



Queensland

Water Supply Services Legislation Amendment Bill 2014

Includes amendments agreed during Consideration



Queensland

Water Supply Services Legislation Amendment Bill 2014

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2014

A Bill

for

An Act to amend the *Plumbing and Drainage Act 2002*, the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*, the *Sustainable Planning Act 2009*, the *Sustainable Planning Regulation 2009* and the *Water Supply (Safety and Reliability) Act 2008* for particular purposes, to repeal the *Metropolitan Water Supply and Sewerage Act 1909*, and to make minor and consequential amendments to the Acts mentioned in schedule 1

[s 1]

The Parliament of Queensland enacts—

Chapter 1 Preliminary

1 Short title

This Act may be cited as the *Water Supply Services Legislation Amendment Act 2014*.

2 Commencement

- (1) This Act, other than the provisions mentioned in subsection (2), commences on a day to be fixed by proclamation.
- (2) The following provisions commence on assent—
 - chapters 3 and 4
 - schedule 1, amendment 15 of the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*
 - schedule 1, amendments 1 to 20 and 23 of the *Water Supply (Safety and Reliability) Act 2008*.

Chapter 2 SEQ water infrastructure and connection reforms

Part 1 Amendment of South-East Queensland Water (Distribution and Retail Restructuring) Act 2009

3 Act amended

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

Note—

See also the amendments in schedule 1.

4 Amendment of s 53 (Delegation)

(1) Section 53(5)—

omit, insert—

(5) Without limiting subsection (1), a distributor-retailer may delegate the following functions to its relevant participating local government—

- (a) functions under chapter 2C relating to the appointment of water connection officers;
- (b) functions under chapter 4C;
- (c) functions as a concurrence agency for a particular development application.

(2) Section 53(7) to (10)—

omit, insert—

[s 5]

- (7) Without limiting subsection (4), the chief executive officer of a distributor-retailer may delegate his or her functions under sections 99BRBB, 99BRBC and 99BRBD to a relevant participating local government of the distributor-retailer.
- (8) A delegation of a chief executive's power to a participating local government may permit the subdelegation of the power to an appropriately qualified person.
- (3) Section 53(11), definition *relevant day*—
omit.
- (4) Section 53(11)—
renumber as section 53(9).

5 Amendment of s 53AQ (Provision about service areas—after water netserv plan is in effect)

- (1) Section 53AQ(1), 'has'—
omit, insert—
adopts under section 99BRAB
- (2) Section 53AQ(3)—
omit, insert—
- (3) For applying the Water Supply Act, a reference in that Act to a service area is, for a distributor-retailer, taken to be a reference to a connection area of the distributor-retailer unless stated otherwise.

6 Amendment of s 53BI (Requirements for carrying out work)

- (1) Section 53BI(1)—
insert—

- (aa) the public entity and the distributor-retailer have entered into a written consent arrangement for the carrying out of the work (*a consent arrangement*); or
- (2) Section 53BI(1)(aa) and (b)—
renumber as section 53BI(1)(b) and (c).
- (3) Section 53BI—
insert—
 - (3) Without limiting the matters of a consent arrangement, the arrangement may—
 - (a) apply to 1 or several locations; and
 - (b) be subject to the SEQ design and construction code; and
 - (c) if the arrangement is for water infrastructure within an agreed location on a road—provide for the distributor-retailer to give a water approval for the infrastructure without a public entity approval; and
 - (d) provide for a person identified in the consent arrangement to carry out water infrastructure work on a publicly controlled place; and
 - (e) be subject to reasonable conditions.

7 **Amendment of s 53BJ (Obtaining public entity's approval)**

- (1) Section 53BJ, heading, after 'approval'—
insert—
or entering consent arrangement
- (2) Section 53BJ(1), after 'approval'—
insert—

or consent arrangement

- (3) Section 53BJ(3), from ‘subsection (2)(c),’—

omit, insert—

subsection (2)(c)—

- (a) decide to grant or refuse the approval; or
- (b) enter into the consent arrangement.

- (4) Section 53BJ(4), ‘The’—

omit, insert—

For subsection (3)(a), the

8 Amendment of s 53BK (Conditions of approval)

- (1) Section 53BK, heading, after ‘approval’—

insert—

or arrangement

- (2) Section 53BK, after ‘approval’—

insert—

or consent arrangement

9 Amendment of s 53BO (General obligations in carrying out work)

Section 53BO(1)(d)(i), after ‘approval’—

insert—

or consent arrangement

10 Amendment of s 53CK (Appointment and other provisions)

- (1) Section 53CK(2)—

omit, insert—

-
- (2) The distributor-retailer may also appoint the person as a discharge officer or water connection officer under this Act if the distributor-retailer is satisfied the person has the necessary expertise or experience.
- (2) Section 53CK(3), after ‘appointed’—
insert—
as a discharge officer
- (3) Section 53CK(4), from ‘discharge officer’ to ‘as if’—
omit, insert—
discharge officer or water connection officer and the officer’s office as if
- (4) Section 53CK(4)(a), after ‘officer’—
insert—
or water connection officer
- (5) Section 53CK(5), ‘both’—
omit, insert—
all

11 Insertion of new s 53CLA

Chapter 2C, part 1—

insert—

53CLA Functions of a water connection officer

A water connection officer’s functions are to help the distributor-retailer to do the following—

- (a) monitor and enforce compliance with the Water Supply Act, chapter 2, part 7, other than to the extent that part relates to trade waste and seepage water;

- (b) monitor and enforce compliance with chapter 4C, part 5;
- (c) take water connection compliance action.

12 Insertion of new ch 2C, pts 4 and 5

Chapter 2C—

insert—

Part 4 Powers of water connection officers

Division 1 General powers for entering places

53DNA General powers of entry

- (1) A water connection officer may enter a place to perform the officer's functions if—
 - (a) it is a place of business the subject of a water approval and the place is—
 - (i) open for carrying on the business; or
 - (ii) otherwise open for entry; or
 - (b) an occupier of the place consents to the entry; or
 - (c) it is a public place and the entry is made when it is open to the public; or
 - (d) the entry is authorised by a warrant.
- (2) For subsection (1)(a) and (b), a place does not include a building or structure used for residential purposes.
- (3) To remove any doubt, it is declared that this section does not limit or otherwise affect a water

connection officer's powers as an authorised person.

Division 2 Other powers of water connection officers

53DNB Application of ch 2C, pt 2, divs 2 to 8

- (1) Chapter 2C, part 2, divisions 2 to 8 apply, with any necessary changes, as if a reference in the divisions to—
 - (a) a discharge officer were a reference to a water connection officer; and
 - (b) a discharge compliance action were a reference to a water connection compliance action; and
 - (c) a discharge offence were a reference to a water connection offence; and
 - (d) a trade waste approval or seepage water approval were a reference to a water approval.
- (2) For the application of section 53CV(1), the reference to section 53CM(1)(b) is taken to be a reference to section 53DNA(1)(b).

Part 5 Show cause and water connection compliance notices

Division 1 Show cause notices

53DNC When show cause notice must be given before compliance notice

- (1) A distributor-retailer or water connection officer must, before giving a person a compliance notice for a matter, give the person a show cause notice about the matter.
- (2) However, a show cause notice need not be given if the distributor-retailer or water connection officer reasonably considers—
 - (a) urgent action is required to protect public health or public safety; or
 - (b) urgent action is required to stop damage, or further damage, to the distributor-retailer's water infrastructure; or
 - (c) it is otherwise not appropriate in the circumstances to give a show cause notice for the matter.

Example—

The distributor-retailer or officer considers giving a show cause notice may adversely affect the effectiveness of the proposed compliance notice.

Division 2 Water connection compliance notices

53DND Who may give a water connection compliance notice

- (1) This section applies if a distributor-retailer or a water connection officer reasonably believes—
 - (a) a person—
 - (i) is contravening a provision of chapter 4C, part 5; or
 - (ii) has contravened a provision of chapter 4C, part 5, in circumstances that make it likely the contravention will continue or be repeated; and
 - (b) a matter relating to the contravention is reasonably capable of being rectified; and
 - (c) it is appropriate to give the person an opportunity to rectify the matter.
- (2) The distributor-retailer or water connection officer may decide to give the person a notice (a ***water connection compliance notice***) requiring the holder to remedy the contravention.
- (3) Subsection (4) applies if the giving of the water connection compliance notice is for a matter for which a show cause notice has been given by the distributor-retailer or water connection officer.
- (4) The water connection compliance notice may be given only if, after considering any properly made submission by the person about the show cause notice, the distributor-retailer or water connection officer still believes it is appropriate to give the compliance notice.

53DNE Requirements for water connection compliance notice

- (1) A water connection compliance notice must state the following—
 - (a) that the distributor-retailer or water connection officer reasonably believes the person—
 - (i) is contravening a provision of chapter 4C, part 5; or
 - (ii) has contravened a provision of chapter 4C, part 5, in circumstances that make it likely the contravention will continue or be repeated;
 - (b) the provision the distributor-retailer or water connection officer believes is being, or has been, contravened;
 - (c) briefly, how it is believed the provision is being, or has been, contravened;
 - (d) that the person must remedy the contravention within a stated reasonable period;
 - (e) that it is an offence to fail to comply with the notice unless the person has a reasonable excuse;
 - (f) that, within 20 business days after the notice is given, the person may appeal against the decision to give the notice;
 - (g) how the person may apply for the appeal.
- (2) A water connection compliance notice may also state—
 - (a) the reasonable steps that the distributor-retailer or water connection officer is satisfied are necessary to remedy

- the contravention, or avoid further contravention, of the provision; or
- (b) performance outcomes to show that the contravention has been remedied or the further contravention will be avoided.
- (3) If a water connection compliance notice requires the person to do an act involving the carrying out of work, it also must give details of the work involved.
- (4) If a water connection compliance notice requires the person to refrain from doing an act, it also must state—
- (a) a period for which the requirement applies; or
- (b) that the requirement applies until further notice.

53DNF Offence to contravene water connection compliance notice

A person to whom a water connection compliance notice is given must comply with the notice unless the person has a reasonable excuse.

Maximum penalty—100 penalty units.

53DNG Action distributor-retailer may take if water connection compliance notice contravened

- (1) This section applies if a person contravenes a water connection compliance notice by not doing something.
- (2) The distributor-retailer may do the thing or take any other action (*water connection compliance action*) it reasonably believes is necessary to

prevent or minimise the impact of the
contravention.

53DNH Recovery of costs of water connection compliance action

- (1) If a distributor-retailer incurs expense because of the taking of a water connection compliance action, it may give the person a notice stating the amount of the expense incurred.
- (2) Any reasonable expenses incurred by the distributor-retailer in taking the water connection compliance action may be recovered by the distributor-retailer from the person as a debt.
- (3) In this section—
expenses, incurred by the distributor-retailer, includes the cost of services that the distributor-retailer provides for itself.

13 Omission of ch 3A, pt 7 (Restrictions on particular charges for 2012–13 financial year)

Chapter 3A, part 7—

omit.

14 Amendment of 99BJ (Requirement for SEQ service provider to have plan)

- (1) Section 99BJ, heading ‘have’—

omit, insert—

adopt

- (2) Section 99BJ, ‘must, from 1 March 2014, have’—

omit, insert—

must by 1 October 2014 have adopted

15 Replacement of s 99BL (Requirement for SEQ service provider to review plan)

Section 99BL—

omit, insert—

99BL Requirement for SEQ service provider to review plan

- (1) An SEQ service provider must, within each 5-year period starting on 1 October 2014, review its water netserv plan to ensure the plan—
 - (a) is consistent with—
 - (i) the SEQ regional plan; and
 - (ii) the relevant planning assumptions; and
 - (b) achieves the purposes of the plan under section 99BM.
- (2) Without limiting subsection (1), an SEQ service provider must—
 - (a) before 1 October each year, review the connection areas under its water netserv plan; and
 - (b) within each 5-year period starting on 1 October 2014, review the future connection areas under its water netserv plan.
- (3) If a connection under a water approval to an SEQ service provider's infrastructure network occurs outside of its connection area—
 - (a) the location of the connection is taken to be part of its connection area; and
 - (b) the SEQ service provider must, as soon as practicable, update its connection area in its water netserv plan under subsection (2).

16 Amendment of s 99BM (Purposes of plan)

- (1) Section 99BM, ‘as follows’—

omit, insert—

all of the following

- (2) Section 99BM—

insert—

- (f) if the SEQ service provider is a distributor-retailer—
 - (i) to provide a process for approvals for connections to its water infrastructure; and
 - (ii) to state fees and charges that may be levied under chapter 4C for connections to its water infrastructure, including its trunk infrastructure.

17 Amendment of s 99BO (Content of part A of plan)

- (1) Section 99BO(1)(f), ‘for connections’—

omit, insert—

for connections, disconnections and alterations

- (2) Section 99BO(1)(f)(i), ‘provide connection’—

omit, insert—

provide connections that comply with its connection criteria

- (3) Section 99BO(1)(f)—

insert—

- (ia) the areas (each a *future connection area*) in which the SEQ service provider intends to extend its infrastructure network; and

-
- (4) Section 99BO(1)(f)(iii), example, ‘for subparagraph (iii)’—
omit.
- (5) Section 99BO(1)(f)—
insert—
- (iv) if the SEQ service provider is a distributor-retailer—each matter stated in section 99BOA; and
- (6) Section 99BO(1)(f)(ia) to (iv)—
renumber as section 99BO(1)(f)(ii) to (v).
- (7) Section 99BO(1)(g)(i), ‘charges’—
omit, insert—
- charges, including charges under section 99AV(2)(b),
- (8) Section 99BO(1)(g)(iii), ‘charges’—
omit, insert—
- if the SEQ service provider is not a distributor-retailer—charges
- (9) Section 99BO(1)(g)—
insert—
- (iv) if the SEQ service provider is a distributor-retailer—each matter stated in section 99BOB; and
- (10) Section 99BO(i)—
omit, insert—
- (i) if the SEQ service provider is a distributor-retailer—include a schedule of works for the provider; and
- (j) include any other matters prescribed under a regulation.

18 Insertion of new ss 99BOA–99BOB

After section 99BO—

insert—

99BOA Connections policy for distributor-retailers

A distributor-retailer’s connections policy must also include the following—

- (a) its criteria and conditions for a standard connection;
- (b) its criteria for a staged water connection;
- (c) its criteria for other categories of connections including connections outside of the following—
 - (i) its connection area;
 - (ii) its future connection area;
- (d) the way to apply for a water approval;
- (e) the categories of connections to which it may delegate its decision function under section 53;
- (f) the time frames for its decisions for connections, other than a standard connection;
- (g) its conditions for when a water approval lapses;
- (h) its requirements for construction maintenance and defects liability.

99BOB Charges schedules for distributor-retailers

A distributor-retailer’s charges schedule must also include details of the following—

- (a) connection charges;

- (b) charges for property service infrastructure;
- (c) the way a connection charge and charge for property service infrastructure is calculated;
- (d) the fees for an application or request under chapter 4C.

19 Amendment of s 99BQ (Matters SEQ service provider must have regard to in making plan)

Section 99BQ(1)(a), examples—

omit, insert—

Examples of relevant documents—

- SEQ regional plan
- SEQ water supply strategy under the SEQ regional plan

20 Replacement of ch 4B, pt 4 (Process for making or amending plans)

Chapter 4B, part 4—

omit, insert—

Part 4 Making and amendment

99BR Process for making

- (1) To make a water netserv plan, an SEQ service provider must—
 - (a) give public notice about the proposal to make part A of a water netserv plan; and
 - (b) carry out public consultation in relation to proposed part A of the plan, including—

- (i) making proposed part A of the plan available for inspection for at least 20 business days; and
 - (ii) inviting submissions to the SEQ service provider about proposed part A of the plan; and
 - (iii) considering submissions mentioned in subparagraph (ii); and
- (c) ensure proposed part A of the plan is endorsed as follows—
- (i) for a distributor-retailer—by each participating local government for the distributor-retailer as being consistent with the planning assumptions for its local government area;
 - (ii) for a withdrawn council—by the council as being consistent with the planning assumptions for its local government area; and
- (d) subject to subsections (2) to (5), adopt the plan under section 99BRAB.
- (2) A participating local government or withdrawn council must endorse proposed part A of the plan if the plan is consistent with the planning assumptions for its local government area.
- (3) After proposed part A of the plan is endorsed under subsection (1)(c), the SEQ service provider must ensure the proposed part A is endorsed by the Planning Minister as being consistent with the SEQ regional plan.
- (4) The Planning Minister must endorse proposed part A of the plan if it is consistent with the SEQ regional plan.

- (5) An entity mentioned in subsection (2) or (4) is taken to endorse proposed part A of the plan if the entity has not, within 30 business days after receiving it—
 - (a) refused to endorse proposed part A of the plan; or
 - (b) asked the SEQ service provider to change proposed part A of the plan.
- (6) The SEQ service provider can not adopt the plan if proposed part A of the plan is not endorsed by the Planning Minister.
- (7) If the SEQ service provider is a distributor-retailer, the SEQ service provider can not adopt the plan if proposed part A of the plan is not endorsed by each of its participating local governments.

99BRAA Process for amending plan

- (1) An SEQ service provider may, under this section and section 99BRAB, amend its water netserv plan.
- (2) An administrative amendment to part A of the plan or any amendment to part B of the plan may be made at any time.
- (3) Before making a minor amendment to part A of the plan, the SEQ service provider must—
 - (a) give public notice about the minor amendment; and
 - (b) carry out public consultation in relation to the minor amendment including—
 - (i) making the minor amendment available for inspection for at least 10 business days; and

- (ii) inviting submissions to the SEQ service provider about the minor amendment; and
 - (iii) considering submissions mentioned in subparagraph (ii).
- (4) Section 99BR applies to a major amendment to part A of the plan, as if a reference in the section to the plan were a reference to the amendment.
- (5) In this section—
 - administrative amendment***, of a water netserv plan, means an amendment correcting or changing—
 - (a) the format or presentation of the plan; or
 - (b) a cross-reference in the plan; or
 - (c) a spelling, grammatical or mapping error in the plan; or
 - (d) a factual matter incorrectly stated in the plan; or
 - (e) a redundant or outdated term in the plan; or
 - (f) inconsistent numbering of provisions in the plan; or
 - (g) the expression of a number, year, date, time or amount in the plan; or
 - (h) a charge under section 99BO(1)(g) or 99BOB.

major amendment, of a water netserv plan, means an amendment to the plan other than an administrative amendment or minor amendment of the plan.

minor amendment, of a water netserv plan, means—

- (a) an amendment to the plan because of a change under section 99BL(3) to the SEQ service provider's connections policy; or
- (b) an amendment of the connections policy, other than an amendment to the future connection area; or
- (c) an amendment of the schedule of works included in the plan.

99BRAB Adoption of plan or amendment

- (1) A water netserv plan or an amendment of a plan must be adopted for an SEQ service provider by—
 - (a) for a distributor-retailer—its board; or
 - (b) for a withdrawn council—the council.
- (2) If, for a distributor-retailer's plan, the amendment of the plan is an administrative amendment or minor amendment, the chief executive officer of the distributor-retailer may adopt the amendment.
- (3) The plan or amendment of the plan takes effect on a day stated in a resolution of the board or council.
- (4) The stated day can not be before the adoption.
- (5) As soon as practicable after the adoption of the plan, or a major amendment of the plan, the SEQ service provider must give the following notice of that fact—
 - (a) the Planning Minister;
 - (b) if it is a distributor-retailer—its participating local governments.

21 Insertion of new ch 4C

After section 99BRAB, as inserted—

insert—

Chapter 4C Water approvals and infrastructure

Part 1 Services advice notices

99BRAC Obtaining notice

- (1) A person may, at any time, request a notice (a *services advice notice*) about a connection from a distributor-retailer.
- (2) The request must be made in the way stated in the distributor-retailer's connections policy.
- (3) The distributor-retailer may give the person a services advice notice stating—
 - (a) advice about the proposed connection having regard to its connections policy; and
 - (b) the charges and conditions that may apply to the connection; and
 - (c) any other relevant matter about the connection.
- (4) The distributor-retailer may impose a fee stated in the connections policy for the services advice notice.

99BRAD Water approval still required

- (1) Despite any services advice notice being given, if the person intends to make the connection, the person must apply for a water approval.
- (2) The services advice notice does not bind the distributor-retailer's decision if the person applies for the water approval.

Part 2 Water approvals

Division 1 Application and decision process

99BRAE Operation of pt 2

This part provides for a person (the *applicant*) to apply for a water approval for a connection, other than a standard connection, for a distributor-retailer.

Note—

For provisions relevant to water approvals and offences under the Water Supply Act, see the Water Supply Act, chapter 2, part 5, division 6.

99BRAE Applying for water approval

- (1) The application must be made to the distributor-retailer in the way stated in its connections policy.
- (2) If the applicant is not the owner of the land related to the connection, the owner's written consent must accompany the application.

Examples of land related to the connection—

- the land for the connection
- land for which access is required for the connection

- (3) If the application is required to be made in a form under the connections policy, the *Acts Interpretation Act 1954*, section 48A applies to the form as if the form were prescribed or approved under this Act.
- (4) The distributor-retailer may impose a fee stated in the connections policy for the application.

99BRAG Decision generally

- (1) In deciding the application, the distributor-retailer must assess the application and—
 - (a) approve all or part of the application; or
 - (b) refuse all of the application.
- (2) The decision may include the imposition of conditions (*water approval conditions*) permitted under division 2 on any approval.
- (3) The assessment must be against—
 - (a) the decision criteria stated in its connections policy; and
 - (b) the SEQ design and construction code; and
 - (c) any other matter the distributor-retailer considers to be relevant to the connection or supply of its water services or wastewater services.

99BRAH Other decision rules

The distributor-retailer may refuse the application if it considers the connection—

- (a) is not technically feasible; or

- (b) would unreasonably interfere with the connection or supply of its water services or wastewater services to other customers.

99BRAI Decision notice

- (1) The distributor-retailer must give the applicant a notice (a *decision notice*) of the decision on the application.
- (2) The decision notice must state—
 - (a) the decision and the day it was made; and
 - (b) if the application is refused, or part of the application is approved—the reasons for refusal; and
 - (c) for an application other than a staged water connection application—any water approval conditions imposed or charges levied for the connection; and
 - (d) for a staged water connection application—
 - (i) any water approval conditions imposed or charges levied for the connection; and
 - (ii) the stages of the connection; and
 - (iii) which stages of the connection (if any) are authorised under the water approval; and
 - (iv) any water approval conditions imposed, or charges levied, on a stage of the connection authorised under the water approval; and
 - (v) which stages of the connection require a further application for a water approval; and

- (e) the applicant's rights of internal review and appeal.
- (3) The decision notice may be combined with any trade waste approval or seepage water approval given to the applicant.
- (4) If the distributor-retailer does not give the applicant a decision notice within the period during which the application is required to be decided under the connections policy, the distributor-retailer is taken to have refused the application.

Division 2 Conditions and charges

Subdivision 1 Water approval conditions

99BRAJ Water approval conditions must be relevant and reasonable

- (1) Water approval conditions must—
 - (a) be relevant to, but not an unreasonable imposition on, the connection; or
 - (b) be reasonably required for, or as a result of, the connection.
- (2) Without limiting subsection (1), the conditions may be for any of the following—
 - (a) the level of demand for the water service or wastewater service for the connection;
 - (b) protecting or maintaining the safety and efficiency of the distributor-retailer's infrastructure;
 - (c) requiring property service infrastructure or network infrastructure to be designed and

-
- constructed including infrastructure designed and constructed in accordance with the SEQ design and construction code;
- (d) requiring a document or works for the water approval to be certified by the distributor-retailer or a nominated person;
 - (e) requiring a nominated person to make a connection to the distributor-retailer's network infrastructure;
 - (f) requiring a connection, or part of it, to be completed within a stated period;
 - (g) requiring the payment of security under an agreement under section 99BRAL to support a condition of the approval.
- (3) If a water approval is for all or part of a staged water connection application, the water approval conditions for the approval may be imposed on any or all stages of the connection.

99BRAK Power to amend

- (1) This section applies if the holder of a water approval asks the distributor-retailer, in the way stated in its connections policy, to amend a water approval condition of the approval.
- (2) The distributor-retailer must decide to amend or refuse to amend the condition.
- (3) Division 1, other than section 99BRAI, applies to the decision, with any necessary changes, as if a reference in the division to an application were a reference to an application for the amendment.
- (4) The distributor-retailer must give the applicant notice (an *amendment notice*) of the decision about the condition stating the following—

- (a) the day the decision was made;
 - (b) whether the request is approved or refused;
 - (c) if the request is refused, the reasons for refusal;
 - (d) the applicant's rights of internal review and appeal.
- (5) If the condition is amended under this section, the condition as amended takes effect when the amendment notice is given to the applicant.
- (6) To avoid any doubt, it is declared that despite an amendment to a condition of a water approval—
- (a) the water approval continues in effect; and
 - (b) a condition amended under this section is a water approval condition.

99BRAL Water approval condition agreements

- (1) The holder of a water approval may enter into an agreement with an entity, including, for example, a distributor-retailer, to establish the obligations, or secure the performance, of a party to the agreement about a water approval condition of the approval.
- (2) An applicant for a connection, the distributor-retailer and a nominated person may enter into an agreement to establish the obligations, or secure the performance, of a party to the agreement about a proposed water approval condition for the connection.

Subdivision 2 Water approval charges

99BRAN Charges that may be levied

- (1) A distributor-retailer may levy a charge for any of the following—
 - (a) a property service connection or a network connection (a *connection charge*);
 - (b) property service infrastructure (a *property service works charge*).
- (2) The charges may be levied on any stage of the relevant connection.
- (3) The distributor-retailer may recover from a person to whom the charge is levied the amount, or part of the amount, of the charge as a debt.

Division 3 Effect of water approvals

99BRAO When approval takes effect

A decision notice for a water approval is taken to be a water approval having effect from when the decision notice is given to the applicant.

99BRAP When approval lapses

A water approval has effect until it lapses under a condition of the approval.

99BRAQ Approval attaches to land

- (1) A water approval—
 - (a) attaches to the land to which the approval relates until the approval lapses; and

- (b) binds the owner of the land, the owner's successors in title and any occupier of the land.
- (2) Subsection (3) applies if a water approval (a *prior approval*) attaches to land and another water approval (a *later approval*) attaches to the land after the prior approval.
- (3) Subsection (1) continues to apply to the prior approval but only to the extent the prior approval is not modified under the later approval.

99BRAR Notice about conditions, fees and charges

The distributor-retailer may give a holder of a water approval a notice stating whether the holder has—

- (a) complied with the conditions of the approval; and
- (b) paid the fees and charges under the approval.

99BRAS Authority to make a connection

- (1) The water approval authorises the making of a connection to the extent authorised under the approval.
- (2) However, a distributor-retailer or a person authorised by the distributor-retailer may make a connection, or carry out works for the connection, without a water approval.

99BRAT Assessment of connections, water approvals and works

To avoid any doubt, it is declared that—

- (a) a water approval for a connection including works for the connection, or a grant of a standard connection including works for the connection, is a complete assessment of the connection or works; and
- (b) a connection including works for the connection can not be assessed or authorised under a local law or any other law of a State.

Part 3 Standard connections

99BRAU Requests for standard connections

- (1) This section applies if a connection (a *standard connection*) complies with a distributor-retailer's criteria mentioned in section 99BOA(a) for the connection area.
- (2) A person may ask the distributor-retailer for the standard connection.
- (3) The distributor-retailer must grant the request if—
 - (a) the person pays the fee for the request stated in the distributor-retailer's connections policy; and
 - (b) if the person is not the owner of the land related to the standard connection—the owner has given written consent to the connection.

Examples of land related to the connection—

 - the land for the connection
 - land for which access is required for the connection
- (4) The grant of the request must be made within 5 business days after receiving it or another period

agreed to by the distributor-retailer and the person.

- (5) The distributor-retailer must, within 5 business days of granting the request, give the person a notice stating—
 - (a) the standard conditions for the standard connection; and
 - (b) a charge for the standard connection under this part.
- (6) The grant is taken to be a water approval for the standard connection and has effect from when the person receives the notice.

Note—

Part 2, division 3 applies to a standard connection that is taken to be a water approval.

- (7) The standard connection is subject to the conditions (the *standard conditions*) stated in the distributor-retailer's connections policy under section 99BOA(a).
- (8) The distributor-retailer may impose a fee stated in the connections policy for the request under this section.

99BRAV Charges that may be levied

- (1) A distributor-retailer may, for a standard connection, levy a charge for any of the following—
 - (a) a property service connection or a network connection (a *connection charge*);
 - (b) property service infrastructure (a *property service works charge*).

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- (2) The distributor-retailer may recover from a person to whom the charge is levied the amount, or part of the amount, of the charge as a debt.

Part 4 Reviews and appeals

Division 1 Preliminary

99BRAW Meaning of *interested person* and *original decision*

- (1) An *interested person* for this part is an applicant under this chapter who—
- (a) has been given a decision notice; or
 - (b) if the period during which the application was required to be decided under the relevant connections policy has expired—has not been given a decision notice; or
 - (c) has had 1 or both of the following charges imposed for a connection, other than for a standard connection—
 - (i) a connection charge;
 - (ii) a property service works charge.
- (2) Each of the following is an *original decision*—
- (a) the decision or action for which a decision notice was given (an *approval decision*);
 - (b) if the period during which an application was required to be decided under the connections policy has expired—the failure to give a decision notice for the application (a *failure to decide*);

- (c) the decision to impose a charge for a connection mentioned in subsection (1)(c) (a *charge decision*).

99BRAX Meaning of *standard appeal period*

In this part, a *standard appeal period* for an appeal under division 3 or 4, other than for a compliance appeal, means—

- (a) if the notice for the review decision is given to the interested person—within 20 business days after the notice was given; or
- (b) otherwise—within 20 business days after the review decision is taken to have been made under section 99BRBC(4).

Division 2 Internal reviews

99BRAY Appeal process starts with internal review

An appeal of an original decision, other than an appeal against a compliance notice, must be, in the first instance, by way of an application for internal review.

99BRAZ Who may apply for review

- (1) An interested person for an original decision may apply for an internal review of the decision (an *internal review application*).
- (2) An internal review application may be made only to the chief executive officer of the relevant distributor-retailer (the *reviewer*).

99BRBA Requirements for making internal review application

An internal review application must be—

- (a) accompanied by a statement of the grounds on which the applicant seeks the review of the decision; and
- (b) supported by enough information to enable the reviewer to decide the application; and
- (c) made within 30 business days after the day the original decision is made.

99BRBB Review decision

- (1) The reviewer must, within the review decision period—
 - (a) review the original decision the subject of the application; and
 - (b) make a decision (the *review decision*) to—
 - (i) confirm the original decision; or
 - (ii) amend the original decision; or
 - (iii) substitute another decision for the original decision.
- (2) The application must not be dealt with by—
 - (a) the person who made the original decision; or
 - (b) a person in a less senior office than the person who made the original decision.
- (3) Subsection (2)—
 - (a) applies despite the *Acts Interpretation Act 1954*, section 27A; and
 - (b) does not apply to an original decision made by the chief executive officer.

- (4) If the review decision confirms the original decision, for the purpose of an appeal, the original decision is taken to be the review decision.
- (5) If the review decision amends the original decision, for the purpose of an appeal, the original decision as amended is taken to be the review decision.
- (6) In this section—
review decision period means—
 - (a) 15 business days after receiving an internal review application; or
 - (b) another period agreed to between the distributor-retailer and the applicant.

99BRBC Notice of review decision

- (1) The reviewer must, within 5 business days after the review decision period ends, give the applicant notice of the review decision (a *review notice*).
- (2) The review notice must state the reasons for the review decision.
- (3) If the review decision is not the decision sought by the applicant, the notice must also state the applicant may, within 20 business days after the review notice is given—
 - (a) appeal against the decision to a building and development dispute resolution committee established under the Planning Act; or
 - (b) appeal against the decision to the Planning and Environment Court.

- (4) If the reviewer does not comply with subsection (1), the reviewer is taken to have made a decision confirming the original decision.

99BRBD Internal review stops particular actions

- (1) If an internal review is started under this division for an approval decision or charge decision, any work under a water approval must not be started until the review is decided or withdrawn.
- (2) Despite subsection (1), if the reviewer is satisfied the outcome of the review would not be affected if the work is started before the review is decided, the reviewer may allow the work to start before the review is decided.

Division 3 Appeals to a building and development dispute resolution committee

99BRBE Appeals about applications for connections—general

- (1) This section applies to an applicant for a connection if—
 - (a) for the application for a connection, the land to which the connection relates is subject to a development application mentioned in the Planning Act, section 519 or 522; and
 - (b) the applicant applied for internal review of an approval decision or failure to decide; and
 - (c) the review decision is not the decision sought by the applicant.

- (2) The applicant may appeal to a building and development dispute resolution committee against any of the following—
 - (a) a refusal, or an approval in part, of an application;
 - (b) a water approval condition;
 - (c) another matter stated in the approval.
- (3) The appeal must be started within the standard appeal period.

99BRBF Appeals about applications for connections—particular charges

- (1) This section applies to an applicant for a connection if—
 - (a) the applicant applied for internal review of a charge decision; and
 - (b) the review decision is not the decision sought by the applicant.
- (2) The applicant may appeal to a building and development dispute resolution committee about an error in the calculation of the charge.
- (3) The appeal must be started within the standard appeal period.
- (4) To remove any doubt, it is declared that an appeal under this section can not be about the methodology used to establish a charge or the distributor-retailer's charges schedule.

99BRBG Application of relevant committee appeal provisions

- (1) The relevant committee appeal provisions apply, with any necessary changes, to an appeal under

this division as if a reference in the provisions to—

- (a) an assessment manager were a reference to the distributor-retailer; and
- (b) a development application were a reference to the application for the water approval; and
- (c) a development approval were a reference to a water approval; and
- (d) an appeal under the Planning Act were an appeal under this Act.

(2) In this section—

relevant committee appeal provisions means—

- (a) the Planning Act, sections 536 to 537, 554 to 563, 564 (other than section 564(2)(e)), 567 and 569; and
- (b) any definitions under that Act relevant to the sections mentioned in paragraph (a).

99BRBH Notice of appeal

- (1) This section applies to an appeal under this division.
- (2) The registrar of building and development committees must, within 10 business days after the day the appeal is started, give written notice of an appeal under this division to the distributor-retailer.
- (3) The notice must state the grounds of the appeal.

99BRBI Respondent for appeals

- (1) This section applies to an appeal under this division.

- (2) The distributor-retailer is the respondent for the appeal and may be heard in the appeal as a party to the appeal.

99BRBJ Who must prove case for appeals

In an appeal by the applicant under this division, it is for the applicant to establish that the appeal should be upheld.

99BRBK Registrar must ask distributor-retailer for material in particular proceedings

- (1) This section applies to an appeal under section 99BRBE.
- (2) If the applicant applied for internal review of a failure to decide, the registrar of building and development committees must ask the distributor-retailer to give the registrar—
 - (a) all material, including plans and specifications, about the aspect of the application being appealed; and
 - (b) a statement of the reasons the distributor-retailer had not decided the application during the decision-making period or extended decision-making period; and
 - (c) any other information the registrar requires.
- (3) The distributor-retailer must give the material mentioned in subsection (2) within 10 business days after the day the registrar asks for the material.

99BRBL Lodging appeal stops particular actions

- (1) If an appeal is started under this division for an approval decision or charge decision, any work under a water approval must not be started until the appeal is decided or withdrawn.
- (2) Despite subsection (1), if the building and development dispute resolution committee is satisfied the outcome of the appeal would not be affected if the work is started before the appeal is decided, the committee may allow the work to start before the appeal is decided.

99BRBM Appeals may be combined with appeals under the Planning Act

- (1) This section applies if—
 - (a) an appeal is started under this division; and
 - (b) an appeal is started under the Planning Act for a development application mentioned in section 99BRBE.
- (2) The appeal under this division may be combined and heard with the appeal under the Planning Act.

Division 4 Appeals to the Planning and Environment Court

99BRBN Appeals about applications for connections—general

- (1) This section applies to an applicant for a connection if—
 - (a) the applicant applied for internal review of an approval decision or failure to decide; and

- (b) the review decision is not the decision sought by the applicant.
- (2) The applicant may appeal against the review decision to the Planning and Environment Court.
- (3) The appeal must be started within the standard appeal period.

99BRBO Appeals about applications for connections—particular charges

- (1) This section applies to an applicant for a connection if—
 - (a) the applicant applied for internal review of a charge decision; and
 - (b) the review decision is not the decision sought by the applicant.
- (2) The applicant may appeal against the review decision to the Planning and Environment Court.
- (3) The appeal must be started within the standard appeal period.
- (4) An appeal under this section may only be about—
 - (a) whether a charge in the approval is so unreasonable that any reasonable distributor-retailer would not have imposed it; or
 - (b) an error in the calculation of the charge.
- (5) To remove any doubt, it is declared that an appeal under this section can not be about the methodology used to establish a charge or the distributor-retailer's charges schedule.

99BRBP Appeals about water connection compliance notices

- (1) This section applies if a person is given a compliance notice.
- (2) The person may appeal against the decision to the Planning and Environment Court.
- (3) The appeal must be started within 20 business days after the water connection compliance notice is given to the person.

99BRBQ Application of relevant court provisions

- (1) The relevant court appeal provisions apply, with any necessary changes, to an appeal under this division as if a reference in the provisions to—
 - (a) an appellant were a reference to the applicant; and
 - (b) a respondent were a reference to the distributor-retailer; and
 - (c) a development application were a reference to the application for the water approval; and
 - (d) a development approval were a reference to the water approval; and
 - (e) an appeal under the Planning Act were an appeal under this Act; and
 - (f) an enforcement notice were a water connection compliance notice.
- (2) In this section—

relevant court appeal provisions means—

 - (a) the Planning Act, chapter 7, part 1, divisions 11 to 13 other than sections 482 to 490, 493 and 495(3) to (5); and

- (b) any definitions under that Act relevant to the provisions mentioned in paragraph (a).

99BRBR Notice of appeal to other parties

- (1) The applicant must give notice of the appeal to the distributor-retailer.
- (2) The notice must be given within 10 business days after the appeal is started.
- (3) The notice must state the grounds of the appeal.

99BRBS Stay of operation of water connection compliance notice

- (1) If the applicant gives a notice of appeal about a water connection compliance notice, the operation of the compliance notice is stayed until the earliest of the following to happen—
 - (a) the Planning and Environment Court, on the application of the distributor-retailer, decides otherwise;
 - (b) the appeal is withdrawn;
 - (c) the appeal is dismissed.
- (2) However, subsection (1) does not apply if the compliance notice is about—
 - (a) a work, if the water connection compliance notice states the entity believes the work is a danger to persons or a risk to public health; or
 - (b) stopping the demolition of a work; or
 - (c) clearing vegetation on freehold land; or
 - (d) the removal of quarry material allocated under the *Water Act 2000*; or

- (e) extracting clay, gravel, rock, sand or soil, not mentioned in paragraph (d), from Queensland waters; or
- (f) works the assessing authority reasonably believes is causing erosion or sedimentation; or
- (g) works the assessing authority reasonably believes is causing an environmental nuisance; or
- (h) action required to stop damage or further damage to the distributor-retailer's water infrastructure.

99BRBT Respondent for appeals

The distributor-retailer is the respondent for the appeal and may be heard in the appeal as a party to the appeal.

99BRBU Who must prove case for appeals

In an appeal by the applicant under this division, it is for the applicant to establish that the appeal should be upheld.

99BRBV Lodging appeal stops particular actions

- (1) If an appeal is started under this division for an approval decision or charge decision, any work under a water approval must not be started until the appeal is decided or withdrawn.
- (2) Despite subsection (1), if the Planning and Environment Court is satisfied the outcome of the appeal would not be affected if the work is started before the appeal is decided, the court may allow the work to start before the appeal is decided.

99BRBW Appeals may be combined with appeals under the Planning Act

- (1) This section applies if—
 - (a) an appeal is started under this division; and
 - (b) an appeal is started under the Planning Act for a development application which relates to land the subject of the application of a water approval.
- (2) The appeal under this division may be combined and heard with the appeal under the Planning Act.

Part 5 Offences

99BRBX Connections without water approval

A person, other than a distributor-retailer, must not make a connection without a water approval for the connection.

Maximum penalty—1665 penalty units.

99BRBY Requirement to comply with standard conditions

- (1) A person must comply with each standard condition of a standard connection.
Maximum penalty—165 penalty units.
- (2) To avoid any doubt, it is declared that this section does not apply to a distributor-retailer.

99BRBZ Requirement to comply with conditions of water approvals

- (1) A person must comply with each water approval condition of a water approval.
Maximum penalty—1665 penalty units.
- (2) To avoid any doubt, it is declared that this section does not apply to a distributor-retailer.

Part 6 Enforcement proceedings

99BRCA Starting proceeding for enforcement order

- (1) A distributor-retailer may start a proceeding in a District Court—
 - (a) for an enforcement order to remedy or restrain the commission of a water connection offence; or
 - (b) if the distributor-retailer has started a proceeding under paragraph (a) and the court has not decided the proceeding—for an order under the Water Supply Act, section 478 as applied by section 99BRCB; or
 - (c) for an order that a person who has committed a water connection offence pay damages to compensate the applicant for injury suffered by the applicant or loss or damage to the applicant's property because of the commission of the offence.
- (2) A person may start a proceeding in a District Court—

- (a) for an order that someone else who has committed a water connection offence pay damages to compensate the person for injury suffered by the person or loss or damage to the person's property because of the commission of the offence; or
 - (b) if the person has started a proceeding under paragraph (a) and the court has not decided the proceeding—for an order under the Water Supply Act, section 478 as applied by section 99BRCB.
- (3) If a person other than a distributor-retailer starts a proceeding for an enforcement order, the person must, within 5 business days, give the distributor-retailer for the geographic area to which the proceeding relates notice of the proceeding.

99BRCB Application of Water Supply Act enforcement order provisions

- (1) This section applies to a proceeding started under section 99BRCA.
- (2) The Water Supply Act, sections 476 to 482, other than sections 480(2), 481(1)(d) and 481(2)(d), and any definitions under that Act relevant to those sections apply—
 - (a) as if a reference in the sections to an offence under the Water Supply Act were a reference to an offence against this chapter; and
 - (b) with any other necessary changes.

Part 8 Miscellaneous provisions

99BRDD SEQ service provider's guarantees to provide connection

- (1) This section applies to an SEQ service provider that has adopted a water netserv plan.
- (2) The SEQ service provider must provide a connection to its infrastructure networks for its water service or wastewater service if the connection complies with its connection criteria in the connection area.
- (3) To avoid any doubt, it is declared that an SEQ service provider does not guarantee to provide a connection to its water service or wastewater service in a future connection area.

99BRDE Ch 4C does not limit Water Supply Act

To avoid any doubt, it is declared that this chapter is not intended to limit a power or function of a distributor-retailer under the Water Supply Act.

22 Amendment of s 99BT (Keeping particular documents available for inspection and purchase)

Section 99BT(1)(d)—

insert—

- (v) each water approval that attaches to land, including any conditions of the approval.

23 Insertion of new s 100G

After section 100F—

insert—

100G Documents and information about water approvals and development approvals

- (1) Subsection (2) applies if a distributor-retailer asks a local government to give it information or documents relevant to a water approval or application for a water approval.

Examples of information or documents—

- information about a development application or development approval
- associated documents of a development application or development approval
- information a local government receives as a delegate under section 53

- (2) The local government must give the information or documents as soon as practicable and at no cost.

- (3) Subsection (4) applies if a local government asks a distributor-retailer to give it information or documents relevant to a development approval or development application.

Examples of information or documents—

- information about an application for a water approval or a water approval
- associated documents of an application for a water approval or water approval

- (4) The distributor-retailer must give the information or documents as soon as practicable and at no cost.

24 Amendment of s 102 (Regulation-making power)

- (1) Section 102(2)—

insert—

(ea) provide for any additional matters for water approvals; and

(2) Section 102(2)(ea) to (g)—

renumber as section 102(2)(f) to (h).

25 Insertion of new ch 6, pt 9

Chapter 6—

insert—

Part 9 Transitional provisions for Water Supply Services Legislation Amendment Act 2014

Division 1 Preliminary

131 Definitions for pt 9

In this part—

amending Act means the *Water Supply Services Legislation Amendment Act 2014*.

commencement means the commencement of this section.

former, in relation to a provision, means the provision as in force immediately before the repeal or amendment of the provision under the amending Act.

Division 4 Miscellaneous

137 SEQ service providers to adopt interim connections policy

- (1) An SEQ service provider must, by 1 July 2014, adopt a water netserv plan to the extent the plan deals with the connections policy under section 99BO(1)(f) (an *interim connections policy*).
- (2) The following provisions apply for the making and adoption of the interim connections policy—
 - (a) section 99BR(1)(a) to (c) and (2);
 - (b) section 99BR(5), to the extent it applies to a participating local government or withdrawn council;
 - (c) section 99BR(7);
 - (d) section 99BRAB, other than subsections (2) and (5)(a).
- (3) The interim connections policy ceases to have effect when the SEQ service provider's water netserv plan takes effect under section 99BRAB(3).

138 Documents and information about water approvals and development approvals under former s 53

- (1) This section applies if—
 - (a) a relevant participating local government holds information or documents under former section 53; and
 - (b) a distributor-retailer asks the local government to give it the information or document.

- (2) The local government must, as soon as reasonably practicable, give it the information or documents at no cost.

139 Overdue charges

- (1) This section applies if, on the commencement, a distributor-retailer is owed an amount for all or any of the following for premises—
 - (a) a charge under the Planning Act, former section 755K or 755KB;
 - (b) a charge under an agreement under the Planning Act, former section 755L, 755M or 755MA.
- (2) From the commencement, the amount is taken to be an overdue charge for chapter 2A, part 3.
- (3) However, a charge under this section is not recoverable unless the entitlements for the approval or permit under the Planning Act are exercised.

140 Schedule of works for distributor-retailers before 1 October 2014

- (1) A distributor-retailer's board must adopt a schedule of works by 1 July 2014.
- (2) The schedule of works—
 - (a) must be made available for inspection by the public; and
 - (b) ceases to have effect once the schedule is incorporated in the distributor-retailer's water netserv plan and the plan is in effect.
- (3) Subsection (4) applies for a distributor-retailer until the earlier of the following to happen—

- (a) the distributor-retailer adopts a water netserv plan;
 - (b) 1 October 2014.
- (4) The reference to a water netserv plan in the schedule, definition *trunk infrastructure* is taken to be a reference to the schedule of works adopted by the distributor-retailer's board under subsection (1).

140A Transitional regulation-making power

- (1) A regulation (a *transitional regulation*) may make provision of a saving or transitional nature for which it is necessary to make provision to allow or facilitate the change from the operation of the unamended Act to the operation of the amended Act.
- (2) A transitional regulation may have retrospective operation to a day not earlier than the day of the commencement.
- (3) A transitional regulation must declare it is a transitional regulation.
- (4) This section and any transitional regulation expire 1 year after the day of the commencement.
- (5) In this section—

amended Act means this Act as in force after the commencement.

unamended Act means this Act as in force immediately before the commencement.

26 Amendment of schedule (Dictionary)

- (1) Schedule, definitions *2010–11 financial year, 2011–12 Allconnex services, 2011–12 financial year, 2012–13 financial year, 2012–13 withdrawn council services, base*

year, capped charge, capped prices period, charged premises, distributor-retailer capping provisions, relevant services and relevant year—

omit.

(2) Schedule—

insert—

alteration, for a connection, includes any material change in infrastructure or increase in demand for a water service or sewerage service at the connection.

compliance assessment see the Planning Act, schedule 3.

connection means a property service connection or network connection.

connection charge—

- (a) generally—see section 99BRAN(1)(a); and
- (b) for a standard connection—see section 99BRAV(1)(a).

consent arrangement, for chapter 2B, part 2, see section 53BI(1)(b).

CPI means—

- (a) the all groups index for Brisbane published by the Australian Bureau of Statistics; or
- (b) if the index ceases to be published, another similar index prescribed under a regulation.

decision notice see section 99BRAI(1).

development infrastructure see the Planning Act, schedule 3.

future connection area see section 99BO(1)(f)(ii).

interested person, for chapter 4C, part 4, see section 99BRAW(1).

internal review application, for chapter 4C, part 4, see section 99BRAZ.

network connection means—

- (a) the connection of network infrastructure to a distributor-retailer's water infrastructure to supply a water service or wastewater service; and
- (b) the disconnection of network infrastructure from a distributor-retailer's water infrastructure to stop supply of a water service or wastewater service; and
- (c) the alteration of network infrastructure; and
- (d) works for the matters mentioned in paragraph (a), (b) or (c) to extend or upgrade the distributor-retailer's water infrastructure.

network infrastructure means—

- (a) generally—water infrastructure, other than property service infrastructure; and
- (b) for chapter 4C, part 2—trunk infrastructure or non-trunk infrastructure.

nominated person, of a distributor-retailer, means a person who is endorsed by its chief executive officer.

non-trunk infrastructure, for a distributor-retailer, means water infrastructure, other than trunk infrastructure, of the distributor-retailer.

original decision, for chapter 4C, part 4, see section 99BRAW(2).

owner, for chapter 4C, of land, means any of the following—

-
- (a) the registered proprietor of the land under the *Land Title Act 1994*;
 - (b) the lessee or licensee under the *Land Act 1994* of the land;
 - (c) the holder of a mineral development licence or mining lease over the land under the *Mineral Resources Act 1989*;
 - (d) the holder of a petroleum lease over the land under the *Petroleum Act 1923* or the *Petroleum and Gas (Production and Safety) Act 2004*;
 - (e) the entity who, for the time being, has lawful control of the land, on trust or otherwise;
 - (f) the person who is entitled to receive the rents and profits of the land.

property service connection means—

- (a) the connection of property service infrastructure to a distributor-retailer's water infrastructure to supply a water service or wastewater service; and
- (b) the disconnection of property service infrastructure from a distributor-retailer's water infrastructure to stop supply of a water service or wastewater service; and
- (c) the alteration of property service infrastructure that is part of a distributor-retailer's water infrastructure.

property service infrastructure has the meaning of a property service under the Water Supply Act, schedule 3.

property service works charge—

- (a) generally—see section 99BRAN(1)(b); and

(b) for a standard connection—see section 99BRAV(1)(b).

review decision, for chapter 4C, part 4, see section 99BRBB(1).

reviewer, for chapter 4C, part 4, see section 99BRAZ(2).

schedule of works, for a distributor-retailer, means a schedule including the following information—

- (a) a map of development infrastructure of the distributor-retailer that is to be identified in the schedule as trunk infrastructure;
- (b) identification of proposed development infrastructure of the distributor-retailer that is to be identified in the schedule as trunk infrastructure (**future trunk infrastructure**);
- (c) the location, estimated cost and expected time of delivery of future trunk infrastructure.

services advice notice see section 99BRAC(1).

show cause notice means a notice that complies with the Water Supply Act, section 463.

staged water connection means a connection that complies with a distributor-retailer's criteria under section 99BOA(b).

staged water connection application means an application for a staged water connection.

standard appeal period, for chapter 4C, part 4, see section 99BRAX.

standard conditions, for chapter 4C, see section 99BRAU(7).

standard connection, for chapter 4C, see section 99BRAU(1).

trunk infrastructure, for a distributor-retailer, means water infrastructure of the distributor-retailer that is—

- (a) development infrastructure; and
- (b) identified in the distributor-retailer’s water netserv plan as trunk infrastructure.

water approval means a decision notice that approves all or part of an application for a connection under chapter 4C, part 2 with or without water approval conditions or water approval charges.

water approval conditions, for chapter 4C, see section 99BRAG(2).

water connection compliance action, for chapter 2C, see section 53DNG(2).

water connection compliance notice see section 53DND(2).

water connection offence means an offence against—

- (a) the Water Supply Act, chapter 2, part 7, other than to the extent that part relates to trade waste or seepage water; or
- (b) chapter 4C, part 5.

water connection officer, for chapter 2C, means a person who holds appointment as a water connection officer under section 53CK.

- (3) Schedule, definition *distributor-retailer*, paragraphs (c) and (d)—

omit, insert—

- (c) for a provision about a discharge officer or a water connection officer—means the distributor-retailer that appointed the officer; and

[s 27]

- (d) for a provision about a discharge compliance notice or a water connection compliance notice—means the distributor-retailer that gave the notice; and
 - (e) for a provision about an application for a water approval for a connection or a request for a standard connection—means the distributor-retailer for the connection or standard connection; and
 - (f) for a provision about a water approval for a connection—means the distributor-retailer for the connection.
- (4) Schedule, definition *planning assumptions*, paragraph (a)—
insert—
- (iii) if the distributor-retailer, a participating local government and the Planning Minister agree that different assumptions about a planning descriptor are appropriate for preparing or reviewing a water netserv plan—the agreed assumptions; or

Part 2

Amendment of Sustainable Planning Act 2009

27 Act amended

This part amends the *Sustainable Planning Act 2009*.

Note—

See also the amendments in schedule 1.

28 Insertion of new s 347A

After section 347—

insert—

347A Conditions about water infrastructure

- (1) This section applies if an assessment manager or concurrence agency is a participating local government of a distributor-retailer.
- (2) A condition can not be imposed in relation to the distributor-retailer's water infrastructure about a matter for which the SEQ Water Act requires a water approval.

Examples of conditions that can not be imposed—

- works to be carried out
 - a monetary payment
 - land in fee simple to be given
 - that an infrastructure agreement be entered into
- (3) However, a condition may be imposed that any necessary water approval under the SEQ Water Act must be obtained from a distributor-retailer.

29 Insertion of new s 406A

After section 406—

insert—

406A Conditions about water infrastructure

- (1) This section applies if the compliance assessor is—
 - (a) a participating local government of a distributor-retailer; or
 - (b) a nominated entity of a participating local government of a distributor-retailer.

[s 30]

- (2) A condition can not be imposed in relation to the distributor-retailer's water infrastructure about a matter for which the SEQ Water Act requires a water approval.

Examples of conditions that can not be imposed—

- works to be carried out
 - a monetary payment
 - land in fee simple to be given
 - that an infrastructure agreement be entered into
- (3) However, a condition may be imposed that any necessary water approval under the SEQ Water Act must be obtained from a distributor-retailer.

30 Omission of ch 9, pt 7A (Provisions for distributor-retailers)

Chapter 9, part 7A—
omit.

31 Insertion of new ch 10, pt 9

Chapter 10—
insert—

**Part 9 Transitional provision
for Water Supply
Services Legislation
Amendment Act 2014**

960 Transitional regulation-making power

- (1) A regulation (a *transitional regulation*) may make provision of a saving or transitional nature for which it is necessary to make provision to allow or facilitate the change from the operation

of the unamended Act to the operation of the amended Act.

- (2) A transitional regulation may have retrospective operation to a day not earlier than the day of the commencement.
- (3) A transitional regulation must declare it is a transitional regulation.
- (4) This section and any transitional regulation expire 1 year after the day of the commencement.
- (5) In this section—

amended Act means this Act as in force after the commencement.

commencement means the commencement of this section.

unamended Act means this Act as in force immediately before the commencement.

32 Amendment of sch 3 (Dictionary)

- (1) Schedule 3, definitions *development application (distributor-retailer)*, *distributor-retailer*, *participating local government*, *SEQ design and construction code*, *SEQ infrastructure charges schedule*, *standard amount*, *standard charge day*, *water infrastructure* and *water service or wastewater service*—

omit.

- (2) Schedule 3—

insert—

distributor-retailer means a distributor-retailer established under the SEQ Water Act.

participating local government means a participating local government for a distributor-retailer under the SEQ Water Act.

[s 33]

SEQ infrastructure charges schedule—

- 1 An *SEQ infrastructure charges schedule* means—
 - (a) an infrastructure charges schedule; or
 - (b) the part of a planning scheme policy to which section 847 applies that provides for infrastructure contributions for a development infrastructure network, if the policy is in effect.
- 2 An *SEQ infrastructure charges schedule* includes a schedule or part of a planning scheme policy mentioned in paragraph 1 as amended from time to time under former chapter 9, part 7A, division 5, subdivision 3.

water approval see the SEQ Water Act, schedule.

water infrastructure see the SEQ Water Act, schedule.

water service or wastewater service, in relation to a distributor-retailer, means a water service or a wastewater service under the SEQ Water Act.

Part 3

Amendment of Sustainable Planning Regulation 2009

33 Regulation amended

This part amends the *Sustainable Planning Regulation 2009*.

34 Amendment of sch 4 (Development that can not be declared to be development of a particular type—Act, section 232(2))

Schedule 4, table 5—

insert—

Connections under SEQ Water Act	
16	All aspects of development for a connection under the SEQ Water Act, chapter 4C or any work for the purpose of the connection

35 Amendment of sch 19 (Compliance assessment of subdivision plans)

(1) Schedule 19, table 1, item 2, column 2, section (1)(a)(v)—

omit, insert—

(v) the conditions of a water approval under the SEQ Water Act have been complied with;

(vi) there are no outstanding fees or charges levied by a distributor-retailer under the SEQ Water Act; or

(2) Schedule 19, table 1, item 2, column 2, section (2)(a)(iv)—

omit, insert—

(iv) the conditions of a water approval under the SEQ Water Act have been complied with;

(v) there are no outstanding fees or charges levied by a distributor-retailer under the SEQ Water Act; or

(3) Schedule 19, table 1, item 2, column 2, section (3)(c)—

omit, insert—

[s 36]

- (c) the conditions of a water approval under the SEQ Water Act have been complied with; and
- (d) there are no outstanding fees or charges levied by a distributor-retailer under the SEQ Water Act

Part 4 Amendment of Water Supply (Safety and Reliability) Act 2008

36 Act amended

This part amends the *Water Supply (Safety and Reliability) Act 2008*.

Note—

See also the amendments in schedule 1.

37 Amendment of s 160 (Application of pt 5)

Section 160—

insert—

- (2) However, sections 167 and 168 do not apply to a service provider that is a distributor-retailer.

38 Amendment of ch 2, pt 5, div 4, hdg (Connecting to registered services)

Chapter 2, part 5, division 4, heading, after 'to'—

insert—

particular

39 Amendment of s 167 (Owner may ask for connection to service provider's infrastructure)

Section 167(1)—

insert—

Note—

For provisions that relate to distributor-retailers, see the 2009 restructuring Act, chapter 4C.

40 Omission of s 170 (Sections 170–179 not used)

Section 170—

omit.

41 Insertion of new ch 2, pt 5, div 6

Chapter 2, part 5—

insert—

**Division 6 Water approvals under
2009 restructuring Act**

170 Definitions for div 6

In this division—

connection see the 2009 restructuring Act, schedule.

staged water connection see the 2009 restructuring Act, schedule.

water approval see the 2009 restructuring Act, schedule.

171 Water approvals—generally

Section 173 applies if—

[s 41]

- (a) a water approval, other than a water approval for a staged water connection, attaches to land under the 2009 restructuring Act; and
- (b) a person makes a connection under the water approval to the extent authorised under the approval.

172 Water approvals—staged water connections

Section 173 applies if—

- (a) a water approval for a staged water connection attaches to land under the 2009 restructuring Act; and
- (b) a person makes a connection under the water approval to the extent authorised under the approval.

173 Deemed consent or approval for water approvals

- (1) For sections 191, 192, 193 and 195—
 - (a) the distributor-retailer is taken to have given the person a written consent or written approval for the connection; and
 - (b) a condition of the approval under the 2009 restructuring Act is taken to be a condition of the written consent or written approval under this Act.
- (2) However, for an approval for a staged water connection, the distributor-retailer is only taken to have given the person written consent or written approval for the stage of the approval mentioned in section 172(b).

174 Sections 174–179 not used

See editor's note for section 1.

42 Insertion of new ch 10, pt 7, div 3

Chapter 10, part 7, as inserted by section 98 of this Act—
insert—

**Division 3 Provisions for chapter 2 of
amending Act**

665 Continuation of requests for connection

- (1) This section applies if—
 - (a) before the commencement, an owner of premises asked a service provider to connect the owner's premises to the service provider's infrastructure; and
 - (b) immediately before the commencement, the owner's premises were not connected to the service provider's infrastructure.
- (2) Former chapter 2, part 5 continues to apply to the connection of the owner's premises as if the amending Act had not commenced.

666 Continuation of notices requiring connection

- (1) This section applies if—
 - (a) before the commencement, a service provider required an owner of premises to carry out works for connecting the premises to a registered service; and
 - (b) immediately before the commencement, the owner had not satisfactorily finished the works.

[s 43]

- (2) Former chapter 2, part 5 continues to apply to the connection of the owner's premises as if the amending Act had not commenced.

Chapter 3 Reforming the regulation of the water supply industry

Part 1 Amendment of Plumbing and Drainage Act 2002

43 Act amended

This part amends the *Plumbing and Drainage Act 2002*.

Note—

See also the amendments in schedule 1.

44 Amendment of s 121 (Exemptions for ss 119 and 120)

- (1) Section 121(1)—

insert—

- (e) the installation, and any work relating to the installation, of a relevant water meter by an authorised person under the Water Supply Act, section 35.

- (2) Section 121(2)—

insert—

authorised person see the Water Supply Act, schedule 3.

relevant water meter means a water meter for measuring the volume of water supplied to any of the following—

- (a) a lot under the *Land Title Act 1994*, other than a lot—
 - (i) included in a community titles scheme under the *Body Corporate and Community Management Act 1997*; or
 - (ii) shown on a building units plan or group titles plan under the *Building Units and Group Titles Act 1980*;
- (b) a separate, distinct parcel of land for which an interest is recorded in a register under the *Land Act 1994*;
- (c) a site of a mixed use scheme under the *Mixed Use Development Act 1993*;
- (d) a primary or secondary thoroughfare under the *Integrated Resort Development Act 1987* or the *Sanctuary Cove Resort Act 1985*;
- (e) a premises group within the meaning of the Water Supply Act, schedule 3.

Part 2

Amendment of South-East Queensland Water (Distribution and Retail Restructuring) Act 2009

45 Act amended

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

Note—

See also the amendment in schedule 1.

46 Replacement of s 33 (Membership in general)

Section 33—

omit, insert—

33 Membership in general

- (1) A board is to consist of at least 5 members but can not consist of—
 - (a) more than the following number of councillor-members—
 - (i) if the distributor-retailer has more than 3 participating local governments—1 for each participating local government;
 - (ii) otherwise—3; and
 - (b) more councillor-members than independent members.
- (2) The members must be appointed under this division by the distributor-retailer’s participants.
- (3) In this section—

councillor-member means a member of the board who is a councillor of a participating local government for the distributor-retailer.

independent member means a member of the board who is not a councillor-member.

47 Amendment of s 99ATA (Publication etc. of charges)

- (1) Section 99ATA(3) to (6)—

omit.

- (2) Section 99ATA(7)—

renumber as section 99ATA(3).

48 Amendment of s 99BQ (Matters SEQ service provider must have regard to in making plan)

Section 99BQ(3), definition *total water cycle management plan*—
omit, insert—

total water cycle management plan, of a local government, means a plan about the collection, treatment and recycling of wastewater, stormwater, groundwater and other water sources and the integration of water use in its local government area.

Part 3 Amendment of Water Supply (Safety and Reliability) Act 2008

49 Act amended

This part amends the *Water Supply (Safety and Reliability) Act 2008*.

Note—

See also the amendments in schedule 1.

50 Amendment of s 12 (Register of service providers)

Section 12(4)—

omit, insert—

- (4) The regulator must publish on the department's website a list of the entities registered as service providers.

[s 51]

51 Insertion of new s 12A

After section 12—

insert—

12A Register of registered recycled water schemes

- (1) The regulator must keep a register of registered recycled water schemes.
- (2) The register may be kept in the form, including electronic form, the regulator considers appropriate.
- (3) The register must contain the following information for each registered recycled water scheme—
 - (a) the scheme's name and contact details;
 - (b) the name of—
 - (i) for a single-entity recycled water scheme—the recycled water provider for the scheme; and
 - (ii) for a multiple-entity recycled water scheme—
 - (A) the scheme manager; and
 - (B) each recycled water provider; and
 - (C) any other declared entities;
 - (c) the location of the infrastructure for the production or supply of recycled water under the scheme;
 - (d) the source water used for the production or supply of recycled water under the scheme;
 - (e) the uses for the recycled water supplied under the scheme.
- (4) The register may also contain any other particulars the regulator considers necessary.

- (5) The regulator—
- (a) must publish on the department’s website a list of registered recycled water schemes and the information mentioned in subsection (3)(b) for each scheme; and
 - (b) may publish any other information mentioned in subsection (3).
- (6) In this section—
- registered recycled water scheme* means a recycled water scheme registered under section 196AC.

52 Amendment of s 13 (Requirement for responsible entity to give information)

- (1) Section 13(1)—
- omit, insert—*
- (1) The regulator may, by notice, require a responsible entity to give the regulator either or both of the following information within a stated reasonable period—
 - (a) information the regulator reasonably requires to perform the regulator’s functions;
 - (b) information about water security.
- (2) Section 13—
- insert—*
- (1A) A requirement under subsection (1) is not limited to information the responsible entity has before the requirement was made.
- (3) Section 13(1A) to (5)—
- renumber* as section 13(2) to (6).

[s 53]

53 Amendment of s 35 (Power to install meters)

Section 35—

insert—

Note—

A licence under the *Plumbing and Drainage Act 2002* may still be required to install particular meters. See sections 119 to 121 of that Act.

54 Amendment of s 36 (Power to enter places for restricted purposes)

Section 36(1)—

omit, insert—

- (1) An authorised person may enter a place to—
 - (a) inspect, operate, change, maintain, remove, repair or replace a service provider's infrastructure at the place; or
 - (b) install, under section 169, a device to reduce the water supply to premises at the place; or
 - (c) install a meter at the place.

55 Amendment of s 45 (Appointing authorised persons)

Section 45—

insert—

- (2) However, the service provider can not appoint the person unless the provider is satisfied the person—
 - (a) can perform the functions of an authorised person safely; and
 - (b) can, while performing those functions, mitigate any risks to public health and safety.

56 Omission of ch 2, pt 4, divs 1 and 2

Chapter 2, part 4, divisions 1 and 2—

omit.

57 Insertion of new s 99A

After section 99—

insert—

99A Amendment of drinking water quality management plan—agreement

- (1) A drinking water service provider may, with the regulator's agreement, amend the provider's approved drinking water quality management plan if the amendment—
 - (a) is only to correct a minor error in the plan or make another change that is not a change of substance; or
 - (b) is to record a change of name or change of ownership of the provider.
- (2) The drinking water quality management plan as amended is taken to be the drinking water service provider's approved drinking water quality management plan.

58 Amendment of s 100 (Amendment of drinking water quality management plan—application)

Section 100(1), 'plan.'—

omit, insert—

plan and the amendment is not an amendment mentioned in section 99A(1).

[s 59]

59 Omission of s 105 (Application of div 4)

Section 105—

omit.

60 Amendment of s 106 (Reviewing plans)

(1) Section 106(1) to (3) and (6)—

omit.

(2) Section 106(5), ‘under subsection (4)’—

omit.

(3) Section 106(4) and (5)—

renumber as section 106(1) and (2).

61 Amendment of s 107 (Changing plans following review)

(1) Section 107(1) to (5)—

omit.

(2) Section 107(6), ‘(7)’—

omit, insert—

(2)

(3) Section 107(6) to (9)—

renumber as section 107(1) to (4).

62 Replacement of s 108 (Providing regular audit reports)

Section 108—

omit, insert—

108 Ensuring audits of drinking water quality management plan

- (1) A service provider must ensure someone other than the provider does the following, unless the provider has a reasonable excuse—
 - (a) audits its drinking water quality management plan at the intervals stated in a notice given to the provider under section 99;
 - (b) prepares a report (a *drinking water quality management plan audit report*) complying with this section about each of the audits;
 - (c) gives the regulator each report within 30 business days after the relevant audit is completed.

Maximum penalty—500 penalty units.

- (2) The auditor—
 - (a) can not be an employee of the provider or employed in operating its infrastructure; and
 - (b) must—
 - (i) be certified under the Drinking Water-Quality Management System Auditor Certification Scheme to conduct an audit of the type to which the audit and report relates; or
 - (ii) have a qualification the regulator is satisfied is at least equivalent to the certification.
- (3) The reports must—
 - (a) verify whether or not the monitoring and performance data given to the regulator under the plan is accurate; and
 - (b) assess—

[s 62]

- (i) the provider's compliance with the plan and its conditions; and
- (ii) the plan's relevance to the provider's drinking water service; and
- (c) be prepared in accordance with any guidelines made by the regulator.

108A Ensuring audits of particular performance reports

- (1) A service provider must ensure someone other than the provider does the following, unless the provider has a reasonable excuse—
 - (a) audits the data in its performance report for each notified year;
 - (b) prepares a report (a *performance audit report*) that includes data for each KPI submitted in the notified way;
 - (c) gives the regulator each performance audit report on or before the later of the following—
 - (i) 1 October in the notified year;
 - (ii) 30 days after notification of the year.

Maximum penalty—500 penalty units.

- (2) The auditor—
 - (a) must be a qualified auditor; and
 - (b) can not be an employee of the provider or employed in operating its infrastructure.
- (3) The audit must verify whether or not the data audited for the immediately preceding financial year to the notified year is accurate.
- (4) Despite subsections (1) to (3), if an audit process under another Act would also enable the provider

to give the verification, the provider is taken to have complied with this section if the verification complies with the other process.

(5) In this section—

notified, for a service provider, means stated in a notice given by the regulator to the provider under this section.

63 Amendment of s 109 (Declarations about regular audit report)

(1) Section 109, heading, ‘regular audit report’—

omit, insert—

reports under this division

(2) Section 109(1), ‘The regular audit report’—

omit, insert—

A report under this division

64 Amendment of s 110 (Spot audits of plans)

(1) Section 110(1)(a)(i) and (ii)—

omit, insert—

(i) a service provider is not complying with its drinking water quality management plan; or

(ii) a service provider’s drinking water quality management plan is no longer adequate for its registered services; or

(2) Section 110(1)(b)(i) and (ii)—

omit, insert—

(i) prepare a drinking water quality management plan audit report under section 108(1)(b); or

[s 64]

- (ii) give the regulator the report under section 108(1)(c).
- (3) Section 110(2), from 'strategic' to 'or'—
omit.
- (4) Section 110(3)—
omit.
- (5) Section 110(6)—
omit, insert—
 - (6) Subsections (6) to (8) apply if the report states either or both of the following—
 - (a) the service provider's drinking water quality management plan is inadequate in a material particular;
 - (b) the service provider has not properly carried out the plan.
- (6) Section 110(7)(a), '(6)(a)'—
omit, insert—
 - (5)(a)
- (7) Section 110(7)(b), '(6)(b)'—
omit, insert—
 - (5)(b)
- (8) Section 110(8), penalty—
omit, insert—
Maximum penalty—1665 penalty units.
- (9) Section 110(4) to (9)—
renumber as section 110(3) to (8).

65 Amendment of s 114 (Application of div 5)

(1) Section 114, heading, ‘5’—

omit, insert—

3

(2) Section 114—

insert—

(4) Also, this division does not apply to a service provider that is not a relevant service provider.

66 Replacement of ss 115 and 116

Sections 115 and 116—

omit, insert—

115 Preparing customer service standards

(1) The service provider must—

(a) prepare a proposed customer service standard for the supply of its registered service; and

(b) publish the proposed customer service standard.

(2) Any person may make submissions to the service provider about the proposed customer service standard within the period set by the service provider.

(3) The service provider must prepare the final customer service standard for the supply of its registered service after considering all submissions made to the provider about the proposed customer service standard.

(4) The service provider must prepare the final customer service standard under subsection (3)

[s 67]

within 6 months after being registered as a service provider.

Note—

For a service provider that prepared a customer service standard before the commencement of this section, see section 661.

116 Content of customer service standard

- (1) The service provider's customer service standard must state—
 - (a) a target for the level of service to be provided for the CSS KPIs; and
 - (b) the process for service connections, billing, metering, accounting, customer consultation, complaints and dispute resolution.
- (2) If the service provider's infrastructure contains separate schemes to which different CSS KPIs apply, the customer service standard may include different parts for each scheme.
- (3) In this section—

CSS KPI, for a service provider, means only those KPIs, for the service provider, stated in a notice about the provider's customer service standard given to the provider by the regulator under this section.

67 Amendment of s 119 (Revising customer service standard)

Section 119, from 'must—'—

omit, insert—

must revise the standard having regard to the complaint.

68 Amendment of s 120 (Reviewing customer service standard)

(1) Section 120(1), ‘each year’—

omit, insert—

at least every 5 years

(2) Section 120(2), from ‘give’—

omit, insert—

comply with section 115.

69 Omission of ch 2, pt 4, divs 6, 7 and 11

Chapter 2, part 4, divisions 6, 7 and 11—

omit.

70 Omission of s 139 (Service provider to give occupier water advice)

Section 139—

omit.

71 Replacement of ch 2, pt 4, div 9 (Annual reports)

Chapter 2, part 4, division 9—

omit, insert—

Division 5 Reporting for particular financial years

141 Notices about reports

- (1) The regulator may give a relevant service provider a notice requiring the inclusion of information in the provider’s drinking water quality management plan report or performance report (a *report requirement*).

[s 71]

- (2) A report requirement must state—
 - (a) for a drinking water quality management plan report—the information about compliance with the plan that must be included in the report; or
 - (b) for a performance report—
 - (i) the KPIs that must be included in the report; and
 - (ii) the way in which the report must include data for each KPI.

142 Drinking water quality management plan reports

- (1) This section applies for each financial year after a financial year in which a relevant service provider's drinking water quality management plan has been approved.
- (2) The provider must, unless the provider has a reasonable excuse—
 - (a) prepare a report (a *drinking water quality management plan report*) for the financial year complying with this section and, if section 142C(2) applies to the provider, that subsection; and
 - (b) give the regulator a copy of the report within 120 business days after the financial year ends.

Maximum penalty—500 penalty units.
- (3) The report must state or include all of the following—
 - (a) the information required under the latest report requirement given to the provider;

- (b) the actions the provider took to implement the plan;
- (c) the outcome of any review of the plan in the financial year and how the provider has addressed matters raised in the review;
- (d) if a drinking water quality management plan audit report has been prepared for the financial year—a summary of its findings and any recommendations;
- (e) details of any information the provider gave the regulator under sections 102 and 102A in the financial year;
- (f) details of the provider’s compliance with water quality criteria for drinking water;
- (g) if the provider supplies drinking water to customers—details of any complaints to the provider about the provider’s drinking water service.

142A Performance reports

- (1) This section applies for each financial year of a relevant service provider starting on or after the regulator gives the provider a notice requiring the provider to prepare performance reports.
- (2) The provider must, unless the provider has a reasonable excuse—
 - (a) prepare a report (a *performance report*) for the financial year complying with this section and, if section 142C(2) applies to the provider, that subsection; and
 - (b) give the regulator a copy of the report on or before 1 October occurring immediately after the financial year ends.

[s 71]

Maximum penalty—500 penalty units.

- (3) The report must be about the KPIs stated in the latest report requirement given to the provider and state or include all of the following—
 - (a) the provider's performance for the financial year as measured against the KPIs;
 - (b) details of the targets for the level of service to be provided for the CSS KPIs under section 116;
 - (c) if a performance audit report has been prepared for the financial year—a summary of its findings and any recommendations;
 - (d) the data for each KPI, submitted in the way stated in the latest report requirement given to the provider;
 - (e) a report about—
 - (i) the implementation of any improvement plan; and
 - (ii) what actions the provider took because of any direction given to it under section 436(1)(a) during the financial year.
- (4) The report may include a commentary on the performance, including any of the following—
 - (a) a matter that impacted on, improved or deteriorated performance;
 - (b) an issue of future concern identified through the report;
 - (c) any strategies to deal with issues of concern.

142B System operating plan reports

- (1) This section applies for each financial year of a relevant service provider starting after the one in which a system operating plan applying to the provider is made.
- (2) The provider must, unless the provider has a reasonable excuse—
 - (a) prepare a report for the financial year complying with this section (a *system operating plan report*); and
 - (b) give the regulator a copy of the report within 120 business days after the financial year ends.

Maximum penalty—500 penalty units.

- (3) The report must—
 - (a) be about the provider's performance on the desired levels of service objectives and other obligations and requirements under the plan; and
 - (b) state measures of the performance.

142C Common provisions for reports

- (1) Subsection (2) applies if a relevant service provider is the prescribed related entity of the relevant infrastructure owner.
- (2) A drinking water quality management plan report or performance report by the provider must include, or be accompanied by, the owner's written agreement to the report.
- (3) Reports under this division may be combined, unless doing so would prevent compliance with a requirement under this division about when they must be given.

[s 72]

142D Application of division to chief executive

- (1) An obligation under this division to prepare or give a report does not apply to the chief executive as a relevant service provider or service provider if—
 - (a) the chief executive includes the information required for the report in a report under the *Financial Accountability Act 2009*, section 63 (the **FAA report**); and
 - (b) the chief executive gives the regulator a copy of the FAA report within 30 business days after the Minister is given it.
- (2) Subsection (1)(b) does not apply if the chief executive and the regulator are the same entity.

72 Amendment of s 180 (Approvals for discharge of trade waste and seepage water)

- (1) Section 180(5), ‘relevant environmental plan’—
omit, insert—
trade waste plan
- (2) Section 180(6), definition *relevant environmental plan*—
omit.
- (3) Section 180(6)—
insert—
trade waste plan, for a sewerage service provider, means a plan to manage and control trade waste entering into the provider’s sewerage.

73 Insertion of new ch 3, pt 1A

- Chapter 3, before part 1—
insert—

Part 1A Recycled water schemes

Division 1 Registration

196AA Requirement to seek registration

- (1) The relevant entity for a recycled water scheme, other than a CSG recycled water scheme, must apply for registration of the scheme before the deadline.

Maximum penalty—500 penalty units.

- (2) In this section—
deadline, for a relevant entity for a recycled water scheme, means—
 - (a) if an entity must have an approved recycled water management plan for the scheme under section 196—before supplying recycled water under the scheme; or
 - (b) otherwise—the day that is 3 months after first supplying recycled water under the scheme.

Note—

For recycled water schemes in existence before the commencement of this section, the deadline is 1 July 2014. See section 664.

196AB Registration application

- (1) An application to register a scheme mentioned in section 196AA must be—
 - (a) made to the regulator in the approved form; and

[s 73]

- (b) supported by sufficient information to enable the regulator to register the scheme; and
 - (c) accompanied by the fee prescribed under a regulation.
- (2) The regulator may require the relevant entity to give additional information about the application.
- (3) The regulator may require the information included in the application, or the additional information required under subsection (2), to be verified by statutory declaration.

196AC Registration of recycled water scheme

- (1) This section applies if the regulator is satisfied—
 - (a) an application complies with section 196AB(1); and
 - (b) any requirement for the application, made under section 196AB(2) or (3), has been complied with.
- (2) The regulator must—
 - (a) register the recycled water scheme applied for; and
 - (b) give notice of the registration to the relevant entity.
- (3) The registration takes effect the day the regulator registers the recycled water scheme under subsection (2)(a).

Division 2 Changing registration details

196AD Applying to change details of registration

- (1) The relevant entity for a recycled water scheme registered under division 1 must apply to change the details of the registration if the details of the registration recorded in the register have changed.
- (2) The application must be made to the regulator in the approved form.
- (3) On receiving the application the regulator must—
 - (a) record the change in the register; and
 - (b) give the relevant entity notice confirming the change to the register.
- (4) In this section—

register means the register of recycled water schemes kept under section 12A.

196AE Applying to cancel registration

- (1) The relevant entity for a recycled water scheme registered under division 1 may apply to cancel the registration if recycled water is no longer supplied under the scheme.
- (2) The application must be made to the regulator in the approved form.
- (3) On receiving the application the regulator must—
 - (a) record the cancellation in the register; and
 - (b) give the relevant entity a notice confirming the cancellation.
- (4) In this section—

[s 74]

register means the register of recycled water schemes kept under section 12A.

74 Replacement of s 196 (Offence about supplying recycled water)

Section 196—

omit, insert—

196 Offence about supplying recycled water without approved recycled water management plan

- (1) This section applies for a supply of recycled water under a recycled water scheme if—
 - (a) the scheme is a critical recycled water scheme; or
 - (b) the scheme is a CSG recycled water scheme; or
 - (c) the recycled water is supplied to augment a supply of drinking water; or
 - (d) the recycled water is supplied to premises by way of a dual reticulation system; or
 - (e) the recycled water is supplied for use in irrigating minimally processed food crops; or
 - (f) the recycled water is supplied for a use prescribed under a regulation.
- (2) The recycled water provider for a single-entity recycled water scheme must not supply the recycled water under the scheme, unless there is an approved recycled water management plan for the supply of the water.

Maximum penalty—1665 penalty units.

- (3) A recycled water provider or other declared entity for a multiple-entity recycled water

scheme must not supply the recycled water under the scheme, unless there is an approved recycled water management plan for the supply of the water.

Maximum penalty—1665 penalty units.

(4) In this section—

minimally processed food crops means crops stated to be minimally processed food crops, in relation to using recycled water to irrigate the crops, in a regulation under the Public Health Act about standards for the quality of recycled water.

75 Amendment of s 197 (Offences about compliance with exemption or recycled water management plan)

(1) Section 197, heading, ‘exemption or’—

omit.

(2) Section 197(1)—

omit, insert—

(1) This section applies for an approved recycled water management plan only if a recycled water provider is required to have the plan under section 196(2) or (3).

76 Replacement of s 201 (Preparing particular plans)

Section 201—

omit, insert—

201 Content of particular plans

(1) A recycled water management plan must—

(a) describe the recycled water scheme to which the plan relates; and

[s 76]

- (b) include details of the infrastructure for the production or supply of recycled water under the scheme, and how the infrastructure is to be maintained; and

Examples of infrastructure for the production or supply of recycled water that is coal seam gas water—

feed ponds, petroleum wells, storage and distribution infrastructure, treatment plants

- (c) include the proposed water quality criteria for recycled water for the plan; and
 - (d) identify the hazards and hazardous events that may affect the quality of the recycled water; and
 - (e) include an assessment of the risks posed by the hazards and hazardous events; and
 - (f) demonstrate how the risks posed by the hazards and hazardous events are proposed to be managed; and
 - (g) include details of the operational and verification monitoring programs under the plan, including the parameters to be used for indicating compliance with the plan and the water quality criteria for recycled water for the plan; and
 - (h) include the incident and emergency response plan for the scheme; and
 - (i) if recycled water is supplied under the recycled water scheme to premises by way of a dual reticulation system—include details of an education and risk awareness program for customers of the scheme.
- (2) Also, a recycled water management plan for a multiple-entity recycled water scheme must include—

- (a) a scheme manager plan prepared by the scheme manager for the scheme; and
 - (b) each scheme provider plan prepared by each recycled water provider and other declared entity for the scheme.
- (3) A recycled water management plan, scheme manager plan and scheme provider plan must be prepared in accordance with any guidelines made by the regulator about—
- (a) preparing recycled water management plans; and
 - (b) validating recycled water schemes.
- (4) Subsection (1) does not apply to an interim recycled water management plan for a CSG recycled water scheme.

77 Amendment of s 202 (Application for approval of recycled water management plan)

Section 202(1)—

omit, insert—

- (1) If, under section 196, a relevant entity for a recycled water scheme must have an approved recycled water management plan for the supply of recycled water under the scheme, the entity must apply to the regulator for approval of a recycled water management plan for the scheme.

78 Omission of ch 3, pt 5 (Exemptions)

Chapter 3, part 5—

omit.

[s 79]

79 Amendment of s 270AA (Application of div 1)

Section 270AA, from ‘if’—

omit, insert—

if there is an approved recycled water management plan for the scheme.

80 Amendment of s 273 (Annual reporting requirement)

(1) Section 273(1), from ‘approved’—

omit, insert—

approved.

(2) Section 273(2)(b) and (c)—

omit, insert—

- (b) state the outcome of any review of the recycled water management plan in the financial year to which the annual report relates, and how the matters raised in the review have been addressed; and
- (c) contain details of the findings of, and any recommendations stated in, an internal audit report under section 260 or a regular audit report under section 261 given to the regulator in the financial year; and
- (d) contain details of the information given to the regulator under section 270 or 271 in the financial year.

81 Amendment of s 400 (Functions)

Section 400(b)—

omit, insert—

- (b) conducting investigations and inspections—

- (i) to monitor and enforce compliance with this Act, or the Planning Act so far as that Act relates to a development condition; and
- (ii) to monitor the performance of a relevant service provider relating to its supply of a water or sewerage service.

82 Amendment of s 410 (Power to enter land to monitor compliance)

(1) Section 410(c)—

omit.

(2) Section 410(d) and (e)—

renumber as section 410(c) and (d).

83 Amendment of s 435 (Application of pt 5)

Section 435(2), definition *noncompliance*, paragraph (c)—

omit, insert—

- (c) a recycled water provider for a recycled water scheme has not complied with a notice given to the provider under section 643(2); or

84 Omission of s 445 (Sections 445–449 not used)

Section 445—

omit.

85 Insertion of new ch 5, pt 5A

After section 444—

insert—

Part 5A Particular provisions to monitor relevant service providers

Division 1 Investigations

445 When regulator may investigate and recover costs

- (1) This section applies if the regulator reasonably believes there is a risk to water security or continuity of the supply of a relevant service provider's water service or sewerage service.
- (2) Without limiting section 403, the regulator may start, or direct an authorised officer to start, an investigation about the provider's supply of its service.
- (3) The regulator must give the provider a copy of any report prepared because of the investigation.
- (4) The regulator may decide to require the provider to pay the reasonable costs incurred by the regulator in conducting the investigation.
- (5) However, the requirement may only be made if, because of the investigation, the regulator is satisfied there is a risk to water security or continuity of the supply of the provider's service.
- (6) The regulator must give the provider an information notice about the decision that also states the following—
 - (a) the amount claimed;
 - (b) a description of the reasonable expenses giving rise to the amount;

- (c) that if the provider does not pay the regulator the amount within 30 days after the day the notice is given, the regulator may recover the amount, and any interest payable under subsection (8), from the provider as a debt.
- (7) If the provider does not comply with the requirement, the regulator may recover from the provider the amount claimed, and any interest payable on the amount under subsection (8), as a debt owing in a court of competent jurisdiction.
- (8) The debt bears interest at the rate prescribed under a regulation.

Division 2 Improvement plans

446 Regulator may require an improvement plan

- (1) This section applies if, because of an investigation under section 445, the regulator—
 - (a) is satisfied a circumstance mentioned in section 445(1) exists for a relevant service provider; and
 - (b) is not satisfied adequate measures to address the circumstance are in place.
- (2) The regulator may decide to give the provider a notice (an *improvement notice*), requiring the provider to make a plan (an *improvement plan*) about the following—
 - (a) how the provider intends to address the recommendations from the investigation that need to be addressed in the improvement plan;

[s 85]

- (b) the funding options for addressing the recommendations;
 - (c) the time frames for implementing the plan;
 - (d) the requirements for reporting on the progress of implementing the plan.
- (3) However, before giving the improvement notice, the regulator must—
 - (a) give the provider a show cause notice for the decision; and
 - (b) consider any properly made submissions given in response to the show cause notice.
- (4) The improvement notice must—
 - (a) state the following—
 - (i) that the regulator requires the provider to do the following—
 - (A) make the improvement plan and give the regulator a copy of it within a stated reasonable period;
 - (B) implement the plan;
 - (ii) the recommendations from the investigation that the plan must address;
 - (iii) the outcomes required to be achieved by implementing the plan; and
 - (b) include, or be accompanied by, an information notice about the decision.

447 Offence to contravene improvement notice

A relevant service provider given an improvement notice under section 446 must comply with the notice, unless the provider has a reasonable excuse.

Maximum penalty—1000 penalty units.

Division 3 Directions for water security or continuity of supply

448 Power to give direction for water security or continuity of supply

- (1) This section applies if the regulator—
 - (a) reasonably believes that—
 - (i) there is an imminent risk to water security or continuity of the supply of a relevant service provider's water service or sewerage service; and
 - (ii) urgent action is necessary to prevent or minimise the risk; and
 - (b) is not satisfied adequate measures to address the risk are in place.
- (2) The regulator may, for the purpose of preventing or minimising the risk, by notice direct the provider to take stated reasonable steps within a stated reasonable period.
- (3) The regulator must, as soon as practicable after giving the direction, give the provider an information notice about the decision to give the direction.

449 Offence to contravene direction

A relevant service provider given a direction under section 448 must comply with the direction, unless the provider has a reasonable excuse.

Maximum penalty—1665 penalty units.

[s 86]

86 Amendment of s 468 (Regulator may engage expert and recover costs)

- (1) Section 468(4)(d), ‘if a compliance notice has not been given for the suspected contravention—’—

omit.

- (2) Section 468—

insert—

- (4A) However, if the person has applied under section 512 for a review of the regulator’s decision about whether the person is contravening, or has contravened, a provision of this Act, the regulator can not recover the amount—

- (a) until the internal review has been concluded;
and
(b) unless the review decision confirms the regulator’s decision.

87 Amendment of s 511 (Appeal or external review process starts with internal review)

- (1) Section 511, heading, ‘Appeal’—

omit, insert—

Appeal, arbitration

- (2) Section 511, ‘appeal or application for external review of an original decision’—

omit, insert—

appeal, application for external review of an original decision, or application for arbitration on a review decision,

88 Amendment of s 515 (Notice of review decision)

Section 515(2) and (2A)—

omit, insert—

- (2) The review notice must state—
- (a) the reasons for the review decision; and
 - (b) if the applicant may appeal against the review decision to the Planning and Environment Court under part 3—
 - (i) that the applicant may apply to the Planning and Environment Court for a stay of the decision; and
 - (ii) how, and by when, the person may appeal; and
 - (c) if the applicant may apply to QCAT for an external review of the review decision under part 3—the matters stated in the QCAT Act, section 157(2); and
 - (d) if the applicant may apply for arbitration on the review decision under part 4—
 - (i) how the applicant applies for arbitration on the decision under part 4; and
 - (ii) that the applicant may apply to a court with jurisdiction to hear the proceeding for a stay of the decision.

89 Amendment of s 516 (Stay of operation of original decision)

- (1) Section 516(2)(a), ‘section 515(2)(b)(i) or (ii)’—

omit, insert—

part 3

- (2) Section 516(2)(b), ‘section 515(2A)’—

omit, insert—

[s 90]

part 3

(3) Section 516(2)(c), ‘section 515(2)(b)(iii)’—

omit, insert—

part 4

90 Replacement of s 517 (Who may appeal or apply for an external review)

Section 517—

omit, insert—

517 Who may appeal or apply for an external review

- (1) If an interested person has applied for an internal review of an original decision, any interested person for the original decision may appeal against or apply for an external review of the review decision under this section.
- (2) For the following decisions, the appeal must be made to the Planning and Environment Court—
 - (a) a decision by the chief executive to give an information notice under chapter 4;
 - (b) a decision by the chief executive to give a compliance notice under section 359(1);
 - (c) a decision by the chief executive, or an authorised officer appointed by the chief executive, to give a compliance notice relating to a dam safety and flood mitigation contravention;
 - (d) a decision by the regulator, or an authorised officer appointed by the regulator, to give an information notice or compliance notice relating to a matter involving drinking water or recycled water.

-
- (3) The appeal must be started within 30 business days after the review notice is given for the review decision under section 515.
 - (4) For the following decisions, the external review must be to QCAT as provided under the QCAT Act—
 - (a) a decision by the chief executive, or an authorised officer appointed by the chief executive, to give a compliance notice relating to a contravention, other than a dam safety and flood mitigation contravention;
 - (b) a decision by a service provider to give an information notice.
 - (5) In this section—

dam safety and flood mitigation contravention means a contravention of a provision of chapter 4 or section 645.

91 Amendment of s 524 (Who may apply for arbitration)

Section 524(2), ‘the review decision and is dissatisfied with the decision’—

omit, insert—

an internal review of the original decision and is dissatisfied with the review decision

92 Amendment of s 571 (Regulator may make guidelines)

- (1) Section 571(1)(a) to (f) and (j)—

omit.

- (2) Section 571(1)(m), ‘sections 142 or’—

omit, insert—

section

[s 93]

- (3) Section 571(1)(g) to 571(1)(s)—
renumber as section 571(1)(a) to (l).

93 Amendment of s 575 (Documents service provider must keep available for inspection and purchase)

Section 575(1)—

omit, insert—

- (1) A service provider must keep a copy of the following documents, for the provider, available for inspection by the public during office hours on business days at the office of the provider—
- (a) guidelines made for preparing a water efficiency management plan;
 - (b) the approved drinking water quality management plan;
 - (c) drinking water quality management plan audit reports;
 - (d) performance audit reports;
 - (e) customer service standards;
 - (f) drinking water quality management plan reports;
 - (g) performance reports;
 - (h) service area maps prepared under section 163.

94 Insertion of new s 575A

After section 575—

insert—

575A Documents service providers must publish

A service provider must publish each of its documents mentioned in section 575(1), other than the following, unless the provider has a reasonable excuse—

- (a) drinking water quality management plans;
- (b) drinking water quality management plan audit reports;
- (c) performance audit reports.

Maximum penalty—50 penalty units.

95 Amendment of s 576 (Documents recycled water provider and scheme managers must keep available for inspection and purchase)

- (1) Section 576(1) and (2)—

omit, insert—

- (1) The relevant entity for a recycled water scheme must keep a copy of the following documents available for inspection by the public during office hours on business days at the office of the entity—
 - (a) the entity's approved recycled water management plan;
 - (b) each regular audit report prepared by the entity under section 261;
 - (c) each annual report prepared by the entity under section 273.

- (2) Section 576(3) to (5), 'responsible'—

omit, insert—

relevant

- (3) Section 576(3) to (5)—

renumber as section 576(2) to (4).

[s 96]

96 Insertion of new s 576A

After section 576—

insert—

576A Documents recycled water provider and scheme managers must publish

The relevant entity for a recycled water scheme must publish the annual report prepared by the entity under section 273, unless the entity has a reasonable excuse.

Maximum penalty—50 penalty units.

97 Insertion of new ss 578A and 578B

After section 578—

insert—

578A Chief executive may prepare and publish comparative reports

- (1) The chief executive may prepare and publish a report (a *comparative report*) about 2 or more relevant service providers that includes the following information about the providers—
 - (a) compliance actions;
 - (b) investigations;
 - (c) progress on any improvement plans;
 - (d) data in a drinking water quality management plan report or performance report.
- (2) The chief executive may use the information mentioned in subsection (1) and any other information to analyse performance of the providers and prepare the comparative report.
- (3) The information used by the chief executive, a summary of the information or the chief executive's analysis may be included in the comparative report.

578B The chief executive may share information in particular reports etc.

The chief executive may give a copy of any of the following to any person—

- (a) a drinking water quality management plan report;
- (b) a performance report;
- (c) a report about an investigation under chapter 5;
- (d) information contained in a relevant service provider's improvement plan.

98 Insertion of new ch 10, pt 7

After section 659—

insert—

**Part 7 Transitional provisions
for Water Supply
Services Legislation
Amendment Act 2014**

Division 1 Preliminary

660 Definitions for pt 7

In this part—

amending Act means the *Water Supply Services Legislation Amendment Act 2014*.

commencement means the commencement of the provision in which the term is used.

former, for a provision, means the provision as in force immediately before the repeal or

amendment of the provision under the amending Act.

Division 2 Provisions for chapter 3 of amending Act

661 Customer service standards continue to apply

- (1) If, immediately before the commencement, a service provider's customer service standard (the *existing standard*) is in effect—
 - (a) subject to subsection (2), the existing standard continues in effect on and after the commencement; and
 - (b) the service provider must prepare a customer service standard (a *new standard*) under chapter 2, part 4, division 3 no later than the later of the following two days—
 - (i) 31 December 2014;
 - (ii) the day that is 6 months after the commencement.
- (2) The existing standard ceases to have effect when the new standard is published.

662 Exemptions from having a recycled water management plan are revoked

- (1) All exemptions from having an approved recycled water management plan under former section 253 are revoked.
- (2) All applications for an exemption under former section 250, made but not decided before the commencement, are taken to be withdrawn.

663 Particular approved recycled water management plans of no effect

- (1) This section applies to a recycled water management plan—
 - (a) in effect immediately before the commencement; or
 - (b) in effect after the commencement, if the application for approving the plan was made, but not decided, before the commencement.
- (2) The plan is of no effect to the extent it relates to a supply of recycled water under a recycled water scheme that, under section 196, does not require an approved recycled water management plan.

664 Particular recycled water providers must apply for registration of recycled water scheme

- (1) This section applies to a relevant entity for a recycled water scheme supplying recycled water under the scheme on the commencement.
- (2) For section 196AA(1), the deadline for the relevant entity is 1 July 2014.
- (3) To remove any doubt, this section does not oblige the relevant entity to register a CSG recycled water scheme.

99 Amendment of sch 3 (Dictionary)

- (1) Schedule 3, definitions *annual report*, *appropriately qualified*, *approved system leakage management plan*, *available for inspection and purchase*, *condition*, *drought management plan*, *interested entity*, *outdoor water use conservation plan*, *publish*, *regulator conditions*, *small service provider (non-urban)*, *strategic asset management plan*, *system leakage management plan* and *water advice*—

[s 99]

omit.

(2) Schedule 3—

insert—

annual report means a report prepared by a recycled water provider under section 273.

condition, of an approved recycled water management plan, means—

- (a) any regulator conditions for the plan; or
- (b) a condition mentioned in section 208(2), (3), (5) or (6) that applies to the plan.

drinking water quality management plan audit report see section 108(1)(b).

drinking water quality management plan report see section 142(2)(a).

improvement plan see section 446(2).

KPI (an acronym of ‘key performance indicator’), for a provision about a relevant service provider, means—

- (a) a measure of the efficiency and effectiveness of the delivery of services; or
- (b) data that, when combined, provides a measure of the efficiency and effectiveness of the delivery of services.

performance audit report see section 108A(1)(b).

performance report see section 142A(2)(a).

publish—

- (a) for a document other than a notice, means to publish the document on the internet, free of charge, as soon as practicable; or
- (b) for a notice, means to publish the notice—

-
- (i) if a provision states the way the notice must be published—in the way stated in the provision; or
 - (ii) if a provision does not state the way the notice must be published—in a newspaper circulating generally throughout the area for which the notice is published.

regulator conditions, for an approved recycled water management plan, see section 205(1).

relevant service provider means—

- (a) a drinking water service provider; or
- (b) a sewerage service provider; or
- (c) another water service provider prescribed under a regulation.

report requirement see section 141(1).

system operating plan report see section 142B(2)(a).

- (3) Schedule 3, definition *approved drinking water quality management plan*, ‘division 3’—

omit, insert—

division 1

- (4) Schedule 3, definition *auditor*, paragraph (a), ‘division 4’—

omit, insert—

division 2

- (5) Schedule 3, definition *information requirement*, paragraph (a), ‘division 3’—

omit, insert—

division 1

- (6) Schedule 3, definition *regular audit*, ‘108 or’—

[s 100]

omit.

- (7) Schedule 3, definition *water quality criteria*, paragraph (b)(ii)(B)—

omit, insert—

- (B) for the quality of recycled water to which a recycled water management plan relates—stated in a regulator condition for the plan.

Part 4 Repeal

100 Repeal of Metropolitan Water Supply and Sewerage Act 1909

The Metropolitan Water Supply and Sewerage Act 1909 9 Edw 7 No. 12 is repealed.

Chapter 4 Minor and consequential amendments

101 Acts amended

Schedule 1 amends the Acts it mentions.

Schedule 1 Minor and consequential amendments

section 101

Plumbing and Drainage Act 2002

1 Section 85(2)(d), 85(7A)(a), 86(2)(d)(i) and 86(9A)(a), examples—

insert—

- an SEQ Water Act water approval

South-East Queensland Water (Distribution and Retail Restructuring) Act 2009

1 Section 49A(2)(a), ‘section 99BO(1)(g)(iii)’—

omit, insert—

section 99BOB(b)

2 Chapter 2A, part 3, heading—

omit, insert—

Part 3 Overdue charges for water services and wastewater services

3 Chapter 2A, part 3, division 1—

omit.

4 Chapter 2A, part 3, division 2, heading—
omit.

5 Section 53AS, heading ‘div 2’—
omit, insert—
pt 3

6 Section 53AS(1), ‘division’—
omit, insert—
part

7 Section 53AS(1)(c) and (d)—
omit, insert—

(c) a charge under section 99BRAN or 99BRAV;

8 Section 53AS—
insert—

(3) For a charge mentioned in subsection (1)(c), this part only applies if the entitlements under a water approval for the charge are exercised.

9 Section 53AW(4), definition *CPI*—
omit.

10 Chapter 2C, heading—
omit, insert—

Chapter 2C Discharge officers and water connection officers

- 11 Chapter 2C, part 1, heading, after ‘officers’—**
insert—
and water connection officers
- 12 Section 53CL, heading, after ‘Functions’—**
insert—
of a discharge officer
- 13 Section 78A(1), ‘section 102(2)(f)’**
omit, insert—
section 102(2)(g)
- 14 Section 99ATA(1), after ‘charges’—**
insert—
under section 99BO(1)(g)
- 15 Schedule, definition *independent member*, ‘33(5)’—**
omit, insert—
33(3)

Sustainable Planning Act 2009

- 1 Sections 648D(2)(a) and (b)(i) and 648G(3)(a) ‘under chapter 9, part 7A’—**

omit.

Water Supply (Safety and Reliability) Act 2008

- 1 Section 41(2)(d)—**

omit.

- 2 Section 41(2)(e) to (g)—**

renumber as section 41(2)(d) to (f).

- 3 Section 99(2)(c), ‘regular’—**

omit.

- 4 Chapter 2, part 4, division 3—**

renumber as chapter 2, part 4, division 1.

- 5 Chapter 2, part 4, division 4—**

renumber as chapter 2, part 4, division 2.

- 6 Section 112(1), ‘division or the Water Act, chapter 2A, part 5, division 2, subdivision 4,’—**

omit, insert—

division,

-
- 7 Section 112(1), editor's note—**
omit.
- 8 Chapter 2, part 4, division 5—**
renumber as chapter 2, part 4, division 3.
- 9 Section 113, heading '5'—**
omit, insert—
3
- 10 Chapter 2, part 4, division 8—**
renumber as chapter 2, part 4, division 4.
- 11 Chapter 2, part 4, division 10—**
renumber as chapter 2, part 4, division 6.
- 12 Section 143, heading, '10'—**
omit, insert—
6
- 13 Section 163(2)(c)—**
omit.
- 14 Section 207(1)(b), 'division 3'—**
omit, insert—
division 1
- 15 Section 475(2)(a)—**
omit, insert—

- (a) a provision of chapter 2, part 4, division 1 or chapter 3 or section 26, 106 to 108A, 110, 112, 142 to 142B, 190, 447, 449, 531, 575A, 576A or 630—the regulator;

16 Section 487(5), definition *executive liability provision*, third dot point—

omit.

17 Section 487(5), definition *executive liability provision*—

insert—

- section 196(3)

18 Section 487A(4), definition *deemed executive liability provision*, fourth dot point—

omit.

19 Section 497(1)(a), from ‘division 3,’—

omit, insert—

division 1 or chapter 3 or section 26, 106 to 108A, 110, 112, 142 to 142B, 190, 447, 449, 531, 575A, 576A or 630—the Attorney-General or regulator; or

20 Section 580(1)(a), ‘division 3’—

omit, insert—

division 1

21 Schedule 3, definition *connection*—

omit.

22 Schedule 3—

insert—

connection—

- (a) generally—means a property service that supplies either water supply services or sewerage services, or both, to premises; or
- (b) for chapter 2, part 5, division 6—see section 170.

staged water connection, for chapter 2, part 5, division 6, see section 170.

water approval, for chapter 2, part 5, division 6, see section 170.

23 Schedule 3, definition *information requirement*, paragraphs (d) and (e)—

omit, insert—

- (d) for chapter 3, part 9A—see section 323(3).