

## ***Water and Sewerage Industry Amendment Bill 2012***

### **Clause Notes**

<b>Clause 1</b>	<b>Short title</b>
<b>Clause 2</b>	<b>Commencement</b> This Act will commence on a day or days to be proclaimed.
<b>Clause 3</b>	<b>Principal Act</b> The Principal Act referred to is the <i>Water and Sewerage Industry Act 2008</i> .
<b>Clause 4</b>	<b>Section 3 amended (Interpretation)</b> This clause inserts a new definition to define “meter reader” and substitutes a new definition for “trade waste” which clarifies that institutions including medical, educational and scientific may be trade waste customers.
<b>Clause 5</b>	<b>Section 56L amended (Regulated entity may reduce or restrict water supply)</b> This clause relaxes the requirement for a regulated entity to advertise, in a local newspaper, a water restriction on a day of total fire ban, prior to the restriction being imposed. However, the clause does require a regulated entity to take reasonable steps to advise its customers that the restriction is in place. This clause will ensure that a regulated entity can work effectively with the State Fire Commission to ensure that adequate water pressure is available for fire fighting and ensure that water use restrictions applied on days of total fire ban can be enforced by regulated entities.
<b>Clause 6</b>	<b>Sections 56ZAA and 56ZAB inserted</b> <b>56ZAA. Meter readers</b> This sub-clause provides that regulated entities may authorise water meter readers, who are not direct employees of the regulated entity, to read water meters. The sub-clause ensures meter readers are under the control and direction of the regulated entity while they undertake meter reading activities, and requires them to comply with any conditions specified in their instrument of authorisation. The sub-clause also provides that the regulated entity may revoke a meter reader’s authorisation, and that the meter reader must do as little damage as possible when exercising its power under the Act.

	<p><b>56ZAB. Meter reader’s identity card</b>  This sub-clause provides that a meter reader must be provided with an identity card by the regulated entity. The identity card must identify the meter reader, contain a photo of the meter reader, identify the regulated entity which authorised the reader, and must be signed by the CEO of the regulated entity and the meter reader.</p> <p>A meter reader must produce their identity card for inspection upon demand before or while entering on private land. A meter reader may receive a fine if he/she does not comply with this requirement.</p>
<b>Clause 7</b>	<p><b>Section 56ZA amended (Entry to install and read meters)</b>  This clause includes a reference to meter readers in section 56ZA of the Principal Act. This will provide meter readers with the power to enter on land to read water meters (and potentially to undertake work on water meters and examine water or sewerage systems).</p> <p>Entry on land may only occur between 7am and 7pm, unless the regulated entity considers that an emergency exists which requires entry outside those hours.</p>
<b>Clause 8</b>	<p><b>Section 56ZK amended (Obstruction)</b>  This clause includes a reference to meter readers in section 56ZK of the Principal Act. This makes it an offence to, without reasonable excuse, obstruct, threaten or intimidate a water meter reader.</p>
<b>Clause 9</b>	<p><b>Part 4, Division 2A, Subdivision 8 inserted</b>  This clause inserts a new subdivision into the Principal Act. The effect of the inserted sections is to provide a mechanism for regulated entities to initiate the re-negotiation of the terms and conditions of particular trade waste agreements. The agreements that can be re-negotiated through this mechanism include those that were inherited from local councils with no end dates, and hence no specified time for review and amendment.</p> <p><b>Subdivision 8 – Transitional matters – trade waste</b>  <b>56ZS. Interpretation</b>  This section defines as “transitional consents”, as those instruments to which the new subdivision relates. It identifies the instruments as special plumbing permits for trade waste discharge and trade waste agreements, which were applied for and/or granted by local authorities and transferred to the regional water and sewerage corporations on 1 July 2009. It further defines the instruments as those which are taken to be consents under section 56ZI of the Principal Act.</p>

**56ZT. Application of Subdivision**

This clause provides that the new subdivision (Subdivision 8) only applies to those instruments identified in the new section 56ZS that are in force immediately before the commencement of this subdivision and that do not contain a term or provision specifying the date on which the relevant instrument is to cease to be in force.

**56ZU. Variation of certain instruments relating to trade waste**

Subsection (1) provides that the terms and conditions of transitional consents may be varied.

Subsections (2) and (3) clarify that a regulated entity may initiate the process to vary the terms and conditions by issuing a notice which must contain a summary of the process and include information about the consequences of failing to vary the terms and conditions.

Subsections (4) and (5) provide that, if an agreement to vary the terms and conditions of a transitional consent is not reached within three years of the notification under subsection (2) then the regulated entity may issue a warning notice. The warning notice warns that the transitional consent will expire in three months unless the person agrees to vary the transitional consent in line with the terms and conditions specified in the notice, or applies to the Economic Regulator, within 14 days of the date of issue of the warning notice, to have the terms and conditions of the consent determined by the Economic Regulator.

Subsection (6) provides for the trade waste customer to apply to the Economic Regulator, within 14 days of receiving the warning notice, to seek a determination on terms and conditions of a revised agreement.

Subsection (7) sets out that if the terms and conditions of the transitional consent are not varied and there is no application made to the Economic Regulator, then the transitional consent (and the original special plumbing permit or trade waste agreement) ceases to be in force three months after the date on the warning notice and the regulated entity no longer is obliged to provide a liquid trade waste service to the relevant property.

**56ZV. Determination by Regulator of applications**

Subsection (1) provides the power for the Economic Regulator to determine the terms and conditions of a transitional consent.

Subsection (2) sets a 12 month period within which the Economic Regulator must attempt to make a determination on a transitional consent's terms and conditions and requires the Economic Regulator to comply with any relevant regulations when making a determination.

Subsection (3) provides the power for the terms and conditions determined by the Economic Regulator to replace the original terms and conditions of the transitional consent.

Subsection (4) sets out that even where the Economic Regulator determines the terms and conditions of a transitional consent, the

	<p>regulated entity and relevant customer may agree terms and conditions.</p> <p>Subsections (5) to (9) provide the power for the Economic Regulator to have its costs reimbursed by the regulated entity and/or the trade waste customer.</p>
<b>Clause 10</b>	<p><b>Section 96 amended (General investigative powers of officers)</b>  This clause amends section 96(1) of the Principal Act by substituting the word "Part" for the word "Division".</p>
<b>Clause 11</b>	<p><b>Section 99 amended (Compensation)</b>  This clause ensures that meter readers are liable to pay compensation to the owner of any land in respect of which they have exercised a power under the Principal Act, for direct loss or damage they cause to property as a result of using that power, unless the damage arises from an investigation which reveals that the property owner has contravened the Principal Act.</p>
<b>Clause 12</b>	<p><b>Section 102 amended (False or misleading information)</b>  This clause inserts the words "a water and sewerage officer" and "a meter reader" into section 102 of the Principal Act. This makes it an offence for a person to furnish false or misleading information to a water meter reader (in addition to the Minister, the Treasurer, the Regulator, a regulated entity and an authorised officer).</p> <p>This clause also corrects the oversight which failed to make it an offence to provide false or misleading information to a water and sewerage officer.</p>
<b>Clause 13</b>	<p><b>Repeal of Act</b>  This clause repeals this Act on the three hundred and sixty fifth day from the day on which all the provisions of this Act commence.</p>