

Queensland



South East Queensland Water Board Act 1979

SOUTH EAST QUEENSLAND WATER BOARD REGULATION 1996

**Reprinted as in force on 25 November 1996
(regulation not amended up to this date)**

Reprint No. 1

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Information about this reprint

This regulation is reprinted as at 25 November 1996.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have been made to omit provisions that are no longer required (s 40).

See endnotes for information about when provisions commenced.

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**SOUTH EAST QUEENSLAND WATER
BOARD REGULATION 1996**

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[reprinted as in force on 25 November 1996]

PART 1—PRELIMINARY

Short title

1. This regulation may be cited as the *South East Queensland Water Board Regulation 1996*.

Definitions

2. In this regulation—

“approved experience” means experience in 1 or more of the following fields—

- (a) urban water supply;
- (b) economics;
- (c) commerce;
- (d) financial investment;
- (e) public administration;
- (f) business management in the private sector;
- (g) environmental matters.

“election day” means the day on which triennial elections for the councillors of local governments are held.

“local government” means a local government whose area is included in the operational area.

“selection committee” means the South East Queensland Water Board Selection Committee.

Operational area—Act, s 6

3. The operational area is varied to include the local government area of the Shire of Caboolture.

PART 2—NOMINATION PROCEDURES

Nominations for appointment to board—Act, s 9

4.(1) As soon as practicable after each election day, the Minister must—

- (a) ask Brisbane City Council to nominate 2 of its councillors for appointment to the board; and
- (b) ask each other local government to nominate 1 of its councillors for appointment to the board.

(2) Persons nominated for Brisbane City Council must be—

- (a) 1 councillor nominated by the Council; and
- (b) 1 councillor nominated by the Leader of the Opposition in the Council.

Nominations to fill casual vacancies—Act, s 16

5.(1) To fill a casual vacancy in membership of the board, the Minister must—

- (a) for a member mentioned in section 9(b) of the Act—ask Brisbane City Council to nominate 1 of its councillors; and
- (b) for a member mentioned in section 9(c) of the Act—ask the local government of each city, other than Brisbane, to nominate 1 of its councillors; and
- (c) for a member mentioned in section 9(d) of the Act—ask the local government of each shire to nominate 1 of its councillors.

(2) A person nominated for Brisbane City Council must be—

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- (a) if the vacancy is in the member nominated by the Council—a councillor nominated by the Council; and
- (b) if the vacancy is in the member nominated by the Leader of the Opposition in the Council—a councillor nominated by the Leader of the Opposition.

Form of requests

6.(1) A request by the Minister under section 4 or 5 must—

- (a) be in writing; and
- (b) specify the day by which the name of each nominated councillor must be given to the Minister.

(2) The day specified must be at least 7 days after the first meeting of the local government held after it receives the request.

Statement about nominated councillor

7.(1) A local government's nomination of a councillor for membership of the board must be in writing and must state—

- (a) the councillor's approved experience; or
- (b) if the councillor does not have approved experience—any related experience the councillor has.

(2) A councillor nominated by Brisbane City Council must have approved experience.

Failure by local government to nominate a councillor

8.(1) The Minister may nominate a councillor of a local government for membership of the board if the local government—

- (a) fails to nominate a councillor in the way, and within the time, specified by the Minister; or
- (b) in the case of Brisbane City Council—nominates a councillor who does not have approved experience.

(2) A councillor nominated by the Minister under subsection (1) is taken to be nominated by the local government.

PART 3—APPROVAL AND SELECTION PROCEDURES

Continuation, functions and powers of selection committee

9.(1) The South East Queensland Water Board Selection Committee, established under the *Water Board (Nomination and Selection of Members) Regulation 1991*, is continued in existence.

(2) The functions of the selection committee are, at the request of the Minister under section 11, to approve, refuse to approve or select councillors for appointment as members of the board.

(3) The selection committee has power to do all things necessary or convenient to be done for, or in relation to, the performance of its functions.

Appointment and constitution of selection committee

10.(1) The members of the selection committee are appointed by the Minister.

(2) The selection committee consists of—

- (a) a chairperson; and
- (b) a member appointed on the nomination of the Local Government Association of Queensland (Incorporated); and
- (c) one other member.

(3) The Minister must not appoint a person as chairperson of the selection committee unless the Minister is satisfied the person will act independently and properly in the performance of the duties of chairperson.

(4) The Minister must not appoint a person under subsection (2)(c)

unless the Minister is satisfied the person is competent to assess the approved experience of nominated councillors.

Minister's request to selection committee

11.(1) The Minister must, by written notice to the chairperson of the selection committee—

- (a) tell the selection committee the name of each councillor nominated for membership of the board; and
- (b) ask the selection committee—
 - (i) for a councillor nominated by Brisbane City Council—to approve the councillor for appointment to the board; and
 - (ii) for councillors nominated by local governments of other cities—to select 1 of the councillors for appointment to the board; and
 - (iii) for councillors nominated by local governments of shires—to select 1 of the councillors for appointment to the board.

(2) A request under subsection (1) must be accompanied by—

- (a) the statement about the councillor's approved experience, given under section 7(1); or
- (b) if the councillor was nominated by the Minister under section 8—a written statement about the councillor's approved experience, as required under section 7(1).

Approval and selection of board members

12.(1) If a request under section 11 is about a councillor or councillors nominated by Brisbane City Council, the selection committee must—

- (a) if the request involves only 1 councillor—approve, or refuse to approve, the councillor; or
- (b) if the request involves 2 councillors—
 - (i) approve, or refuse to approve, the councillors; or

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- (ii) approve 1 of the councillors and refuse to approve the other councillor.

(2) If a request under section 11 is about councillors nominated by local governments of cities other than Brisbane, the selection committee must select 1 of the councillors for appointment to the board.

(3) If the request under section 11 is about councillors nominated by local governments of shires, the selection committee must select 1 of the councillors for appointment to the board.

(4) An approval, refusal to approve, or selection by the selection committee must be made and given to the Minister—

- (a) in writing; and
- (b) within the time specified in the request.

Matters affecting selection committee's decisions

13.(1) The selection committee may refuse to approve a councillor nominated by the Brisbane City Council only if the selection committee is satisfied the councillor does not have approved experience.

(2) In selecting a councillor under section 12(2) or (3), the selection committee must select the councillor who appears to the selection committee to be most suitably qualified because of—

- (a) the councillor's approved experience; or
- (b) if none of the councillors from whom the selection is to be made has approved experience—any related experience of the councillor.

PART 4—SAVINGS, TRANSITIONAL AND REPEALS

Members of selection committee

14.(1) On the commencement, a person who, immediately before the commencement, was a member of the selection committee continues in the

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same position on the selection committee.

(2) In this section—

“position on the selection committee” means the position of chairperson, member appointed on the nomination of the Local Government Association of Queensland (Incorporated) or other member of the selection committee.

ENDNOTES

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the South East Queensland Water Board Regulation 1996 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

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

4 List of legislation

South East Queensland Water Board Regulation 1996 SL No. 285

notfd gaz 18 October 1996 pp 633–4
commenced on date of notification

5 List of annotations

Repeal

s 15 om R1 (see RA s 40)