




Speech By
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MEMBER FOR MULGRAVE

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WATER SUPPLY SERVICES LEGISLATION AMENDMENT BILL

 **Mr PITT** (Mulgrave—ALP) (10.33 pm): I rise to contribute to the debate on the Water Supply Services Legislation Amendment Bill 2014. At the outset I want to advise the House that the opposition will be broadly supporting the legislation, although we do have some concerns that I will explain. The bill has seven main objectives and I will briefly address each of them in turn.

The bill seeks to establish what is called the 'utility model' for water distributor-retailers—Queensland Urban Utilities and Unitywater—which should create a single approval with quicker technical assessments for connecting premises to water and sewerage services. At present, distributor-retailers operate under a temporary delegated assessment approval process for water and sewerage requested by the Council of Mayors SEQ. The new utility model provides a streamlined process for water and sewerage approvals for South-East Queensland distributor-retailers by merging the two current approvals under the water supply act and the Sustainable Planning Act. It should all mean we are enabling the water businesses to make the decision for a technical connection to their infrastructure. It is putting the decision in the hands of the experts.

The utility model has been customised for all scales of development to allow effective and timely water and sewerage connections, whether for a single property or major developments such as a new housing estate. The model sets out the process for new water connection approvals, staged water connection approvals, infrastructure planning, enforcement and compliance. For South-East Queensland distributor-retailers the permanent utility model will create a single approval with quicker technical assessments for connecting premises to water and sewerage services. Providing that there is still appropriate oversight of the water industry to ensure that decisions are made correctly and there is probity and transparency surrounding all aspects of the decision-making process, Labor is prepared to support these changes. To satisfy those requirements, I seek further clarification from the minister about what oversight will occur over the decisions made by service providers.

Currently, the water supply act requires water service providers to submit and continuously review strategic asset management plans, system leakage management plans, drought management plans and outdoor water use conservation plans. The bill seeks to remove the requirement from the water supply act for strategic asset management plans, system leakage management plans, outdoor water use conservation plans and drought management plans. I note that drinking water service providers, however, will still be required to prepare and comply with an approved drinking water quality management plan to protect public health. It is proposed that these plans will be replaced with an annual reporting mechanism on certain key performance indicators. It has been argued by the government and the LGAQ that these plans are costly to develop and do not always contribute to effective asset management or water security planning.

The opposition understands those arguments, however, given that all of the reputable science tells us that we are entering a time when weather patterns are becoming more unstable and droughts and floods are becoming longer and more severe, good strategic planning makes a lot of sense.

Replacing a strategic plan with an annual performance report on certain key performance indicators does not seem to be a like-for-like swap. An annual report on certain figures might give a service provider a small snapshot in time of their performance, but if there is nothing to measure that performance against, for example, a strategic, long-term plan, then those figures are not particularly helpful. It is not enough to just measure performance and collect various sets of figures in a vacuum of information. The figures should be measured against a plan to determine whether a service provider's performance is up to scratch or not.

The bill removes the requirement for recycled water providers that supply recycled water for lower exposure uses to have approvals under the water supply act. Recycled water schemes declared to be 'critical schemes', such as schemes supplying to power stations and schemes with the potential to expose people to ingestion of significant quantities of recycled water—higher exposure schemes such as crop irrigation—will be required to have a recycled water management plan under the water supply act. I note that a new register of recycled water schemes will be established that will provide information to the Department of Health about where water recycling activities are occurring to assist in public health surveillance.

The bill amends the SEQ water act to increase the number of councillors allowed on distributor-retailer boards to ensure equal representation of each participating local government. The bill also removes the requirement for distributor-retailers and councils to publish draft prices for the next financial year in March as this does not align with the council's budgetary timeframe under the Local Government Act 2009. We are concerned that the requirement to publish draft prices is being removed altogether and is not simply being realigned to fit in more appropriately with the local government budget cycle. I ask the minister to advise whether the department considered simply changing the timeframe for the publication of draft prices instead of removing it all together and why this option was rejected.

The bill will also amend the Plumbing and Drainage Act 2002 to enable 'authorised persons' appointed by a water service provider to install certain water meters. As the minister correctly picked, this is our main area of concern. We will be opposing these elements of the bill and we will repeal those provisions upon returning to government. Labor recognises that plumbing is an important skill, requiring years of training to obtain the necessary qualifications. That is because plumbers do important work. It is very easy to take for granted that when we turn on our taps clean water comes out, but in many places around the world that is not the case.

We have a well regulated water industry in Australia and one that is built, serviced and maintained by well qualified and skilled workers operating within a legislative and regulatory framework that requires high standards. When people need plumbing work done, they want it done well by a fully trained and qualified plumber. The Plumbing and Drainage Act 2002 requires that plumbing work be undertaken by a licensed plumber, and currently there are penalties for not complying with this provision. But on the other hand, sections 35 and 45 of the Water Supply Act allow a water service provider to install a water meter and appoint an authorised person to do the work if the service provider is satisfied the person has the necessary expertise or experience to be an authorised person.

It appears that there has been some degree of uncertainty as to whether unlicensed plumbers can do water meter work. It is the opinion of the industry that unlicensed plumbers are not able to do that work, whilst at the same time the department believes it is arguable that unlicensed plumbers can do such work under the Water Supply Act. This bill would allow unlicensed plumbers who are appointed as authorised persons to do such work. Taking a step back to survey the landscape before this bill was drafted, it is arguable that nothing in the Water Supply Act, which was passed in 2008, explicitly overturned the requirement under the earlier Plumbing and Drainage Act that all plumbing work be undertaken by a licensed person. There does not appear to be any explicit intention in the Water Supply Act to allow unlicensed plumbers to do water meter work.

It is also arguable that a service provider's decision to appoint an authorised person under section 45 of the Water Supply Act should require it to have reference to the explicit licensing requirements in the Plumbing and Drainage Act when determining whether the authorised person had the necessary expertise or experience. Therefore, the government's decision to legislate to resolve this disagreement in favour of water service providers and allow unlicensed water service workers to do water meter work is undoubtedly contrary to the current explicit intention of the Plumbing and Drainage Act.

This decision has caused unprecedented levels of agreement between the Master Plumbers Association and the Plumbers Union. The Plumbers Union and the Master Plumbers both strongly oppose the proposed changes and argue that the cost savings are illusory and will not be passed on

to consumers. I note that despite the minister saying this bill would help deliver cost savings, at the committee hearing the department was unable to provide any evidence of substantial cost savings that could be passed on. The industry also argues that the changes pose a health and safety risk, especially in areas with a dual reticulated water supply where both potable and recycled water pipelines deliver water supplies to houses. They cited a cross-connection incident performed by unlicensed workers at the Pimpama Wastewater Treatment Plant in 2009 which led to recycled water instead of potable drinking water being delivered to over 630 homes in the Pimpama-Coomera area.

As I mentioned earlier, we will be opposing these specific provisions of the bill. The bill streamlines the review and appeal provisions of the Water Supply Act to direct all appealable decisions related to dam safety matters to the Planning and Environment Court. Labor supports this change to locate all appeals within one court.

The Metropolitan Water Supply and Sewerage Act 1909 established in government the operations of the Metropolitan Water Supply and Sewerage Board until it was disestablished in 1928 because of the amalgamation of small councils to create the Brisbane City Council. The powers of the Metropolitan Water Supply and Sewerage Board were assigned to the Brisbane City Council, meaning that the act is redundant. The opposition supports the repeal of any legislation that has been superseded and is redundant.

The minister has tabled a series of amendments to the bill that are proposed to be moved. The amendments will remove infrastructure charging components that relate to the utility model that is established by the bill for the two SEQ water distributor retailers, Unitywater and Queensland Urban Utilities. It appears that it is the government's intention to deal with these infrastructure changes through the process that is underway currently reviewing the entire infrastructure charging framework under the Sustainable Planning Act 2009. That infrastructure charging review process is being watched right across the state by councils, property developers and other interested stakeholders. The Labor opposition is also keenly awaiting the results of that review process to ensure that the right balance is struck.

In this case we are prepared to support the amendments, as it appears to be a common-sense proposal to deal with all infrastructure charges through a single piece of legislation; however, I would seek the assurance of the minister that the enactment of the bill with these amendments will not change the status quo in relation to infrastructure charging matters that would arise before the review is completed and they are dealt with fully in another piece of legislation.

As I said, Mr Deputy Speaker, the opposition broadly supports this bill and the intentions behind it, but we do have some areas of concern which I have placed on the record and sought some clarification from the minister over. We do not support the changes surrounding the licensing of plumbers and allowable work, and we will oppose those aspects of the legislation.