

Pages 1 through 24 redacted for the following reasons:

73(1) Not relevant - Out of scope full refusal

RTI RELEASE

Bronwyn Blagoev

From: Bronwyn Blagoev
Sent: Tuesday, 22 January 2013 2:04 PM
To: CEO - Fraser Coast Regional Council; James Neilson
(James.Neilson@kingandcompany.com.au)
Cc: Josie Hawthorne
Subject: Wide Bay Water Regulation
Attachments: V01L_S12_0494_KW.pdf

Hi Lisa and James

Please find attached the next version of the Regulation which now includes those comments from yourselves and also WBWC.

Please note that this version does not cover off on a Duties Act exemption. OQPC has now advised the Department that the *Local Government Act 2009* does not provide the Department with a head of power to exempt Council from duties requirements.

Instead, any such exemption would need to be contained in a Duties Regulation passed pursuant to section 508(3) *Duties Act 2001*. The Department of Local Government will need to progress discussions with Treasury regarding any such Regulation amendment.

To assist with that discussion, I ask that you provide me with any information you hold regarding the likely duty payable resulting from the dissolution of WBWC - transaction types, likely duty amounts etc. I can then progress that conversation with Treasury separate to the attached Regulation.

Can you please advise me urgently of any requested amendments to the attached Regulation.

Kind Regards

Bronwyn Blagoev (Nosse)
Director
Policy, Legal and Corporate Support
Department of Local Government
Tel 3222 2156
Post PO Box 15009 City East Qld 4002
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bronwyn.blagoev@dlgp.qld.gov.au

Bronwyn Blagoev

From: Bronwyn Blagoev
Sent: Thursday, 20 December 2012 3:42 PM
To: CEO - Fraser Coast Regional Council
Subject: TRIM: RE: TRIM: Timing Regulations
HP TRIM Record Number: D12/127067

Hi Lisa

Thank you for your email today.

I have spoken to DERM today in relation to their timeframes associated with the winding up of the Dundowran-Nikenbah Water Board. We have both agreed to work towards a date of 7 February 2013 for Governor in Council approval of our respective Regulations. I have provided an email this afternoon to DERM indicating the reasons for the urgency.

I have asked DERM to keep in close contact with me throughout January 2013 to keep me abreast of their progress in drafting their Regulation. I am hoping to have a draft Regulation ready to consult with you in mid January 2013 so will be in touch as we progress.

I hope that you have a lovely christmas with your family.

Kind Regards

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From: Lisa Desmond [mailto:Lisa.Desmond@frasercoast.qld.gov.au]
Sent: Thursday, 20 December 2012 12:37 PM
To: Bronwyn Blagoev
Subject: TRIM: Timing Regulations

Dear Bronwyn,

Thank you for the advice that the Department of Local Government are progressing towards the 7th February 2013 for Governor in Council to consider the regulations to enable the winding up of Wide Bay Water. In response to Stephen's letter regarding DNRM and winding up of the Nikenbah-Dundowran Water Board and the potential impact on the 7th February 2013, I am pleased your confirmation that the Minister Local Government does not envisage that this will impede the process. In respect to this matter if there is

anything you require Council to follow up with Wide Bay Water to finalise this matter please do not hesitate to contact me. I have issued the request to Wide Bay Water for a list of the permits, licences and major contracts and will forward these asap.

I look forward to confirmation post your response from DNRM.

Kind Regards

Lisa

Lisa Desmond

Chief Executive Officer

Office of CEO

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PO Box 1943, HERVEY BAY Q 4655

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Bronwyn Blagoev

From: Bronwyn Blagoev
Sent: Tuesday, 8 January 2013 9:19 AM
To: CEO - Fraser Coast Regional Council
Subject: RE: DLG Regulations Drafting

Thanks Lisa, I was just thinking of you this morning.

I have a draft Regulation in front of me. I hope to review it today and send you a consultation version in a day or two. Its very rough from what I can see but will be a good opportunity to get your early input. I will send it through as soon as I have it ready to go. Definitely on-track for 7 Feb.

Kind Regards

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bronwyn.blagoev@dlgp.qld.gov.au

From: Lisa Desmond [mailto:Lisa.Desmond@frasercoast.qld.gov.au]
Sent: Tuesday, 8 January 2013 8:57 AM
To: Bronwyn Blagoev
Subject: FW: DLG Regulations Drafting

Dear Bronwyn,

Information as requested. Please let me know if you require anything further.

Also are you able to confirm that everything is on track for the 7th Feb?

Thanks

Lisa

Lisa Desmond
Chief Executive Officer
Office of CEO
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From: Tracey Tucker [mailto:Tracey.Tucker@widebaywater.qld.gov.au]

Sent: Friday, 21 December 2012 5:08 PM
To: Lisa Desmond
Cc: Leith Bouilly - External
Subject: RE: DLG Regulations Drafting

Hello Lisa

Please find attached the information as requested for the Department of Local Government.

If any further information is identified in the New Year, we will forward it on to you.

Regards
Tracey

Tracey Tucker
Acting CEO – Wide Bay Water Corporation

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f 07 4125 5118

From: Lisa Desmond [<mailto:Lisa.Desmond@frasercoast.qld.gov.au>]

Sent: Thursday, 20 December 2012 12:33 PM

To: Tracey Tucker

Cc: Leith Bouilly - External; Gerard O'Connell

Subject: DLG Regulations Drafting

Dear Tracey,

Council received a request today from the Department Local Government who are drafting the necessary regulations for the provision of a list of permits, licences and significant contracts held by Wide Bay Water.

Would you please be able to provide me with this listing asap. DLP Officers advised the more information and detail that can be provided the better to assist in the drafting provisions.

Kind Regards

Lisa

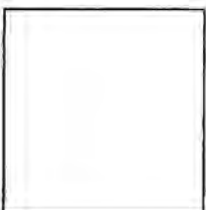
Lisa Desmond

Chief Executive Officer

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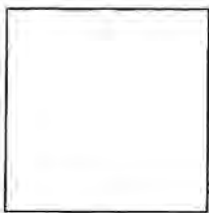
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RTI RELEASE

Bronwyn Blagoev

From: Bronwyn Blagoev
Sent: Tuesday, 8 January 2013 2:40 PM
To: CEO - Fraser Coast Regional Council
Cc: Josie Hawthorne
Subject: RE: DLG Regulations Drafting

Hi Lisa

Thank you for the information on Wide Bay Water Corporation that you provided to the Department.

During drafting of the proposed regulation to wind up Wide Bay Water Corporation, the Office of the Queensland Parliamentary Counsel has raised the following query in relation to the Water Resource (Mary Basin) Plan 2006 section 35.

Section 35 allocates unallocated water to Wide Bay Water Corporation.

Please advise if the newly created business activity unit will retain this water allocation? And if the Wide Bay Water Corporation's interim resource operations licence is being transferred to the new business activity unit, a consequential amendment to section 35 to replace the reference to Wide Bay Water Corporation with the name of the new business activity unit may be required.

Thanks for your time.

Kind Regards

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Pages 33 through 35 redacted for the following reasons:

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RTI RELEASE

Bronwyn Blagoev

From: Bronwyn Blagoev
Sent: Tuesday, 8 January 2013 3:32 PM
To: CEO - Fraser Coast Regional Council
Subject: RE: DLG Regulations Drafting

Thanks for the quick response Lisa, most appreciated.

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bronwyn.blagoev@dlgp.qld.gov.au

From: Lisa Desmond [mailto:Lisa.Desmond@frasercoast.qld.gov.au]
Sent: Tuesday, 8 January 2013 3:32 PM
To: Bronwyn Blagoev; CEO - Fraser Coast Regional Council
Cc: Josie Hawthorne
Subject: RE: DLG Regulations Drafting

Hi Bronwyn,

Thank you for your email of 8 January, 2013.

Yes this will need to be allocated to FCRC.

In addition there are Resource Operating Licences for both Teddington Weir Water Supply Scheme and the Wide Bay Water Supply Scheme (Burrum River) and associated water allocations which will also need to be transferred to FCRC.

Thanks,

Lisa Desmond
CEO

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RTI RELEASE

Bronwyn Blagoev

From: Bronwyn Blagoev
Sent: Thursday, 10 January 2013 11:54 AM
To: CEO - Fraser Coast Regional Council
Cc: Josie Hawthorne
Subject: RE: DLG Regulations Drafting

Hi Lisa

Thanks for your email.

It is not the Department's intention to create an interim entity. Instead, the Regulation will specify a "transfer day". It is on that transfer day that WBW will cease to exist and the Council will become the legal successor of WBW. The term "transfer day" will be a defined term and we welcome Council's view on what that date should be. If your view is that it should be later to coincide with reporting arrangements, we are happy to reflect that in the Regulation.

We have been a little delayed in getting you a consultation version as we have sought Crown Law advice on that part of the Regulation dealing with the transfer of permits and legal instruments. We hope to get you a consultation version shortly and we welcome Council's views on the draft Regulation.

Kind Regards

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From: Lisa Desmond [mailto:Lisa.Desmond@frasercoast.qld.gov.au]
Sent: Thursday, 10 January 2013 11:19 AM
To: Bronwyn Blagoev
Subject: RE: DLG Regulations Drafting

Hi Bronwyn,

Are you able to confirm if the Draft Regulations include provision as per the below which was part of King & Co's proposed drafting. The below enables Council to establish an interim arrangement should the de-corporatisation date be set for a future date to co-incide with financial reporting periods.

Thanks

Lisa

Interim arrangements for corporate entity

- (1) The local government must give written notice of the making of the de-corporatisation resolution to the corporate entity
- (2) On the day immediately after the day on which written notice of the making of the de-corporatisation resolution is given to the corporate entity (the *transition day*)—
 - (a) all the board members of the corporate entity go out of office and any contract relating to their appointment ends; and
 - (b) the chief executive officer of the corporate entity goes out of office as the chief executive officer of the corporate entity; and
 - (c) the local government must appoint—
 - (i) as members of the board of the corporate entity, councillors of the local government; and
 - (ii) as the chief executive officer of the corporate entity, a person nominated by the local government.

Winding up

On the changeover day—

- (a) the corporate entity ceases to exist; and
- (b) all of the board members of the corporate entity go out of office and any contract relating to their appointment ends; and
- (c) the chief executive officer of the corporate entity goes out of office as its chief executive officer.

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RTI RELEASE

Bronwyn Blagoev

From: Bronwyn Blagoev
Sent: Thursday, 10 January 2013 3:41 PM
To: CEO - Fraser Coast Regional Council
Subject: RE: DLG Regulations Drafting

Thanks Lisa. Will get back to you as soon as I have something substantive!

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From: Lisa Desmond [mailto:Lisa.Desmond@frasercoast.qld.gov.au]
Sent: Thursday, 10 January 2013 12:00 PM
To: Bronwyn Blagoev
Cc: Josie Hawthorne
Subject: RE: DLG Regulations Drafting

Hi Bronwyn,

Thank you. Depending on the logistics of the legislation we would prefer a transfer day as an end of month either 31st January or 28th February to co-incide with financial reporting requirements and for ease of transition.

Let me know if you wish to discuss

Thanks

Lisa

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RTI RELEASE

Bronwyn Blagoev

From: Bronwyn Blagoev
Sent: Wednesday, 16 January 2013 11:05 AM
To: CEO - Fraser Coast Regional Council
Cc: Josie Hawthorne
Subject: FW: version 1D of Wide Bay Water regulation
Attachments: V01D_S12_0494_KW.pdf

Hi Lisa

Please find attached a draft Regulation for the transition of Wide Bay Water. I welcome any comments which Council has on the draft Regulation. Please note it has also been sent to the A/CEO WBW for comment. We have had it reviewed by Crown Law and this version includes their suggestions.

Thanks for your time, it is much appreciated.

Kind Regards

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Bronwyn Blagoev

From: Bronwyn Blagoev
Sent: Wednesday, 16 January 2013 11:31 AM
To: CEO - Fraser Coast Regional Council
Cc: Josie Hawthorne; James Neilson (James.Neilson@kingandcompany.com.au)
Subject: RE: version 1D of Wide Bay Water regulation

Thanks Lisa,

The Department will progress the gazette notice once we receive confirmation that Council is in a position to implement the change. We are just reluctant to indicate a firm date in the Regulation in case there is a day or two delay and we would need to amend the Reg. So in that respect, we are in your hands.

I don't believe there is any specific legislative requirement for Council to resolve a date as ultimately it is the Department who needs to progress the gazettal notice. You may however wish to as a matter of internal process but that is not something I would offer a view on.

Thanks for your time.

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From: Lisa Desmond [mailto:Lisa.Desmond@frasercoast.qld.gov.au]
Sent: Wednesday, 16 January 2013 11:25 AM
To: Bronwyn Blagoev
Cc: Josie Hawthorne; James Neilson (James.Neilson@kingandcompany.com.au)
Subject: RE: version 1D of Wide Bay Water regulation

Hi Bronwyn

Thank you. I have also referred the Draft to James Neilson for review. A quick look of the regulations I have no major concerns however would like to confirm:

1. How is the transfer day determined – is the date provided by Council to the Department for Gazettal.
2. Do I require a formal Council Resolution to determine the transfer day (as per above)

James may have other queries which he will send through.

Thanks and appreciate your assistance.

Lisa

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RTI RELEASE

Bronwyn Blagoev

From: Bronwyn Blagoev
Sent: Wednesday, 16 January 2013 12:08 PM
To: CEO - Fraser Coast Regional Council
Cc: James.Nelson@kingandcompany.com.au
Subject: RE: version 1D of Wide Bay Water regulation

Thanks Lisa, the exemption from State taxes was in last night's version but I can see now it has been dropped off. It is our intention to include this and I will ask for its reinsertion.

We have lost a bit of time in terms of the timeframe to GIC and are now aiming for the 7th Feb. It is anticipated that the 'transfer day' will be at a date nominated by Council after that. I believe it is a short period to get a gazettal notice published so I don't anticipate it taking much more than a week or so once we know the date.

I can give those instructions in relation to s321(2).

Thanks

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From: Lisa Desmond [mailto:Lisa.Desmond@frasercoast.qld.gov.au]
Sent: Wednesday, 16 January 2013 11:44 AM
To: Bronwyn Blagoev
Cc: James.Nelson@kingandcompany.com.au
Subject: RE: version 1D of Wide Bay Water regulation

Hi Bronwyn

Thanks for the clarification. I would imagine that as previously advised the 28th February will be the earliest end of month date for ease of financial reporting, as I assume the regulations are required to go to Governor and Council on 31st January and then there would be a timeframe required for the gazettal notice.

Also wish to confirm that nothing of the transition will make Council liable for State Taxes (as was the process with amalgamation and when WBW was originally created). Below is the clause that James previously proposed in the King & Co Draft regulations.

State taxes

- (1) Each of the local government and the corporate entity are not liable to pay an amount of State taxes for anything done to—
 - (a) create a new business unit that is part of the local government, to conduct the significant business activity of the corporate entity on a commercial basis; or
 - (b) transfer any asset or liability which forms part, or the whole, of the significant business activity from the corporate entity to the local government (including, in relation to a legal instrument made, executed, lodged or given, for example); or
 - (c) wind up the corporate entity.
- (2) In this section—
 - (a) a *State tax* includes—
 - (i) a tax under the *Duties Act 2001* or another Act; and
 - (ii) a charge or fee under the *Land Act*, *Land Title Act*, *Transport Operations (Road Use Management) Act 1995*, *Water Act* or another Act; and
 - (b) *tax* includes duty, impost and levy.

Additionally although not a major issue, but for completeness if under Right of Employee and additional point to 321 (2)

an employee is employed by the local government on the same conditions on which the person was employed by WBWC

Thanks

Lisa

Lisa Desmond
 Chief Executive Officer
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From: Bronwyn Blagoev [mailto:Bronwyn.Blagoev@dlgp.qld.gov.au]
Sent: Wednesday, 16 January 2013 11:31 AM
To: Lisa Desmond
Cc: Josie Hawthorne; James.Nelson@kingandcompany.com.au
Subject: RE: version 1D of Wide Bay Water regulation

Thanks Lisa,

The Department will progress the gazette notice once we receive confirmation that Council is in a position to implement the change. We are just reluctant to indicate a firm date in the Regulation in case there is a day or two delay and we would need to amend the Reg. So in that respect, we are in your hands.

I don't believe there is any specific legislative requirement for Council to resolve a date as ultimately it is the Department who needs to progress the gazettal notice. You may however wish to as a matter of internal process but that is not something I would offer a view on.

Thanks for your time.

Bronwyn Blagoev (Nosse)
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Bronwyn Blagoev

From: Bronwyn Blagoev
Sent: Thursday, 17 January 2013 11:47 AM
To: CEO - Fraser Coast Regional Council
Cc: James Neilson (James.Neilson@kingandcompany.com.au)
Subject: RE: version 1D of Wide Bay Water regulation [KINGCO-KINGDB.FID128830]

Thanks Lisa and James for the prompt turnaround! we will consider and funnel back to OQPC.

The reference to the Water Amendment is the DERM amendment regarding the winding up of the Dundowran-Nikenbah Water Board and ensuring WBW is not wound up until that occurs.

Cheers

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From: Lisa Desmond [mailto:Lisa.Desmond@frasercoast.qld.gov.au]
Sent: Thursday, 17 January 2013 11:36 AM
To: Bronwyn Blagoev
Cc: James Neilson (James.Neilson@kingandcompany.com.au)
Subject: FW: version 1D of Wide Bay Water regulation [KINGCO-KINGDB.FID128830]

Hi Bronwyn,

Please find below some feedback and suggested inclusions from James for your consideration. Other than that it all looks good.

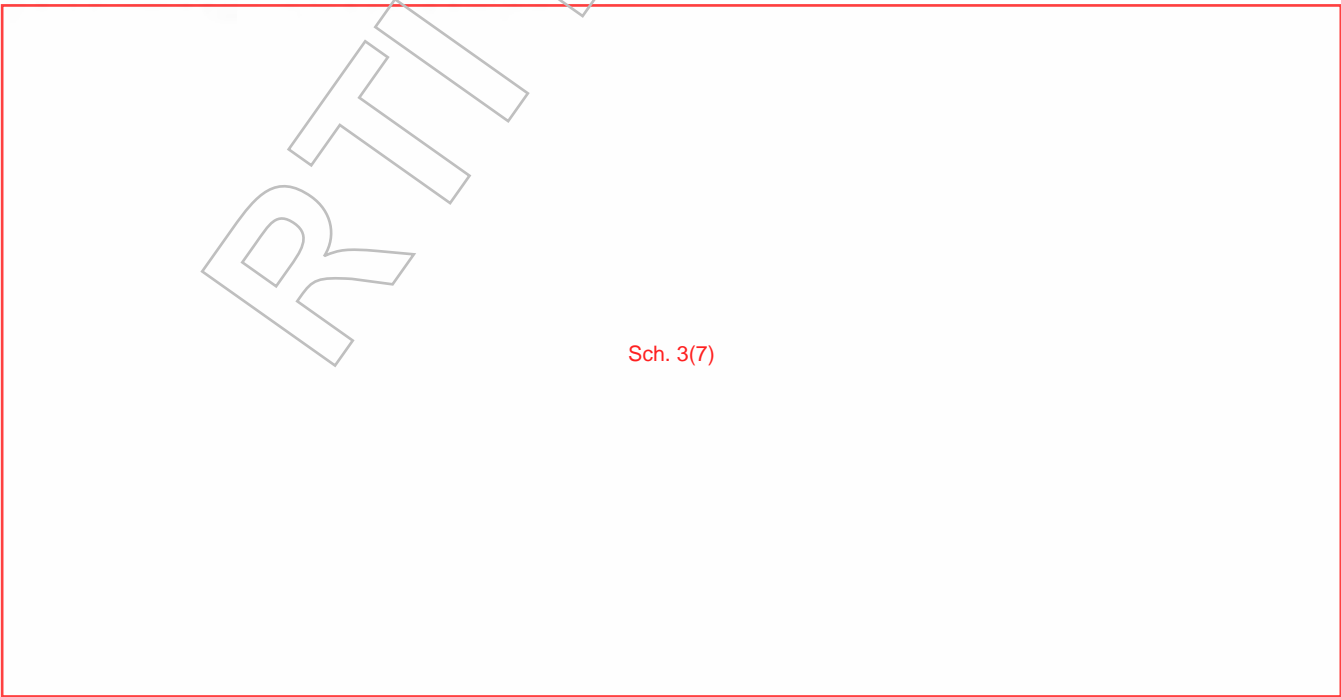
Cheers

Lisa

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From: Karlene Sheldrake [mailto:Karlene.Sheldrake@kingandcompany.com.au] **On Behalf Of** James Neilson
Sent: Thursday, 17 January 2013 10:43 AM
To: Lisa Desmond
Subject: RE: version 1D of Wide Bay Water regulation [KINGCO-KINGDB.FID128830]

1. Our comments regarding the draft regulation are detailed below.



Sch. 3(7)

Sch. 3(7)

E Please contact the writer if you have any queries.

Regards
James Neilson
Partner
King & Company, Solicitors
T: (07) 3243 0000
F: (07) 3236 1885
Level 7, 95 North Quay, Brisbane Qld 4000
GPO Box 758, Brisbane Qld 4001

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From: Lisa Desmond [mailto:Lisa.Desmond@frasercoast.qld.gov.au]
Sent: Wednesday, 16 January 2013 11:14 AM
To: James Neilson
Subject: FW: version 1D of Wide Bay Water regulation

Hi James,

Here it is, would welcome any feedback

Thanks

Lisa

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RTI RELEASE

Bronwyn Blagoev

From: Bronwyn Blagoev
Sent: Tuesday, 8 January 2013 2:59 PM
To: CEO - Fraser Coast Regional Council
Subject: Timing of Regulation

Hi Lisa

I am so sorry to bombard you with emails but because of timing with different Regulations, it is now proposed to move forward this Regulation to 31 January 2013. We are still just finalising that at our end. Can you please advise if that presents any issues?

Thanks

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RTI RELEASE

Bronwyn Blagoev

From: Bronwyn Blagoev
Sent: Tuesday, 8 January 2013 3:07 PM
To: CEO - Fraser Coast Regional Council
Subject: RE: Timing of Regulation

Thanks Lisa, will advise once I know the new date is 100% locked in.

Cheers

Bronwyn Blagoev (Nosse)
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From: Lisa Desmond [mailto:Lisa.Desmond@frasercoast.qld.gov.au]
Sent: Tuesday, 8 January 2013 3:02 PM
To: Bronwyn Blagoev
Subject: Re: Timing of Regulation

Hi Bronwyn

That is no problem for us

Thanks

Lisa

Lisa Desmond
Chief Executive Officer
Fraser Coast Regional Council
T: 4197 4560

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RTI RELEASE

Bronwyn Blagoev

From: Bronwyn Blagoev
Sent: Tuesday, 22 January 2013 4:46 PM
To: CEO - Fraser Coast Regional Council
Cc: James Neilson (James.Neilson@kingandcompany.com.au)
Subject: RE: Wide Bay Water Regulation [KINGCO-KINGDB.FID128830]

Thank you Lisa and James.

I have put all suggestions to OQPC for their consideration as they look good to me.

The only exception to that is clause 7 of James' email - section 329 from the previous version.

The issue in relation to section 329 was raised by Clayton Utz on behalf of WBW but in reality, its deletion is, in my opinion, in favour of FCRC.

We were concerned that the drafting of that section (conferral of powers and functions) may seek to limit what FCRC can do in relation to WBWC as it refers to the "powers and functions of WBWC". It is clear under the LGA that FCRC has all the necessary powers to carry out the functions of WBWC as a commercial business unit in due course. I believe the powers of FCRC are much broader than WBWC so wasn't convinced it was needed in any respect.

However, I'm not particularly wedded to it one way or the other so happy for you to consider that one issue and get back to me.

Cheers

Bronwyn Blagoev (Nosse)
 Director
 Policy, Legal and Corporate Support
 Department of Local Government
 Tel 3222 2156
 Post PO Box 15009 City East Qld 4002
 Visit Level 8, 63 George Street

bronwyn.blagoev@dlgp.qld.gov.au

From: Lisa Desmond [mailto:Lisa.Desmond@frasercoast.qld.gov.au]
Sent: Tuesday, 22 January 2013 4:10 PM
To: Bronwyn Blagoev
Cc: James Neilson (James.Neilson@kingandcompany.com.au)
Subject: FW: Wide Bay Water Regulation [KINGCO-KINGDB.FID128830]

Hi Bronwyn,

Amendments recommended by King & co for consideration

Thanks

Lisa

Lisa Desmond

Chief Executive Officer

Office of CEO

T (07) 4197 4560 | M (4)(6) Personal Inform | E lisa.desmond@frasercoast.qld.gov.au

From: Kym Bayliss [mailto:Kym.Bayliss@kingandcompany.com.au] **On Behalf Of** James Neilson

Sent: Tuesday, 22 January 2013 3:56 PM

To: Lisa Desmond

Subject: Wide Bay Water Regulation [KINGCO-KINGDB.FID128830]

1. Our comments regarding the content of the revised regulation forwarded to us under cover of an email from Bronwyn Blagoev of the Department of 22 January, 2013 are detailed below.

Sch. 3(7)

8. Please contact the writer if you have any queries.

Regards
James Neilson
Partner

King & Company, Solicitors
T: (07) 3243 0000
F: (07) 3236 1885
Level 7, 95 North Quay, Brisbane Qld 4000
GPO Box 758, Brisbane Qld 4001

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