

Plumbing and Drainage and Other Legislation 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* (HR Act), I, the Honourable Mick de Brenni MP, Minister for Energy, Renewables and Hydrogen and Minister for Public Works and Procurement, provide this human rights certificate with respect to the *Plumbing and Drainage and Other Legislation Amendment Regulation 2022* (PDOLA Regulation), which amends the:

- *Plumbing and Drainage Regulation 2019* (PD Regulation) made under the *Plumbing and Drainage Act 2018* (PD Act)
- *State Penalties Enforcement Regulation 2014* (SPE Regulation) made under the *State Penalties Enforcement Act 1999*.

In my opinion, the PDOLA 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 Plumbing and Drainage and Other Legislation Amendment Regulation 2022

Prescribing the use of greywater in air conditioner cooling towers

Section 79(5) of the PD Act sets out the permissible uses for greywater when the greywater has been treated by a greywater treatment plant. These uses are currently limited to washing cars, paths etc, flushing toilets, closed loop laundry systems and irrigation of grounds.

The PD Act contains head of power that allows additional uses of treated greywater to be prescribed.

The PDOLA Regulation will prescribe the use of greywater in air conditioner cooling towers and will provide an appropriate framework to ensure public health and safety by prescribing:

- minimum size of treatment plant and minimum standard for treated greywater permitted for use in air conditioner cooling towers
- requirements for a greywater management plan (GWMP) that must be included with an application for a cooling tower treatment plant.

Holding tanks

The PD Act allows the owner of premises the option to discharge untreated sewage or greywater (or both) into a holding tank installed on premises under a permit issued by a local government council, during the period stated in the permit, for collection by a truck and disposal off-site.

The PDOLA Regulation will enable local governments to condition a permit for a stated period for the installation of a temporary period holding tank. Local governments will be able to stipulate when the holding tank must be removed.

This is consistent with the intent of the Building and Other Legislation Amendment Act 2022 amendment as it will allow local government to approve permits for temporary purposes (e.g., for temporary toilets on a construction site before the premises have been connected to the sewage system).

SPER Amendments

The PDOLA Regulation will amend the SPE Regulation to include a penalty infringement notice (PIN) and prescribe section 147(1) of the PD Act as an infringement notice offence.

This will ensure that if a local government issues an enforcement notice to an individual or corporation for defective plumbing or drainage work, and the homeowner, plumber or corporation fails to comply with the enforcement notice, the local government can issue a PIN for the failure.

This amendment reinstates a PIN offence for failure to comply with an enforcement notice, an offence which was an unintended omission when the PD Act was updated in 2018.

A PIN is a fine for contraventions of offence provisions under legislation. The PIN system provides a swift and inexpensive means of addressing particular offences that would otherwise be required to be dealt with by means of costly and time-consuming prosecutions.

Human Rights Issues

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

The PDOLA Regulation, if enacted does not limit or otherwise affect human rights protected under Part 2, Division 2, HR Act.

Consideration of reasonable limitations on human rights (section 13, HR Act)

The PDOLA Regulation, if enacted is consistent with the provisions set down in section 13, HR Act, that human rights may be subject under law only to reasonable limits.

Conclusion

I consider that the *Plumbing and Drainage and Other Legislation Amendment Regulation 2022* is compatible with the *Human Rights Act 2019* because it limits human rights only to the extent that is reasonable and demonstrably justified in a free and democratic society based on human dignity, equality and freedom.

MICK DE BRENNI MP
MINISTER FOR ENERGY, RENEWABLES AND HYDROGEN
AND MINISTER FOR PUBLIC WORKS AND PROCUREMENT