



Queensland

South East Queensland Water (Restructuring) Act 2007

South East Queensland Water (Restructuring) Regulation 2011

Reprinted as in force on 1 July 2011

Reprint No. 1

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the Office of the Queensland Parliamentary Counsel
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Information about this reprint

This regulation is reprinted as at 1 July 2011.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprint.**

Spelling

The spelling of certain words or phrases may be inconsistent with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’).

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

Replacement reprint date If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



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South East Queensland Water (Restructuring) Regulation 2011

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South East Queensland Water (Restructuring) Regulation 2011

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *South East Queensland Water (Restructuring) Regulation 2011*.

2 Commencement

Parts 3 and 4 commence on 1 July 2011.

3 Dictionary

The dictionary in the schedule defines particular words used in this regulation.

Part 2 Relevant water entities

4 Prescribed relevant water entities—Act, s 104

Each of the following is prescribed as a relevant water entity for section 104(1)(d) of the Act—

- (a) Australian Water Recycling Centre of Excellence Ltd ACN 140 949 006 (*AWRCE*);
- (b) South East Queensland (Gold Coast) Desalination Company Pty Ltd ACN 122 413 316 (*SEQDC*);

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- (c) Western Corridor Recycled Water Pty Ltd ACN 124 226 777 (**WCRW**).

Part 3 Transfer of QWI(WDPBU) to Seqwater

Division 1 Transfer of assets and liabilities

5 Divestment of assets, release of liabilities and transfer of assets and liabilities

- (1) QWI is divested of all WDPBU assets and released from all WDPBU liabilities.
- (2) WDPBU assets become the assets of Seqwater.
- (3) WDPBU liabilities are assumed by Seqwater.

Division 2 Transition to Seqwater

6 Successor in law

Seqwater is the successor in law of QWI(WDPBU).

7 Instruments

- (1) A WDPBU instrument applies to Seqwater in place of QWI.
- (2) Without limiting subsection (1)—
 - (a) any right, title, interest or liability arising under or relating to a WDPBU instrument is taken to be transferred from QWI to Seqwater; and
 - (b) a WDPBU instrument, including a benefit or right provided by a WDPBU instrument, given to, by or in

favour of QWI is taken to have been given to, by or in favour of Seqwater; and

- (c) Seqwater is taken to be a party to each WDPBU instrument in place of QWI; and
- (d) a reference to QWI in a WDPBU instrument is taken to be a reference to Seqwater; and
- (e) an application for a WDPBU instrument made in QWI's name is taken to have been made in Seqwater's name; and
- (f) a WDPBU instrument under which an amount is, or may become, payable to or by QWI is taken to be an instrument under which the amount is, or may become, payable to or by Seqwater in the way the amount was, or might have become, payable to or by QWI; and
- (g) a WDPBU instrument under which property, other than money, is or may become liable to be transferred, conveyed or assigned to or by QWI is taken to be an instrument under which property is or may become liable to be transferred, conveyed or assigned to or by Seqwater in the way the property was or might have become liable to be transferred, conveyed or assigned to or by QWI.

8 Pending legal proceedings

A WDPBU legal proceeding by or against QWI that is not finished before the transfer day must be continued and finished by or against Seqwater.

Division 3 Accounting treatment

9 Accounting treatment

- (1) QWI and Seqwater must treat—
 - (a) the transfer of WDPBU assets to Seqwater and the assumption of WDPBU liabilities by Seqwater under

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this regulation as a distribution to or contribution by owners, as applicable, that is to be considered as a redemption of, or increase in, contributed equity; and

- (b) the value of WDPBU assets transferred to Seqwater and WDPBU liabilities assumed by Seqwater under this regulation as being equivalent to the carrying value of the assets and liabilities recorded in the accounts of QWI immediately before the transfer day; and
 - (c) the value of the indebtedness under the QTC debt facilities transferred from QWI to Seqwater under this regulation as being equivalent to the book value of the indebtedness under the QTC debt facilities recorded in the accounts of QWI immediately before the transfer day.
- (2) In this section—

QTC debt facilities means the debt facilities held by QWI with the Queensland Treasury Corporation and mentioned in the WDPBU liability schedule.

Part 4 Transfer to Seqwater of matters relating to WaterSecure

Division 1 Transfer of assets, liabilities, shares and interests

10 Divestment of assets, release of liabilities and transfer of assets and liabilities

- (1) The Coordinator-General is divested of all Coordinator-General assets and released from all Coordinator-General liabilities.
- (2) WaterSecure is divested of all WaterSecure assets and released from all WaterSecure liabilities.

- (3) SEQDC is divested of all SEQDC assets and released from all SEQDC liabilities.
- (4) WCRW is divested of all WCRW assets and released from all WCRW liabilities.
- (5) Coordinator-General assets, WaterSecure assets, SEQDC assets and WCRW assets become the assets of Seqwater.
- (6) Coordinator-General liabilities, WaterSecure liabilities, SEQDC liabilities and WCRW liabilities are assumed by Seqwater.

11 Transfer of shares

The shares held by WaterSecure in SEQDC and WCRW are transferred to Seqwater.

12 Transfer of interest

- (1) WaterSecure's interest in AWRCE is transferred to Seqwater.
- (2) A reference to WaterSecure in AWRCE's constitution is taken to be a reference to Seqwater.

Division 2 Transition to Seqwater

13 Successor in law

Seqwater is the successor in law of WaterSecure, SEQDC and WCRW.

14 Instruments

- (1) An instrument applies to Seqwater in place of the Coordinator-General, WaterSecure, SEQDC or WCRW.
- (2) Without limiting subsection (1)—
 - (a) any right, title, interest or liability of the Coordinator-General, WaterSecure, SEQDC or WCRW

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- arising under or relating to an instrument is taken to be transferred from the Coordinator-General, WaterSecure, SEQDC or WCRW to Seqwater; and
- (b) an instrument, including a benefit or right provided by an instrument, given to, by or in favour of the Coordinator-General, WaterSecure, SEQDC or WCRW is taken to have been given to, by or in favour of Seqwater; and
 - (c) Seqwater is taken to be a party to each instrument in place of the Coordinator-General, WaterSecure, SEQDC or WCRW; and
 - (d) a reference to the Coordinator-General, WaterSecure, SEQDC or WCRW in an instrument is taken to be a reference to Seqwater; and
 - (e) an application for an instrument made in the name of the Coordinator-General, WaterSecure, SEQDC or WCRW is taken to have been made in Seqwater's name; and
 - (f) an instrument under which an amount is, or may become, payable to or by the Coordinator-General, WaterSecure, SEQDC or WCRW is taken to be an instrument under which the amount is, or may become, payable to or by Seqwater in the way the amount was, or might have become, payable to or by the Coordinator-General, WaterSecure, SEQDC or WCRW; and
 - (g) an instrument under which property, other than money, is or may become liable to be transferred, conveyed or assigned to or by the Coordinator-General, WaterSecure, SEQDC or WCRW is taken to be an instrument under which property is or may become liable to be, transferred, conveyed or assigned to or by Seqwater in the way the property was or might have become liable to be transferred, conveyed or assigned to or by the Coordinator-General, WaterSecure, SEQDC or WCRW.

(3) In this section—

instrument means any of the following—

- (a) a Coordinator-General instrument;
- (b) a WaterSecure instrument;
- (c) an SEQDC instrument;
- (d) a WCRW instrument.

15 Employees

- (1) A person who, immediately before the transfer day, was a WaterSecure employee becomes an employee of Seqwater.
- (2) In this section—

WaterSecure employee means a person who—

- (a) is shown in the WaterSecure employee schedule as an employee of WaterSecure; or
- (b) is not otherwise shown in the WaterSecure employee schedule but who, immediately before the transfer day, is an employee of WaterSecure.

WaterSecure employee schedule means a schedule held by Seqwater showing the employees of WaterSecure immediately before the transfer day.

16 Pending legal proceedings

A proceeding by or against WaterSecure, SEQDC or WCRW that is not finished before the transfer day must be continued and finished by or against Seqwater.

17 Transfer of records

The records of WaterSecure, SEQDC and WCRW become the records of Seqwater.

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Division 3 Accounting treatment

18 Accounting treatment

(1) The Coordinator-General, WaterSecure, SEQDC, WCRW and Seqwater must treat—

- (a) the transfer of Coordinator-General assets, WaterSecure assets, SEQDC assets and WCRW assets to Seqwater and the assumption of Coordinator-General liabilities, WaterSecure liabilities, SEQDC liabilities and WCRW liabilities by Seqwater under this regulation as a distribution to or contribution by owners, as applicable, that is to be considered as a redemption of, or increase in, contributed equity; and
- (b) the value of Coordinator-General assets, WaterSecure assets, SEQDC assets and WCRW assets transferred to Seqwater and Coordinator-General liabilities, WaterSecure liabilities, SEQDC liabilities and WCRW liabilities assumed by Seqwater under this regulation as being equivalent to the carrying value of the assets and liabilities recorded in the accounts of the Coordinator-General, WaterSecure, SEQDC or WCRW, as applicable, immediately before the transfer day; and
- (c) the value of the indebtedness under the QTC debt facilities transferred from WaterSecure to Seqwater under this regulation as being equivalent to the book value of the indebtedness under the QTC debt facilities recorded in the accounts of WaterSecure immediately before the transfer day.

(2) In this section—

QTC debt facilities means the debt facilities held by WaterSecure with the Queensland Treasury Corporation and mentioned in the WaterSecure liability schedule.

Division 4 Dissolution of new water entity

19 Dissolution of WaterSecure—Act, s 109

- (1) This section takes effect immediately after Seqwater becomes the successor in law of WaterSecure, SEQDC and WCRW.
- (2) WaterSecure is dissolved and its board members go out of office.
- (3) Seqwater must prepare WaterSecure's final statements and report.

Schedule Dictionary

section 3

AWRCE see section 4(a).

Coordinator-General asset means an asset that is shown in the Coordinator-General schedule.

Coordinator-General instrument means an instrument that is shown in the Coordinator-General schedule as an instrument applying to the Coordinator-General.

Coordinator-General liability means a liability that is shown in the Coordinator-General schedule.

Coordinator-General schedule means a schedule held by Seqwater showing the assets and liabilities of the Coordinator-General, and the instruments applying to the Coordinator-General, to be transferred or applied to Seqwater.

QWI means Queensland Water Infrastructure Pty Ltd ACN 119 634 427.

QWI(WDPBU) means QWI only in relation to WDPBU, including to the extent of the responsibilities of WDPBU immediately before the transfer day.

SEQDC see section 4(b).

SEQDC asset means an asset that—

- (a) is shown in the SEQDC asset schedule as an asset of SEQDC; or
- (b) is not otherwise shown in the SEQDC asset schedule but, immediately before the transfer day, is an asset of SEQDC.

SEQDC asset schedule means a schedule held by Seqwater showing the assets of SEQDC immediately before the transfer day.

SEQDC instrument means an instrument, other than SEQDC's constitution, that—

- (a) is shown in the SEQDC instrument schedule as an instrument applying to SEQDC; or
- (b) is not otherwise shown in the SEQDC instrument schedule but, immediately before the transfer day, is an instrument applying to SEQDC.

SEQDC instrument schedule means a schedule held by Seqwater showing the instruments applying to SEQDC immediately before the transfer day.

SEQDC liability means a liability that—

- (a) is shown in the SEQDC liability schedule as a liability of SEQDC; or
- (b) is not otherwise shown in the SEQDC liability schedule but, immediately before the transfer day, is a liability of SEQDC.

SEQDC liability schedule means a schedule held by Seqwater showing the liabilities of SEQDC immediately before the transfer day.

transfer day means 1 July 2011.

WaterSecure asset means an asset that—

- (a) is shown in the WaterSecure asset schedule as an asset of WaterSecure; or
- (b) is not otherwise shown in the WaterSecure asset schedule but, immediately before the transfer day, is an asset of WaterSecure.

WaterSecure asset schedule means a schedule held by Seqwater showing the assets of WaterSecure immediately before the transfer day.

WaterSecure instrument means an instrument that—

- (a) is shown in the WaterSecure instrument schedule as an instrument applying to WaterSecure; or
- (b) is not otherwise shown in the WaterSecure instrument schedule but, immediately before the transfer day, is an instrument applying to WaterSecure.

WaterSecure instrument schedule means a schedule held by Seqwater showing the instruments applying to WaterSecure immediately before the transfer day.

WaterSecure liability means a liability that—

- (a) is shown in the WaterSecure liability schedule as a liability of WaterSecure; or
- (b) is not otherwise shown in the WaterSecure liability schedule but, immediately before the transfer day, is a liability of WaterSecure.

WaterSecure liability schedule means a schedule held by Seqwater showing the liabilities of WaterSecure immediately before the transfer day.

WCRW see section 4(c).

WCRW asset means an asset that—

- (a) is shown in the WCRW asset schedule as an asset of WCRW; or
- (b) is not otherwise shown in the WCRW asset schedule but, immediately before the transfer day, is an asset of WCRW.

WCRW asset schedule means a schedule held by Seqwater showing the assets of WCRW immediately before the transfer day.

WCRW instrument means an instrument, other than WCRW's constitution, that—

- (a) is shown in the WCRW instrument schedule as an instrument applying to WCRW; or
- (b) is not otherwise shown in the WCRW instrument schedule but, immediately before the transfer day, is an instrument applying to WCRW.

WCRW instrument schedule means a schedule held by Seqwater showing the instruments applying to WCRW immediately before the transfer day.

WCRW liability means a liability that—

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- (a) is shown in the WCRW liability schedule as a liability of WCRW; or
 - (b) is not otherwise shown in the WCRW liability schedule but, immediately before the transfer day, is a liability of WCRW.

WCRW liability schedule means a schedule held by Seqwater showing the liabilities of WCRW immediately before the transfer day.

WDPBU means the part of QWI known as the Wyaralong Dam Project business unit, comprising the Wyaralong Dam as described in section 1.2 of the Coordinator-General's report on Wyaralong Dam released on 8 October 2008, including all associated, incidental and related services, works, real and personal property, instruments, assets and liabilities of QWI, but does not include an asset, liability, instrument or legal proceeding mentioned in the WDPBU exclusion schedule.

WDPBU asset—

- (a) means an asset that—
 - (i) is shown in the WDPBU asset schedule as an asset of QWI(WDPBU); or
 - (ii) is not otherwise shown in the WDPBU asset schedule but, immediately before the transfer day, is an asset held by QWI for the purposes of WDPBU; but
- (b) does not include an asset mentioned in the WDPBU exclusion schedule.

WDPBU asset schedule means a schedule held by Seqwater showing the assets of QWI(WDPBU) immediately before the transfer day.

WDPBU exclusion schedule means a schedule held by Seqwater showing assets, liabilities and instruments of QWI, and legal proceedings by or against QWI, immediately before the transfer day that are excluded from the operation of this regulation.

WDPBU instrument—

- (a) means an instrument that—
 - (i) is shown in the WDPBU instrument schedule as an instrument applying to QWI for the purposes of WDPBU; or
 - (ii) is not otherwise shown in the WDPBU instrument schedule but, immediately before the transfer day, is an instrument applying to QWI for the purposes of WDPBU; but
- (b) does not include an instrument mentioned in the WDPBU exclusion schedule.

WDPBU instrument schedule means a schedule held by Seqwater showing the instruments applying to QWI for the purposes of WDPBU immediately before the transfer day.

WDPBU legal proceeding—

- (a) means a legal proceeding that—
 - (i) is shown in the WDPBU legal proceedings schedule as a legal proceeding by or against QWI relating to WDPBU; or
 - (ii) is not shown in the WDPBU legal proceedings schedule but, immediately before the transfer day, is a legal proceeding by or against QWI relating to WDPBU; but
- (b) does not include a legal proceeding mentioned in the WDPBU exclusion schedule.

WDPBU legal proceedings schedule means a schedule held by Seqwater showing the legal proceedings by or against QWI relating to WDPBU immediately before the transfer day.

WDPBU liability—

- (a) means a liability that—
 - (i) is shown in the WDPBU liability schedule as a liability of QWI(WDPBU); or
 - (ii) is not otherwise shown in the WDPBU liability schedule but, immediately before the transfer day,

is a liability to which QWI is subject for the purposes of WDPBU; but

- (b) does not include a liability mentioned in the WDPBU exclusion schedule.

WDPBU liability schedule means a schedule held by Seqwater showing the liabilities of QWI(WDPBU) immediately before the transfer day.

Endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the South East Queensland Water (Restructuring) Regulation 2011 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
0A	none	24 June 2011	pts 1–2, sch commenced
1	none	1 July 2011	pts 3–4 commenced

5 List of legislation

South East Queensland Water (Restructuring) Regulation 2011 SL No. 125

made by the Governor in Council on 23 June 2011

notfd gaz 24 June 2011 pp 534–8

pts 3–4 commenced 1 July 2011 (see s 2)

remaining provisions commenced on date of notification

exp 1 September 2021 (see SIA s 54)

Notes—(1) The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

(2) An explanatory note was prepared.