

*Duplicate*

SUPREME COURT OF QUEENSLAND

REGISTRY: Brisbane  
NUMBER: 4276/2022

Applicant: Gladstone Regional Council

and

Respondent: Peter Anthony Bergman

**ORDER**

Before: Justice Wilson

Date: 28 September, 2022

Initiating document: Application filed 12 April, 2022.

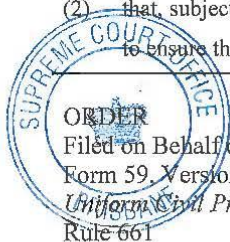
**THE COURT ORDERS AS FOLLOWS:**

The Court declares, in accordance with section 128G of the *Plumbing and Drainage Act 2002* and section 70 of the *Plumbing and Drainage Act 2018*:

- (1) that, subject to paragraph (3) of this Order, the pump and the piping connected to it, for conveying wastewater from the Respondent's premises at 6 Ocean Drive, Seventeen Seventy (which was installed by the Applicant or the Miriam Vale Shire Council) to the Applicant's service provider infrastructure (the *pumping equipment*), is drainage within the meaning of subsection 70(1) of the *Plumbing and Drainage Act 2018* (Qld), by which:

"The owner of premises must take all reasonable steps to ensure all plumbing and drainage on the premises is kept in good condition and operates properly".

- (2) that, subject to paragraph (3) of this Order, the Respondent is obliged to take all reasonable steps to ensure the pumping equipment is kept in good condition and operates properly;



ORDER  
Filed on Behalf of the Applicant  
Form 59, Version 1  
Uniform Civil Procedure Rules 1999  
Rule 661

**FINAL ORDER**

King & Company  
Level 7, 95 North Quay, Brisbane  
Phone No: (07) 3243 0000  
Facs: (07) 3236 1885  
Reference: JTW:24344

Draft Final Order (002)

- (3) that in this proceeding, the Court has not determined, and makes no declaration about, who owns the pumping equipment, nor does this proceeding affect any rights and causes of action or claims that the parties may have against each other or third parties;
- (4) that nor does this Order affect any of the statutory obligations that the Applicant owes, including under the *Water Supply (Safety and Reliability) Act 2008*(Qld);
- (5) that there be no order for payment of the costs of and incidental to this proceeding.

Signed

  
Deputy Registrar

