

Plumbing and Drainage and Other Legislation Amendment Regulation 2022

Explanatory notes for SL 2022 No. 171

made under the

Plumbing and Drainage Act 2018

State Penalties Enforcement Act 1999

General Outline

Short title

Plumbing and Drainage and Other Legislation Amendment Regulation 2022

Authorising law

Section 157 of the *Plumbing and Drainage Act 2018*

Section 165 of the *State Penalties Enforcement Act 1999*

Policy objectives and the reasons for them

The objectives of the *Plumbing and Drainage and Other Legislation Amendment Regulation 2022* (PDOLA Regulation) are to:

- (a) amend the *Plumbing and Drainage Regulation 2019* (PDR) to:
 - enable local governments to issue a permit for a holding tank installed for a temporary period of less than two years.
 - prescribe an additional use for recycled greywater, other than kitchen greywater, generated by large-scale cooling tower treatment plants.
 - enable local governments to issue a permit for the new use, subject to new requirements for a greywater management plan and a water standard prescribed by the Regulation.
- (b) amend the *State Penalties Enforcement Regulation 2014* (SPER) to:
 - prescribe section 147(1) of the Act as an infringement notice offence and introduce a penalty infringement notice fine of 20 penalty units for an individual and 80 penalty units for a corporation.

PDOLA Regulation

The key policy objective of the *Plumbing and Drainage Regulation 2019* (the PDR) is to prescribe matters provided for under the *Plumbing and Drainage Act 2018* (the PD Act).

Section 79(5) of the PD Act sets out the permissible uses for greywater when the greywater has been treated by a greywater treatment plant. These uses are currently limited to washing cars, paths etc, flushing toilets, closed loop laundry systems and irrigation of grounds.

The PD Act contains an existing head of power that allows treated greywater to be used for a prescribed use. The proposed amendment prescribes an additional use of recycled greywater, other than kitchen greywater, namely large-scale cooling tower treatment plants.

Local governments are able to issue a permit for the new use, subject to new requirements for a greywater management plan and a water standard prescribed by the Regulation.

Holding tanks

Recent amendments to the PD Act facilitated discharge of untreated sewage or greywater (or both) into a holding tank installed on premises under a permit issued by a local government, during the period stated in the permit, for collection by a truck and disposal off-site.

The PDOLA Regulation will enable local governments to condition a permit relating to the temporary installation of a holding tank for a stated period. Local governments will be able to stipulate when the temporary holding tank must be removed.

This is consistent with the intent of the *Building and Other Legislation Amendment Act 2022* amendment as it will allow local government to approve permits for temporary purposes (e.g., for temporary toilets on a construction site before the premises have been connected to the sewage system).

Other minor amendments

The PDOLA Regulation will amend section 19 of the PDR to correct a minor typographical error replacing the words 'grey water' with 'greywater'.

Other minor amendments will be made throughout the PDOLA Regulation to clarify and refine existing plumbing provisions including but not limited to replacing the word 'prescribed water meter' with the correct terminology 'water meter', to provide clarity to industry.

SPER Amendments

A penalty infringement notice (PIN) is a ticket or notice imposing a fine for contraventions of offence. The PIN system provides a swift and inexpensive means of

addressing particular offences that would otherwise be required to be dealt with by means of costly and time-consuming prosecutions.

The SPER has been amended to prescribe section 147(1) of the PD Act as an infringement notice offence.

This will ensure that if a local government issues an enforcement notice to an individual or corporation for defective plumbing or drainage work, and the homeowner, plumber or corporation fails to comply with the enforcement notice, the local government can issue a PIN for the failure.

This amendment reinstates a PIN offence for failure to comply with an enforcement notice, which was an unintended omission when the PD Act was updated in 2018.

Achievement of policy objectives

PDOLA Regulation

The PDOLA Regulation achieves the policy objectives by prescribing:

- a new use of greywater in air conditioning cooling towers
- a new standard of greywater permitted for use in air conditioning cooling towers
- requirements for a greywater management plan (GWMP) that must be included with an application for a cooling tower treatment plant
- enables local government to condition a permit for a stated period for the installation of a holding tank for a temporary period. Local governments may also stipulate when the holding tank must be removed.

SPER Amendments

The PDOLA Regulation achieves the policy objective by prescribing:

- section 147(1) of the PD Act as an infringement notice offence.
- an infringement notice fine of 20 penalty units that will apply to an individual for a contravention of the offence provision
- an infringement notice fine of 80 penalty units that will apply to a corporation for a contravention of the offence provision.

Consistency with policy objectives of authorising law

The PDOLA Regulation is consistent with the policy objectives of authorising laws, as follows:

- The PDOLA Regulation is consistent with the main objective of the authorising legislation, which is to regulate the carrying out of plumbing or drainage work in a way that reduces risks to public health and safety and the environment.
- The amendments to SPER is consistent with the policy objectives of the authorising legislation, which is to:
 - maintain the integrity of fines as a viable sentencing or punitive option for offenders; and
 - maintain confidence in the justice system by enhancing the way fines and other money penalties may be enforced; and

- reduce the cost to the State of enforcing fines and other money penalties.

Inconsistency with policy objectives of other legislation

No inconsistencies with the policy objectives of other legislation have been identified.

Alternative ways of achieving policy objectives

To achieve policy objectives the PDOLA Regulation is amending both the *Plumbing and Drainage Regulation 2019* and the *State Penalties Enforcement Regulation 2014*.

Benefits and costs of implementation

The benefits and costs of implementing the proposed changes are not significantly different from the benefits and costs of the operation of the current PDR, which the Regulation amends.

Consistency with fundamental legislative principles

The PDOLA Regulation has sufficient regard to the institution of Parliament, is consistent with the policy objectives of the authorising laws and only contains matters appropriate to subordinate legislation. Therefore, the Regulation is consistent with fundamental legislative principles as outlined in the *Legislative Standards Act 1992*.

Consultation

The PDOLA Regulation resulted from a review of Queensland's plumbing laws and consultation with stakeholders. The policy objectives reflected in the PDOLA Regulation have been informed and refined in partnership with industry and the community.

The Office of Best Practice Regulation was consulted and has advised that a Regulatory Impact Statement is not required (under Category K), as the proposed amendments pose no change or increase in the regulatory burden.