



Queensland

Water and Other Legislation Amendment Act 2007

Act No. 57 of 2007



Queensland

Water and Other Legislation Amendment Act 2007

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Queensland

Water and Other Legislation Amendment Act 2007

Act No. 57 of 2007

An Act to amend the *Water Act 2000*, and for other particular purposes

[Assented to 16 November 2007]

The Parliament of Queensland enacts—**Part 1 Preliminary****1 Short title**

This Act may be cited as the *Water and Other Legislation Amendment Act 2007*.

2 Commencement

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

- parts 9 and 10;
- part 11, section 92;
- part 11, section 93, to the extent it inserts chapter 3, part 3, division 2C, subdivision 2 in the *Water Act 2000*;
- part 11, section 103, to the extent it inserts section 1152 in the *Water Act 2000*.

Part 2 Amendment of Body Corporate and Community Management Act 1997**3 Act amended in pt 2**

This part amends the *Body Corporate and Community Management Act 1997*.

4 Amendment of s 20 (Utility infrastructure as common property)

Section 20(1)—

omit, insert—

‘(1) Common property for a community titles scheme includes all utility infrastructure forming part of scheme land, other than—

(a) utility infrastructure that is—

(i) a device for measuring the reticulation or supply of water for a community titles scheme established after 1 January 2008; and

(ii) installed after 1 January 2008, in relation to a compliance request made under the *Plumbing and Drainage Act 2002* after 31 December 2007, on infrastructure supplying water to a lot or land that is common property for the community titles scheme; or

Note—

Under the *Water Act 2000*, section 383, the devices mentioned in subparagraph (i) are the property of the service provider supplying the water under that Act.

(b) utility infrastructure, other than utility infrastructure mentioned in paragraph (a), that is—

(i) solely related to supplying utility services to a lot; and

(ii) within the boundaries of the lot (according to the way the boundaries of the lot are defined in the plan of subdivision under which the lot is created); and

(iii) located other than within a boundary structure for the lot.’.

5 Amendment of s 196 (Utility services not separately charged for)

(1) Section 196(13)—

renumber as section 196(14).

(2) Section 196—

insert—

- (i) the impact on the area is minor; and
 - (ii) the structures are constructed in compliance with all the requirements, under any Act, relating to a structure of that type.’
- (4) Schedule 8, part 2, table 4, item 1, from ‘all things’ to ‘allows’—
omit, insert—
‘for all things constructed or installed that allow the taking of, or interfering with, water (other than using a water truck to pump water) under the *Water Act 2000*, if the operations allow, under that Act’.
- (5) Schedule 8, part 2, table 4, item 1(b)(i) and (ii)—
renumber as schedule 8, part 2, table 4, item 1(b)(ii) and (iii).
- (6) Schedule 8, part 2, table 4, item 1(b)—
insert—
‘(i) water in a watercourse, lake or spring, other than under section 20(2), (3) or (5), of the *Water Act 2000*, if the operations are mentioned as self-assessable development in a water resource plan under the *Water Act 2000* or, a wild river declaration or are prescribed under a regulation under this Act or the *Water Act 2000*; or’.
- (7) Schedule 8, part 2, table 4, item 1(b)(ii) and (iii) as renumbered, from ‘or another Act’—
omit, insert—
‘Act or the *Water Act 2000*’.
- (8) Schedule 8, part 2, table 4, item 2, from ‘if—’—
omit, insert—
‘if the waterway barrier works is—
 - (a) temporary; or
 - (b) minor; or
 - (c) rebuilt on a regular basis.’

- (9) Schedule 8, part 2, table 4, item 3—

insert—

- ‘(d) the construction or placement of structures, including, for example, safety signs, swimming enclosures and aids to navigation, if—
- (i) the impact on the area is minor; and
 - (ii) the structures are constructed in compliance with all the requirements, under any Act, relating to a structure of that type; or
- (e) public benefit works, including, for example, the construction of runnels for mosquito control, the removal of *Lyngbya* and seed collection for site rehabilitation, if the impact on the area is minor.’.

- (10) Schedule 8, part 2, table 4, item 4—

insert—

- ‘(d) is reasonably necessary for the construction or placement of structures, including, for example, swimming enclosures, safety signs, aids to navigation, fences, pontoons, public boat ramps and pipelines, if—
- (i) the extent of the removal, destruction or damage is minor; and
 - (ii) the structures were constructed in compliance with all the requirements, under any Act, relating to a structure of that type; or
- (e) is reasonably necessary for the construction of runnels for mosquito control, removal of *Lyngbya*, seed collection for site rehabilitation or the collection of marine plants for fishing bait, or handicraft.’.

8 Amendment of sch 10 (Dictionary)

Schedule 10—

insert—

‘*Lyngbya* means a plant of the genus *Lyngbya*.’.

Part 4 **Amendment of Lake Eyre Basin Agreement Act 2001**

9 **Act amended in pt 4**

This part amends the *Lake Eyre Basin Agreement Act 2001*.

10 **Amendment of s 2 (Definitions)**

(1) Section 2—

insert—

‘*second amending agreement* means the agreement a copy of which is set out in schedule 3.’.

(2) Section 2, definition *agreement*, after ‘amending agreement’—

insert—

‘and second amending agreement’.

11 **Amendment of s 3 (Approval and ratification of agreements)**

Section 3—

insert—

‘(c) the second amending agreement.’.

12 **Insertion of new sch 3**

After schedule 2, annexure B—

insert—

‘Schedule 3 Second Amending Agreement

section 2, definition *second amending agreement*

‘DEED dated the 23rd day of January 2007

BETWEEN:**THE COMMONWEALTH OF AUSTRALIA** (“the Commonwealth”)

AND

THE STATE OF QUEENSLAND (“Queensland”)

AND

THE STATE OF SOUTH AUSTRALIA (“South Australia”)

AND

THE NORTHERN TERRITORY OF AUSTRALIA (“the Northern Territory”)**BACKGROUND**

- A. On the 21st day of October 2000, the Commonwealth, Queensland and South Australia (“the Original Parties”) entered into the LAKE EYRE BASIN INTERGOVERNMENTAL AGREEMENT (“the Original Agreement”) to provide for the establishment of arrangements for the management of water and related natural resources for that portion of the Lake Eyre Basin as identified in clause 1.1 of the Original Agreement.
- B. On the 10th day of June 2004, the Original Parties and the Northern Territory executed a Deed to admit the Northern Territory as a party to the Original Agreement and to make certain other amendments to the Original Agreement.
- C. The Parties now wish to extend the boundaries of the area covered under the Original Agreement as set out in this Deed.

OPERATIVE PART**1. DEFINITIONS AND INTERPRETATION**

- 1.1 **“Effective Date”** means, pursuant to clause 9.2 of the Original Agreement, the date on which this Deed is approved and ratified by the Parliaments of Queensland, South Australia and the Northern Territory.
- 1.2 All other capitalised terms used in this Deed have the meaning given to them in the Original Agreement.

2. EFFECTIVE DATE

On and from the Effective Date, the parties become bound by the terms of this Deed.

3. AMENDMENTS TO THE AGREEMENT

The Original Agreement is varied in the following manner:

3.1 By removing clause 1.1 and replacing it with the following clause:

3.2 “1.1 This Agreement applies to that area of the Lake Eyre Basin (the Agreement Area) encompassing portions of Queensland, South Australia and the Northern Territory of Australia as depicted in Schedule 1 to this Agreement, including within that area the following river systems, associated catchments, floodplains, overflow channels, lakes, wetlands and sub-artesian waters dependent on surface flows of:

3.2.1 the Cooper Creek system and associated tributaries in Queensland and South Australia;

3.2.2 the Diamantina River system and associated tributaries in Queensland and South Australia;

3.2.3 the Georgina river system and associated tributaries in Queensland, South Australia and the Northern Territory;

3.2.4 the Hay river system and associated tributaries in Queensland, South Australia and the Northern Territory;

3.2.5 the Finke River systems and associated tributaries in South Australia and Northern Territory including the Finke, Hamilton, Alberga and Macumba River systems,

3.2.6 Witjira National Park, Simpson Desert Conservation Park and Simpson Desert Regional Reserve in South Australia;

3.2.7 the Todd River systems and associated tributaries Northern Territory; and

- 3.2.8 the Neales river systems and associated tributaries including Arkaringa, Lora and Peake Creeks in South Australia
- 3.2.9 the Douglas Creek river system and including Umbum and Sunny Creeks
- 3.3 by replacing the map in Schedule 1 to the Original Agreement with the map at **Annexure A** to this Deed,
- 3.4 by this Deed becoming a schedule to the Original Agreement being "Schedule 3".

4. **GENERAL**

- 4.1 Each party must:
 - 4.1.1 use its best efforts to do all things necessary or desirable to give full effect to this Deed; and
 - 4.1.2 refrain from doing anything that might hinder performance of this Deed.
- 4.2 This Deed may be signed in any number of counterparts.
- 4.3 Except as varied above the Original Agreement remains in full force and effect.

Signed, Sealed & Delivered by the Minister)
for the Environment and Heritage of the)
Commonwealth)
) Ian Campbell (sgd)

in the presence of:

Ewen Bruce Male (sgd)

Witness

Signed, Sealed & Delivered by **the Minister**)
for Natural Resources and Water of the)
State of Queensland)
) Craig Wallace (sgd)
.....

in the presence of:

Michael Tandy (sgd)
.....

Witness

The Common Seal of the Minister for)
Environment and Conservation of the State)
of South Australia) was hereunto affixed
) Gail Gago (sgd)
.....

in the presence of:

Ann Barclay (sgd)
.....

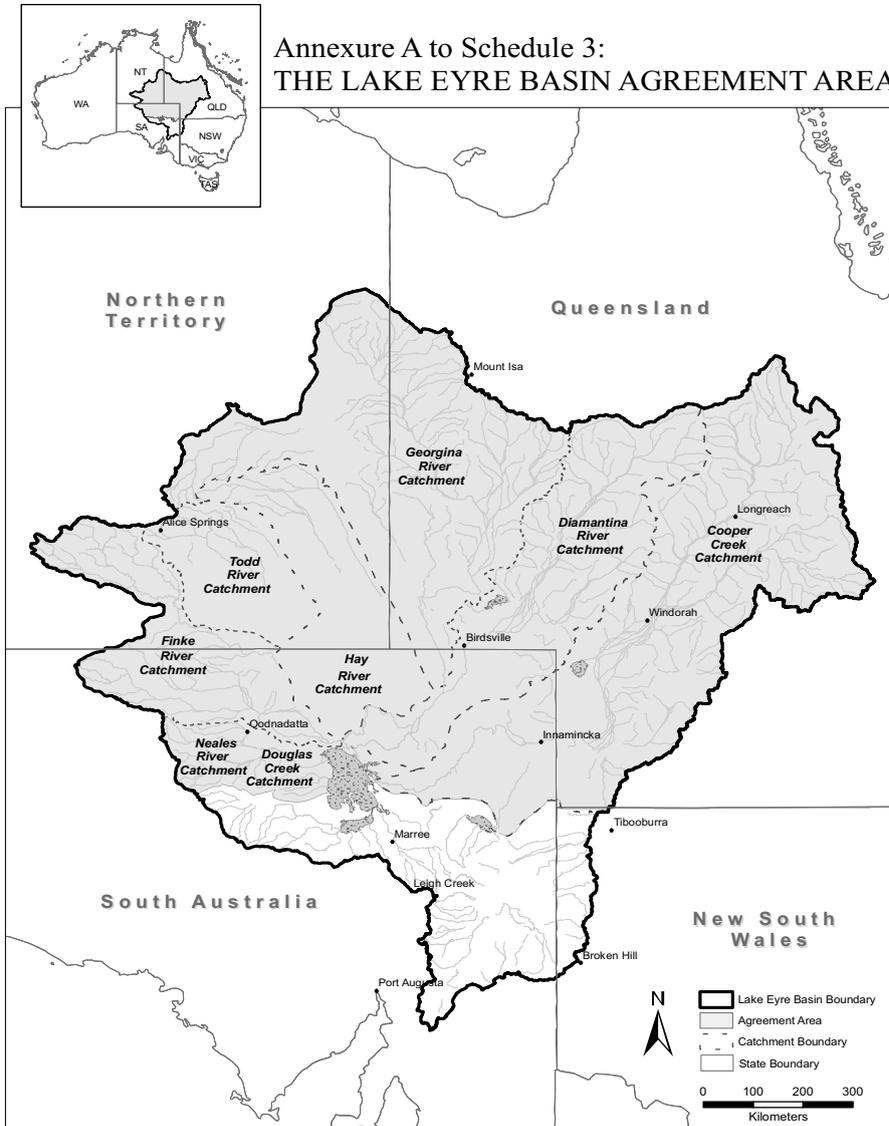
Witness

Signed, Sealed & Delivered for and on behalf)
of the Northern Territory of Australia by **the**)
Minister for Natural Resources,)
Environment and Heritage) Marion Scrymgour (sgd)
.....

in the presence of:

Lesley Cameron (sgd)
.....

Witness



Part 5 Amendment of Land Act 1994

13 Act amended in pt 5

This part amends the *Land Act 1994*.

14 Amendment of s 18 (Governor in Council may exchange land)

- (1) Section 18(1), ‘, a lessee or the holder of a native title interest in land’—

omit, insert—

‘or a lessee’.

- (2) Section 18(1), ‘, a lease or a native title interest in land’—

omit, insert—

‘or a lease’.

15 Insertion of new s 18A

After section 18—

insert—

‘18A Grant or lease of unallocated State land in consideration of surrender of native title interest

- ‘(1) This section applies if, under an ILUA, all native title in relation to an area is extinguished by surrender to the State.
- ‘(2) The designated person may grant or lease unallocated State land to a grantee entity.
- ‘(3) The unallocated State land being granted or leased need not be land the subject of a surrender under the ILUA.
- ‘(4) If there are 2 or more surrender areas, the grant or lease may be made to 2 or more grantee entities jointly.
- ‘(5) In this section—

designated person, until the commencement of the *Land and Other Legislation Amendment Act 2007*, section 16, means the Governor in Council.

Commonwealth Native Title Act means the *Native Title Act 1993* (Cwlth).

grantee entity means—

- (a) if there is, under the Commonwealth Native Title Act, a registered native title body corporate for a surrender area—the registered native title body corporate for the surrender area; or
- (b) for any other surrender area—
 - (i) a body corporate whose membership is restricted to persons in the surrender group; or
 - (ii) a person as trustee for a trust whose beneficiaries are restricted to persons in the surrender group.

ILUA means an indigenous land use agreement.

surrender area means—

- (a) an area in relation to which native title is surrendered under the ILUA and in relation to which there is a registered native title body corporate; or
- (b) an area in relation to which native title is surrendered under the ILUA on behalf of a surrender group.

surrender group means the persons identified in the ILUA as persons on whose behalf native title is surrendered.’.

Part 6

Amendment of Land and Other Legislation Amendment Act 2007

16 Act amended in pt 6

This part amends the *Land and Other Legislation Amendment Act 2007*.

17 Amendment of s 16 (Replacement of s 18 of Act No. 81 of 1994)

- (1) Section 16, inserted section 18(1), from ‘or the holder’ to ‘native title interest.’—

omit, insert—

‘may grant unallocated State land in exchange for all or part of the freehold land.’.

- (2) Section 16, inserted section 18(2), note, ‘360(1)(d)’—

omit, insert—

‘360(1)(f)’.

- (3) Section 16, inserted section 18(3), from ‘or the holder’ to ‘native title interest.’—

omit, insert—

‘may lease unallocated State land for a term of years or in perpetuity in exchange for all or part of the lease.’.

- (4) Section 16, inserted section 18(3), note, ‘360A(2)(c)’—

omit, insert—

‘360A(3)(c)’.

18 Amendment of s 27 (Amendment of s 36 of Act No. 81 of 1994)

Section 27, inserted section 36(2), note, ‘(3)’—

omit, insert—

‘(2)’.

19 Amendment of s 49 (Replacement of s 94 of Act No. 81 of 1994)

- (1) Section 49, inserted section 94(3), from ‘a permanent’—

omit, insert—

‘an application under subsection (2).’.

- (2) Section 49, inserted section 94(4)—

omit.

- (3) Section 49, inserted section 94(5) and (6)—
renumber as section 94(4) and (5).

20 Amendment of s 54 (Replacement of ch 3, pt 2, divs 4 and 5 of Act No. 81 of 1994)

- (1) Section 54, inserted section 109A(3)—
omit.
- (2) Section 54, inserted section 109A(4) to (6)—
renumber as section 109A(3) to (5).
- (3) Section 54, inserted section 109A(3) as renumbered, from ‘the conditions’—
omit, insert—
‘any conditions the Minister imposes under section 420I.’.
- (4) Section 54, inserted section 109A(4) as renumbered, ‘repositioning’—
omit, insert—
‘replacement’.
- (5) Section 54, inserted section 109B(4)—
omit.
- (6) Section 54, inserted section 109B(5) to (7)—
renumber as section 109B(4) to (6).
- (7) Section 54, inserted section 109B(4) as renumbered, from ‘the conditions’—
omit, insert—
‘any conditions the Minister imposes under section 420I.’.

21 Amendment of s 91 (Replacement of s 180 of Act No. 81 of 1994)

- Section 91, inserted section 180(1)(c), ‘Minister’—
omit, insert—
‘chief executive’.

22 Amendment of s 98 (Amendment of s 192 of Act No. 81 of 1994)

Section 98(1), ‘*insert—*’—
omit, insert—
‘*omit, insert—*’.

23 Amendment of s 143 (Amendment of s 290J of Act No. 81 of 1994)

Section 143(3), inserted section 290J(4), ‘subsection (1)(m)’—
omit, insert—
‘subsection (1)(l)’.

24 Amendment of s 199 (Insertion of new ch 9, pt 1D of Act No. 81 of 1994)

Section 199, inserted section 521E(2), after ‘in the State’—
insert—
‘as trustee of the land’.

25 Amendment of s 203 (Amendment of sch 6 of Act No. 81 of 1994)

Section 203(2), inserted definition *dedication notice*—
omit, insert—
‘***dedication notice*** means a notice in the approved form—
(a) requesting the chief executive to register a dedication of land under this Act; or
(b) requesting the registrar to register a dedication of land as road under the *Acquisition of Land Act 1967*, section 12B.’.

26 Amendment of s 207 (Amendment of s 51 of Act No. 11 of 1994)

Section 207, inserted section 51(3A), ‘endorsed with the approval of’—

omit, insert—

‘consented to by’.

Part 7 Amendment of Local Government Act 1993

27 Act amended in pt 7

This part amends the *Local Government Act 1993*.

28 Insertion of new ch 15, pt 5, div 7A

After section 1101—

insert—

‘Division 7A Monitoring commission water restrictions

‘1101A Power of entry for monitoring commission water restrictions

- ‘(1) This section applies if an authorised person—
- (a) reasonably suspects a commission water restriction is being, or has been, contravened at any place; or
 - (b) reasonably considers it is necessary to enter a non-residential place to conduct an audit or inspection to monitor compliance with a commission water restriction.
- ‘(2) Subject to subsections (3) and (5), the authorised person may enter the place for the purpose of monitoring compliance with the commission water restriction at any reasonable time of the day or night.

- ‘(3) Before entering the place, the authorised person must do, or make a reasonable attempt to do, the following things—
- (a) identify himself or herself to an occupier, by complying with section 1088;
 - (b) tell the occupier the purpose of the entry.
- ‘(4) Subsection (3) does not require the authorised person to take a step that may frustrate or otherwise hinder the purposes of the entry.
- ‘(5) For subsection (1)(a), a place does not include a building or other structure, or the part of a building or other structure, used for residential purposes.
- ‘(6) In this section—
- commission water restriction* see the *Water Act 2000*, schedule 4.
- non-residential place* means a place not used for residential purposes.’.

29 Amendment of s 1102 (General powers after entering places)

Section 1102(1), ‘or 7’—
omit, insert—
 ‘, 7 or 7A’.

Part 8 Amendment of Murray-Darling Basin Act 1996

30 Act amended in pt 8

This part amends the *Murray-Darling Basin Act 1996*.

31 Amendment of long title

Long title, ‘and South Australia’—

omit, insert—

‘, South Australia and the Australian Capital Territory’.

32 Amendment of s 2 (Definitions)

(1) Section 2, definition *agreement*—

omit.

(2) Section 2—

insert—

‘**agreement** means the original agreement as amended by the first amending agreement.

first amending agreement means the agreement a copy of which is set out in schedule 2.

Editor’s note—

The original agreement has, since the commencement of this Act, been amended by agreements the provisions of which do not apply to Queensland.

original agreement means the agreement a copy of which is set out in schedule 1.’.

33 Amendment of s 5 (Approval of agreement)

(1) Section 5, heading, before ‘agreement’—

insert—

‘**original**’.

(2) Section 5, before ‘agreement’—

insert—

‘original’.

34 Insertion of new s 5A

After section 5—

insert—

‘5A Approval of first amending agreement

‘The first amending agreement is approved.’.

35 Amendment of schedule (Murray-Darling Basin Agreement)

Schedule, heading—

*omit, insert—***‘Schedule 1 Murray-Darling Basin Agreement**section 2, definition *original agreement*’.**36 Insertion of new sch 2**

After schedule 1, as renumbered—

*insert—***‘Schedule 2 First amending agreement**section 2, definition *first amending agreement***Murray-Darling Basin Agreement Amending Agreement 2006**AGREEMENT made this **fourteenth** day of **July 2006** between—**THE COMMONWEALTH OF AUSTRALIA** (the *Commonwealth*),**THE STATE OF NEW SOUTH WALES** (*New South Wales*),**THE STATE OF VICTORIA** (*Victoria*),**THE STATE OF QUEENSLAND** (*Queensland*),**THE STATE OF SOUTH AUSTRALIA** (*South Australia*), and**THE AUSTRALIAN CAPITAL TERRITORY** (*Australian Capital Territory*).

WHEREAS on 24 June 1992, the Commonwealth, New South Wales, Victoria and South Australia entered into the Murray-Darling Basin Agreement which—

- (a) was approved by the Parliament of the Commonwealth and the Parliaments of the said States; and
- (b) has subsequently been deemed to be amended from time to time under clause 50 or 134 of that Murray-Darling Basin Agreement; and
- (c) was amended by the Murray-Darling Basin Amending Agreement made on 3 June 2002,

(together called the *Principal Agreement*)—

AND WHEREAS under the provisions of clause 134 of the Principal Agreement, Queensland became a party to the Principal Agreement on the terms set out in Schedule D to the Principal Agreement—

AND WHEREAS under the provisions of clause 134 of the Principal Agreement, that Agreement was amended in May 2006 by the decision of the Murray-Darling Basin Ministerial Council to consent to the Australian Capital Territory becoming a party to the Principal Agreement—

AND WHEREAS the parties wish to further amend the Principal Agreement to facilitate the operation of the Murray-Darling Basin Commission's water business on appropriate commercial principles and for other reasons—

AND WHEREAS the Murray-Darling Basin Ministerial Council has approved the provisions set out below on 23 July 2003 and 30 September 2005—

THE PARTIES AGREE AS FOLLOWS—

1 INTERPRETATION

In this agreement, a reference to a clause, sub-clause, paragraph, sub-paragraph, Schedule or Appendix is a reference to a clause, sub-clause, paragraph, sub-paragraph,

Schedule or Appendix of or to the Principal Agreement, respectively.

2 CLAUSE 2

(1) *Omit* ‘67(1)(a)’ from the definition of *annual estimates*. *Insert* instead ‘68(1)(a)’.

(2) *Insert* in alphabetical order—

‘*Commission's water business* means those activities of the Commission relating to—

(a) the construction, operation, maintenance and renewal of works on, adjacent to, or connected to the upper River Murray or the River Murray in South Australia; and

(b) the execution of the provisions of this Agreement concerning sharing water between State Contracting Governments; and

(c) the provision of other services relating to water, to State Contracting Governments and other persons.

financial year means the twelve months beginning on 1 July.’.

(3) *Omit* all the words after ‘out’ in the definition of *Commonwealth auditor*. *Insert* instead ‘an audit referred to in sub-paragraph 78(1)(a)(i)’.

(4) After the word ‘programs’ in the definition of *measures*

insert ‘(including any activities for the purpose of conserving or enhancing the environment) but does not include any activities of the Commission's water business’.

(5) *Omit* all the words after ‘out’ in the definition of *State auditor*. *Insert* instead ‘an audit referred to in paragraph 78(1)(b)’.

(6) *Omit* the definition of *supplementary estimates*.

3 CLAUSE 49

Omit clause 49. *Insert* instead—

‘49(1) Works or measures from time to time included in a Schedule to this Agreement or authorised pursuant to clause 50 must be

constructed, operated, maintained, renewed or implemented (as the case may require)—

- (a) in accordance with the provisions of this Agreement and any Acts approving the same; and
 - (b) by the Contracting Government from time to time nominated by the Ministerial Council for the purpose.
- (2) A Contracting Government described as a “Nominated Government” in Schedule A with respect to a work is deemed to have been nominated by the Ministerial Council under paragraph 49(1)(b) to construct, operate, maintain and renew that work, until the Ministerial Council nominates another Contracting Government for one or more of those purposes, with respect to that work.’.

4 CLAUSE 50

- (1) After ‘\$2,000,000’ in sub-clause (2) *insert* ‘, or such other amount determined by the Ministerial Council from time to time’.
- (2) After ‘\$2,000,000’ in sub-clause (3) *insert* ‘, or such other amount determined by the Ministerial Council from time to time’.

5 CLAUSE 51

After ‘\$1,000,000’ in sub-clause (2) *insert* ‘, or such other amount determined by the Ministerial Council from time to time,’.

6 CLAUSE 52

After ‘\$2,000,000’ in sub-clause (5) *insert* ‘, or such other amount determined by the Ministerial Council from time to time’.

7 CLAUSE 54

After ‘\$2,000,000’ in sub-clause (1) *insert* ‘, or such other amount determined by the Ministerial Council from time to time’.

8 CLAUSE 55

(1) *Omit* the words ‘construction or maintenance’ from paragraph (3)(a). *Insert* instead—

‘—

- (i) investigations, construction and administration; or
- (ii) major or cyclic maintenance; or
- (iii) operation and maintenance.’

(2) After ‘as’ in sub-clause (4) *insert* ‘operation and’.

9 CLAUSE 59

Omit ‘this or the former Agreement’. *Insert* instead ‘paragraph 49(1)(b)’.

10 CLAUSE 62

Omit the words ‘which constructed a work under this or the former Agreement’. *Insert* instead ‘nominated to operate a work pursuant to paragraph 49(1)(b)’.

11 CLAUSE 65

Omit clause 65. *Insert* instead—

‘65 Definitions

‘In this Part—

annuity contribution has the meaning set out in sub-clause 67(2).

financial accommodation means a financial benefit or assistance to obtain a financial benefit arising from or as a result of—

- (a) a loan;
- (b) issuing, endorsing or otherwise dealing in promissory notes;
- (c) drawing, accepting, endorsing or otherwise dealing in bills of exchange;

- (d) issuing, purchasing or otherwise dealing in securities;
- (e) granting or taking a lease of any real or personal property for financing but not for operating purposes;
- (f) any other arrangement approved by the Ministerial Council.

investigations, construction and administration costs means the costs of—

- (a) investigating and constructing works set out in Schedule A; and
- (b) investigating and constructing any other works and implementing measures authorised under this Agreement; and
- (c) studies, programs, surveys and investigations carried out pursuant to clause 39; and
- (d) establishing systems referred to in clause 41; and
- (e) systems established pursuant to a request made under paragraph 43(b); and
- (f) special action taken under sub-clause 48(5) which the Ministerial Council has determined to be investigations, construction and administration costs; and
- (g) any payment by the Commission in respect of the construction of works under sub-clause 51(1); and
- (h) complying with the direction given under sub-clause 54(2); and
- (i) dismantling works referred to in sub-clause 64(2); and
- (j) any payment by the Commission under paragraph 131(a); and
- (k) administrative and other expenses of the Commission, the Ministerial Council and the Community Advisory Committee constituted under sub-clause 14(1).

major or cyclic maintenance has a meaning determined by reference to the guidelines established by the Commission under sub-clause 67(4).

operation and maintenance costs means the costs of—

- (a) operating and maintaining works set out in Schedule A; and
- (b) operating and maintaining any other works authorised under this Agreement; and
- (c) operating and maintaining systems referred to in clause 41; and
- (d) operating and maintaining systems established pursuant to a request made under paragraph 43(b); and
- (e) special action taken under sub-clause 48(5) which the Ministerial Council has determined to be operation and maintenance costs; and
- (f) any payment made by the Commission in respect of the operation or maintenance of works under sub-clause 51(1); and
- (g) such dredging or snagging carried out under clause 61 which the Commission has resolved to meet; and
- (h) any payment made by the Commission under paragraph 131(b).

security includes inscribed stock and debenture, bond, debenture stock, note or any other document creating, evidencing or acknowledging indebtedness in respect of financial accommodation, whether constituting a charge on property of the Commission or not.’

12 **CLAUSE 66**

Omit clause 66. *Insert* instead—

‘66 **Apportionment of Costs**

- ‘(1) The Ministerial Council, after considering any recommendation of the Commission, must determine—
- (a) what contribution, if any, is to be made by any State or Territory becoming a party pursuant to clause 134; and
 - (b) whether some or all of that contribution is to be made as a lump sum or in a comparable manner to a manner provided for in sub-clause 66(3), (4) or 67(2).

- (2) Subject to sub-clause 66(1), the Ministerial Council—
 - (a) may, on the recommendation of the Commission, from time to time determine which proportion of the services provided by the Commission's water business is attributable to each State Contracting Government; and
 - (b) must, at intervals not exceeding five years, reconsider the proportions determined under paragraph 66(2)(a); and
 - (c) may, on the recommendation of the Commission, alter the proportions determined under paragraph 66(2)(a).
- (3) Unless the Ministerial Council decides otherwise and subject to any decision of the Ministerial Council under sub-clause 66(1), a State Contracting Government must contribute to operation and maintenance costs in the relevant proportion determined under sub-clause 66(2).
- (4) Unless the Ministerial Council decides otherwise and subject to any decision by the Ministerial Council under sub-clause 66(1) and the provisions of clause 67—
 - (a) the Commonwealth Government must contribute one-quarter of all investigations, construction and administration costs after first deducting any contribution to those costs made by any State or Territory—
 - (i) becoming a party pursuant to clause 134; or
 - (ii) pursuant to any understanding reached between that State or Territory and the Contracting Governments; and
 - (b) the State Contracting Governments must together contribute three-quarters of all investigations, construction and administration costs—
 - (i) relating to the Commission's water business, in the relevant proportions determined under sub-clause 66(2); and
 - (ii) relating to measures implemented under this Agreement, in equal shares.
- (5) The Ministerial Council, after considering any recommendation by the Commission, must determine whether

the costs of any special action taken under sub-clause 48(5) are investigations, construction and administration costs or operation and maintenance costs.’.

13 CLAUSE 67

Omit clause 67. Insert instead—

‘67 Borrowings and Annuity Contributions

- ‘(1) The Commission may, with the prior approval of the Ministerial Council, obtain financial accommodation with respect to any—
- (a) investigations, construction and administration costs; and
 - (b) major or cyclic maintenance costs,
- incurred, or which the Commission proposes to incur, for the purposes of the Commission's water business.
- (2) The Ministerial Council, on the recommendation of the Commission, may from time to time determine that a Contracting Government must make an annual annuity contribution in respect of either or both of—
- (a) investigations, construction and administration costs; and
 - (b) major or cyclic maintenance costs,
- which the Contracting Government might otherwise be required to contribute under sub-clause 66(1), (3), paragraph 66(4)(a) or sub-paragraph 66(4)(b)(i), in any future year.
- (3) In fixing any annuity contribution under sub-clause 67(2), the Ministerial Council must have regard to the Commission's estimate of costs which will be incurred during the next ensuing 30 years (or such other period as the Commission determines) in relation to either or both of—
- (a) the construction or renewal; and
 - (b) major or cyclic maintenance,
- of works constructed, operated, maintained or renewed for the purposes of the Commission's water business (as the case requires) including any interest or other sums receivable or

payable in respect of any income received, or any financial accommodation obtained, by the Commission from time to time in relation to those works.

- (4) For the purposes of this Part, the Commission must establish guidelines for determining what is, and what is not, major or cyclic maintenance.’.

14 CLAUSE 68

Omit clause 68. Insert instead—

‘68 Annual and forward estimates

- ‘(1) The Commission must prepare—
- (a) detailed annual estimates of its known and anticipated expenditure for the next financial year; and
 - (b) forward estimates of its known and anticipated expenditure for the two successive financial years following the next financial year.
- (2) Annual and forward estimates must—
- (a) be in such form as may from time to time be agreed between the Commission and the Ministerial Council; and
 - (b) show the estimated amount to be contributed by each Contracting Government; and
 - (c) be sent to each Contracting Government before the end of March in each year; and
 - (d) be approved by the Ministerial Council,
- and may be revised from time to time with the approval of the Ministerial Council.’.

15 CLAUSE 69

Omit clause 69. Insert instead—

- ‘69 Each Contracting Government must pay any amount payable by it under clause 66 or 67 as and when required by the Commission.’.

16 CLAUSE 72

- (1) *Omit* sub-clause (1). *Insert* instead—
- ‘(1) Subject to sub-clause 72(3), the Commission must apply money paid by the Contracting Governments in accordance with the relevant estimates referred to in paragraph 68(1)(a).’.
- (2) In sub-clause (2)—
- (a) *omit* ‘annual or supplementary’ from paragraph (a). *Insert* after ‘estimates’, ‘prepared or revised under paragraph 68(1)(a)’.
- (b) *omit* ‘the annual or supplementary’ from paragraph (b). *Insert* instead ‘those’.
- (c) after ‘financial year;’ in paragraph (b) *insert* ‘and’.
- (3) *Omit* sub-clause (3). Instead *insert*—
- ‘(3) The Commission may accumulate—
- (a) any sums received under sub-clause 66(3) or (4) for the purposes of the Commission's water business, but not expended in any year; and
- (b) any annuity contributions received under clause 67, for use in subsequent years.’.
- (4) *Omit* sub-clause (4). Instead *insert*—
- ‘(4) Any sum referred to in paragraph 72(3) and any interest thereon must—
- (a) in the case of sums received under sub-clause 66(3), only be expended on operation and maintenance costs; and
- (b) in the case of sums received under sub-clause 66(4), only be expended on investigations, construction and administration costs; and
- (c) in the case of annuity contributions received under clause 67—
- (i) from a State Contracting Government, only be expended on either—
- (A) investigations, construction and administration costs; or

(B) major or cyclic maintenance costs, of the Commission's water business, as the case requires; or

(ii) from the Commonwealth, only be expended on investigations, construction and administration costs of the Commission's water business.’.

17 **CLAUSE 73**

In sub-clause (1)—

- (a) *omit* ‘annual and supplementary’; and
- (b) *insert* after ‘estimates’, ‘referred to in paragraph 68(1)(a),’.

18 **CLAUSE 75**

(1) *Omit* sub-clause (1). *Insert* instead—

‘(1) The unexpended balance of moneys paid to the Commission by Contracting Governments for implementing measures in any financial year—

- (a) shall, with the approval of the Ministerial Council, be available for expenditure in a subsequent financial year upon any item in the annual estimates approved by the Ministerial Council for the relevant year; or
- (b) may be used to reduce the amounts which would otherwise be payable by each Contracting Government under clause 69 in that subsequent financial year.’.

(2) In sub-clause (2)—

- (a) *omit* ‘any’. *Insert* instead ‘the’.
- (b) after ‘balances’ *insert* ‘of moneys referred to in sub-clause 75(1)’.

(3) *Omit* sub-clause (3). *Insert* instead—

‘(3) Any unexpended balance referred to in sub-clause 75(1) must only be expended on implementing measures under this Agreement.’.

19 CLAUSE 77

Omit sub-clause (2). *Insert* instead—

- ‘(2) The Commission must determine how proceeds from the disposal of surplus assets are—
- (a) to be paid to the Commission and credited against future capital and renewal contributions by; or
 - (b) to be distributed among,
the Contracting Governments, having regard to the contributions made by each Contracting Government to the acquisition of those assets.’.

20 CLAUSE 78

- (1) *Omit* paragraphs (a) and (b) from sub-clause (1). *Insert* instead—

‘(a) must be audited annually by—

- (i) an auditor appointed by the Ministerial Council; or
- (ii) if no appointment is made under sub-paragraph 78(1)(a)(i), the Commonwealth auditor; and

(b) may be audited at any reasonable time by an auditor appointed by a Contracting Government.’.

- (2) *Omit* sub-clauses (2) and (3). *Insert* instead—

‘(2) An auditor referred to in paragraph 78(1)(a) must promptly inform each Contracting Government of any significant irregularity revealed by an audit.’.

- (3) *Omit* sub-clause (4). *Insert* instead—

‘(3) The Commission must, at all reasonable times, make all its relevant accounts and records available to an auditor acting under sub-clause 78(1) or any person acting on behalf of that auditor.’.

- (4) *Renumber* sub-clauses (5) and (6) as (4) and (5), respectively.

- (5) (a) *Renumber* sub-clause (7) as sub-clause (6).

(b) *Omit* ‘sub-clause 78(1)’ from sub-clause (6). *Insert* instead ‘paragraph 78(1)(a)’.

21 CLAUSE 80

Omit clause 80. Insert instead—

- ‘80 The Commission may invest money received by it—
- (a) in accordance with any guidelines established by the Ministerial Council; or
 - (b) in such manner as may be directed by the Ministerial Council,
- but not otherwise.’.

22 CLAUSE 81

Omit sub-clause (3). Insert instead—

- ‘(3) Money paid to the Commission under this clause must either—
- (a) be expended on investigations, construction and administration costs; or
 - (b) applied in accordance with sub-clause 75(1).’.

23 CLAUSE 82

Omit sub-clause (4). Insert instead—

- ‘(4) Money paid to the Commission under this clause must either—
- (a) be expended on investigations, construction and administration costs; or
 - (b) applied in accordance with sub-clause 75(1).’.

24 SCHEDULE C, CLAUSE 22

Omit ‘7(3)’ from sub-clause (2). Insert instead ‘16(3)’.

25 SCHEDULE C, APPENDIX 2

After Appendix 1 to Schedule C *insert—*

'Appendix 2 **Authorised joint works and measures**

Description of works	Location	Nominated Government	Status
<p>Barr Creek Drainage Diversion Scheme Saline water diversion from Barr Creek with disposal to the Tutchewop Lakes</p>	Northern Victoria approximately 20km north of the township of Kerang	Victoria	Former Salinity and Drainage Work
<p>Buronga Salt Interception Scheme (part) Groundwater pumping with disposal to Mourquong basin</p>	Southwest New South Wales on the River Murray between Mildura Weir and Mourquong	New South Wales	Former Salinity and Drainage Work
<p>Mallee Cliffs Salt Interception Scheme Groundwater pumping with disposal to evaporation basin adjacent to Mallee Cliffs National Park</p>	Southwest New South Wales on the River Murray approximately 30km east of Mildura opposite Lambert Island in Victoria	New South Wales	Former Salinity and Drainage Work
<p>Mildura-Merbein Salt Interception Scheme (part) Groundwater pumping with disposal to Wargan evaporation basins</p>	Northwest Victoria on the Southern side of the River Murray between Mildura and Merbein	Victoria	Former Salinity and Drainage Work
<p>Rufus River Groundwater Interception Scheme Groundwater pumping with disposal to evaporation basins on the western side of Lake Victoria</p>	On both sides of Rufus River between the outlet from Lake Victoria and the River Murray	South Australia	Former Salinity and Drainage Work

Description of works	Location	Nominated Government	Status
Waikerie Salt Interception Scheme Groundwater pumping with disposal to Stockyard Plain evaporation basin	Southern side of the River Murray from Holder Bend (River distance 392km) to the Toolunka Reach (River distance 371km)	South Australia	Former Salinity and Drainage Work
Woolpunda Salt Interception Scheme Groundwater pumping with disposal to Stockyard Plain evaporation basin	Both sides of the River Murray from Overland Corner to Holder Bend in South Australia	South Australia	Former Salinity and Drainage Work
Pyramid Creek Salt Interception Scheme Groundwater pumping with disposal to a salt harvesting pond complex	Along Pyramid Creek for 12km from Flannery's Bridge to the Box Creek Regulator	Victoria	Basin Salinity Management Strategy Work'.

26 SCHEDULE D, CLAUSE 3

To avoid doubt and to allow the Parties to comply with sub-clause 134(6) of the Principal Agreement—

- (1) After sub-clause 3(1) *insert*—
 - ‘(1A) Sub-clauses 38(1) and 38(3) of the Agreement only apply to the State of Queensland in respect of an act, omission or loss incurred, in relation to the bona fide execution of powers—
 - (a) in or related to the State of Queensland; or
 - (b) under a provision of the Agreement as it applies to the State of Queensland.’.
- (2) After sub-clause 3(4) *insert*—
 - ‘(5) Nothing in the Agreement requires the State of Queensland—
 - (a) to contribute to the costs of, or associated with, remedying any actual or anticipated damage referred to in paragraph 51(1)(c) of the Agreement; or

(b) to meet any compensation for damage paid under clause 83 of the Agreement,

except where the State of Queensland has contributed to the construction, maintenance or operation expenses of the works to which the costs or compensation relate.’.

EXECUTED as an agreement

SIGNED by The Honourable John Winston)
Howard MP)
Prime Minister of the Commonwealth of)
Australia)
in the presence of—) [Signature omitted]

[Signature omitted]

SIGNED by The Honourable Morris Iemma)
MP)
Premier of New South Wales)
in the presence of—) [Signature omitted]

[Signature omitted]

SIGNED by The Honourable Steve Bracks MP)
Premier of Victoria)
in the presence of—) [Signature omitted]

[Signature omitted]

SIGNED by The Honourable Peter Beattie MP)
Premier of Queensland)
in the presence of—) [Signature omitted]

[Signature omitted]

SIGNED by The Honourable Mike Rann MP)
Premier of South Australia)
 in the presence of—) [Signature omitted]

[Signature omitted]

SIGNED by Jon Stanhope MLA)
Chief Minister of the Australian Capital)
Territory)
 in the presence of—) [Signature omitted]

[Signature omitted]’.

Part 9 **Amendment of Plumbing And Drainage Act 2002**

37 **Act amended in pt 9**

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

38 **Amendment of s 85 (Process for assessing plans)**

(1) Section 85(7), example—

omit, insert—

‘Examples—

- 1 A condition of a compliance permit for on-site sewerage work may require the owner of the relevant premises to install a grease arrester for the premises.
- 2 A condition of a compliance permit for regulated work on premises that involves the installation of water meters may require the person carrying out the work to notify the water service provider for the premises that a particular stage of the work has been reached.’.

(3) Section 85(8)—

omit, insert—

- ‘(8) If the local government gives a compliance permit, the local government must also give a copy of the permit to—
- (a) the owner of the premises to which the permit relates; and
 - (b) if the permit is for a plan for work involving the installation of water meters on premises—the water service provider for the premises, if the water service provider is not the local government.’.

39 Amendment of s 85B (Restrictions on giving compliance permit for greywater use facility in a sewered area)

- (1) Section 85B(2)—

omit, insert—

- ‘(2) A compliance permit may be granted for work only if—
- (a) the premises at which the facility is proposed to be installed generates greywater of less than 50kL a day; and
 - (b) if the premises generates greywater of more than 3kL a day—the facility includes a greywater treatment plant; and
 - (c) either—
 - (i) the facility’s greywater treatment plant has a chief executive approval; or
 - (ii) the facility’s greywater diversion device has plumbing code authorisation and certification; and
 - (d) the facility’s greywater treatment plant and greywater diversion device have a connection to sanitary drainage; and
 - (e) greywater can be diverted to sanitary drainage by a manual diversion device; and
 - (f) greywater automatically overflows to sanitary drainage if the facility’s filtering or irrigation system does not work or does not work properly.’.

40 Amendment of s 85D (Restrictions on giving compliance permit for particular on-site sewerage work)

(1) Section 85D(2)(a)—

omit, insert—

‘(a) any of the following apply in relation to the work—

- (i) the premises on which the on-site sewerage work is to be performed is outside a sewered area;
- (ii) the on-site sewerage facility for which the on-site sewerage work is to be performed is required as part of common effluent drainage;
- (iii) the on-site sewerage facility for which the on-site sewerage work is to be performed is to be installed only for testing purposes, and the premises on which the work is to be performed is—
 - (A) in a sewered area in the SEQ region; and
 - (B) classified under the Building Code of Australia as a class 2, 5, 6 or 9b building; and’.

(2) Section 85D—

insert—

‘(4) In this section—

SEQ region means the SEQ region under the *Water Act 2000*, section 341.’.

41 Amendment of s 86 (General process for assessing regulated work and on-site sewerage work)

Section 86(10)—

omit, insert—

‘(10) If the local government gives a compliance certificate, the local government must also give a copy of the certificate to—

- (a) the owner of the premises to which the certificate relates; and
- (b) if the work involved the installation of water meters on premises—the water service provider for the premises,

if the water service provider is not the local government.’.

42 Amendment of s 86C (Conditions of compliance certificate)

Section 86C(2), example—

omit, insert—

‘Examples—

- 1 A condition could require the owner of the relevant premises to maintain, in a stated way, the facility’s filtering system.
- 2 If the greywater use facility is or includes a greywater treatment plant, a condition could require the owner of the treatment plant to have in place an arrangement to ensure people are not exposed to its contents.’.

43 Amendment of s 94 (Conditions of approval)

Section 94(2)—

omit, insert—

‘(2) If the item the subject of the approval is an on-site sewerage facility, the conditions—

- (a) may authorise the dismantling or taking away of all or part of the installed facility; and

Editor’s note—

See section 128 (Restriction on dismantling or taking away on-site sewerage facility).

- (b) for an on-site sewerage facility installed only for testing purposes—also may state when the contents of the installed facility may be disposed of in a way mentioned in section 128P(1) or (3).’.

44 Amendment of s 116 (Enforcement notices)

Section 116(1)(a)(iii), after ‘sewage’—

insert—

‘or greywater’.

45 Amendment of s 125 (Restriction on building or installing particular on-site sewerage treatment plant)

- (1) Section 125, ‘sewerage’—
omit, insert—
‘sewage’.
- (2) Section 125, penalty—
omit, insert—
‘Maximum penalty—
(a) for building or installing an on-site sewage treatment plant in a sewered area—500 penalty units;
(b) otherwise—165 penalty units.’.

46 Insertion of new s 127A

After section 127—

insert—

‘127A Restriction on dismantling or taking away greywater treatment plant

‘A person must not dismantle or take away all or part of a greywater treatment plant installed on premises unless the dismantling or taking away is authorised in writing by the local government or under a chief executive approval.

Maximum penalty—100 penalty units.’.

47 Amendment of s 128E (Restrictions on operating particular on-site sewerage treatment plant)

Section 128E, heading ‘sewerage’—

omit, insert—

‘sewage’.

48 Amendment of s128H (Obligations of person who services on-site sewerage facility)

- (1) Section 128H, heading, after ‘facility’—

insert—

‘or greywater treatment plant’.

- (2) Section 128H(1), ‘on-site sewerage facility’—

omit, insert—

‘on-site sewerage facility or greywater treatment plant’.

- (3) Section 128H, after ‘the facility’—

insert—

‘or plant’.

49 Insertion of new s 128JA

Part 6A, division 4—

insert—

‘128JA Water meter

- ‘(1) A person must not tamper with a water meter.

Maximum penalty—165 penalty units.

- ‘(2) In this section—

tamper, with a water meter, includes tamper with plumbing associated with the meter in a way that may hinder the capacity of the meter to accurately measure the volume of water supplied to premises.’.

50 Amendment of s 128K (Offence about discharging blackwater)

Section 128K(1)(a)—

omit, insert—

- ‘(a) if the premises is in a sewerage area—

- (i) for premises that have an on-site sewage treatment plant that has chief executive approval for use for testing purposes—the on-site sewerage facility for the premises or the infrastructure of the sewerage service provider for the area’s sewerage service; or

- (ii) for other premises—the infrastructure of the sewerage service provider for the area’s sewerage service; or’.

51 Amendment of s 128M (Offences about discharging greywater other than kitchen greywater from premises)

- (1) Section 128M(2) and (3)—

omit, insert—

- ‘(2) If the premises is in a sewered area, the owner must ensure the greywater is—

- (a) discharged into—

(i) the infrastructure of the sewerage service provider for the area’s sewerage service; or

(ii) a greywater use facility; or

- (b) carried by bucket or discharged by a hose to a garden or lawn on the premises.

Maximum penalty—500 penalty units.

- ‘(3) If the premises is not in a sewered area, the owner must ensure the greywater is—

- (a) discharged into—

(i) an on-site sewerage facility; or

(ii) an environmentally relevant on-site sewerage facility; or

(iii) a greywater use facility; or

- (b) carried by bucket or discharged by a hose to a garden or lawn on the premises.

Maximum penalty—500 penalty units.’.

- (2) Section 128M(4)(a), ‘; or’—

omit, insert—

‘; and’.

- (3) Section 128M(6)—

omit.

52 Insertion of new s 128OA

After section 128O

insert—

‘128OA Disposal of contents of greywater treatment plant

‘A person must not, without the local government’s approval, dispose of the contents of a greywater treatment plant into the infrastructure of the sewerage service provider for the area in which the plant is located.

Maximum penalty—100 penalty units.

Example of contents—

sludge’.

53 Replacement of s 128P (Disposal of contents of on-site sewerage facility)

Section 128P—

omit, insert—

‘128P Disposal of contents of on-site sewerage facility

‘(1) A person must not dispose of the contents (other than effluent) of an on-site sewerage facility installed only for testing purposes other than—

- (a) by using the contents for the discharge of a toilet; or
- (b) by surface or subsurface irrigation.

Maximum penalty—100 penalty units.

‘(2) A person must not dispose of the contents (other than effluent) of an on-site sewerage facility that has not been installed only for testing purposes other than in a place, and a way, approved by the local government.

Maximum penalty—100 penalty units.

‘(3) A person must not dispose of effluent from an on-site sewerage facility mentioned in subsection (1) other than to a sewer.

Maximum penalty—100 penalty units.

- ‘(4) A person must not dispose of effluent from an on-site sewerage facility mentioned in subsection (2) other than to a common effluent drainage or in another place, and a way, approved by the local government.

Maximum penalty—100 penalty units.

- ‘(5) Subsections (1) to (4) do not apply to contents or effluent removed for testing.’.

54 Insertion of new s 128PA

Part 6A, division 5, after section 128P—

insert—

‘128PA Offence about using greywater

- ‘(1) This section applies to the owner of premises in a sewered area in relation to the use of greywater, other than kitchen greywater, from plumbing and drainage on the premises.

- ‘(2) The owner must ensure—

- (a) if the greywater is discharged into a greywater treatment plant that is installed on the premises and treats water to the standard stated for the plant in the Queensland Plumbing and Wastewater Code—the greywater is used only on the premises for—

- (i) garden or lawn irrigation; or
(ii) washing vehicles, paths or exterior walls of the premises; or
(iii) the discharge of a toilet; or
(iv) cold water supply to a washing machine; or

- (b) if the greywater is discharged into a greywater treatment plant that is installed on the premises and does not treat water to the standard stated for the plant in the Queensland Plumbing and Wastewater Code—the greywater is used only on the premises for garden or lawn irrigation; or

- (c) if the greywater is discharged into a greywater diversion device—the greywater is used only on the premises for garden or lawn irrigation.

Maximum penalty—500 penalty units.

- ‘(3) The owner must ensure—
- (a) the greywater does not cause an odour that unreasonably interferes, or is likely to unreasonably interfere, with the use or enjoyment of any other premises; and
 - (b) any ponding or run-off of the greywater does not cause a danger or health risk to anyone.

Maximum penalty—100 penalty units.’.

55 Insertion of new s 143C

After section 143B—

insert—

‘143C Local government’s monitoring obligations for particular on-site sewerage facility

‘Each local government must monitor on-site sewerage facilities installed for testing purposes in seweraged areas within its area to ensure—

- (a) their operation complies with relevant compliance certificate conditions; and
- (b) they are not adversely affecting public health, amenity or the environment.’.

56 Amendment of s 172 (Provisions for chemical, composting or incinerating toilets)

Section 172(2), ‘sewerage’—

omit, insert—

‘sewage’.

57 Amendment of schedule (Dictionary)

- (1) Schedule, definitions *drainage*, *greywater treatment plant* and *greywater use facility*—

omit.

(2) Schedule—

insert—

'apparatus, for supplying water to premises, includes a water meter.

drainage means—

(a) an apparatus, fitting or pipe, either above or below ground level, that carries—

(i) sewage to a sewer, or to, within or from an on-site sewerage facility; or

Examples—

- a pipe carrying effluent to an on-site sewage treatment plant on premises
- a pipe carrying treated effluent from an on-site sewage treatment plant off the premises on which the plant is installed to a system of common effluent drainage or a holding tank for collection

(ii) greywater from a greywater treatment plant or greywater diversion device; or

(b) an on-site sewage treatment plant.

greywater treatment plant means a treatment plant installed on premises for treating, on the premises in a day, not more than 50kL of greywater generated on the premises.

greywater use facility means a facility that consists of—

(a) a greywater diversion device and a greywater application area; or

(b) a greywater treatment plant and a greywater application area; or

(c) a greywater treatment plant.

water meter means a device, including equipment related to the device, for measuring the volume of water supplied to premises.

Example of equipment related to the device—

a pulse meter associated with the device

water service provider, for premises, means the person registered under the *Water Act 2000*, chapter 3, part 2, as the

water service provider for retail water services for the premises.’.

- (3) Schedule, definition *greywater*, ‘domestic’—
omit.
- (4) Schedule, definition *on-site sewerage facility*, item 1, paragraph (a)—
insert—
‘(iii) by using the effluent for the discharge of a toilet or for surface or subsurface irrigation, if the facility is installed only for testing purposes; or’.
- (5) Schedule, definition *sanitary drainage*, ‘or on-site sewerage facility’—
omit, insert—
‘, on-site sewerage facility or greywater use facility’.

Part 10 **Amendment of Residential Tenancies Act 1994**

58 **Act amended in pt 10**

This part amends the *Residential Tenancies Act 1994*.

59 **Replacement of s 91A (Water service charge for premises other than moveable dwelling premises)**

Section 91A—

omit, insert—

‘91A Water service charges for premises other than moveable dwelling premises

- ‘(1) This section applies to premises that are not moveable dwelling premises.
- ‘(2) The tenant may be required to pay an amount for the water consumption charges for the premises only if—

- (a) the tenant is enjoying or sharing the benefit of a water service to the premises; and
 - (b) the premises are individually metered for the supply of water or water is supplied to the premises by delivery by means of a vehicle; and
 - (c) the agreement states that an amount for the water consumption charges for the premises is payable by the tenant.
- ‘(3) The tenant may be required to pay an amount for all of the water consumption charges payable for the premises for a period only if, during the period, the premises are water efficient.
- ‘(4) If during a period the premises are not water efficient, the tenant may only be required to pay an amount for the water consumption charges payable for the premises for the period that is more than an amount payable for a reasonable quantity of water supplied to the premises.
- ‘(5) Without limiting subsection (4), in deciding what is a reasonable quantity of water for subsection (4), regard must be had to the matters mentioned in section 94(3A)(a) to (e).
- ‘(6) Despite subsections (2) to (5), the tenant may not, for a period, be required to pay an amount for water consumption charges for the premises that is more than the amount of the water consumption charges payable to the relevant water supplier.
- ‘(7) Also, the tenant may not be required to pay an amount of the water service charges payable for the premises for a fixed charge for the water service to the premises.
- ‘(8) For this section, premises are water efficient only if the toilets, shower heads and internal cold water taps installed in the premises are water efficient to the level prescribed under a regulation.
- ‘(9) In this section—
- water consumption charge***, for premises, means the variable part of a water service charge assessed on the volume of water supplied to the premises.’

60 Amendment of s 123A (Meaning of *emergency repairs*)

Section 123A(a)—

omit, insert—

‘(a) a burst water service or a serious water service leak;’.

61 Insertion of new ch 11, pt 5

After section 354—

*insert—***‘Part 5 Transitional provision for Water and Other Legislation Amendment Act 2007****‘355 Application of s 91A to existing fixed term agreement**

‘(1) This section applies to a fixed term agreement in force immediately before the commencement of this section.

‘(2) This Act continues to apply to the agreement as if the amendment Act had not been enacted.

‘(3) However, on 1 April 2009—

(a) subsection (2) stops having effect for the agreement; and

(b) this Act, as amended under the amendment Act, applies to the agreement.

‘(4) In this section—

amendment Act means the *Water and Other Legislation Amendment Act 2007*.’.**Part 11 Amendment of Water Act 2000****62 Act amended in pt 11**This part amends the *Water Act 2000*.

63 Insertion of new ch 2, pt 2, div 2B

Chapter 2, part 2—

insert—

‘Division 2B Restrictions on use of subartesian water**‘25ZA Application for approval to restrict use of subartesian water**

- ‘(1) The commission may apply for written approval for the power to impose a restriction on the use of subartesian water, taken under section 20(6) for a purpose other than stock purposes, by a customer of a water service provider in the SEQ region or a designated region.
- ‘(2) A water service provider may apply for written approval for the power to impose a restriction on the use of subartesian water, taken under section 20(6) for a purpose other than stock purposes, by a customer of the water service provider in an area outside the SEQ region or a designated region.
- ‘(3) The application must be—
 - (a) made to the chief executive in writing; and
 - (b) supported by sufficient information to enable the chief executive to decide the application.
- ‘(4) The chief executive may ask the applicant for additional information about the application.

‘25ZB Deciding application

- ‘(1) The chief executive must give the approval if the chief executive is satisfied that—
 - (a) the subartesian water and the water service provider’s water supply for a retail water service is being taken from the same source; and
 - (b) the taking of the subartesian water may threaten the security of the water service provider’s water supply for the retail water service; and

- (c) commission water restrictions or service provider water restrictions have been imposed, or are about to be imposed, in relation to the water supply.
- ‘(2) If the chief executive is not satisfied about the matters mentioned in subsection (1)(a), (b) and (c), the chief executive must refuse to give the approval.
- ‘(3) The approval may be given with or without conditions.

‘25ZC Notice about decision to give approval

- ‘(1) If the chief executive gives the approval, the chief executive must, within 30 business days after giving the approval, give the applicant a notice advising the applicant about the approval.
- ‘(2) If the chief executive refuses to give the approval, the chief executive must, within 30 business days after refusing to give the approval, give the applicant a notice advising the applicant of the reasons why the approval was refused.

‘25ZD Restriction of subartesian water by commission

- ‘(1) This section applies if the chief executive gives the approval to the commission.
- ‘(2) The commission may impose a restriction on the use of the subartesian water by a customer of a service provider in the SEQ region or a designated area.
- ‘(3) The restriction may be no more onerous than a commission water restriction currently imposed on the customer.
- ‘(4) For sections 360ZE to 360ZG, a restriction on the use of subartesian water under this section is taken to be a commission water restriction.
- ‘(5) In this section, the power to restrict includes the power to prohibit.

‘25ZE Restriction of subartesian water by water service provider

- ‘(1) This section applies if the chief executive gives the approval to a water service provider.
- ‘(2) The water service provider may impose a restriction on the use of the subartesian water by a customer of the water service provider in an area outside the SEQ region or a designated region.
- ‘(3) The restriction may be no more onerous than a service provider water restriction currently imposed on the customer.
- ‘(4) For section 389, a restriction on the use of subartesian water under this section is taken to be a service provider water restriction.
- ‘(5) In this section, the power to restrict includes the power to prohibit.’.

64 Amendment of s 46 (Content of draft water resource plans)

Section 46(2)—

insert—

- ‘(cb) the types of works for taking or interfering with water in a watercourse, lake or spring that are intended to be self assessable development under the *Integrated Planning Act 1997*;’.

65 Amendment of s 73 (Requirement for land and water management plans)

Section 73, before subsection (1)—

insert—

- ‘(1A) Subsection (1) does not apply to a person proposing to use, for irrigating land outside Queensland, water taken under a water entitlement or seasonal water assignment.’.

66 Amendment of s 129 (Changing water allocations under water allocation change rules)

Section 129, heading, after ‘allocations’—

insert—

‘permitted’.

67 Insertion of new s 129A

After section 129—

insert—

‘129A Changing water allocations assessed under water allocation change rules

- ‘(1) Subsection (2) applies to a change to a water allocation if the change is assessed under the water allocation change rules of a resource operations plan.
- ‘(2) The allocation holder may apply to the chief executive to change the allocation in accordance with the rules.
- ‘(3) The application—
 - (a) must be in the approved form; and
 - (b) may relate to 1 or more of the elements of the allocation mentioned in section 128; and
 - (c) must be supported by sufficient information to enable the chief executive to decide the application; and
 - (d) must be accompanied by the fee prescribed under a regulation.’.

68 Amendment of s 131 (Additional information may be required)

Section 131, ‘mentioned in section 130’—

omit, insert—

‘made under section 129A or 130’.

69 Amendment of s 133 (Applicant to pay cost of researching and investigating application)

Section 133(1), ‘section 130’—

omit, insert—

‘section 129A or 130’.

70 Amendment of s 134 (Deciding application to change water allocation)

(1) Section 134, before subsection (1)—

insert—

‘(1A) Subsection (2) applies if the chief executive is satisfied a change to a water allocation to which section 129A applies is in accordance with the water allocation change rules of a resource operations plan.’.

(2) Section 134(1), ‘Subsection’—

omit, insert—

‘Also, subsection’.

(3) Section 134(1), ‘the change’—

omit, insert—

‘a change to a water allocation to which section 130 applies’.

(4) Section 134(3), after ‘subsection’—

insert—

‘(1A) or’.

71 Amendment of s 340 (Main purpose of ch 2A and its achievement)

Section 340(2)(b)(iv), ‘in appropriate cases,’—

omit.

72 Amendment of s 360J (Content of options)

(1) Section 360J(1)(c) to (f)—

renumber as section 360(1)(d) to (g).

(2) Section 360J(1)—

insert—

‘(c) water supply works for achieving the desired levels of service objectives, whether or not the water supply works are in the region;’.

(3) Section 360J(1)(f), as renumbered, ‘(c) and (d)’—

omit, insert—

‘(d) and (e)’.

73 Amendment of s 360N (Effect of program for Integrated Planning Act 1997)

(1) Section 360N(2), ‘in the region’—

omit, insert—

‘mentioned in the program’.

(2) Section 360N(5), ‘in the region’—

omit, insert—

‘mentioned in the program’.

74 Amendment of s 360W (Content of plan)

Section 360W(1)(b)(ii), ‘in the plan area’—

omit, insert—

‘for the plan area, whether or not the water supply works are in the plan area’.

75 Amendment of s 360Y (Publication and taking effect of plan)

Section 360Y(1), ‘for water supply works in the plan area’—

omit, insert—

‘to which the plan applies’.

76 Amendment of s 360Z (Amendment of plan)

(1) Section 360Z(1)(a), ‘operation’—

omit, insert—

‘operating’.

(2) Section 360Z(1)(c), ‘in’—

omit, insert—

‘for’.

(3) Section 360Z(5), ‘in’—

omit, insert—

‘for’.

77 Amendment of s 360ZA (Water service providers must comply with system operating plan)

Section 360ZA, from ‘for’ to ‘operating plan’—

omit, insert—

‘to which a system operating plan applies’.

78 Amendment of s 360ZB (Publication requirements)

Section 360ZB(1), from ‘for water’—

omit, insert—

‘to which a system operating plan applies.’.

79 Amendment of s 360ZCB (When water efficiency management plan may be required)

(1) Section 360ZCB(5)—

omit, insert—

‘(5) A plan prepared as a water efficiency management plan under a requirement of a commission water restriction or a service provider water restriction is also a *water efficiency management plan* for this section.’.

(2) Section 360ZCB(6), ‘to which this section applies’—

omit, insert—

‘mentioned in subsection (1), (3) or (5)’.

80 Amendment of s 360ZCD (Approving water efficiency management plan)

(1) Section 360ZCD(4)—

omit, insert—

‘(4) If the water service provider does not approve the plan, the customer must—

(a) amend the plan to address the reasons for the decision; and

(b) within 20 business days of receiving a notice under subsection (3) or the extended period under subsection (5), give the water service provider the revised plan.

Maximum penalty—200 penalty units.’.

(2) Section 360ZCD(8), from ‘a nominal’—

omit, insert—

‘an application fee for the approval of the customer’s water efficiency management plan that is not more than the cost to the water service provider of approving the plan.’.

81 Amendment of s 360ZD (Restricting water supply)

(1) Section 360ZD(1), ‘because of a significant threat to sustainable and secure water supply,’—

omit.

(2) Section 360ZD(1), examples—

omit.

(3) Section 360ZD(2)(a), after ‘it’—

insert—

‘because of a significant threat to sustainable and secure water supply’.

(4) Section 360ZD(2)—

insert—

‘(e) the restriction will help the achievement of long-term demand management objectives for water.’.

(5) Section 360ZD(3), after ‘water’—

insert—

‘, including non-Act water.’.

82 Amendment of s 384 (Power to enter places for restricted purposes)

(1) Section 384(1), ‘at the place’—

omit, insert—

‘, or install, under section 457, a device to reduce the water supply to premises, at the place’.

(2) Section 384—

insert—

‘(6) This section does not limit section 384A.’.

83 Insertion of new s 384A

After section 384—

insert—

‘384A Power to enter place to read, check, maintain or replace meter

‘(1) An authorised person may enter a place at any reasonable time—

- (a) to read a meter; or
- (b) to check the accuracy of a meter; or
- (c) to maintain or replace a meter.

‘(2) In this section—

meter, in relation to a place, means a device, including equipment related to the device, for measuring the volume of water supplied to the place and installed on infrastructure that supplies retail water services at the place.’.

84 Amendment of s 388 (Restricting water supply)

- (1) Section 388(1), ‘because of climatic conditions or water conservation needs,’—
omit.
- (2) Section 388(2)(a), ‘the service provider water restriction’—
omit, insert—
‘it because of climatic conditions or water conservation needs’.
- (3) Section 388(2)(d) and (e)—
renumber as section 388(2)(e) and (f).
- (4) Section 388(2)—
insert—
‘(d) the service provider has an outdoor water use conservation plan and the restriction is a measure to be implemented under the plan; or’.
- (5) Section 388(2)—
insert—
‘(g) the water service provider is directed by the regulator, under section 388A(2), to impose the restriction.’.

85 Insertion of new s 388A

After section 388—

insert—

‘388A Regulator may direct restriction

- ‘(1) This section applies if the regulator considers—
 - (a) there is a significant threat to sustainable and secure water supply in an area outside the SEQ region or a designated region; and
 - (b) a restriction, under section 388, should be imposed in the area.
- ‘(2) The regulator may, after consultation with the water service provider, direct the water service provider to—

- (a) impose a restriction, under section 388, in the area within a stated period; and
 - (b) provide a written response to the regulator, within a stated period, stating the steps the water service provider intends to take to ensure the restriction is complied with.
- ‘(3) A service provider to whom a direction is given under subsection (2) must comply with the direction.
Maximum penalty—200 penalty units.
- ‘(4) If the regulator is satisfied the response is adequate to ensure compliance with the restriction, the regulator must—
- (a) approve the response; and
 - (b) give the service provider notice of the approval.
- ‘(5) If the regulator is not satisfied the response is adequate to ensure compliance with the restriction, the regulator must—
- (a) change the response to make it adequate; and
 - (b) approve the changed response; and
 - (c) give the service provider notice of the approval.
- ‘(6) A service provider must comply with the approved response by taking the steps stated in the response for ensuring the restriction is complied with.
Maximum penalty for subsection (6)—200 penalty units.’.

86 Amendment of ch 3, pt 2, div 6, hdg (Further powers of service providers)

Chapter 3, part 2, division 6, heading, after ‘Further’—
insert—
‘provisions about’.

87 Insertion of new s 398A

Chapter 3, part 2, division 6—
insert—

‘398A No charge for non-Act water in rainwater tank

‘A service provider must not make a charge for non-Act water that—

- (a) has been collected from a roof; and
- (b) is in, or taken from, a rainwater tank.’.

88 Amendment of s 400 (When water efficiency management plan may be required)

- (1) Section 400(5)—

omit, insert—

‘(5) A plan prepared as a water efficiency management plan under a requirement of a service provider water restriction is also a ***water efficiency management plan*** for this section.’.

- (2) Section 400(6), ‘to which this section applies’—

omit, insert—

‘mentioned in subsection (1), (3) or (5)’.

89 Amendment of s 402 (Approving water efficiency management plan)

- (1) Section 402(4)—

omit, insert—

‘(4) If the water service provider does not approve the plan, the customer must—

- (a) amend the plan to address the reasons for the decision; and
- (b) within 20 business days of receiving a notice under subsection (3) or the extended period under subsection (5), give the water service provider the revised plan.

Maximum penalty—200 penalty units.’.

- (2) Section 402(8), from ‘a nominal’—

omit, insert—

‘an application fee for the approval of the customer’s water efficiency management plan that is not more than the cost to the water service provider of approving the plan.’.

90 Amendment of s 404 (Reporting under water efficiency management plan)

Section 404(1)(c), ‘section 405(1)(a)’—

omit, insert—

‘section 406(1)(a)’.

91 Amendment of s 420A (Spot audit by commission)

Section 420A(5), definition *water service provider*, from ‘in’—

omit, insert—

‘to which a system operating plan applies.’.

92 Insertion of new ch 3, pt 3, div 2B

Chapter 3, part 3—

insert—

‘Division 2B Outdoor water use conservation plan

‘429L Application of div 2B

‘This division applies to a service provider who provides a retail water service outside the SEQ region or a designated region.

‘429M Water service provider to have outdoor water use conservation plan

‘(1) Each water service provider must have a plan (an *outdoor water use conservation plan*), for reducing outdoor water use and promoting efficient outdoor water use by customers of the service provider, that—

- (a) complies with subsection (2); and
- (b) is approved by the regulator.

Maximum penalty—200 penalty units.

- ‘(2) The plan must be prepared in accordance with any guidelines issued by the regulator for preparing the plan and state—
 - (a) any service provider water restrictions imposed, or to be imposed, by the service provider; and
 - (b) details of measures to reduce outdoor water use and promote efficient outdoor water use by customers of the service provider; and
 - (c) the way the service provider intends to implement the measures, including the timing for implementing the measures and the way the service provider intends to ensure compliance with the measures.
- ‘(3) The plan may be part of a document prepared for another purpose if the part fulfils the requirements of subsection (2).
- ‘(4) If a water service provider appeals a decision made by the regulator under section 429N(4), the provider does not contravene subsection (1) in relation to the failure to have a plan until the day the appeal is finally disposed of.

Note—

See also section 1152 (Application of provision about outdoor water use conservation plan) for application of this section to particular water service providers.

‘429N Approving outdoor water use conservation plan

- ‘(1) The regulator must, after receiving an outdoor water use conservation plan for approval, either—
 - (a) approve the plan and give the water service provider notice of the approval; or
 - (b) return the plan to the water service provider and give the service provider a notice—
 - (i) stating how the plan must be changed to make it comply with section 429M(2); and

- (ii) requiring that the plan be revised to make it comply with section 429M(2) and returned to the regulator within a reasonable time stated in the notice.
- ‘(2) The water service provider must comply with a requirement included in a notice given under subsection (1)(b).
Maximum penalty—200 penalty units.
- ‘(3) When considering whether to approve a plan, the regulator must take account of cost considerations for the water service provider and its customers.
- ‘(4) If, after considering the revised plan, the regulator decides to refuse the plan, the regulator must give the water service provider an information notice about the decision.

‘429O Changing outdoor water use conservation plan

- ‘(1) A water service provider may, with the regulator’s agreement, change an outdoor water use conservation plan after it is approved.
- ‘(2) The plan, as changed in the way agreed by the regulator, is taken to be approved by the regulator.

‘429P Complying with outdoor water use conservation plan

‘A water service provider must comply with the provider’s outdoor water use conservation plan when supplying water services to the service provider’s customers.

Maximum penalty—200 penalty units.’.

93 Insertion of new ch 3, pt 3, div 2C

Chapter 3, part 3—

insert—

‘Division 2C Other service provider obligations

‘Subdivision 1 Residential premises

‘429Q Application of sdiv 1

‘This subdivision applies if—

- (a) a water service provider provides a retail water service to residential premises; and
- (b) the supply of water to the premises is measured and charged by the water service provider, or a related local government, only in relation to the premises; and
- (c) the premises are not common property under the *Body Corporate and Community Management Act 1997* or the *Building Units and Group Titles Act 1980*.

‘429R Guidelines for rate notice or account for supply of water to residential premises

‘(1) A rate notice or account issued by the water service provider, or the related local government, for the supply of water to the residential premises, must comply with guidelines issued by—

- (a) for the SEQ region or a designated region—the Queensland Water Commission; or
- (b) for an area outside the SEQ region or a designated region—the regulator.

Maximum penalty—200 penalty units.

‘(2) The guidelines may state—

- (a) the frequency at which a rate notice or account must be issued for the supply of water to residential premises; and
- (b) the type of information to be included in the rate notice or account about the volume of water supplied to the premises during each billing period for the premises.

‘(3) This section applies despite the *Local Government Act 1993*, sections 973(4) and 1008(3).

Note—

See also section 1153 (Application of provision about guidelines for rate notice or account for water supply) for application of this section to particular water service providers or a related local government.

‘429S Service provider to give occupier water advice

- ‘(1) This section applies if the owner of the residential premises is not an occupier of the residential premises.
- ‘(2) The water service provider must give a notice (a *water advice*), in the approved form, to an occupier of the premises stating the volume of water supplied to the premises during each billing period for the premises.

Maximum penalty—200 penalty units.

- ‘(3) The water advice must not include any information about any other rates or charges mentioned in the *Local Government Act 1993*, section 963.
- ‘(4) However, the water advice may include other information, including information about—
- (a) ways to reduce the volume of water used at the premises; or
 - (b) service provider water restrictions or commission water restrictions applying to the premises.

- ‘(5) In this section—

occupier, of residential premises, means a person who ordinarily resides at the premises.

Note—

See also section 1154 (Application of provision about water advices) for application of this section to particular water service providers.

‘Subdivision 2 Premises with more than 1 sole-occupancy unit**‘429T Service provider to give information about water usage**

- ‘(1) This section applies to premises if—
- (a) a building located on the premises includes more than 1 sole-occupancy unit; and

- (b) after 1 January 2008 meters are installed in relation to a compliance request made under the *Plumbing and Drainage Act 2002* after 31 December 2007—
- (i) for measuring the supply of water to each sole-occupancy unit; and
 - (ii) on infrastructure that supplies retail water services for the premises.
- ‘(2) A rate notice or account issued by a water service provider or a related local government for the provision of a retail water service to the premises must—
- (a) state the volume of water supplied through each meter during each billing period for the premises; and
 - (b) the amount of the total charge for the retail water service that relates to the volume of water supplied through each meter.
- ‘(3) In this section—
- Building Code of Australia*** see the *Plumbing and Drainage Act 2002*.
- premises*** does not include scheme land under the *Body Corporate and Community Management Act 1997*.
- sole-occupancy unit***, in relation to a building, means—
- (a) a room or other part of the building for occupation by one or a joint owner, lessee, tenant, or other occupier to the exclusion of any other owner, lessee, tenant, or other occupier, including, for example—
 - (i) a dwelling; or
 - (ii) a room or suite of associated rooms in a building classified under the Building Code of Australia as a class 2, 4, 5, 6, 7 or 8 building; or
 - (b) any part of the building that is a common area.’.

94 Amendment of s 430 (Service provider to report annually)

- (1) Section 430—

insert—

- ‘(2A) The service provider must also prepare, for each financial year the service provider gives a water advice to an occupier of residential premises under section 429S, an annual report.’.
- (2) Section 430(3), from ‘may’—
omit, insert—
‘, (2) or (2A) may be combined with 1 or both of the other reports mentioned in those subsections.’.
- (3) Section 430(4)—
insert—
‘(c) for a report mentioned in subsection (2A)—document the number of water advices given to occupiers of residential premises and the nature of any complaints received about the giving of water advices during the period covered by the report.’.

95 Amendment of s 457 (Restricting domestic water supply in certain circumstances)

- Section 457(1)(b)(i), after ‘restriction’—
insert—
‘or a commission water restriction’.

96 Amendment of s 811 (Tampering with devices)

- (1) Section 811(1)—
insert—
‘(c) to reduce the water supply to the premises.’.
- (2) Section 811(3)(b), from ‘to’—
omit, insert—
‘to—
(i) measure, read, record or transmit information; or
(ii) restrict the water supply to the premises.’.

97 Amendment of s 932 (Proceeding for offences)

Section 932(1)(d)—

omit, insert—

‘(d) chapter 2A, part 5, division 3—may be brought only by—

(i) the commission; or

(ii) if the offence is not an offence for which a service provider may be convicted—a service provider; or

(e) chapter 2A, parts 1 to 4, part 5 (other than division 3) or part 6 (other than section 360ZE(4))—may be brought only by the commission.’.

98 Amendment of s 1004 (Referral panels established by the chief executive)

Section 1004(1)—

insert—

‘(d) the granting of a water licence under section 212; or

(e) the granting of an application under section 223.’.

99 Amendment of s 1010A (Non-disclosure of commercially sensitive information)

Section 1010A(1)(a), ‘section 36’—

omit, insert—

‘section 25T, 36, 36A’.

100 Amendment of s 1013 (Approved forms)

Section 1013—

insert—

‘(2) Also, the commission may approve forms for use under section 429S.’.

101 Amendment of s 1014 (Regulation-making power)

Section 1014(2)—

insert—

‘(gc) state a process for dealing with an application under section 129, 129A or 130 for a change to a water allocation; and’.

102 Insertion of new s 1015

Chapter 8, part 5—

insert—

‘1015 Provision for amended s 618

‘(1) The word ‘*omit*,’ is taken never to have been included in the amending provision.

‘(2) This section expires at the end of the day after it commences.

‘(3) This section is declared to be a law to which the *Acts Interpretation Act 1954*, section 20A applies.

‘(4) In this section—

amending provision means the *Statutory Bodies Legislation Amendment Act 2007*, section 110(2).’.

103 Insertion of new ch 9, pt 5, div 9

After section 1150—

insert—

‘Division 9 Transitional provisions for Water and Other Legislation Amendment Act 2007

‘1151 Applications for change to water allocation

‘(1) This section applies to an application for a change to a water allocation made under section 129 or 130 but not decided before the commencement of this section.

‘(2) Section 1014(2)(gc) and any regulation made under that paragraph applies to the application.

‘1152 Application of provision about outdoor water use conservation plan

- ‘(1) Section 429M does not apply to a person, registered as a water service provider immediately before the commencement of this section, until 2 years after the commencement.
- ‘(2) Section 429M does not apply to a person, registered as a water service provider after the commencement of this section, until 2 years after the provider’s registration.

‘1153 Application of provision about guidelines for rate notice or account for water supply

- ‘(1) Section 429R does not apply to an existing provider until—
 - (a) for an existing provider in the SEQ region or a designated region—1 July 2009; or
 - (b) for an existing provider in an area outside the SEQ region or a designated region—4 years after the commencement of this section.
- ‘(2) Section 429R does not apply to a person, first registered as a water service provider after the commencement of this section, until 1 year after the provider’s registration.
- ‘(3) Section 429R does not apply to a related local government until 4 years after the commencement of this section.
- ‘(4) In this section—
existing provider means a person registered as a water service provider immediately before the commencement of this section.

‘1154 Application of provision about water advices

- ‘(1) Section 429S does not apply to an existing provider until—
 - (a) for an existing provider in the local government area of the Brisbane City Council or the Gold Coast City Council—1 January 2008; or
 - (b) for an existing provider in the SEQ region or a designated region, other than an area mentioned in paragraph (a)—1 July 2009; or

- (c) for an existing provider in an area outside the SEQ region or a designated region—4 years after the commencement of this section.
- ‘(2) Section 429S does not apply to a person, first registered as a water service provider after the commencement of this section, until 1 year after the provider’s registration.
- ‘(3) In this section—
existing provider means a person registered as a water service provider immediately before the commencement of this section.

‘1155 Plan taken to be water efficiency management plans

- ‘(1) This section applies to a plan, however called, submitted or approved as a water efficiency management plan under a requirement of a commission water restriction or a service provider water restriction from 7 December 2006 to the commencement of this section.
- ‘(2) Chapter 2A, part 5, division 3 and chapter 3, part 2, division 7 apply to the plan as if the plan was submitted after the commencement of this section.’.

104 Amendment of sch 4 (Dictionary)

- (1) Schedule 4, definitions *hazardous waste*, *monitoring equipment* and *non-Act water*—
omit.
- (2) Schedule 4—
insert—
‘*billing period*, for premises, means a period during which the water service provider measures the volume of water supplied to the premises for the purpose of charging for the water.
hazardous waste means—
- (a) a substance, whether liquid, solid or gaseous, derived by, or resulting from, the processing of minerals that tends to destroy life or impair or endanger health; or
- (b) ash resulting from the process of power generation.

meter includes equipment, related to the meter, for measuring and recording—

- (a) the taking of, or interfering with, water; or
- (b) the quality of water.

monitoring equipment—

- (a) means equipment for reading rainfall, water flow or water levels or for assessing the effects of taking of, or interfering with, water or water use on land and water; and
- (b) includes a meter.

non-Act water means water, including recycled and desalinated water, from any source, other than water included in the definition of water, item 1, in this schedule.

outdoor water use conservation plan see section 429M(1).

rate notice means a rate notice issued under the *Local Government Act 1993*.

related local government means a local government who charges for the supply of water for a retail water service if the retail water service is provided by a water service provider who is not the local government.

residential premises means premises used for a residential purpose.

water advice see section 429S(2).’.

- (3) Schedule 4, definition *water service provider*, ‘in the plan area for a system operating plan’—

omit, insert—

‘to which a system operating plan applies’.

Part 12**Amendment of Water
Amendment Act 2005****105 Act amended in pt 12**

This part amends the *Water Amendment Act 2005*.

**106 Amendment of s 7 (Insertion of new ch 3, pt 2, div 2A of
Act No. 34 of 2000)**

Section 7, inserted section 387B(b)(ii) and (c), ‘the impoundments of Wivenhoe, Somerset or North Pine Dams or’—

omit.