

Water Supply (Safety and Reliability) (Northern Peninsula Area Regional Council) Amendment Regulation 2018

Explanatory notes for SL 2018 No. 43

made under the

Water Supply (Safety and Reliability) Act 2008

General Outline

Short title

Water Supply (Safety and Reliability) (Northern Peninsula Area Regional Council) Amendment Regulation 2018.

Authorising law

Sections 20(1)(c)(ii) and 586 of the *Water Supply (Safety and Reliability) Act 2008*

Policy objectives and the reasons for them

Section 586(1) of the *Water Supply (Safety and Reliability) Act 2008* states that the Governor in Council may make regulations.

The *Water Supply (Safety and Reliability) (Northern Peninsula Area Regional Council) Amendment Regulation 2018* (the amendment regulation) makes amendments to the *Water Supply (Safety and Reliability) Regulation 2011*.

The Department of Local Government, Racing and Multicultural Affairs is the registered water service provider for the water service supplying the five communities within the Northern Peninsula Area Regional Council local government area.

Prior to the local government amalgamations in 2008, the five communities forming Northern Peninsula Area Regional Council (Bamaga, Seisia, Umagico, New Mapoon and Injinoo) were separate councils but all relied on the same single source for their water supply. Much of the infrastructure for the water supply system was built and or funded by the Queensland Government over a long period.

At the time of the amalgamations, the Northern Peninsula Area water supply system remained in State Government ownership, as the newly formed council did not have the capacity to operate and maintain the system. While ownership and management of the system has remained with the Queensland Government, it was never intended to be a permanent arrangement.

The former Department of Infrastructure, Local Government and Planning and the Northern Peninsula Area Regional Council signed a Memorandum of Understanding in December 2016 confirming that ownership of the infrastructure will transfer to the Northern Peninsula Area Regional Council on 30 June 2019.

However, the Mayor of the Northern Peninsula Area Regional Council has proposed the transfer of the water service provider registration before the infrastructure transfer date. This will enable the Northern Peninsula Area Regional Council to become more actively involved in the management of the water supply system. It will also empower the Northern Peninsula Area Regional Council to set and enforce water restrictions to reduce consumption, operating costs and extend the life of the infrastructure.

An entity that does not own infrastructure can be registered as a service provider under the *Water Supply (Safety and Reliability) Act 2008* if nominated by the infrastructure owner as a related entity and so prescribed by regulation.

In accordance with sections 20(1)(c) and (2) of the *Water Supply (Safety and Reliability) Act 2008*, the Department of Local Government, Racing and Multicultural Affairs has nominated the Northern Peninsula Area Regional Council as a related entity and requested that it be so prescribed under regulation. The Northern Peninsula Area Regional Council is the registered service provider for the sewerage service to the five communities.

The policy objective of the amendment regulation is to prescribe the Northern Peninsula Area Regional Council as the related entity of the Department of Local Government, Racing and Multicultural Affairs. This will enable the Northern Peninsula Area Regional Council to be registered as the water service provider for the water service to the five communities in the Northern Peninsula Area Regional Council local government area with all the powers of a registered service provider under the *Water Supply (Safety and Reliability) Act 2008*.

Achievement of policy objectives

To achieve its objective, the amendment regulation will prescribe the Northern Peninsula Area Regional Council as the related entity of the Department of Local Government, Racing and Multicultural Affairs.

Consistency with policy objectives of authorising law

The legislation is consistent with one of the main policy objectives of the *Water Supply (Safety and Reliability) Act 2008*, which is to provide a regulatory framework for water and sewerage services in the state.

Inconsistency with policy objectives of other legislation

There is no inconsistency with the policy objectives of other legislation.

Benefits and costs of implementation

The amendment regulation will benefit the Northern Peninsula Area Regional Council by allowing it to operate under the *Water Supply (Safety and Reliability) Act 2008* as the registered service provider for the water service to the five communities in the Northern Peninsula Area Regional Council local government area.

The Government will not incur any costs in the implementation of the amendment regulation.

Consistency with fundamental legislative principles

The amendment regulation is consistent with fundamental legislative principles. There are no breaches of fundamental legislative principles.

Consultation

In accordance with the Queensland Government Guide to Better Regulation, the Office of Best Practice Regulation was not consulted in relation to the regulatory proposal. The Department of Natural Resources, Mines and Energy applied a self-assessable exclusion from undertaking further regulatory impact analysis (category g – Regulatory proposals that are of a machinery nature).