



Water Act 2000

Water (Transitional) Regulation 2012

Current as at 1 January 2013

Reprint note

This is the last reprint before expiry. Expired on 1 January 2014 by 2000 Act No. 34 s 1225(4).

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Queensland

Water (Transitional) Regulation 2012

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Water (Transitional) Regulation 2012

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Water (Transitional) Regulation 2012*.

2 Commencement

This regulation commences on 1 January 2013.

3 Declaration that regulation is a transitional regulation— Act, s 1225

This regulation is a transitional regulation.

Note—

Under section 1225 of the Act, this regulation expires on 1 January 2014.

4 Definitions

In this regulation—

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

distribution service provider means a distribution service provider under the unamended Act.

emergency plan means an emergency plan under section 360C of the Act.

former water grid manager means the SEQ Water Grid Manager established under the *South East Queensland Water (Restructuring) Act 2007*, section 6 as in force immediately before the commencement.

grid customer means an entity that was a grid customer under the unamended Act.

grid service charge means a grid service charge in effect immediately before the commencement that was decided—

- (a) under the market rules by the price regulator; or
- (b) under a term of an existing grid contract.

grid service provider means an entity that was a grid service provider under the unamended Act.

LinkWater means the Queensland Bulk Water Transport Authority established under the *South East Queensland Water (Restructuring) Act 2007*, section 6 as in force immediately before the commencement.

metering installation—

- (a) means a metering installation under the market rules; and
- (b) includes a transitional metering installation under the market rules, whether or not the rules administrator was deemed, under the market rules, to have approved the transitional metering installation.

operating protocol (code) means an operating protocol made under the bulk water supply code.

operating protocol (market rules) means an operating protocol made under the market rules and in effect immediately before the commencement.

price regulator means the price regulator under the market rules.

Queensland Competition Authority means the Queensland Competition Authority established under the *Queensland Competition Authority Act 1997*, section 7.

registered grid participant means an entity that was a registered grid participant under the unamended Act.

rules administrator means the rules administrator under the market rules.

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

Part 2

Provisions for transition from market rules to bulk water supply code

5 Operating protocols continue

- (1) This section applies if—
 - (a) immediately before the commencement, an operating protocol (market rules) was in effect between—
 - (i) LinkWater or the bulk water supply authority; and
 - (ii) a grid customer; and
 - (b) the grid customer becomes a bulk water customer.
- (2) The operating protocol (market rules) continues in effect as if it were an operating protocol (code), including for the purposes of the bulk water supply agreement to which the bulk water supply authority and the bulk water customer are parties.
- (3) However, a provision of the operating protocol (market rules) requiring a review of the operating protocol (market rules) is of no effect.
- (4) Subsection (2) applies until the bulk water supply authority and the bulk water customer make an operating protocol (code) to replace the operating protocol (market rules).

6 Operating protocol guideline continues

- (1) The operating protocol guideline (market rules) continues in effect as if it were an operating protocol guideline (code) until

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the operating protocol guideline (code) is made to replace the operating protocol guideline (market rules).

(2) In this section—

operating protocol guideline (code) means the operating protocol guideline made under the bulk water supply code.

operating protocol guideline (market rules) means the operating protocol guideline published under the market rules and in effect immediately before the commencement.

7 Demand zone continues

(1) This section applies if—

(a) immediately before the commencement, the former water grid manager decided a demand zone (market rules) applied to—

- (i) LinkWater or the bulk water supply authority; and
- (ii) an SEQ service provider; and

(b) the SEQ service provider becomes a bulk water customer.

(2) The demand zone (market rules) continues to apply to a requirement relating to a demand zone (agreement) or a bulk supply point.

(3) Subsection (2) applies until the bulk water supply authority and the bulk water customer make an operating protocol (code) to replace the operating protocol (market rules) that applied to the demand zone (market rules).

(4) In this section—

bulk supply point means a bulk supply point under the bulk water supply code.

demand zone (agreement) means a demand zone under a bulk water supply agreement to which the bulk water supply authority and the bulk water customer are parties.

demand zone (market rules) means a demand zone under the market rules.

8 Demand forecasting continues

- (1) This section applies if—
 - (a) immediately before the commencement, a grid customer or distribution service provider was required to give the former water grid manager a forecast notice; and
 - (b) the grid customer or distribution service provider becomes a bulk water customer.
- (2) The bulk water customer must give the forecast notice to the bulk water supply authority in the way stated in the market rules.
- (3) Subsection (2) applies until—
 - (a) the bulk water supply authority and the bulk water customer make an operating protocol (code) that includes requirements about notifying forecasts for water demand; and
 - (b) the requirements are stated to replace the giving under the market rules of the forecast notice.
- (4) In this section—

forecast notice means a monthly customer forecast notice or an annual demand forecast notice under the market rules.

9 Emergency plan for bulk water supply authority

- (1) The bulk entity emergency response plans continue to have effect as if the plans were the emergency plan of the bulk water supply authority.
- (2) Subsection (2) applies until—
 - (a) the bulk water supply authority gives the emergency plan to the Minister for review under the bulk water supply code; and
 - (b) the emergency plan is approved by the Minister under the bulk water supply code.
- (3) In this section—

bulk entity emergency response plans means the following plans in effect immediately before the commencement—

- (a) each emergency response plan made under the market rules by the former water grid manager;
- (b) each emergency response plan made under the market rules by a grid service provider.

10 Emergency plans for SEQ service providers

- (1) This section applies if—
 - (a) a distribution service provider made a distribution service provider emergency response plan; and
 - (b) the distribution service provider becomes an SEQ service provider.
- (2) The distribution service provider emergency response plan continues in effect as if it were the emergency plan of the SEQ service provider.
- (3) However, a provision of the bulk water supply code requiring certification of an emergency plan by the SEQ service provider's chief executive officer does not apply to the distribution service provider emergency response plan.
- (4) Subsection (2) applies until the SEQ service provider, under the bulk water supply code—
 - (a) reviews the distribution service provider emergency response plan; and
 - (b) certifies the SEQ service provider's emergency plan.
- (5) In this section—

distribution service provider emergency response plan means an emergency response plan made by a distribution service provider under the market rules and in effect immediately before the commencement.

11 Metering faults notified

- (1) This section applies to a fault detected for a metering installation that was notified under the market rules to the former water grid manager but has not been restored immediately before the commencement.
- (2) The fault is taken to have been notified to the bulk water supply authority for the purposes of a standard of metering under the bulk water supply code.

12 Metering data may be used

- (1) The bulk water supply authority may use metering data collected by a responsible person before the commencement to comply with a requirement of the bulk water supply code.

- (2) In this section—

metering data means metering data under the market rules.

responsible person means a responsible person under the market rules.

13 Volume calculation methodology continues

- (1) The volume calculation methodology (market rules) continues to have effect as if it were the volume calculation methodology (code).
- (2) Subsection (1) applies until the bulk water supply authority makes a volume calculation methodology (code) to amend or replace the volume calculation methodology (market rules).

- (3) In this section—

volume calculation methodology (code) means the volume calculation methodology made by the bulk water supply authority under the bulk water supply code.

volume calculation methodology (market rules) means the methodology published by the rules administrator for the purposes of the market rules and in effect immediately before the commencement.

14 Price determinations continue

- (1) A grid service charge continues in effect as if it were a cost or price decided by the Minister under section 360W of the Act.
- (2) The Minister may amend the grid service charge under section 360X of the Act.
- (3) The Minister may, for amending the grid service charge, consider a recommendation made under the market rules by the Queensland Competition Authority about the grid service charge.
- (4) Subsections (1) and (2) apply to the grid service charge until the Minister—
 - (a) decides a cost or price under section 360W of the Act to replace the grid service charge; or
 - (b) amends the grid service charge under subsection (2).

15 Direction notices continue

A direction notice for a grid service charge, given under the market rules to the Queensland Competition Authority by the price regulator and in effect immediately before the commencement, continues in effect until the Queensland Competition Authority complies with the direction notice.

Part 3 Provisions for transition from existing grid contracts to bulk water supply agreements

16 Declaration of surviving terms in existing grid contracts—Act, s 1221

- (1) For section 1221(2)(b) of the Act, each of the following terms of an existing grid contract survives the ending of the contract—

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- (a) a term requiring the payment of a charge, including a requirement about the invoicing, timing and interest for the payment of the charge;
 - (b) a term allowing an invoice to be adjusted because of a failed or inaccurate reading from a metering installation;
 - (c) a term relating to an indemnity between the former water grid manager and a registered grid participant;
 - (d) a term requiring an insurance policy to be in effect for claims made for a period of 7 years after the end of the contract.
- (2) However, a term mentioned in subsection (1)(a) does not include a term allowing a claim to be made for the payment of the financial security provided by the former water grid manager for failure by the former water grid manager to pay a charge.

17 Disputes about surviving terms

- (1) If there is a dispute between the parties to an existing grid contract about the operation of a term mentioned in section 16(1)(a) to (d), the provisions of the market rules relating to a dispute resolution process apply for resolving the dispute.
- (2) For subsection (1), a reference in the market rules—
- (a) to the former commission is taken to be a reference to the department; and
 - (b) to the rules administrator, or the chief executive of the former commission, is taken to be a reference to the chief executive.

