

# **South East Queensland Water (Distribution and Retail Restructuring) and Natural Resources Provisions Bill 2009**

## **Explanatory Notes for Amendments to be moved during consideration in detail by the Honourable Stephen Robertson MP**

### **Title of the Bill**

South East Queensland Water (Distribution and Retail Restructuring) and Natural Resources Provisions Bill 2009

### **Objectives of the Amendments**

The amendments to be moved during consideration have been made to:

- make minor corrections to the Short Title and various clauses of the Bill;
- take away any limitation upon a distributor-retailer conducting business outside its geographic areas or providing other services within its geographic area; and
- amend the eligibility criteria for appointment of Commissioner under Chapter 2A of the (*Water Act 2000*).

### **Consistency with Fundamental Legislative Principles**

The amendments do not conflict with Fundamental Legislative Principles.

### **Consultation**

Where appropriate, consultation regarding the amendments was undertaken with Council of Mayors (South East Queensland), the Queensland Water Commission and key government agencies, such as Queensland Treasury.

## Notes on Provisions

Amendment 1 amends the Short Title of the Bill by including the word ‘Water’ after South East Queensland to ensure that it is consistent with the Long Title of the Bill.

Amendment 2 amends clause 4 to make a minor correction to this provision.

Amendment 3 amends clause 11 by omitting the words ‘that are connected with or arise from it providing relevant services’ so that a distributor-retailer will not be limited in conducting business outside its geographic area or providing other services within its geographic area. For example a distributor-retailer might provide engineering services outside its geographic area or off-grid recycling solutions. It might also provide broadband services within its geographic area, using its existing networks.

Amendment 4 amends clause 15 by omitting the words ‘or any other matter prescribed under a regulation’. This amendment will prevent a regulation being made under this Act to exempt a distributor-retailer from having to comply with a financial and performance management standard. This regulation making power has been removed as the *Financial Accountability Act 2009* (section 59) allows the Treasurer to exempt a department or statutory authority from complying with a financial and performance management standard.

Amendment 5 also amends clause 15 by inserting the words ‘who are also participants in the distributor-retailer’ at the end of this clause to make it clear that the reporting need only be back to the participating local governments who continue to have participation rights in a distributor-retailer.

Amendment 6 amends clause 15 to make a minor correction to this provision.

Amendment 7 amends clause 21 for the same reason that clause 15 is amended. It makes clear that only the participating local governments which continue to have participation rights in a distributor-retailer need to be provided with enough information to allow them to make an informed assessment of the distributor-retailer’s operations.

Amendment 8 amends clause 28 to make a minor correction to this provision.

Amendment 9 amends clause 34 to make a minor correction to this provision.

Amendment 10 amends clause 49 to make a minor correction to this provision and to put it beyond doubt that a direction may be made by participating local governments where a ‘majority’ of local governments, as defined in a participation agreement for that distributor-retailer, think it necessary in the public interest of the distributor-retailer’s geographic area and the SEQ region.

Amendment 11 amends clause 54 to make a minor correction to this provision.

Amendment 12 amends clause 56 to include a definition of ‘trust land’ so that it is clear that this provision applies to, but is not limited to, land dedicated as a reserve, or granted in fee simple in trust, under the *Land Act 1994*, chapter 3, part 1.

Amendments 13 and 14 amend clause 83 to make minor corrections to this provision.

Amendment 15 amends clause 94 to make a minor correction to this provision.

Amendment 16 amends clause 100 to make a minor correction to this provision.

Amendment 17 amends clause 104 to exempt an interim board established under an interim participation agreement from having to comply with sections 38, 39, 40 and 42, which deal with the conduct of board business, namely, the time and place of meetings, chairperson, conduct of meetings and disclosure of interests. An interim board will still be required to keep minutes of its board meetings.

Amendment 18 amends clause 105 to make it clear that a distributor-retailer must comply with relevant customer service standards for a distributor-retailer’s geographic area until the commencement of a customer water and wastewater code made by the Minister pursuant to section 93 of the Act.

Amendment 19 amends clause 106 to make a minor correction to this provision.

Amendments 20 to 25 amend clauses 117, 123, 124, 125 and 128 to insert the word ‘Water’ into the name of the Act where it is referred to in these provisions.

Amendment 26 inserts clause 129A which amends section 349 of the *Water Act 2000* to limit the ineligibility criteria to that of a water service provider that is operating within the area of the Commission. Lessening the scope of these criteria will still ensure the avoidance of direct conflicts of interest.

Amendment 27 amends clause 152 to insert the word 'Water' into the name of the Act where it is referred to in this provision.

Amendment 28 amends the Schedule to omit the definition of 'trust land' from the dictionary as the definition is now included in clause 56.

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