

# Public Health (Water Risk Management) Amendment Act 2016

Explanatory notes for SL 2016 No. 226

made under the

*Public Health (Water Risk Management) Amendment Act 2016*

## General Outline

### Short title

Proclamation for the *Public Health (Water Risk Management) Amendment Act 2016*

### Authorising law

Section 2 of the *Public Health (Water Risk Management) Amendment Act 2016*

### Policy objectives and the reasons for them

The *Public Health (Water Risk Management) Amendment Act 2016* (the Amendment Act) amends the *Public Health Act 2005* (the Act) to implement a legislative framework to:

- improve the management and control of health risks associated with the supply and use of water in hospitals and residential aged care facilities, in particular the health risks associated with *Legionella* bacteria; and
- provide greater transparency of water testing activities being undertaken by these facilities to detect *Legionella* bacteria.

The Amendment Act will require prescribed facilities to:

- (i) have in place water risk management plans to address the public health risks associated with the supply and use of water;
- (ii) comply with a water risk management plan;
- (iii) notify the Department of Health within one business day of being notified of a test result confirming the presence of *Legionella* bacteria in water used by the facility; and
- (iv) provide the Department of Health with periodic reports regarding the results of tests for *Legionella* bacteria undertaken in accordance with their water risk management plans.

The Amendment Act also enables the chief executive of the Department of Health to publish water testing information provided by prescribed facilities.

The Amendment Act was passed by the Legislative Assembly on 26 May 2016 and received Royal Assent on 14 June 2016. Section 2 of the Amendment Act provides that it commences on a day to be fixed by proclamation. The objective of the proclamation is to commence the Amendment Act on 1 February 2017.

## **Achievement of policy objectives**

The Proclamation provides for the Amendment Act to commence on 1 February 2017.

## **Consistency with policy objectives of authorising law**

The Proclamation is consistent with the policy objectives of the Act.

## **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**

The Proclamation is the only effective means of commencing the Act, other than by allowing automatic commencement under section 15DA of the *Acts Interpretation Act 1954*.

## **Benefits and costs of implementation**

As outlined in the explanatory notes to the Public Health (Water Risk Management) Amendment Bill 2016, the costs associated with implementation of the Amendment Act will be met from within existing Queensland Health resources.

## **Consistency with fundamental legislative principles**

The Proclamation is consistent with fundamental legislative principles, as set out in section 4 of the *Legislative Standards Act 1992*.

## **Consultation**

The Office of Best Practice Regulation was consulted on the proclamation and has advised that a Regulatory Impact Statement is not required.