

Water (Desired Level of Service Objectives for SEQ Region) Amendment Regulation 2022

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, Glenn Butcher MP Minister for Regional Development and Manufacturing and Minister for Water, provide this Human Rights Certificate with respect to the *Water (Desired Level of Service Objectives for SEQ Region) Amendment Regulation 2022* made under the *Water Act 2000* (the Water Act).

In my opinion, the *Water (Desired Level of Service Objectives for SEQ Region) Amendment Regulation 2022* (the regulation), as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The *Water Regulation 2016* sets out the desired Level of Service (LOS) objectives for South East Queensland (SEQ). These objectives outline the minimum performance expected from the SEQ Water Grid to ensure the region has enough water to meet the long-term needs of the community.

The regulation amends section 80(3) of the *Water Regulation 2016* relating to the water restrictions criteria. The amendment changes the current LOS expression of the duration of restrictions from “medium level water restrictions to not be in place longer than 1 year on average” to “the total duration of medium level water restrictions, and water restrictions of a greater severity, will not last longer than 5 per cent of the modelled time.”

The purpose of this change is to enable the LOS objective to better reflect the behaviour of the water storages, and the generally longer duration of droughts in the SEQ region. The amendment also allows for potential increases in the duration of water restrictions due to climate change.

If this amendment was not made, it could result in the premature expansion of SEQ water grid infrastructure, resulting in unnecessary increases in the bulk water charges to SEQ residents.

The revised LOS objective reduces the risk of constructing drought response infrastructure that could be idle for much of the time (i.e., generally only used during drought until the population grows and increases the water demand).

This change will not alter Seqwater’s drought response plan, or the trigger for medium-level water restrictions, or bring forward infrastructure augmentation (outlined in the Water Security Program). Rather, the amendment represents an administrative change in the regulation to reflect current practice of water supply management activities.

Under the Water Act, Seqwater is responsible for developing the Water Security Program, a long-term water security plan for the SEQ region that facilitates the achievement of LOS objectives. While the Water Security Program sets the SEQ Water Grid storage capacity level at which restrictions are to be imposed, the responsibility to implement water restrictions lies with SEQ water service providers.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

No Human Rights are negatively affected or engaged by the amendments.

In a broader sense, the proposed amendment supports the delivery of section 16 of the *Human Rights Act 2019*—the right to life—by delivering water security to the SEQ community through reducing pressure on current key bulk water storages.

Water restrictions are a key demand management strategy within Seqwater’s Water Security Program. Water restrictions reduce demand and reduce costs to the community by prolonging water supplies during drought and by deferring the need for new supplies, potentially reducing the costs associated with upgrading or building drought response water supply infrastructure (e.g., manufactured water facilities, such as desalination and purified recycled water plants), and possibly reducing the impact on the environment (due to delay in new bulk water infrastructure).

Achieving this will support the purposes of the Water Act as well as the *Water Supply (Safety and Reliability) Act 2008*, to deliver safe and reliable water sources to the SEQ region. As such, the amendment delivers positively to the protection of human rights for Queenslanders and maintains the right of everyone to sufficient, safe, acceptable and physically accessible and affordable water for personal and domestic uses.

Conclusion

I consider that the *Water (Desired Level of Service Objectives for SEQ Region) Amendment Regulation 2022* is compatible with the *Human Rights Act 2019* because it does not limit human rights.

Glenn Butcher
Minister for Regional Development and Manufacturing
and Minister for Water