



Water Legislation Amendment Bill 2022



Queensland

Water Legislation Amendment Bill 2022

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2022

A Bill

for

An Act to amend the South-East Queensland Water (Distribution and Retail Restructuring) Act 2009, the Water Act 2000, the Water Supply (Safety and Reliability) Act 2008 and the legislation mentioned in schedule 1 for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Water Legislation Amendment Act 2022*. 4
5

Clause 2 Commencement 6

Part 3, division 3 and schedule 1, part 2 commence on a date 7
to be fixed by proclamation. 8

Part 2 Amendment of South-East Queensland Water (Distribution and Retail Restructuring) Act 2009 9
10
11
12

Clause 3 Act amended 13

This part amends the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*. 14
15

Clause 4 Amendment of s 50 (Publication of directions) 16

(1) Section 50, from ‘a copy—’— 17
omit, insert— 18

a copy of the direction is given to the Minister and 19
is— 20

(a) published on the local government’s 21
website; or 22

	(b) kept available for inspection by the public—	1
	(i) at the public offices of the local government; or	2 3
	(ii) on a notice board maintained by the local government in its local government area.	4 5 6
(2)	Section 50—	7
	<i>insert—</i>	8
(2)	Also, each participating local government that gives the direction must ensure—	9 10
	(a) if a copy of the direction is published on a website under subsection (1)(a), the copy is not removed from the website while the direction is in effect; or	11 12 13 14
	(b) if a copy of the direction is kept available for inspection by the public under subsection (1)(b), the copy remains available for inspection by the public while the direction is in effect.	15 16 17 18 19
Clause 5	Amendment of s 53CQ (Content of public notice and access requirements)	20 21
(1)	Section 53CQ(1)—	22
	<i>omit, insert—</i>	23
(1)	This section states, for section 53CP(5), the way in which a distributor-retailer must give public notice of the approval of an inspection program.	24 25 26
(1A)	The distributor-retailer must—	27
	(a) publish the notice on the distributor-retailer’s website; and	28 29
	(b) ensure the notice is not removed from the website during the program period.	30 31
(2)	Section 53CQ(1A) to (4)—	32

renumber as section 53CQ(2) to (5).

1

Clause 6	Amendment of s 95 (Public notice about availability of draft code)	2 3
	(1) Section 95(1)(b)—	4
	<i>omit, insert—</i>	5
	(b) publish a notice about the draft, and a copy of the draft, on a Queensland Government website; and	6 7 8
		9
	(2) Section 95(4)—	10
	<i>omit, insert—</i>	11
	(4) If a distributor-retailer is given a copy of the notice under subsection (1)(c), the distributor-retailer must publish a copy of the notice on the distributor-retailer’s website.	12 13 14 15
	(5) A document published on a website under subsection (1)(b) or (4) must not be removed from the website before the end of the final submission day.	16 17 18 19
Clause 7	Amendment of s 99 (Review)	20
	Section 99(4), ‘in a newspaper circulating in all of the State’—	21 22
	<i>omit, insert—</i>	23
	on a Queensland Government website	24
Clause 8	Amendment of s 99BB (Public notice about availability of draft code)	25 26
	(1) Section 99BB(1)(b) and (c)—	27
	<i>omit, insert—</i>	28

	(b) publish a notice about the draft, and a copy of the draft, on each of their websites; and	1 2	
(2)	Section 99BB(1)(d)— <i>renumber</i> as section 99BB(1)(c).	3 4	
(3)	Section 99BB(4)— <i>omit, insert</i> —	5 6	
	(4) A document published on a website under subsection (1)(b) must not be removed from the website before the end of the final submission day.	7 8 9 10	
Clause 9	Insertion of new ch 6, pt 14	11	
	Chapter 6—	12	
	<i>insert</i> —	13	
	Part 14	Transitional provisions for Water Legislation Amendment Act 2022	14 15 16
	154 Definition for part	17	
	In this part—	18	
	<i>former</i> , for a provision of this Act, means the provision as in force from time to time before the commencement.	19 20 21	
	155 Continued application of former s 95 to notices published before commencement	22 23	
	(1) This section applies in relation to a notice published under former section 95(1)(b) if—	24 25	
	(a) the notice was published before the commencement; and	26 27	

(b) the end of the final submission day, within 1
the meaning of former section 95(2)(c), is 2
after the commencement. 3

(2) Former section 95 continues to apply in relation to 4
the notice as if the *Water Legislation Amendment* 5
Act 2022 had not been enacted. 6

**156 Continued application of former s 99BB to 7
notices published before commencement 8**

(1) This section applies in relation to a notice 9
published under former section 99BB(1)(c) if— 10

(a) the notice was published before the 11
commencement; and 12

(b) the end of the final submission day, within 13
the meaning of former section 99BB(2)(c), 14
is after the commencement. 15

(2) Former section 99BB continues to apply in 16
relation to the notice as if the *Water Legislation* 17
Amendment Act 2022 had not been enacted. 18

Clause 10 Amendment of schedule (Dictionary) 19

Schedule— 20

insert— 21

Queensland Government website means a 22
website with a URL that contains ‘qld.gov.au’, 23
other than a website of a local government. 24

Part 3	Amendment of Water Act 2000	1
Division 1	Preliminary	2
Clause 11	Act amended	3
	This part amends the <i>Water Act 2000</i> .	4
	<i>Note—</i>	5
	See also the amendments in schedule 1, parts 1 and 2.	6
Division 2	Amendments commencing on assent	7
		8
Clause 12	Amendment of s 112 (Public notice of application for water licence)	9
		10
	Section 112(3) to (7)—	11
	<i>omit, insert—</i>	12
	(3) The chief executive must publish, on a Queensland Government website, a notice (a <i>public submissions notice</i>) that—	13
		14
		15
	(a) states the application has been made; and	16
	(b) includes the following information—	17
	(i) the location of the proposed taking of, or interference with, water;	18
		19
	(ii) where copies of the application may be inspected;	20
		21
	<i>Example—</i>	22
	a Queensland Government website	23
	(iii) that written submissions may be made by any entity about the application;	24
		25

[s 13]

	(iv) a day, that is not earlier than 30 business days after the day the notice is published, by which submissions must be made;	1 2 3 4
	(v) the person to whom submissions must be made.	5 6
	(4) The chief executive may, by written notice, require the applicant to publish a copy of the public submissions notice for the period, and in the way, stated in the written notice.	7 8 9 10
	(5) Within 10 business days after the applicant publishes the copy of the public submissions notice under subsection (4), the applicant must give the chief executive evidence of the publication.	11 12 13 14 15
	(6) The application lapses if the applicant fails, without a reasonable excuse, to comply with—	16 17
	(a) the written notice mentioned in subsection (4); or	18 19
	(b) the requirement under subsection (5).	20
Clause 13	Amendment of s 113 (Criteria for deciding application for water licence)	21 22
	(1) Section 113(e)(v)— <i>omit.</i>	23 24
	(2) Section 113— <i>insert—</i>	25 26
	(f) the public interest.	27
Clause 14	Amendment of s 120 (What are dealings with water licences)	28 29
	Section 120(h)—	30

omit, insert—

(h) seasonal water assignment of—

(i) a licence; or

(ii) a seasonal water assignment notice for a licence;

Clause 15 Amendment of s 121 (Who may apply for dealing with water licence)

Section 121(3)(a)—

omit, insert—

(a) for a seasonal water assignment of a seasonal water assignment notice for the water year in which the application is made—the holder of the seasonal water assignment notice;

Clause 16 Amendment of s 127 (Application for a seasonal water assignment)

(1) Section 127(1)—

omit, insert—

(1) This section applies to an application for a seasonal water assignment of—

(a) a water licence; or

(b) a seasonal water assignment notice for a water licence.

(2) Section 127(2)(b), after ‘licences’—

insert—

, or seasonal water assignment notices for water licences,

(3) Section 127—

insert—

[s 17]

	(4) To remove any doubt, it is declared that the assignor and the proposed assignee may be the same person.	1 2 3
Clause 17	Replacement of s 130 (When dealing must be assessed as if it were a new water licence)	4 5
	Section 130—	6
	<i>omit, insert—</i>	7
	130 When application for dealing must be assessed as application for new water licence	8 9
	(1) This section applies to an application for a dealing with a water licence, other than an application made under section 126(2), if the dealing—	10 11 12
	(a) will, or is likely to, do 1 or more of the following—	13 14
	(i) increase the amount of water that may be taken under the licence;	15 16
	(ii) increase the rate at which water may be taken under the licence;	17 18
	(iii) change the location of taking or interference with water under the licence;	19 20 21
	(iv) increase or change the interference with water under the licence; or	22 23
	(b) is an amendment to add, remove or change a condition of the licence; or	24 25
	(c) is the renewal or reinstatement of the licence.	26 27
	(2) Subject to subsection (3), sections 112 to 115 apply to the application for the dealing as if—	28 29
	(a) a reference in sections 112 to 115 to an application for a water licence were a	30 31

-
- reference to the application for the dealing; 1
and 2
- (b) a reference in section 112(3)(b)(i) to the 3
location of the proposed taking of, or 4
interference with, water were a reference to 5
the particulars of the dealing; and 6
- (c) a reference in section 113 to any water 7
licence granted were a reference to the water 8
licence mentioned in subsection (1); and 9
- (d) a reference in section 113(c) to section 111 10
were a reference to section 128; and 11
- (e) a reference in section 114(8) to a water 12
licence were a reference to an amended 13
water licence, or a new water licence, that 14
gives effect to the dealing; and 15
- (f) a reference in section 114(9) to the licence 16
were a reference to the amended water 17
licence, or the new water licence, mentioned 18
in paragraph (e). 19
- (3) The chief executive is not required to publish a 20
public submissions notice for an application for 21
an amendment to add, remove or change a 22
condition of a water licence if the chief executive 23
is satisfied— 24
- (a) publishing a public submissions notice for 25
the application would not be in the public 26
interest; and 27
- (b) granting the application will not adversely 28
affect any of the following— 29
- (i) an authorisation or entitlement of a 30
person to take or interfere with water 31
under this Act; 32
- (ii) the interests of Aboriginal people and 33
Torres Strait Islanders and their 34
connection with water resources; 35

[s 18]

	(iii) a natural ecosystem.	1
	(4) In this section—	2
	<i>public submissions notice</i> , for an application for	3
	a dealing with a water licence, means a notice	4
	about the application under section 112(3), as	5
	applied under subsection (2).	6
Clause 18	Amendment of s 131 (Recording other dealings)	7
	(1) Section 131(5), ‘it is given to the applicant’—	8
	<i>omit, insert—</i>	9
	stated in the licence or notice	10
	(2) Section 131(6), ‘is given’—	11
	<i>omit, insert—</i>	12
	takes effect	13
	(3) Section 131(7), from ‘notice’—	14
	<i>omit, insert—</i>	15
	is approved, the assignor is not authorised to take	16
	water that is the subject of the seasonal water	17
	assignment.	18
Clause 19	Amendment of s 604 (Term)	19
	Section 604(2), ‘3 years’—	20
	<i>omit, insert—</i>	21
	4 years	22
Clause 20	Replacement of s 606 (Removal of director)	23
	Section 606—	24
	<i>omit, insert—</i>	25

606 Suspension and removal of director

		1
(1)	This section applies if a director for a water authority—	2 3
(a)	has engaged in inappropriate or improper conduct—	4 5
(i)	in an official capacity; or	6
(ii)	in a private capacity that reflects seriously and adversely on the office; or	7 8 9
(b)	has become incapable of performing the director's functions; or	10 11
(c)	has neglected the director's duties or performed the director's functions incompetently.	12 13 14
(2)	If the water authority is a category 1 water authority—	15 16
(a)	the Minister may, by written notice to the director—	17 18
(i)	suspend the director from office for a period not more than 60 days; and	19 20
(ii)	extend the suspension from time to time by periods not more than 60 days; or	21 22 23
(b)	the Governor in Council may remove the director from office, whether or not the director is suspended under paragraph (a).	24 25 26
(3)	If the water authority is a category 2 water authority, the Minister may remove the director from office.	27 28 29
Clause 21	Amendment of s 695 (Water authority may request its dissolution)	30 31
	Section 695(1)(b)(i)—	32

[s 22]

omit, insert—

1

- (i) there are 1 or more closed water activity agreements for the authority area; or

2

3

Clause 22 Amendment of s 695A (Closed water activity agreement)

4

- (1) Section 695A(1)(b), ‘subsection (2)’—

5

omit, insert—

6

subsection (3)

7

- (2) Section 695A—

8

insert—

9

- (1A) For subsection (1)(b), the relevant registered owners of the land in the authority area may enter into 2 or more closed water activity agreements if—

10

11

12

13

- (a) each agreement applies to different works, and different parts of the land, in the authority area; and

14

15

16

- (b) each relevant registered owner is a party to only 1 of the agreements.

17

18

- (3) Section 695A(2)(b)(ii), ‘registered owner’s’—

19

omit, insert—

20

party’s

21

- (4) Section 695A(5)(c), ‘subsection (1)(b)’—

22

omit, insert—

23

subsection (3)(a)

24

- (5) Section 695A(1A) to (6)—

25

renumber as section 695A(2) to (7).

26

Clause 23	Amendment of s 696 (Procedure before authority is dissolved to convert to alternative institutional structures)	1 2 3
	Section 696(1), first mention and (3), ‘an alternative institutional structure’—	4 5
	<i>omit, insert—</i>	6
	1 or more alternative institutional structures	7
Clause 24	Amendment of s 808A (Taking water in excess of volume or rate allowed under water entitlement)	8 9
	Section 808A(1)—	10
	<i>insert—</i>	11
	<i>Examples of a period for a water entitlement—</i>	12
	<ul style="list-style-type: none">• a water year for a water licence• a period set for a water entitlement by a water sharing rule in a water management protocol• a period announced for a water entitlement by the chief executive under a water management protocol	13 14 15 16 17
Clause 25	Amendment of s 816 (Unauthorised water bore drilling activities)	18 19
	(1) Section 816(2), definition <i>water bore drilling activity</i> —	20
	<i>omit.</i>	21
	(2) Section 816(2), definition <i>exempt activity</i> , after ‘result in a water bore’—	22 23
	<i>insert—</i>	24
	or test hole	25
Clause 26	Amendment of s 817 (Contravening requirements for mining and petroleum drilling)	26 27
	Section 817(1), ‘section 816(2)(b) or (d)’—	28
	<i>omit, insert—</i>	29

[s 27]

	section 816(1)(c)	1
Clause 27	Amendment of s 1009 (Public inspection and purchase of documents)	2 3
	(1) Section 1009(1), from ‘copy’ to ‘department—’—	4
	<i>omit, insert—</i>	5
	copy of the following documents available for inspection by the public—	6 7
	(2) Section 1009(2)—	8
	<i>omit, insert—</i>	9
	(2) The chief executive may comply with subsection (1) by making a copy of a document mentioned in that subsection available for inspection by the public in any way the chief executive considers appropriate, including, for example, by—	10 11 12 13 14
	(a) publishing the copy on a Queensland Government website; or	15 16
	(b) making the copy available for inspection by the public, at an office of the department, during office hours on business days.	17 18 19
Clause 28	Replacement of s 1009A (Publishing under this Act)	20
	Section 1009A—	21
	<i>omit, insert—</i>	22
	1009A Publishing under this Act	23
	(1) This section applies if—	24
	(a) a provision of this Act requires or allows an entity to publish information in a document; and	25 26 27
	(b) the provision does not require the entity to publish the document in a particular way.	28 29

(2)	The entity must—	1
(a)	for a document made by an entity under chapter 2A—publish the document on—	2 3
(i)	if the entity is the Minister or the chief executive—a Queensland Government website; or	4 5 6
(ii)	otherwise—the entity’s website; or	7
(b)	for another document—publish the document in a way that is likely to bring the document to the attention of each person to whom it is to be published.	8 9 10 11
	<i>Examples of ways likely to bring the document to the attention of each person to whom it is to be published—</i>	12 13
	• any way a document required to be served on the person may be served	14 15
	• announcing the document over a radio station broadcasting generally throughout the area in which the person resides	16 17 18
	• publishing the document in an online newspaper relevant to the area in which the person resides	19 20
	• publishing the document on a Queensland Government website	21 22
	• publishing the document by gazette notice	23
(3)	Subsection (2) does not prevent the entity from also publishing the document in other ways.	24 25
Clause 29	Replacement of ch 9, hdg (Transitional provisions and repeals)	26 27
	Chapter 9, heading—	28
	<i>omit, insert—</i>	29
	Chapter 9 Transitional and validation provisions	30 31

[s 30]

Clause 30	Amendment of s 1250D (Applying for an associated water licence)	1 2
	Section 1250D—	3
	<i>insert—</i>	4
	<i>Note—</i>	5
	See also section 1306.	6
Clause 31	Amendment of s 1250L (When dealing must be assessed as if it were for a new associated water licence)	7 8
	Section 1250L—	9
	<i>insert—</i>	10
	<i>Note—</i>	11
	See also section 1307.	12
Clause 32	Amendment of s 1293 (Number of directors comprising boards of water authorities)	13 14
	Section 1293—	15
	<i>insert—</i>	16
	<i>Note—</i>	17
	See also section 1309.	18
Clause 33	Insertion of new ch 9, pt 14	19
	Chapter 9—	20
	<i>insert—</i>	21
	Part 14	Transitional and
		validation provisions
		for Water Legislation
		Amendment Act 2022
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	Division 1	Transitional provisions
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1302 Definitions for division	1
In this division—	2
<i>former</i> , for a provision of this Act, means the provision as in force from time to time before the commencement of the provision in which the term is used.	3 4 5 6
<i>introduction day</i> means the day the Bill for the <i>Water Legislation Amendment Act 2022</i> was introduced into the Legislative Assembly.	7 8 9
<i>new</i> , for a provision of this Act, means the provision as in force from the commencement of the provision in which the term is used.	10 11 12
<i>transition period</i> means the period—	13
(a) starting on the introduction day; and	14
(b) ending on the day before the day of the commencement.	15 16
1303 Continued application of former s 112 to particular applications for water licences and dealings with water licences	17 18 19
(1) This section applies in relation to an application for a water licence, or a dealing with a water licence, if—	20 21 22
(a) the application was made, but not decided, before the commencement; and	23 24
(b) for an application for a dealing with a water licence—former section 112 applied to the application under former section 130; and	25 26 27
(c) before the commencement, the chief executive gave the applicant a notice under former section 112(3); and	28 29 30
(d) immediately before the commencement, the applicant had not complied with the notice.	31 32

[s 33]

(2) Former section 112 continues to apply in relation to the application as if the <i>Water Legislation Amendment Act 2022</i> had not been enacted.	1 2 3
1304 Application of new s 113 to particular applications for water licences and dealings with water licences	4 5 6
(1) This section applies in relation to an application for a water licence if the application was made, but not decided, before the commencement.	7 8 9
(2) Also, this section applies in relation to an application for a dealing with a water licence if—	10 11
(a) the application was made, but not decided, before the commencement; and	12 13
(b) former section 113 applied in relation to the application under former section 130.	14 15
(3) From the commencement, former section 113 does not apply, and new section 113 applies, for deciding the application.	16 17 18
(4) This section is subject to section 1305.	19
1305 Application of new s 130 to particular applications for dealings with water licences	20 21
(1) This section applies in relation to an application for a dealing with a water licence if—	22 23
(a) the proposed dealing is an amendment to add, remove or change a condition of the licence; and	24 25 26
(b) the application was made during the transition period.	27 28
(2) The chief executive must not decide the application during the transition period.	29 30
(3) The application is taken to be made on the day of the commencement.	31 32

-
- (4) New section 130 applies in relation to the application. 1
2
- (5) If the application was purportedly decided before the commencement, the purported decision is of no effect. 3
4
5
- 1306 Modified application of s 1250D** 6
- From the commencement, section 1250D, as in force from the commencement, is taken to apply to an application for an associated water licence as if the reference in section 1250D(5) to section 112(1) and (3) were a reference to new section 112(1), (3) and (4). 7
8
9
10
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12
- 1307 Modified application of s 1250L** 13
- (1) From the commencement, section 1250L, as in force from the commencement, is taken to also apply to a proposed dealing for an associated water licence that is— 14
15
16
17
- (a) an amendment to add, remove or change a condition of the licence; or 18
19
- (b) the renewal or reinstatement of the licence. 20
- (2) This section does not limit the application of section 1250L to a proposed dealing for an associated water licence mentioned in section 1250L(a) to (d). 21
22
23
24
- 1308 Application of s 1250L to particular applications for dealings with associated water licences** 25
26
27
- (1) This section applies in relation to an application for a dealing with an associated water licence if— 28
29

[s 33]

(a) the proposed dealing is an amendment to add, remove or change a condition of the licence; and	1 2 3
(b) the application was made during the transition period.	4 5
(2) The chief executive must not decide the application during the transition period.	6 7
(3) The application is taken to be made on the day of the commencement.	8 9
(4) Section 1250L, as in force from the commencement and applied under section 1307, applies in relation to the application.	10 11 12
(5) If the application was purportedly decided before the commencement, the purported decision is of no effect.	13 14 15
1309 Modified application of s 1293	16
Section 1293, as in force from the commencement, applies, and is taken to always have applied, as if the reference in that section to former section 598(1) were a reference to section 598(1), or section 598A(2), as in force from time to time before 24 May 2019.	17 18 19 20 21 22
Division 2 Validation provisions	23
1310 Validation of postponement of expiry of particular water resource plans	24 25
(1) This section applies in relation to a decision, purportedly made under former section 52B(6), to postpone the expiry of a delayed water resource plan within the meaning of section 1236.	26 27 28 29
(2) The decision is, and is taken to always have been, as valid as it would have been if section 1236(2)	30 31

had not applied despite former section 52A(3). 1

(3) Anything done under the postponed water 2
resource plan is, and is taken to always have been, 3
as valid and lawful as it would have been if 4
section 1236(2) had not applied despite former 5
section 52A(3). 6

(4) This section applies despite section 1236(2). 7

(5) In this section— 8

former section 52A(3) means section 52A(3) as in 9
force from time to time before 6 December 2016. 10

former section 52B means section 52B as in force 11
from time to time before 6 December 2016. 12

Clause 34 Amendment of sch 4 (Dictionary) 13

(1) Schedule 4, definitions *publish* and *Queensland Government 14*
business and industry portal— 15

omit. 16

(2) Schedule 4— 17

insert— 18

publish, in relation to a notice or other document 19
to which section 1009A applies, means publish in 20
accordance with that section. 21

Queensland Government website means a 22
website with a URL that contains ‘qld.gov.au’, 23
other than a website of a local government. 24

test hole means a hole made for the purpose of 25
obtaining information about— 26

(a) the water production capacity, water 27
production quality or hydraulic properties of 28
a geological structure or formation; or 29

(b) the suitability of a geological structure or 30
formation to be tapped by a water bore. 31

[s 35]

	<i>water bore drilling activity</i> means any of the following activities—	1 2
	(a) drilling, deepening, enlarging or casing a water bore or test hole;	3 4
	(b) removing, replacing, altering or repairing the lining or screen of a water bore or test hole;	5 6 7
	(c) removing, replacing, altering or repairing the casing of a water bore (other than a subartesian bore casing less than 1.2m below the surface) or test hole;	8 9 10 11
	(d) decommissioning a water bore or test hole.	12
(3)	Schedule 4, definition <i>seasonal water assignment</i> , paragraphs (a) and (b), ‘to another person’—	13 14
	<i>omit.</i>	15
Division 3	Amendments commencing by proclamation	16 17
Clause 35	Amendment of s 99 (Constructing authorities and water service providers)	18 19
	Section 99(3)(d), ‘through a meter’—	20
	<i>omit, insert—</i>	21
	in conjunction with the use of a measurement device	22 23
Clause 36	Amendment of s 118 (Conditions of water licence)	24
	Section 118(2)(a)—	25
	<i>omit, insert—</i>	26
	(a) calculate or measure water taken under the licence, and record, or transmit or otherwise report, information about the water taken;	27 28 29

Clause 37	Amendment of s 179 (Content of a resource operations licence or distribution operations licence)	1 2	
	(1) Section 179(e)—	3	
	<i>insert</i> —	4	
	(iia) requirements about calculating or measuring water taken under the licence or water allocations managed under the licence; and	5 6 7 8	
	(2) Section 179(e)(iia) to (viii)—	9	
	<i>renumber</i> as section 179(e)(iv) to (ix).	10	
Clause 38	Amendment of s 210 (Conditions of operations licence)	11	
	Section 210(2)(a)—	12	
	<i>omit, insert</i> —	13	
	(a) calculate or measure water taken under the water entitlements to which the licence relates, and record, or transmit or otherwise report, information about the water taken;	14 15 16 17	
Clause 39	Insertion of new ch 2, pt 3A	18	
	Chapter 2—	19	
	<i>insert</i> —	20	
	Part 3A	Measurement requirements for taking water	21 22 23
	Division 1	Preliminary	24
	217A Purpose of part		25
	This part provides for—		26

[s 39]

- (a) a regulation to prescribe requirements about measuring water taken under this Act, including, for example, requirements about—
 - (i) calculating or measuring water taken under an authorisation to take water under this Act; and
 - (ii) recording, or transmitting or otherwise reporting, information about—
 - (A) water taken under an authorisation to take water under this Act; or
 - (B) other matters related to calculating or measuring water taken under an authorisation to take water under this Act; and
- (b) other matters related to the requirements.

217B Definitions for part

In this part—

duly qualified person means a person prescribed by regulation to be a duly qualified person for stated measurement requirements.

faulty, in relation to a measurement device or measurement system, means faulty or otherwise not operating properly, within the meaning prescribed by regulation.

relevant authorisation, in relation to a measurement requirement, means an authorisation declared under section 217C to be subject to the measurement requirement.

217C Application of measurement requirements

- (1) A measurement requirement applies to an authorisation, or a class of authorisations, to take

water under this Act if the authorisation, or class
of authorisations, is declared by regulation to be
subject to the requirement. 1
2
3

(2) The following authorisations may be declared
under subsection (1) to be subject to a
measurement requirement— 4
5
6

(a) an authorisation that is subject to a limit
(however applied to the authorisation) on
the volume of water that may be taken under
the authorisation; 7
8
9
10

(b) another authorisation to which the
measurement requirement is to apply to
calculate or measure water taken under the
authorisation. 11
12
13
14

Division 2 Measurement 15 **requirements** 16

217D Regulation may prescribe measurement 17 **requirements** 18

A regulation may prescribe measurement
requirements under section 217E or 217F that
apply to relevant authorisations. 19
20
21

Note— 22

See section 808(3) for an offence for the holder of a
relevant authorisation taking water while contravening
measurement requirements to which the authorisation is
subject. 23
24
25
26

217E Using measurement devices 27

A measurement requirement may require the
holder of a relevant authorisation to do any of the
following things— 28
29
30

[s 39]

- (a) to attach 1 or more measurement devices to works through which water is taken under the authorisation, either directly or in another stated way, including, for example, by attachment to another device; 1
2
3
4
5
- (b) to maintain each measurement device mentioned in paragraph (a) in accordance with stated requirements or standards made under section 217I; 6
7
8
9
- (c) to ensure each measurement device mentioned in paragraph (a)— 10
11
 - (i) is certified by a duly qualified person as complying with standards made under section 217I; and 12
13
14
 - (ii) is not faulty; 15
- (d) to ensure water taken under the authorisation is taken only— 16
17
 - (i) through works to which the measurement devices mentioned in paragraph (a) are attached; or 18
19
20
 - (ii) for any period during which any of the measurement devices mentioned in paragraph (a) are faulty—in accordance with stated alternative requirements; 21
22
23
24
25
- (e) to give the chief executive information— 26
 - (i) stated in the regulation or standards made under section 217I about water taken under the authorisation during stated periods; and 27
28
29
30
 - (ii) at the stated times and in the stated way. 31
32

217F Using measurement plans	1
A measurement requirement may require the holder of a relevant authorisation to do any of the following things—	2 3 4
(a) to have a measurement plan for the authorisation;	5 6
(b) to ensure—	7
(i) the measurement plan mentioned in paragraph (a) is certified by a duly qualified person as complying with standards made under section 217I; and	8 9 10 11
(ii) the measurement system outlined in the measurement plan mentioned in paragraph (a) is not faulty;	12 13 14
(c) to ensure water taken under the authorisation is taken only in a way that allows the water to be calculated or measured in accordance with—	15 16 17 18
(i) the measurement plan mentioned in paragraph (a); or	19 20
(ii) for any period during which the measurement system outlined in the measurement plan mentioned in paragraph (a) is faulty—stated alternative requirements;	21 22 23 24 25
(d) to give the chief executive information—	26
(i) stated in the regulation or standards made under section 217I about water taken under the authorisation during stated periods; and	27 28 29 30
(ii) at the stated times and in the stated way.	31 32

Division 3	Other requirements	33
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[s 39]

217G Faulty measurement devices or measurement systems	1 2
A regulation may prescribe matters about a faulty measurement device or measurement system, including, for example, requirements applying to the holder of a relevant authorisation about—	3 4 5 6
(a) ensuring the fault in the device or system is identified and rectified; and	7 8
(b) notifying the chief executive about the fault in the device or system.	9 10
<i>Note—</i>	11
The regulation may create offences against the regulation—see section 1014(2)(b).	12 13
217H Record keeping requirements	14
A regulation may prescribe requirements about—	15
(a) the records that a holder of a relevant authorisation must keep in relation to the measurement requirements; and	16 17 18
(b) giving copies of the records to the chief executive.	19 20
<i>Note—</i>	21
The regulation may create offences against the regulation—see section 1014(2)(b).	22 23
Division 4 Other matters	24
217I Standards for measurement requirements	25
(1) The chief executive may make standards, for the measurement requirements, about—	26 27
(a) the design, construction, installation and maintenance of measurement devices; and	28 29

-
- (b) the preparation of measurement plans; and 1
 - (c) the operation of measurement systems 2
included in measurement plans; and 3
 - (d) processes for the certification of 4
measurement devices or measurement plans 5
as complying with standards under this 6
section, including, for example, the 7
validation of measurement devices; and 8
 - (e) the information about water taken under a 9
relevant authorisation that must be given to 10
the chief executive under the measurement 11
requirements; and 12
 - (f) any other matter about measurement devices 13
or measurement plans necessary for the 14
effective operation of the measurement 15
requirements. 16
- (2) The standards made under subsection (1)— 17
 - (a) must be published on a Queensland 18
Government website; and 19
 - (b) take effect from the day stated in the 20
standards, which must not be earlier than the 21
day the standards are published. 22
 - (3) The chief executive must ensure that a copy of the 23
standards made under subsection (1) as in force 24
from time to time is available for inspection on a 25
Queensland Government website. 26

217J Other matters prescribed by regulation 27

A regulation may provide for the following 28
matters for the measurement requirements— 29

- (a) the appointment of persons as duly qualified 30
persons; 31
- (b) the suspension and cancellation of the 32
appointment of duly qualified persons; 33

[s 40]

	(c) persons who are duly qualified persons other than because of an appointment under the regulation;	1 2 3
	<i>Example for paragraph (c)—</i>	4
	A regulation may state that a particular class of persons are duly qualified persons for the measurement requirements.	5 6 7
	(d) the functions of duly qualified persons under this Act and requirements for the performance of the functions;	8 9 10
	(e) the functions of the chief executive to ensure the effective operation of the measurement requirements, including, for example, functions about—	11 12 13 14
	(i) notifying holders of relevant authorisations of their obligations under the measurement requirements; and	15 16 17 18
	(ii) monitoring compliance with the measurement requirements.	19 20
Clause 40	Amendment of s 384 (Modifying report before approval)	21
	Section 384(2)(c)(ii) and (3), after ‘a submission’—	22
	<i>insert—</i>	23
	to the chief executive	24
Clause 41	Insertion of new s 385A	25
	After section 385—	26
	<i>insert—</i>	27
	385A Statutory condition of approved underground water impact report	28 29
	(1) This section applies if the chief executive—	30

	(a) approves an underground water impact report under section 385(1)(a) that includes the program mentioned in section 376(1)(e); and	1 2 3 4
	(b) does not impose a condition on the approval stating the period within which the responsible entity for the report must give the chief executive the information mentioned in section 376(1)(e)(ii).	5 6 7 8 9
	(2) It is a condition of the approval that the responsible entity must give the chief executive the information mentioned in section 376(1)(e)(ii)—	10 11 12 13
	(a) within 20 business days after each anniversary of the day the report took effect; or	14 15 16
	(b) if, within the period mentioned in paragraph (a), the chief executive agrees in writing to a longer period—within the longer period.	17 18 19
	(3) This section does not limit the chief executive’s power to impose conditions under section 385(1)(a).	20 21 22
Clause 42	Amendment of s 392 (Direction to propose amendment and consult on proposal)	23 24
	Section 392(2), after ‘entity to’—	25
	<i>insert—</i>	26
	, within a stated reasonable period	27
Clause 43	Amendment of s 393 (Other amendments)	28
	Section 393(6), after ‘a notice about the amendment’—	29
	<i>insert—</i>	30
	that complies with subsection (7), and	31

[s 44]

Clause 44	Amendment of s 746 (Power to enter land to monitor compliance)	1
		2
	Section 746(1)(a) and (b)—	3
	<i>omit, insert—</i>	4
	(a) inspect, read or obtain information from a device, equipment or other thing used for recording the taking of, interfering with, or use of the water, including, for example—	5
		6
		7
		8
	(i) a measurement device; and	9
	(ii) a device, equipment or other thing that is a component of a measurement system;	10
		11
		12
	(b) check the operation of, or repair or replace, a device, equipment or other thing mentioned in paragraph (a);	13
		14
		15
Clause 45	Amendment of s 808 (Unauthorised taking, supplying or interfering with water)	16
		17
	Section 808(3), from ‘a metered entitlement’ to ‘attached.’—	18
	<i>omit, insert—</i>	19
	an authorisation to take water under this Act to which measurement requirements apply commits an offence if—	20
		21
		22
	(a) the holder takes water under the authorisation; and	23
		24
	(b) at the time of the taking, the holder is contravening the measurement requirements.	25
		26
		27
Clause 46	Amendment of s 811 (Tampering with devices)	28
	(1) Section 811(1)(a), ‘measure the volume of’—	29
	<i>omit, insert—</i>	30

	calculate or measure	1
(2)	Section 811(1)(b), ‘and transmit’—	2
	<i>omit, insert</i> —	3
	, or transmit or otherwise report,	4
(3)	Section 811(3), definition <i>tamper</i> , paragraph (b), after ‘works’—	5
	<i>insert</i> —	6
	or another thing	7
(4)	Section 811(3), definition <i>tamper</i> , paragraph (b)(i)—	8
	<i>omit, insert</i> —	9
	(i) calculate, measure, read, record, transmit or otherwise report information; or	10
(5)	Section 811(3), definition <i>tamper</i> —	11
	<i>insert</i> —	12
	(c) tamper with a seal, mark, access code or other thing attached or applied to the device by an authorised officer, a measurement contractor or another person performing functions under this Act.	13
	<i>Example of another person for paragraph (c)</i> —	14
	a duly qualified person	15
Clause 47	Amendment of s 829 (Persons taken to have committed particular offences)	16
	Section 829(1)(b), from ‘works’—	17
	<i>omit, insert</i> —	18
	works to which a measurement device is attached, or to which a measurement system relates, in accordance with measurement requirements to which the water entitlement is subject.	19

[s 48]

Clause 48	Amendment of s 921 (Evidentiary aids)	1
(1)	Section 921(1)—	2
	<i>insert—</i>	3
	(h) on a stated day, the chief executive received stated information about water taken, under a stated authorisation to take water under this Act to which the measurement requirements apply, that—	4 5 6 7 8
	(i) was transmitted or otherwise reported by a device, equipment or other thing in accordance with the measurement requirements; or	9 10 11 12
	(ii) was calculated or measured in accordance with a measurement plan for the authorisation.	13 14 15
		16
(2)	Section 921(3)—	17
	<i>omit, insert—</i>	18
	(3) A certificate purporting to be signed by an authorised officer stating any of the following is evidence of the matters stated—	19 20 21
	(a) a stated device, equipment or other thing recorded or produced stated information about water taken, interfered with or used during a stated period;	22 23 24 25
	(b) a stated measurement system used in accordance with the measurement requirements produced stated information about water taken, under a stated authorisation to take water under this Act to which the measurement requirements apply, during a stated period.	26 27 28 29 30 31 32

Clause 49	Amendment of ch 8, pt 2A, hdg (Installing, maintaining and reading meters)	1 2
	Chapter 8, part 2A, heading, ‘meters’—	3
	<i>omit, insert—</i>	4
	measurement devices	5
Clause 50	Amendment of s 973 (Appointment and qualifications of metering contractors)	6 7
	Section 973, ‘metering’—	8
	<i>omit, insert—</i>	9
	measurement	10
Clause 51	Amendment of s 977 (Power to enter places for stated purposes)	11 12
	(1) Section 977(1), ‘metering’—	13
	<i>omit, insert—</i>	14
	measurement	15
	(2) Section 977(1)(a) and (c), ‘a meter’—	16
	<i>omit, insert—</i>	17
	a measurement device	18
	(3) Section 977(1)(c), ‘the meter’—	19
	<i>omit, insert—</i>	20
	the device	21
	(4) Section 977(1)(d), ‘the meter’—	22
	<i>omit, insert—</i>	23
	a measurement device installed under paragraph (c)	24 25
	(5) Section 977(1)(e) and (f), ‘meters’—	26
	<i>omit, insert—</i>	27

[s 52]

	measurement devices installed under paragraph	1
	(c)	2
(6)	Section 977(1)(g), ‘a meter’—	3
	<i>omit, insert—</i>	4
	a measurement device installed under paragraph	5
	(c)	6
(7)	Section 977(2) to (5), ‘metering’—	7
	<i>omit, insert—</i>	8
	measurement	9
Clause 52	Amendment of s 1014 (Regulation-making power)	10
(1)	Section 1014(2)(a), from ‘example’—	11
	<i>omit, insert—</i>	12
	example, for the following—	13
	(i) the taking and supplying of water under this	14
	Act;	15
	(ii) drainage and resources management	16
	services;	17
	(iii) measurement devices or services provided	18
	for the measurement requirements; and	19
(2)	Section 1014(2)(c)—	20
	<i>omit.</i>	21
(3)	Section 1014(2)(d) to (j)—	22
	<i>renumber</i> as section 1014(2)(c) to (i).	23
Clause 53	Insertion of new ss 1309A and 1309B	24
	After section 1309, as inserted by this Act—	25
	<i>insert—</i>	26

1309A Application of s 385A 1

Section 385A applies from the commencement in 2
relation to an approved underground water impact 3
report, whether the report was approved before, or 4
is approved after, the commencement. 5

1309B Existing metering contractors 6

An appointment of a person as a metering 7
contractor under former section 973 in effect 8
immediately before the commencement continues 9
as an appointment of a measurement contractor 10
under section 973. 11

Clause 54 Amendment of sch 4 (Dictionary) 12

(1) Schedule 4, definitions *approved meter*, *meter*, *metered* 13
entitlement and *metering contractor*— 14

omit. 15

(2) Schedule 4— 16

insert— 17

duly qualified person see section 217B. 18

faulty, in relation to a measurement device or 19
measurement system, for chapter 2, part 3A, see 20
section 217B. 21

measurement contractor means a person 22
appointed as a measurement contractor under 23
section 973. 24

measurement device— 25

(a) means a meter or other device used in 26
connection with calculating or measuring 27
water taken, or interfered with, under this 28
Act; and 29

(b) includes equipment related to the meter or 30
device for calculating or measuring, or 31

[s 54]

recording, or transmitting or otherwise reporting, information about—	1 2
(i) the taking of, or interfering with, water; or	3 4
(ii) the quality of water.	5
<i>Example of a measurement device—</i>	6
a telemetry device	7
measurement requirements means measurement requirements under chapter 2, part 3A, division 2.	8 9
measurement system means a system—	10
(a) used in connection with calculating or measuring water taken under an authorisation to take water under this Act; and	11 12 13 14
(b) comprising 2 or more components that may include—	15 16
(i) a measurement device; and	17
(ii) information, measures or methodologies for identifying and calculating or measuring water taken.	18 19 20
relevant authorisation , in relation to a measurement requirement, see section 217B.	21 22
(3) Schedule 4, definition <i>monitoring equipment</i> , paragraph (b), ‘meter’—	23 24
<i>omit, insert—</i>	25
measurement device	26

Part 4	Amendment of Water Supply (Safety and Reliability) Act 2008	1 2
Clause 55	Act amended	3
	This part amends the <i>Water Supply (Safety and Reliability) Act 2008</i> .	4 5
	<i>Note—</i>	6
	See also the amendments in schedule 1.	7
Clause 56	Amendment of s 14 (Reports and other publications by regulator)	8 9
	Section 14(2)(b), ‘newspaper,’—	10
	<i>omit.</i>	11
Clause 57	Amendment of s 23A (Reviewing and changing service provider registration details)	12 13
	(1) Section 23A(2)—	14
	<i>omit, insert—</i>	15
	(2) Within 10 business days after the review is completed, the service provider must give the regulator notice of the review that—	16 17 18
	(a) is in the approved form; and	19
	(b) states whether the service provider’s registration details have changed; and	20 21
	(c) if the service provider’s registration details have changed—includes particulars of the change.	22 23 24
	(2) Section 23A(3), ‘On receiving the notice, the regulator must’—	25 26
	<i>omit, insert—</i>	27
	If the service provider’s registration details have	28

[s 58]

	changed, the regulator must, on receiving the notice	1 2
Clause 58	Amendment of s 99 (Notice of decision)	3
	Section 99(2)(c)—	4
	<i>insert—</i>	5
	<i>Note—</i>	6
	See also section 108 in relation to auditing the drinking water quality management plan.	7 8
Clause 59	Insertion of new s 105	9
	Before section 106—	10
	<i>insert—</i>	11
	105 Meaning of <i>auditor</i>	12
	(1) This section applies in relation to—	13
	(a) an audit of a service provider’s drinking water quality management plan; or	14 15
	(b) an audit of data in a service provider’s performance report.	16 17
	(2) A person is an <i>auditor</i> for the audit if the person—	18 19
	(a) is not the provider or an employee of the provider; and	20 21
	(b) if the provider is a prescribed related entity of a relevant infrastructure owner—is not the owner or an employee of the owner; and	22 23 24
	(c) is not employed in the operation of the provider’s infrastructure.	25 26
	(3) Also, the person must—	27
	(a) for an audit mentioned in subsection (1)(a)—	28 29

	(i) be certified under the Drinking Water-Quality Management System Auditor Certification Scheme to audit drinking water quality management plans; or	1 2 3 4 5
	(ii) have another qualification the regulator is satisfied is at least equivalent to the certification mentioned in subparagraph (i); or	6 7 8 9
	(b) for an audit mentioned in subsection (1)(b)—be suitably qualified.	10 11
Clause 60	Replacement of ss 108 and 108A	12
	Sections 108 and 108A—	13
	<i>omit, insert—</i>	14
	108 Audits of drinking water quality management plans	15 16
	(1) This section applies if, under section 99, the regulator requires audits of a service provider’s drinking water quality management plan.	17 18 19
	(2) The service provider must, unless the provider has a reasonable excuse—	20 21
	(a) have the drinking water quality management plan audited, by an auditor, in accordance with the notice given by the regulator under section 99; and	22 23 24 25
	(b) within 30 business days after each audit mentioned in paragraph (a) is completed, give the regulator a report about the audit that complies with subsection (3) (a <i>drinking water quality management plan audit report</i>).	26 27 28 29 30 31
	Maximum penalty—500 penalty units.	32
	(3) The drinking water quality management plan	33

[s 60]

- audit report must— 1
- (a) be prepared by the auditor in accordance 2
with any guidelines about preparing the 3
report made by the regulator; and 4
- (b) verify whether the monitoring and 5
performance data given to the regulator 6
under the drinking water quality 7
management plan is accurate; and 8
- (c) assess— 9
 - (i) the provider’s compliance with the plan 10
and its conditions; and 11
 - (ii) the plan’s relevance to the provider’s 12
drinking water service. 13

108A Audits of particular performance reports 14

- (1) This section applies if the regulator reasonably 15
believes that a service provider’s performance 16
report for a particular financial year (the *relevant* 17
financial year) does not comply with section 18
142A(3). 19
- (2) The regulator may, by written notice, require the 20
service provider to have the data in the 21
performance report audited. 22
- (3) If the service provider is given a notice under 23
subsection (2), the provider must, unless the 24
provider has a reasonable excuse— 25
 - (a) have the data in performance report audited 26
by an auditor; and 27
 - (b) give the regulator a report about the audit 28
that complies with subsection (4) (a 29
performance audit report) on or before the 30
later of the following days— 31
 - (i) 1 October immediately after the 32
relevant financial year ends; 33

	(ii) the day that is 30 days after the provider receives the notice.	1 2
	Maximum penalty—500 penalty units.	3
	(4) The performance audit report must—	4
	(a) be prepared by the auditor in accordance with any guidelines about preparing the report made by the regulator; and	5 6 7
	(b) for each KPI the performance report is about—include the data for the KPI submitted in the performance report under section 142A(3)(d); and	8 9 10 11
	(c) verify whether the data audited for the relevant financial year is accurate.	12 13
	(5) Without limiting subsection (3), the service provider is taken to comply with that subsection if—	14 15 16
	(a) an audit process under another Act would, if complied with by the provider, require the provider to give the regulator a document containing the verification mentioned in subsection (4)(c); and	17 18 19 20 21
	(b) the provider complies with the audit process.	22 23
Clause 61	Amendment of s 109 (Declarations about reports under this division)	24 25
	(1) Section 109(1), after ‘auditor’—	26
	<i>insert—</i>	27
	who prepared the report	28
	(2) Section 109—	29
	<i>insert—</i>	30
	(5) If, under section 108A(5), the service provider is taken to comply with section 108A(3), this	31 32

[s 62]

	section applies as if—	1
	(a) a reference to an audit were a reference to the audit process mentioned in section 108A(5)(a); and	2 3 4
	(b) a reference to a report were a reference to the document mentioned in section 108A(5)(a); and	5 6 7
	(c) a reference to the auditor were a reference to the person who prepared the document mentioned in section 108A(5)(a).	8 9 10
Clause 62	Amendment of s 110 (Spot audits of plans)	11
	(1) Section 110(1)(b)—	12
	<i>omit, insert—</i>	13
	(b) a service provider does not give the regulator a drinking water quality management plan audit report under section 108(2)(b).	14 15 16 17
	(2) Section 110(2), ‘regular’—	18
	<i>omit.</i>	19
	(3) Section 110(3)—	20
	<i>omit, insert—</i>	21
	(3) The spot audit report for a drinking water quality management plan must be prepared by an auditor.	22 23
Clause 63	Amendment of s 120 (Reviewing customer service standard)	24 25
	Section 120—	26
	<i>insert—</i>	27
	(3) For subsection (2), section 115 applies as if the 6-month period mentioned in section 115(4) were 6 months after the completion of the review.	28 29 30

Clause 64	Amendment of s 142 (Drinking water quality management plan reports)	1 2
	(1) Section 142, heading—	3
	<i>omit, insert—</i>	4
	142 Drinking water service annual reports	5
	(2) Section 142(2)(a), ‘(a drinking water quality management plan report)’—	6 7
	<i>omit, insert—</i>	8
	(a <i>drinking water service annual report</i>)	9
	(3) Section 142(3)(d), ‘prepared for’—	10
	<i>omit, insert—</i>	11
	given to the regulator during	12
	(4) Section 142(3)—	13
	<i>insert—</i>	14
	(h) if the provider has reviewed a customer service standard during the financial year—the outcome of the review and how the provider has addressed matters raised in the review.	15 16 17 18 19
Clause 65	Amendment of s 142A (Performance reports)	20
	(1) Section 142A(2)—	21
	<i>insert—</i>	22
	<i>Note—</i>	23
	See also section 108A in relation to auditing the performance report.	24 25
	(2) Section 142A(3)(c), ‘prepared for’—	26
	<i>omit, insert—</i>	27
	given to the regulator during	28

[s 66]

Clause 66	Amendment of s 162 (Notice of declaration of service area)	1
		2
	(1) Section 162(a), after ‘amendment’—	3
	<i>insert—</i>	4
	on the local government’s website	5
	(2) Section 162(c)—	6
	<i>omit.</i>	7
Clause 67	Amendment of s 163 (Map of service area)	8
	Section 163(2)(a) and (b)—	9
	<i>omit, insert—</i>	10
	(a) update the map at least annually; and	11
	(b) if the service provider is not the local	12
	government—give the local government a	13
	copy of the map.	14
Clause 68	Replacement of s 258 (Reviewing recycled water management plans)	15
		16
	Section 258—	17
	<i>omit, insert—</i>	18
	258 Reviewing recycled water management plans	19
	(1) The relevant entity for a recycled water scheme	20
	must, at each required interval, conduct a review	21
	of the approved recycled water management plan	22
	for the scheme to assess whether the plan is	23
	consistent with—	24
	(a) the operation of the scheme; and	25
	(b) the water quality criteria for recycled water	26
	relevant to the scheme; and	27
	(c) best practice industry standards for the	28
	production and supply of recycled water.	29

	Maximum penalty—500 penalty units.	1
(2)	If the recycled water scheme is a multiple-entity recycled water scheme, the relevant entity complies with subsection (1) if a declared entity for the scheme conducts the review in accordance with subsection (1).	2 3 4 5 6
(3)	In this section—	7
	<i>required interval</i> means an interval, at which regular reviews of the approved recycled water management plan must be conducted, stated in the notice about the plan under section 206(2)(b).	8 9 10 11
Clause 69	Amendment of s 259 (Changing plan after review)	12
	Section 259, ‘reflect’—	13
	<i>omit, insert</i> —	14
	be consistent with	15
Clause 70	Replacement of ss 260 and 261	16
	Sections 260 and 261—	17
	<i>omit, insert</i> —	18
	260 Internal audits of recycled water management plans	19 20
(1)	The relevant entity for a recycled water scheme must—	21 22
(a)	at each required interval, have a suitably qualified person conduct an audit (an <i>internal audit</i>) of the approved recycled water management plan for the scheme to assess compliance with the plan and its conditions; and	23 24 25 26 27 28
(b)	within 30 business days after each internal audit is completed, give the regulator a	29 30

[s 70]

- report about the audit that complies with subsection (2) (an *internal audit report*).
Maximum penalty—500 penalty units.
- (2) The internal audit report must—
- (a) be prepared by the suitably qualified person in accordance with any guidelines about preparing the report made by the regulator; and
- (b) state whether there has been noncompliance with the approved recycled water management plan; and
- (c) if there has been noncompliance with the plan—state the actions taken, or planned to be taken, in relation to the noncompliance.
- (3) If the recycled water scheme is a multiple-entity recycled water scheme, the relevant entity complies with subsection (1)(a) if a declared entity for the scheme has a suitably qualified person conduct the internal audit in accordance with subsection (1)(a).
- (4) In this section—
required interval means an interval, at which internal audits of the approved recycled water management plan must be conducted, stated in the notice about the plan under section 206(2)(c).
- 261 Regular audits of recycled water management plans**
- (1) The relevant entity for a recycled water scheme must—
- (a) at each required interval, have an independent suitably qualified person conduct an audit (a *regular audit*) of the approved recycled water management plan

-
- for the scheme to assess compliance with the plan and its conditions; and
- (b) within 30 business days after each regular audit is completed, give the regulator a report about the audit that complies with subsection (2) (a *regular audit report*).
- Maximum penalty—500 penalty units.
- (2) The regular audit report must—
- (a) be prepared by the independent suitably qualified person in accordance with any guidelines about preparing the report made by the regulator; and
- (b) state whether there has been noncompliance with the approved recycled water management plan; and
- (c) if there has been noncompliance with the plan—state the actions taken, or planned to be taken, in relation to the noncompliance.
- (3) If the recycled water scheme is a multiple-entity recycled water scheme, the relevant entity complies with subsection (1)(a) if a declared entity for the scheme has an independent suitably qualified person conduct the regular audit in accordance with subsection (1)(a).
- (4) In this section—
- independent suitably qualified person* means a suitably qualified person who is not an employee of—
- (a) if the recycled water scheme is a single-entity recycled water scheme—the recycled water provider for the scheme; or
- (b) if the recycled water scheme is a multiple-entity recycled water scheme—the scheme manager, or a declared entity, for the scheme.

[s 71]

required interval means an interval, at which 1
regular audits of the approved recycled water 2
management plan must be conducted, stated in the 3
notice about the plan under section 206(2)(d). 4

Clause 71 Amendment of s 352P (Review by dam owner) 5

(1) Section 352P, ‘1 October’— 6

omit, insert— 7

the review day 8

(2) Section 352P— 9

insert— 10

(2) For subsection (1), the review day is— 11

(a) if, before 1 October in a year, the chief 12
executive gives the owner written notice 13
stating a day, not earlier than 30 business 14
days after the notice is given, for 15
compliance with subsection (1) in the 16
year—the day stated in the notice; or 17

(b) otherwise—1 October. 18

(3) However, a notice may not be given under 19
subsection (2)(a) later than 30 business days 20
before 1 October in the year. 21

Clause 72 Insertion of new s 578C 22

After section 578B— 23

insert— 24

578C Publishing under this Act 25

(1) This section applies if— 26

(a) a provision of this Act requires or allows an 27
entity to publish information in a notice or 28
other document; and 29

	(b) the provision does not require the entity to publish the document in a particular way.	1 2	
	(2) The entity must publish the document—	3	
	(a) if the document is a notice and the entity is the Minister or the chief executive—on a Queensland Government website; or	4 5 6	
	(b) if the document is a notice and the entity is not the Minister or the chief executive—on the entity’s website; or	7 8 9	
	(c) if the document is not a notice—on the internet, free of charge.	10 11	
	(3) Subsection (2) does not prevent the entity from also publishing the document in other ways.	12 13	
Clause 73	Insertion of new ch 10, pt 13	14	
	Chapter 10—	15	
	<i>insert</i> —	16	
	Part 13	Transitional provisions for Water Legislation Amendment Act 2022	17 18 19
	678 Definition for part	20	
	In this part—	21	
	<i>former</i> , for a provision of this Act, means the provision as in force from time to time before the commencement.	22 23 24	
	679 Saving of former s 110 in relation to failure to give drinking water quality management plan audit report before commencement	25 26 27	
	(1) This section applies if, before the commencement, a service provider failed to give	28 29	

[s 73]

the regulator a drinking water quality 1
management plan audit report under former 2
section 108(1)(c). 3

- (2) Former section 110(1)(b) continues to apply in 4
relation to a spot audit report about the plan as if 5
the *Water Legislation Amendment Act 2022* had 6
not been enacted. 7

680 References to particular existing reports 8

From the commencement— 9

- (a) a reference, in section 142(3)(d), 575(1)(c) 10
or 575A(1)(b), to a drinking water quality 11
management plan audit report is taken to 12
include a reference to a drinking water 13
quality management plan audit report 14
prepared under former section 108(1)(b); 15
and 16
- (b) a reference, in section 142A(3)(c), 575(1)(d) 17
or 575A(1)(c), to a performance audit report 18
is taken to include a reference to a 19
performance audit report prepared under 20
former section 108A(1)(b); and 21
- (c) a reference, in section 575(1)(f), 578A(1)(d) 22
or 578B(a), to a drinking water service 23
annual report is taken to include a reference 24
to a drinking water quality management 25
plan report prepared under former section 26
142(2)(a); and 27
- (d) a reference, in section 273(2)(c), to an 28
internal audit report is taken to include a 29
reference to an internal audit report prepared 30
under former section 260; and 31
- (e) a reference, in section 273(2)(c) or 576, to a 32
regular audit report is taken to include a 33
reference to a regular audit report prepared 34
under former section 261. 35

681 Proceedings for particular offences	1
(1) This section applies in relation to a relevant former offence if the acts or omissions constituting the offence occurred—	2 3 4
(a) entirely before the commencement; or	5
(b) both before and after the commencement.	6
(2) Without limiting the <i>Acts Interpretation Act 1954</i> , section 20, a proceeding for the offence may be continued or started, and the person charged with the offence may be convicted of and punished for the offence, as if the <i>Water Legislation Amendment Act 2022</i> had not been enacted.	7 8 9 10 11 12
(3) Subsection (2) applies despite the Criminal Code, section 11.	13 14
(4) In this section—	15
<i>relevant former offence</i> means an offence against any of the following provisions—	16 17
(a) former section 108(1);	18
(b) former section 108A(1);	19
(c) former section 260(1);	20
(d) former section 260(2);	21
(e) former section 261(1);	22
(f) former section 261(2).	23

Clause 74 Amendment of sch 3 (Dictionary)	24
(1) Schedule 3, definitions <i>auditor</i> , <i>department's website</i> , <i>drinking water quality management plan report</i> , <i>publish</i> and <i>regular audit</i> —	25 26 27
<i>omit</i> .	28
(2) Schedule 3—	29
<i>insert</i> —	30

[s 74]

<i>auditor</i> —	1
(a) for chapter 2, part 4, division 2—see section 105; or	2 3
(b) for an audit under chapter 3—means the person who, under the chapter, has prepared, or is to prepare, an audit report for the audit.	4 5 6
<i>drinking water service annual report</i> see section 142(2)(a).	7 8
<i>internal audit</i> see section 260(1)(a).	9
<i>publish</i> , in relation to a notice or other document to which section 578C applies, means publish in accordance with that section.	10 11 12
<i>Queensland Government website</i> means a website with a URL that contains ‘qld.gov.au’, other than a website of a local government.	13 14 15
<i>regular audit</i> see section 261(1)(a).	16
(3) Schedule 3, definition <i>drinking water quality management plan audit report</i> , ‘section 108(1)(b)’—	17 18
<i>omit, insert</i> —	19
section 108(2)(b)	20
(4) Schedule 3, definition <i>performance audit report</i> , ‘section 108A(1)(b)’—	21 22
<i>omit, insert</i> —	23
section 108A(3)(b)	24
(5) Schedule 3, definition <i>suitably qualified</i> , after ‘audit under’—	25
<i>insert</i> —	26
chapter 2, part 4, division 2 or	27

Schedule 1	Other amendments	1
	section 75	2
Part 1	Amendments commencing on assent	3
		4
Water Act 2000		5
1	Sections 5AA(2)(b), 146(6), 345(5)(b), 360R, 365(4)(b), 386(4), 391(2), 393(9), 395(3), 413(3) and 609(5), ‘the department’s website’—	6
	<i>omit, insert—</i>	7
	a Queensland Government website	8
		9
		10
2	Section 373(2), ‘section 372(2)’—	11
	<i>omit, insert—</i>	12
	section 372(3)	13
3	Section 377(1)(a), ‘section 376(a)(ii)’—	14
	<i>omit, insert—</i>	15
	section 376(1)(a)(ii)	16
4	Sections 377(1)(b) and 387(a), ‘section 376(b)(iv)’—	17
	<i>omit, insert—</i>	18
	section 376(1)(b)(iv)	19

5	Section 377(1)(c), ‘section 376(d)’—	1
	<i>omit, insert—</i>	2
	section 376(1)(d)	3
6	Section 377(1)(d), ‘section 376(e)’—	4
	<i>omit, insert—</i>	5
	section 376(1)(e)	6
7	Section 377(1)(e), ‘section 376(h)’—	7
	<i>omit, insert—</i>	8
	section 376(1)(h)	9
8	Sections 377(2)(a), 378(3)(b) and 387(b), ‘section 376(b)(v)’—	10
	<i>omit, insert—</i>	11
	section 376(1)(b)(v)	12
9	Section 380(1), ‘section 376(h)’—	14
	<i>omit, insert—</i>	15
	section 376(1)(h)	16
	Water Plan (Border Rivers and Moonie) 2019	17
1	Section 47(1), from ‘if,’ to ‘licence.’—	18
	<i>omit, insert—</i>	19
	if the application is an application mentioned in	20
	section 130(1)(a) of the Act.	21

	Water Plan (Condamine and Balonne) 2019	1
1	Section 45(1), from ‘if,’ to ‘licence.’—	2
	<i>omit, insert—</i>	3
	if the application is an application mentioned in section 130(1)(a) of the Act.	4 5
	 Water Supply (Safety and Reliability) Act 2008	 6
1	Sections 12(4), 12A(5)(a) and 352M(3), ‘the department’s website’—	7 8
	<i>omit, insert—</i>	9
	a Queensland Government website	10
2	Sections 141(1) and (2)(a), 142C(2), 578A(1)(d) and 578B(a), ‘drinking water quality management plan report’—	11 12 13
	<i>omit, insert—</i>	14
	drinking water service annual report	15
3	Section 575(1)(f), ‘drinking water quality management plan reports’—	16 17
	<i>omit, insert—</i>	18
	drinking water service annual reports	19

State Penalties Enforcement Regulation 2014		1
1	Schedule 1, entry for <i>Water Supply (Safety and Reliability) Act 2008</i>, entries for sections 260(2) and 261(2)—	2 3 4
	<i>omit.</i>	5
Part 2	Amendments commencing by proclamation	6 7
Water Act 2000		8
1	Section 974, heading, ‘Metering’—	9
	<i>omit, insert—</i>	10
	Measurement	11
2	Sections 974(1) and (2), 975, 976 and 978, ‘metering’—	12
	<i>omit, insert—</i>	13
	measurement	14
3	Section 979(1), ‘If the metering’—	15
	<i>omit, insert—</i>	16
	If a measurement	17
4	Section 979(1), ‘metering contractor must’—	18
	<i>omit, insert—</i>	19
	measurement contractor must	20

Schedule 1

5	Section 979(2) to (4), ‘metering’—	1
	<i>omit, insert—</i>	2
	measurement	3
6	Section 980(1), ‘from the metering’—	4
	<i>omit, insert—</i>	5
	from a measurement	6
7	Section 980(1), ‘by the metering’—	7
	<i>omit, insert—</i>	8
	by the measurement	9

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