



Speech by

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WATER AND OTHER LEGISLATION AMENDMENT BILL AND SOUTH EAST QUEENSLAND WATER (RESTRUCTURING) BILL

Mr HOOLIHAN (Keppel—ALP) (8.25 pm): This is a cognate debate on two bills: the South East Queensland Water (Restructuring) Bill and the Water and Other Legislation Amendment Bill. The Water and Other Legislation Amendment Bill has two parts to it. The first part deals with the uses for greywater and blackwater. In the area that I represent, only 44 per cent of people who reside in the Livingstone shire are connected to town water; they have their own tanks and their own dams. They also do not have sewerage. The proposals in the Water and Other Legislation Amendment Bill will allow those people to look at the options of on-site sewerage facilities and uses for greywater and also for blackwater.

Another change under the Water and Other Legislation Amendment Bill relates to water service charges for premises. That relates to tenants and their requirement to meet only a certain percentage of the service charges to the premises. At present there are a number of premises where tenants can use water willy-nilly and the cost is unable to be passed on to them. Under the amendments, provided that the premises are water efficient—in other words, they have water efficient toilets, shower heads and cold water taps installed—then part of the charge for the water that the tenants use can be passed on to them by the landlord. There are restrictions on what can be passed on if the premises are not water efficient. Amendments in the Water and Other Legislation Amendment bill are designed to assist people in re-using water and also to ensure that some large water wasters are taken to task and in fact are able to be located.

That leads me to the second part of the bill. I would like to take the opportunity to address the issue of local governments monitoring compliance with Queensland Water Commission water restrictions. Since level 5 restrictions were introduced, town water consumption has dropped from 171 litres per day to as low as 122 litres per person per day, although I understand that last week it crept up quite close to the 140 litres per day again.

The One to One Water Savings Program was launched as part of level 5 water restrictions in June 2007. This program targeted over 79,000 households with above average water use—that is, 800 litres per day or more. Ninety-two per cent of these households submitted a completed water use assessment form and received a customised water savings plan in return. Many of these households have taken advantage of the government's schemes for purchasing water-saving devices to reduce water consumption. Other households have worked hard to source possible leaks and ensure that these have been fixed.

The upshot of this program is that by October 2007, only three months after the commencement of the program, over 75 per cent of properties had reduced their water consumption, saving 32 million litres of water per day. These savings are now contributing to the average daily town water consumption falling from 642 million to 528 million litres per day. However, the message of water saving stills needs to be taken up by some people. In Brisbane during the first three months of the One to One Water Savings Program the number of water guzzlers actually doubled, with 15 households using more than 15,000 litres of water per day. Most of the people sitting in this House would shake their heads and wonder how it is possible for one household to use 15,000 litres per day, but I suppose that is a story for another time. Many

residents have been so frustrated with watching the practices of their neighbours that they have called their local council to complain.

An option open to government to improve compliance was to make repeat offenders pay higher fines. In July the government, supported by the opposition, announced increases to the penalties for repeated breaches of commission water restrictions. Under the new regime the second fine rose from \$225 to \$450 and the third and subsequent fine from \$300 to \$1,050. For high-volume water users under the One to One Water Savings Program the first fine rose from \$150 to \$450 and the second and subsequent fine from \$225 to \$1,050. Despite community support for actions on high-volume water users, very few fines have been issued by south-east Queensland local governments.

Local governments who have been delegated the responsibility for enforcing compliance with commission water restrictions have stated that efforts to enforce restrictions are hampered by an inability to investigate allegations. This is particularly relevant where breaches occur on private property. Councils can currently investigate breaches of water restrictions through an approved inspection program. These programs allow council officers who have been appointed as authorised persons to enter premises to monitor compliance with a number of regulations covered under the Local Government Act 1993, such as dangerous dogs or swimming pool fencing. Approved inspection programs give authorised persons the power to enter properties, but not inside residential premises, at any reasonable time of the day or night. Entry under an approved inspection program does not require agreement from the occupier or a warrant.

An approved inspection program enables authorised persons to enter premises to gather information and evidence and to ask persons on the property for reasonable help in exercising such powers. An element of these approved inspection programs is that prior to their commencement the local government must give notice of the program via a notice published in a newspaper. I commend the Ipswich and Pine Rivers city councils for recently advertising their water restriction inspection programs. I note that a program recently announced by Ipswich City Council will commence on 12 December 2007 for a three-month period. However, most local governments in the south-east Queensland region have not established such programs.

The government has responded by including amendments in this bill to provide new entry powers under the Local Government Act. These amendments are specifically for the purpose of monitoring compliance with and enforcement of commission water restrictions. The entry powers apply if an authorised person of a council reasonably suspects a commission water restriction is being contravened at any place or if the person considers it necessary to enter a non-residential place to conduct an audit or inspection to monitor compliance with a commission water restriction. These powers will allow councils to quickly respond to complaints from neighbours of excess water usage or restriction breaches. They will also improve the ability of councils to audit business compliance with water restrictions.

Contrary to media claims by the mayor of Gold Coast City, this amendment will not require staff to trespass on properties. This government is not in the business of compelling local government staff to break the law, rather we are helping them carry out their work. To exercise these powers, council officers must take all reasonable steps to identify themselves, generally by producing an identity card. They must also tell the occupier the purpose of the entry. On entering properties, an authorised person has a range of powers, including the ability to inspect, test, photograph or film anything in or on the place, copy documents and take samples. For investigating commission water restriction breaches, council officers may need to photograph a plumbing arrangement to confirm that a tank or rainwater downpipe diverter is fitted. They may need to copy and audit paperwork to determine business compliance with a water efficiency management plan and they may need to take samples of tank water to confirm its origins. These actions are all consistent with other local government compliance programs. This amendment does not increase the powers of entry for authorised persons beyond those currently provided under an approved inspection program—that is, an authorised person is not allowed to enter a house, unit or any other building or structure used for residential purposes.

We have heard so much tonight about how badly off councils are because of the actions of government, but these powers have been introduced to ensure that both councils and government can deliver water efficiently and that people do not take more water than they are entitled to. Perhaps if more councils considered that the actions of the government are to assist rather than to stand in their way, there would be a more common-sense approach to dealing with water. Both bills are designed to advance the welfare of the people of Queensland and I commend the bills to the House.