



Queensland

Water Supply Services Legislation Amendment Bill 2014



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2014

A Bill

for

An Act to amend the *Plumbing and Drainage Act 2002*, the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*, the *Sustainable Planning Act 2009*, the *Sustainable Planning Regulation 2009* and the *Water Supply (Safety and Reliability) Act 2008* for particular purposes, to repeal the *Metropolitan Water Supply and Sewerage Act 1909*, and to make minor and consequential amendments to the Acts mentioned in schedule 1

[s 1]

The Parliament of Queensland enacts— 1

Chapter 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Water Supply Services
Legislation Amendment Act 2014*. 4
5

Clause 2 Commencement 6

(1) This Act, other than the provisions mentioned in subsection
(2), commences on a day to be fixed by proclamation. 7
8

(2) The following provisions commence on assent— 9

- chapters 3 and 4 10
- schedule 1, amendment 15 of the *South-East
Queensland Water (Distribution and Retail
Restructuring) Act 2009* 11
12
13
- schedule 1, amendments 1 to 20 and 23 of the *Water
Supply (Safety and Reliability) Act 2008*. 14
15

Chapter 2	SEQ water infrastructure and connection reforms	1 2
Part 1	Amendment of South-East Queensland Water (Distribution and Retail Restructuring) Act 2009	3 4 5 6
Clause 3	Act amended	7
	This part amends the <i>South-East Queensland Water (Distribution and Retail Restructuring) Act 2009</i> .	8 9
	<i>Note—</i>	10
	See also the amendments in schedule 1.	11
Clause 4	Amendment of s 53 (Delegation)	12
	(1) Section 53(5)—	13
	<i>omit, insert—</i>	14
	(5) Without limiting subsection (1), a distributor-retailer may delegate the following functions to its relevant participating local government—	15 16 17 18
	(a) functions under chapter 2C relating to the appointment of water connection officers;	19 20
	(b) functions under chapter 4C;	21
	(c) functions as a concurrence agency for a particular development application.	22 23
	(2) Section 53(7) to (10)—	24
	<i>omit, insert—</i>	25

[s 5]

- (7) Without limiting subsection (4), the chief executive officer of a distributor-retailer may delegate his or her functions under sections 99BRBB, 99BRBC and 99BRBD to a relevant participating local government of the distributor-retailer. 1
2
3
4
5
6
- (8) A delegation of a chief executive's power to a participating local government may permit the subdelegation of the power to an appropriately qualified person. 7
8
9
10
- (3) Section 53(11), definition *relevant day*— 11
omit. 12
- (4) Section 53(11)— 13
renumber as section 53(9). 14
- Clause 5 Amendment of s 53AQ (Provision about service areas—after water netserv plan is in effect)** 15
16
- (1) Section 53AQ(1), 'has'— 17
omit, insert— 18
adopts under section 99BRAB 19
- (2) Section 53AQ(3)— 20
omit, insert— 21
- (3) For applying the Water Supply Act, a reference in that Act to a service area is, for a distributor-retailer, taken to be a reference to a connection area of the distributor-retailer unless stated otherwise. 22
23
24
25
26
- Clause 6 Amendment of s 53BI (Requirements for carrying out work)** 27
28
- (1) Section 53BI(1)— 29
insert— 30

	(aa) the public entity and the distributor-retailer	1
	have entered into a written consent	2
	arrangement for the carrying out of the work	3
	(a <i>consent arrangement</i>); or	4
(2)	Section 53BI(1)(aa) and (b)—	5
	<i>renumber</i> as section 53BI(1)(b) and (c).	6
(3)	Section 53BI—	7
	<i>insert</i> —	8
	(3) Without limiting the matters of a consent	9
	arrangement, the arrangement may—	10
	(a) apply to 1 or several locations; and	11
	(b) be subject to the SEQ design and	12
	construction code; and	13
	(c) if the arrangement is for water infrastructure	14
	within an agreed location on a	15
	road—provide for the distributor-retailer to	16
	give a water approval for the infrastructure	17
	without a public entity approval; and	18
	(d) provide for a person identified in the consent	19
	arrangement to carry out water	20
	infrastructure work on a publicly controlled	21
	place; and	22
	(e) be subject to reasonable conditions.	23
Clause 7	Amendment of s 53BJ (Obtaining public entity’s	24
	approval)	25
(1)	Section 53BJ, heading, after ‘approval’—	26
	<i>insert</i> —	27
	or entering consent arrangement	28
(2)	Section 53BJ(1), after ‘approval’—	29
	<i>insert</i> —	30

[s 8]

	or consent arrangement	1
(3)	Section 53BJ(3), from ‘subsection (2)(c),’—	2
	<i>omit, insert—</i>	3
	subsection (2)(c)—	4
	(a) decide to grant or refuse the approval; or	5
	(b) enter into the consent arrangement.	6
(4)	Section 53BJ(4), ‘The’—	7
	<i>omit, insert—</i>	8
	For subsection (3)(a), the	9
Clause 8	Amendment of s 53BK (Conditions of approval)	10
(1)	Section 53BK, heading, after ‘approval’—	11
	<i>insert—</i>	12
	or arrangement	13
(2)	Section 53BK, after ‘approval’—	14
	<i>insert—</i>	15
	or consent arrangement	16
Clause 9	Amendment of s 53BO (General obligations in carrying out work)	17
	Section 53BO(1)(d)(i), after ‘approval’—	18
	<i>insert—</i>	19
	or consent arrangement	20
Clause 10	Amendment of s 53CK (Appointment and other provisions)	21
(1)	Section 53CK(2)—	22
	<i>omit, insert—</i>	23
		24
		25

(2)	The distributor-retailer may also appoint the person as a discharge officer or water connection officer under this Act if the distributor-retailer is satisfied the person has the necessary expertise or experience.	1 2 3 4 5
(2)	Section 53CK(3), after ‘appointed’— <i>insert</i> — as a discharge officer	6 7 8
(3)	Section 53CK(4), from ‘discharge officer’ to ‘as if’— <i>omit, insert</i> — discharge officer or water connection officer and the officer’s office as if	9 10 11 12
(4)	Section 53CK(4)(a), after ‘officer’— <i>insert</i> — or water connection officer	13 14 15
(5)	Section 53CK(5), ‘both’— <i>omit, insert</i> — all	16 17 18
Clause 11	Insertion of new s 53CLA	19
	Chapter 2C, part 1— <i>insert</i> —	20 21
	53CLA Functions of a water connection officer	22
	A water connection officer’s functions are to help the distributor-retailer to do the following—	23 24
	(a) monitor and enforce compliance with the Water Supply Act, chapter 2, part 7, other than to the extent that part relates to trade waste and seepage water;	25 26 27 28

	(b) monitor and enforce compliance with chapter 4C, part 5;	1 2	
	(c) take water connection compliance action.	3	
Clause 12	Insertion of new ch 2C, pts 4 and 5	4	
	Chapter 2C—	5	
	<i>insert—</i>	6	
	Part 4	Powers of water connection officers	7 8
	Division 1	General powers for entering places	9 10
	53DNA General powers of entry		11
	(1) A water connection officer may enter a place to perform the officer's functions if—	12 13	
	(a) it is a place of business the subject of a water approval and the place is—	14 15	
	(i) open for carrying on the business; or	16	
	(ii) otherwise open for entry; or	17	
	(b) an occupier of the place consents to the entry; or	18 19	
	(c) it is a public place and the entry is made when it is open to the public; or	20 21	
	(d) the entry is authorised by a warrant.	22	
	(2) For subsection (1)(a) and (b), a place does not include a building or structure used for residential purposes.	23 24 25	
	(3) To remove any doubt, it is declared that this section does not limit or otherwise affect a water	26 27	

connection officer's powers as an authorised person.	1 2
Division 2	3
Other powers of water connection officers	4
53DNB Application of ch 2C, pt 2, divs 2 to 8	5
(1) Chapter 2C, part 2, divisions 2 to 8 apply, with any necessary changes, as if a reference in the divisions to—	6 7 8
(a) a discharge officer were a reference to a water connection officer; and	9 10
(b) a discharge compliance action were a reference to a water connection compliance action; and	11 12 13
(c) a discharge offence were a reference to a water connection offence; and	14 15
(d) a trade waste approval or seepage water approval were a reference to a water approval.	16 17 18
(2) For the application of section 53CV(1), the reference to section 53CM(1)(b) is taken to be a reference to section 53DNA(1)(b).	19 20 21

Part 5	Show cause and water connection compliance notices	1 2 3
Division 1	Show cause notices	4
53DNC	When show cause notice must be given before compliance notice	5 6
(1)	A distributor-retailer or water connection officer must, before giving a person a compliance notice for a matter, give the person a show cause notice about the matter.	7 8 9 10
(2)	However, a show cause notice need not be given if the distributor-retailer or water connection officer reasonably considers—	11 12 13
(a)	urgent action is required to protect public health or public safety; or	14 15
(b)	urgent action is required to stop damage, or further damage, to the distributor-retailer’s water infrastructure; or	16 17 18
(c)	it is otherwise not appropriate in the circumstances to give a show cause notice for the matter.	19 20 21
	<i>Example—</i>	22
	The distributor-retailer or officer considers giving a show cause notice may adversely affect the effectiveness of the proposed compliance notice.	23 24 25

Division 2	Water connection	1
	compliance notices	2
53DND Who may give a water connection		3
compliance notice		4
(1) This section applies if a distributor-retailer or a		5
water connection officer reasonably believes—		6
(a) a person—		7
(i) is contravening a provision of chapter		8
4C, part 5; or		9
(ii) has contravened a provision of chapter		10
4C, part 5, in circumstances that make		11
it likely the contravention will continue		12
or be repeated; and		13
(b) a matter relating to the contravention is		14
reasonably capable of being rectified; and		15
(c) it is appropriate to give the person an		16
opportunity to rectify the matter.		17
(2) The distributor-retailer or water connection		18
officer may decide to give the person a notice (a		19
<i>water connection compliance notice</i>) requiring		20
the holder to remedy the contravention.		21
(3) Subsection (4) applies if the giving of the water		22
connection compliance notice is for a matter for		23
which a show cause notice has been given by the		24
distributor-retailer or water connection officer.		25
(4) The water connection compliance notice may be		26
given only if, after considering any properly		27
made submission by the person about the show		28
cause notice, the distributor-retailer or water		29
connection officer still believes it is appropriate		30
to give the compliance notice.		31

53DNE Requirements for water connection compliance notice	1
	2
(1) A water connection compliance notice must state the following—	3
	4
(a) that the distributor-retailer or water connection officer reasonably believes the person—	5
	6
(i) is contravening a provision of chapter 4C, part 5; or	7
	8
(ii) has contravened a provision of chapter 4C, part 5, in circumstances that make it likely the contravention will continue or be repeated;	9
	10
	11
	12
	13
(b) the provision the distributor-retailer or water connection officer believes is being, or has been, contravened;	14
	15
	16
(c) briefly, how it is believed the provision is being, or has been, contravened;	17
	18
(d) that the person must remedy the contravention within a stated reasonable period;	19
	20
	21
(e) that it is an offence to fail to comply with the notice unless the person has a reasonable excuse;	22
	23
	24
(f) that, within 20 business days after the notice is given, the person may appeal against the decision to give the notice;	25
	26
	27
(g) how the person may apply for the appeal.	28
(2) A water connection compliance notice may also state—	29
	30
(a) the reasonable steps that the distributor-retailer or water connection officer is satisfied are necessary to remedy	31
	32
	33

-
- the contravention, or avoid further
contravention, of the provision; or
- (b) performance outcomes to show that the
contravention has been remedied or the
further contravention will be avoided.
- (3) If a water connection compliance notice requires
the person to do an act involving the carrying out
of work, it also must give details of the work
involved.
- (4) If a water connection compliance notice requires
the person to refrain from doing an act, it also
must state—
- (a) a period for which the requirement applies;
or
- (b) that the requirement applies until further
notice.
- 53DNF Offence to contravene water connection
compliance notice**
- A person to whom a water connection compliance
notice is given must comply with the notice unless the
person has a reasonable excuse.
- Maximum penalty—100 penalty units.
- 53DNG Action distributor-retailer may take if water
connection compliance notice contravened**
- (1) This section applies if a person contravenes a
water connection compliance notice by not doing
something.
- (2) The distributor-retailer may do the thing or take
any other action (*water connection compliance
action*) it reasonably believes is necessary to

	prevent or minimise the impact of the contravention.	1 2
	53DNH Recovery of costs of water connection compliance action	3 4
	(1) If a distributor-retailer incurs expense because of the taking of a water connection compliance action, it may give the person a notice stating the amount of the expense incurred.	5 6 7 8
	(2) Any reasonable expenses incurred by the distributor-retailer in taking the water connection compliance action may be recovered by the distributor-retailer from the person as a debt.	9 10 11 12
	(3) In this section— <i>expenses</i> , incurred by the distributor-retailer, includes the cost of services that the distributor-retailer provides for itself.	13 14 15 16
Clause 13	Omission of ch 3A, pt 7 (Restrictions on particular charges for 2012–13 financial year) Chapter 3A, part 7— <i>omit.</i>	17 18 19 20
Clause 14	Amendment of 99BJ (Requirement for SEQ service provider to have plan)	21 22
	(1) Section 99BJ, heading ‘have’— <i>omit, insert—</i> adopt	23 24 25
	(2) Section 99BJ, ‘must, from 1 March 2014, have’— <i>omit, insert—</i> must by 1 October 2014 have adopted	26 27 28

Clause 15	Replacement of s 99BL (Requirement for SEQ service provider to review plan)	1 2
	Section 99BL—	3
	<i>omit, insert—</i>	4
	99BL Requirement for SEQ service provider to review plan	5 6
	(1) An SEQ service provider must, within each 5-year period starting on 1 October 2014, review its water netserv plan to ensure the plan—	7 8 9
	(a) is consistent with—	10
	(i) the SEQ regional plan; and	11
	(ii) the relevant planning assumptions; and	12
	(b) achieves the purposes of the plan under section 99BM.	13 14
	(2) Without limiting subsection (1), an SEQ service provider must—	15 16
	(a) before 1 October each year, review the connection areas under its water netserv plan; and	17 18 19
	(b) within each 5-year period starting on 1 October 2014, review the future connection areas under its water netserv plan.	20 21 22
	(3) If a connection under a water approval to an SEQ service provider’s infrastructure network occurs outside of its connection area—	23 24 25
	(a) the location of the connection is taken to be part of its connection area; and	26 27
	(b) the SEQ service provider must, as soon as practicable, update its connection area in its water netserv plan under subsection (2).	28 29 30

Clause 16	Amendment of s 99BM (Purposes of plan)	1
(1)	Section 99BM, ‘as follows’—	2
	<i>omit, insert—</i>	3
	all of the following	4
(2)	Section 99BM—	5
	<i>insert—</i>	6
	(f) if the SEQ service provider is a distributor-retailer—	7
		8
	(i) to provide a process for approvals for connections to its water infrastructure; and	9
		10
		11
	(ii) to state fees and charges that may be levied under chapter 4C for connections to its water infrastructure, including its trunk infrastructure.	12
		13
		14
		15
Clause 17	Amendment of s 99BO (Content of part A of plan)	16
(1)	Section 99BO(1)(f), ‘for connections’—	17
	<i>omit, insert—</i>	18
	for connections, disconnections and alterations	19
(2)	Section 99BO(1)(f)(i), ‘provide connection’—	20
	<i>omit, insert—</i>	21
	provide connections that comply with its connection criteria	22
		23
(3)	Section 99BO(1)(f)—	24
	<i>insert—</i>	25
	(ia) the areas (each a <i>future connection area</i>) in which the SEQ service provider intends to extend its infrastructure network; and	26
		27
		28
		29

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|---|----|
| (4) Section 99BO(1)(f)(iii), example, ‘for subparagraph (iii)’— | 1 |
| <i>omit.</i> | 2 |
| (5) Section 99BO(1)(f)— | 3 |
| <i>insert—</i> | 4 |
| (iv) if the SEQ service provider is a | 5 |
| distributor-retailer—each matter stated | 6 |
| in section 99BOA; and | 7 |
| (6) Section 99BO(1)(f)(ia) to (iv)— | 8 |
| <i>renumber</i> as section 99BO(1)(f)(ii) to (v). | 9 |
| (7) Section 99BO(1)(g)(i), ‘charges’— | 10 |
| <i>omit, insert—</i> | 11 |
| charges, including charges under section 99AV(2)(b), | 12 |
| (8) Section 99BO(1)(g)(iii), ‘charges’— | 13 |
| <i>omit, insert—</i> | 14 |
| if the SEQ service provider is not a | 15 |
| distributor-retailer—charges | 16 |
| (9) Section 99BO(1)(g)— | 17 |
| <i>insert—</i> | 18 |
| (iv) if the SEQ service provider is a | 19 |
| distributor-retailer—each matter stated | 20 |
| in section 99BOB; and | 21 |
| (10) Section 99BO(i)— | 22 |
| <i>omit, insert—</i> | 23 |
| (i) if the SEQ service provider is a | 24 |
| distributor-retailer—include a schedule | 25 |
| of works for the provider; and | 26 |
| (j) include any other matters prescribed | 27 |
| under a regulation. | 28 |

Clause 18	Insertion of new ss 99BOA–99BOB	1
	After section 99BO—	2
	<i>insert—</i>	3
	99BOA Connections policy for distributor-retailers	4
	A distributor-retailer’s connections policy must also include the following—	5 6
	(a) its criteria and conditions for a standard connection;	7 8
	(b) its criteria for a staged water connection;	9
	(c) its criteria for other categories of connections including connections outside of the following—	10 11 12
	(i) its connection area;	13
	(ii) its future connection area;	14
	(d) the way to apply for a water approval;	15
	(e) the categories of connections to which it may delegate its decision function under section 53;	16 17 18
	(f) the time frames for its decisions for connections, other than a standard connection;	19 20 21
	(g) its conditions for when a water approval lapses;	22 23
	(h) its requirements for construction maintenance and defects liability.	24 25
	99BOB Charges schedules for distributor-retailers	26
	A distributor-retailer’s charges schedule must also include details of the following—	27 28
	(a) connection charges;	29

		(b) charges for property service infrastructure;	1
		(c) adopted infrastructure charges;	2
		<i>Note—</i>	3
		See chapter 4C, part 7, division 3.	4
		(d) the way a connection charge, charge for property service infrastructure and adopted infrastructure charge is calculated;	5
			6
			7
		(e) the fees for an application or request under chapter 4C.	8
			9
Clause 19	Amendment of s 99BQ (Matters SEQ service provider must have regard to in making plan)		10
			11
	Section 99BQ(1)(a), examples—		12
	<i>omit, insert—</i>		13
		<i>Examples of relevant documents—</i>	14
		• SEQ regional plan	15
		• SEQ water supply strategy under the SEQ regional plan	16
			17
Clause 20	Replacement of ch 4B, pt 4 (Process for making or amending plans)		18
			19
	Chapter 4B, part 4—		20
	<i>omit, insert—</i>		21
	Part 4	Making and amendment	22
			23
	99BR Process for making		24
	(1) To make a water netserv plan, an SEQ service provider must—		25
			26

[s 20]

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|-------|--|----------------------------|
| (a) | give public notice about the proposal to make part A of a water netserv plan; and | 1
2 |
| (b) | carry out public consultation in relation to proposed part A of the plan, including— | 3
4 |
| (i) | making proposed part A of the plan available for inspection for at least 20 business days; and | 5
6
7 |
| (ii) | inviting submissions to the SEQ service provider about proposed part A of the plan; and | 8
9
10 |
| (iii) | considering submissions mentioned in subparagraph (ii); and | 11
12 |
| (c) | ensure proposed part A of the plan is endorsed as follows— | 13
14 |
| (i) | for a distributor-retailer—by each participating local government for the distributor-retailer as being consistent with the planning assumptions for its local government area; | 15
16
17
18
19 |
| (ii) | for a withdrawn council—by the council as being consistent with the planning assumptions for its local government area; and | 20
21
22
23 |
| (d) | subject to subsections (2) to (5), adopt the plan under section 99BRAB. | 24
25 |
| (2) | A participating local government or withdrawn council must endorse proposed part A of the plan if the plan is consistent with the planning assumptions for its local government area. | 26
27
28
29 |
| (3) | After proposed part A of the plan is endorsed under subsection (1)(c), the SEQ service provider must ensure the proposed part A is endorsed by the Planning Minister as being consistent with the SEQ regional plan. | 30
31
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|-----|---|----------------------------|
| (4) | The Planning Minister must endorse proposed part A of the plan if it is consistent with the SEQ regional plan. | 1
2
3 |
| (5) | An entity mentioned in subsection (2) or (4) is taken to endorse proposed part A of the plan if the entity has not, within 30 business days after receiving it— | 4
5
6
7 |
| (a) | refused to endorse proposed part A of the plan; or | 8
9 |
| (b) | asked the SEQ service provider to change proposed part A of the plan. | 10
11 |
| (6) | The SEQ service provider can not adopt the plan if proposed part A of the plan is not endorsed by the Planning Minister. | 12
13
14 |
| (7) | If the SEQ service provider is a distributor-retailer, the SEQ service provider can not adopt the plan if proposed part A of the plan is not endorsed by each of its participating local governments. | 15
16
17
18
19 |

99BRAA Process for amending plan 20

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|-----|---|----------------|
| (1) | An SEQ service provider may, under this section and section 99BRAB, amend its water netserv plan. | 21
22
23 |
| (2) | An administrative amendment to part A of the plan or any amendment to part B of the plan may be made at any time. | 24
25
26 |
| (3) | Before making a minor amendment to part A of the plan, the SEQ service provider must— | 27
28 |
| (a) | give public notice about the minor amendment; and | 29
30 |
| (b) | carry out public consultation in relation to the minor amendment including— | 31
32 |

- (i) making the minor amendment available for inspection for at least 10 business days; and
 - (ii) inviting submissions to the SEQ service provider about the minor amendment; and
 - (iii) considering submissions mentioned in subparagraph (ii).
- (4) Section 99BR applies to a major amendment to part A of the plan, as if a reference in the section to the plan were a reference to the amendment.
- (5) In this section—
 - administrative amendment*, of a water netserv plan, means an amendment correcting or changing—
 - (a) the format or presentation of the plan; or
 - (b) a cross-reference in the plan; or
 - (c) a spelling, grammatical or mapping error in the plan; or
 - (d) a factual matter incorrectly stated in the plan; or
 - (e) a redundant or outdated term in the plan; or
 - (f) inconsistent numbering of provisions in the plan; or
 - (g) the expression of a number, year, date, time or amount in the plan; or
 - (h) a charge under section 99BO(1)(g) or 99BOB.
 - major amendment*, of a water netserv plan, means an amendment to the plan other than an administrative amendment or minor amendment of the plan.

<i>minor amendment</i> , of a water netserv plan,	1
means—	2
(a) an amendment to the plan because of a change under section 99BL(3) to the SEQ service provider’s connections policy; or	3 4 5
(b) an amendment of the connections policy, other than an amendment to the future connection area; or	6 7 8
(c) an amendment of the schedule of works included in the plan.	9 10

99BRAB Adoption of plan or amendment 11

(1) A water netserv plan or an amendment of a plan must be adopted for an SEQ service provider by—	12 13 14
(a) for a distributor-retailer—its board; or	15
(b) for a withdrawn council—the council.	16
(2) If, for a distributor-retailer’s plan, the amendment of the plan is an administrative amendment or minor amendment, the chief executive officer of the distributor-retailer may adopt the amendment.	17 18 19 20
(3) The plan or amendment of the plan takes effect on a day stated in a resolution of the board or council.	21 22 23
(4) The stated day can not be before the adoption.	24
(5) As soon as practicable after the adoption of the plan, or a major amendment of the plan, the SEQ service provider must give the following notice of that fact—	25 26 27 28
(a) the Planning Minister;	29
(b) if it is a distributor-retailer—its participating local governments.	30 31

Clause 21	Insertion of new ch 4C	1
	After section 99BRAB, as inserted—	2
	<i>insert—</i>	3
	 Chapter 4C Water approvals and infrastructure	4 5
	 Part 1 Services advice notices	6
	 99BRAC Obtaining notice	7
	(1) A person may, at any time, request a notice (a <i>services advice notice</i>) about a connection from a distributor-retailer.	8 9 10
	(2) The request must be made in the way stated in the distributor-retailer’s connections policy.	11 12
	(3) The distributor-retailer may give the person a services advice notice stating—	13 14
	(a) advice about the proposed connection having regard to its connections policy; and	15 16
	(b) the charges and conditions that may apply to the connection; and	17 18
	(c) any other relevant matter about the connection.	19 20
	(4) The distributor-retailer may impose a fee stated in the connections policy for the services advice notice.	21 22 23

99BRAD Water approval still required	1
(1) Despite any services advice notice being given, if the person intends to make the connection, the person must apply for a water approval.	2 3 4
(2) The services advice notice does not bind the distributor-retailer's decision if the person applies for the water approval.	5 6 7
Part 2 Water approvals	8
Division 1 Application and decision process	9 10
99BRAE Operation of pt 2	11
This part provides for a person (the <i>applicant</i>) to apply for a water approval for a connection, other than a standard connection, for a distributor-retailer.	12 13 14
<i>Note—</i>	15
For provisions relevant to water approvals and offences under the Water Supply Act, see the Water Supply Act, chapter 2, part 5, division 6.	16 17 18
99BRAE Applying for water approval	19
(1) The application must be made to the distributor-retailer in the way stated in its connections policy.	20 21 22
(2) If the applicant is not the owner of the land related to the connection, the owner's written consent must accompany the application.	23 24 25
<i>Examples of land related to the connection—</i>	26
• the land for the connection	27
• land for which access is required for the connection	28

[s 21]

- (3) If the application is required to be made in a form under the connections policy, the *Acts Interpretation Act 1954*, section 48A applies to the form as if the form were prescribed or approved under this Act. 1
2
3
4
5
- (4) The distributor-retailer may impose a fee stated in the connections policy for the application. 6
7

99BRAG Decision generally 8

- (1) In deciding the application, the distributor-retailer must assess the application and— 9
10
11
 - (a) approve all or part of the application; or 12
 - (b) refuse all of the application. 13
- (2) The decision may include the imposition of conditions (*water approval conditions*) permitted under division 2 and part 7 on any approval. 14
15
16
- (3) The assessment must be against— 17
 - (a) the decision criteria stated in its connections policy; and 18
19
 - (b) the SEQ design and construction code; and 20
 - (c) any other matter the distributor-retailer considers to be relevant to the connection or supply of its water services or wastewater services. 21
22
23
24

99BRAH Other decision rules 25

- The distributor-retailer may refuse the application if it considers the connection— 26
27
- (a) is not technically feasible; or 28

-
- (b) would unreasonably interfere with the 1
connection or supply of its water services or 2
wastewater services to other customers. 3

99BRAI Decision notice 4

- (1) The distributor-retailer must give the applicant a 5
notice (a *decision notice*) of the decision on the 6
application. 7
- (2) The decision notice must state— 8
- (a) the decision and the day it was made; and 9
- (b) if the application is refused, or part of the 10
application is approved—the reasons for 11
refusal; and 12
- (c) for an application other than a staged water 13
connection application—any water approval 14
conditions imposed or charges levied for the 15
connection; and 16
- (d) for a staged water connection application— 17
- (i) any water approval conditions imposed 18
or charges levied for the connection; 19
and 20
- (ii) the stages of the connection; and 21
- (iii) which stages of the connection (if any) 22
are authorised under the water 23
approval; and 24
- (iv) any water approval conditions 25
imposed, or charges levied, on a stage 26
of the connection authorised under the 27
water approval; and 28
- (v) which stages of the connection require 29
a further application for a water 30
approval; and 31

[s 21]

(e)	the applicant's rights of internal review and appeal.	1 2
(3)	The decision notice may be combined with any trade waste approval or seepage water approval given to the applicant.	3 4 5
(4)	If the distributor-retailer does not give the applicant a decision notice within the period during which the application is required to be decided under the connections policy, the distributor-retailer is taken to have refused the application.	6 7 8 9 10 11
Division 2	Conditions and charges	12
Subdivision 1	Water approval conditions	13
99BRAJ	Water approval conditions must be relevant and reasonable	14 15
(1)	Water approval conditions must—	16
(a)	be relevant to, but not an unreasonable imposition on, the connection; or	17 18
(b)	be reasonably required for, or as a result of, the connection.	19 20
(2)	Without limiting subsection (1), the conditions may be for any of the following—	21 22
(a)	the level of demand for the water service or wastewater service for the connection;	23 24
(b)	protecting or maintaining the safety and efficiency of the distributor-retailer's infrastructure;	25 26 27
(c)	requiring property service infrastructure or network infrastructure to be designed and	28 29

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- | | |
|--|----|
| constructed including infrastructure | 1 |
| designed and constructed in accordance | 2 |
| with the SEQ design and construction code; | 3 |
| (d) requiring a document or works for the water | 4 |
| approval to be certified by the | 5 |
| distributor-retailer or a nominated person; | 6 |
| (e) if the applicant and distributor-retailer have | 7 |
| agreed to enter into a water infrastructure | 8 |
| agreement—requiring a water infrastructure | 9 |
| agreement to be entered into within a period | 10 |
| stated in the connections policy; | 11 |
| (f) requiring a nominated person to make a | 12 |
| connection to the distributor-retailer’s | 13 |
| network infrastructure; | 14 |
| (g) requiring a connection, or part of it, to be | 15 |
| completed within a stated period; | 16 |
| (h) requiring the payment of security under an | 17 |
| agreement under section 99BRAL to | 18 |
| support a condition of the approval; | 19 |
| (i) trunk infrastructure or non-trunk | 20 |
| infrastructure. | 21 |
| (3) If a water approval condition is for non-trunk | 22 |
| infrastructure, the condition must comply with | 23 |
| section 99BRCD. | 24 |
| (4) If a water approval condition is for trunk | 25 |
| infrastructure, the condition must comply with | 26 |
| sections 99BRCS, 99BRCT, 99BRCV, 99BRCW | 27 |
| and 99BRCY. | 28 |
| (5) If a water approval is for all or part of a staged | 29 |
| water connection application, the water approval | 30 |
| conditions for the approval may be imposed on | 31 |
| any or all stages of the connection. | 32 |

99BRAK Power to amend	1
(1) This section applies if the holder of a water approval asks the distributor-retailer, in the way stated in its connections policy, to amend a water approval condition of the approval.	2 3 4 5
(2) The distributor-retailer must decide to amend or refuse to amend the condition.	6 7
(3) Division 1, other than section 99BRAI, applies to the decision, with any necessary changes, as if a reference in the division to an application were a reference to an application for the amendment.	8 9 10 11
(4) The distributor-retailer must give the applicant notice (an <i>amendment notice</i>) of the decision about the condition stating the following—	12 13 14
(a) the day the decision was made;	15
(b) whether the request is approved or refused;	16
(c) if the request is refused, the reasons for refusal;	17 18
(d) the applicant’s rights of internal review and appeal.	19 20
(5) If the condition is amended under this section, the condition as amended takes effect when the amendment notice is given to the applicant.	21 22 23
(6) To avoid any doubt, it is declared that despite an amendment to a condition of a water approval—	24 25
(a) the water approval continues in effect; and	26
(b) a condition amended under this section is a water approval condition.	27 28
99BRAL Water approval condition agreements	29
(1) The holder of a water approval may enter into an agreement with an entity, including, for example,	30 31

a distributor-retailer, to establish the obligations, 1
or secure the performance, of a party to the 2
agreement about a water approval condition of 3
the approval. 4

- (2) An applicant for a connection, the 5
distributor-retailer and a nominated person may 6
enter into an agreement to establish the 7
obligations, or secure the performance, of a party 8
to the agreement about a proposed water approval 9
condition for the connection. 10

**99BRAM Water infrastructure agreement terms 11
become water approval conditions 12**

If there is a water infrastructure agreement and a water 13
approval for the same connection, all terms of the 14
agreement are taken to be water approval conditions of 15
the approval. 16

Note— 17

For provisions about water infrastructure agreements, see part 18
7, division 6. 19

Subdivision 2 Water approval charges 20

99BRAN Charges that may be levied 21

- (1) A distributor-retailer may levy a charge for any of 22
the following— 23
- (a) a property service connection or a network 24
connection (a *connection charge*); 25
 - (b) property service infrastructure (a *property 26
service works charge*). 27
- (2) The charges may be levied on any stage of the 28
relevant connection. 29

- (3) The distributor-retailer may recover from a person to whom the charge is levied the amount, or part of the amount, of the charge as a debt.

Division 3 Effect of water approvals

99BRAO When approval takes effect

A decision notice for a water approval is taken to be a water approval having effect from when the decision notice is given to the applicant.

99BRAP When approval lapses

A water approval has effect until it lapses under a condition of the approval.

99BRAQ Approval attaches to land

- (1) A water approval—
- (a) attaches to the land to which the approval relates until the approval lapses; and
 - (b) binds the owner of the land, the owner's successors in title and any occupier of the land.
- (2) Subsection (3) applies if a water approval (a *prior approval*) attaches to land and another water approval (a *later approval*) attaches to the land after the prior approval.
- (3) Subsection (1) continues to apply to the prior approval but only to the extent the prior approval is not modified under the later approval.

99BRAR Notice about conditions, fees and charges	1 2
The distributor-retailer may give a holder of a water approval a notice stating whether the holder has—	3 4
(a) complied with the conditions of the approval; and	5 6
(b) paid the fees and charges under the approval.	7 8
99BRAS Authority to make a connection	9
(1) The water approval authorises the making of a connection to the extent authorised under the approval.	10 11 12
(2) However, a distributor-retailer or a person authorised by the distributor-retailer may make a connection, or carry out works for the connection, without a water approval.	13 14 15 16
99BRAT Assessment of connections, water approvals and works	17 18
To avoid any doubt, it is declared that—	19
(a) a water approval for a connection including works for the connection, or a grant of a standard connection including works for the connection, is a complete assessment of the connection or works; and	20 21 22 23 24
(b) a connection including works for the connection can not be assessed or authorised under a local law or any other law of a State.	25 26 27

Part 3	Standard connections	1
99BRAU Requests for standard connections		2
(1)	This section applies if a connection (a <i>standard connection</i>) complies with a distributor-retailer's criteria mentioned in section 99BOA(a) for the connection area.	3 4 5 6
(2)	A person may ask the distributor-retailer for the standard connection.	7 8
(3)	The distributor-retailer must grant the request if—	9 10
(a)	the person pays the fee for the request stated in the distributor-retailer's connections policy; and	11 12 13
(b)	if the person is not the owner of the land related to the standard connection—the owner has given written consent to the connection.	14 15 16 17
	<i>Examples of land related to the connection—</i>	18
	• the land for the connection	19
	• land for which access is required for the connection	20 21
(4)	The grant of the request must be made within 5 business days after receiving it or another period agreed to by the distributor-retailer and the person.	22 23 24 25
(5)	The distributor-retailer must, within 5 business days of granting the request, give the person a notice stating—	26 27 28
(a)	the standard conditions for the standard connection; and	29 30
(b)	a charge for the standard connection under this part.	31 32

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- (6) The grant is taken to be a water approval for the standard connection and has effect from when the person receives the notice. 1
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- Note—* 4
- Part 2, division 3 and part 7, divisions 2 and 4 to 6 apply to a standard connection that is taken to be a water approval. 5
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- (7) The standard connection is subject to the conditions (the *standard conditions*) stated in the distributor-retailer's connections policy under section 99BOA(a). 8
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- (8) The distributor-retailer may impose a fee stated in the connections policy for the request under this section. 12
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99BRAV Charges that may be levied 15

- (1) A distributor-retailer may, for a standard connection, levy a charge for any of the following— 16
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- (a) a property service connection or a network connection (a *connection charge*); 19
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- (b) property service infrastructure (a *property service works charge*). 21
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- (2) The distributor-retailer may recover from a person to whom the charge is levied the amount, or part of the amount, of the charge as a debt. 23
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Part 4	Reviews and appeals	1
Division 1	Preliminary	2
99BRAW	Meaning of <i>interested person</i> and <i>original decision</i>	3 4
(1)	An <i>interested person</i> for this part is an applicant under this chapter who—	5 6
(a)	has been given a decision notice; or	7
(b)	if the period during which the application was required to be decided under the relevant connections policy has expired—has not been given a decision notice; or	8 9 10 11 12
(c)	has had 1 or more of the following charges imposed for a connection, other than for a standard connection—	13 14 15
(i)	a connection charge;	16
(ii)	a property service works charge;	17
(iii)	a charge under an adopted infrastructure charges notice or a negotiated adopted charges notice.	18 19 20
(2)	Each of the following is an <i>original decision</i> —	21
(a)	the decision or action for which a decision notice was given (an <i>approval decision</i>);	22 23
(b)	if the period during which an application was required to be decided under the connections policy has expired—the failure to give a decision notice for the application (a <i>failure to decide</i>);	24 25 26 27 28

(c) the decision to impose a charge for a connection mentioned in subsection (1)(c) (a <i>charge decision</i>).	1 2 3
(3) However, for an original decision under subsection (2)(a), an interested person can not appeal a water approval condition that became a condition under section 99BRAM.	4 5 6 7
99BRAX Meaning of <i>standard appeal period</i>	8
In this part, a <i>standard appeal period</i> for an appeal under division 3 or 4, other than for a compliance appeal, means—	9 10 11
(a) if the notice for the review decision is given to the interested person—within 20 business days after the notice was given; or	12 13 14
(b) otherwise—within 20 business days after the review decision is taken to have been made under section 99BRBC(4).	15 16 17
Division 2 Internal reviews	18
99BRAY Appeal process starts with internal review	19
An appeal of an original decision, other than an appeal against a compliance notice, must be, in the first instance, by way of an application for internal review.	20 21 22
99BRAZ Who may apply for review	23
(1) An interested person for an original decision may apply for an internal review of the decision (an <i>internal review application</i>).	24 25 26

- (2) An internal review application may be made only to the chief executive officer of the relevant distributor-retailer (the *reviewer*). 1
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99BRBA Requirements for making internal review application 4
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An internal review application must be— 6

- (a) accompanied by a statement of the grounds on which the applicant seeks the review of the decision; and 7
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- (b) supported by enough information to enable the reviewer to decide the application; and 10
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- (c) made within 30 business days after the day the original decision is made. 12
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99BRBB Review decision 14

- (1) The reviewer must, within the review decision period— 15
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- (a) review the original decision the subject of the application; and 17
18
- (b) make a decision (the *review decision*) to— 19
- (i) confirm the original decision; or 20
- (ii) amend the original decision; or 21
- (iii) substitute another decision for the original decision. 22
23
- (2) The application must not be dealt with by— 24
- (a) the person who made the original decision; or 25
26
- (b) a person in a less senior office than the person who made the original decision. 27
28
- (3) Subsection (2)— 29

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- (a) applies despite the *Acts Interpretation Act 1954*, section 27A; and 1
2
- (b) does not apply to an original decision made 3
by the chief executive officer. 4
- (4) If the review decision confirms the original 5
decision, for the purpose of an appeal, the 6
original decision is taken to be the review 7
decision. 8
- (5) If the review decision amends the original 9
decision, for the purpose of an appeal, the 10
original decision as amended is taken to be the 11
review decision. 12
- (6) In this section— 13
review decision period means— 14
- (a) 15 business days after receiving an internal 15
review application; or 16
- (b) another period agreed to between the 17
distributor-retailer and the applicant. 18
- 99BRBC Notice of review decision** 19
- (1) The reviewer must, within 5 business days after 20
the review decision period ends, give the 21
applicant notice of the review decision (a *review* 22
notice). 23
- (2) The review notice must state the reasons for the 24
review decision. 25
- (3) If the review decision is not the decision sought 26
by the applicant, the notice must also state the 27
applicant may, within 20 business days after the 28
review notice is given— 29
- (a) appeal against the decision to a building and 30
development dispute resolution committee 31
established under the Planning Act; or 32

(b)	appeal against the decision to the Planning and Environment Court.	1 2
(4)	If the reviewer does not comply with subsection (1), the reviewer is taken to have made a decision confirming the original decision.	3 4 5
99BRBD Internal review stops particular actions		6
(1)	If an internal review is started under this division for an approval decision or charge decision, any work under a water approval must not be started until the review is decided or withdrawn.	7 8 9 10
(2)	Despite subsection (1), if the reviewer is satisfied the outcome of the review would not be affected if the work is started before the review is decided, the reviewer may allow the work to start before the review is decided.	11 12 13 14 15
Division 3	Appeals to a building and development dispute resolution committee	16 17 18
99BRBE Appeals about applications for connections—general		19 20
(1)	This section applies to an applicant for a connection if—	21 22
(a)	for the application for a connection, the land to which the connection relates is subject to a development application mentioned in the Planning Act, section 519 or 522; and	23 24 25 26
(b)	the applicant applied for internal review of an approval decision or failure to decide; and	27 28 29

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- (c) the review decision is not the decision sought by the applicant. 1
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- (2) The applicant may appeal to a building and development dispute resolution committee against any of the following— 3
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5
- (a) a refusal, or an approval in part, of an application; 6
7
- (b) a water approval condition; 8
- (c) another matter stated in the approval. 9
- (3) The appeal must be started within the standard appeal period. 10
11
- 99BRBF Appeals about applications for connections—particular charges** 12
13
- (1) This section applies to an applicant for a connection if— 14
15
- (a) the applicant applied for internal review of a charge decision; and 16
17
- (b) the review decision is not the decision sought by the applicant. 18
19
- (2) The applicant may appeal to a building and development dispute resolution committee about an error in the calculation of the charge. 20
21
22
- (3) The appeal must be started within the standard appeal period. 23
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- (4) To remove any doubt, it is declared that an appeal under this section can not be about the methodology used to establish a charge or the distributor-retailer’s charges schedule. 25
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99BRBG Application of relevant committee appeal provisions	1 2
(1) The relevant committee appeal provisions apply, with any necessary changes, to an appeal under this division as if a reference in the provisions to—	3 4 5 6
(a) an assessment manager were a reference to the distributor-retailer; and	7 8
(b) a development application were a reference to the application for the water approval; and	9 10 11
(c) a development approval were a reference to a water approval; and	12 13
(d) an appeal under the Planning Act were an appeal under this Act; and	14 15
(e) a notice under the Planning Act, section 535(1)(a) were a notice under section 99BRCJ(3) or 99BRCQ.	16 17 18
(2) In this section—	19
<i>relevant committee appeal provisions</i> means—	20
(a) the Planning Act, sections 536 to 537, 554 to 563, 564 (other than section 564(2)(e)), 567 and 569; and	21 22 23
(b) any definitions under that Act relevant to the sections mentioned in paragraph (a).	24 25
99BRBH Notice of appeal	26
(1) This section applies to an appeal under this division.	27 28
(2) The registrar of building and development committees must, within 10 business days after the day the appeal is started, give written notice	29 30 31

of an appeal under this division to the distributor-retailer.	1 2
(3) The notice must state the grounds of the appeal.	3
99BRBI Respondent for appeals	4
(1) This section applies to an appeal under this division.	5 6
(2) The distributor-retailer is the respondent for the appeal and may be heard in the appeal as a party to the appeal.	7 8 9
99BRBJ Who must prove case for appeals	10
In an appeal by the applicant under this division, it is for the applicant to establish that the appeal should be upheld.	11 12 13
99BRBK Registrar must ask distributor-retailer for material in particular proceedings	14 15
(1) This section applies to an appeal under section 99BRBE.	16 17
(2) If the applicant applied for internal review of a failure to decide, the registrar of building and development committees must ask the distributor-retailer to give the registrar—	18 19 20 21
(a) all material, including plans and specifications, about the aspect of the application being appealed; and	22 23 24
(b) a statement of the reasons the distributor-retailer had not decided the application during the decision-making period or extended decision-making period; and	25 26 27 28 29

(c)	any other information the registrar requires.	1
(3)	The distributor-retailer must give the material mentioned in subsection (2) within 10 business days after the day the registrar asks for the material.	2 3 4 5
99BRBL Lodging appeal stops particular actions		6
(1)	If an appeal is started under this division for an approval decision or charge decision, any work under a water approval must not be started until the appeal is decided or withdrawn.	7 8 9 10
(2)	Despite subsection (1), if the building and development dispute resolution committee is satisfied the outcome of the appeal would not be affected if the work is started before the appeal is decided, the committee may allow the work to start before the appeal is decided.	11 12 13 14 15 16
99BRBM Appeals may be combined with appeals under the Planning Act		17 18
(1)	This section applies if—	19
(a)	an appeal is started under this division; and	20
(b)	an appeal is started under the Planning Act for a development application mentioned in section 99BRBE.	21 22 23
(2)	The appeal under this division may be combined and heard with the appeal under the Planning Act.	24 25 26

Division 4	Appeals to the Planning and Environment Court	1 2
99BRBN Appeals about applications for connections—general		3 4
(1)	This section applies to an applicant for a connection if—	5 6
(a)	the applicant applied for internal review of an approval decision or failure to decide; and	7 8 9
(b)	the review decision is not the decision sought by the applicant.	10 11
(2)	The applicant may appeal against the review decision to the Planning and Environment Court.	12 13
(3)	The appeal must be started within the standard appeal period.	14 15
99BRBO Appeals about applications for connections—particular charges		16 17
(1)	This section applies to an applicant for a connection if—	18 19
(a)	the applicant applied for internal review of a charge decision; and	20 21
(b)	the review decision is not the decision sought by the applicant.	22 23
(2)	The applicant may appeal against the review decision to the Planning and Environment Court.	24 25
(3)	The appeal must be started within the standard appeal period.	26 27
(4)	An appeal under this section may only be about—	28 29

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(a) whether a charge in the approval is so unreasonable that any reasonable distributor-retailer would not have imposed it; or	1 2 3 4
(b) an error in the calculation of the charge.	5
(5) To remove any doubt, it is declared that an appeal under this section can not be about the methodology used to establish a charge or the distributor-retailer's charges schedule.	6 7 8 9
99BRBP Appeals about water connection compliance notices	10 11
(1) This section applies if a person is given a compliance notice.	12 13
(2) The person may appeal against the decision to the Planning and Environment Court.	14 15
(3) The appeal must be started within 20 business days after the water connection compliance notice is given to the person.	16 17 18
99BRBQ Application of relevant court provisions	19
(1) The relevant court appeal provisions apply, with any necessary changes, to an appeal under this division as if a reference in the provisions to—	20 21 22
(a) an appellant were a reference to the applicant; and	23 24
(b) a respondent were a reference to the distributor-retailer; and	25 26
(c) a development application were a reference to the application for the water approval; and	27 28 29
(d) a development approval were a reference to the water approval; and	30 31

(e) an appeal under the Planning Act were an appeal under this Act; and	1 2
(f) an enforcement notice were a water connection compliance notice.	3 4
(2) In this section—	5
<i>relevant court appeal provisions</i> means—	6
(a) the Planning Act, chapter 7, part 1, divisions 11 to 13 other than sections 482 to 490, 493 and 495(3) to (5); and	7 8 9
(b) any definitions under that Act relevant to the provisions mentioned in paragraph (a).	10 11
99BRBR Notice of appeal to other parties	12
(1) The applicant must give notice of the appeal to the distributor-retailer.	13 14
(2) The notice must be given within 10 business days after the appeal is started.	15 16
(3) The notice must state the grounds of the appeal.	17
99BRBS Stay of operation of water connection compliance notice	18 19
(1) If the applicant gives a notice of appeal about a water connection compliance notice, the operation of the compliance notice is stayed until the earliest of the following to happen—	20 21 22 23
(a) the Planning and Environment Court, on the application of the distributor-retailer, decides otherwise;	24 25 26
(b) the appeal is withdrawn;	27
(c) the appeal is dismissed.	28

- (2) However, subsection (1) does not apply if the compliance notice is about—
- (a) a work, if the water connection compliance notice states the entity believes the work is a danger to persons or a risk to public health; or
 - (b) stopping the demolition of a work; or
 - (c) clearing vegetation on freehold land; or
 - (d) the removal of quarry material allocated under the *Water Act 2000*; or
 - (e) extracting clay, gravel, rock, sand or soil, not mentioned in paragraph (d), from Queensland waters; or
 - (f) works the assessing authority reasonably believes is causing erosion or sedimentation; or
 - (g) works the assessing authority reasonably believes is causing an environmental nuisance; or
 - (h) action required to stop damage or further damage to the distributor-retailer’s water infrastructure.

99BRBT Respondent for appeals 23

The distributor-retailer is the respondent for the appeal and may be heard in the appeal as a party to the appeal. 24
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99BRBU Who must prove case for appeals 27

In an appeal by the applicant under this division, it is for the applicant to establish that the appeal should be upheld. 28
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99BRBV Lodging appeal stops particular actions	1
(1) If an appeal is started under this division for an approval decision or charge decision, any work under a water approval must not be started until the appeal is decided or withdrawn.	2 3 4 5
(2) Despite subsection (1), if the Planning and Environment Court is satisfied the outcome of the appeal would not be affected if the work is started before the appeal is decided, the court may allow the work to start before the appeal is decided.	6 7 8 9 10

99BRBW Appeals may be combined with appeals under the Planning Act	11 12
(1) This section applies if—	13
(a) an appeal is started under this division; and	14
(b) an appeal is started under the Planning Act for a development application which relates to land the subject of the application of a water approval.	15 16 17 18
(2) The appeal under this division may be combined and heard with the appeal under the Planning Act.	19 20 21

Part 5 Offences

22

99BRBX Connections without water approval	23
A person, other than a distributor-retailer, must not make a connection without a water approval for the connection.	24 25 26
Maximum penalty—1665 penalty units.	27

99BRBY Requirement to comply with standard conditions	1 2
(1) A person must comply with each standard condition of a standard connection.	3 4
Maximum penalty—165 penalty units.	5
(2) To avoid any doubt, it is declared that this section does not apply to a distributor-retailer.	6 7
99BRBZ Requirement to comply with conditions of water approvals	8 9
(1) A person must comply with each water approval condition of a water approval.	10 11
Maximum penalty—1665 penalty units.	12
(2) To avoid any doubt, it is declared that this section does not apply to a distributor-retailer.	13 14
Part 6 Enforcement proceedings	15 16
99BRCA Starting proceeding for enforcement order	17 18
(1) A distributor-retailer may start a proceeding in a District Court—	19 20
(a) for an enforcement order to remedy or restrain the commission of a water connection offence; or	21 22 23
(b) if the distributor-retailer has started a proceeding under paragraph (a) and the court has not decided the proceeding—for an order under the Water Supply Act, section 478 as applied by section 99BRCB; or	24 25 26 27 28 29

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- (c) for an order that a person who has committed a water connection offence pay damages to compensate the applicant for injury suffered by the applicant or loss or damage to the applicant's property because of the commission of the offence.
- (2) A person may start a proceeding in a District Court—
- (a) for an order that someone else who has committed a water connection offence pay damages to compensate the person for injury suffered by the person or loss or damage to the person's property because of the commission of the offence; or
- (b) if the person has started a proceeding under paragraph (a) and the court has not decided the proceeding—for an order under the Water Supply Act, section 478 as applied by section 99BRCB.
- (3) If a person other than a distributor-retailer starts a proceeding for an enforcement order, the person must, within 5 business days, give the distributor-retailer for the geographic area to which the proceeding relates notice of the proceeding.

99BRCB Application of Water Supply Act enforcement order provisions

- (1) This section applies to a proceeding started under section 99BRCA.
- (2) The Water Supply Act, sections 476 to 482, other than sections 480(2), 481(1)(d) and 481(2)(d), and any definitions under that Act relevant to those sections apply—

(a) as if a reference in the sections to an offence under the Water Supply Act were a reference to an offence against this chapter; and	1 2 3 4	
(b) with any other necessary changes.	5	
Part 7	Water infrastructure	6
Division 1	Preliminary	7
99BRCC Definitions for pt 7		8
In this part—		9
<i>adopted infrastructure charge</i> see section 99BRCH.		10 11
<i>establishment cost</i> see the Planning Act, schedule 3.		12 13
<i>increase decision</i> see section 99BRCI(1)(d).		14
<i>premises</i> means—		15
(a) a building or other structure; or		16
(b) land, whether or not a building or other structure is situated on the land.		17 18
Division 2	Non-trunk infrastructure	19
99BRCD Conditions distributor-retailers may impose about non-trunk infrastructure		20 21
(1) If a distributor-retailer imposes a water approval condition about non-trunk infrastructure, the condition may only be for supplying infrastructure for 1 or more of the following—		22 23 24 25

(a) networks internal to the premises;	1
(b) connecting the premises to external infrastructure networks;	2 3
(c) protecting or maintaining the safety or efficiency of the water infrastructure network of which the non-trunk infrastructure is a component.	4 5 6 7
(2) The condition must state—	8
(a) the infrastructure to be supplied; and	9
(b) when the infrastructure must be supplied.	10
Division 3	11
Infrastructure charges schedule	12
99BRCE Operation of div 3	13
This division applies if the charges schedule (an <i>infrastructure charges schedule</i>) of a distributor-retailer includes an adopted infrastructure charge.	14 15 16 17
99BRCF Schedule of charges to be adopted	18
(1) The distributor-retailer’s board must adopt its infrastructure charges schedule before the schedule is included in the distributor-retailer’s water netserv plan.	19 20 21 22
(2) The infrastructure charges schedule must include the matters decided under section 99BRCI.	23 24
(3) A charge in the infrastructure charges schedule takes effect on the day that the distributor-retailer’s board adopts the schedule.	25 26 27

Division 4	Trunk infrastructure	1
	funding and related	2
	matters—adopted	3
	infrastructure charges	4
99BRCG Definitions for div 4		5
In this division—		6
<i>adopted infrastructure charges notice</i> see		7
section 99BRCJ(3).		8
<i>relevant proportion</i> see the Planning Act,		9
schedule 3.		10
99BRCH Meaning of <i>adopted infrastructure charge</i>		11
and <i>standard amount</i> etc.		12
(1) An <i>adopted infrastructure charge</i> , for trunk		13
infrastructure for which a State planning		14
regulatory provision (adopted charges) applies,		15
is—		16
(a) if a distributor-retailer has adopted a charge		17
for the infrastructure under section		18
99BRCI—the adopted charge; or		19
(b) otherwise—the standard amount.		20
(2) The <i>standard amount</i> , for a distributor-retailer in		21
relation to a charge for trunk infrastructure for its		22
water service or wastewater service is the		23
distributor-retailer’s relevant proportion of the		24
participating local government adopted		25
infrastructure charge.		26
(3) A <i>participating local government adopted</i>		27
<i>infrastructure charge</i> , for a distributor-retailer, is		28
the adopted infrastructure charge under the		29
Planning Act, section 648A(1)(b) of a		30

participating local government of the distributor-retailer. 1
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(4) In this section— 3

State planning regulatory provision (adopted charges) see the Planning Act, section 648B(5). 4
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99BRCI Distributor-retailer may decide matters about charges 6
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(1) A distributor-retailer’s board may decide— 8

(a) to adopt a charge for supplying trunk infrastructure in relation to its water service or wastewater service that is not more than the amount of the distributor-retailer’s relevant proportion of the maximum adopted charge for the infrastructure; and 9
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(b) to adopt a charge for supplying trunk infrastructure in relation to its water service or wastewater service in a part of its geographic area that is not more than the amount of the distributor-retailer’s relevant proportion of the maximum adopted charge for the infrastructure in the part of the geographic area; and 15
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(c) that a charge does not apply for supplying trunk infrastructure in relation to its water service or wastewater service in its geographic area or a part of its geographic area; and 23
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(d) that a charge adopted by the distributor-retailer for particular water services or wastewater services may be increased after the charge is levied and before it is paid (an *increase decision*); and 28
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[s 21]

- (e) that, in stated circumstances, a charge for a particular connection is to be discounted to take into account the existing usage of trunk infrastructure by the premises on or in relation to which the connection is carried out; and
- (f) for a charge mentioned in subsection (1)(e)—how the discount is to be calculated.
- (2) An increase decision must provide for how any increase in the charge is worked out.
- (3) An increase the subject of an increase decision must not be more than the lesser of the following amounts—
- (a) the amount that is the difference between the amount of the charge levied for the services and the maximum amount the distributor-retailer could have charged for the services at the time the charge is paid;
- (b) an amount representing the increase in the consumer price index for the period starting on the day the charge is levied and ending on the day the charge is paid.
- (4) In this section—
maximum adopted charge see the Planning Act, schedule 3.
- 99BRCJ Funding trunk infrastructure—levying charges**
- (1) A distributor-retailer may, subject to section 99BRCL, levy a charge for supplying trunk infrastructure in relation to its water service or wastewater service.

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- (2) The amount of the charge levied must be the adopted infrastructure charge for the trunk infrastructure. 1
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- (3) The distributor-retailer may give a person a notice under section 99BRCM requiring payment of the adopted infrastructure charge (an *adopted infrastructure charges notice*). 4
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- (4) However, notice may be given only— 8
- (a) in relation to a water approval or a standard connection; and 9
10
- (b) within 10 business days after the distributor-retailer gives the person the decision notice under section 99BRAI or a notice under section 99BRAU(5). 11
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14
- (5) Also, the charge is not recoverable unless the entitlements under the water approval or standard connection grant are exercised. 15
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- (6) The notice lapses if the water approval or standard connection grant stops having effect. 18
19
- (7) The distributor-retailer may recover from the person to whom the charge is levied the amount, or part of the amount, of the charge as a debt. 20
21
22
- (8) In this section— 23
- standard connection grant*, for a standard connection, means the grant of a request for the standard connection given under section 99BRAU. 24
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99BRCK Levying charge subject to increase decision 28
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- (1) This section applies if, under this division, the amount of an adopted infrastructure charge levied is the subject of an increase decision. 30
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- (2) The adopted infrastructure charges notice or new adopted infrastructure charges notice for the charge must state that an additional amount, worked out under section 99BRCI(3), is payable on the day the charge is paid under this part.

99BRCL When charges can not be levied

An adopted infrastructure charge can not be levied for—

- (a) a connection related to work or use of land authorised under the *Mineral Resources Act 1989*, the *Petroleum Act 1923*, the *Petroleum and Gas (Production and Safety) Act 2004* or the *Greenhouse Gas Storage Act 2009*; or
- (b) a connection related to development in a priority development area under the *Economic Development Act 2012*.

99BRCM Requirements for adopted infrastructure charges notices

An adopted infrastructure charges notice must state all of the following—

- (a) the amount of the charge;
- (b) the land to which the charge applies;
- (c) the charge must be paid to the distributor-retailer;
- (d) when the charge is payable;
- (e) if the charge is the subject of an increase decision—that an additional amount, worked out under section 99BRCI(3), is payable on the day the charge is paid under this part.

99BRCN When charges are payable	1
(1) Subsection (2) applies if, for an application for a water approval, there is a related reconfiguring of a lot that is assessable development or development requiring compliance assessment.	2 3 4 5
(2) Any adopted infrastructure charge is payable before the local government approves the plan of subdivision for the reconfiguration under the Planning Act.	6 7 8 9
(3) Subsection (4) applies if, for an application for a water approval, there is a related material change of use.	10 11 12
(4) Any adopted infrastructure charge is payable before the change of use happens.	13 14
(5) Subsection (6) applies if, for an application for a water approval, there is a related building work that is assessable development or development requiring compliance assessment.	15 16 17 18
(6) Any adopted infrastructure charge is payable before the certificate of classification for the building work is issued.	19 20 21
(7) Subsection (8) applies for an application for a water approval if subsections (1), (3) and (5) do not apply.	22 23 24
(8) Any adopted infrastructure charge is payable on the day stated in an adopted infrastructure charges notice or negotiated adopted infrastructure charges notice for the application.	25 26 27 28
(9) This section is subject to any relevant water infrastructure agreement.	29 30
(10) In this section—	31
<i>assessable development</i> see the Planning Act, schedule 3.	32 33

99BRCO Distributor-retailer may supply different trunk infrastructure from that identified in a water netserv plan	1 2 3
A distributor-retailer may supply different trunk infrastructure from the infrastructure identified in its water netserv plan if the infrastructure supplied delivers the same desired standard of service identified in the plan.	4 5 6 7 8
Division 5 Provisions for infrastructure charges and charges under a water approval	9 10 11 12
Subdivision 1 General	13
99BRCP Application of Planning Act, ss 648HA and 648J	14 15
The Planning Act, sections 648HA and 648J apply, with any necessary changes, as if—	16 17
(a) a reference in the sections to a local government were a reference to a distributor-retailer for a water service or wastewater service; and	18 19 20 21
(b) an increase of an adopted infrastructure charge under the Planning Act, section 648D(9)(b) were an increase decision.	22 23 24
99BRCQ Application of Planning Act, ch 8, pt 4	25
The Planning Act, chapter 8, part 4 applies to the extent it relates to adopted infrastructure charges and with any necessary changes, as if a reference in the part to—	26 27 28 29

-
- (a) the entity that gave the adopted infrastructure charges notice were a distributor-retailer; and
 - (b) the relevant appeal period were a reference to the period within which the person may appeal against the notice to the Planning and Environment Court or building and development committee under part 4.

99BRCR Application of adopted infrastructure charge

An adopted infrastructure charge levied and collected for trunk infrastructure must be used to provide trunk infrastructure.

Subdivision 2 Necessary trunk infrastructure

99BRCS Conditions for necessary trunk infrastructure

- (1) This section applies if, for a distributor-retailer—
 - (a) existing trunk infrastructure necessary to service the premises is not adequate and trunk infrastructure adequate to service the premises is identified in its water netserv plan; or
 - (b) trunk infrastructure to service the premises is necessary, but is not yet available and is identified in the water netserv plan; or
 - (c) trunk infrastructure identified in the water netserv plan is located on the premises.
- (2) The distributor-retailer may require different trunk infrastructure from the infrastructure

[s 21]

- identified in the water netserv plan if the required
infrastructure delivers the same desired standard
of service for the relevant network. 1 2 3
- (3) The distributor-retailer may impose a water 4
approval condition to supply the trunk 5
infrastructure mentioned in subsection (1) or (2), 6
even if it will service other premises. 7
- (4) The condition must state— 8
- (a) the trunk infrastructure to be supplied; and 9
- (b) when it must be supplied. 10
- (5) Subsection (6) applies if— 11
- (a) the trunk infrastructure mentioned in 12
subsection (3) services, or is planned to 13
service, other premises; and 14
- (b) the amount of the value of the infrastructure 15
is more than the amount of the value of the 16
charge for the network for the premises. 17
- (6) The applicant for the water approval— 18
- (a) does not have to pay an adopted 19
infrastructure charge for the network; and 20
- (b) is entitled to a refund from the 21
distributor-retailer, on terms agreed with the 22
distributor-retailer, for the proportion of the 23
establishment cost of the trunk 24
infrastructure mentioned in subsection (3)— 25
- (i) that reasonably can be apportioned to 26
the other users' premises mentioned in 27
subsection (5)(a); and 28
- (ii) collected, or to be collected, as an 29
adopted infrastructure charge. 30
- (7) If subsection (6) does not apply, the amount of 31
the value of the infrastructure supplied under the 32
condition for a network must be offset against 33

any charge that may be levied for the premises under section 99BRCJ for the network.	1 2
(8) A condition imposed under subsection (3) is taken to comply with section 99BRAJ—	3 4
(a) for infrastructure mentioned in subsection (1)(a) or (b)—	5 6
(i) to the extent the infrastructure is necessary to service the premises; and	7 8
(ii) if the infrastructure is the most efficient and cost-effective solution for servicing the premises; and	9 10 11
(b) for infrastructure mentioned in subsection (1)(c)—to the extent the infrastructure is—	12 13
(i) not an unreasonable imposition on the connection; or	14 15
(ii) reasonably required in relation to the connection as a result of the connection.	16 17 18
Subdivision 3 Additional trunk infrastructure costs	19 20
99BRCT Conditions for additional trunk infrastructure costs	21 22
(1) Subject to sections 99BRCV and 99BRCW, a distributor-retailer may impose a water approval condition requiring the payment of additional trunk infrastructure costs only if the connection—	23 24 25 26 27
(a) is—	28
(i) inconsistent with the assumptions about the type, scale, location or timing	29 30

[s 21]

- of future development stated in its 1
water netserv plan; or 2
- (ii) for premises completely or partly 3
outside the connection area and the 4
future connection area; and 5
- (b) would impose additional trunk 6
infrastructure costs on the 7
distributor-retailer after taking into account 8
the following— 9
 - (i) adopted infrastructure charges levied 10
for the connection; 11
 - (ii) trunk infrastructure supplied, or to be 12
supplied, by the applicant for the 13
approval. 14
- (2) The condition must state each of the following— 15
 - (a) why the condition is required; 16
 - (b) the amount of the payment required; 17
 - (c) details of the trunk infrastructure for which 18
the payment is required; 19
 - (d) when the payment must be made; 20
 - (e) the person to whom the payment must be 21
made; 22
 - (f) the applicant for the water approval may 23
elect to supply all or part of the trunk 24
infrastructure instead of making payment 25
for the trunk infrastructure to be supplied; 26
 - (g) if the election is made— 27
 - (i) any requirements for supplying the 28
trunk infrastructure; and 29
 - (ii) when the trunk infrastructure must be 30
supplied. 31

-
- (3) For subsection (2)(d), unless the applicant and the distributor-retailer otherwise agree in writing, the payment must be made—
- (a) if the trunk infrastructure is necessary to service the premises—by the day the connection, or work associated with the connection, starts; or
 - (b) if the trunk infrastructure is not necessary to service the premises—
 - (i) for a connection associated with reconfiguring a lot—before the local government approves the plan of subdivision for the reconfiguration; or
 - (ii) for other connections—before the connection is made.

99BRCU Repayment provision for additional costs

- (1) This section applies if—
- (a) a water approval no longer has effect; and
 - (b) a payment for the additional trunk infrastructure costs has been made; and
 - (c) construction of the trunk infrastructure has not substantially commenced before the water approval ceased having effect.
- (2) The distributor-retailer must repay to the person who made the payment any part of the payment the distributor-retailer has not spent, or contracted to spend, on the design and construction of the trunk infrastructure.

99BRCV Costs for connection areas and future connection areas	1 2
(1) The costs that may be required under section 99BRCT, for a connection in the connection area and future connection area, may only include—	3 4 5
(a) for trunk infrastructure to be supplied earlier than anticipated in the water netserv plan—the difference between the establishment cost of the infrastructure made necessary by the connection and the amount of any charge paid for the infrastructure; or	6 7 8 9 10 11 12
(b) for trunk infrastructure associated with a different type, scale or intensity of a connection from that anticipated in the distributor-retailer’s water netserv plan—	13 14 15 16
(i) for a different type, a greater scale or a greater intensity of connection—the establishment cost of any additional trunk infrastructure made necessary by the connection; or	17 18 19 20 21
(ii) for a lesser scale or lesser intensity of connection—the difference between the establishment cost of the infrastructure identified in the water netserv plan and the establishment cost of the infrastructure necessary for the connection.	22 23 24 25 26 27 28
(2) The applicant for the water approval is entitled to a refund from the distributor-retailer, on terms agreed with the distributor-retailer, for the proportion of the establishment cost of the infrastructure—	29 30 31 32 33
(a) that reasonably can be apportioned to the other users of the infrastructure mentioned in subsection (1)(a) or (1)(b)(i); and	34 35 36

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- (b) collected, or to be collected, under an infrastructure charges schedule. 1
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99BRCW Costs outside connection areas and future connection areas 3
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- (1) The costs that may be required under section 99BRCT, for a connection completely or partly outside the connection area and future connection area, may only include, for each network— 5
6
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8
- (a) the establishment cost of any trunk infrastructure made necessary by the connection; and 9
10
11
- (b) the following establishment costs of any temporary infrastructure— 12
13
- (i) costs required to ensure the safe or efficient operation of the trunk infrastructure; 14
15
16
- (ii) costs made necessary by the connection; and 17
18
- (c) the decommissioning, removal and rehabilitation costs of the temporary infrastructure; and 19
20
21
- (d) the maintenance and operating costs of the trunk or temporary infrastructure, for up to 5 years. 22
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- (2) For subsection (1)(a), trunk infrastructure made necessary by the water connection includes the trunk infrastructure necessary to service the balance of the connection area and future connection area. 25
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Subdivision 4	Miscellaneous provisions	1
99BRCX	When conditions are relevant and reasonable	2 3
	A condition imposed under this division is taken to comply with section 99BRAJ, to the extent the trunk infrastructure is necessary, but not yet available, to service the connection, even if the trunk infrastructure is also intended to service another connection.	4 5 6 7 8
99BRCY	No conditions on State infrastructure suppliers	9 10
(1)	A distributor-retailer can not impose a condition under this division for a supplier of State infrastructure.	11 12 13
(2)	In this section— <i>State infrastructure</i> see the Planning Act, schedule 3.	14 15 16
99BRCZ	Declaratory provision	17
	This division does not stop a distributor-retailer from—	18 19
(a)	levying a charge for the adopted infrastructure charge of the trunk infrastructure network included in an infrastructure charges schedule; or	20 21 22 23
(b)	imposing a condition for non-trunk infrastructure; or	24 25
(c)	imposing a condition for necessary trunk infrastructure.	26 27

Division 6	Water infrastructure	1
	agreements	2
99BRDA Agreements about, and alternatives to,		3
paying adopted infrastructure charge		4
(1)	A person to whom an adopted infrastructure charges notice or a negotiated adopted infrastructure charges notice has been given and the distributor-retailer may enter into a written agreement about 1 or more of the following—	5 6 7 8 9
(a)	whether the charge may be paid at a different time from the time stated in the notice, and whether it may be paid by instalments;	10 11 12 13
(b)	whether infrastructure may be supplied instead of paying all or part of the charge;	14 15
(c)	whether infrastructure delivering the same standard of service as that stated in the water netserv plan for the connection to which the charge applies may be supplied instead of the infrastructure identified in the plan;	16 17 18 19 20
(d)	whether land in fee simple may be given instead of paying the charge or part of the charge.	21 22 23
(2)	If an increase decision has been made for the notice, the agreement must state how the amount of the increase is payable.	24 25 26
(3)	If obligations under the agreement would be affected by a change in the ownership of the land the subject of the agreement, the agreement must include a statement about how the obligations must be fulfilled if there is a change of ownership.	27 28 29 30 31 32

[s 21]

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|-----|--|---------------------------------|
| (4) | For development infrastructure that is land, the distributor-retailer may give an applicant for a connection a notice, in addition to or instead of the notice given under section 99BRCM, requiring the applicant for the water approval to give the distributor-retailer, in fee simple, part of the land the subject of the connection. | 1
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| (5) | The total value of the land and residual monetary payment (if any) must not be more than the amount for the rest of the charge. | 8
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| (6) | However, the residual monetary payment may be increased under an increase decision. | 11
12 |
| (7) | The applicant for the water approval must comply with the notice as soon as practicable. | 13
14 |
| (8) | The agreement, as amended from time to time, is a <i>water infrastructure agreement</i> . | 15
16 |

99BRDB When water infrastructure agreements bind successors in title 17
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|-----|--|----------------------------------|
| (1) | If an owner of land to which a water infrastructure agreement applies is a party to the agreement or consents to the water connection obligations being attached to the land, the obligations attach to the land and bind the owner and the owner's successors in title of the land. | 19
20
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24 |
| (2) | If the owner's consent under subsection (1) is given but is not endorsed on the agreement, the owner must give a copy of the document evidencing the owner's consent to the distributor-retailer for the land to which the consent applies. | 25
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| (3) | However, if the agreement states that if the land is subdivided part of the land is to be released from the water connection obligations, and the land is subdivided— | 31
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34 |

(a) the part of the land is released from the obligations; and	1 2
(b) the obligations are no longer binding on the owner of the part of the land.	3 4
(4) In this section—	5
<i>public sector entity</i> see the Planning Act, schedule 3.	6 7
<i>water connection obligation</i> means an obligation under the water infrastructure agreement other than an obligation to be fulfilled by a public sector entity.	8 9 10 11
99BRDC Water infrastructure agreements prevail if inconsistent with particular instruments	12 13
(1) To the extent a water infrastructure agreement is inconsistent with a water approval, the agreement prevails.	14 15 16
(2) To the extent a water infrastructure agreement is inconsistent with an adopted infrastructure charges notice or negotiated adopted infrastructure charges notice, the agreement prevails.	17 18 19 20 21
Part 8 Miscellaneous provisions	22 23
99BRDD SEQ service provider's guarantees to provide connection	24 25
(1) This section applies to an SEQ service provider that has adopted a water netserv plan.	26 27
(2) The SEQ service provider must provide a connection to its infrastructure networks for its	28 29

[s 22]

water service or wastewater service if the 1
connection complies with its connection criteria 2
in the connection area. 3

- (3) To avoid any doubt, it is declared that an SEQ 4
service provider does not guarantee to provide a 5
connection to its water service or wastewater 6
service in a future connection area. 7

99BRDE Ch 4C does not limit Water Supply Act 8

To avoid any doubt, it is declared that this chapter is 9
not intended to limit a power or function of a 10
distributor-retailer under the Water Supply Act. 11

**Clause 22 Amendment of s 99BT (Keeping particular documents 12
available for inspection and purchase) 13**

- (1) Section 99BT(1)(d)(iii), after ‘agreement’— 14

insert— 15

and water infrastructure agreement 16

- (2) Section 99BT(1)(d)— 17

insert— 18

- (v) each water approval that attaches to 19
land, including any conditions of the 20
approval. 21

Clause 23 Insertion of new s 100G 22

After section 100F— 23

insert— 24

**100G Documents and information about water 25
approvals and development approvals 26**

- (1) Subsection (2) applies if a distributor-retailer 27
asks a local government to give it information or 28

	documents relevant to a water approval or application for a water approval.	1 2
	<i>Examples of information or documents—</i>	3
	• information about a development application or development approval	4 5
	• associated documents of a development application or development approval	6 7
	• information a local government receives as a delegate under section 53	8 9
(2)	The local government must give the information or documents as soon as practicable and at no cost.	10 11 12
(3)	Subsection (4) applies if a local government asks a distributor-retailer to give it information or documents relevant to a development approval or development application.	13 14 15 16
	<i>Examples of information or documents—</i>	17
	• information about an application for a water approval or a water approval	18 19
	• associated documents of an application for a water approval or water approval	20 21
(4)	The distributor-retailer must give the information or documents as soon as practicable and at no cost.	22 23 24
Clause 24	Amendment of s 102 (Regulation-making power)	25
(1)	Section 102(2)—	26
	<i>insert—</i>	27
	(ea) provide for any additional matters for water approvals; and	28 29
(2)	Section 102(2)(ea) to (g)—	30
	<i>renumber</i> as section 102(2)(f) to (h).	31

Clause 25	Insertion of new ch 6, pt 9	1	
	Chapter 6—	2	
	<i>insert—</i>	3	
	Part 9	Transitional provisions	4
		for Water Supply	5
		Services Legislation	6
		Amendment Act 2014	7
	Division 1	Preliminary	8
	131 Definitions for pt 9	9	
	In this part—	10	
	<i>amending Act</i> means the <i>Water Supply Services</i>	11	
	<i>Legislation Amendment Act 2014</i> .	12	
	<i>commencement</i> means the commencement of	13	
	this section.	14	
	<i>former</i> , in relation to a provision, means the	15	
	provision as in force immediately before the	16	
	repeal or amendment of the provision under the	17	
	amending Act.	18	
	Division 2	Provisions about	19
		delegations	20
	132 Delegations for concurrence agency functions	21	
	(1) This section applies if before the	22	
	commencement, a development application (an	23	
	<i>existing application</i>) mentioned in the Planning	24	
	Act, sections 961, 962 or 963 was made.	25	

-
- (2) A delegation under former section 53(5)(a)(i),
(5)(d) and (6) to (11) continues to apply to the
existing application and the matters mentioned in
the Planning Act, sections 961(3), 962(3) and
963(3), as if the amending Act had not been
enacted.

**133 Delegations related to functions under the
Planning Act, ch 9, pt 7A, div 4 continue**

- (1) This section applies if a compliance assessment
(an *existing assessment*) mentioned in the
Planning Act, section 965 was, or is, required.
- (2) A delegation under former section 53(5)(a)(ii),
(5)(d) and (6) to (11) continues to apply to the
existing assessment as if the amending Act had
not been enacted.

**134 Delegations related to functions under the
Planning Act, ch 9, pt 7A, div 5 continue**

- (1) This section applies if, before the
commencement, a development application (an
existing application) mentioned in the Planning
Act, sections 961 or 962 was made.
- (2) A delegation under former section 53(5)(c) and
(6) to (11) continues to apply to the existing
application and the matters mentioned in the
Planning Act, sections 961(3) and 962(3), as if
the amending Act had not been enacted.

Division 3	Provisions about staged development approvals	1 2
135	Water connection aspect of development approvals under the Planning Act	3 4
(1)	This section applies if—	5
(a)	before the commencement, a staged development approval had been granted under the Planning Act; and	6 7 8
(b)	an aspect (the <i>water connection aspect</i>) of the staged development approval is related to infrastructure of a distributor-retailer in relation to its water service or wastewater service; and	9 10 11 12 13
(c)	for the same land, or part of the same land, to which the staged development approval relates a later development application for either of the following would have been made for the water connection aspect under the Planning Act, if the amending Act had not commenced—	14 15 16 17 18 19 20
(i)	reconfiguration of a lot; or	21
(ii)	operational works.	22
(2)	This section also applies if a development approval takes effect under the Planning Act, section 963.	23 24 25
(3)	The water connection aspect is taken to be a water approval for a staged water connection.	26 27
(4)	All conditions of the staged development approval in relation to the water connection aspect are taken to be conditions of the water approval.	28 29 30 31

-
- (5) For section 99BRCJ, a reference to a decision notice in that section is taken to be a reference to the decision notice for the development approval under the Planning Act. 1
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- (6) In this section— 5
staged development approval means a development approval, under the Planning Act, for reconfiguring a lot. 6
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- 136 Distributor-retailer can not give a notice under s 99BRCJ** 9
10
- (1) This section applies if— 11
- (a) a water connection aspect of a development approval under the Planning Act is taken to be a water approval under section 135; and 12
13
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- (b) an adopted infrastructure charge was levied under the Planning Act, before the water connection aspect was taken to be a water approval, for the supply of trunk infrastructure for the water connection aspect. 15
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- (2) A distributor-retailer can not levy a charge under section 99BRCJ for the supply of the trunk infrastructure mentioned in subsection (1)(b). 21
22
23
- (3) However, this section does not limit a distributor-retailer from levying a charge under section 99BRCJ for the supply of additional or related trunk infrastructure if a subsequent water approval takes effect under this Act. 24
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Division 4	Miscellaneous	1
137 SEQ service providers to adopt interim connections policy		2 3
(1)	An SEQ service provider must, by 1 July 2014, adopt a water netserv plan to the extent the plan deals with the connections policy under section 99BO(1)(f) (an <i>interim connections policy</i>).	4 5 6 7
(2)	The following provisions apply for the making and adoption of the interim connections policy—	8 9
(a)	section 99BR(1)(a) to (c) and (2);	10
(b)	section 99BR(5), to the extent it applies to a participating local government or withdrawn council;	11 12 13
(c)	section 99BR(7);	14
(d)	section 99BRAB, other than subsections (2) and (5)(a).	15 16
(3)	The interim connections policy ceases to have effect when the SEQ service provider’s water netserv plan takes effect under section 99BRAB(3).	17 18 19 20
138 Documents and information about water approvals and development approvals under former s 53		21 22 23
(1)	This section applies if—	24
(a)	a relevant participating local government holds information or documents under former section 53; and	25 26 27
(b)	a distributor-retailer asks the local government to give it the information or document.	28 29 30

-
- (2) The local government must, as soon as reasonably practicable, give it the information or documents at no cost.

139 Overdue charges

- (1) This section applies if, on the commencement, a distributor-retailer is owed an amount for all or any of the following for premises—
- (a) a charge under the Planning Act, former section 755K or 755KB;
 - (b) a charge under an agreement under the Planning Act, former section 755L, 755M or 755MA.
- (2) From the commencement, the amount is taken to be an overdue charge for chapter 2A, part 3.
- (3) However, a charge under this section is not recoverable unless the entitlements for the approval or permit under the Planning Act are exercised.

140 Schedule of works for distributor-retailers before 1 October 2014

- (1) A distributor-retailer's board must adopt a schedule of works by 1 July 2014.
- (2) The schedule of works—
- (a) must be made available for inspection by the public; and
 - (b) ceases to have effect once the schedule is incorporated in the distributor-retailer's water netserv plan and the plan is in effect.
- (3) Subsection (4) applies for a distributor-retailer until the earlier of the following to happen—

	(a) the distributor-retailer adopts a water netserv plan;	1 2
	(b) 1 October 2014.	3
(4)	A reference to a water netserv plan in any of the following provisions is taken to be a reference to the schedule of works adopted by the distributor-retailer's board under subsection (1)—	4 5 6 7 8
	(a) section 99BRCO, 99BRCS, 99BRCT, 99BRCV or 99BRDA;	9 10
	(b) the schedule, definition <i>trunk infrastructure</i> .	11
Clause 26	Amendment of schedule (Dictionary)	12
(1)	Schedule, definitions <i>2010–11 financial year, 2011–12 Allconnex services, 2011–12 financial year, 2012–13 financial year, 2012–13 withdrawn council services, base year, capped charge, capped prices period, charged premises, distributor-retailer capping provisions, premises, relevant services and relevant year—</i>	13 14 15 16 17 18
	<i>omit.</i>	19
(2)	Schedule—	20
	<i>insert—</i>	21
	<i>adopted infrastructure charge</i> , for chapter 4C, part 7, see section 99BRCH.	22 23
	<i>adopted infrastructure charges notice</i> , for chapter 4C, part 7, division 4, see section 99BRCG.	24 25 26
	<i>alteration</i> , for a connection, includes any material change in infrastructure or increase in demand for a water service or sewerage service at the connection.	27 28 29 30
	<i>compliance assessment</i> see the Planning Act, schedule 3.	31 32

connection means a property service connection or network connection.	1 2
connection charge —	3
(a) generally—see section 99BRAN(1)(a); and	4
(b) for a standard connection—see section 99BRAV(1)(a).	5 6
consent arrangement , for chapter 2B, part 2, see section 53BI(1)(b).	7 8
CPI means—	9
(a) the all groups index for Brisbane published by the Australian Bureau of Statistics; or	10 11
(b) if the index ceases to be published, another similar index prescribed under a regulation.	12 13
decision notice see section 99BRAI(1).	14
development infrastructure see the Planning Act, schedule 3.	15 16
establishment cost , for chapter 4C, part 7, see section 99BRCC.	17 18
future connection area see section 99BO(1)(f)(ii).	19 20
increase decision , for chapter 4C, part 7, see section 99BRCC.	21 22
infrastructure charges schedule , for chapter 4C, part 7, see section 99BRCE.	23 24
interested person , for chapter 4C, part 4, see section 99BRAW(1).	25 26
internal review application , for chapter 4C, part 4, see section 99BRAZ.	27 28
network connection means—	29
(a) the connection of network infrastructure to a distributor-retailer’s water infrastructure to	30 31

- supply a water service or wastewater service; and 1
2
- (b) the disconnection of network infrastructure from a distributor-retailer's water infrastructure to stop supply of a water service or wastewater service; and 3
4
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6
- (c) the alteration of network infrastructure; and 7
- (d) works for the matters mentioned in paragraph (a), (b) or (c) to extend or upgrade the distributor-retailer's water infrastructure. 8
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- network infrastructure** means— 11
- (a) generally—water infrastructure, other than property service infrastructure; and 12
13
- (b) for chapter 4C, part 2—trunk infrastructure or non-trunk infrastructure. 14
15
- nominated person**, of a distributor-retailer, means a person who is endorsed by its chief executive officer. 16
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18
- non-trunk infrastructure**, for a distributor-retailer, means water infrastructure, other than trunk infrastructure, of the distributor-retailer. 19
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- original decision**, for chapter 4C, part 4, see section 99BRAW(2). 23
24
- owner**, for chapter 4C, of land, means any of the following— 25
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- (a) the registered proprietor of the land under the *Land Title Act 1994*; 27
28
- (b) the lessee or licensee under the *Land Act 1994* of the land; 29
30
- (c) the holder of a mineral development licence or mining lease over the land under the *Mineral Resources Act 1989*; 31
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- (d) the holder of a petroleum lease over the land under the *Petroleum Act 1923* or the *Petroleum and Gas (Production and Safety) Act 2004*;
- (e) the entity who, for the time being, has lawful control of the land, on trust or otherwise;
- (f) the person who is entitled to receive the rents and profits of the land.
- premises** means—
- (a) for chapter 4, part 7—see section 99BRCC; or
- (b) otherwise—
- (i) a lot as defined under the Planning Act, section 10(1); or
- (ii) for a lot under the *Body Corporate and Community Management Act 1997* or the *Building Units and Group Titles Act 1980*—the common property for the lot.
- property service connection** means—
- (a) the connection of property service infrastructure to a distributor-retailer’s water infrastructure to supply a water service or wastewater service; and
- (b) the disconnection of property service infrastructure from a distributor-retailer’s water infrastructure to stop supply of a water service or wastewater service; and
- (c) the alteration of property service infrastructure that is part of a distributor-retailer’s water infrastructure.

<i>property service infrastructure</i> has the meaning of a property service under the Water Supply Act, schedule 3.	1 2 3
<i>property service works charge</i> —	4
(a) generally—see section 99BRAN(1)(b); and	5
(b) for a standard connection—see section 99BRAV(1)(b).	6 7
<i>relevant proportion</i> , for chapter 4C, part 7, division 4, see section 99BRCG.	8 9
<i>review decision</i> , for chapter 4C, part 4, see section 99BRBB(1).	10 11
<i>reviewer</i> , for chapter 4C, part 4, see section 99BRAZ(2).	12 13
<i>schedule of works</i> , for a distributor-retailer, means a schedule including the following information—	14 15 16
(a) a map of development infrastructure of the distributor-retailer that is to be identified in the schedule as trunk infrastructure;	17 18 19
(b) identification of proposed development infrastructure of the distributor-retailer that is to be identified in the schedule as trunk infrastructure (<i>future trunk infrastructure</i>);	20 21 22 23
(c) the location, estimated cost and expected time of delivery of future trunk infrastructure.	24 25 26
<i>services advice notice</i> see section 99BRAC(1).	27
<i>show cause notice</i> means a notice that complies with the Water Supply Act, section 463.	28 29
<i>staged water connection</i> means a connection that complies with a distributor-retailer’s criteria under section 99BOA(b).	30 31 32

<i>staged water connection application</i> means an application for a staged water connection.	1 2
<i>standard appeal period</i> , for chapter 4C, part 4, see section 99BRAX.	3 4
<i>standard conditions</i> , for chapter 4C, see section 99BRAU(7).	5 6
<i>standard connection</i> , for chapter 4C, see section 99BRAU(1).	7 8
<i>trunk infrastructure</i> , for a distributor-retailer, means water infrastructure of the distributor-retailer that is—	9 10 11
(a) development infrastructure; and	12
(b) identified in the distributor-retailer’s water netserv plan as trunk infrastructure.	13 14
<i>water approval</i> means a decision notice that approves all or part of an application for a connection under chapter 4C, part 2 with or without water approval conditions or water approval charges.	15 16 17 18 19
<i>water approval conditions</i> , for chapter 4C, see section 99BRAG(2).	20 21
<i>water connection compliance action</i> , for chapter 2C, see section 53DNG(2).	22 23
<i>water connection compliance notice</i> see section 53DND(2).	24 25
<i>water connection offence</i> means an offence against—	26 27
(a) the Water Supply Act, chapter 2, part 7, other than to the extent that part relates to trade waste or seepage water; or	28 29 30
(b) chapter 4C, part 5.	31

[s 26]

- water connection officer***, for chapter 2C, means 1
a person who holds appointment as a water 2
connection officer under section 53CK. 3
- water infrastructure agreement*** see section 4
99BRDA(8). 5
- (3) Schedule, definition *distributor-retailer*, paragraphs (c) and 6
(d)— 7
- omit, insert—* 8
- (c) for a provision about a discharge officer or a 9
water connection officer—means the 10
distributor-retailer that appointed the officer; 11
and 12
- (d) for a provision about a discharge 13
compliance notice or a water connection 14
compliance notice—means the 15
distributor-retailer that gave the notice; and 16
- (e) for a provision about an application for a 17
water approval for a connection or a request 18
for a standard connection—means the 19
distributor-retailer for the connection or 20
standard connection; and 21
- (f) for a provision about water approval for a 22
connection—means the distributor-retailer 23
for the connection; and 24
- (g) for a provision about an adopted 25
infrastructure charges notice—means the 26
distributor-retailer that gave the notice. 27
- (4) Schedule, definition *planning assumptions*, paragraph (a)— 28
insert— 29
- (iii) if the distributor-retailer, a participating 30
local government and the Planning 31
Minister agree that different 32
assumptions about a planning 33
descriptor are appropriate for preparing 34

or reviewing a water netserv plan—the 1
agreed assumptions; or 2

Part 2 **Amendment of Sustainable** 3
Planning Act 2009 4

Clause 27 Act amended 5

This part amends the *Sustainable Planning Act 2009*. 6

Note— 7

See also the amendments in schedule 1. 8

Clause 28 Insertion of new s 347A 9

After section 347— 10

insert— 11

347A Conditions about water infrastructure 12

- (1) This section applies if an assessment manager or 13
concurrence agency is a participating local 14
government of a distributor-retailer. 15

Note— 16

See also section 961. 17

- (2) A condition can not be imposed in relation to the 18
distributor-retailer’s water infrastructure about a 19
matter for which the SEQ Water Act requires a 20
water approval. 21

Examples of conditions that can not be imposed— 22

- works to be carried out 23
- a monetary payment 24
- land in fee simple to be given 25
- that an infrastructure agreement be entered into 26

[s 29]

- (3) However, a condition may be imposed that any necessary water approval under the SEQ Water Act must be obtained from a distributor-retailer. 1
2
3

Clause 29 Insertion of new s 406A 4

After section 406— 5

insert— 6

406A Conditions about water infrastructure 7

- (1) This section applies if the compliance assessor is— 8
9

(a) a participating local government of a distributor-retailer; or 10
11

(b) a nominated entity of a participating local government of a distributor-retailer. 12
13

Note— 14

See also section 965. 15

- (2) A condition can not be imposed in relation to the distributor-retailer's water infrastructure about a matter for which the SEQ Water Act requires a water approval. 16
17
18
19

Examples of conditions that can not be imposed— 20

- works to be carried out 21
- a monetary payment 22
- land in fee simple to be given 23
- that an infrastructure agreement be entered into 24

- (3) However, a condition may be imposed that any necessary water approval under the SEQ Water Act must be obtained from a distributor-retailer. 25
26
27

Clause 30	Omission of ch 9, pt 7A (Provisions for distributor-retailers)	1 2
	Chapter 9, part 7A—	3
	<i>omit.</i>	4
Clause 31	Insertion of new ch 10, pt 9	5
	Chapter 10—	6
	<i>insert—</i>	7
	Part 9	8
	Transitional provisions for Water Supply Services Legislation Amendment Act 2014	9 10 11
	960 Definitions for pt 9	12
	<i>amending Act</i> means the <i>Water Supply Services Legislation Amendment Act 2014</i> .	13 14
	<i>commencement</i> means the commencement of this section.	15 16
	<i>unamended Act</i> means this Act as in force immediately before the commencement.	17 18
	961 Distributor-retailers continue as concurrence agency for existing applications	19 20
	(1) This section applies if—	21
	(a) before the commencement, a development application, other than an application mentioned in section 963, was made under the unamended Act (an <i>existing application</i>); and	22 23 24 25 26
	(b) an aspect of the existing application is for a matter for which the distributor-retailer had	27 28

[s 31]

a concurrence role under the unamended Act.	1 2
(2) For dealing with and deciding the existing application the distributor-retailer continues to be the concurrence agency for the aspect.	3 4 5
(3) The unamended Act continues to apply to the following as if the amending Act had not been enacted—	6 7 8
(a) the existing application;	9
(b) a development approval for the existing application;	10 11
(c) all subsequent matters related to the distributor-retailer’s concurrence agency functions for the approval.	12 13 14
962 Distributor-retailers continue as concurrence agency for related applications	15 16
(1) This section applies if—	17
(a) for an approval (an <i>original approval</i>) for an application mentioned in section 961—another application (a <i>related application</i>) for a development approval related to the original approval is made; and	18 19 20 21 22
(b) an aspect of the related application is for a matter for which the distributor-retailer had a concurrence role under the unamended Act.	23 24 25 26
(2) For dealing with and deciding the related application the distributor-retailer is taken to be the concurrence agency for the aspect.	27 28 29
(3) The unamended Act continues to apply to the following as if the amending Act had not been enacted—	30 31 32

-
- (a) the related application; 1
 - (b) a development approval for the application; 2
 - (c) all subsequent matters related to the distributor-retailer's concurrence agency functions for the approval. 3
4
5

963 Distributor-retailers continue as concurrence agency for staged development applications 6
7

- (1) This section applies if— 8
 - (a) before the commencement, a staged development application had been made but not decided; and 9
10
11
 - (b) an aspect (the *water connection aspect*) of the staged development application is for a matter for which the distributor-retailer had a concurrence role under the unamended Act; and 12
13
14
15
16
 - (c) for the same land, or part of the same land, to which the staged development application relates a later development application for either of the following would have been made for the water connection aspect under the Act, if the amending Act had not commenced— 17
18
19
20
21
22
23
 - (i) reconfiguration of a lot; or 24
 - (ii) operational works. 25
- (2) For dealing with and deciding the staged development application the distributor-retailer continues to be the concurrence agency for the aspect. 26
27
28
29
- (3) The unamended Act continues to apply to the staged development application, until a development approval for the application takes 30
31
32

[s 31]

effect, as if the amending Act had not been 1
enacted. 2

Note— 3

See the SEQ Water Act, section 135. 4

(4) To avoid any doubt, it is declared that after the 5
development approval takes effect, this Act does 6
not apply to the water connection aspect of the 7
development approval or a later development 8
application or compliance request. 9

(5) In this section— 10

staged development application means an 11
application for a development approval for 12
reconfiguring a lot. 13

964 Staged development approvals 14

(1) This section applies if— 15

(a) before the commencement, a staged 16
development approval had been granted; 17
and 18

(b) an aspect (the ***water connection aspect***) of 19
the staged development approval is for a 20
matter for which the distributor-retailer had 21
a concurrence role under the unamended 22
Act; and 23

(c) for the same land, or part of the same land, 24
to which the staged development approval 25
relates a later development application for 26
either of the following would have been 27
made for the water connection aspect under 28
the Act, if the amending Act had not 29
commenced— 30

(i) reconfiguration of a lot; or 31

(ii) operational works. 32

-
- (2) On and from the commencement, this Act does not apply to the water connection aspect of the staged development approval or a later development application or compliance request.
- (3) In this section—
staged development approval means a development approval for reconfiguring a lot.

965 Distributor-retailers continue compliance assessments

- (1) This section applies if—
- (a) before the commencement, a compliance assessment for development, a document or work was required under the unamended Act but not completed (an *existing assessment*); and
- (b) section 755G or 755H applied to the existing assessment.
- (2) This section also applies if, for an application mentioned in sections 961 and 962, a compliance assessment for development, a document or work is required for the development to which the application relates.
- (3) For dealing with the existing assessment, the unamended Act, chapter 9, part 7A, division 4 continues to apply as if the amending Act had not been enacted.

966 Power to give infrastructure charges notices or negotiated infrastructure charges notices

- (1) This section applies if—

[s 31]

- (a) before the commencement, a development application was made under the unamended Act; and
 - (b) an aspect of the existing application is for a matter for which the distributor-retailer had a concurrence role under the unamended Act.
- (2) The unamended Act, chapter 8 and chapter 9, part 7A continue to apply as if the amending Act had not been enacted.
- (3) After the commencement—
- (a) an adopted infrastructure charges notice and a negotiated adopted infrastructure charges notice may be given to a person for infrastructure of a distributor-retailer in relation to its water service or wastewater service; and
 - (b) the person to whom the adopted infrastructure charges notice or negotiated adopted infrastructure charges notice has been given may enter into an infrastructure agreement; and
 - (c) a condition under the unamended Act, chapter 8, part 1, divisions 6 and 7 may be imposed.

967 Infrastructure charges notices continue in effect etc.

- (1) This section applies to a person who, before the commencement, has been given any of the following—
- (a) infrastructure charges notice;
 - (b) adopted infrastructure charges notice;
 - (c) regulated infrastructure charges notice;

(d) negotiated infrastructure charges notice;	1
(e) negotiated regulated infrastructure charges notice;	2 3
(f) negotiated adopted infrastructure charges notice.	4 5
(2) The unamended Act continues to apply to the notice as if the amending Act had not been enacted.	6 7 8
968 Infrastructure agreements	9
(1) This section applies to an infrastructure agreement that—	10 11
(a) is in force immediately before the commencement; and	12 13
(b) includes the infrastructure of a distributor-retailer in relation to its water service or wastewater service.	14 15 16
(2) The infrastructure agreement continues to have effect and is binding on the parties to the agreement as if the amending Act had not been enacted.	17 18 19 20
969 Adopted infrastructure charges at commencement continue in effect	21 22
(1) This section applies if—	23
(a) before the commencement, a State planning regulatory provision provided for a charge for the supply of trunk infrastructure; and	24 25 26
(b) the distributor-retailer has not adopted a charge for the infrastructure under the SEQ Water Act.	27 28 29

[s 32]

- (2) Despite section 648A, the adopted infrastructure charge for the trunk infrastructure is—
 - (a) if before the commencement, the distributor-retailer’s board adopted a charge for the infrastructure under the unamended Act, section 755KA—the adopted charge; or
 - (b) otherwise—the standard amount for the infrastructure under the unamended Act.

Clause 32 Amendment of sch 3 (Dictionary) 9

- (1) Schedule 3, definitions *development application (distributor-retailer), distributor-retailer, participating local government, SEQ design and construction code, SEQ infrastructure charges schedule, standard amount, standard charge day, water infrastructure and water service or wastewater service*—

omit. 16

- (2) Schedule 3—
insert— 18

distributor-retailer means a distributor-retailer established under the SEQ Water Act. 20

participating local government means a participating local government for a distributor-retailer under the SEQ Water Act. 23

SEQ infrastructure charges schedule— 24

1 An *SEQ infrastructure charges schedule* means— 26

(a) an infrastructure charges schedule; or 27

(b) the part of a planning scheme policy to which section 847 applies that provides for infrastructure contributions for a development infrastructure network, if the policy is in effect. 32

2	An <i>SEQ infrastructure charges schedule</i>	1
	includes a schedule or part of a planning	2
	scheme policy mentioned in paragraph 1 as	3
	amended from time to time under former	4
	chapter 9, part 7A, division 5, subdivision 3.	5
	<i>standard amount</i> see the SEQ Water Act, section	6
	99BRCH.	7
	<i>water approval</i> see the SEQ Water Act, schedule.	8
	<i>water infrastructure</i> see the SEQ Water Act,	9
	schedule.	10
	<i>water service or wastewater service</i> , in relation	11
	to a distributor-retailer, means a water service or	12
	a wastewater service under the SEQ Water Act.	13

Part 3	Amendment of Sustainable	14
	Planning Regulation 2009	15

Clause 33	Regulation amended	16
	This part amends the <i>Sustainable Planning Regulation 2009</i> .	17

Clause 34	Amendment of sch 4 (Development that can not be declared to be development of a particular type—Act, section 232(2))	18
	Schedule 4, table 5—	19
		20
	<i>insert—</i>	21
		22

Connections under SEQ Water Act	
16	All aspects of development for a connection under the SEQ Water Act, chapter 4C or any work for the purpose of the connection

[s 35]

Clause 35	Amendment of sch 19 (Compliance assessment of subdivision plans)	1 2
(1)	Schedule 19, table 1, item 2, column 2, section (1)(a)(v)— <i>omit, insert—</i>	3 4
	(v) the conditions of a water approval under the SEQ Water Act have been complied with;	5 6 7
	(vi) there are no outstanding fees or charges levied by a distributor-retailer under the SEQ Water Act; or	8 9 10
(2)	Schedule 19, table 1, item 2, column 2, section (2)(a)(iv)— <i>omit, insert—</i>	11 12
	(iv) the conditions of a water approval under the SEQ Water Act have been complied with;	13 14 15
	(v) there are no outstanding fees or charges levied by a distributor-retailer under the SEQ Water Act; or	16 17 18
(3)	Schedule 19, table 1, item 2, column 2, section (3)(c)— <i>omit, insert—</i>	19 20
	(c) the conditions of a water approval under the SEQ Water Act have been complied with; and	21 22 23
	(d) there are no outstanding fees or charges levied by a distributor-retailer under the SEQ Water Act	24 25 26

Part 4	Amendment of Water Supply (Safety and Reliability) Act 2008	1 2
Clause 36	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 37	Amendment of s 160 (Application of pt 5)	8
	Section 160—	9
	<i>insert—</i>	10
	(2) However, sections 167 and 168 do not apply to a service provider that is a distributor-retailer.	11 12
Clause 38	Amendment of ch 2, pt 5, div 4, hdg (Connecting to registered services)	13 14
	Chapter 2, part 5, division 4, heading, after ‘to’—	15
	<i>insert—</i>	16
	particular	17
Clause 39	Amendment of s 167 (Owner may ask for connection to service provider’s infrastructure)	18 19
	Section 167(1)—	20
	<i>insert—</i>	21
	<i>Note—</i>	22
	For provisions that relate to distributor-retailers, see the 2009 restructuring Act, chapter 4C.	23 24

[s 40]

Clause 40	Omission of s 170 (Sections 170–179 not used)	1
	Section 170—	2
	<i>omit.</i>	3
Clause 41	Insertion of new ch 2, pt 5, div 6	4
	Chapter 2, part 5—	5
	<i>insert—</i>	6
	Division 6	7
	Water approvals under 2009 restructuring Act	8
	170 Definitions for div 6	9
	In this division—	10
	<i>connection</i> see the 2009 restructuring Act, schedule.	11 12
	<i>staged water connection</i> see the 2009 restructuring Act, schedule.	13 14
	<i>water approval</i> see the 2009 restructuring Act, schedule.	15 16
	171 Water approvals—generally	17
	Section 173 applies if—	18
	(a) a water approval, other than a water approval for a staged water connection, attaches to land under the 2009 restructuring Act; and	19 20 21 22
	(b) a person makes a connection under the water approval to the extent authorised under the approval.	23 24 25

172 Water approvals—staged water connections	1
Section 173 applies if—	2
(a) a water approval for a staged water connection attaches to land under the 2009 restructuring Act; and	3 4 5
(b) a person makes a connection under the water approval to the extent authorised under the approval.	6 7 8
173 Deemed consent or approval for water approvals	9 10
(1) For sections 191, 192, 193 and 195—	11
(a) the distributor-retailer is taken to have given the person a written consent or written approval for the connection; and	12 13 14
(b) a condition of the approval under the 2009 restructuring Act is taken to be a condition of the written consent or written approval under this Act.	15 16 17 18
(2) However, for an approval for a staged water connection, the distributor-retailer is only taken to have given the person written consent or written approval for the stage of the approval mentioned in section 172(b).	19 20 21 22 23
174 Sections 174–179 not used	24
See editor’s note for section 1.	25
Clause 42 Insertion of new ch 10, pt 7, div 3	26
Chapter 10, part 7, as inserted by section 98 of this Act—	27
<i>insert—</i>	28

[s 42]

Division 3	Provisions for chapter 2 of amending Act	1 2
665 Continuation of requests for connection		3
(1)	This section applies if—	4
(a)	before the commencement, an owner of premises asked a service provider to connect the owner’s premises to the service provider’s infrastructure; and	5 6 7 8
(b)	immediately before the commencement, the owner’s premises were not connected to the service provider’s infrastructure.	9 10 11
(2)	Former chapter 2, part 5 continues to apply to the connection of the owner’s premises as if the amending Act had not commenced.	12 13 14
666 Continuation of notices requiring connection		15
(1)	This section applies if—	16
(a)	before the commencement, a service provider required an owner of premises to carry out works for connecting the premises to a registered service; and	17 18 19 20
(b)	immediately before the commencement, the owner had not satisfactorily finished the works.	21 22 23
(2)	Former chapter 2, part 5 continues to apply to the connection of the owner’s premises as if the amending Act had not commenced.	24 25 26

Chapter 3	Reforming the regulation of the water supply industry	1
		2
Part 1	Amendment of Plumbing and Drainage Act 2002	3
		4
Clause 43	Act amended	5
	This part amends the <i>Plumbing and Drainage Act 2002</i> .	6
	<i>Note—</i>	7
	See also the amendments in schedule 1.	8
Clause 44	Amendment of s 121 (Exemptions for ss 119 and 120)	9
	(1) Section 121(1)—	10
	<i>insert—</i>	11
	(e) the installation, and any work relating to the installation, of a relevant water meter by an authorised person under the Water Supply Act, section 35.	12 13 14 15
	(2) Section 121(2)—	16
	<i>insert—</i>	17
	<i>authorised person</i> see the Water Supply Act, schedule 3.	18 19
	<i>relevant water meter</i> means a water meter for measuring the volume of water supplied to any of the following—	20 21 22
	(a) a lot under the <i>Land Title Act 1994</i> , other than a lot—	23 24
	(i) included in a community titles scheme under the <i>Body Corporate and Community Management Act 1997</i> ; or	25 26 27

- | | | |
|------|--|---------------|
| (ii) | shown on a building units plan or group titles plan under the <i>Building Units and Group Titles Act 1980</i> ; | 1
2
3 |
| (b) | a separate, distinct parcel of land for which an interest is recorded in a register under the <i>Land Act 1994</i> ; | 4
5
6 |
| (c) | a site of a mixed use scheme under the <i>Mixed Use Development Act 1993</i> ; | 7
8 |
| (d) | a primary or secondary thoroughfare under the <i>Integrated Resort Development Act 1987</i> or the <i>Sanctuary Cove Resort Act 1985</i> ; | 9
10
11 |
| (e) | a premises group within the meaning of the Water Supply Act, schedule 3. | 12
13 |

Part 2	Amendment of South-East Queensland Water (Distribution and Retail Restructuring) Act 2009	14 15 16 17
---------------	--	----------------------

Clause 45	Act amended	18
	This part amends the <i>South-East Queensland Water (Distribution and Retail Restructuring) Act 2009</i> .	19 20
	<i>Note—</i>	21
	See also the amendment in schedule 1.	22

Clause 46	Replacement of s 33 (Membership in general)	23
	Section 33—	24
	<i>omit, insert—</i>	25

33 Membership in general	1
(1) A board is to consist of at least 5 members but can not consist of—	2 3
(a) more than the following number of councillor-members—	4 5
(i) if the distributor-retailer has more than 3 participating local governments—1 for each participating local government;	6 7 8 9
(ii) otherwise—3; and	10
(b) more councillor-members than independent members.	11 12
(2) The members must be appointed under this division by the distributor-retailer’s participants.	13 14
(3) In this section—	15
<i>councillor-member</i> means a member of the board who is a councillor of a participating local government for the distributor-retailer.	16 17 18
<i>independent member</i> means a member of the board who is not a councillor-member.	19 20

Clause 47 Amendment of s 99ATA (Publication etc. of charges)	21
(1) Section 99ATA(3) to (6)—	22
<i>omit.</i>	23
(2) Section 99ATA(7)—	24
<i>renumber</i> as section 99ATA(3).	25

Clause 48 Amendment of s 99BQ (Matters SEQ service provider must have regard to in making plan)	26 27
Section 99BQ(3), definition <i>total water cycle management plan</i> —	28
<i>omit, insert</i> —	29

-
- (2) The register may be kept in the form, including electronic form, the regulator considers appropriate. 1
2
3
- (3) The register must contain the following information for each registered recycled water scheme— 4
5
6
- (a) the scheme’s name and contact details; 7
- (b) the name of— 8
- (i) for a single-entity recycled water scheme—the recycled water provider for the scheme; and 9
10
11
- (ii) for a multiple-entity recycled water scheme— 12
13
- (A) the scheme manager; and 14
- (B) each recycled water provider; and 15
- (C) any other declared entities; 16
- (c) the location of the infrastructure for the production or supply of recycled water under the scheme; 17
18
19
- (d) the source water used for the production or supply of recycled water under the scheme; 20
21
- (e) the uses for the recycled water supplied under the scheme. 22
23
- (4) The register may also contain any other particulars the regulator considers necessary. 24
25
- (5) The regulator— 26
- (a) must publish on the department’s website a list of registered recycled water schemes and the information mentioned in subsection (3)(b) for each scheme; and 27
28
29
30
- (b) may publish any other information mentioned in subsection (3). 31
32

[s 52]

	(6) In this section—	1
	<i>registered recycled water scheme</i> means a	2
	recycled water scheme registered under section	3
	196AC.	4
Clause 52	Amendment of s 13 (Requirement for responsible entity to give information)	5
	(1) Section 13(1)—	6
	<i>omit, insert—</i>	7
	(1) The regulator may, by notice, require a	8
	responsible entity to give the regulator either or	9
	both of the following information within a stated	10
	reasonable period—	11
	(a) information the regulator reasonably	12
	requires to perform the regulator's	13
	functions;	14
	(b) information about water security.	15
	(2) Section 13—	16
	<i>insert—</i>	17
	(1A) A requirement under subsection (1) is not limited	18
	to information the responsible entity has before	19
	the requirement was made.	20
	(3) Section 13(1A) to (5)—	21
	<i>renumber</i> as section 13(2) to (6).	22
Clause 53	Amendment of s 35 (Power to install meters)	23
	Section 35—	24
	<i>insert—</i>	25
	<i>Note—</i>	26
	A licence under the <i>Plumbing and Drainage Act 2002</i> may still be	27
	required to install particular meters. See sections 119 to 121 of that Act.	28
		29

Clause 54	Amendment of s 36 (Power to enter places for restricted purposes)	1
		2
	Section 36(1)—	3
	<i>omit, insert</i> —	4
	(1) An authorised person may enter a place to—	5
	(a) inspect, operate, change, maintain, remove, repair or replace a service provider’s infrastructure at the place; or	6
		7
		8
	(b) install, under section 169, a device to reduce the water supply to premises at the place; or	9
		10
	(c) install a meter at the place.	11
Clause 55	Amendment of s 45 (Appointing authorised persons)	12
	Section 45—	13
	<i>insert</i> —	14
	(2) However, the service provider can not appoint the person unless the provider is satisfied the person—	15
		16
		17
	(a) can perform the functions of an authorised person safely; and	18
		19
	(b) can, while performing those functions, mitigate any risks to public health and safety.	20
		21
		22
Clause 56	Omission of ch 2, pt 4, divs 1 and 2	23
	Chapter 2, part 4, divisions 1 and 2—	24
	<i>omit.</i>	25
Clause 57	Insertion of new s 99A	26
	After section 99—	27

[s 58]

insert—

**99A Amendment of drinking water quality
management plan—agreement**

- (1) A drinking water service provider may, with the regulator’s agreement, amend the provider’s approved drinking water quality management plan if the amendment—
- (a) is only to correct a minor error in the plan or make another change that is not a change of substance; or
- (b) is to record a change of name or change of ownership of the provider.
- (2) The drinking water quality management plan as amended is taken to be the drinking water service provider’s approved drinking water quality management plan.

**Clause 58 Amendment of s 100 (Amendment of drinking water
quality management plan—application)**

Section 100(1), ‘plan.’—

omit, insert—

plan and the amendment is not an amendment mentioned in section 99A(1).

Clause 59 Omission of s 105 (Application of div 4)

Section 105—

omit.

Clause 60 Amendment of s 106 (Reviewing plans)

- (1) Section 106(1) to (3) and (6)—

omit.

-
- (2) Section 106(5), ‘under subsection (4)’— 1
omit. 2
- (3) Section 106(4) and (5)— 3
renumber as section 106(1) and (2). 4

- Clause 61 Amendment of s 107 (Changing plans following review)** 5
- (1) Section 107(1) to (5)— 6
omit. 7
- (2) Section 107(6), ‘(7)’— 8
omit, insert— 9
(2) 10
- (3) Section 107(6) to (9)— 11
renumber as section 107(1) to (4). 12

- Clause 62 Replacement of s 108 (Providing regular audit reports)** 13
- Section 108— 14
omit, insert— 15
- 108 Ensuring audits of drinking water quality management plan** 16
17
- (1) A service provider must ensure someone other than the provider does the following, unless the provider has a reasonable excuse— 18
19
20
- (a) audits its drinking water quality management plan at the intervals stated in a notice given to the provider under section 99; 21
22
23
24
- (b) prepares a report (a *drinking water quality management plan audit report*) complying with this section about each of the audits; 25
26
27

[s 62]

- (c) gives the regulator each report within 30 business days after the relevant audit is completed. 1
2
3
- Maximum penalty—500 penalty units. 4
- (2) The auditor— 5
 - (a) can not be an employee of the provider or employed in operating its infrastructure; and 6
7
 - (b) must— 8
 - (i) be certified under the Drinking Water-Quality Management System Auditor Certification Scheme to conduct an audit of the type to which the audit and report relates; or 9
10
11
12
13
 - (ii) have a qualification the regulator is satisfied is at least equivalent to the certification. 14
15
16
- (3) The reports must— 17
 - (a) verify whether or not the monitoring and performance data given to the regulator under the plan is accurate; and 18
19
20
 - (b) assess— 21
 - (i) the provider’s compliance with the plan and its conditions; and 22
23
 - (ii) the plan’s relevance to the provider’s drinking water service; and 24
25
 - (c) be prepared in accordance with any guidelines made by the regulator. 26
27

108A Ensuring audits of particular performance reports	1 2
(1) A service provider must ensure someone other than the provider does the following, unless the provider has a reasonable excuse—	3 4 5
(a) audits the data in its performance report for each notified year;	6 7
(b) prepares a report (a <i>performance audit report</i>) that includes data for each KPI submitted in the notified way;	8 9 10
(c) gives the regulator each performance audit report on or before the later of the following—	11 12 13
(i) 1 October in the notified year;	14
(ii) 30 days after notification of the year.	15
Maximum penalty—500 penalty units.	16
(2) The auditor—	17
(a) must be a qualified auditor; and	18
(b) can not be an employee of the provider or employed in operating its infrastructure.	19 20
(3) The audit must verify whether or not the data audited for the immediately preceding financial year to the notified year is accurate.	21 22 23
(4) Despite subsections (1) to (3), if an audit process under another Act would also enable the provider to give the verification, the provider is taken to have complied with this section if the verification complies with the other process.	24 25 26 27 28
(5) In this section—	29
<i>notified</i> , for a service provider, means stated in a notice given by the regulator to the provider under this section.	30 31 32

[s 63]

Clause 63	Amendment of s 109 (Declarations about regular audit report)	1
		2
(1)	Section 109, heading, ‘regular audit report’—	3
	<i>omit, insert—</i>	4
	reports under this division	5
(2)	Section 109(1), ‘The regular audit report’—	6
	<i>omit, insert—</i>	7
	A report under this division	8
Clause 64	Amendment of s 110 (Spot audits of plans)	9
(1)	Section 110(1)(a)(i) and (ii)—	10
	<i>omit, insert—</i>	11
	(i) a service provider is not complying with its drinking water quality management plan; or	12 13 14
	(ii) a service provider’s drinking water quality management plan is no longer adequate for its registered services; or	15 16 17
(2)	Section 110(1)(b)(i) and (ii)—	18
	<i>omit, insert—</i>	19
	(i) prepare a drinking water quality management plan audit report under section 108(1)(b); or	20 21 22
	(ii) give the regulator the report under section 108(1)(c).	23 24
(3)	Section 110(2), from ‘strategic’ to ‘or’—	25
	<i>omit.</i>	26
(4)	Section 110(3)—	27
	<i>omit.</i>	28
(5)	Section 110(6)—	29

omit, insert— 1

(6) Subsections (6) to (8) apply if the report states
either or both of the following— 2
3

(a) the service provider’s drinking water quality
management plan is inadequate in a material
particular; 4
5
6

(b) the service provider has not properly carried
out the plan. 7
8

(6) Section 110(7)(a), ‘(6)(a)’— 9

omit, insert— 10

(5)(a) 11

(7) Section 110(7)(b), ‘(6)(b)’— 12

omit, insert— 13

(5)(b) 14

(8) Section 110(8), penalty— 15

omit, insert— 16

Maximum penalty—1665 penalty units. 17

(9) Section 110(4) to (9)— 18

renumber as section 110(3) to (8). 19

Clause 65 Amendment of s 114 (Application of div 5) 20

(1) Section 114, heading, ‘5’— 21

omit, insert— 22

3 23

(2) Section 114— 24

insert— 25

(4) Also, this division does not apply to a service
provider that is not a relevant service provider. 26
27

[s 66]

Clause 66	Replacement of ss 115 and 116	1
	Sections 115 and 116—	2
	<i>omit, insert—</i>	3
	115 Preparing customer service standards	4
	(1) The service provider must—	5
	(a) prepare a proposed customer service standard for the supply of its registered service; and	6 7 8
	(b) publish the proposed customer service standard.	9 10
	(2) Any person may make submissions to the service provider about the proposed customer service standard within the period set by the service provider.	11 12 13 14
	(3) The service provider must prepare the final customer service standard for the supply of its registered service after considering all submissions made to the provider about the proposed customer service standard.	15 16 17 18 19
	(4) The service provider must prepare the final customer service standard under subsection (3) within 6 months after being registered as a service provider.	20 21 22 23
	<i>Note—</i>	24
	For a service provider that prepared a customer service standard before the commencement of this section, see section 661.	25 26 27
	116 Content of customer service standard	28
	(1) The service provider’s customer service standard must state—	29 30
	(a) a target for the level of service to be provided for the CSS KPIs; and	31 32

	(b) the process for service connections, billing, metering, accounting, customer consultation, complaints and dispute resolution.	1 2 3 4
	(2) If the service provider’s infrastructure contains separate schemes to which different CSS KPIs apply, the customer service standard may include different parts for each scheme.	5 6 7 8
	(3) In this section— <i>CSS KPI</i> , for a service provider, means only those KPIs, for the service provider, stated in a notice about the provider’s customer service standard given to the provider by the regulator under this section.	9 10 11 12 13 14
Clause 67	Amendment of s 119 (Revising customer service standard)	15 16
	Section 119, from ‘must—’—	17
	<i>omit, insert—</i>	18
	must revise the standard having regard to the complaint.	19 20
Clause 68	Amendment of s 120 (Reviewing customer service standard)	21 22
	(1) Section 120(1), ‘each year’—	23
	<i>omit, insert—</i>	24
	at least every 5 years	25
	(2) Section 120(2), from ‘give’—	26
	<i>omit, insert—</i>	27
	comply with section 115.	28

[s 69]

Clause 69	Omission of ch 2, pt 4, divs 6, 7 and 11	1
	Chapter 2, part 4, divisions 6, 7 and 11—	2
	<i>omit.</i>	3
Clause 70	Omission of s 139 (Service provider to give occupier water advice)	4
	Section 139—	5
	<i>omit.</i>	6
Clause 71	Replacement of ch 2, pt 4, div 9 (Annual reports)	7
	Chapter 2, part 4, division 9—	8
	<i>omit, insert—</i>	9
	Division 5 Reporting for particular financial years	10
		11
		12
	141 Notices about reports	13
	(1) The regulator may give a relevant service provider a notice requiring the inclusion of information in the provider’s drinking water quality management plan report or performance report (a <i>report requirement</i>).	14
		15
		16
		17
		18
	(2) A report requirement must state—	19
	(a) for a drinking water quality management plan report—the information about compliance with the plan that must be included in the report; or	20
		21
		22
		23
	(b) for a performance report—	24
	(i) the KPIs that must be included in the report; and	25
		26
	(ii) the way in which the report must include data for each KPI.	27
		28

142 Drinking water quality management plan reports	1 2
(1) This section applies for each financial year after a financial year in which a relevant service provider's drinking water quality management plan has been approved.	3 4 5 6
(2) The provider must, unless the provider has a reasonable excuse—	7 8
(a) prepare a report (a <i>drinking water quality management plan report</i>) for the financial year complying with this section and, if section 142C(2) applies to the provider, that subsection; and	9 10 11 12 13
(b) give the regulator a copy of the report within 120 business days after the financial year ends.	14 15 16
Maximum penalty—500 penalty units.	17
(3) The report must state or include all of the following—	18 19
(a) the information required under the latest report requirement given to the provider;	20 21
(b) the actions the provider took to implement the plan;	22 23
(c) the outcome of any review of the plan in the financial year and how the provider has addressed matters raised in the review;	24 25 26
(d) if a drinking water quality management plan audit report has been prepared for the financial year—a summary of its findings and any recommendations;	27 28 29 30
(e) details of any information the provider gave the regulator under sections 102 and 102A in the financial year;	31 32 33

[s 71]

- (f) details of the provider’s compliance with water quality criteria for drinking water; 1
2
- (g) if the provider supplies drinking water to customers—details of any complaints to the provider about the provider’s drinking water service. 3
4
5
6

142A Performance reports 7

- (1) This section applies for each financial year of a relevant service provider starting on or after the regulator gives the provider a notice requiring the provider to prepare performance reports. 8
9
10
11
- (2) The provider must, unless the provider has a reasonable excuse— 12
13
 - (a) prepare a report (a *performance report*) for the financial year complying with this section and, if section 142C(2) applies to the provider, that subsection; and 14
15
16
17
 - (b) give the regulator a copy of the report on or before 1 October occurring immediately after the financial year ends. 18
19
20Maximum penalty—500 penalty units. 21
- (3) The report must be about the KPIs stated in the latest report requirement given to the provider and state or include all of the following— 22
23
24
 - (a) the provider’s performance for the financial year as measured against the KPIs; 25
26
 - (b) details of the targets for the level of service to be provided for the CSS KPIs under section 116; 27
28
29
 - (c) if a performance audit report has been prepared for the financial year—a summary of its findings and any recommendations; 30
31
32

-
- (d) the data for each KPI, submitted in the way stated in the latest report requirement given to the provider;
 - (e) a report about—
 - (i) the implementation of any improvement plan; and
 - (ii) what actions the provider took because of any direction given to it under section 436(1)(a) during the financial year.
 - (4) The report may include a commentary on the performance, including any of the following—
 - (a) a matter that impacted on, improved or deteriorated performance;
 - (b) an issue of future concern identified through the report;
 - (c) any strategies to deal with issues of concern.

142B System operating plan reports

- (1) This section applies for each financial year of a relevant service provider starting after the one in which a system operating plan applying to the provider is made.
 - (2) The provider must, unless the provider has a reasonable excuse—
 - (a) prepare a report for the financial year complying with this section (a *system operating plan report*); and
 - (b) give the regulator a copy of the report within 120 business days after the financial year ends.
- Maximum penalty—500 penalty units.

[s 71]

- (3) The report must— 1
- (a) be about the provider’s performance on the 2
desired levels of service objectives and other 3
obligations and requirements under the plan; 4
and 5
- (b) state measures of the performance. 6
- 142C Common provisions for reports 7**
- (1) Subsection (2) applies if a relevant service 8
provider is the prescribed related entity of the 9
relevant infrastructure owner. 10
- (2) A drinking water quality management plan report 11
or performance report by the provider must 12
include, or be accompanied by, the owner’s 13
written agreement to the report. 14
- (3) Reports under this division may be combined, 15
unless doing so would prevent compliance with a 16
requirement under this division about when they 17
must be given. 18
- 142D Application of division to chief executive 19**
- (1) An obligation under this division to prepare or 20
give a report does not apply to the chief executive 21
as a relevant service provider or service provider 22
if— 23
- (a) the chief executive includes the information 24
required for the report in a report under the 25
Financial Accountability Act 2009, section 26
63 (the *FAA report*); and 27
- (b) the chief executive gives the regulator a 28
copy of the FAA report within 30 business 29
days after the Minister is given it. 30

	(2)	Subsection (1)(b) does not apply if the chief executive and the regulator are the same entity.	1 2
Clause 72		Amendment of s 180 (Approvals for discharge of trade waste and seepage water)	3 4
	(1)	Section 180(5), ‘relevant environmental plan’— <i>omit, insert—</i> trade waste plan	5 6 7
	(2)	Section 180(6), definition <i>relevant environmental plan—omit.</i>	8 9
	(3)	Section 180(6)— <i>insert—</i> <i>trade waste plan</i> , for a sewerage service provider, means a plan to manage and control trade waste entering into the provider’s sewerage.	10 11 12 13 14
Clause 73		Insertion of new ch 3, pt 1A	15
		Chapter 3, before part 1— <i>insert—</i>	16 17
		Part 1A Recycled water schemes	18 19
		Division 1 Registration	20
		196AA Requirement to seek registration	21
	(1)	The relevant entity for a recycled water scheme, other than a CSG recycled water scheme, must apply for registration of the scheme before the deadline.	22 23 24 25

[s 73]

Maximum penalty—500 penalty units.	1
(2) In this section—	2
<i>deadline</i> , for a relevant entity for a recycled water scheme, means—	3 4
(a) if an entity must have an approved recycled water management plan for the scheme under section 196—before supplying recycled water under the scheme; or	5 6 7 8
(b) otherwise—the day that is 3 months after first supplying recycled water under the scheme.	9 10 11
<i>Note</i> —	12
For recycled water schemes in existence before the commencement of this section, the deadline is 1 July 2014. See section 664.	13 14 15
196AB Registration application	16
(1) An application to register a scheme mentioned in section 196AA must be—	17 18
(a) made to the regulator in the approved form; and	19 20
(b) supported by sufficient information to enable the regulator to register the scheme; and	21 22 23
(c) accompanied by the fee prescribed under a regulation.	24 25
(2) The regulator may require the relevant entity to give additional information about the application.	26 27
(3) The regulator may require the information included in the application, or the additional information required under subsection (2), to be verified by statutory declaration.	28 29 30 31

196AC Registration of recycled water scheme	1
(1) This section applies if the regulator is satisfied—	2
(a) an application complies with section 196AB(1); and	3 4
(b) any requirement for the application, made under section 196AB(2) or (3), has been complied with.	5 6 7
(2) The regulator must—	8
(a) register the recycled water scheme applied for; and	9 10
(b) give notice of the registration to the relevant entity.	11 12
(3) The registration takes effect the day the regulator registers the recycled water scheme under subsection (2)(a).	13 14 15
Division 2	16
Changing registration details	17
196AD Applying to change details of registration	18
(1) The relevant entity for a recycled water scheme registered under division 1 must apply to change the details of the registration if the details of the registration recorded in the register have changed.	19 20 21 22 23
(2) The application must be made to the regulator in the approved form.	24 25
(3) On receiving the application the regulator must—	26
(a) record the change in the register; and	27
(b) give the relevant entity notice confirming the change to the register.	28 29

[s 74]

	(4) In this section—	1
	<i>register</i> means the register of recycled water schemes kept under section 12A.	2 3
	196AE Applying to cancel registration	4
	(1) The relevant entity for a recycled water scheme registered under division 1 may apply to cancel the registration if recycled water is no longer supplied under the scheme.	5 6 7 8
	(2) The application must be made to the regulator in the approved form.	9 10
	(3) On receiving the application the regulator must—	11
	(a) record the cancellation in the register; and	12
	(b) give the relevant entity a notice confirming the cancellation.	13 14
	(4) In this section—	15
	<i>register</i> means the register of recycled water schemes kept under section 12A.	16 17
Clause 74	Replacement of s 196 (Offence about supplying recycled water)	18 19
	Section 196—	20
	omit, insert—	21
	196 Offence about supplying recycled water without approved recycled water management plan	22 23 24
	(1) This section applies for a supply of recycled water under a recycled water scheme if—	25 26
	(a) the scheme is a critical recycled water scheme; or	27 28

-
- (b) the scheme is a CSG recycled water scheme; 1
or 2
- (c) the recycled water is supplied to augment a 3
supply of drinking water; or 4
- (d) the recycled water is supplied to premises 5
by way of a dual reticulation system; or 6
- (e) the recycled water is supplied for use in 7
irrigating minimally processed food crops; 8
or 9
- (f) the recycled water is supplied for a use 10
prescribed under a regulation. 11
- (2) The recycled water provider for a single-entity 12
recycled water scheme must not supply the 13
recycled water under the scheme, unless there is 14
an approved recycled water management plan for 15
the supply of the water. 16
Maximum penalty—1665 penalty units. 17
- (3) A recycled water provider or other declared 18
entity for a multiple-entity recycled water 19
scheme must not supply the recycled water under 20
the scheme, unless there is an approved recycled 21
water management plan for the supply of the 22
water. 23
Maximum penalty—1665 penalty units. 24
- (4) In this section— 25
minimally processed food crops means crops 26
stated to be minimally processed food crops, in 27
relation to using recycled water to irrigate the 28
crops, in a regulation under the Public Health Act 29
about standards for the quality of recycled water. 30

[s 75]

Clause 75	Amendment of s 197 (Offences about compliance with exemption or recycled water management plan)	1 2
(1)	Section 197, heading, ‘exemption or’— <i>omit.</i>	3 4
(2)	Section 197(1)— <i>omit, insert—</i>	5 6
(1)	This section applies for an approved recycled water management plan only if a recycled water provider is required to have the plan under section 196(2) or (3).	7 8 9 10
Clause 76	Replacement of s 201 (Preparing particular plans)	11
	Section 201— <i>omit, insert—</i>	12 13
	201 Content of particular plans	14
(1)	A recycled water management plan must—	15
(a)	describe the recycled water scheme to which the plan relates; and	16 17
(b)	include details of the infrastructure for the production or supply of recycled water under the scheme, and how the infrastructure is to be maintained; and	18 19 20 21
	<i>Examples of infrastructure for the production or supply of recycled water that is coal seam gas water—</i>	22 23 24
	feed ponds, petroleum wells, storage and distribution infrastructure, treatment plants	25 26
(c)	include the proposed water quality criteria for recycled water for the plan; and	27 28
(d)	identify the hazards and hazardous events that may affect the quality of the recycled water; and	29 30 31

-
- (e) include an assessment of the risks posed by the hazards and hazardous events; and 1
2
- (f) demonstrate how the risks posed by the hazards and hazardous events are proposed to be managed; and 3
4
5
- (g) include details of the operational and verification monitoring programs under the plan, including the parameters to be used for indicating compliance with the plan and the water quality criteria for recycled water for the plan; and 6
7
8
9
10
11
- (h) include the incident and emergency response plan for the scheme; and 12
13
- (i) if recycled water is supplied under the recycled water scheme to premises by way of a dual reticulation system—include details of an education and risk awareness program for customers of the scheme. 14
15
16
17
18
- (2) Also, a recycled water management plan for a multiple-entity recycled water scheme must include— 19
20
21
- (a) a scheme manager plan prepared by the scheme manager for the scheme; and 22
23
- (b) each scheme provider plan prepared by each recycled water provider and other declared entity for the scheme. 24
25
26
- (3) A recycled water management plan, scheme manager plan and scheme provider plan must be prepared in accordance with any guidelines made by the regulator about— 27
28
29
30
- (a) preparing recycled water management plans; and 31
32
- (b) validating recycled water schemes. 33

[s 77]

	(4)	Subsection (1) does not apply to an interim recycled water management plan for a CSG recycled water scheme.	1 2 3
Clause 77		Amendment of s 202 (Application for approval of recycled water management plan)	4 5
		Section 202(1)—	6
		omit, insert—	7
	(1)	If, under section 196, a relevant entity for a recycled water scheme must have an approved recycled water management plan for the supply of recycled water under the scheme, the entity must apply to the regulator for approval of a recycled water management plan for the scheme.	8 9 10 11 12 13
Clause 78		Omission of ch 3, pt 5 (Exemptions)	14
		Chapter 3, part 5—	15
		<i>omit.</i>	16
Clause 79		Amendment of s 270AA (Application of div 1)	17
		Section 270AA, from ‘if’—	18
		<i>omit, insert—</i>	19
		if there is an approved recycled water management plan for the scheme.	20 21
Clause 80		Amendment of s 273 (Annual reporting requirement)	22
	(1)	Section 273(1), from ‘approved’—	23
		<i>omit, insert—</i>	24
		approved.	25
	(2)	Section 273(2)(b) and (c)—	26

-
- omit, insert—* 1
- (b) state the outcome of any review of the 2
recycled water management plan in the 3
financial year to which the annual report 4
relates, and how the matters raised in the 5
review have been addressed; and 6
 - (c) contain details of the findings of, and any 7
recommendations stated in, an internal audit 8
report under section 260 or a regular audit 9
report under section 261 given to the 10
regulator in the financial year; and 11
 - (d) contain details of the information given to 12
the regulator under section 270 or 271 in the 13
financial year. 14

Clause 81 Amendment of s 400 (Functions) 15

Section 400(b)— 16

omit, insert— 17

- (b) conducting investigations and inspections— 18
 - (i) to monitor and enforce compliance 19
with this Act, or the Planning Act so 20
far as that Act relates to a development 21
condition; and 22
 - (ii) to monitor the performance of a 23
relevant service provider relating to its 24
supply of a water or sewerage service. 25

**Clause 82 Amendment of s 410 (Power to enter land to monitor 26
compliance) 27**

(1) Section 410(c)— 28

omit. 29

(2) Section 410(d) and (e)— 30

[s 83]

renumber as section 410(c) and (d). 1

Clause 83 Amendment of s 435 (Application of pt 5) 2

Section 435(2), definition *noncompliance*, paragraph (c)— 3

omit, insert— 4

(c) a recycled water provider for a recycled 5
water scheme has not complied with a 6
notice given to the provider under section 7
643(2); or 8

Clause 84 Omission of s 445 (Sections 445–449 not used) 9

Section 445— 10

omit. 11

Clause 85 Insertion of new ch 5, pt 5A 12

After section 444— 13

insert— 14

Part 5A Particular provisions to 15
monitor relevant 16
service providers 17

Division 1 Investigations 18

445 When regulator may investigate and recover 19
costs 20

(1) This section applies if the regulator reasonably 21
believes there is a risk to water security or 22
continuity of the supply of a relevant service 23
provider’s water service or sewerage service. 24

-
- (2) Without limiting section 403, the regulator may start, or direct an authorised officer to start, an investigation about the provider's supply of its service. 1
2
3
4
- (3) The regulator must give the provider a copy of any report prepared because of the investigation. 5
6
- (4) The regulator may decide to require the provider to pay the reasonable costs incurred by the regulator in conducting the investigation. 7
8
9
- (5) However, the requirement may only be made if, because of the investigation, the regulator is satisfied there is a risk to water security or continuity of the supply of the provider's service. 10
11
12
13
- (6) The regulator must give the provider an information notice about the decision that also states the following— 14
15
16
- (a) the amount claimed; 17
- (b) a description of the reasonable expenses giving rise to the amount; 18
19
- (c) that if the provider does not pay the regulator the amount within 30 days after the day the notice is given, the regulator may recover the amount, and any interest payable under subsection (8), from the provider as a debt. 20
21
22
23
24
25
- (7) If the provider does not comply with the requirement, the regulator may recover from the provider the amount claimed, and any interest payable on the amount under subsection (8), as a debt owing in a court of competent jurisdiction. 26
27
28
29
30
- (8) The debt bears interest at the rate prescribed under a regulation. 31
32

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Division 2	Improvement plans	1
446	Regulator may require an improvement plan	2
(1)	This section applies if, because of an investigation under section 445, the regulator—	3 4
(a)	is satisfied a circumstance mentioned in section 445(1) exists for a relevant service provider; and	5 6 7
(b)	is not satisfied adequate measures to address the circumstance are in place.	8 9
(2)	The regulator may decide to give the provider a notice (an <i>improvement notice</i>), requiring the provider to make a plan (an <i>improvement plan</i>) about the following—	10 11 12 13
(a)	how the provider intends to address the recommendations from the investigation that need to be addressed in the improvement plan;	14 15 16 17
(b)	the funding options for addressing the recommendations;	18 19
(c)	the time frames for implementing the plan;	20
(d)	the requirements for reporting on the progress of implementing the plan.	21 22
(3)	However, before giving the improvement notice, the regulator must—	23 24
(a)	give the provider a show cause notice for the decision; and	25 26
(b)	consider any properly made submissions given in response to the show cause notice.	27 28
(4)	The improvement notice must—	29
(a)	state the following—	30

(i)	that the regulator requires the provider to do the following—	1 2
(A)	make the improvement plan and give the regulator a copy of it within a stated reasonable period;	3 4 5
(B)	implement the plan;	6
(ii)	the recommendations from the investigation that the plan must address;	7 8 9
(iii)	the outcomes required to be achieved by implementing the plan; and	10 11
(b)	include, or be accompanied by, an information notice about the decision.	12 13
447	Offence to contravene improvement notice	14
	A relevant service provider given an improvement notice under section 446 must comply with the notice, unless the provider has a reasonable excuse.	15 16 17
	Maximum penalty—1000 penalty units.	18
Division 3	Directions for water security or continuity of supply	19 20 21
448	Power to give direction for water security or continuity of supply	22 23
(1)	This section applies if the regulator—	24
(a)	reasonably believes that—	25
(i)	there is an imminent risk to water security or continuity of the supply of a	26 27

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	relevant service provider's water service or sewerage service; and	1 2
	(ii) urgent action is necessary to prevent or minimise the risk; and	3 4
	(b) is not satisfied adequate measures to address the risk are in place.	5 6
	(2) The regulator may, for the purpose of preventing or minimising the risk, by notice direct the provider to take stated reasonable steps within a stated reasonable period.	7 8 9 10
	(3) The regulator must, as soon as practicable after giving the direction, give the provider an information notice about the decision to give the direction.	11 12 13 14
	449 Offence to contravene direction	15
	A relevant service provider given a direction under section 448 must comply with the direction, unless the provider has a reasonable excuse.	16 17 18
	Maximum penalty—1665 penalty units.	19
Clause 86	Amendment of s 468 (Regulator may engage expert and recover costs)	20 21
	(1) Section 468(4)(d), 'if a compliance notice has not been given for the suspected contravention—'— <i>omit.</i>	22 23 24
	(2) Section 468— <i>insert—</i>	25 26
	(4A) However, if the person has applied under section 512 for a review of the regulator's decision about whether the person is contravening, or has	27 28 29

	contravened, a provision of this Act, the regulator	1
	can not recover the amount—	2
	(a) until the internal review has been concluded;	3
	and	4
	(b) unless the review decision confirms the	5
	regulator’s decision.	6
Clause 87	Amendment of s 511 (Appeal or external review process starts with internal review)	7
	(1) Section 511, heading, ‘Appeal’—	8
	<i>omit, insert—</i>	9
	Appeal, arbitration	10
	(2) Section 511, ‘appeal or application for external review of an original decision’—	11
	<i>omit, insert—</i>	12
	appeal, application for external review of an original	13
	decision, or application for arbitration on a review	14
	decision,	15
		16
		17
Clause 88	Amendment of s 515 (Notice of review decision)	18
	Section 515(2) and (2A)—	19
	<i>omit, insert—</i>	20
	(2) The review notice must state—	21
	(a) the reasons for the review decision; and	22
	(b) if the applicant may appeal against the	23
	review decision to the Planning and	24
	Environment Court under part 3—	25
	(i) that the applicant may apply to the	26
	Planning and Environment Court for a	27
	stay of the decision; and	28

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	(ii) how, and by when, the person may appeal; and	1 2
	(c) if the applicant may apply to QCAT for an external review of the review decision under part 3—the matters stated in the QCAT Act, section 157(2); and	3 4 5 6
	(d) if the applicant may apply for arbitration on the review decision under part 4—	7 8
	(i) how the applicant applies for arbitration on the decision under part 4; and	9 10 11
	(ii) that the applicant may apply to a court with jurisdiction to hear the proceeding for a stay of the decision.	12 13 14
Clause 89	Amendment of s 516 (Stay of operation of original decision)	15 16
	(1) Section 516(2)(a), ‘section 515(2)(b)(i) or (ii)’— <i>omit, insert—</i> part 3	17 18 19
	(2) Section 516(2)(b), ‘section 515(2A)’— <i>omit, insert—</i> part 3	20 21 22
	(3) Section 516(2)(c), ‘section 515(2)(b)(iii)’— <i>omit, insert—</i> part 4	23 24 25
Clause 90	Replacement of s 517 (Who may appeal or apply for an external review)	26 27
	Section 517— <i>omit, insert—</i>	28 29

517 Who may appeal or apply for an external review	1
	2
(1) If an interested person has applied for an internal review of an original decision, any interested person for the original decision may appeal against or apply for an external review of the review decision under this section.	3 4 5 6 7
(2) For the following decisions, the appeal must be made to the Planning and Environment Court—	8 9
(a) a decision by the chief executive to give an information notice under chapter 4;	10 11
(b) a decision by the chief executive to give a compliance notice under section 359(1);	12 13
(c) a decision by the chief executive, or an authorised officer appointed by the chief executive, to give a compliance notice relating to a dam safety and flood mitigation contravention;	14 15 16 17 18
(d) a decision by the regulator, or an authorised officer appointed by the regulator, to give an information notice or compliance notice relating to a matter involving drinking water or recycled water.	19 20 21 22 23
(3) The appeal must be started within 30 business days after the review notice is given for the review decision under section 515.	24 25 26
(4) For the following decisions, the external review must be to QCAT as provided under the QCAT Act—	27 28 29
(a) a decision by the chief executive, or an authorised officer appointed by the chief executive, to give a compliance notice relating to a contravention, other than a dam safety and flood mitigation contravention;	30 31 32 33 34

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	(b) a decision by a service provider to give an information notice.	1 2
	(5) In this section—	3
	<i>dam safety and flood mitigation contravention</i> means a contravention of a provision of chapter 4 or section 645.	4 5 6
Clause 91	Amendment of s 524 (Who may apply for arbitration)	7
	Section 524(2), ‘the review decision and is dissatisfied with the decision’—	8 9
	<i>omit, insert—</i>	10
	an internal review of the original decision and is dissatisfied with the review decision	11 12
Clause 92	Amendment of s 571 (Regulator may make guidelines)	13
	(1) Section 571(1)(a) to (f) and (j)—	14
	<i>omit.</i>	15
	(2) Section 571(1)(m), ‘sections 142 or’—	16
	<i>omit, insert—</i>	17
	section	18
	(3) Section 571(1)(g) to 571(1)(s)—	19
	<i>renumber</i> as section 571(1)(a) to (l).	20
Clause 93	Amendment of s 575 (Documents service provider must keep available for inspection and purchase)	21 22
	Section 575(1)—	23
	<i>omit, insert—</i>	24
	(1) A service provider must keep a copy of the following documents, for the provider, available	25 26

	for inspection by the public during office hours	1
	on business days at the office of the provider—	2
	(a) guidelines made for preparing a water	3
	efficiency management plan;	4
	(b) the approved drinking water quality	5
	management plan;	6
	(c) drinking water quality management plan	7
	audit reports;	8
	(d) performance audit reports;	9
	(e) customer service standards;	10
	(f) drinking water quality management plan	11
	reports;	12
	(g) performance reports;	13
	(h) service area maps prepared under section	14
	163.	15
Clause 94	Insertion of new s 575A	16
	After section 575—	17
	<i>insert—</i>	18
	575A Documents service providers must publish	19
	A service provider must publish each of its documents	20
	mentioned in section 575(1), other than the following,	21
	unless the provider has a reasonable excuse—	22
	(a) drinking water quality management plans;	23
	(b) drinking water quality management plan	24
	audit reports;	25
	(c) performance audit reports.	26
	Maximum penalty—50 penalty units.	27

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Clause 95	Amendment of s 576 (Documents recycled water provider and scheme managers must keep available for inspection and purchase)	1
		2
		3
	(1) Section 576(1) and (2)—	4
	<i>omit, insert—</i>	5
	(1) The relevant entity for a recycled water scheme must keep a copy of the following documents available for inspection by the public during office hours on business days at the office of the entity—	6
		7
		8
		9
		10
	(a) the entity’s approved recycled water management plan;	11
		12
	(b) each regular audit report prepared by the entity under section 261;	13
		14
	(c) each annual report prepared by the entity under section 273.	15
		16
	(2) Section 576(3) to (5), ‘responsible’—	17
	<i>omit, insert—</i>	18
	relevant	19
	(3) Section 576(3) to (5)—	20
	<i>renumber</i> as section 576(2) to (4).	21
Clause 96	Insertion of new s 576A	22
	After section 576—	23
	<i>insert—</i>	24
	576A Documents recycled water provider and scheme managers must publish	25
		26
	The relevant entity for a recycled water scheme must publish the annual report prepared by the entity under section 273, unless the entity has a reasonable excuse.	27
		28
		29
	Maximum penalty—50 penalty units.	30

Clause 97	Insertion of new ss 578A and 578B	1
	After section 578—	2
	<i>insert—</i>	3
	578A Chief executive may prepare and publish comparative reports	4
		5
	(1) The chief executive may prepare and publish a report (a <i>comparative report</i>) about 2 or more relevant service providers that includes the following information about the providers—	6
		7
		8
		9
	(a) compliance actions;	10
	(b) investigations;	11
	(c) progress on any improvement plans;	12
	(d) data in a drinking water quality management plan report or performance report.	13
		14
	(2) The chief executive may use the information mentioned in subsection (1) and any other information to analyse performance of the providers and prepare the comparative report.	15
		16
		17
		18
	(3) The information used by the chief executive, a summary of the information or the chief executive’s analysis may be included in the comparative report.	19
		20
		21
		22
	578B The chief executive may share information in particular reports etc.	23
		24
	The chief executive may give a copy of any of the following to any person—	25
		26
	(a) a drinking water quality management plan report;	27
		28
	(b) a performance report;	29
	(c) a report about an investigation under chapter 5;	30
		31

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	(d) information contained in a relevant service provider's improvement plan.	1 2	
Clause 98	Insertion of new ch 10, pt 7	3	
	After section 659—	4	
	<i>insert—</i>	5	
	Part 7	Transitional provisions for Water Supply Services Legislation Amendment Act 2014	6 7 8 9
	Division 1	Preliminary	10
	660 Definitions for pt 7		11
	In this part—		12
	<i>amending Act</i> means the <i>Water Supply Services Legislation Amendment Act 2014</i> .		13 14
	<i>commencement</i> means the commencement of the provision in which the term is used.		15 16
	<i>former</i> , for a provision, means the provision as in force immediately before the repeal or amendment of the provision under the amending Act.		17 18 19 20

Division 2	Provisions for chapter 3 of amending Act	1 2
661 Customer service standards continue to apply		3
(1)	If, immediately before the commencement, a service provider's customer service standard (the <i>existing standard</i>) is in effect—	4 5 6
(a)	subject to subsection (2), the existing standard continues in effect on and after the commencement; and	7 8 9
(b)	the service provider must prepare a customer service standard (a <i>new standard</i>) under chapter 2, part 4, division 3 no later than the later of the following two days—	10 11 12 13
(i)	31 December 2014;	14
(ii)	the day that is 6 months after the commencement.	15 16
(2)	The existing standard ceases to have effect when the new standard is published.	17 18
662 Exemptions from having a recycled water management plan are revoked		19 20
(1)	All exemptions from having an approved recycled water management plan under former section 253 are revoked.	21 22 23
(2)	All applications for an exemption under former section 250, made but not decided before the commencement, are taken to be withdrawn.	24 25 26

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663 Particular approved recycled water management plans of no effect	1
	2
(1) This section applies to a recycled water management plan—	3
	4
(a) in effect immediately before the commencement; or	5
	6
(b) in effect after the commencement, if the application for approving the plan was made, but not decided, before the commencement.	7
	8
	9
	10
(2) The plan is of no effect to the extent it relates to a supply of recycled water under a recycled water scheme that, under section 196, does not require an approved recycled water management plan.	11
	12
	13
	14

664 Particular recycled water providers must apply for registration of recycled water scheme	15
	16
(1) This section applies to a relevant entity for a recycled water scheme supplying recycled water under the scheme on the commencement.	17
	18
	19
(2) For section 196AA(1), the deadline for the relevant entity is 1 July 2014.	20
	21
(3) To remove any doubt, this section does not oblige the relevant entity to register a CSG recycled water scheme.	22
	23
	24

Clause 99 Amendment of sch 3 (Dictionary)	25
(1) Schedule 3, definitions <i>annual report</i> , <i>appropriately qualified</i> , <i>approved system leakage management plan</i> , <i>available for inspection and purchase</i> , <i>condition</i> , <i>drought management plan</i> , <i>interested entity</i> , <i>outdoor water use conservation plan</i> , <i>publish</i> , <i>regulator conditions</i> , <i>small service provider (non-urban)</i> , <i>strategic asset management plan</i> , <i>system leakage management plan</i> and <i>water advice</i> —	26
	27
	28
	29
	30
	31
	32

<i>omit.</i>	1
(2) Schedule 3—	2
<i>insert—</i>	3
<i>annual report</i> means a report prepared by a recycled water provider under section 273.	4 5
<i>condition</i> , of an approved recycled water management plan, means—	6 7
(a) any regulator conditions for the plan; or	8
(b) a condition mentioned in section 208(2), (3), (5) or (6) that applies to the plan.	9 10
<i>drinking water quality management plan audit report</i> see section 108(1)(b).	11 12
<i>drinking water quality management plan report</i> see section 142(2)(a).	13 14
<i>improvement plan</i> see section 446(2).	15
<i>KPI</i> (an acronym of ‘key performance indicator’), for a provision about a relevant service provider, means—	16 17 18
(a) a measure of the efficiency and effectiveness of the delivery of services; or	19 20
(b) data that, when combined, provides a measure of the efficiency and effectiveness of the delivery of services.	21 22 23
<i>performance audit report</i> see section 108A(1)(b).	24 25
<i>performance report</i> see section 142A(2)(a).	26
<i>publish—</i>	27
(a) for a document other than a notice, means to publish the document on the internet, free of charge, as soon as practicable; or	28 29 30
(b) for a notice, means to publish the notice—	31

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- (i) if a provision states the way the notice must be published—in the way stated in the provision; or
- (ii) if a provision does not state the way the notice must be published—in a newspaper circulating generally throughout the area for which the notice is published.
- regulator conditions**, for an approved recycled water management plan, see section 205(1).
- relevant service provider** means—
- (a) a drinking water service provider; or
- (b) a sewerage service provider; or
- (c) another water service provider prescribed under a regulation.
- report requirement** see section 141(1).
- system operating plan report** see section 142B(2)(a).
- (3) Schedule 3, definition *approved drinking water quality management plan*, ‘division 3’—
- omit, insert*—
- division 1
- (4) Schedule 3, definition *auditor*, paragraph (a), ‘division 4’—
- omit, insert*—
- division 2
- (5) Schedule 3, definition *information requirement*, paragraph (a), ‘division 3’—
- omit, insert*—
- division 1
- (6) Schedule 3, definition *regular audit*, ‘108 or’—

omit. 1

(7) Schedule 3, definition *water quality criteria*, paragraph
(b)(ii)(B)— 2
3

omit, insert— 4

(B) for the quality of recycled water to
which a recycled water management
plan relates—stated in a regulator
condition for the plan. 5
6
7
8

Part 4 Repeal 9

Clause 100 Repeal of Metropolitan Water Supply and Sewerage Act 10
1909 11

The Metropolitan Water Supply and Sewerage Act 1909 9 12
Edw 7 No. 12 is repealed. 13

Chapter 4 Minor and consequential 14 **amendments** 15

Clause 101 Acts amended 16

Schedule 1 amends the Acts it mentions. 17

Schedule 1	Minor and consequential amendments	1 2
	section 101	3
	Plumbing and Drainage Act 2002	4
1	Section 85(2)(d), 85(7A)(a), 86(2)(d)(i) and 86(9A)(a), examples—	5 6
	<i>insert—</i>	7
	<ul style="list-style-type: none">• an SEQ Water Act water approval	8
	South-East Queensland Water (Distribution and Retail Restructuring) Act 2009	9 10
1	Section 49A(2)(a), ‘section 99BO(1)(g)(iii)’—	11
	<i>omit, insert—</i>	12
	section 99BOB(b) and (c)	13
2	Chapter 2A, part 3, heading—	14
	<i>omit, insert—</i>	15
	Part 3	16
	Overdue charges for water services and wastewater services	17 18
3	Chapter 2A, part 3, division 1—	19
	<i>omit.</i>	20

4	Chapter 2A, part 3, division 2, heading—	1
	<i>omit.</i>	2
5	Section 53AS, heading ‘div 2’—	3
	<i>omit, insert—</i>	4
	pt 3	5
6	Section 53AS(1), ‘division’—	6
	<i>omit, insert—</i>	7
	part	8
7	Section 53AS(1)(c) and (d)—	9
	<i>omit, insert—</i>	10
	(c) a charge under section 99BRAN, 99BRAV or 99BRCJ;	11 12
	(d) a charge under an agreement under section 99BRDA;	13 14
8	Section 53AS—	15
	<i>insert—</i>	16
	(3) For a charge mentioned in subsection (1)(c) and (d), this part only applies if the entitlements under a water approval for the charge are exercised.	17 18 19 20
9	Section 53AW(4), definition <i>CPI</i>—	21
	<i>omit.</i>	22
10	Chapter 2C, heading—	23
	<i>omit, insert—</i>	24

	Chapter 2C Discharge officers and water connection officers	1 2 3
11	Chapter 2C, part 1, heading, after ‘officers’— <i>insert—</i> and water connection officers	4 5 6
12	Section 53CL, heading, after ‘Functions’— <i>insert—</i> of a discharge officer	7 8 9
13	Section 78A(1), ‘section 102(2)(f)’ <i>omit, insert—</i> section 102(2)(g)	10 11 12
14	Section 99ATA(1), after ‘charges’— <i>insert—</i> under section 99BO(1)(g)	13 14 15
15	Schedule, definition <i>independent member</i>, ‘33(5)’— <i>omit, insert—</i> 33(3)	16 17 18

Sustainable Planning Act 2009		1
1	Sections 648D(2)(a) and (b)(i) and 648G(3)(a) ‘under chapter 9, part 7A’—	2
	<i>omit.</i>	3
		4
Water Supply (Safety and Reliability) Act 2008		5
1	Section 41(2)(d)—	6
	<i>omit.</i>	7
2	Section 41(2)(e) to (g)—	8
	<i>renumber</i> as section 41(2)(d) to (f).	9
3	Section 99(2)(c), ‘regular’—	10
	<i>omit.</i>	11
4	Chapter 2, part 4, division 3—	12
	<i>renumber</i> as chapter 2, part 4, division 1.	13
5	Chapter 2, part 4, division 4—	14
	<i>renumber</i> as chapter 2, part 4, division 2.	15
6	Section 112(1), ‘division or the Water Act, chapter 2A, part 5, division 2, subdivision 4,’—	16
	<i>omit, insert—</i>	17
	division,	18
		19

Schedule 1

7	Section 112(1), editor’s note—	1
	<i>omit.</i>	2
8	Chapter 2, part 4, division 5—	3
	<i>renumber</i> as chapter 2, part 4, division 3.	4
9	Section 113, heading ‘5’—	5
	<i>omit, insert—</i>	6
	3	7
10	Chapter 2, part 4, division 8—	8
	<i>renumber</i> as chapter 2, part 4, division 4.	9
11	Chapter 2, part 4, division 10—	10
	<i>renumber</i> as chapter 2, part 4, division 6.	11
12	Section 143, heading, ‘10’—	12
	<i>omit, insert—</i>	13
	6	14
13	Section 163(2)(c)—	15
	<i>omit.</i>	16
14	Section 207(1)(b), ‘division 3’—	17
	<i>omit, insert—</i>	18
	division 1	19
15	Section 475(2)(a)—	20
	<i>omit, insert—</i>	21

	(a) a provision of chapter 2, part 4, division 1 or chapter 3 or section 26, 106 to 108A, 110, 112, 142 to 142B, 190, 447, 449, 531, 575A, 576A or 630—the regulator;	1 2 3 4
16	Section 487(5), definition <i>executive liability provision</i>, third dot point— <i>omit.</i>	5 6 7
17	Section 487(5), definition <i>executive liability provision</i>— <i>insert—</i> • section 196(3)	8 9 10
18	Section 487A(4), definition <i>deemed executive liability provision</i>, fourth dot point— <i>omit.</i>	11 12 13
19	Section 497(1)(a), from ‘division 3,’— <i>omit, insert—</i> division 1 or chapter 3 or section 26, 106 to 108A, 110, 112, 142 to 142B, 190, 447, 449, 531, 575A, 576A or 630—the Attorney-General or regulator; or	14 15 16 17 18
20	Section 580(1)(a), ‘division 3’— <i>omit, insert—</i> division 1	19 20 21
21	Schedule 3, definition <i>connection</i>— <i>omit.</i>	22 23

Schedule 1

22	Schedule 3—	1
	<i>insert—</i>	2
	<i>connection—</i>	3
	(a) generally—means a property service that supplies either water supply services or sewerage services, or both, to premises; or	4 5 6
	(b) for chapter 2, part 5, division 6—see section 170.	7 8
	<i>staged water connection</i> , for chapter 2, part 5, division 6, see section 170.	9 10
	<i>water approval</i> , for chapter 2, part 5, division 6, see section 170.	11 12
23	Schedule 3, definition <i>information requirement</i>, paragraphs (d) and (e)—	13 14
	<i>omit, insert—</i>	15
	(d) for chapter 3, part 9A—see section 323(3).	16 17