

Water Supply (Safety and Reliability) Bill 2008

Explanatory notes for Amendments to be moved during consideration in detail by the Honourable Craig Wallace MP, Minister for Natural Resources and Water and Minister Assisting the Premier in North Queensland

Title of the Bill

Water Supply (Safety and Reliability) Bill 2008

Objectives of the Amendments

The objectives of the amendments are to correct minor omissions and technical errors.

Alternative Ways of Achieving Policy Objectives

There are no alternative ways of achieving the policy objectives.

Estimated Cost for Government Implementation

There are no costs associated with these amendments.

Consistency with Fundamental Legislative Principles

The proposed amendments are consistent with fundamental legislative principles.

Consultation

No consultation was necessary as the amendments are technical in nature with no policy change.

Notes on Provisions

Amendments 1 to 5 amend clause 49 Liability of service providers for negligence to correct a number of minor errors.

- The Bill amends clause 49, originally section 395 of the *Water Act 2000* which is being relocated into the Bill, to extend the protection from liability in certain circumstances to operators of a specified class of 'relevant water infrastructure'. To correct an inadvertent omission, the reference to 'operator of relevant water infrastructure' is added to subclause (1). Minor amendments are made to subclause (3) for consistency with the original section in the Water Act. For clarity, an amendment is made to the definition of relevant water infrastructure within the clause to make it clear that relevant water infrastructure must meet the requisite three criteria.

Amendment 6 amends clause 80 Preparing system leakage management plan, to simply correct a minor error by omitting the reference to subsection (3) and replacing with subsection (2) in subclause (3).

Amendments 7 to 14 amend clause 103 Requirement about giving water quality information, by replacing the reference to service provider with owner.

- Clause 103 relates to the drinking water service provider's ability to request information about the quality of water from a storage or infrastructure that is the source of supply for the drinking water service provider. The clause as it stands limits the access to request such information from the storage owner or infrastructure owner if the owner is a water service provider. However, in some instances water quality information will be required from storages or infrastructure owned by an entity that is not necessarily a water service provider. This amendment will

ensure water quality information could be sought, if necessary, from any relevant water storage owner. As is currently the case under clause 130, the water storage or infrastructure owner can pass these costs onto the drinking water service provider.

Amendments 15 to 17 amend clause 584 Non-payment of fees or charges, to add the additional reference to the regulator.

- Clause 584 sets out the process for dealing with non-payment of fees or charges due under the Bill. Both the chief executive and the regulator may set fees or charges under clause 583 of the Bill however clause 584 inadvertently only refers to the chief executive. The amendment required to clause 584 is to include a reference to the regulator as well as the chief executive.

Amendment 18 amends clause 612 Hazardous dams, to correct an inadvertent error where a reference was made to the repealed *Gladstone Area Water Board Act 1984* section 43 instead of the correct reference to the repealed *Water Resources Act 1989*.

Amendment 19 amends the heading of the new section 1163 inserted by clause 745 by replacing the phrase 'supply contract' with the phrase 'particular contract'. This amendment to the section heading is necessary in light of the changes to the body of section 1163 made by amendments 20 to 25 as described below.

Amendments 20 to 25 amend the new section 1163 inserted by clause 745 by replacing the phrase 'supply contract' with the word 'contract'. These amendments are necessary because the phrase 'supply contract' has a very limited definition as set out in schedule 4 of the Water Act, and it was never intended that section 1163 would be limited to contracts of the type captured within that definition.

Amendment 26 amends the definition of 'water' in schedule 4 of the Water Act to clarify that 'water' in section 1163 has the same definition as 'water' for the purposes of chapter 2A. This is necessary because section 1163 is a transitional provision that is directly related to the new part 5A in chapter 2A, and therefore the terms used in section 1163 need to have the same definition as for chapter 2A.