

TASMANIA

**WATER AND SEWERAGE LEGISLATION
(MISCELLANEOUS AMENDMENTS) BILL 2009**

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SCHEDULE 1 – WATER LICENCES

**WATER AND SEWERAGE LEGISLATION
(MISCELLANEOUS AMENDMENTS) BILL 2009**

*(Brought in by the Minister for Primary Industries and Water,
the Honourable David Edward Llewellyn)*

A BILL FOR

**An Act to amend various Acts, to validate certain licences,
and to enact transitional provisions, relating to the
provision of water and sewerage services**

Be it enacted by His Excellency the Governor of Tasmania, by
and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Water and
Sewerage Legislation (Miscellaneous
Amendments) Act 2009*.

2. Commencement

- (1) Parts 1, 2 and 5 commence on 30 June 2009 but if this Act does not receive the Royal Assent by 30 June 2009 those Parts are taken to have commenced on 30 June 2009.
- (2) The remaining provisions of this Act commence on 1 July 2009 but if this Act does not receive the Royal Assent by 1 July 2009 those

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Part 1 – Preliminary

provisions are taken to have commenced on 1
July 2009.

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**PART 2 – WATER AND SEWERAGE INDUSTRY
AMENDMENT ACT 2008 AMENDED**

3. Principal Act

In this Part, the *Water and Sewerage Industry Amendment Act 2008** is referred to as the Principal Act.

4. Section 7 amended (Part 4, Division 2A inserted)

Section 7 of the Principal Act is amended as follows:

- (a) by omitting “applies.” from the definition of “permitted development permit” in section 56N and substituting “applies;”;
- (b) by inserting the following definition after the definition of “permitted development permit” in section 56N:

“relevant regulated entity”, in relation to an application, means the regulated entity in relation to which an occupier or owner of the building or land to which the application relates is, or is likely to become, a customer.

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(c) by inserting the following Subdivision after section 56T:

Subdivision 3A – Building and plumbing works certificates

56TA. Interpretation

In this Subdivision –

“**building**” includes a proposed building, part of a building, a structure and part of a structure;

“**building work**” has the same meaning as in the *Building Act 2000* and includes a stage of building work;

“**certifiable work**”, for building work or plumbing work, means so much of the work as is water- or sewerage-related work;

“**certificate for certifiable work (building)**” means a certificate, referred to in section 56TC(3), that is issued under section 56TC;

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“certificate for certifiable work (plumbing)” means a certificate, referred to in section 56TC(4), that is issued under section 56TC;

“excluded works”, in relation to a regulated entity, means –

- (a) building work that is specified, in a policy made under section 56TF by the entity, to be a type of building work in relation to which the entity does not require that its consent be given; or
- (b) plumbing work that is specified, in a policy made under section 56TF by the entity, to be a type of plumbing work in relation to which the entity does not require that its consent be given;

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“**owner**” includes an agent of an owner;

“**permit authority**” has the same meaning as in the *Building Act 2000*;

“**plumbing work**” has the same meaning as in the *Building Act 2000* and includes a stage of plumbing work;

“**relevant permit authority**”, in relation to water- or sewerage-related work that forms all or part of –

(a) building works, means the permit authority to which an application has been made under the *Building Act 2000* for a building permit in respect of the building works; and

(b) plumbing works, means the permit authority to which an application has been made under

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the *Building Act 2000* for a plumbing permit, or a special plumbing permit, in respect of the plumbing works;

“relevant regulated entity”, in relation to a building or land, means the regulated entity in relation to which an occupier or owner of the building or land is, or is likely to become, a customer;

“water- or sewerage-related work”, in relation to a building or land, means building work, or plumbing work, that, if carried out on the building or the land, is likely to –

- (a) increase the demand for water supplied by a regulated entity; or
- (b) increase or decrease the amount of sewage or toxins that is to

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be removed by, or discharged into, a regulated entity's sewerage infrastructure; or

(c) require a new connection, or a modification to an existing connection, to be made to a regulated entity's infrastructure; or

(d) damage or interfere with a regulated entity's works; or

(e) adversely affect a regulated entity's operations –

but does not include the regulated entity's excluded works.

56TB. Regulated entity's consent required before grant of certain permits under *Building Act 2000*

(1) A permit authority may not grant under section 72 of the *Building*

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Act 2000 an application for a building permit for building work that consists in whole or in part of certifiable work, unless the relevant regulated entity has issued a certificate for certifiable work (building) in respect of the certifiable work.

- (2) A permit authority may not grant under section 82 of the *Building Act 2000* an application for a plumbing permit, or a special plumbing permit, for plumbing work that consists in whole or in part of certifiable work, unless the relevant regulated entity has issued a certificate for certifiable work (plumbing) in respect of the certifiable work.
- (3) An owner of a building or land may apply to the relevant regulated entity for –
 - (a) a certificate for certifiable work (building) in respect of certifiable work; or
 - (b) a certificate for certifiable work (plumbing) in respect of certifiable work.

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- (4) An application to a regulated entity under subsection (3) is to be –
- (a) in a form approved by the regulated entity; and
 - (b) accompanied by all documents or information required by the regulated entity.
- (5) A regulated entity must determine an application under subsection (3) –
- (a) for a certificate for certifiable work (building) within 14 days after receiving it; or
 - (b) for a certificate for certifiable work (plumbing) within 10 days after receiving it –
- or within a longer period to which the applicant agrees.
- (6) A regulated entity may, within 7 days after receiving an application under subsection (3), by notice in writing served on the applicant, request the applicant to provide the entity with further

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information in relation to the application.

- (7) If a regulated entity requests an applicant to provide the entity with further information under subsection (6) in relation to an application, the period specified in subsection (5) is to be taken not to continue to run, for the purposes of this section in relation to the application, from the date of the request until the information is provided to the entity.

56TC. Certificates for certifiable work

- (1) A regulated entity may determine an application made to it under section 56TB in relation to certifiable work by –
- (a) issuing to the applicant a certificate in respect of the work; or
 - (b) refusing, by notice in writing to the applicant, to issue to the applicant a certificate in respect of the work.

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- (2) A regulated entity may specify conditions on a certificate.
- (3) If the application was made in relation to certifiable work forming all or part of building work, the certificate issued is to be a certificate for certifiable work (building).
- (4) If the application was made in relation to certifiable work forming all or part of plumbing work, the certificate issued is to be a certificate for certifiable work (plumbing).
- (5) A regulated entity may only refuse to issue a certificate in respect of certifiable work if the entity is reasonably of the opinion that the work –
 - (a) will have deleterious consequences for the entity; or
 - (b) is not within the scope of the entity's connections policy under section 56U.
- (6) For the purposes of subsection (5)(a), certifiable work is only to be taken to have deleterious consequences for an entity if the entity is reasonably

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of the opinion that the certifiable work –

- (a) will have an unduly onerous effect on the entity's infrastructure or methods of operation or the cost of providing services; or
- (b) may put at unacceptable risk the health or safety of persons performing work on behalf of the entity –

and no condition of the certificate could adequately reduce the onerous effect or the risk.

- (7) A notice of refusal under subsection (1)(b) is to set out –
 - (a) the reasons for the refusal; and
 - (b) the applicant's right to appeal to the Appeal Board under section 56TE.

56TD. Certification of water and sewerage compliance

- (1) A permit authority may not issue under section 112 of the *Building*

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Act 2000 a certificate of completion (building work) in relation to building works consisting in whole or in part of certifiable work, unless a certificate of water and sewerage compliance (building) has been issued under subsection (4) in respect of the certifiable work.

- (2) A permit authority may not issue under section 113 of the *Building Act 2000* a certificate of completion (plumbing work) in relation to plumbing works consisting in whole or in part of certifiable work, unless a certificate of water and sewerage compliance (plumbing) has been issued under subsection (4) in respect of the certifiable work.
- (3) An owner of a building or land may, after the completion of certifiable work in relation to the building or the land, apply to the relevant regulated entity for the issue of a certificate in respect of the certifiable work.
- (4) A regulated entity may determine an application made to it under subsection (3) in relation to certifiable work by –

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-
- (a) issuing to the applicant a certificate in respect of the certifiable work; or
 - (b) refusing, by notice in writing to the applicant, to issue a certificate in respect of the certifiable work.
- (5) If the application under subsection (3) relates to building work, the certificate issued under subsection (4) is to be a certificate of water and sewerage compliance (building).
- (6) If the application under subsection (3) relates to plumbing work, the certificate issued under subsection (4) is to be a certificate of water and sewerage compliance (plumbing).
- (7) A regulated entity may only issue a certificate of water and sewerage compliance (building) in respect of certifiable work if the entity is satisfied that –
- (a) the work has been completed substantially in accordance with the information or documents that accompanied the

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application under
section 56TB for a
certificate for certifiable
work (building) in respect
of the certifiable work;
and

(b) the conditions, if any, of
the certificate for
certifiable work (building)
in respect of the
certifiable work have
been complied with.

(8) A regulated entity may only issue
a certificate of water and
sewerage compliance (plumbing)
in respect of certifiable work if
the entity is satisfied that –

(a) the work has been
completed substantially in
accordance with the
information or documents
that accompanied the
application under
section 56TB for a
certificate for certifiable
work (plumbing) in
respect of the certifiable
work; and

(b) the conditions, if any, of
the certificate for
certifiable work

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(plumbing) in respect of the certifiable work have been complied with.

- (9) A notice of refusal under subsection (4)(b) is to set out –
- (a) the reasons for the refusal; and
 - (b) the applicant's right to appeal to the Appeal Board under section 56TE.

56TE. Appeals to Appeal Board

- (1) If a regulated entity –
- (a) does not determine under section 56TC or 56TD an application within the period for doing so specified in the section under which the application is made; or
 - (b) refuses to issue the certificate sought in the application; or
 - (c) issues the certificate sought in the application on conditions –

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the applicant may appeal to the Appeal Board within 14 days after the end of the period referred to in paragraph (a), or after receiving the notice of refusal or the certificate, as the case may be.

- (2) A regulated entity against which, on the ground specified in subsection (1)(a), an appeal is made in respect of an application may determine the application at any time before the appeal is heard.
- (3) Part 12 of the *Building Act 2000* applies in relation to an appeal to the Appeal Board under this section.
- (4) A person aggrieved by a decision of the Appeal Board under this section may apply under the *Magistrates Court (Administrative Appeals Division) Act 2001* for a review of the decision.

56TF. Regulated entity may make policy for excluded works

- (1) A regulated entity may prepare a policy that specifies the types of

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building work and plumbing work in relation to which the entity does not require that its consent be given.

- (2) In preparing a policy for the purposes of subsection (1), a regulated entity must reasonably consult with –
 - (a) councils in the area in which the regulated entity supplies a regulated service; and
 - (b) any other person the entity thinks fit.
- (3) A regulated entity must publish on the entity's website a copy of any policy prepared under subsection (1).
- (4) A policy prepared under subsection (1) comes into force on the date on which it is first published on the entity's website.

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Part 3 – Building Act 2000 Amended

PART 3 – BUILDING ACT 2000 AMENDED

5. Principal Act

In this Part, the *Building Act 2000** is referred to as the Principal Act.

6. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended as follows:

- (a) by inserting the following definition after the definition of “Appeal Board”:

“approved disposal system” means a system approved under any Act for the disposal of sewage, stormwater or trade waste;

- (b) by inserting the following definition after the definition of “sewerage installation”:

“sewerage system” means sewers and sewerage works vested, under any Act, in a regulated entity within the meaning of the *Water and Sewerage Industry Act 2008*;

*No. 100 of 2000

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Part 3 – Building Act 2000 Amended

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7. Section 77 amended (Special plumbing permit)

Section 77 of the Principal Act is amended as follows:

- (a) by omitting subparagraph (i) from paragraph (a) and substituting the following subparagraph:
 - (i) discharges waste into an approved disposal system; and
- (b) by omitting paragraph (i) and substituting the following paragraph:
 - (i) the discharge of trade waste into an approved disposal system, other than a sewerage system;

8. Section 112 amended (Completion of building work)

Section 112(3) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (c) “been met.” and substituting “been met; and”;
- (b) by inserting the following paragraph after paragraph (c):
 - (d) where required under the *Water and Sewerage Industry Act 2008*, a certificate of water and sewerage compliance (building) has been issued under section

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Part 3 – Building Act 2000 Amended

56TD of that Act in relation to
the relevant building work.

9. Section 113 amended (Completion of plumbing work)

Section 113 of the Principal Act is amended by omitting subsections (3) and (4) and substituting the following subsections:

- (3) A permit authority is to issue a certificate of completion (plumbing work) if –
 - (a) the authority –
 - (i) is satisfied, after inspection, that the completed plumbing work complies with the Plumbing Regulations; or
 - (ii) accepts a certificate from a plumber certifying that the plumbing work complies with the Plumbing Regulations; and
 - (b) where required under the *Water and Sewerage Industry Act 2008*, a certificate of water and sewerage compliance (plumbing) has been issued under section

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56TD of that Act in relation to the plumbing work.

- (4) The permit authority is to refuse to issue a certificate of completion (plumbing work) if –
- (a) it is not satisfied that the plumbing work complies with the Plumbing Regulations; or
 - (b) it is satisfied that a certificate of water and sewerage compliance (plumbing) has been refused under section 56TD of the *Water and Sewerage Industry Act 2008* in relation to the plumbing work.

10. Section 204 amended (Functions of Appeal Board)

Section 204(a) of the Principal Act is amended by omitting “this Act;” and substituting “this Act and any other Act under which an appeal or application may be made to the Board;”.

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s. 11 Part 4 – Local Government (Building and Miscellaneous Provisions) Act
1993 Amended

**PART 4 – LOCAL GOVERNMENT (BUILDING AND
MISCELLANEOUS PROVISIONS) ACT 1993
AMENDED**

11. Principal Act

In this Part, the *Local Government (Building and Miscellaneous Provisions) Act 1993** is referred to as the Principal Act.

12. Section 83 amended (Approval of plan of subdivision)

Section 83 of the Principal Act is amended by inserting after subsection (6) the following subsections:

- (7) The council may require a final plan of subdivision to note, in respect of a block, that the council has been advised by a regulated entity, within the meaning of the *Water and Sewerage Industry Act 2008*, that the entity cannot or will not –
- (a) provide a supply of water to the block; or
 - (b) provide means of sewerage for all or some specified kind of effluent from the block.

*No. 96 of 1993

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Part 4 – Local Government (Building and Miscellaneous Provisions) Act
1993 Amended

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- (8) A notification under subsection (7) is to be treated as if it created an easement for the benefit of the regulated entity and may be destroyed wholly or in part by an instrument in the nature of a release of the block by the regulated entity.

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Part 5 – Water and Sewerage Corporations Act 2008 Amended

**PART 5 – WATER AND SEWERAGE CORPORATIONS
ACT 2008 AMENDED**

13. Principal Act

In this Part, the *Water and Sewerage Corporations Act 2008** is referred to as the Principal Act.

14. Section 41 amended (Notice of transfer)

Section 41 of the Principal Act is amended by omitting subsections (3) and (4) and substituting the following subsections:

- (3) A transfer order takes effect on the day specified in the order and, accordingly, the assets, rights, liabilities or employees specified in the order are transferred in accordance with the order on that day.
- (4) A transferor that is the subject of a transfer order must take all reasonable steps to enable the transfer order to take effect according to its terms.

15. Section 44A inserted

After section 44 of the Principal Act, the following section is inserted in Part 3:

*No. 12 of 2008

44A. Transfer of interests in part of land

(1) In this section –

“non-transferred part of the land”,
in relation to an area of land,
means a part of the land that is a
part to which an interest
transferred in accordance with
subsection (2) does not relate;

“Recorder” means the Recorder of
Titles appointed pursuant to
section 4(1) of the *Land Titles Act
1980*;

“transferred part of the land”, in
relation to an area of land, means
a part of the land that is a part to
which an interest transferred in
accordance with subsection (2)
relates.

(2) A transfer order may transfer an interest,
or all of the interests, of the transferor in
respect of part of an area of land vested
in the transferor.

(3) A transfer order that transfers an interest
in part of an area of land in accordance
with subsection (2) must –

(a) contain a plan that –

(i) identifies the interest and
the transferred part of the

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- land to which the interest relates; and
 - (ii) describes the size and boundary of the transferred part of the land; and
 - (iii) describes the boundary of the non-transferred part of the land; or
- (b) otherwise describe the interest.
- (4) Without limiting the interests that may be transferred by a transfer order, a transfer order that transfers an interest in part of an area of land in accordance with subsection (2) may, in the terms specified in the order, do either or both of the following:
- (a) create or amend an interest, in favour of the transferee, that burdens the non-transferred part of the land;
 - (b) create or amend an interest, in favour of the transferor, that burdens the transferred part of the land.
- (5) A transferee to whom an interest in respect of a part of an area of land is transferred by a transfer order in accordance with subsection (2) must

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lodge a caveat under section 133 of the *Land Titles Act 1980* in relation to the interest.

- (6) A transferee to whom an interest in respect of a part of an area of land is transferred by a transfer order in accordance with subsection (2) must lodge with the Recorder, together with an application under section 138A of the *Land Titles Act 1980* in relation to the interest –
- (a) a copy of the transfer order; and
 - (b) a plan, prepared by a registered surveyor in accordance with the requirements of the Recorder, that identifies the transferred part of the land and the non-transferred part of the land; and
 - (c) any other documents that the Recorder may require.
- (7) The Recorder must register the transfer of an interest referred to in an application under section 138A of the *Land Titles Act 1980* made in accordance with subsection (6), if the Recorder is satisfied that –
- (a) the plan lodged in accordance with subsection (6)(b) conforms with the transfer order lodged

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- with the Recorder under subsection (6)(a); and
- (b) any documents required under subsection (6)(c) to be lodged have been lodged with the application; and
 - (c) the transferor has sufficient title to dispose of the interest; and
 - (d) the execution of the plan is consistent with the proper administration of the *Land Titles Act 1980* or this section; and
 - (e) there are no errors or inconsistencies in the plan or the transfer order, or between the plan and that order, that require amendment.
- (8) The Recorder may, if he or she is not satisfied as to the matters referred to in subsection (7) in relation to the transfer of an interest in accordance with subsection (2) –
- (a) notify the transferee and the Treasurer of the grounds on which the Recorder is not so satisfied; and
 - (b) refuse to register under the *Land Titles Act 1980* the transfer of the interest in accordance with this

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section until the Recorder is satisfied as to those matters.

- (9) Despite sections 33(14)(a) and 143I of the *Land Titles Act 1980*, the Recorder may create a new folio or a new plan under that Act, even though to do so would be to permit the subdivision of land contrary to the *Local Government (Building and Miscellaneous Provisions) Act 1993*.
- (10) The transfer of an interest in a part of an area of land in accordance with subsection (2) is not to be taken to be a subdivision of the land for the purposes of the *Land Use Planning and Approvals Act 1993* and no permit is required under that Act to be granted in relation to the transfer of such an interest.
- (11) Part 3 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* does not apply in relation to the transfer of an interest in accordance with subsection (2).

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Part 6 – Validation

PART 6 – VALIDATION

16. Validation of grant of licences

A licence referred to in column 2 of Schedule 1 –

- (a) is to be taken to have been validly granted, in accordance with clause 12 of Schedule 4 to the *Water Management Act 1999*, to the local authority specified opposite the licence in column 1, on the day on which it was purportedly granted in accordance with that clause; and
- (b) is, if it was purportedly granted in accordance with that clause for a term of less than 50 years, to be taken to have been granted on that day for a term of 50 years.

PART 7 – TRANSITIONAL PROVISIONS

17. Interpretation

In this Part –

“commencement day” means the day on which this Part comes into force.

18. Applications under *Land Use Planning and Approvals Act 1993* not determined before commencement day

(1) In this section –

“planning authority” has the same meaning as in the *Land Use Planning and Approvals Act 1993*;

“relevant application” means an application for a permit under the *Land Use Planning and Approvals Act 1993* –

- (a) that was made, but not determined, under that Act before the commencement day; and
- (b) that is an application in relation to which a notice to a regulated entity under section 56O of the *Water and Sewerage Industry Act 2008* would, apart from this

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Part 7 – Transitional Provisions

section, be required under that Act to be given.

- (2) Subdivision 3 of Division 2A of Part 4 of the *Water and Sewerage Industry Act 2008* does not apply to a relevant application.
- (3) A planning authority must, before determining a relevant application made to it, consult with a regulated entity to whom, but for subsection (2), a notice in relation to the application would be required to be given under section 56O of the *Water and Sewerage Industry Act 2008*.
- (4) Subsection (3) does not apply to a planning authority in relation to a relevant application if the planning authority determines that it is not reasonably practicable for it to consult with the regulated entity before determining the application.

19. Applications under *Building Act 2000* not determined before commencement day

- (1) In this section –

“permit authority”, in relation to a relevant application, means the person that may grant the application under the *Building Act 2000*;

“relevant application” means an application under the *Building Act 2000* for a building permit, plumbing permit, or

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special plumbing permit, that is an application that –

- (a) was made, but was not determined, under that Act before the commencement day; and
- (b) apart from subsection (2), would only be permitted to be granted if a certificate had been granted under section 56TC of the *Water and Sewerage Industry Act 2008* in relation to certifiable work, within the meaning of section 56TA of that Act, forming all or part of the building work or plumbing work to which the application relates;

“relevant regulated entity”, in relation to an relevant application in respect of a building or land, means the regulated entity in relation to which an occupier or owner of the building or land is, or is likely to become, a customer within the meaning of the *Water and Sewerage Industry Act 2008*.

- (2) Subdivision 3A of Division 2A of Part 4 of the *Water and Sewerage Industry Act 2008* does not apply to a relevant application.
- (3) A permit authority to which a relevant application has been made must, before determining the application under the *Building*

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Act 2000, consult with the relevant regulated entity.

- (4) Subsection (3) does not apply to a permit authority in relation to a relevant application if the permit authority determines that it is not reasonably practicable for it to consult with the relevant regulated entity before determining the application.

20. Provisions in respect of certain applications, agreements and permits relating to trade waste

- (1) In this section –

“relevant regulated entity” in relation to a permit or application in respect of land, means the regulated entity in relation to which an occupier or owner of the land is, or is likely to become, a customer within the meaning of the *Water and Sewerage Industry Act 2008*.

- (2) If a special plumbing permit in relation to the discharge of trade waste –
- (a) was granted to a person under the *Building Act 2000* and is in force immediately before the commencement day; and
- (b) is no longer required because of the amendment of section 77 of the *Building Act 2000* by this Act –

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the terms and conditions of the permit are to be taken to be the terms and conditions of a consent granted to the person under section 56ZI of the *Water and Sewerage Industry Act 2008* in relation to the discharge of the trade waste.

- (3) A reference in subsection (2) to the terms and conditions of a permit includes a reference to the terms and conditions of any trade waste agreement that was –
 - (a) entered into under the *Plumbing Regulations 2004* in accordance with the terms and conditions of the permit; and
 - (b) in force immediately before the commencement day.
- (4) A reference to a local authority in a trade waste agreement entered into by a local authority and a person under the *Plumbing Regulations 2004* and in force immediately before the commencement day is to be taken to be a reference to the relevant regulated entity responsible for the provision of trade waste services to the person.
- (5) If –
 - (a) an application for a special plumbing permit for the discharge of trade waste was made, but not determined, under the *Building Act 2000* before the commencement day; and

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- (b) after that day, such a permit is no longer required under the *Building Act 2000* because of the amendment of section 77 of the *Building Act 2000* by this Act –

the permit authority to which the application is made is to refer the application to the relevant regulated entity and the entity is to determine the application as if it were an application for the consent of the entity under section 56ZI of the *Water and Sewerage Industry Act 2008*.

21. Regulated entity to honour obligations under permits already issued or applied for

(1) Subsection (2) applies to –

- (a) a building permit, plumbing permit, or special plumbing permit, granted under the *Building Act 2000* before the commencement day and in force immediately before that day; and
- (b) a building permit, plumbing permit, or special plumbing permit, granted under the *Building Act 2000* after the commencement day and to which section 19 applies; and
- (c) a permit or agreement granted or entered into under the *Land Use Planning and Approvals Act 1993* before the commencement day and in force or in

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operation immediately before that day;
and

(d) a permit or agreement granted or entered into under the *Land Use Planning and Approvals Act 1993* after the commencement day and to which section 18 applies.

(2) If a permit or agreement to which this section applies required, or by implication required, a local authority to provide, or make arrangements for the provision of, water services or sewerage services to an area of land, a regulated entity for the area of land is to take all reasonable steps to provide or make arrangements for the provision of those services as required by the permit or agreement.

(3) A reference to a local authority in an agreement entered into under the *Land Use Planning and Approvals Act 1993* in relation to the provision of water services or sewerage services to an area is to be taken to be a reference to the regulated entity responsible for the provision of such services in the area.

22. Certain terms and conditions of permits and agreements to become customer contracts

(1) In this section –

“relevant permit or agreement” means –

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- (a) a permit or agreement, granted or entered into under the *Land Use Planning and Approvals Act 1993*, that was in force or in operation immediately before the commencement day; and
- (b) a building permit, planning permit, or special plumbing permit, granted under the *Building Act 2000*, that was in force immediately before the commencement day and to which section 20 does not apply; and
- (c) a building permit, plumbing permit, or special plumbing permit, granted under the *Building Act 2000* after the commencement day and to which section 19 applies; and
- (d) a permit or agreement, granted or entered into under the *Land Use Planning and Approvals Act 1993* after the commencement day and to which section 18 applies;

“relevant regulated entity”, in relation to an relevant permit or agreement in respect of a building or land, means the regulated entity in relation to which an occupier or owner of the building or land is, or is likely to become, a customer within the

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meaning of the *Water and Sewerage Industry Act 2008*;

“relevant terms and conditions” means the terms and conditions, of a relevant permit or agreement, that relate to the provision of water or sewerage services.

- (2) If a relevant permit or agreement is granted to, or entered into by, a person before the commencement day –
 - (a) the person and the relevant regulated entity are to be taken, on and from that day, to have entered into a customer contract on the same terms and conditions as the relevant terms and conditions; and
 - (b) the customer contract is to remain in operation until another customer contract is entered into between the regulated entity and the person.
- (3) If a relevant permit or agreement is granted to, or entered into by, a person on a day after the commencement day –
 - (a) the person and the relevant regulated entity are to be taken, on and from the day the permit is granted or the agreement is entered into, to have entered into a customer contract on the same terms and conditions as the relevant terms and conditions; and

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- (b) the customer contract is to remain in operation until another customer contract is entered into between the regulated entity and the person.

23. Time limits for actions may be extended by Minister

- (1) The Minister administering the *Water and Sewerage Industry Act 2008* may, by notice, extend a period, specified in a provision in that Act, in which an action is to be performed by a regulated entity.
- (2) A period may not be extended under subsection (1) for more than 30 days.
- (3) A notice under subsection (1) is of no effect after the end of the period of 12 months beginning on the day on which this Part comes into force.
- (4) If a period, specified in a provision, in which an action is to be performed by a regulated entity is extended in a notice under subsection (1), the entity is not to be taken to be in breach of the provision if it performs the action within the period so extended.

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SCHEDULE 1 – WATER LICENCES

Section 16

Column 1 Council name	Column 2 Water Licence number
Break O’Day Council	7796
Break O’Day Council	7797
Break O’Day Council	7798
Break O’Day Council	7799
Break O’Day Council	7800
Break O’Day Council	7801
Burnie City Council	8190
Burnie City Council	8191
Central Highlands Council	7804
Central Highlands Council	7805
Central Highlands Council	7806
Derwent Valley Council	6031
Derwent Valley Council	7721
Derwent Valley Council	7807
Derwent Valley Council	7808

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Column 1 Council name	Column 2 Water Licence number
Dorset Council	7809
Dorset Council	7810
Dorset Council	7811
Dorset Council	7812
Dorset Council	7813
Dorset Council	7814
Dorset Council	7815
Dorset Council	7816
Dorset Council	8988
Flinders Council	7819
Huon Valley Council	7844
Huon Valley Council	7845
Huon Valley Council	7846
Huon Valley Council	7847
Huon Valley Council	7848
Huon Valley Council	7849

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Column 1 Council name	Column 2 Water Licence number
Huon Valley Council	7850
Huon Valley Council	7851
Huon Valley Council	7852
Huon Valley Council	7853
Launceston City Council	7833
Meander Valley Council	7825
Meander Valley Council	7826
Meander Valley Council	7827
Meander Valley Council	7828
Meander Valley Council	7829
Meander Valley Council	7831
Municipality of Glamorgan/Spring Bay	7820
Municipality of Glamorgan/Spring Bay	7821
Municipality of Glamorgan/Spring Bay	7822
Municipality of Glamorgan/Spring Bay	7823
Municipality of Glamorgan/Spring Bay	8197

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Column 1	Column 2
Council name	Water Licence number
Municipality of Glamorgan/Spring Bay	8219
Municipality of Waratah-Wynyard	7855
Northern Midlands Council	7765
Northern Midlands Council	7860
Northern Midlands Council	8991
Northern Midlands Council	9058
Southern Midlands Council	7834
Southern Midlands Council	7835
West Coast Council	7836
West Coast Council	7837
West Coast Council	7838
West Coast Council	7839
West Coast Council	7840
West Coast Council	7841
West Coast Council	7842
West Coast Council	7843