bulk Water Supply Authority’.**

7

(2) Section 6(1)—

8

*omit, insert—*

9

‘(1) The Queensland Bulk Water Supply Authority (the *Authority*) continues in existence.’.

10

11

(3) Section 6(2) and (3), ‘A new water entity’—

12

*omit, insert—*

13

‘The Authority’.

14

### **Clause 39 Amendment of s 9 (Functions of new water entities other than the water grid manager)**

15

16

(1) Section 9, heading—

17

*omit, insert—*

18

#### **‘9 Functions of Authority’.**

19

(2) Section 9(1)—

20

*omit.*

21

(3) Section 9(2), ‘A new water entity’—

22

*omit, insert—*

23

‘The Authority’.

24

(4) Section 9(2)(b), example, ‘the entity’s’—

25

*omit, insert—*

26

---

	‘the Authority’s’.	1
(5)	Section 9(2)(f), ‘the entity’s’—	2
	<i>omit, insert—</i>	3
	‘its’.	4
(6)	Section 9(3), ‘Queensland Bulk Water Supply Authority’—	5
	<i>omit, insert—</i>	6
	‘Authority’.	7
(7)	Section 9(2) to (4)—	8
	<i>renumber</i> as section 9(1) to (3).	9
<b>Clause 40</b>	<b>Omission of s 10 (Functions of the water grid manager)</b>	10
	Section 10—	11
	<i>omit.</i>	12
<b>Clause 41</b>	<b>Replacement of s 11 (Functions to be carried out commercially)</b>	13
	Section 11—	14
	<i>omit, insert—</i>	15
<b>‘11</b>	<b>Functions to be carried out commercially</b>	16
	‘(1) The Authority must carry out its functions as a commercial enterprise.’	17
	‘(2) Subsection (1) does not apply to the extent the Authority is required under this Act to perform a community service obligation other than as a commercial enterprise.’.	18
		19
		20
		21
		22
<b>Clause 42</b>	<b>Amendment of s 16 (Appointment of members)</b>	23
(1)	Section 16(3)(c)—	24
	<i>omit.</i>	25

[s 43]

---

- (2) Section 16(3)(d) and (e)— 1  
*renumber* as section 16(3)(c) and (d). 2

**Clause 43 Insertion of new s 50A** 3

After section 50— 4

*insert*— 5

**‘50A Strategic and operational plans must not be inconsistent with statement of obligations** 6  
7

- ‘(1) This section applies if the Authority has a statement of 8  
obligations when the strategic or operational plan for a 9  
financial year is agreed to in writing by the responsible 10  
Ministers. 11
- ‘(2) The strategic or operational plan must not be inconsistent with 12  
the statement of obligations.’ 13

**Clause 44 Amendment of s 51 (Content of operational plan)** 14

Section 51(c)— 15

*insert*— 16

- ‘(v) if the Authority has a statement of obligations 17  
when the operational plan is agreed to in writing by 18  
the responsible Ministers—the activities proposed 19  
to be undertaken by the Authority in accordance 20  
with the statement of obligations; and’ 21

**Clause 45 Insertion of new ch 2, pt 4, div 5** 22

Chapter 2, part 4— 23

*insert*— 24

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<b>‘Division 5</b>	<b>Statement of obligations</b>	1
<b>‘51A</b>	<b>Issue of statement of obligations</b>	2
‘(1)	The responsible Ministers may issue a statement of obligations to the Authority from time to time.	3 4
‘(2)	A statement of obligations issued to the Authority has effect until it expires under section 51D or it is revoked by the responsible Ministers, whichever happens first.	5 6 7
‘(3)	To the extent the Authority’s statement of obligations is inconsistent with another instrument made under this or another Act, the other instrument prevails.	8 9 10
<b>‘51B</b>	<b>Consultation with the board before issuing statement of obligations</b>	11 12
‘(1)	Before issuing a statement of obligations to the Authority, the responsible Ministers must—	13 14
(a)	give the board a copy of the proposed statement of obligations and ask the board for its comments; and	15 16
(b)	consider any comments given to them by the board under subsection (2).	17 18
‘(2)	The board may give the responsible Ministers comments on the proposed statement of obligations within 30 days after it is given to the board.	19 20 21
<b>‘51C</b>	<b>Content of statement of obligations</b>	22
‘(1)	A statement of obligations may contain provisions about the strategic or operational activities of the Authority in the performance of its functions.	23 24 25
‘(2)	Without limiting subsection (1), a statement of obligations may include provisions about—	26 27
(a)	governance; or	28
(b)	quality and performance standards; or	29

[s 46]

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- (c) customer and community consultation; or 1
- (d) total water cycle management. 2

**‘51D Expiry of statement of obligations 3**

‘A statement of obligations expires 3 years after the day the 4  
statement is issued to the Authority, unless it is revoked earlier 5  
by the responsible Ministers.’. 6

**Clause 46 Amendment of s 104 (Relevant water entities) 7**

Section 104(1)(c) and (ca)— 8  
*omit.* 9

**Clause 47 Insertion of new ss 120 and 121 10**

Chapter 7— 11  
*insert—* 12

**‘120 Strategic and operational plans for 2013–14 financial 13  
year 14**

‘(1) This section applies if all or part of the business of LinkWater 15  
or the water grid manager is transferred to the Authority under 16  
a regulation made under section 105 during the period starting 17  
on 1 December 2012 and ending on 30 June 2013. 18

‘(2) The time within which the board must prepare and submit, 19  
under section 45, a draft of the strategic and operational plans 20  
for the 2013–14 financial year is the time agreed between the 21  
board and the responsible Ministers. 22

‘(3) If a draft plan has not been agreed to within 1 month after its 23  
submission to the responsible Ministers, the responsible 24  
Ministers may give a direction under section 46(3). 25

‘(4) The period for which the strategic or operational plan applies 26  
is— 27

- (a) the remainder of the 2013–14 financial year; and 28





[s 49]

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*Note—*

See also the amendments in the schedule.

		1
		2
<b>Clause 49</b>	<b>Amendment of s 212A (Applying for transmission water licence)</b>	3 4
(1)	Section 212A(1)(a), ‘water grid manager’—	5
	<i>omit, insert—</i>	6
	‘bulk water supply authority’.	7
(2)	Section 212A(3), from ‘a declared’ to ‘manager’—	8
	<i>omit, insert—</i>	9
	‘bulk services under a bulk water supply agreement, the bulk water supply authority’.	10 11
<b>Clause 50</b>	<b>Amendment of s 340 (Main purpose of ch 2A and its achievement)</b>	12 13
	Section 340(2)—	14
	<i>omit, insert—</i>	15
‘(2)	The purpose is achieved by—	16
(a)	providing for the desired level of service objectives for water security in the SEQ region and designated regions; and	17 18 19
(b)	requiring the bulk water supply authority and water service providers for designated regions to have a water security program including plans and strategies to facilitate the achievement of the desired level of service objectives; and	20 21 22 23 24
(c)	optimising an efficient and reliable supply of water for the SEQ region by providing for the making of—	25 26
(i)	agreements for the supply of bulk services between SEQ bulk suppliers and bulk water customers; and	27 28
(ii)	a code to decide costs and prices and to regulate the way in which entities supply bulk services.’.	29 30

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<b>Clause 51</b>	<b>Replacement of ch 2A, pts 2 to 7</b>	1
	Chapter 2A, parts 2 to 7—	2
	<i>omit, insert—</i>	3
<b>‘Part 2</b>	<b>Water security planning</b>	4
<b>‘Division 1</b>	<b>Designation of regions and nomination of water service providers</b>	5
		6
		7
<b>‘342</b>	<b>Designation of regions</b>	8
‘(1)	A regulation may designate a part of the state other than the SEQ region as a designated region for this part.	9
		10
‘(2)	Before recommending the making of a regulation under subsection (1), the Minister must—	11
		12
	(a) have regard to—	13
	(i) the geography, society and economy of the proposed designated region; and	14
		15
	(ii) water users and potential water users in the proposed designated region; and	16
		17
	(b) consider options for achieving water security for the proposed designated region; and	18
		19
	(c) consult with each local government whose local government area is wholly or partly in the proposed designated region.	20
		21
		22
‘(3)	The Minister may carry out the consultation in any way the Minister considers appropriate.	23
		24
<b>‘343</b>	<b>Nomination of water service providers</b>	25
‘(1)	This section applies if there is more than 1 water service provider for a designated region.	26
		27
‘(2)	A regulation may nominate 1 or more of the water service providers as a water service provider (a <i>nominated water</i>	28
		29

[s 51]

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*service provider*) for the designated region or a part of the region for this part. 1  
2

**‘Division 2                      Desired level of service objectives                      3**

**‘344      Desired level of service objectives                      4**

- ‘(1) A regulation may prescribe— 5
- (a) the desired level of service objectives for water security for the SEQ region, or part of the SEQ region; or 6  
7
  - (b) the desired level of service objectives for water security for a designated region, or part of the designated region. 8  
9
- ‘(2) The Minister may recommend to the Governor in Council a regulation under subsection (1) only if the Minister is satisfied sections 345 and 346 have been complied with for the regulation. 10  
11  
12  
13
- ‘(3) However, the Minister may recommend to the Governor in Council a regulation under subsection (1) that is only to correct a minor error or make another change that is not a change of substance even though only section 345 has been complied with for the regulation. 14  
15  
16  
17  
18
- ‘(4) Without limiting subsection (1), the desired level of service objectives for water security include the duration, frequency and severity of water restrictions that may be expected by end users of the water. 19  
20  
21  
22

**‘345      Public notice about proposed desired level of service objectives                      23  
24**

- ‘(1) Before a regulation is made under section 344 to prescribe the desired level of service objectives for water security for the SEQ region, a designated region or a part of the SEQ region or a designated region, the chief executive must publish a notice about the regulation. 25  
26  
27  
28  
29
- ‘(2) The notice must state the following— 30

- 
- (a) that the desired level of service objectives for water security (the *proposed desired level of service objectives*) are to be prescribed; 1  
2  
3
- (b) the region or the part of the region for which the proposed desired level of service objectives for water security are to apply; 4  
5  
6
- (c) a description of the proposed desired level of service objectives; 7  
8
- (d) that written submissions may be made by any entity about the proposed level of service objectives; 9  
10
- (e) the day by which submissions must be made and the person to whom, and the place where, the submissions must be made. 11  
12  
13
- ‘(3) The day stated under subsection (2)(e) must not be earlier than 28 business days after the day the notice is published. 14  
15
- ‘(4) The chief executive must give a copy of the notice to the following— 16  
17
- (a) if the proposed desired level of service objectives are for the SEQ region or part of the SEQ region—the bulk water supply authority; 18  
19  
20
- (b) if the proposed desired level of service objectives are for a designated region or part of a designated region— 21  
22
- (i) if there is a nominated water service provider for the region—the nominated water service provider; 23  
24  
or 25
- (ii) otherwise—each water service provider for the designated region. 26  
27
- ‘(5) The chief executive may— 28
- (a) give a copy of the notice to any other entity the chief executive considers appropriate; and 29  
30
- (b) publish a copy of the notice on the department’s website. 31  
32

[s 51]

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<b>‘346 Chief executive must consider properly made submissions</b>	1 2
‘(1) The chief executive must consider all properly made submissions about the proposed desired level of service objectives.	3 4 5
‘(2) If, after considering all properly made submissions, the chief executive is satisfied that the proposed desired level of service objectives should be revised, the chief executive may revise the proposed desired level of service objectives (the <i>revised proposed objectives</i> ).	6 7 8 9 10
‘(3) If the chief executive decides to revise the proposed desired level of service objectives, section 345 and subsections (1) and (2) apply in relation to the revised proposed objectives as if a reference in the section or subsections to the proposed desired level of service objectives were a reference to the revised proposed objectives.	11 12 13 14 15 16
‘(4) However, this section does not apply to a regulation to amend the desired level of service objectives for water security if the amendment is only to correct a minor error or make another change that is not a change of substance.	17 18 19 20
<b>‘347 Report on desired level of service objectives</b>	21
‘(1) If a regulation prescribes desired level of service objectives for water security for the SEQ region, a designated region or a part of the SEQ region or a designated region, the chief executive must prepare a report about the desired level of service objectives for water security for the region or the part of the region.	22 23 24 25 26 27
‘(2) The report must include—	28
(a) a summary of issues raised in properly made submissions about the desired level of service objectives; and	29 30 31
(b) a summary of how the issues raised in the submissions have been addressed by the chief executive.	32 33

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<b>‘348</b>	<b>Review of desired level of service objectives</b>	1
	‘If a regulation prescribes desired level of service objectives for water security, the chief executive must review the objectives at least every 5 years.	2 3 4
<b>‘Division 3</b>	<b>Water security program</b>	5
<b>‘Subdivision 1</b>	<b>Preliminary</b>	6
<b>‘349</b>	<b>Definition for div 3</b>	7
	‘In this division—	8
	<i>designated water security entity</i> means—	9
	(a) the bulk water supply authority; or	10
	(b) a water service provider required to have a water security program under section 351 or 352.	11 12
<b>‘Subdivision 2</b>	<b>Requirement for water security program</b>	13 14
<b>‘350</b>	<b>Bulk water supply authority to have water security program</b>	15 16
	‘The bulk water supply authority must have a water security program complying with section 353 to facilitate the achievement of the desired level of service objectives for water security for the SEQ region or each part of the SEQ region.	17 18 19 20 21
	Maximum penalty—1665 penalty units.	22

[s 51]

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<b>‘351</b>	<b>Nominated water service providers to have water security program</b>	1 2
	‘A nominated water service provider for a designated region or part of a designated region must have a water security program complying with section 353 to facilitate the achievement of the desired level of service objectives for water security for the designated region or the part of the designated region.	3 4 5 6 7 8
	Maximum penalty—1665 penalty units.	9
<b>‘352</b>	<b>Particular water service providers to have water security program</b>	10 11
	‘(1) This section applies if there is no nominated water service provider for a designated region.	12 13
	‘(2) A water service provider for the designated region or part of the designated region must have a water security program complying with section 353 to facilitate the achievement of the desired level of service objectives for water security for the designated region or the part of the designated region.	14 15 16 17 18
	Maximum penalty—1665 penalty units.	19
<b>‘353</b>	<b>Content of water security program</b>	20
	‘(1) A water security program must include information about a designated water security entity’s arrangements, strategies or measures for—	21 22 23
	(a) operating the designated water security entity’s assets for providing water services in the region or part of the region to which the water security program relates; and	24 25 26
	(b) addressing future infrastructure needs, including building new infrastructure or augmenting existing infrastructure; and	27 28 29
	(c) managing the infrastructure relevant to the designated water security entity’s operations; and	30 31
	(d) managing demand for water; and	32



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(e)	responding to drought conditions; and	1
(f)	any other matter prescribed under a regulation.	2
‘(2)	The chief executive may make guidelines to provide information and guidance to a designated water security entity about the content of a water security program.	3 4 5
‘(3)	Subsections (1) and (2) do not limit what may be included in a water security program.	6 7
‘(4)	A water security program may comprise 1 or more existing documents that comply with the requirements of this section.	8 9
<b>‘Subdivision 3</b>	<b>Preparing and finalising water security program</b>	10 11
<b>‘354</b>	<b>Preparing draft water security program</b>	12
	‘A designated water security entity must prepare a draft water security program.	13 14
<b>‘355</b>	<b>Consultation for draft water security program</b>	15
‘(1)	In preparing the draft water security program, the designated water security entity must make reasonable endeavours to consult with each of the designated water security entity’s customers likely to be affected by the water security program.	16 17 18 19
‘(2)	A failure to comply with subsection (1) does not invalidate or otherwise affect the program.	20 21
<b>‘356</b>	<b>Chief executive to review draft water security program</b>	22
‘(1)	After preparing the draft water security program, the designated water security entity must give the chief executive the draft water security program.	23 24 25
‘(2)	The chief executive must review the draft water security program and decide whether to recommend changes to the draft water security program.	26 27 28

[s 51]

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- ‘(3) If the chief executive decides not to recommend changes, the  
chief executive must give the designated water security entity  
notice of the decision within 30 days after receiving the draft  
water security program.
- ‘357 Special procedures for draft water security program if  
changes recommended**
- ‘(1) This section applies if the chief executive decides to  
recommend a change, other than a change to correct a minor  
error or another change that is not a change of substance, to  
the draft water security program.
- ‘(2) Within 30 days after receiving the draft water security  
program, the chief executive must give the designated water  
security entity notice of the decision and request it to—
- (a) consider, or further consider, any matter and deal with  
the matter in the draft program; and
- (b) revise the draft program in the light of its consideration  
or further consideration.
- ‘(3) Within 14 days after receiving the notice, the designated water  
security entity must consider the request and decide whether  
to revise the draft program.
- ‘(4) If the designated water security entity decides to revise the  
draft water security program, the designated water security  
entity must prepare a revised draft water security program  
within 14 days after making the decision.
- ‘(5) If the designated water security entity prepares a revised draft  
water security program, section 356 and this section apply—
- (a) as if a reference in the subdivision to a draft water  
security program were a reference to the revised draft  
water security program; and
- (b) with any other necessary changes.
- ‘(6) If the designated water security entity decides not to revise the  
draft water security program, the designated water security  
entity must, within 14 days after making the decision, give the

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chief executive notice of the decision and the reasons for the decision.	1 2
<b>‘358 Finalisation and publication of water security program</b>	3
‘(1) This section applies if—	4
(a) the chief executive gives the designated water security entity a notice under section 356(3); or	5 6
(b) the designated water security entity gives the chief executive a notice under section 357(6).	7 8
‘(2) The designated water security entity may finalise the water security program.	9 10
‘(3) As soon as practicable after finalising the water security program, the designated water security entity must publish the program on its website.	11 12 13
‘(4) The water security program does not have effect until it is published under subsection (3).	14 15
‘(5) Despite subsection (3), the designated water security entity may decide not to publish or allow inspection of any part of the water security program the designated water security entity is reasonably satisfied contains sensitive security information.	16 17 18 19 20
<b>‘Subdivision 4 Review and amendment of water security program</b>	21 22
<b>‘359 Review of water security program</b>	23
‘(1) A designated water security entity must review its water security program at least every 5 years.	24 25
‘(2) The designated water security entity must also review its water security program if there is a significant change in any matter affecting, or likely to affect, the achievement of the desired level of service objectives for water security.	26 27 28 29

[s 51]

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<b>‘360</b>	<b>Amendment of water security program</b>	1
‘(1)	A designated water security entity may amend its water security program.	2 3
‘(2)	The designated water security entity must amend its water security program if—	4 5
(a)	the designated water security entity considers it reasonably necessary to amend the program as a result of a review under section 348; or	6 7 8
(b)	the chief executive directs the designated water security entity to amend the program.	9 10
<b>‘360A</b>	<b>Procedure for amending water security program</b>	11
‘(1)	For amending a water security program, subdivision 3 applies—	12 13
(a)	as if a reference in the subdivision to a draft water security program were a reference to the draft amendments of the water security program; and	14 15 16
(b)	with any other necessary changes.	17
‘(2)	However, subsection (1) does not apply if the amendment is only to correct a minor error in the water security program or make another change that is not a change of substance.	18 19 20
<b>‘Subdivision 5</b>	<b>Miscellaneous provision</b>	21
<b>‘360B</b>	<b>Designated water security entity not required to prepare drought management plan under Water Supply Act</b>	22 23 24
‘(1)	This section applies to a designated water security entity if the entity has a water security program for the SEQ region, a designated region or part of the SEQ region or designated region.	25 26 27 28
‘(2)	Despite the Water Supply Act, section 123, the designated water security entity is not required to have a drought	29 30

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management plan under that Act for the region or the part of  
the region. 1  
2

## **‘Part 3 Arrangements for SEQ region 3**

### **‘Division 1 Preliminary 4**

#### **‘360C Definitions for pt 3 5**

‘In this part— 6

*agreement amendment* see section 360H(2). 7

*bulk services* means each of the following— 8

(a) a water service or a part of a water service; 9

(b) a service relating to the supply of water. 10

*bulk water customer* means— 11

(a) an SEQ service provider; or 12

(b) an entity declared under a regulation to be a bulk water  
customer for this part. 13  
14

*bulk water party* means— 15

(a) a bulk water customer; or 16

(b) an SEQ bulk supplier. 17

*bulk water supply agreement* see section 360G(1). 18

*bulk water supply code* see section 360M(1). 19

*code-regulated entity* means— 20

(a) a bulk water party; or 21

(b) an entity declared under a regulation to be a  
code-regulated entity for this part. 22  
23

[s 51]

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**emergency plan** means a plan of a type the bulk water supply code states is required to be made by a code-regulated entity for an emergency related to water. 1  
2  
3

**mandatory term** see section 360G(2)(a). 4

**SEQ bulk supplier** means— 5

(a) the bulk water supply authority; or 6

(b) an entity declared under a regulation to be an SEQ bulk supplier for this part. 7  
8

**‘360D Operation of pt 3** 9

‘This part provides for the following to optimise the efficient and reliable supply of water for the SEQ region— 10  
11

(a) the preparation of agreements for the supply of bulk services between SEQ bulk suppliers and bulk water customers; 12  
13  
14

(b) the making of a code to— 15

(i) decide costs and prices; and 16

(ii) regulate the way in which entities supply bulk services. 17  
18

**‘360E Application of pt 3** 19

‘This part applies to bulk services whether or not the bulk services are supplied in the SEQ region. 20  
21

**‘360F Obtaining information** 22

‘(1) For this part, the chief executive may give the bulk water supply authority a notice requiring information about 1 or more of the following— 23  
24  
25

(a) demand for bulk services from bulk water customers; 26

(b) operating arrangements for the authority’s assets or infrastructure; 27  
28

- 
- (c) the costs or revenue of the authority for bulk services; 1
- (d) other information the chief executive reasonably 2  
requires for the administration of this part. 3
- ‘(2) The notice— 4
- (a) may be given at any time; and 5
- (b) must state the reasonable time by which the information 6  
must be given to the chief executive; and 7
- (c) may require the information for 1 or more of the 8  
following— 9
- (i) a particular period of time; 10
- (ii) each bulk water customer or class of bulk 11  
water customer; 12
- (iii) a local government area or part of a local 13  
government area. 14
- ‘(3) The bulk water supply authority must comply with the notice, 15  
unless it has a reasonable excuse. 16
- Maximum penalty—200 penalty units. 17

## ‘Division 2 Bulk water supply agreements 18

### ‘360G Making agreement 19

- ‘(1) The Minister may make a document (a *bulk water supply 20  
agreement*), in the form of a contract, providing for the supply 21  
of bulk services, stated in the document, between an SEQ bulk 22  
supplier, named in the document, and a bulk water customer, 23  
named in the document. 24
- ‘(2) A bulk water supply agreement may include— 25
- (a) terms that must not be amended (each a *mandatory 26  
term*); and 27
- (b) terms that may be amended by the bulk water parties 28  
named in the agreement. 29

[s 51]

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- ‘(3) A bulk water supply agreement has effect as a contract between each bulk water party named in the agreement on the day the agreement is made by the Minister. 1  
2  
3
- ‘(4) A bulk water supply agreement has effect as a contract whether or not— 4  
5
- (a) it is executed by each bulk water party named in the agreement, other than to the extent an amendment to the agreement must be executed under section 360H; or 6  
7  
8
- (b) an amount payable for the supply of bulk services is provided for under the agreement. 9  
10
- ‘360H Bulk water party may amend non-mandatory terms of agreement 11  
12**
- ‘(1) A bulk water party for a bulk water supply agreement may amend the agreement, including by adding a term to the agreement, to the extent the amendment does not conflict with a mandatory term of the agreement. 13  
14  
15  
16
- ‘(2) An amendment to a bulk water supply agreement (an *agreement amendment*) must be— 17  
18
- (a) executed by each bulk water party for the agreement; and 19  
20
- (b) given to the Minister as soon as practicable after the amendment has been executed. 21  
22
- ‘(3) An agreement amendment takes effect on the day it is executed under subsection (2)(a). 23  
24
- ‘360I Minister’s direction about agreement amendment 25**
- ‘(1) The Minister may direct a bulk water party for a bulk water supply agreement to change an agreement amendment if the Minister considers the agreement amendment conflicts with a mandatory term of the bulk water supply agreement. 26  
27  
28  
29
- ‘(2) Before giving a direction under subsection (1), the Minister must— 30  
31



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(a)	within 2 months after the day the Minister receives the agreement amendment, give each bulk water party for the bulk water supply agreement a notice stating—	1 2 3
(i)	the reasons why the Minister considers the agreement amendment conflicts with a mandatory term; and	4 5 6
(ii)	that the bulk water party may, within the period of at least 10 business days stated in the notice, make a submission to the Minister about the agreement amendment and the reasons mentioned in subparagraph (i); and	7 8 9 10 11
(b)	consider any submissions made by a bulk water party under paragraph (a).	12 13
‘(3)	If the Minister gives a direction under subsection (1), the agreement amendment is taken never to have had effect.	14 15
<b>‘360J</b>	<b>Offence to fail to comply with Minister’s direction about agreement amendment</b>	16 17
	‘A bulk water party must comply with a direction given to it by the Minister under section 360I.	18 19
	Maximum penalty—1665 penalty units.	20
<b>‘360K</b>	<b>Record of bulk water supply agreements</b>	21
	‘The chief executive must keep a copy of each agreement and each agreement amendment made under this part, as in force from time to time.	22 23 24
<b>‘360L</b>	<b>Liability of bulk water parties</b>	25
‘(1)	A bulk water party is not civilly liable to another bulk water party (a <i>relevant entity</i> ) for any consequential loss suffered by the relevant entity arising out of, or in relation to, an act or omission, including a negligent act or omission, of the bulk water party in the performance of, or in a failure to perform, its functions under this Act or its obligations—	26 27 28 29 30 31

[s 51]

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- (a) other than to the extent that the consequential loss was caused, or contributed to, by the wilful default of the bulk water party; or
- (b) if the bulk water party recovers compensation from an entity in relation to the consequential loss suffered by the relevant entity—other than to the extent of the net compensation amount.
- ‘(2) To remove any doubt, it is declared that—
- (a) nothing in this section is taken—
- (i) to create a cause of action against a bulk water party; or
- (ii) to limit the liability of the bulk water party to an entity for a claim for personal injury suffered by the entity; and
- (b) to the extent that an act or omission of a bulk water party is inconsistent with a contract, in force immediately before the commencement of this section, to which the bulk water party and a relevant entity are parties, the bulk water party’s liability to the relevant entity is limited by subsection (1).
- ‘(3) A bulk water party may, in a contract, expressly vary or exclude the operation of subsection (1) in relation to the liability of the bulk water party to another party to the contract.
- ‘(4) Subsection (1) does not apply to a bulk water party to the extent that a contract mentioned in subsection (3) expressly varies or excludes its operation in relation to the other party to the contract.
- ‘(5) In this section—
- consequential loss*** includes the following—
- (a) any loss of anticipated or actual revenue or profits;
- (b) loss of use of equipment;
- (c) business interruption or a failure to realise anticipated savings;

- 
- (d) loss of data; 1
- (e) downtime costs or wasted overheads; 2
- (f) loss of goodwill or business opportunity; 3
- (g) punitive or exemplary damages; 4
- (h) any special or indirect loss or damage of any nature 5  
whatsoever. 6
- function*** includes power. 7
- net compensation amount***, for compensation recovered by a 8  
bulk water party, means the compensation less an amount that 9  
represents any loss suffered by the bulk water party in relation 10  
to the consequential loss and any costs incurred in recovering 11  
the compensation. 12
- obligations***, of a bulk water party, means the bulk water 13  
party's obligations under the following— 14
- (a) the bulk water supply code or operating protocols; 15
- (b) a bulk water supply agreement in which the bulk water 16  
party is named as a party; 17
- (c) an instrument made, or direction given, under the bulk 18  
water supply code or operating protocols. 19
- operating protocols*** means the operating protocols made 20  
under the bulk water supply code. 21
- perform*** includes purport to perform. 22
- wilful default***, by a bulk water party, includes— 23
- (a) any fraudulent conduct, including concealment; and 24
- (b) any criminal conduct; and 25
- (c) any intentional or reckless breach of, or failure to 26  
remedy a breach of, the bulk water party's obligations. 27

[s 51]

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<b>‘Division 3</b>	<b>Bulk water supply code</b>	1
<b>‘Subdivision 1</b>	<b>General provisions about code</b>	2
<b>‘360M Minister’s power to make code</b>		3
‘(1)	Subject to subdivision 2, the Minister may make a code (the <i>bulk water supply code</i> ) for the SEQ region about the supply of bulk services by a code-regulated entity.	4 5 6
‘(2)	The bulk water supply code applies to each code-regulated entity whether or not the entity supplies bulk services under a bulk water supply agreement.	7 8 9
‘(3)	The bulk water supply code is a statutory instrument under the <i>Statutory Instruments Act 1992</i> but is not subordinate legislation.	10 11 12
<b>‘360N Content of code—costs and prices</b>		13
‘(1)	The bulk water supply code may establish principles for deciding the following categories of costs and prices—	14 15
(a)	the bulk water cost;	16
(b)	the bulk water price;	17
(c)	the other user price.	18
‘(2)	The bulk water cost is the cost for the bulk water supply authority to supply bulk services.	19 20
‘(3)	The bulk water price is the price the bulk water supply authority may charge an SEQ service provider for the supply of bulk services.	21 22 23
‘(4)	The other user price is the price the bulk water supply authority may charge a bulk water customer, other than an SEQ service provider, for the supply of bulk services.	24 25 26

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<b>‘360O Content of code—general</b>	1
‘The bulk water supply code may include the following—	2
(a) the rights and obligations of a code-regulated entity under the code;	3 4
(b) operating requirements for a code-regulated entity;	5
(c) requirements to make or comply with an emergency plan;	6 7
(d) the principles for the supply of bulk services by an SEQ service provider to the bulk water supply authority, including the principles for the bulk water supply authority to pay a charge for the bulk services;	8 9 10 11
(e) provision for an entity to give advice to the Minister about—	12 13
(i) the principles mentioned in paragraph (d); or	14
(ii) costs or prices under the code; or	15
(iii) any other thing that may affect costs or prices under the code;	16 17
(f) the way in which an entity to which paragraph (e) applies may investigate a matter under the code;	18 19
(g) whether any part of the code may be amended without consultation;	20 21
(h) any other thing the Minister considers appropriate to facilitate the supply of bulk services.	22 23
<b>‘360P When code takes effect</b>	24
‘(1) The Minister must notify the making of the bulk water supply code.	25 26
‘(2) The notice made under subsection (1) is subordinate legislation.	27 28
‘(3) The bulk water supply code takes effect—	29
(a) on the day the Minister’s notice is notified in the gazette; or	30 31

[s 51]

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(b) if a later day is stated in the Minister’s notice—on that day.	1 2
<b>‘360Q Tabling of code</b>	3
‘(1) Within 21 days after the bulk water supply code or an amendment of the code takes effect, the Minister must table a copy of the code or the amendment in the Legislative Assembly.	4 5 6 7
‘(2) The copy is tabled for information only.	8
‘(3) A failure to table a copy does not affect the bulk water supply code’s ongoing effect.	9 10
<b>‘360R Publication of code</b>	11
‘The chief executive must publish the bulk water supply code, as in force from time to time, on the department’s website.	12 13
<b>‘360S Compliance with code</b>	14
‘A code-regulated entity must not contravene a provision of the bulk water supply code.	15 16
Maximum penalty—	17
(a) for contravention of a provision about making or complying with an emergency plan—1665 penalty units; or	18 19 20
(b) otherwise—200 penalty units.	21
<b>‘360T Civil liability not affected by code</b>	22
‘(1) Compliance or noncompliance with the bulk water supply code does not—	23 24
(a) create a civil cause of action based on the compliance or noncompliance; or	25 26
(b) affect or limit a civil right or remedy that exists apart from this Act, whether at common law or otherwise.	27 28

- 
- ‘(2) Without limiting subsection (1)(b), compliance with the bulk water supply code does not necessarily show that a civil obligation that exists apart from this Act has been satisfied or has not been breached.

**‘Subdivision 2      Process for making or amending code**

**‘360U Consultation for code**

- ‘(1) If the Minister proposes to make or amend the bulk water supply code, the Minister must consult with each code-regulated entity affected by the proposed code or amendment.
- ‘(2) For subsection (1), the Minister must ensure that each code-regulated entity is given a reasonable opportunity to make submissions to the Minister about the proposed code or amendment.
- ‘(3) However, the Minister may amend the bulk water supply code without consultation if the Minister proposes to—
- (a) correct a minor error in the code; or
  - (b) make an amendment of a type the code states may be made without consultation.

**‘Division 4              Supply of bulk services**

**‘360V Supply under bulk water supply agreement**

- ‘(1) The supply of bulk services, other than the supply of an exempt water service, may be made only under a bulk water supply agreement between an SEQ bulk supplier and a bulk water customer for the bulk services.
- ‘(2) In this section—

[s 51]

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*exempt water service* means a water service declared under a regulation to be exempt from requiring a bulk water supply agreement for the supply of the water service. 1  
2  
3

**‘360W Minister may decide cost or price 4**

- ‘(1) The Minister may, under the principles in the bulk water supply code, decide a cost or price mentioned in section 360N for a particular period. 5  
6  
7
- ‘(2) Before deciding a cost or price, the Minister may seek advice from an entity nominated to provide advice about costs or prices to the Minister under the bulk water supply code. 8  
9  
10
- ‘(3) The Minister must consider any advice given by an entity under subsection (2) before deciding a cost or price. 11  
12
- ‘(4) A decision of the Minister under subsection (1) has effect on the day decided by the Minister and stated in the notice mentioned in subsection (5)(a). 13  
14  
15
- ‘(5) The Minister must, as soon as practicable— 16
- (a) give notice of the Minister’s decision to each code-regulated entity affected by the decision; and 17  
18
  - (b) amend each bulk water supply agreement affected by the decision. 19  
20
- ‘(6) If a cost or price decided by the Minister for the supply of bulk services is inconsistent with the cost or price for the bulk services under a bulk water supply agreement, the cost or price decided by the Minister prevails to the extent of any inconsistency. 21  
22  
23  
24  
25
- ‘(7) If the Minister does not intend to decide a cost or price under subsection (1), the Minister must give a notice to each SEQ bulk supplier advising— 26  
27  
28
- (a) that the SEQ bulk supplier may decide the cost or price under the principles in the bulk water supply code; and 29  
30
  - (b) the period for which the SEQ bulk supplier may decide the cost or price. 31  
32



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‘(8) The notice under subsection (7) must be given at least 4 months before the period under subsection (7)(b) starts.	1 2
<b>‘360X Amended cost or price</b>	3
‘(1) The Minister may, at any time, amend a cost or price decided by the Minister under section 360W(1).	4 5
‘(2) Section 360W(2) to (6) applies for amending a cost or price as if a reference in the subsections to a decision for a cost or price were a reference to a decision for an amended cost or price.	6 7 8 9
<b>‘360Y Limitation of review</b>	10
‘(1) Unless there is a determination by the Supreme Court that a decision of the Minister under section 360W or 360X is affected by jurisdictional error, the decision—	11 12 13
(a) is final and conclusive; and	14
(b) can not be challenged, appealed against, reviewed, quashed, set aside or called in question in any other way, under the <i>Judicial Review Act 1991</i> or otherwise (whether by the Supreme Court, another court, a tribunal or another entity); and	15 16 17 18 19
(c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground.	20 21 22
‘(2) In this section—	23
<i>decision</i> includes a decision or conduct leading up to or forming part of the process of making a decision.	24 25
<b>‘360Z Minister’s direction about bulk services supplied by SEQ service provider</b>	26 27
‘(1) This section applies if—	28

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[s 52]

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(a) an SEQ service provider supplies bulk services to the bulk water supply authority under a bulk water supply agreement; and

(b) the SEQ service provider and the bulk water supply authority can not agree, under the terms of the bulk water supply agreement, about a matter relating to the supply of, or the charge for, the bulk services.

‘(2) The Minister may, under the principles in the bulk water supply code, give the SEQ service provider or the bulk water supply authority a direction about 1 or both of the following—

(a) the supply of bulk services by the SEQ service provider to the bulk water supply authority, including a direction to the SEQ service provider to give the bulk water supply authority access to infrastructure owned by the SEQ service provider;

(b) the charge payable for bulk services supplied by the SEQ service provider to the bulk water supply authority.

‘(3) The SEQ service provider or the bulk water supply authority must comply with a direction given to it by the Minister under subsection (2).

Maximum penalty—1665 penalty units.’.

**Clause 52 Amendment of s 361 (Purpose of ch 3)**

Section 361(2)(b), ‘commission’—

*omit, insert*—

‘office’.

**Clause 53 Amendment of s 365 (Declaring cumulative management areas)**

Section 365(4)(a), ‘commission’—

*omit, insert*—

‘office’.

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<b>Clause 54</b>	<b>Amendment of s 368 (Who is a <i>responsible entity</i>)</b>	1
	Section 368(a), ‘commission’—	2
	<i>omit, insert</i> —	3
	‘office’.	4
<b>Clause 55</b>	<b>Amendment of s 370 (Obligation to give underground water impact report)</b>	5
	(1) Section 370(1)(a), ‘commission’—	6
	<i>omit, insert</i> —	7
	‘office’.	8
	(2) Section 370(4), definition <i>initial report period</i> , paragraph (a), ‘commission’—	9
	<i>omit, insert</i> —	10
	‘office’.	11
<b>Clause 56</b>	<b>Amendment of s 372 (Obligation to give notice of closure—general)</b>	12
	Section 372(3), ‘commission’—	13
	<i>omit, insert</i> —	14
	‘office’.	15
<b>Clause 57</b>	<b>Amendment of s 374 (Obligation to give final report)</b>	16
	Section 374(2)(a) and (3), ‘commission’—	17
	<i>omit, insert</i> —	18
	‘office’.	19
<b>Clause 58</b>	<b>Amendment of s 376 (Content of underground water impact report)</b>	20
	Section 376(h), ‘commission’—	21
	<i>omit, insert</i> —	22

[s 59]

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‘office’.

1

**Clause 59 Amendment of s 377 (Content of final report)**

2

Section 377(1)(e), ‘commission’—

3

*omit, insert*—

4

‘office’.

5

**Clause 60 Amendment of s 378 (Content of water monitoring strategy)**

6

7

Section 378(1)(d), ‘commission’—

8

*omit, insert*—

9

‘office’.

10

**Clause 61 Amendment of s 379 (Content of spring impact management strategy)**

11

12

Section 379(1)(g), ‘commission’—

13

*omit, insert*—

14

‘office’.

15

**Clause 62 Amendment of s 380 (Identifying responsible tenure holders for cumulative management areas)**

16

17

Section 380, ‘commission’—

18

*omit, insert*—

19

‘office’.

20

**Clause 63 Amendment of s 385 (Decision on report)**

21

Section 385(3), ‘commission’—

22

*omit, insert*—

23

‘office’.

24

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<b>Clause 64</b>	<b>Amendment of s 391 (Minor or agreed amendments of approved report)</b>	1
	Section 391(1)(b), ‘commission’—	2
	<i>omit, insert</i> —	3
	‘office’.	4
<b>Clause 65</b>	<b>Amendment of s 393 (Other amendments)</b>	6
	Section 393(2), ‘commission’—	7
	<i>omit, insert</i> —	8
	‘office’.	9
<b>Clause 66</b>	<b>Amendment of s 405 (Notice of outcome of baseline assessment)</b>	10
	Section 405, ‘commission’—	11
	<i>omit, insert</i> —	12
	‘office’.	13
<b>Clause 67</b>	<b>Amendment of s 419 (Notice of outcome of bore assessment)</b>	14
	Section 419, ‘commission’—	15
	<i>omit, insert</i> —	16
	‘office’.	17
<b>Clause 68</b>	<b>Omission of ch 3, pt 7 (Functions and powers of commission)</b>	18
	Chapter 3, part 7—	19
	<i>omit.</i>	20
		21
		22
		23

[s 69]

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<b>Clause 69</b>	<b>Amendment of s 449 (Chief executive may direct petroleum tenure holder to carry out water monitoring activities)</b>	1 2 3
	Section 449(3)(b), ‘commission’—	4
	<i>omit, insert—</i>	5
	‘office’.	6
<b>Clause 70</b>	<b>Insertion of new ch 3A</b>	7
	After section 454—	8
	<i>insert—</i>	9
	<b>‘Chapter 3A Office of Groundwater Impact Assessment</b>	10 11
	<b>‘Part 1 General provisions about the office</b>	12 13
	<b>‘Division 1 Establishment</b>	14
	<b>‘455 Establishment</b>	15
	‘The Office of Groundwater Impact Assessment is established.	16 17
	<b>‘Division 2 Functions and powers</b>	18
	<b>‘456 Functions of office</b>	19
	‘(1) The office’s main functions are—	20
	(a) to advise the chief executive on matters relating to impacts on underground water caused by the exercise of	21 22

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underground water rights by petroleum tenure holders; and	1 2
(b) to establish and maintain a database of information about underground water; and	3 4
(c) to prepare underground water impact reports for cumulative management areas.	5 6
‘(2) The office’s functions also include any other function given to the office under this Act or another Act.	7 8
<b>‘457 General powers of office</b>	9
‘The office has the powers necessary or convenient to perform its functions or to help achieve the purposes of this chapter, including, for example, the power to enter into contracts or appoint agents.	10 11 12 13
<b>‘458 Advice to chief executive</b>	14
‘(1) The chief executive may give the office a written direction requiring the office to advise the chief executive on any matter relating to impacts on underground water caused by the exercise of underground water rights.	15 16 17 18
‘(2) The office must comply with the direction.	19
‘(3) In this section—	20
<i>chief executive</i> means the chief executive of the department in which chapter 3 is administered.	21 22
<b>‘459 Office to keep and maintain database</b>	23
‘(1) The office must keep and maintain a database of information relevant to monitoring underground water, including—	24 25
(a) information obtained by the office under chapter 3; and	26
(b) information given to the office for, in or under an underground water impact report.	27 28

[s 70]

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‘(2)	The database may be kept in the way the manager considers appropriate, including, for example, in an electronic form.	1 2
<b>‘460</b>	<b>Obtaining information about underground water from petroleum tenure holders</b>	3 4
‘(1)	The manager may give a petroleum tenure holder a notice requesting the following information about the exercise of underground water rights under the holder’s petroleum tenure—	5 6 7 8
(a)	information the manager requires for complying with its obligations as a responsible entity under chapter 3, part 2;	9 10 11
(b)	other information the manager requires to analyse and monitor impacts on underground water generally.	12 13
‘(2)	The notice must state how, and a reasonable period of at least 20 business days by which, the information must be given.	14 15
‘(3)	The petroleum tenure holder must comply with the notice, unless the holder has a reasonable excuse. Maximum penalty—1665 penalty units.	16 17 18
‘(4)	If the petroleum tenure holder is an individual, it is a reasonable excuse not to comply with the notice if complying with the notice might tend to incriminate the holder.	19 20 21
<b>‘461</b>	<b>Advisory bodies</b>	22
	‘The manager may establish advisory bodies it considers appropriate to give the office advice on the performance of its functions.	23 24 25
<b>‘Division 3</b>	<b>Membership of the office</b>	26
<b>‘462</b>	<b>Membership of office</b>	27
	‘The office consists of—	28



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(a)	the manager of the office; and	1
(b)	the other staff of the office.	2
<b>‘Division 4</b>	<b>Staff of the office</b>	3
<b>‘Subdivision 1</b>	<b>Manager of the office</b>	4
<b>‘463</b>	<b>Manager of the office</b>	5
	‘The office must have a manager.	6
<b>‘464</b>	<b>Appointment of manager</b>	7
‘(1)	The manager is appointed on a full-time basis by the Governor in Council.	8 9
‘(2)	Subject to sections 469 and 472, the manager is employed under the <i>Public Service Act 2008</i> as if the manager were a senior executive.	10 11 12
‘(3)	However, despite the <i>Public Service Act 2008</i> , the manager can be removed from office only by the Governor in Council.	13 14
<b>‘465</b>	<b>Eligibility for appointment</b>	15
	‘A person is eligible to be appointed as manager if the person has—	16 17
(a)	appropriate qualifications relevant to underground water assessment and management or geology; and	18 19
	<i>Example of an appropriate qualification—</i>	20
	a degree relevant to groundwater management or geology	21
(b)	experience relevant to the functions of the office.	22

[s 70]

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<b>‘466</b>	<b>Term of appointment</b>	1
‘(1)	Despite the <i>Public Service Act 2008</i> , the manager holds office for the term stated in the instrument of the manager’s appointment.	2 3 4
‘(2)	The term stated in the instrument of appointment can not be longer than 5 years.	5 6
‘(3)	However, the manager is eligible for reappointment.	7
<b>‘467</b>	<b>Functions of the manager</b>	8
‘(1)	The manager’s main functions are—	9
(a)	to ensure the office performs its functions effectively and efficiently; and	10 11
(b)	to make recommendations to the Minister about any matter that relates to the performance or exercise of the manager’s or office’s functions or powers.	12 13 14
‘(2)	The manager’s functions also include any other function given to the manager under this Act or another Act.	15 16
‘(3)	Subsection (1) does not prevent the attachment of the office to the department to ensure the office is supplied with the administrative support services it requires to perform its functions effectively and efficiently.	17 18 19 20
<b>‘468</b>	<b>Powers of the manager</b>	21
‘(1)	The manager may exercise—	22
(a)	the powers necessary or convenient for performing the manager’s functions under this Act or another Act; and	23 24
(b)	all other powers necessary or convenient for discharging the obligations imposed on the manager under this Act or another Act.	25 26 27
‘(2)	Also, the manager may exercise the powers of the office.	28

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<b>‘469</b>	<b>Independence in performing functions</b>	1
	‘The manager must, in performing the manager’s functions,	2
	exercise an independent judgment and is not subject to	3
	direction from anyone else.	4
<b>‘470</b>	<b>Manager not to engage in other paid employment</b>	5
	‘The manager must not, without the approval of the	6
	Minister—	7
	(a) hold any office of profit other than that of manager of	8
	the office; or	9
	(b) engage in any paid employment outside the duties of	10
	that office; or	11
	(c) actively take part in the activities of a business, or in the	12
	management of a corporation carrying on business.	13
<b>‘471</b>	<b>Vacancy in office of manager</b>	14
	‘The office of the manager becomes vacant if the manager—	15
	(a) completes a term of office; or	16
	(b) resigns office by signed notice given to the Minister; or	17
	(c) is removed from office by the Governor in Council	18
	under section 472; or	19
	(d) is convicted of an indictable offence or an offence	20
	against this Act; or	21
	(e) is a person who is an insolvent under administration	22
	under the Corporations Act, section 9.	23
<b>‘472</b>	<b>Termination of appointment</b>	24
	‘(1) The manager may be removed from office only under this	25
	section.	26
	‘(2) The Governor in Council may remove the manager from	27
	office on any of the following grounds—	28

[s 70]

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(a)	proved incapacity, incompetence or misconduct;	1
(b)	misconduct of a type that could, other than for section 464(3), warrant dismissal from the public service;	2 3
(c)	contravention of section 470.	4
<b>‘473</b>	<b>Delegation</b>	5
‘(1)	The manager may delegate to an appropriately qualified person the manager’s functions under this or another Act.	6 7
‘(2)	In this section—	8
	<i>appropriately qualified</i> includes having the qualifications, experience or standing appropriate for the functions.	9 10
	<i>Examples of qualifications, experience or standing—</i>	11
	• a degree relevant to groundwater management or geology	12
	• a person’s classification level in the public service	13
	<i>function</i> includes power.	14
<b>‘474</b>	<b>Preservation of rights as public service officer</b>	15
‘(1)	This section applies if—	16
(a)	a person is appointed as the manager; and	17
(b)	the person resigns the person’s role as a public service officer to accept the appointment.	18 19
‘(2)	The person retains and is entitled to all rights that have accrued to the person because of the person’s employment as a public service officer, or that would accrue in the future to the person because of that employment, as if service as the manager were a continuation of service as a public service officer.	20 21 22 23 24 25
‘(3)	At the end of the person’s term of office or on resignation—	26
(a)	the person is entitled to be appointed to an office in the public service at a salary level not less than the current salary level of an office equivalent to the office the person held before being appointed as the manager; and	27 28 29 30

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(b)	the person’s service as the manager is to be regarded as service of a similar kind in the public service for deciding the person’s rights as a public service officer.	1 2 3
<b>‘475</b>	<b>Superannuation if previously a public service officer</b>	4
	‘If—	5
(a)	a person who is a public service officer is appointed as the manager; and	6 7
(b)	immediately before the appointment the person was a member of the State Public Sector Superannuation Scheme under the <i>Superannuation (State Public Sector) Act 1990</i> ;	8 9 10 11
	the person continues to be, and to be eligible to be, a member of the scheme.	12 13
<b>‘Subdivision 2</b>	<b>Other staff of the office</b>	14
<b>‘476</b>	<b>Office staff</b>	15
	‘The other staff are employed under the <i>Public Service Act 2008</i> .	16 17
<b>‘477</b>	<b>Alternative staffing arrangements</b>	18
‘(1)	The manager may arrange with the chief executive of a department for the services of officers or employees of the department to be made available to the office.	19 20 21
‘(2)	An officer or employee whose services are made available under subsection (1)—	22 23
(a)	continues to be an officer or employee of the department; and	24 25
(b)	continues to be employed or otherwise engaged by the department on the same terms and conditions applying	26 27

[s 70]

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to the officer or employee before his or her services were made available; and	1 2
(c) is, for the period the services are made available and for performing the office’s functions, taken to be a member of the staff of the office.	3 4 5
<b>‘Part 2 Funding for office</b>	6
<b>‘478 Groundwater Impact Assessment Fund</b>	7
‘The Groundwater Impact Assessment Fund is established.	8
<b>‘479 Annual levy for underground water management</b>	9
‘(1) The performance of the office’s functions are to be funded by an annual levy payable by each petroleum tenure holder.	10 11
‘(2) The levy must be worked out in the way prescribed under a regulation.	12 13
‘(3) The way the levy is worked out must be transparent and likely to be readily understood by petroleum tenure holders.	14 15
‘(4) The levy must be—	16
(a) based on the amount needed to recover the estimated costs to the office of performing its functions under chapter 3 in a financial year; and	17 18 19
(b) apportioned, where practicable, between petroleum tenure holders or classes of holders according to the cost to the office of performing functions specific to the holders or class of holders.	20 21 22 23
‘(5) For subsection (4)(a), the office’s estimated costs must be—	24
(a) prepared by the office; and	25
(b) approved by the Minister.	26

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‘(6)	When preparing the office’s estimated costs, the office may consult with a relevant advisory body.	1 2
‘(7)	The levy must be paid in the amount, at the time and in the way prescribed under a regulation.	3 4
‘(8)	If a petroleum tenure holder does not pay the levy as required under a regulation made under subsection (7), the State may recover from the holder the amount of the levy as a debt.	5 6 7
<b>‘480</b>	<b>Payment of amounts into Groundwater Impact Assessment Fund</b>	8 9
	‘The following amounts, on receipt by the department, must be paid into the Groundwater Impact Assessment Fund —	10 11
	(a) levy amounts paid by petroleum tenure holders under section 479;	12 13
	(b) all interest paid because of late payment of levy amounts payable by petroleum tenure holders.	14 15
<b>‘481</b>	<b>Payment of amounts from Groundwater Impact Assessment Fund</b>	16 17
‘(1)	The manager may make payments from the Groundwater Impact Assessment Fund under subsection (2).	18 19
‘(2)	A payment from the fund must be for 1 or more of the following—	20 21
	(a) paying expenses incurred by the office in administering the office or performing the functions of the office;	22 23
	(b) paying expenses incurred by the manager in performing the manager’s functions;	24 25
	(c) paying fees or expenses related to administering the fund;	26 27
	(d) paying other amounts required or permitted under this Act or another Act to be paid out of the fund.	28 29

[s 70]

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<b>‘482 Administration of Groundwater Impact Assessment Fund</b>	1 2
‘(1) Accounts for the Groundwater Impact Assessment Fund must be kept as part of the departmental accounts of the department.	3 4 5
‘(2) Amounts received for the fund must be deposited in a departmental financial institution account of the department.	6 7
‘(3) Amounts received for the fund may be deposited in an account used for depositing other moneys of the department.	8 9
‘(4) In this section—	10
<i>departmental accounts</i> , of a department, means the accounts of the department kept under the <i>Financial Accountability Act 2009</i> , section 69.	11 12 13
<i>departmental financial institution account</i> , of a department, means an account of the department kept under the <i>Financial Accountability Act 2009</i> , section 83.	14 15 16
<i>other moneys</i> , of the department, means all moneys of the department other than amounts received for the Groundwater Impact Assessment Fund.	17 18 19

### **‘Part 3 Miscellaneous provisions** 20

<b>‘483 Public access to database</b>	21
‘(1) The office may make information in the database available to the public.	22 23
‘(2) However, the publicly available part of the database must not include—	24 25
(a) information obtained as a result of undertaking—	26
(i) a baseline assessment; or	27
(ii) a bore assessment; or	28



- 
- (b) any other information the office reasonably believes is commercially sensitive. 1  
2
- ‘(3) A person may— 3
- (a) free of charge, inspect the details contained in the publicly available part of the database at the office’s head office during normal business hours; and 4  
5  
6
- (b) on payment of a fee decided by the chief executive, obtain a copy of the details from the office. 7  
8
- ‘(4) The fee decided by the chief executive must not be more than the reasonable cost of producing the copy. 9  
10

- ‘484 Petroleum tenure holder access to information 11**
- ‘(1) The office must make any information in the database available to a petroleum tenure holder if the office is reasonably satisfied the information would assist the holder in complying with the holder’s obligations under this chapter. 12  
13  
14  
15
- ‘(2) However, the office must not give information to a petroleum tenure holder under subsection (1) if the office reasonably believes the information is commercially sensitive.’. 16  
17  
18

- Clause 71 Amendment of s 739 (Appointment and qualifications of authorised officers) 19  
20**
- Section 739(1), ‘commission’— 21
- omit, insert—* 22
- ‘office’. 23

- Clause 72 Omission of s 748A (Power of entry for monitoring commission water restrictions and water efficiency management plans) 24  
25  
26**
- Section 748A— 27
- omit.* 28

[s 73]

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<b>Clause 73</b>	<b>Amendment of s 749 (Power to enter places for other purposes)</b>	1 2
	Section 749(1), ‘section 746, 747, 748 or 748A,’—	3
	<i>omit, insert—</i>	4
	‘section 746, 747 or 748’.	5
<b>Clause 74</b>	<b>Amendment of s 932 (Who may bring proceedings for offences)</b>	6 7
	Section 932(1)—	8
	<i>omit, insert—</i>	9
	‘(1) Proceedings for an offence against section 956 may be brought only by the Attorney-General.’	10 11
<b>Clause 75</b>	<b>Amendment of s 1013 (Approved forms)</b>	12
	Section 1013(2)—	13
	<i>omit.</i>	14
<b>Clause 76</b>	<b>Amendment of s 1014 (Regulation-making power)</b>	15
	Section 1014(2)(1)—	16
	<i>omit, insert—</i>	17
	‘(l) declare a water service to be exempt from the requirement of a bulk water supply agreement for the supply of the water service; and	18 19 20
	(m) declare, for chapter 2A, part 3, an entity to be—	21
	(i) a bulk water customer; or	22
	(ii) a code-regulated entity; or	23
	(iii) an SEQ bulk supplier.’.	24
<b>Clause 77</b>	<b>Insertion of new ch 9, pt 5, div 19</b>	25
	Chapter 9, part 5—	26

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<i>insert—</i>	1
<b>‘Division 19 Transitional provisions for South East Queensland Water (Restructuring) and Other Legislation Amendment Act 2012</b>	2 3 4 5
<b>‘Subdivision 1 Preliminary</b>	6
<b>‘1210 Definitions for div 19</b>	7
‘In this division—	8
<i>amending Act</i> means the <i>South East Queensland Water (Restructuring) and Other Legislation Amendment Act 2012</i> .	9 10
<i>commencement</i> means the commencement of the provision in which the term is used.	11 12
<i>former commission</i> means the Queensland Water Commission established under previous section 342.	13 14
<i>previous</i> , for a provision of this Act, means the provision as in force immediately before the repeal or amendment of the provision under the amending Act.	15 16 17
<b>‘Subdivision 2 Provisions relating to annual levies</b>	18
<b>‘1211 Transfer of funds into Groundwater Impact Assessment Fund</b>	19 20
(1) On the commencement, the following amounts held by the former commission immediately before the commencement must be paid into the Groundwater Impact Assessment Fund—	21 22 23 24
(a) the balance of all levy amounts paid by petroleum tenure holders under previous section 360FA;	25 26
(b) the balance of any interest accrued on amounts mentioned in paragraph (a).	27 28

[s 77]

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- ‘(2) An amount transferred into the Groundwater Impact Assessment Fund under subsection (1) may be used only for a purpose stated in chapter 3A, part 2.

**‘1212 Notices to pay levy**

- ‘(1) Subsection (2) applies if—
- (a) before the commencement, the chief executive gave a petroleum tenure holder a notice about a levy payable by the petroleum tenure holder under previous section 360FA; and
  - (b) on the commencement, the petroleum tenure holder has not paid the levy.
- ‘(2) Despite the repeal of previous section 360FA—
- (a) the notice continues in force; and
  - (b) the petroleum tenure holder continues to be liable to pay the levy as stated in the notice.
- ‘(3) Subsection (4) applies if—
- (a) immediately before the commencement, a petroleum tenure holder was liable to pay a levy for a relevant financial year under previous section 360FA, 360FB or 360FC; and
  - (b) the chief executive had not given the petroleum tenure holder a notice for the levy for the relevant financial year under previous section 360FA.
- ‘(4) Despite the repeal of previous sections 360FA, 360FB and 360FC—
- (a) the chief executive may give the petroleum tenure holder a notice about the levy for the relevant financial year; and
  - (b) the petroleum tenure holder continues to be liable to pay the levy for the relevant financial year.
- ‘(5) An amount paid by the petroleum tenure holder under a notice mentioned in subsection (1) or (4)—

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(a)	must be paid into the Groundwater Impact Assessment Fund; and	1 2
(b)	may be used only for a purpose stated in chapter 3A, part 2.	3 4
‘(6)	In this section—	5
	<i>levy</i> includes part of a levy.	6
	<i>relevant financial year</i> means either of the following—	7
(a)	the financial year ending on 30 June 2011;	8
(b)	the financial year ending on 30 June 2012.	9
<b>‘Subdivision 3</b>	<b>Transfer of particular authorities to bulk water supply authority</b>	10 11
<b>‘1213</b>	<b>Definitions for sdiv 3</b>	12
	‘In this subdivision—	13
	<i>chief executive</i> means the chief executive of the department in which chapter 2, part 6 is administered.	14 15
	<i>former water entity</i> means either of the following entities—	16
(a)	the former water grid manager;	17
(b)	LinkWater.	18
	<i>former water grid manager</i> means the SEQ Water Grid Manager established under the <i>South East Queensland Water (Restructuring) Act 2007</i> , section 6 as in force immediately before the commencement.	19 20 21 22
	<i>limited authority</i> see section 1214(3).	23
	<i>LinkWater</i> means the Queensland Bulk Water Transport Authority established under the <i>South East Queensland Water (Restructuring) Act 2007</i> , section 6 as in force immediately before the commencement.	24 25 26 27
	<i>prescribed water authority</i> see section 1214(1).	28

[s 77]

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<i>receiving entity</i> see section 1215(2).	1
<i>relevant authority</i> see section 1214(2).	2
<i>scheme</i> see section 1215(1).	3
<i>transfer notice</i> see section 1216(1).	4
<i>transferring entity</i> see section 1215(2).	5
<b>‘1214 Application of sdiv 3</b>	6
‘(1) This subdivision applies to the following authorities (each a <i>prescribed water authority</i> ) held by a former water entity immediately before the commencement—	7 8 9
(a) a water licence to take or interfere with water in the SEQ region;	10 11
(b) a water allocation to take or interfere with water in the SEQ region.	12 13
‘(2) If an authority to which this subdivision applies is an authority to take and interfere with water in the SEQ region, the authority is a <i>relevant authority</i> .	14 15 16
‘(3) If an authority to which this subdivision applies is an authority that allows only taking of water, the authority is a <i>limited authority</i> .	17 18 19
<b>‘1215 Transfer scheme</b>	20
‘(1) This subdivision facilitates the restructure of the bulk water industry in the SEQ region by providing for a scheme (the <i>scheme</i> ) to transfer particular authorities to take water, or to take and interfere with water—	21 22 23 24
(a) to the bulk water supply authority; or	25
(b) from the bulk water supply authority to other entities.	26
‘(2) Under the scheme—	27
(a) a prescribed water authority may, under this subdivision, be replaced by 1 or more authorities to—	28 29

- 
- (i) take water; or 1
  - (ii) take and interfere with water; and 2
  - (b) generally, a water authority mentioned in paragraph (a) 3  
is transferred from the holder of the prescribed water 4  
authority (each a *transferring entity*) to an entity that 5  
will hold the authority to take water, or the authority to 6  
interfere with water (a *receiving entity*). 7

**'1216 Transfer notice** 8

- (1) For the purpose of the scheme, the Minister may, by gazette 9  
notice (a *transfer notice*), do any of the following— 10
  - (a) replace a relevant authority with— 11
    - (i) 1 or more authorities to take water; or 12
    - (ii) 1 or more authorities to take and interfere with 13  
water; or 14
    - (iii) 1 or more authorities to take water and 1 or more 15  
authorities to take and interfere with water; 16
  - (b) transfer an authority mentioned in paragraph (a)(i), (ii) 17  
or (iii) from a transferring entity to a receiving entity; 18
  - (c) transfer a limited water authority from a transferring 19  
entity to a receiving entity; 20
  - (d) replace a limited authority with 2 or more authorities to 21  
take water; 22
  - (e) transfer an authority to take water mentioned in 23  
paragraph (d) from a transferring entity to a receiving 24  
entity; 25
  - (f) impose requirements on any of the authorities replaced 26  
or transferred under this section, including requirements 27  
about— 28
    - (i) the volume of water that may be taken under the 29  
authority by a receiving entity; and 30
    - (ii) the purpose for which the water taken under the 31  
authority by a receiving entity may be used; 32

[s 77]

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- |       |  |                            |
|-------|--|----------------------------|
| (g)   | make provision about the application of instruments to a transferring entity or receiving entity including—  | 1<br>2                     |
| (i)   | whether the transferring entity or receiving entity is a party to an instrument; and   | 3<br>4                     |
| (ii)  | whether an instrument is taken to have been made by the transferring entity or receiving entity, or given to, by or in favour of the transferring entity or receiving entity; and  | 5<br>6<br>7<br>8           |
| (iii) | whether a reference to an entity in an instrument is a reference to the transferring entity or receiving entity; and   | 9<br>10<br>11              |
| (iv)  | whether, under an instrument, an amount is or may become payable to or by the transferring entity or receiving entity, or other property is, or may be, transferred to or by the transferring entity or receiving entity; and                    | 12<br>13<br>14<br>15<br>16 |
| (v)   | make provision about an incidental, consequential or supplemental matter the Minister considers necessary or convenient for effectively carrying out the scheme.   | 17<br>18<br>19<br>20       |
| ‘(2)  | Subsection (3) applies if a relevant authority or a limited authority is, under a transfer notice, replaced with 1 or more other authorities to take or interfere with water (each a <i>new authority</i> ).                                     | 21<br>22<br>23<br>24       |
| ‘(3)  | The Minister must be satisfied the conditions under which water may be taken or interfered with under the new authorities are at least as restrictive as the cumulative effect of the conditions on the relevant authority or limited authority. | 25<br>26<br>27<br>28       |
| ‘(4)  | Without limiting subsection (3), the conditions under which water may be taken or interfered with under the new authorities must not—  | 29<br>30<br>31             |
| (a)   | increase the total amount of water that may be taken; or   | 32                         |
| (b)   | increase the rate at which water may be taken; or  | 33                         |
| (c)   | change the flow conditions under which water may be taken; or  | 34<br>35                   |



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(d) increase the interference with the flow of water.	1
‘(5) A transfer notice has effect despite any other law or instrument.	2 3
‘(6) A transfer notice has effect on the day it is published in the gazette or a later day stated in it.	4 5
‘(7) In this section—	6
<i>instrument</i> includes an agreement for an entity to supply water to another entity.	7 8
<b>‘1217 Process after transfer notice</b>	9
‘(1) This section applies if an authority is transferred from a transferring entity to a receiving entity under a transfer notice.	10 11
‘(2) The chief executive may take the action that is necessary or convenient for the transfer of the authority under the transfer notice, including—	12 13 14
(a) updating a register or other record; and	15
(b) amending, cancelling or issuing another authority.	16
‘(3) The chief executive may take action under subsection (2) although this Act does not provide for the taking of the action or provides for taking the action in a different way.	17 18 19
<i>Example—</i>	20
An authority is transferred from a transferring entity to the bulk water supply authority under a transfer notice. Acting under subsection (3), the chief executive grants to the bulk water supply authority a water licence to replace the authority, despite the provisions of chapter 2, part 6, division 2 applying to the granting of a water licence.	21 22 23 24 25
<b>‘1218 Continuing authorities</b>	26
‘(1) This section applies to an authority to take or interfere with water that a receiving entity holds, or a transferring entity continues to hold, under a transfer notice.	27 28 29
‘(2) The authority continues under this Act until whichever of the following first happens—	30 31

[s 77]

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(a)	the chief executive grants a water licence to replace the authority;	1 2
(b)	the authority is replaced with a water entitlement.	3
‘(3)	The chief executive may grant the receiving entity or transferring entity a water licence to replace the authority to take or interfere with water without the need for an application to be made under section 206.	4 5 6 7
‘(4)	Within 30 business days after the chief executive grants the water licence, the chief executive must give the receiving entity or transferring entity the licence and an information notice about the granting of the licence.	8 9 10 11
‘(5)	The water licence has effect from the day the licence is given to the receiving entity or transferring entity.	12 13
<b>‘1219</b>	<b>References in supply agreements to particular transferring entities</b>	14 15
‘(1)	This section applies if an authority mentioned in a transfer notice is transferred from a transferring entity to a receiving entity.	16 17 18
‘(2)	A reference in an existing supply agreement to the transferring entity is, if the context permits, taken to be a reference to the receiving entity.	19 20 21
‘(3)	On and from the day the transfer notice takes effect, the existing supply agreement gives rise to the same rights and liabilities as would have arisen if the authority had not been transferred.	22 23 24 25
‘(4)	In this section— <i>existing supply agreement</i> means an agreement for the supply of water, in force on the day the transfer notice takes effect, between the transferring entity and another entity.	26 27 28 29

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<b>‘Subdivision 4</b>	<b>Provisions for ending the water market</b>	1
		2
<b>‘1220</b>	<b>Definitions for sdiv 4</b>	3
	‘In this subdivision—	4
	<i>existing customer contract</i> means a contract for the supply of non-potable water between an SEQ service provider and a person that is in effect immediately before the commencement of the amending Act, section 51.	5 6 7 8
	<i>existing grid contract</i> means—	9
	(a) a grid contract document made under previous section 360ZDD(1) that is in effect immediately before the repeal of that section under the amending Act; or	10 11 12
	(b) a new contract under the <i>South-East Queensland Water (Distribution and Retail Restructuring) Act 2009</i> , section 92CU, that is in effect immediately before the commencement of the amending Act, section 51.	13 14 15 16
	<i>market rules</i> means the market rules made under previous section 360ZCX and in effect immediately before the repeal of that section under the amending Act, section 51.	17 18 19
	<i>non-potable water</i> means water that has not been treated by a service provider.	20 21
	<i>transitional regulation</i> see section 1225(1).	22
<b>‘1221</b>	<b>Existing grid contracts</b>	23
	‘(1) An existing grid contract—	24
	(a) continues to have effect after the commencement of the amending Act, section 51; and	25 26
	(b) ends on the day a bulk water supply agreement is made by the Minister under section 360G for each party to the existing contract that is a bulk water party for the bulk water supply agreement.	27 28 29 30

[s 77]

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‘(2) Despite subsection (1)(b), a term of an existing grid contract continues to have effect if the term—	1 2
(a) states it survives the ending of the contract; or	3
(b) is prescribed to survive the ending of the contract under a transitional regulation.	4 5
<i>Example for paragraph (a)—</i>	6
An existing grid contract may state that a party to the contract must maintain an insurance policy for a particular period after the ending of the contract.	7 8 9
‘(3) Previous section 360ZDI continues to apply in relation to a term in an existing grid contract that continues to have effect under subsection (2) as if the amending Act had not been enacted.	10 11 12 13
<b>‘1222 Existing customer contracts</b>	14
‘An existing customer contract—	15
(a) continues to have effect after the commencement of the amending Act, section 51; and	16 17
(b) ends on the day a contract for the supply of non-potable water is executed between the person and the bulk water supply authority to replace the existing customer contract.	18 19 20 21
<b>‘1223 Market rules</b>	22
‘The market rules—	23
(a) continue to have effect after the commencement of the amending Act, section 51; and	24 25
(b) cease to have effect on the day the bulk water supply code takes effect under section 360P.	26 27
<b>‘1224 Consultation for first code</b>	28
‘(1) This section applies to the first bulk water supply code made by the Minister under section 360M.	29 30

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‘(2) Despite section 360M, the Minister may make the first code if the Minister is satisfied that each entity to be affected by the first code has been sufficiently consulted about the proposed first code even if the consultation happened before the commencement of section 360M.	1 2 3 4 5
<b>‘1225 Transitional regulation-making power for market rules and contracts</b>	6 7
‘(1) A regulation (a <i>transitional regulation</i> ) may make provision of a saving or transitional nature about a matter—	8 9
(a) necessary or convenient to give effect to the transition from—	10 11
(i) the market rules to the bulk water supply code; or	12
(ii) an existing grid contract to a bulk water supply agreement; or	13 14
(iii) an existing customer contract to a contract for the supply of non-potable water; and	15 16
(b) for which this Act does not make provision or sufficient provision.	17 18
‘(2) A transitional regulation may have retrospective operation to a day that is not earlier than the day on which this section commences.	19 20 21
‘(3) A transitional regulation must declare it is a transitional regulation.	22 23
‘(4) This section and any transitional regulation expire 1 year after this section commences.	24 25
<b>‘Subdivision 5 Miscellaneous provisions</b>	26
<b>‘1226 Continuation of system operating plan</b>	27
‘(1) This section applies until a regulation is first made under section 344 to prescribe the desired level of service objectives	28 29

[s 77]

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for water security for the SEQ region or part of the SEQ region.	1 2
‘(2) The system operating plan as in effect on 31 December 2012 continues to have effect for the SEQ region.	3 4
‘(3) Each entity to which the system operating plan applies must ensure the plan is complied with to the extent it applies to the entity.	5 6 7
‘(4) In this section— <i>system operating plan</i> means the system operating plan for the SEQ region made under previous chapter 2A, part 5, division 2.	8 9 10 11
<b>‘1227 Delayed application of ss 350–352</b>	12
‘Sections 350, 351 and 352 do not apply to a designated water security entity until the day that is 1 year after a regulation is first made under section 344.	13 14 15
<b>‘1228 Notice to prepare water efficiency management plan given before commencement of no effect</b>	16 17
‘(1) This section applies if, before the commencement, the former commission gave a customer a notice under previous section 360ZCB(4) to prepare a water efficiency management plan.	18 19 20
‘(2) On the commencement—	21
(a) the notice ceases to have effect; and	22
(b) the customer is not required to—	23
(i) prepare a water efficiency management plan; or	24
(ii) give the plan to the former commission.	25
<b>‘1229 Water efficiency management plan made before commencement of no effect</b>	26 27
‘(1) This section applies to a water efficiency management plan prepared before the commencement by a customer, or type of	28 29

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customer, as required by the former commission under previous section 360ZCB(4).	1 2
‘(2) On the commencement, the water efficiency management plan ceases to have effect.	3 4
<b>‘1230 Commission water restriction imposed before commencement of no effect</b>	5 6
‘(1) This section applies to a commission water restriction imposed by the former commission under previous section 360ZD.	7 8 9
‘(2) On the commencement, the commission water restriction ceases to have effect.	10 11
<b>‘1231 Particular underground water impact reports taken to have been given by the office</b>	12 13
‘(1) This section applies to an underground water impact report that was, before the commencement—	14 15
(a) given to the chief executive by the former commission under section 370; and	16 17
(b) approved by the chief executive under section 385(1).	18
‘(2) The underground water impact report is taken to have been given to the chief executive by the office.	19 20
<b>‘1232 Expenditure Advisory Committee</b>	21
‘An advisory body called the Expenditure Advisory Committee, established by the former commission under previous section 360C and in existence immediately before the commencement, is taken to be, on the commencement, an advisory body established under section 461—	22 23 24 25 26
(a) with the same name as the former committee; and	27
(b) to perform the same functions in relation to the office as the former committee performed for the former commission.	28 29 30

[s 77]

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<b>‘1233 First manager of the office</b>	1
‘(1) This section applies to the person who, immediately before the commencement, held office as the commission’s General Manager, Coal Seam Gas Water (the <i>old office</i> ).	2 3 4
‘(2) On the commencement—	5
(a) the old office ends; and	6
(b) the person is taken to have been appointed as the manager of the office.	7 8
‘(3) The person holds the office of manager for a term of 5 years from when the person was most recently appointed to the old office.	9 10 11
‘(4) The person’s conditions of employment for the office of manager are the conditions of employment for the old office immediately before the commencement.	12 13 14
‘(5) Subsection (4) applies subject to subsection (3) and any necessary changes from the old office to the office of manager.	15 16 17
‘(6) Subject to subsections (3) to (5), chapter 3A, part 1, division 4, subdivision 1 applies to the person for the person’s holding of the office of manager.	18 19 20
‘(7) In this section—	21
<i>commencement</i> means the commencement of the amending Act, section 42.	22 23
<i>conditions of employment</i> includes allowances for variations to remuneration.	24 25
<b>‘1234 Transitional regulation-making power for former commission and office</b>	26 27
‘(1) A regulation (a <i>transitional regulation</i> ) may make provision of a saving or transitional nature about a matter—	28 29
(a) necessary or convenient to give effect to the transition from the former commission to the office; or	30 31



- 
- (b) for which this Act does not make provision or sufficient provision. 1  
2
- ‘(2) A transitional regulation may have retrospective operation to a day that is not earlier than the day on which this section commences. 3  
4  
5
- ‘(3) A transitional regulation must declare it is a transitional regulation. 6  
7
- ‘(4) This section and any transitional regulation expire 1 year after this section commences.’. 8  
9

**Clause 78 Amendment of sch 4 (Dictionary) 10**

- (1) Schedule 4, definitions *anniversary day, approved water efficiency management plan, chief executive, commercially sensitive, commission, commission CEO, commissioner, commission water restriction, declarations register, declared water service, desired levels of service objectives, distribution service provider, grid contract document, grid customer, grid service provider, limited authority, market, market rules, receiving entity, regional water security options, regional water security program, registered grid participant, relevant authority, rules administrator, scheme, service provider water restriction, spot audit report, system operating plan, transfer notice, transferring entity, water efficiency management plan, water service declaration* and *water service provider*— 11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
*omit.* 24
- (2) Schedule 4— 25  
*insert*— 26  
*‘agreement amendment*, for chapter 2A, part 3, see section 360H(2). 27  
28  
*bulk services* see section 360C. 29  
*bulk water customer* see section 360C. 30  
*bulk water party* see section 360C. 31  
*bulk water supply agreement* see section 360G(1). 32

[s 78]

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<i>bulk water supply code</i> see section 360M(1).	1
<i>code-regulated entity</i> , for chapter 2A, part 3, see section 360C.	2 3
<i>designated water security entity</i> see section 349.	4
<i>desired level of service objectives</i> , for water security, means the desired levels of service objectives for water security prescribed under section 344.	5 6 7
<i>emergency plan</i> , for chapter 2A, part 3, see section 360C.	8
<i>Groundwater Impact Assessment Fund</i> means the Groundwater Impact Assessment Fund established under section 478.	9 10 11
<i>manager</i> means the manager of the office.	12
<i>mandatory term</i> , for chapter 2A, part 3, see section 360G(2)(a).	13 14
<i>nominated water service provider</i> see section 343.	15
<i>office</i> means the Office of Groundwater Impact Assessment.	16
<i>Office of Groundwater Impact Assessment</i> means the Office of Groundwater Impact Assessment established under section 455.	17 18 19
<i>proposed desired level of service objectives</i> see section 345(2)(a).	20 21
<i>SEQ bulk supplier</i> see section 360C.	22
<i>SEQ service provider</i> see the South-East Queensland Water (Distribution and Retail Restructuring) Act 2009, schedule.	23 24
<i>service provider water restriction</i> see the Water Supply Act, section 41.	25 26
<i>water security program</i> means a program that complies with section 353.	27 28
<i>water service provider</i> means a person registered under the Water Supply Act, chapter 2, part 3 as a service provider for a water service.’.	29 30 31
(3) Schedule 4, definition <i>designated region</i> , ‘section 360D’—	32

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<i>omit, insert—</i>	1
‘section 342’.	2
(4) Schedule 4, definition <i>publish</i> , paragraph 2A(b), ‘Minister’—	3
<i>omit, insert—</i>	4
‘Minister or chief executive’.	5

<b>Part 5</b>	<b>Amendment of Water Fluoridation Act 2008</b>	6 7
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<b>Clause 79</b>	<b>Act amended</b>	8
	This part amends the <i>Water Fluoridation Act 2008</i> .	9

<b>Clause 80</b>	<b>Insertion of new s 6A</b>	10
	Part 2—	11
	<i>insert—</i>	12
<b>‘6A</b>	<b>Meaning of <i>eligible relevant public potable water supply</i></b>	13 14
‘(1)	An <i>eligible relevant public potable water supply</i> means a relevant public potable water supply for which the public potable water supplier had not, immediately before the relevant commencement, made a substantial financial investment in constructing fluoride-dosing equipment.	15 16 17 18 19
‘(2)	However, an eligible relevant public potable water supply does not include the following—	20 21
	(a) a relevant public potable water supply to which fluoride was being added immediately before the relevant commencement;	22 23 24
	(b) a relevant public potable water supply—	25

[s 81]

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- (i) for which fluoride-dosing equipment was, immediately before the relevant commencement, constructed; or
- (ii) for which the public potable water supplier had, immediately before the relevant commencement, made a substantial financial investment in constructing fluoride-dosing equipment;
- (c) a relevant public potable water supply that is—
  - (i) supplying water to an urban centre of more than 10000 members of the public; or
  - (ii) supplying water to more than 1 urban centre, or locality, with an aggregate of more than 10000 members of the public; or
  - (iii) integrated to supply water to an urban centre of more than 10000 members of the public.

‘(3) In this section—  
*locality* means an area delimited as a locality under 1259.0.30.003 Australian Standard Geographical Classification (ASGC) Urban Centres and Localities (UC/L) Digital Boundaries, Australia, 2006 published by the Australian Bureau of Statistics.’.

<b>Clause 81</b>	<b>Replacement of s 7 (Requirement to add fluoride to relevant public potable water supply)</b>	22
	Section 7—	23
	<i>omit, insert—</i>	24
<b>‘7</b>	<b>Requirement to add fluoride to relevant public potable water supply</b>	25
	(1) A public potable water supplier for a relevant public potable water supply, other than a pre-existing fluoridated water supply, must add fluoride to the water supply within the prescribed period.	26
		27
		28
		29
		30
		31

- 
- (2) Also, a public potable water supplier for a pre-existing fluoridated water supply must continue to add fluoride to the water supply. 1  
2  
3
- Notes for subsections (1) and (2)—* 4
- 1 For the consequences of contravening subsection (1) or (2), see part 5  
4.
- 2 Section 12 contains requirements about adding fluoride to a 7  
relevant public potable water supply. 8
- (3) In this section— 9
- pre-existing fluoridated water supply*** means a relevant public 10  
potable water supply to which fluoride was being added— 11
- (a) immediately before the commencement of this Act; and 12
- (b) immediately before 1 December 2012.’. 13

**Clause 82 Amendment of s 8 (Exemption from requirement to add fluoride to relevant public potable water supply)** 14  
15

- (1) Section 8(1), ‘A public potable water supplier for a relevant public potable water supply may apply in writing to the Minister for an exemption from the requirement under section 7’— 16  
17  
18  
19
- omit, insert—* 20
- ‘A public potable water supplier for an eligible relevant public potable water supply may apply in writing to the Minister for an exemption from the requirement under section 7(1)’.
- (2) Section 8(1)(c)— 24
- omit, insert—* 25
- ‘(c) the addition of fluoride to the water supply is unlikely to result in a substantial ongoing oral health benefit to 1000 or more members of the public serviced by the water supply; 26  
27  
28  
29
- Example for paragraph (c)—* 30
- Members of the public serviced by the water supply are unlikely to consume a sufficient quantity of water from the water supply 31  
32

[s 83]

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	because the colour, odour, taste or turbidity of the water supply results in the water being unpalatable.	1 2
(d)	the water supply supplies water to an urban centre of fewer than 10000 members of the public and the cost to those members or the water supplier of implementing or maintaining the addition of fluoride to the water supply is unreasonable;	3 4 5 6 7
(e)	the water supplier can not ensure the effective and safe addition of fluoride to the water supply;	8 9
	<i>Examples for paragraph (e)—</i>	10
	1 The water supplier can not employ and retain adequately qualified persons to operate equipment used in relation to adding fluoride.	11 12 13
	2 The remote location of the fluoride-dosing equipment for a water supply means the water supplier can not accurately monitor the concentration of the fluoride added to the water supply.	14 15 16 17
	3 The high temperature of the water supply means the water supplier can not accurately monitor the concentration of the fluoride added to the water supply.	18 19 20
(f)	the quality of the water supplied from the water supply may not provide a safe supply of potable water for members of the public who consume water from the water supply.	21 22 23 24
	<i>Example for paragraph (f)—</i>	25
	absence of adequate water treatment’.	26
<b>Clause 83</b>	<b>Amendment of s 9 (When applicant not required to comply with s 7)</b>	27 28
(1)	Section 9, heading, ‘s 7’—	29
	<i>omit, insert—</i>	30
	‘s 7(1)’.	31
(2)	Section 9(1) and (2), ‘section 7’—	32
	<i>omit, insert—</i>	33

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‘section 7(1)’. 1

- Clause 84 Amendment of s 10 (Minister may refuse vexatious application)** 2  
3  
Section 10(3), ‘section 7’— 4  
*omit, insert*— 5  
‘section 7(1)’. 6

- Clause 85 Insertion of new pt 12** 7  
After section 101— 8  
*insert*— 9

**‘Part 12 Transitional provision for South East Queensland Water (Restructuring) and Other Legislation Amendment Act 2012** 10  
11  
12  
13  
14

- ‘102 Applications for exemption** 15  
‘An application for an exemption under section 8 made but not 16  
decided before the relevant commencement is to be decided as 17  
if it had been made under section 8 as in force after the 18  
relevant commencement.’. 19

- Clause 86 Amendment of schedule (Dictionary)** 20  
Schedule— 21  
*insert*— 22  
*‘eligible relevant public potable water supply* see section 6A. 23  
*relevant commencement* means the commencement of the 24  
*South East Queensland Water (Restructuring) and Other* 25  
*Legislation Amendment Act 2012, part 5.* 26





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- (3) Section 41(2)(a), ‘it because of climatic conditions or water conservation needs’— 1  
2  
*omit, insert*— 3  
‘the service provider water restriction’. 4

**Clause 90 Amendment of s 42 (Regulator may direct restriction) 5**

- (1) Section 42(1)(a), ‘outside the SEQ region or a designated region’— 6  
7  
*omit.* 8
- (2) Section 42(1)(b), ‘the area’— 9  
*omit, insert*— 10  
‘the area or another area’. 11
- (3) Section 42— 12  
*insert*— 13
- ‘(1A) To remove any doubt, it is declared that the regulator may 14  
direct a service provider for an area not under an immediate 15  
significant threat to sustainable and secure water supply to 16  
impose a restriction if the regulator considers the restriction is 17  
necessary or desirable because of a significant threat to 18  
sustainable and secure water supply in another area. 19
- Example*— 20  
The regulator may direct the Gold Coast City Council to impose a 21  
restriction if another area in the SEQ region is facing a significant threat 22  
to its water supply and water from the Hinze Dam is needed for the 23  
other area.’. 24
- (4) Section 42(2), ‘provider, direct’— 25  
*omit, insert*— 26  
‘provider for the area or the other area, direct’. 27
- (5) Section 42(2)(a), ‘the area’— 28  
*omit, insert*— 29  
‘the area or the other area’. 30

[s 91]

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<b>Clause 91</b>	<b>Amendment of s 51 (Application of div 6)</b>	1
	(1) Section 51(1)—	2
	<i>omit, insert—</i>	3
	‘(1) This division applies for a non-residential customer who does not hold a water entitlement.’	4
		5
	(2) Section 51(2), ‘in the region’—	6
	<i>omit.</i>	7
	(3) Section 51(3)—	8
	<i>omit, insert—</i>	9
	‘(3) Also, if a customer to whom this division applies is a customer of more than 1 water service provider, the water service provider who provides the customer with the most water is the water service provider for the customer for this division.’	10
		11
		12
		13
		14
<b>Clause 92</b>	<b>Amendment of s 52 (When water efficiency management plan may be required)</b>	15
	Section 52(3), ‘notice, approved by the chief executive’—	16
	<i>omit, insert—</i>	17
	‘notice’.	18
		19
<b>Clause 93</b>	<b>Amendment of s 132 (Application of div 7)</b>	20
	Section 132, ‘or a designated region’—	21
	<i>omit.</i>	22
<b>Clause 94</b>	<b>Amendment of s 138 (Guidelines for rate notice or account for supply of water to residential premises)</b>	23
	Section 138(1)—	24
	<i>omit, insert—</i>	25
	‘(1) A rate notice or account issued by the water service provider, or the related local government, for the supply of water to the	26
		27
		28

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residential premises, must comply with guidelines made by the regulator.’. 1  
2

**Clause 95 Amendment of s 139 (Service provider to give occupier water advice)** 3  
4

Section 139(4)(b), ‘or commission water restrictions’— 5  
*omit.* 6

**Clause 96 Amendment of s 169 (Restricting domestic water supply in particular circumstances)** 7  
8

(1) Section 169(1)(a), ‘used for domestic purposes’— 9  
*omit.* 10

(2) Section 169(1)(b)(i), ‘or a commission water restriction’— 11  
*omit.* 12

**Clause 97 Amendment of s 318 (Meaning of *relevant location* for a drinking water service provider)** 13  
14

Section 318(2)— 15  
*omit.* 16

**Clause 98 Insertion of new s 356A** 17

After section 356— 18  
*insert—* 19

**‘356A Compliance with safety or development condition** 20

‘The owner of a referable dam to which a safety condition or other development condition applies must not contravene the condition. 21  
22  
23

Maximum penalty—1665 penalty units.’. 24

[s 99]

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<b>Clause 99</b>	<b>Amendment of s 497 (Limitation on who may bring particular proceedings)</b>	1
	Section 497(1)—	2
	<i>insert</i> —	3
	‘(d) for an offence against a provision of chapter 4—the Attorney-General or chief executive.’	4
		5
		6
<b>Clause 100</b>	<b>Amendment of s 579 (Regulator may share particular information)</b>	7
	(1) Section 579(2)(a), (b) and (d)—	8
	<i>omit.</i>	9
	(2) Section 579(2)(c) to (f)—	10
	<i>renumber</i> as section 579(2)(a) to (c).	11
	(3) Section 579(3), definition <i>responsible entity</i> , paragraph (d)—	12
	<i>omit.</i>	13
		14
<b>Clause 101</b>	<b>Amendment of sch 3 (Dictionary)</b>	15
	(1) Schedule 3, definitions <i>commission water restriction</i> , <i>designated region</i> and <i>SEQ Water Grid Manager</i> —	16
	<i>omit.</i>	17
	(2) Schedule 3—	18
	<i>insert</i> —	19
	‘ <i>development permit</i> means a development permit as defined under the Planning Act.’	20
		21
		22

<b>Part 7</b>	<b>Minor and consequential amendments</b>	1
		2
<b>Clause 102</b>	<b>Acts amended</b>	3
	The schedule amends the Acts it mentions.	4

<b>Schedule</b>	<b>Acts amended</b>	1
	section 102	2
<b>Part 1</b>	<b>Amendments commencing on assent</b>	3
		4
	<b>Local Government Act 2009</b>	5
<b>1</b>	<b>Section 290(1)—</b>	6
	<i>insert—</i>	7
	<i>‘Note—</i>	8
	Some employees to whom this section applies have, since the enactment of this section, been transferred to the Queensland Bulk Water Supply Authority under a regulation made under the <i>South East Queensland Water (Restructuring) Act 2007</i> , section 105. The LG super scheme continues to apply to those employees—see section 300.’.	9 10 11 12 13
<b>2</b>	<b>Chapter 9—</b>	14
	<i>insert—</i>	15
<b>‘Part 5</b>	<b>Transitional provision for South East Queensland Water (Restructuring) and Other Legislation Amendment Act 2012</b>	16 17 18 19 20
<b>‘300</b>	<b>Superannuation for particular LinkWater employees transferred to Queensland Bulk Water Supply Authority</b>	21 22
	‘(1) This section applies if employees of LinkWater who are members of the LG super scheme are, or have been, transferred to the Queensland Bulk Water Supply Authority	23 24 25

(the <b>Authority</b> ) under a regulation made under the <i>South East Queensland Water (Restructuring) Act 2007</i> , section 105.	1 2
‘(2) Chapter 7, part 2 applies to the Authority and the transferred employees.	3 4
‘(3) For applying chapter 7, part 2 to the Authority and the transferred employees—	5 6
(a) the Authority is taken to be—	7
(i) a local government entity in relation to transferred employees other than former BCC employees; or	8 9
(ii) the Brisbane City Council in relation to former BCC employees; and	10 11
(b) a transferred employee is taken to be an eligible member; and	12 13
(c) if a transferred employee was, immediately before the transfer mentioned in subsection (1), a permanent employee—the transferred employee is taken to continue to be a permanent employee.	14 15 16 17
‘(4) In this section—	18
<b>former BCC employee</b> means a transferred employee who was transferred to LinkWater from the Brisbane City Council under a transfer notice under the <i>South East Queensland Water (Restructuring) Act 2007</i> , repealed section 67.	19 20 21 22
<b>LinkWater</b> means the Queensland Bulk Water Transport Authority established under the <i>South East Queensland Water (Restructuring) Act 2007</i> , section 6.	23 24 25
<b>permanent employee</b> means—	26
(a) a permanent employee under section 219; or	27
(b) a BCC permanent employee under the <i>Local Government (Operations) Regulation 2010</i> , schedule 7.	28 29
<b>Queensland Bulk Water Supply Authority</b> means the Queensland Bulk Water Supply Authority established under the <i>South East Queensland Water (Restructuring) Act 2007</i> , section 6.	30 31 32 33

*transferred employee* means an employee mentioned in subsection (1).’ 1  
2

**Part 2** **Amendments commencing by proclamation** 3  
4

**Energy and Water Ombudsman Act 2006** 5

**1 Section 46(7)—** 6  
*omit, insert—* 7  
‘(7) The energy and water ombudsman or the non-entity party 8  
may, by written notice, refer the noncompliance to the 9  
regulator under the *Water Supply (Safety and Reliability) Act* 10  
*2008*, section 10.’ 11

**2 Section 77(3)(a)(v)—** 12  
*omit, insert—* 13  
‘(v) matters referred to an energy Act regulator, QCA 14  
or the regulator under the *Water Supply (Safety and* 15  
*Reliability) Act 2008*, section 10; and’. 16

**3 Section 78(1)(c)—** 17  
*omit, insert—* 18  
‘(c) the regulator under the *Water Supply (Safety and* 19  
*Reliability) Act 2008*, section 10;’. 20

**4 Section 80(4), definition *relevant regulatory body*,** 21  
**paragraph (b)—** 22  
*omit, insert—* 23



	‘(b) in relation to a water entity—the regulator under the <i>Water Supply (Safety and Reliability) Act 2008</i> , section 10.’.	1 2 3
<b>5</b>	<b>Schedule, definition <i>Queensland Water Commission</i>—</b> <i>omit.</i>	4 5
	<b>Public Service Act 2008</b>	6
<b>1</b>	<b>Schedule 1, entry for ‘Queensland Water Commission under the <i>Water Act 2000</i>’—</b> <i>omit.</i>	7 8 9
	<b>South East Queensland Water (Restructuring) Act 2007</b>	10 11
<b>1</b>	<b>References to new water entities and their boards</b>	12
	Each provision mentioned in column 1 is amended by omitting the words mentioned in column 2 and inserting the words mentioned in column 3—	13 14 15 16
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Words omitted</b>	<b>Words inserted</b>
section 7, heading	new water entities	Authority
section 7	A new water entity	The Authority
	a new water entity	the Authority
	a new water entity’s	the Authority’s

Schedule

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Words omitted</b>	<b>Words inserted</b>
section 8	a new water entity the entity's the entity its board	the Authority the the Authority the board
section 12	A new water entity	The Authority
section 13	A new water entity officer of the entity employee of the entity	The Authority officer employee
chapter 2, part 2, heading	Boards	Board
section 14, heading	boards	board
section 14	Each new water entity a new water entity its board	The Authority the Authority the board
section 15, heading	boards	board
section 15	A new water entity's the entity the entity's performance the entity's chief	The the Authority the Authority's performance the chief
section 16	A board entity's	The board Authority's
sections 17 and 18	For each board, the members as	The members of the board as
sections 19 and 20	a board	the board
section 21	A board a board	The board the board

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Words omitted</b>	<b>Words inserted</b>
	<i>Note—</i>	
	Section 22—see amendment 2.	
section 23	of a board	of the board
section 24	A board	The board
	by a board	by the board
section 25	A board	The board
section 26	of a board	of the board
section 27	Each new water entity	The Authority
	the entity's	the
	the entity	the Authority
	<i>Note—</i>	
	Section 31—see amendment 3.	
section 32	a new water entity by its	the Authority by the
	the entity	the Authority
section 33	a new water entity	the Authority
	the new water entity's	the
section 34	A new water entity	The Authority
	a new water entity's	the Authority's
section 35	A new water entity	The Authority
section 36	A new water entity's	The
	the entity's	the Authority's
section 37	A new water entity's	The
	the entity's	the Authority's
section 38	a new water entity's	the Authority's
	entity or its	Authority or the
	entity or board	Authority or the board

Schedule

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Words omitted</b>	<b>Words inserted</b>
section 40, definition <i>annual report</i>	, of a new water entity, means its	means the Authority's
section 41	a new water entity's report of the entity	the report
section 42	report of a new water entity	report
section 43	A new water entity's the entity	The the Authority
section 45	a new water entity's plan for the entity	the plan
sections 47 and 48	entity's	Authority's
section 49	A new water entity	The Authority
section 50	board of a new water entity entity's	board Authority's
section 51	A new water entity's the entity's the entity for a new water entity other than the water grid manager, an	The Authority's the Authority's the Authority an
	<i>Note—</i> Section 52—see amendment 4.	
section 53	A new water entity	The Authority
section 54	a new water entity the entity's the entity	the Authority its the Authority
	<i>Note—</i> Section 55—see amendment 4.	

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Words omitted</b>	<b>Words inserted</b>
section 56, definition <i>community service obligations</i>	a new water entity	the Authority
	the entity's board	the board
	entity's commercial	Authority's commercial
section 57	a new water entity	the Authority
	a new water entity's	the Authority's
	A new water entity's	The Authority's
	the entity	the Authority
	the entity's	the Authority's
section 58	a new water entity's board	the board
	the entity	the Authority
section 59	A new water entity	The Authority
	a new water entity	the Authority
section 60	A new water entity	The Authority
	the entity	the Authority
section 61	a new water entity's board	the board
	the entity	the Authority
	for a new water entity other than the water grid manager, ask	ask
section 62	a new water entity	the Authority
	new water entities	the Authority
	A new water entity	The Authority
<i>Note—</i>		
	Section 62(6), definition <i>tax equivalents</i> —see amendment 5.	
section 63, heading	New water entity	Authority
section 63	a new water entity and its	the Authority and the

Schedule

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Words omitted</b>	<b>Words inserted</b>
section 64, heading	new water entities	Authority
section 64	A new water entity	The Authority
	a new water entity that has expired	the Authority on its expiry
	expiry of a new water entity	expiry of the Authority
	the entity	the Authority
	entity's	Authority's
section 104	a new water entity	the Authority
section 109, heading	new water entity	Authority
section 109	a new water entity (the <i>first entity</i> )	the Authority
	first entity	Authority
	first entity's	Authority's
section 116	Minister or under section 67,	Minister,
schedule 3, definition <i>annual report</i>	of a new water entity, for	for
schedule 3, definition <i>operational plan</i>	a new water entity	the Authority
	entity's	Authority's
schedule 3, definition <i>senior executive</i>	a new water entity	the Authority
	the entity	the Authority
	the entity's	the
schedule 3, definition <i>strategic plan</i>	a new water entity	the Authority
	entity's	Authority's
schedule 3, definition <i>subsidiary</i>	a new water entity	the Authority
	the new water entity	the Authority

<b>2</b>	<b>Section 22—</b>	1
	<i>omit, insert—</i>	2
<b>‘22</b>	<b>Quorum</b>	3
	‘A quorum for the board is—	4
	(a) if the board has 2 members—both members; or	5
	(b) if the board has 3 or more members—3 members.’.	6
<b>3</b>	<b>Section 31—</b>	7
	<i>omit, insert—</i>	8
<b>‘31</b>	<b>Chief executive officer’s responsibilities</b>	9
	‘The chief executive officer is, under the board, responsible	10
	for managing the Authority’s affairs under—	11
	(a) this Act and other relevant legislation; and	12
	(b) the board’s policies.’.	13
<b>4</b>	<b>Sections 52 and 55—</b>	14
	<i>omit.</i>	15
<b>5</b>	<b>Section 62(6), definition <i>tax equivalents</i>—</b>	16
	<i>omit, insert—</i>	17
	‘ <i>tax equivalents</i> means amounts paid by the Authority to the	18
	responsible Ministers, for payment into the consolidated fund,	19
	as the value of benefits derived by the Authority because it is	20
	not liable to pay Commonwealth tax that would be payable by	21
	it if it were not a government entity.’.	22
<b>6</b>	<b>Schedule 3, definitions <i>board, new water entities,</i></b>	23
	<b><i>responsible Ministers</i> and <i>water grid manager</i>—</b>	24
	<i>omit.</i>	25

<b>7</b>	<b>Schedule 3—</b>	1
	<i>insert—</i>	2
	‘ <i>Authority</i> ’ see section 6(1).	3
	<i>board</i> means the Authority’s board.	4
	<i>chief executive officer</i> means the chief executive officer of the Authority appointed under section 27.	5 6
	<i>responsible Ministers</i> means—	7
	(a) the Minister administering this Act; and	8
	(b) the Minister administering the Authority.	9
	<i>statement of obligations</i> , of the Authority, means a statement of obligations issued to the Authority and in effect under chapter 2, part 4, division 5.’.	10 11 12

	<b>Water Act 2000</b>	13
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<b>1</b>	<b>Section 33(3)(a)—</b>	14
	<i>omit, insert—</i>	15
	‘(a) for a dam in the SEQ region—the bulk water supply authority;’.	16 17
<b>2</b>	<b>Section 190(d)(ii), ‘water grid manager’—</b>	18
	<i>omit, insert—</i>	19
	‘bulk water supply authority’.	20
<b>3</b>	<b>Section 206(4)(h), ‘water grid manager’—</b>	21
	<i>omit, insert—</i>	22
	‘bulk water supply authority’.	23



<b>4</b>	<b>Section 213(1)(e)(vii), ‘water grid manager’—</b>	1
	<i>omit, insert—</i>	2
	‘bulk water supply authority’.	3
<b>5</b>	<b>Section 1013D, heading, ‘new water entities’—</b>	4
	<i>omit, insert—</i>	5
	‘bulk water supply authority’.	6
<b>6</b>	<b>Section 1013D(1), ‘a new water entity’—</b>	7
	<i>omit, insert—</i>	8
	‘the bulk water supply authority’.	9
<b>7</b>	<b>Section 1013D(2), ‘new water entity’—</b>	10
	<i>omit, insert—</i>	11
	‘bulk water supply authority’.	12
<b>8</b>	<b>Section 1013D(4)—</b>	13
	<i>omit.</i>	14
<b>9</b>	<b>Schedule 4, definition <i>water grid manager</i>—</b>	15
	<i>omit.</i>	16