

Water Legislation Amendment Bill 2022

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WATER LEGISLATION AMENDMENT BILL 2022 SUBMISSION – 10/11/22

Submission Summary

Recommendation to amend Section 144 of the *Water Supply (Safety and Reliability) Act 2008* to increase urban water sustainability, give a stronger signal to water service providers to meter building fire testing water usage and reduce community administrative overhead costs.

Legislation Reference

Water Supply (Safety and Reliability) Act 2008 - Section 144

144 No charge for water for firefighting purposes

(1) A water service provider must not make a charge for water taken from a firefighting system or a service provider's hydrant for firefighting purposes.

(2) However, the service provider may fix either or both of the following to any private firefighting system—

(a) a meter;

(b) a seal.

(3) Within 24 hours after a seal is broken, the occupier of the premises must give the service provider written notice of the breaking unless the occupier has a reasonable excuse.

Definitions

firefighting purposes includes training for firefighting and testing firefighting equipment.

firefighting system means a system of water pipes, fire hydrants and water storage or pumping facilities connected to a water service provider's infrastructure solely for firefighting purposes.

Discussion

Section 144 is somewhat of an anachronism that was carried over from the originally *Water Supply Act 2000* passed by Parliament. It was written at a time when SEQ's and Queensland's water security was not in question, water costs in the order of \$400 per MegaLitre (ML) to produce and distribute and where the legislated regime under the related *Building Act 1975* for firefighting system water usage and testing used considerably less water from the State's water resources than it does today.

S144 as currently written does not promote water sustainability since it removes all cost signals for the building and fire industry to use water efficiently. This is particularly pertinent as the new development building mix now is strong biased toward attached units, which under the *Building Act 1975* almost always require the installation of a private fire hydrant system, and with more recent amendments to the *Building Code of Australia*, often the requirement for an additional private fire sprinkler system. This has been recognised in other states, such as Victoria, who have subsequently removed/amended similar clauses in their legislation. At the time, they estimated in greater Melbourne that building firefighting testing activities were consuming in the order of 1% of the urban water supply.

In Brisbane and Ipswich, there is in the order of 3,900 private building fire connections to the drinking water supply that are known about. The likely number is higher due to record keeping for older buildings not required to track which water supply connections were being used for private firefighting systems. The mandated testing regime in Queensland, after regulatory amendments to the Queensland Development Code Mandatory Part 6.1, now require all buildings with Special Fire Services to:

- Annually conduct water supply proving tests
- Monthly conduct water consuming pump run tests with for example a minimum 10 minutes of run time for every diesel fire pump installed
- Annually drain and refill any fire water storage tanks

These tests consume a considerable quantity of drinking water and it is typically not recycled, with the water discharged by the fire system test contractors to either sewer and stormwater. As above, with no cost signal to these activities, it does not incentivise water efficiency, and the cost burden for the raw water resources, treatment and distribution is subsidised by other property owners who do not have a private firefighting system.

Administratively it is also highly impractical in order for a water service provider to be in complete compliance with S144 as it is currently written. For any given water connection, it is virtually impossible for a water service provider to determine how much water was used by testing contractors for *firefighting purposes* and how much was for non-firefighting purposes without an independent observer and special meter reads taken on the days of firefighting water use. If legally challenged, a water service provider would struggle to prove that they had not made a charge for water used for firefighting purposes on any given property with a firefighting system. This adds considerable administrative complexity to the reading and billing of water meters for these properties in order for water service providers to try to determine a basis on which they can be seen to comply in spirit with the law, even though they cannot comply with the letter of the law.

There is also it seems unintentional errata in S144 that also adds another layer of administrative complexity. As it is currently written only facilities with fire hydrants **and** water storage or pumping facilities can by definition be a firefighting system. Buildings with fire hydrants only, but no storage nor any fire pump are therefore not a firefighting system as per the definitions used for S144. In addition, the system must be “solely” for firefighting purposes. The question is what comprises “solely”? Most systems have common fire and domestic connection on the water utility side, and the fire hydrant system branches off the pipework somewhere downstream, sometimes this branch is made after a common fire/domestic metering installation and other times before this to go through its own fire metering installation. It is an ambiguity, especially as water service providers have no knowledge of the on-site fire fighting equipment installed and its configuration, as to whether the firefighting system satisfies the “solely” requirement or not.

Recommendation

Water resource sustainability and water use efficiency would be better served by allowing individual water service providers to set an appropriate tariff structure and metering arrangement for their particular service territory requirements in accordance with their local customer expectations. For some areas with an abundance of water resources, water service providers may choose to not make any cost signal. For other areas, such as SE Queensland, with far more constrained water resources then they may choose to include a cost signal, potentially either at a discounted water use rate to compromise, or at a full cost signal to maximise fire industry water efficiency.

However, where the Act can stand is to continue to prohibit water service providers from charging for water used by the Queensland Fire Service, which I believe was also a primary intent of Section 144.

All of the above, including the current ambiguity/impracticality in the current wording can be addressed by amending the definition of "*firefighting system*" to instead be

firefighting system means [equipment utilised by the Queensland Fire Service to control fires and perform their required duties, in the periods the Queensland Fire Service is using this equipment for firefighting purposes.](#)

Submitter Details (Personal Submission)

- Currently employed as Urban Utilities planning engineer and building fire system and metering subject matter expert
- Current a leading metering standards engineer for water service provider fire service metering in Southeast Queensland / Australia
- Co-author of the Water Service Association of Australia's Fire Service Metering Code of Practice (<https://www.wsaa.asn.au/shop/product/5521>)