

Plumbing and Drainage Amendment Regulation 2024

Explanatory notes for Subordinate Legislation 2024 No. 43

made under the

Plumbing and Drainage Act 2018

General Outline

Short title

Plumbing and Drainage Amendment Regulation 2024

Authorising law

Sections 7 and 157 of the *Plumbing and Drainage Act 2018*

Policy objectives and the reasons for them

The objectives of the *Plumbing and Drainage Amendment Regulation 2024* (Amendment Regulation) are to amend the *Plumbing and Drainage Regulation 2019* (PDR) to introduce:

- a new version of the Queensland Plumbing and Wastewater Code (QPWC) and reinstate pre-2019 compliance provisions for greywater treatment plant approvals; and
- provisions for transitional treatment plant approvals.

Part 4 of the PDR provides the legislative framework for applications seeking approval of domestic treatment plants in Queensland. The PDR was amended in 2019 (section 19) to adopt AS1546.4:2016 and AS1546.3:2017 as the eligibility criteria for issuing greywater and on-site sewage treatment plant approvals, respectively. These standards were adopted as they included minimum water quality standards and a testing protocol. Industry was given until 1 January 2024 to have all existing treatment plant approvals certified against these standards.

Treatment plants can either be greywater treatment plants (GTPs) which treat greywater including wastewater from showers and baths but do not treat human waste, or onsite sewage treatment plants (OSTPs) which treat both human waste and greywater.

The former Department of Energy and Public Works (the Department) reminded GTP manufacturers that compliance with section 19 would take effect from 1 January 2024. However, several implementation issues were raised by industry. Specifically, GTP manufacturers advised the Department that there is no Australian testing facility able to test

GTP against AS1546.4, which means manufacturers cannot successfully apply for approval under the PDR.

Given this situation, the Department granted approval extensions until 30 April 2024 to enable business continuity and consumer confidence for the purchase and installation of GTPs in Queensland.

Regarding OSTPs only two testing facilities are operational Australia-wide. The limited market capacity inhibited the ability for all manufacturers to finalise testing against the new testing requirements during the transition period.

Achievement of policy objectives

The Amendment Regulation will amend the PDR to:

- a) reinstate pre-2019 compliance provisions for greywater treatment plant approvals in Queensland to:
 - lessen the regulatory and financial cost of GTP approvals on manufacturers
 - enable manufacturers with existing GTP approvals to renew their approvals without having to undertake further testing, as their systems have already proven to be able to treat greywater appropriately under the previous regulatory framework.
- b) introduce transitional arrangements for treatment plant approvals that expired on 31 December 2023, to allow OSTP approvals to be issued against the previous standard until 31 December 2024, providing an additional 12 months to undertake the required testing.
- c) introduce a revised QPWC which will include:
 - provision regarding the testing and approval requirements for GTP
 - schedule of performance requirements for GTP.

The QPWC sets out Queensland specific plumbing and drainage standards.

The revised QPWC (Version 2024.1), which reinstates the pre-2019 compliance framework, has been approved by the chief executive of the department in which the PDA is administered, as provided for under section 7 of the PDA. The QPWC does not take effect until approved under section 8 of the PDR. On commencement, the revised QPWC will provide minimum water quality standards and testing protocols for GTPs.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the *Plumbing and Drainage Act 2018* and its objects to regulate the carrying out of building work to ensure proper standards in the building industry and protect public safety.

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

There are no alternative ways of achieving the policy objectives.

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 Amendment Regulation amends.

The Department of Housing, Local Government, Planning and Public Works has prepared an Impact Analysis Statement (IAS) in accordance with the Queensland Government Guide to Better Regulation. This IAS indicates no further regulatory impact analysis is required as the proposed amendments are not expected to result in additional costs to industry and will continue to deliver a competitive market.

Consistency with fundamental legislative principles

These legislative instruments have sufficient regard to the rights and liberties of individuals, and to the institution of Parliament. It is made in accordance with the power and policy objectives of the *Plumbing and Drainage Act 2018* and only contains matters appropriate to subordinate legislation. Therefore, the Amendment Regulation is consistent with fundamental legislative principles as outlined in the *Legislative Standards Act 1992*.

Consultation

Queensland Treasury, Queensland Health and targeted industry stakeholders including relevant GTP manufacturers, local governments, and interstate regulators (New South Wales, Victoria, South Australia, Tasmania, Northern Territory and Western Australia) have been consulted.

All parties consulted support the proposed Amendment Regulation.