

Plumbing and Drainage Amendment Regulation 2024

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 Meaghan Scanlon MP, Minister for Housing, Local Government and Planning and Minister for Public Works, provide this human rights certificate with respect to the *Plumbing and Drainage Amendment Regulation 2024* (Amendment Regulation) made under the *Plumbing and Drainage Act 2018* (the Act).

In my opinion, the Amendment 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

On 1 July 2019, the *Plumbing and Drainage Regulation 2016* was repealed and replaced with the *Plumbing and Drainage Regulation 2019* (PDR). The PDR also adopted a new version of the Queensland Plumbing and Wastewater Code (Version 1: 2019) (QPWC) as part of a suite of new plumbing laws. This new version of the QPWC replaced the superseded 2017 version (26 October 2017).

Part 4 of the PDR currently 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. This limited market capacity has inhibited the ability for all manufacturers to finalise testing against the new testing requirements during the transition period.

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.

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.

Human Rights Issues

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

In my opinion the Amendment Regulation does not limit or otherwise affect human rights protected under Part 2, Division 2, HR Act.

Conclusion

I consider that the *Plumbing and Drainage Amendment Regulation 2024* 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.

MEAGHAN SCANLON MP
MINISTER FOR HOUSING, LOCAL GOVERNMENT AND
PLANNING AND MINISTER FOR PUBLIC WORKS

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