

# Water Supply (Safety and Reliability) Regulation 2021

Explanatory notes for SL No. 106

made under the

*Water Supply (Safety and Reliability) Act 2008*

## General Outline

### Short title

*Water Supply (Safety and Reliability) Regulation 2021*

### Authorising law

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

Section 371A of the Water Supply Act provides that a regulation may specify a referable dam that is required to have a flood mitigation manual.

Section 653 of the Water Supply Act provides that a regulation may prescribe a related entity of a drinking water supply infrastructure owner need to enable that entity to be able to supply drinking water under the Water Supply Act.

### Policy objectives and the reasons for them

The purpose of the *Water Supply (Safety and Reliability) Regulation 2021* (the regulation) is to remake the *Water Supply (Safety and Reliability) Regulation 2011* (Water Supply Regulation) with minor amendments.

The Water Supply Regulation was due to expire on 1 September 2021, however a sunset review determined an ongoing relevance and need to remake it, the original policy objectives being: to contribute to public health and safety by specifying those dams which must have, and comply with, a flood mitigation manual; and prescribe certain entities as owners of relevant infrastructure and enable them to use the infrastructure to supply a water or sewage service.

The Water Supply Regulation implemented recommendations of the Queensland Floods Commission of Inquiry 2012 relating to dam safety and flood mitigation matters, prescribing three dams—North Pine, Somerset and Wivenhoe—as requiring flood mitigation manuals. Under the Water Supply Regulation, Seqwater, as the owner of these dams, was required to submit flood mitigation manuals to the Minister for approval, and associated flood event reports, in accordance with section 371A of the Water Supply Act.

A further policy objective of the Water Supply Regulation was to ensure that particular referable dams, that have significant water storage capacity exceeding the full supply level of the dam, can be safely and effectively operated under a flood mitigation manual.

In replacing the Water Supply Regulation, the regulation makes minor amendments to update the name of a department, as a dam infrastructure owner, due to a machinery of government change; and allow a redundant provision—regulating a transitional coal seam gas recycled water scheme—to expire. Such schemes are now regulated through the *Environmental Protection Act 1994* and the *Waste Reduction and Recycling Act 2011*. As a result, provisions in the *Water Supply (Safety and Reliability) Act 2008* and the Water Supply Regulation were rendered redundant.

## **Achievement of policy objectives**

The regulation achieves the intended policy objectives by replacing the Water Supply Regulation, thereby continuing to achieve the policy objectives of the latter regulation by prescribing particular (referable) dams for submitting flood mitigation manuals and flood event reports to the Regulator; and prescribing related entities who operate the relevant infrastructure to supply a water or sewerage service.

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

The regulation is consistent with the main objectives of the Water Supply Act, which is to provide for the safety and reliability of water supply.

## **Inconsistency with policy objectives of other legislation**

The regulation is not inconsistent with the policy objectives of any other legislation or any other jurisdiction.

## **Benefits and costs of implementation**

All implementing entities are familiar with the requirements that existed under the Water Supply Regulation and have established strategies in place to support the ongoing implementation of the regulation.

Minimal (business as usual) costs are incurred by Seqwater and the related entities for water supply purposes, in implementing the regulation.

Implementation actions for Seqwater and the related entities for water supply are incorporated within existing business-as-usual processes, as there are no additional requirements with the preferred option to remake the regulation.

## **Consistency with fundamental legislative principles**

The regulation is consistent with fundamental legislative principles. It complies with relevant requirements of section 4(5) of the *Legislative Standards Act 1992*, namely it:

- (a) is within the power that, under an Act or subordinate legislation (the authorising law), allows the subordinate legislation to be made; and
- (b) is consistent with the policy objectives of the authorising law; and
- (c) contains only matter appropriate to subordinate legislation; and
- (d) amends statutory instruments only.

## **Consultation**

The Department of Regional Development, Manufacturing and Water (the department) lodged a proposal with the former Queensland Productivity Commission's Office of Best Practice Regulation (OBPR), submitting that the regulation should be remade with amendments.

The OBPR issued a letter of evaluation supporting the department's proposal. The OBPR considers that the department has satisfactorily met the objectives for sunset reviews as set out in the *Queensland Government Guide to Better Regulation*, evaluating that the regulation continues to satisfy its objectives and the need for continued regulatory action was demonstrated.