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23 October 2017

Committee Secretary  
Public Works and Utilities Committee  
Parliament House  
George Street  
Brisbane QLD 4000  
Email: [pwuc@parliament.qld.gov.au](mailto:pwuc@parliament.qld.gov.au)

Dear Sir/Madam

**RE: LOGAN CITY COUNCIL SUBMISSION - PLUMBING AND DRAINAGE BILL 2017**

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Logan City Council (LCC) provides the following comments to the Public Works and Utilities Committee on the State Government's proposed *Plumbing and Drainage Bill 2017* (the Bill).

The LCC acknowledges the Bill's key objectives are to:

- *Establish a contemporary, streamlined and flexible legislative framework for plumbing and drainage that is clear and simple for the end user; will ensure both public health and the environment are protected; and will meet industry and community expectations over the next decade*
- *Provide authority for the making of a contemporary plumbing regulation that will be clear and easy for practitioners to use; reduce the regulatory burden on consumers, industry and local government; and include improved regulatory requirements for obtaining approvals for plumbing and drainage work*
- *Provide authority for the making of a contemporary plumbing code that will include all plumbing standards required to vary and complement national plumbing standards*
- *Protect public health and safety through the regulation of mechanical services work, including medical gas work, under the Queensland Building and Construction Commission Act 1991 (QBCC Act)' (Explanatory Notes to the Bill, page 1).*

The LCC provides in principle support for the objectives of the Bill and provides comments towards the consultation program on the Bill.

The LCC acknowledges and supports the amendments to the QBCC Act regarding the introduction of new licensing arrangements for mechanical services work on the basis that the mechanical services licences will be issued and administered by the QBCC and not expand the role of local government in administering plumbing laws within their local government area.

However, there remain some unresolved priority local government issues in the Bill including:

- the lack of regulatory support for local government to monitor on-site sewage facilities that are not for testing purposes (clause 136)

- the inclusion of the new definition for 'water service' (schedule 1).

For further detail regarding these issues, refer to the supporting appendix provided with this letter. In addition, the IPIQ is concerned that the absence of the proposed plumbing regulation and the proposed new plumbing code inhibits the ability to fully consider and identify the range of implications for local governments.

The Bill entrusts a number of aspects to the proposed plumbing regulation outlined in clause 191 of the Bill and throughout various other provisions, and is significantly more expansive than the current regulation-making powers under the *Plumbing and Drainage Act 2002*.

Many of the additional regulation-making powers relate to and may impact on the roles, responsibilities and functions of local government, for example by providing for:

- the inspection of permit work and notifiable work and the giving of action notices, inspection certificates or final inspection certificates for the work
- the types of on-site sewage facilities and greywater use facilities a local government must monitor
- circumstances when a local government is not required to inspect particular plumbing or drainage work, and for the giving of notices about the work
- the registers the commissioner or a local government must keep and the information that must or may be included in each register
- matters relating to plumbing or drainage work, generally.

The LCC will continue to be closely engaged in the development of the proposed plumbing regulation to ensure that all potential implications for local governments can be thoroughly considered and addressed.

Similarly, clause 7 of the Bill provides the authority to make the Queensland Plumbing and Wastewater Code but details of the proposed new plumbing code have not been provided with the current version of the Bill.

It is understood that the new plumbing code will set out the Queensland specific plumbing and drainage technical standards that were previously set out in the Queensland Plumbing and Wastewater Code, the *Plumbing and Drainage Act 2002* and the *Standard Plumbing and Drainage Regulation 2003*. Local government plumbing inspectors will be responsible for enforcing the code requirements and therefore should be closely consulted as the code is prepared.

Additionally, it should be noted that due to the restricted timeframes attached to providing comments to the Public Works and Utilities Committee, the comments within this letter are the views of Council officers and not that of Council, as this matter was not able to be discussed at a full Council meeting.

If you require any further information or clarification, please feel free to contact Mr Eddie Benjamin – Development Engineering Program Leader directly via [REDACTED]

Yours sincerely,



Todd Rohl 23 October 2017  
Director, Strategy and Sustainability | Directorate  
Logan City Council

## Supporting Appendix – LCC Submission to Plumbing and Drainage Bill 2017

### 1. Monitoring particular on-site sewage facilities

Clause 136 of the Bill specifies that a regulation may prescribe the types of on-site sewage facilities a local government must monitor in its local government area. In the absence of the proposed plumbing regulation it is unclear what limitations will be placed on local government in relation to monitoring requirements. However, the explanatory notes to the Bill state that *'clause 136 of the Bill is based on section 143C of the repealed Plumbing and Drainage Act 2002'* which specifies that each local government must monitor on-site sewerage facilities installed for 'testing' purposes only.

There is currently no support for local government to monitor on-site sewage facilities that are not for testing purposes. This is despite the potential of on-site sewage facilities to adversely affect public health or safety, or the environment, and local government responsibility in relation to the enforcement and compliance of plumbing or drainage work. It is noted that under the current framework all greywater use facilities in sewerred areas must be monitored by local government.

The LCC recommends that local governments should be afforded the regulatory authority to monitor any on-site sewage facility, not just those for testing purposes only, to ensure the risks to public health or safety, or the environment are appropriately managed.

### 2. Inclusion of a new definition for 'water service'

The LCC notes that a definition for 'water service' has been included in schedule 1 (Dictionary) of the Bill to clarify the services provided by a water service provider and the scope of a 'retail water service'. The current *Plumbing and Drainage Act 2002* does not contain a definition of 'water service', and it appears as though the new definition of 'water service' that is used in the Bill, has been replicated from the *Water Supply (Safety and Reliability) Act 2008* and reads:

*water service means—*

- (a) water harvesting or collection, including, for example, water storages, groundwater extraction or replenishment and river water extraction; or*
- (b) the transmission of water; or*
- (c) the reticulation of water; or*
- (d) drainage, other than stormwater drainage; or*
- (e) water treatment or recycling.*

The LCC is concerned that the scope of the definition is too broad for the plumbing and drainage work intended to be captured by the new legislation. For example, 'water harvesting or collection' such as groundwater extraction or replenishment and river water extraction is not work that is appropriate in the context of plumbing and drainage.

In addition, water storages such as rainwater tanks are now only required with new houses and/or commercial buildings where a local government has been approved to opt-in to the Queensland Development Codes (QDC) for:

- residential buildings: Mandatory Part 4.2–Rainwater tanks and other supplementary water supply systems (QDC 4.2), and

- commercial buildings: Mandatory Part 4.3—Supplementary water sources (QDC 4.3).

Rainwater harvesting could be captured by the proposed definition included in the Bill and is sufficiently broad to also be outside the scope of relevant work regulated by the plumbing and drainage framework. The definition of 'water service' included in AS-NZS 3500.0: 2003 Plumbing and drainage - Part 0: Glossary of terms is currently used in the plumbing and drainage framework and limits water services to the *'...pipework from the water main up to and including the outlet valves at fixtures and appliances'*.

The LCC recommends that the proposed definition of 'water service' in the Bill, taken from the *Water Supply (Safety and Reliability) Act 2008*, be reconsidered in the context of AS-NZS 3500.0: 2003 to ensure that it is appropriate for and aligned with the plumbing and drainage framework.