



CRC for
Water Sensitive Cities

Project A3.2 : Better Regulatory Frameworks

**Final Report : Results of Legislative Stock-take for
Queensland**

December, 2014



An Australian Government Initiative



CRC
AUSTRALIA

Project A3.2 : Better Regulatory Frameworks
Final Report: Results of Legislative Stock-take for Queensland

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TABLE OF ABBREVIATIONS

ABBREVIATION	FULL REFERENCE
Building Code	Building Code of Australia
Bulk Water Code	Bulk Water Supply Code (1 January 2013)
Department of Water	Department responsible for water supply, water resources and associated matters
EPA	Environment Protection Authority
EP Act	Environment Protection Act 1994
EP Water Policy	Environmental Protection (Water) Policy 2009
ESC Act	Essential Services Commission Act 2001
Food Act	Food Act 2006
Minister for Water	Minister responsible for water supply, water resources and associated matters
Plumbing Code	Plumbing Code of Australia
Plumbing & Drainage Act	Plumbing and Drainage Act 2002
Public Health Act	Public Health Act 2005
Water Act	Water Act 2000
WELS Act	Water Efficiency Labelling and Standards Act 2005 (Cth)
Water Supply Act	Water Supply (Safety and Reliability) Act 2008
WSC	Water Sensitive Cities/Water Sensitive City

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Executive Summary

This report contains the results of Maddocks' legislative stock-take for Queensland to determine the extent to which legislative frameworks might facilitate or hinder the establishment of Water Sensitive Cities (**WSC**). The focus of the review that has been undertaken is on primary, and selected secondary, State legislation.

The stock-take reveals that there is a variety of legislative instruments that could directly or indirectly affect the establishment of a WSC. Some of these instruments were assessed as potentially facilitating the establishment of a WSC, whereas others could hinder the establishment of a WSC.

Legislative instruments that could facilitate the establishment of a Water Sensitive City

A number of the legislative instruments considered support certain important aspects of a WSC. In particular, the regulatory framework provides significant support for initiatives that seek to ensure the **conservation and sustainable use of water resources** and **environmental protection of water resources**.

There is a wide range of tools that exist across the legislative framework that could be employed to ensure that these two important WSC objectives are achieved. Nevertheless, these tools are scattered throughout the regulatory framework rather than being consolidated and utilised in a co-ordinated and consistent manner. Accordingly, a more streamlined and coherent approach towards both of these issues across the entire regulatory framework could be beneficial.

Legislative instruments that could hinder the establishment of a Water Sensitive City

The regulatory framework also contains some potential obstacles to the establishment of a WSC. Notably, the regulatory framework appears to provide limited support for **alternative water sources**, which will be critical to the achievement of a WSC.

While there is recognition of alternative water sources in the regulatory framework – particularly, recycled water, including to augment drinking water supplies – there are relatively few tools available to support such projects. Moreover, the regulatory framework appears to focus predominantly on the **risks** associated with such projects.

Indeed, the regulatory framework treats **risks to health** as an important consideration. In particular, the regulatory framework emphasises the need to identify, assess and manage risks to health in relation to a range of water projects, including those involving both potable and non-potable water sources. Whilst this approach is understandable, it could also pose an obstacle to the attainment of a WSC – particularly, alternative water source projects.

The regulatory framework also contains a range of provisions that are aimed at addressing **risks arising from water resources**, including those that go beyond risks to health such as risks to the environment. These provisions could be particularly relevant for alternative water source projects that rely upon water sources for which the risks to health and/or to the environment are relatively high. It is possible that the uptake of such projects could be

deterred if the risks associated with these projects are assessed to be too high under the regulatory framework compared to the benefits of alternative water source projects.

Notably, the regulatory framework also deals with **risks to water resources** as a result – for example – of pollution. However, the risks arising from water sources and the risk to water resources are dealt with in a range of different legislative instruments and by a variety of bodies.

The pursuit of alternative water source projects could be further undermined through the treatment of a range of issues in the regulatory framework. The provisions dealing with **access to and use of water resources** do not readily accommodate projects that involve taking and using water resources for the purposes of developing and providing alternative water sources for end-users. Indeed, at present, rights to access and use alternative water sources (such as stormwater) are not explicitly addressed in the regulatory framework.

In relation to **water supply**, there is a variety of tools that are available to help secure water supply when such security could be compromised. Nevertheless, the regulatory mechanisms to manage risks associated with alternative water sources could discourage the use of these sources to augment existing sources for water supply.

Regarding the **evaluation and pricing of water**, the objectives underlying the regulatory framework emphasise economic efficiency. In addition, there are no specific regulatory tools that apply to the evaluation and pricing of water that could be used to help advance WSC objectives or initiatives. When considered as a whole, the various regulatory obstacles could deter the uptake of alternative water source projects.

Need for a coherent approach

When considered in totality, it is apparent that the regulatory framework is not currently geared towards advancing WSC. Indeed, the various instruments comprising the regulatory framework were most likely designed and implemented without the issues and objectives lying at the heart of the notion of a WSC in mind. As a consequence, realising a WSC based on the current regulatory framework in Queensland would be challenging.

Nevertheless, notwithstanding the existence of legislative instruments that **focus on the risks associated with WSC** (particularly, alternative water source projects), there are numerous tools within the regulatory framework that appear to **acknowledge and support WSC** such as water planning tools, directions and declarations, impact assessments, restrictions and conditions, as well as contractual agreements. These tools should ideally be further explored to determine whether there are any practical impediments to their use to promote WSC.

Role of regulatory entities in establishing a WSC

The stock-take also revealed a wide variety of regulatory entities that have a role to play in establishing WSC based on the legislative instruments considered, including the Minister for Water, the Department of Water, water authorities, councils, regulators (EPA, Building and Construction Commission), other statutory entities (e.g. Office of Groundwater Impact Assessment) and planning authorities. A more detailed analysis of the role(s) that these bodies could play in establishing a WSC would be beneficial.



Current legislative reviews

The main piece of legislation comprising the regulatory framework – the Water Act 2000 – is in the process of being reviewed. Changes proposed to the Act are aimed at reflecting changes to water management processes and technology as well as clarifying roles and responsibilities for the benefit of relevant stakeholders. Ideally, a further stock-take and assessment of Queensland's regulatory framework should be undertaken once the review of the Water Act has been completed.

1. Introduction

- 1.1 CRC Project A3.2 – 'Better Regulatory Frameworks for Water Sensitive Cities' – involves an assessment of regulatory frameworks to determine the extent to which these frameworks facilitate or hinder the establishment of 'Water Sensitive Cities' (WSC).
- 1.2 The CRC for Water Sensitive Cities explains the notion of a WSC as follows:

Water sensitive cities are resilient, liveable, productive and sustainable. They interact with the urban hydrological cycle in ways that: provide the water security essential for economic prosperity through efficient use of the diversity of water resources available; enhance and protect the health of watercourses and wetlands; mitigate flood risk and damage; and create public spaces that harvest, clean and recycle water. Its strategies and systems for water management contribute to biodiversity, carbon sequestration and reduction of urban heat island effects.¹
- 1.3 Maddocks has been commissioned to undertake an assessment of legislative frameworks in Victoria, Western Australia and Queensland to determine the extent to which these frameworks might facilitate or hinder the establishment of a WSC. The focus of the reviews to be undertaken by Maddocks is on primary and selected secondary State legislation.
- 1.4 Project A3.2 conceives 'regulation', in broad terms, as a practice that includes not only interventions accomplished through formal legal rules, but also extends to interventions made through a range of other mechanisms. Accordingly, this stock-take – which focuses exclusively on legislation – lays the foundation for a separate review, which is being undertaken by other members of the Project Team, focused on mapping the most significant regulatory tools currently at play in the urban water management regulatory space in Victoria, Western Australia and Queensland. In turn, this legislative stock-take, as well as the regulatory space mapping, will provide the foundation for future case study research to be undertaken by the Project Team to explore in depth specific elements of the regulatory space that are particularly facilitating or hindering the adoption of new urban water technologies and a progressive evolution towards WSC in Queensland.
- 1.5 This report contains the results of Maddocks' legislative stock-take for Queensland, which are contained in the **Appendix**.

¹ <http://watersensitivecities.org.au/what-is-a-water-sensitive-city/>.



2. Methodology

2.1 This section of the report explains the methodology applied in undertaking the legislative stock-take of Queensland's regulatory regime.

Template

2.2 A template has been developed to capture the results of the regulatory stock-take for Queensland.

2.3 The template includes the following:

- 2.3.1 Overview of legislative instruments considered as part of the stock-take;
- 2.3.2 Relevant provision(s) of the legislative instrument that may be relevant to the establishment of a WSC;
- 2.3.3 Specific topic or issue raised by the provision that is relevant to the establishment of a WSC; and
- 2.3.4 Assessment of the extent to which the provision can facilitate or hinder the establishment of a WSC.

Scope of instruments considered

2.4 The legislative stock-take focuses on primary legislation. However, reference has also been made to subordinate instruments where they are intrinsically linked to the primary instruments that have been considered.

2.5 The stock-take involved consideration of a broad range of regulatory instruments. Some instruments exclusively or predominantly deal with water resources whereas other instruments have more general application.

2.6 The legislative instruments that have been considered for the Queensland regulatory stock-take are:²

- 2.6.1 Water Act 2000;
- 2.6.2 Water Supply (Safety and Reliability) Act 2008;
- 2.6.3 Water Efficiency Labelling and Standards Act 2005 (Cth);
- 2.6.4 Bulk Water Supply Code (1 January 2013);
- 2.6.5 Environmental Protection Act 1994;
- 2.6.6 Environmental Protection (Water) Policy 2009;

² The bulk of the legislative stock-take was done during the 1st quarter of FY2014/2015. Accordingly, the stock-take results are based on versions of the relevant legislative instruments current during that period.

- 2.6.7 Building Code of Australia;
 - 2.6.8 Plumbing Code of Australia;
 - 2.6.9 Plumbing and Drainage Act 2002;
 - 2.6.10 Food Act 2006; and
 - 2.6.11 Public Health Act 2005.
- 2.7 The legislative stock-take does not include consideration of non-binding instruments. In addition, because the emphasis of the CRC is on water sensitive 'cities', regulatory instruments relevant to the management of water resources in rural areas have, for the most part, not been included in the stock-take. So, for example, the regime established for the trading of water rights in the Murray-Darling Basin (including in Queensland) has not been considered in the stock-take. Nevertheless, some provisions dealing with water use and management in the context of mining and resource operations have been included because the location of these operations could potentially encroach upon and/or have an impact on urban areas.
- 2.8 Finally, the legislative stock-take does not include consideration of planning instruments because this is being dealt with in CRC Project B5.1 – 'Statutory Planning for Water Sensitive Urban Design'.

WSC topics and issues

- 2.9 The stock-take includes identification of topics or issues that may be relevant to the establishment of a WSC, based on the CRC's definition of a WSC in paragraph 1.2 above. Each regulatory provision considered in the stock-take was characterised as relating to one or more of these WSC topics or issues.
- 2.10 The complete list of topics and issues identified in the stock-take together with a brief explanation of the types of provisions that may be related to each is set out in **Table 1** below.

Table 1. Explanation of WSC topics and issues

WSC TOPICS AND ISSUES	
Conservation and sustainable use of water resources	Provisions associated with the management of water to ensure that it is conserved and used in a way to help meet current and future demand.
Environmental protection	Provisions that deal with environmental protection of water resources and the broader physical context within which those resources are located.
Alternative water source projects	Provisions that address (directly or indirectly) alternative water source projects, including



WSC TOPICS AND ISSUES	
	wastewater, recycled water, stormwater and managed aquifer recharge. These provisions may explicitly authorise alternative water source projects. Alternatively, they may include a power, obligation or requirement that may have an impact on the uptake of such projects.
Access to and use of water resources	Provisions that deal with rights of access to take and use water resources.
Supply of water	Provisions that relate to the supply of water (whether recycled or other) by water authorities.
Economic evaluation and pricing of water	Provisions that deal with the manner in which water is valued and priced for supply and delivery of water resources to end-users.
Risks to/associated with water resources	Provisions that deal with the identification and/or management of risks to water resources, as well as risks posed by water resources, including water from alternative water source projects.
Risks to health	Provisions that deal with the identification of, and response to, risks to health associated with the supply of water, including recycled water and other alternative water sources.
Flooding	Provisions that address mitigation of and/or adaptation to flooding.
Financial tools	Provisions that could provide financial means to advance WSC initiatives and projects.
Research and raising awareness	Provisions that promote research and raising awareness of issues that could advance WSC.

Assessment

- 2.11 The primary objective of the legislative stock-take is to determine the extent to which the regulatory frameworks under consideration potentially facilitate or hinder the establishment of a WSC. Accordingly, the vision of a WSC (set out above in paragraph 1.2) has been used as a basis for assessing each provision under consideration. More specifically, the assessment has sought to determine the extent to which each provision could hinder or facilitate achievement of this vision.
- 2.12 However, the assessment needs to be qualified for the following main reasons:

- 2.12.1 The vision of a WSC, which has been used as the basis for the assessment, is abstract rather than concrete. Therefore, in some cases it was difficult to make a definitive assessment of whether or not a particular provision is capable of facilitating or hindering the establishment of a WSC as this could depend upon the how the notion of a WSC is realised in practice.
 - 2.12.2 The vision of a WSC is multifaceted. Therefore, a particular provision may support some aspects of a WSC but not others.
 - 2.12.3 The assessment of individual provisions has been based on the text of the relevant legislative instrument. It does not account for the historical evolution of that instrument. Nor does it consider the practical context in which the provisions may be applied, including the existence or absence of infrastructure and the mindset of relevant decision-makers. These factors may convert a provision that is, on its face, facilitative into one that is a hindrance and vice versa.
- 2.13 In addition, the Appendix contains an assessment of individual provisions in isolation. An overall assessment has also been undertaken in relation to each WSC topic/issue, considering the regulatory framework as a whole. The results of the overall assessment are outlined in the following section of this report.



3. Analysis of legislative stock-take results

- 3.1 This section of the report sets out the results of the legislative stock-take for Queensland. In particular, it determines the extent to which the regulatory framework effectively facilitates or hinders WSC when considered through the perspective of each WSC topic or issue identified above in paragraph 2.10.
- 3.2 For each WSC topic or issue, the report includes an identification of the key legislative instruments, decision-makers, regulatory tools and obstacles. It also includes an identification of any other related WSC topics or issues and an overall assessment of how the regulatory framework addresses the relevant topic or issue.

Conservation and sustainable use of water resources

- 3.3 The stock-take revealed a large number of provisions that related to the conservation and sustainable use of water resources in Queensland. A summary of the main findings of the stock-take in relation to this issue is set out in **Table 2** below.

Table 2. Summary Table: Conservation and sustainable use of water resources

SUMMARY TABLE: CONSERVATION AND SUSTAINABLE USE OF WATER RESOURCES	
Definition	- Provisions associated with the management of water to ensure that it is conserved and used in a way that helps to meet current and future demand.
Key regulatory instrument(s)	- Water Act
Other relevant regulatory instruments	- Water Supply Act - WELS Act
Key decision-makers	- Minister for Water - Chief Executive of the Department of Water
Main regulatory tools for WSC	<u>Tools available to the Minister for Water/ Department of Water:</u> - Water planning tools (Water Act) - Water security program (Water Act) - Restrictions for water shortages (Water Act) - Requirements imposed on water authorities (Water Act) - Conditions on water use (Water Act) - Directions (Water Act and Water Supply Act)

SUMMARY TABLE: CONSERVATION AND SUSTAINABLE USE OF WATER RESOURCES	
	<ul style="list-style-type: none"> - Reporting obligations (Water Act and Water Supply Act) <p><u>Tools available to water authorities:</u></p> <ul style="list-style-type: none"> - Performance plans (Water Act) - Water restrictions (Water Act) <p><u>Other tools</u></p> <ul style="list-style-type: none"> - Enforcement of WELS Scheme (WELS Act) - Water impact assessment reports (Water Act) - "Make good obligations" (Water Act)
Main regulatory obstacles to WSC	<ul style="list-style-type: none"> - Large number of potentially relevant provisions and unclear whether they are all practically applied in a consistent manner. - Potential lack of coherent approach towards conservation and sustainable use of water resources across the entire regulatory framework.
Other related WSC topics/issues	<ul style="list-style-type: none"> - Environmental protection
Overall assessment of relevant aspects of regulatory regime	<ul style="list-style-type: none"> - Overall, the regulatory framework provides significant support for the conservation and sustainable use of water resources. This is evident from the fact that the objectives and certain decision-making mechanisms make reference to the need to ensure conservation and sustainable use of water resources. In addition, there is a wide range of tools that exist across the regulatory framework that could be employed to pursue this WSC objective. Nevertheless, the regulatory framework could benefit from a more streamlined and coherent approach towards this issue across all relevant legislative instruments.

Legislative instruments

3.4 The principal legislative instrument that addresses the conservation and sustainable use of Queensland's water resources is the Water Act. However, the conservation and sustainable use of water resources is also supported by a range of other regulatory instruments, albeit less directly in some cases. These instruments include the Water Supply Act and the WELS Act.

Regulatory objectives

3.5 The Water Act appears to provide broad support for the conservation and sustainable use of water resources.



- 3.6 In particular, the purposes of the Water Act include "to advance sustainable management and efficient use of water".³ In turn, the definition of "sustainable management" includes the notion of conservation and sustainable use of water resources.⁴
- 3.7 Additionally, in describing the water supply and demand management arrangement for South East Queensland (SEQ) and other designated regions, the stated purpose in the Water Act is "to ensure the delivery of sustainable and secure water supply and demand management".⁵
- 3.8 Regarding the operations of water authorities, the Water Act provides that the purpose of the chapter dealing with water authorities is to facilitate community involvement in making and implementing arrangements for using, conserving and sustainably managing water.⁶

Key decision-makers

- 3.9 The key decision-makers that could help to ensure the conservation and sustainable use of water resources are the Minister for Water and the Chief Executive of the Department of Water.

Regulatory tools

- 3.10 The regulatory framework contains a range of tools available to a variety of bodies that are either explicitly designed to ensure the conservation and sustainable use of water resources, or which could be employed to do so.

The tools available to the Minister for Water/ Department of Water:

- *Water planning*: The Water Act specifically requires the Minister to plan for the allocation and sustainable management of water to meet Queensland's future water requirements, including the protection of natural ecosystems and security of supply to water users.⁷ The Chief Executive of the Department can require information regarding water usage in order to assist with this process.⁸ The water planning process can be used to help ensure conservation and sustainable use of water resources. The Minister's general obligation to plan for the allocation and sustainable management of water is supplemented with a specific power to prepare water resource plans for any part of Queensland to advance the sustainable management of water.⁹ Water resource plans may

³ s. 10(1) Water Act.

⁴ ss. 10 (2)(a), (2)(c)(ii), (2)(c)(vii), (3)(a) and 11 Water Act.

⁵ s. 340 Water Act.

⁶ s. 542 Water Act.

⁷ s. 35 Water Act.

⁸ ss. 36, 36A Water Act.

⁹ ss. 38, 46 and 47 Water Act.

address a range of WSC objectives, particularly conservation and sustainable use of water resources. Resource operation plans may be used to implement a water resource plan.¹⁰ The Minister also has power to prepare a water use plan for any part of Queensland if the Minister is satisfied there are risks that water use in a particular area of Queensland may cause negative effects on water resources.¹¹ Finally, the Minister may make a water management plan by declaration,¹² which could potentially be used to support the conservation and sustainable use of water resources.

- *Water security programs:* The Bulk Water Supply Authority and nominated water service providers for a designated region must have a water security program in place, which must manage demand for water and respond to drought conditions (among other things).¹³
- *Restrictions for water shortages:* Under the Water Act, the Minister or the Chief Executive of the Department is empowered to take measures to limit the taking and using of water resources where there is a shortage of water.¹⁴ Such restrictions may be imposed in cases where water is taken under a water licence, water permit or water allocation¹⁵ as well as subartesian water.¹⁶ The Act also envisages the making of regulations to limit the taking and using of water resources where there is a shortage of water.¹⁷ In addition, the Minister is empowered to issue a moratorium notice for a part of the State to restrict activities involving the taking and using of water in order to protect natural ecosystems, existing water entitlements and other authorities granted under the Act.¹⁸ Such measures may help to ensure the conservation and sustainable use of water resources.
- *Requirements imposed on water authorities:* The Minister has power to give water authorities notice of a public sector policy or written directions, which must be complied with.¹⁹ Such public sector policies and Ministerial directions could conceivably be used to support conservation and sustainable use of water resources.

¹⁰ ss. 95 and 98 Water Act.

¹¹ ss. 60(1), 62 and 63 Water Act.

¹² s. 968J Water Act.

¹³ ss. 350, 351, 352 and 353 Water Act.

¹⁴ ss. 22, 24, 25B and 25D Water Act.

¹⁵ s. 25 Water Act.

¹⁶ s. 25ZA Water Act.

¹⁷ ss. 23 and 25F Water Act.

¹⁸ s. 26 Water Act.

¹⁹ ss. 675 and 676 Water Act.



- *Conditions attached to water use:* The Water Act anticipates that certain activity (particularly, mining and development) may involve the taking of and/or interference with water resources. In this context, the Water Act provides for conditions to be imposed on the conduct of such activity to help ensure the conservation and sustainable use of water resources.²⁰
- *Directions:* Under the Water Supply Act, the Chief Executive may direct a water restriction where there is a significant threat to sustainable and secure water supply in an area.²¹ The Chief Executive may also, by written direction, require a water service provider to prepare a water efficiency management plan.²² Pursuant to the Water Act, the Chief Executive may issue a direction requiring a petroleum tenure holder to carry out water monitoring for a particular area.²³ A bore assessment may be required under direction if the Chief Executive believes that a water bore can no longer supply a reasonable quantity or quality of water for its authorised use or purpose.²⁴ The Chief Executive may also require urgent action in relation to water bores by issuing a direction to a petroleum tenure holder, including to restore water supply to a water bore with an impaired capacity or to prevent or minimise the likelihood of a water bore having an impaired capacity.²⁵ The Minister and Treasurer may also give the Bulk Water Supply Authority a direction to give effect to the Water Act,²⁶ which has conservation and sustainable use of water resources among its objects.
- *Reporting obligations:* Underground water impact reports, which must be prepared by "responsible entities" (such as holders of petroleum tenures) must include, among other things, an analysis of trends in water level change for the aquifer resulting from the exercise of underground water rights.²⁷ Under the Water Supply Act, customers to whom an approved water efficiency management plan applies must give the water service provider a written report, including the water savings and efficiencies achieved by implementing the plan.²⁸

²⁰ ss. 20C(4), 109, 110, 127A, 178, 191 and 214 Water Act.

²¹ s. 42 Water Supply Act.

²² s. 52 Water Supply Act.

²³ s. 449 Water Act.

²⁴ s. 418 Water Act.

²⁵ ss. 450 and 451 Water Act.

²⁶ s. 1013D Water Act.

²⁷ ss. 370 and 376 Water Act.

²⁸ s. 56 Water Supply Act.

Tools available to water authorities:

- *Performance plans:* Certain water authorities must prepare annual performance plans.²⁹ Performance plans could theoretically be used to encourage support for WSC objectives, including the conservation and sustainable use of water resources.
- *Water restrictions:* When considered necessary, water service providers may impose restrictions on water supply.³⁰

Tools available to other bodies:

- *Enforcement of the WELS Scheme:* The WELS Scheme seeks to ensure water efficiency through water efficiency standards and labelling. There is a range of provisions regarding labelling and selling products that do not comply with the WELS Scheme.³¹ Enforcement of these provisions by the Commonwealth WELS Regulator can help to ensure conservation and sustainable use of water resources.
- *Water impact assessment reports:* The Office of Groundwater Impact Assessment is authorised to prepare underground water impact reports for certain areas.³²
- *"Make good" obligations:* The Water Act sets out the "make good" obligations of a petroleum tenure holder for affected bores. These obligations may include the requirement to undertake a bore assessment and entry into a "make good agreement" with a bore owner to address any impacts on the bore owner's access to and use of bore water.³³ The make good obligations for water bores could potentially be used to protect underground water resources from over-use.

3.11 The regulatory framework also requires consideration of issues relating to conservation and sustainable use of Queensland's water resources in the context of a range of decisions made by the Minister for Water and the Department of Water.

- *Water licences:* In deciding whether to grant or refuse the application or the conditions for a water licence, the Chief Executive of the Department must consider a range of factors and information including strategies and policies for the sustainable management of water in the area to which the application applies.³⁴

²⁹ ss. 652 and 653 Water Act.

³⁰ s. 41 Water Act.

³¹ ss. 33 -38 WELS Act.

³² s. 456 Water Act.

³³ ss. 409 and 410 Water Act.

³⁴ ss. 210(1)(g) and (h) Water Act.



- *Water permits*: In relation to applications for water permits, the Chief Executive must consider policies developed in consultation with local communities for the sustainable management of local water.³⁵
- *Authorisation to excavate*: Regarding applications for authorisation to excavate or place fill in a watercourse, lake or spring, the Chief Executive must consider the implications of granting the permit for the long-term sustainable use of the river systems of Australia.³⁶
- *Allocation of quarry material*: With respect to applications for quarry material allocation, the Chief Executive must consider the impact the removal of the quarry material will have on the long-term sustainable use of the watercourse or lake.³⁷

Regulatory obstacles

- 3.12 There are no obvious regulatory obstacles to the pursuit of conservation and sustainable use of water resources. On the contrary, the regulatory framework appears to provide significant support for conservation and sustainable use of water resources. Nevertheless, there is a potential lack of coherence in approach towards conservation and sustainable use of water resources across the entire regulatory framework given the diverse range of regulatory instruments and tools that support this WSC objective and bodies that possess the power to utilise these tools.

Environmental protection

- 3.13 The stock-take revealed a significant number of provisions that relate to environmental protection of water resources in Queensland. Moreover, a number of these provisions overlap with those identified in relation to the conservation and sustainable use of water resources. A summary of the main findings of the stock-take in relation to this issue is set out in **Table 3** below.

Table 3. Summary Table: Environmental protection

SUMMARY TABLE: ENVIRONMENTAL PROTECTION	
Definition	- Provisions that deal with environmental protection of water resources and the broader physical context within which those resources are located.

³⁵ s. 239(1)(f) Water Act.

³⁶ s. 268(i) Water Act.

³⁷ s. 282(1) Water Act.

SUMMARY TABLE: ENVIRONMENTAL PROTECTION	
Main regulatory instrument(s)	<ul style="list-style-type: none"> - EP Act - EP Water Policy - Water Act
Other relevant regulatory instruments	
Key decision-makers	<ul style="list-style-type: none"> - EPA - Minister for Water - Chief Executive of Department of Water
Main regulatory tools for WSC	<p><u>Tools available to the EPA</u></p> <ul style="list-style-type: none"> - Environment protection policies (EP Act) - Enforcement of environmental requirements (EP Act) <p><u>Tools available to the Minister for Water/Department of Water:</u></p> <ul style="list-style-type: none"> - Water planning tools (Water Act) - Environmental updates (Water Act) - Restrictions on water use (Water Act) - Requirements imposed on water authorities (Water Act) - Conditions attached to water use (Water Act) - Directions (Water Act) - Reporting obligations (Water Act) <p><u>Tools available to water authorities:</u></p> <ul style="list-style-type: none"> - Environmental protection controls (Water Act) <p><u>Other tools</u></p>



SUMMARY TABLE: ENVIRONMENTAL PROTECTION	
	<ul style="list-style-type: none"> - Water impact assessment reports (Water Act) - "Make good obligations" (Water Act)
Main regulatory obstacles to WSC	<ul style="list-style-type: none"> - Relatively large number of potentially relevant provisions contained in different regulatory instruments and it is unclear whether they are all applied in a consistent manner. - Potential lack of coherent approach towards environmental protection of water resources across the entire regulatory framework.
Other related WSC topics/issues	<ul style="list-style-type: none"> - Conservation and sustainable use of water resources
Overall assessment of relevant aspects of regulatory regime	<ul style="list-style-type: none"> - Overall, the regulatory framework provides considerable support for the environmental protection of water resources and the associated environment. This is evident from the fact that decision-making mechanisms in various contexts under the regulatory framework make reference to the need to ensure environmental protection of water resources. In addition, there is a wide range of tools that exist across the regulatory framework that could be employed to ensure environmental protection of water resources. Nevertheless, the regulatory framework could benefit from a more streamlined and coherent approach towards this issue across all relevant legislative instruments.

Legislative instruments

- 3.14 The principal legislative instruments relating to environmental protection of Queensland's water resources are the EP Act, EP Water Policy and the Water Act.

Regulatory objectives

- 3.15 The Water Act appears to provide broad support for environmental protection. In particular, the purposes of the Water Act include "to protect the biological diversity and health of natural ecosystems".³⁸ The Water Act also states that the

³⁸ s. 10(2)(b) Water Act. See also ss. 10(2)(c)(iii) and (2)(c)(iv) Water Act.

Water Act seeks to ensure the "sustainable management" of Queensland's water resources.³⁹ The definition of sustainable management refers to the principles of ecologically sustainable development,⁴⁰ which support environmental protection of water resources.

- 3.16 The principles underlying the EP Act clearly support environmental protection of water resources. The object of that Act is "to protect Queensland's environment while allowing for development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends".⁴¹

Key decision-makers

- 3.17 The key decision-maker regarding environmental protection of water resources is the EPA. However, the Minister for Water and the Chief Executive of the Department of Water also have an important role to play in relation to environmental protection.

Regulatory tools

- 3.18 The regulatory framework contains a wide range of tools available to a variety of bodies that are either explicitly designed for environmental protection of water resources or could be employed to do so.

Tools available to the EPA:

- *Environment protection policies:* The EPA is empowered under the EP Act to make environment protection policies about the environment or anything that affects or may affect the environment.⁴² The EP Water Policy made under the EP Act supports the WSC objective of environmental protection. The water covered by this policy includes water in rivers, streams, wetlands, lakes, aquifers, estuaries and coastal areas.
- *Enforcement of environmental requirements:* The EPA has a variety of enforcement tools to address failures to comply with environmental requirements, including requirements specifically relating to water resources.⁴³

Tools available to the Minister for Water/ Department of Water:

- *Water planning:* The Water Act specifically requires the Minister to plan for the allocation and sustainable management of water to meet

³⁹ s. 10(1) Water Act.

⁴⁰ ss. 10(2)(c)(ii) and 11 Water Act.

⁴¹ s. 3 EP Act.

⁴² s. 27 EP Act.

⁴³ See, for example, s. 440ZG EP Act.



Queensland's future water requirements, including the protection of natural ecosystems and the security of supply to water users.⁴⁴ The water planning process can be used to help ensure environmental protection of water resources. The Minister's general obligation to plan for the allocation and sustainable management of water is supplemented with a specific power to prepare water resource plans for any part of Queensland to advance the sustainable management of water.⁴⁵ Water resource plans may address a range of WSC objectives, including environmental protection of water resources. Resource operation plans may be used to implement a water resource plan.⁴⁶ The Minister also has power to prepare a water use plan for any part of Queensland if the Minister is satisfied there are risks that water use in a particular area of Queensland may cause negative effects on water resources, including damage to the environment.⁴⁷ Finally, the Minister may make a water management plan by declaration,⁴⁸ which could potentially be used to support environmental protection of water resources.

- *Environmental update*: The Water Act contemplates the taking of water for the "environmental update purpose",⁴⁹ which is the purpose of providing additional water to the environment because of new scientific knowledge demonstrating the amount previously allocated to the environment is inadequate.
- *Restrictions on water use*: Under the Water Act, the Minister is also empowered to issue a moratorium notice for a part of the State to restrict activities involving the taking and using of water in order to protect natural ecosystems, existing water entitlements and other authorities granted under the Act.⁵⁰ Such measures may help to ensure environmental protection of Queensland's water resources.
- *Requirements imposed on water authorities*: The Minister has power to give water authorities notice of a public sector policy or written directions, which must be complied with.⁵¹ Such public sector policies and Ministerial directions could conceivably be used to support environmental protection of water resources.
- *Conditions attached to water use*: The Water Act anticipates that certain activity (particularly, mining and development) may involve the taking

⁴⁴ s. 35 Water Act.

⁴⁵ ss. 38, 46 and 47 Water Act.

⁴⁶ ss. 95 and 98 Water Act.

⁴⁷ ss. 60(1), 62 and 63 Water Act.

⁴⁸ s. 968J Water Act.

⁴⁹ ss. 986A and 986B Water Act.

⁵⁰ s. 26 Water Act.

⁵¹ ss. 675 and 676 Water Act.

and/or interference with water resources. In this context, the Water Act provides for conditions to be imposed on the conduct of such activity to help ensure environmental protection of water resources.⁵²

- *Directions:* Pursuant to the Water Act, the Chief Executive may issue a direction requiring a petroleum tenure holder to carry out water monitoring for a particular area.⁵³ A bore assessment may be required under direction if the Chief Executive believes that a water bore can no longer supply a reasonable quantity or quality of water for its authorised use or purpose.⁵⁴ The Minister and Treasurer may also give the Bulk Water Supply Authority a direction to give effect to the Water Act,⁵⁵ which has environmental protection among its objects.
- *Reporting obligations:* Underground water impact reports, which must be prepared by "responsible entities" (such as holders of petroleum tenures), must include, among other things, an analysis of the movement of underground water to and from the aquifer, including how the aquifer interacts with other aquifers.⁵⁶

Tools available to water authorities:

- *Environmental protection controls:* Water authorities are specifically empowered to undertake certain environmental protection activities including riverine area protection, soil erosion control and land degradation treatment and prevention.⁵⁷

Tools available to other bodies:

- *Water impact assessment reports:* The Office of Groundwater Impact Assessment is authorised to prepare underground water impact reports for certain areas.⁵⁸
- *"Make good" obligations:* The Water Act sets out the "make good" obligations of a petroleum tenure holder for affected bores. These obligations may include the requirement to undertake a bore assessment and entry into a "make good agreement" with a bore owner to address any impacts on the bore owner's access to and use of bore water.⁵⁹ The make good obligations for water bores could potentially be used to protect underground water resources from environmental impacts.

⁵² ss. 109, 110, 127A, 178, 191 and 214 Water Act.

⁵³ s. 449 Water Act.

⁵⁴ s. 418 Water Act.

⁵⁵ s. 1013D Water Act.

⁵⁶ ss. 370 and 376 Water Act.

⁵⁷ s. 570 Water Act.

⁵⁸ s. 456 Water Act.

⁵⁹ ss. 409 and 410 Water Act.



- 3.19 The regulatory framework also requires consideration of issues relating to environmental protection of Queensland's water resources in the context of a range of decisions made by the Minister for Water and the Department of Water.
- *Water licences*: In deciding whether to grant or refuse the application or the conditions for a water licence, the Chief Executive of the Department must consider a range of factors and information, including any information about the effects of taking or interfering with water on natural ecosystems and information about the effects of taking or interfering with water on the physical integrity of watercourses, lakes, springs or aquifers.⁶⁰
 - *Water permits*: In relation to applications for water permits, the Chief Executive must consider any information about the impacts on natural ecosystems and any information about the effects of taking or interfering with water on the physical integrity of watercourses, lakes, springs or aquifers.⁶¹
 - *Development applications*: In relation to certain operational work involving taking of or interfering with water, the removal of quarry material or operational work in a drainage and embankment area, the Chief Executive must consider the protection of watercourses and water in watercourses (among other things).⁶² Account must also be taken of the impacts on a catchment associated with proposed construction of a new levee or proposed modification of an existing levee.⁶³
 - *Authorisation to excavate*: Regarding applications for authorisation to excavate or place fill in a watercourse, lake or spring, the Chief Executive must consider whether and, to what extent, the activity that the permit would allow may have an adverse effect on the physical integrity of the watercourse, lake or spring.⁶⁴
 - *Allocation of quarry material*: With respect to applications for quarry material allocation, the Chief Executive must consider the impact the removal of the quarry material will have on the physical integrity of the watercourse or lake and the condition of the watercourse or lake, including its ability to function naturally.⁶⁵

⁶⁰ ss. 210(1)(e) and (f) Water Act.

⁶¹ s. 239(1)(d) and (e) Water Act.

⁶² s. 968 Water Act

⁶³ s. 969 Water Act.

⁶⁴ s. 268(g) Water Act.

⁶⁵ s. 282(1)(a) and (b) Water Act.

Regulatory obstacles

3.20 There are no obvious regulatory obstacles to environmental protection of Queensland's water resources. On the contrary, the regulatory framework appears to provide significant support for this WSC objective. Nevertheless, there is a potential lack of coherence in approach towards environmental protection of water resources across the entire regulatory framework given the diverse range of regulatory tools that support this WSC objective.

Alternative water source projects

3.21 Unlike the WSC topics and issues that have been discussed earlier in this report, there are limited references to alternative water sources and the associated projects in the various instruments that comprise the regulatory framework. Therefore, the assessment of the regulatory framework in relation to alternative water source projects has involved consideration of whether or not particular regulatory provisions might facilitate or hinder the uptake of these projects, even though the regulatory provisions in question may have been designed for other objectives or without alternative water source projects specifically in mind. A summary of the main findings of the stock-take in relation to this issue is set out in **Table 4** below.

Table 4. Summary Table: Alternative water source projects

SUMMARY TABLE: ALTERNATIVE WATER SOURCE PROJECTS	
Definition	- Provisions that address (directly or indirectly) alternative water source projects, including wastewater, recycled water, stormwater and managed aquifer recharge. These provisions may explicitly authorise alternative water source projects. Alternatively, they may include a power, obligation or requirement that may have an impact on the uptake of such projects.
Main regulatory instrument(s)	- Water Supply Act - Water Act
Other relevant regulatory instruments	- Plumbing Code - Plumbing & Drainage Act - Food Act - Public Health Act



SUMMARY TABLE: ALTERNATIVE WATER SOURCE PROJECTS	
Key decision-makers	<ul style="list-style-type: none"> - Minister for Water - Department of Water - Water authorities
Main regulatory tools for WSC	<p><u>Tools available to the Minister for Water:</u></p> <ul style="list-style-type: none"> - Requirements imposed on water authorities (Water Act) - Directions (Water Act) - Declaration of critical recycled water schemes (Water Supply Act) <p><u>Tools available to water authorities:</u></p> <ul style="list-style-type: none"> - Power to levy charges (Water Act) - Prohibition on charging for rainwater (Water Supply Act)
Main regulatory obstacles to WSC	<ul style="list-style-type: none"> - Risk management requirements (Water Supply Act, Plumbing Code, Plumbing & Drainage Act, Food Act, Public Health Act) - Failure to recognise potential alternative water sources (Water Act, Water Supply Act) - Operational activities and priorities of water authorities (Water Act) - Absence of a connection framework for alternative water sources (Water Supply Act)
Other related WSC topics/issues	<ul style="list-style-type: none"> - Risks to/ associated with water sources - Risks to public health - Access to and use of water resources
Overall assessment of relevant aspects of	<ul style="list-style-type: none"> - Overall, the regulatory framework appears to provide limited support for alternative water source projects. While there is recognition of alternative water sources

SUMMARY TABLE: ALTERNATIVE WATER SOURCE PROJECTS

regulatory regime	in the regulatory framework – particularly, recycled water – there are relatively few tools available in the regulatory framework to support alternative water source projects. Moreover, the regulatory framework appears to focus predominantly on the risks associated with these projects. When considered as a whole, the various regulatory obstacles could deter the uptake of alternative water source projects.
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Legislative instruments

- 3.22 The primary legislative instruments that could affect the uptake of alternative water source projects are the Water Supply Act and the Water Act. However, there are a number of other instruments that are also likely to be relevant, including the Plumbing Code, the Plumbing & Drainage Act, the Food Act and the Public Health Act.

Regulatory objectives

- 3.23 The objects clause of the Water Act makes explicit reference to alternative water sources. In explaining the objective of "sustainable management", the Act explains that this includes promotion of "water recycling, including, for example, water reuse within a particular enterprise to gain the maximum benefit from available supply".⁶⁶
- 3.24 The Water Supply Act also makes explicit reference to recycled water. It explains that the purpose of the Act is to provide for the safety and reliability of water supply through "a regulatory framework for providing recycled water and drinking water quality, primarily for protecting public health".⁶⁷

Key decision-makers

- 3.25 The main decision-makers that could play a role in encouraging investment in alternative water source projects under the regulatory instruments considered are the Minister for Water, the Department of Water and water authorities. Local governments also have a role to play in monitoring compliance with obligations for certain alternative water source facilities.⁶⁸

⁶⁶ s. 10(3)(c) Water Act.

⁶⁷ s. 3(2)(a)(ii) Water Act.

⁶⁸ ss. 143B and 143C Water Supply Act.



Regulatory tools

Tools available to the Minister for Water/ Department of Water:

- *Requirements imposed on water authorities:* The Minister has power to give water authorities notice of a public sector policy or written directions, which must be complied with.⁶⁹ Such public sector policies and Ministerial directions could conceivably be used to support alternative water source projects.
- *Directions:* The Minister and Treasurer may give the Bulk Water Supply Authority a direction to give effect to the Water Act,⁷⁰ which includes references to alternative water sources among its objects.
- *Declaration of critical recycled water schemes:* Under the Water Supply Act, a recycled water scheme may be declared to be a "critical recycled water scheme" if such a declaration is necessary "to maintain continuity of operation of the scheme to meet the essential water supply needs of the community or industry".⁷¹

Tools available to water authorities:

- *Power to levy charges:* Under the Water Act, water authorities have broad powers to levy charges on customers.⁷² This power could potentially be exercised to help fund alternative water source projects.
- *Prohibition on charging for rainwater:* Under the Water Supply Act, water service providers are prohibited from charging for water that has been collected from a roof and is in or is taken from a rainwater tank.⁷³ This provision could encourage on-site collection of rainwater for re-use, which – in turn – could alleviate pressure on potable sources of water.

Regulatory obstacles

3.26 There are various provisions in the regulatory framework that could be impediments to the uptake of alternative water source projects:

- *Risk management requirements:*
 - One of the primary objectives of the Water Supply Act is to provide for the safe supply of water.⁷⁴ To this end, the Act contains a variety of risk management mechanisms, that could discourage the

⁶⁹ ss. 675 and 676 Water Act.

⁷⁰ s. 1013D Water Act.

⁷¹ s. 301(1)(a) Water Supply Act.

⁷² s. 572 Water Act.

⁷³ s. 62 Water Supply Act.

⁷⁴ s. 3(1) Water Supply Act.

uptake of alternative water source projects where the risks might be elevated, particularly when the water is destined for potable consumption. These mechanisms include the requirement to register recycled water schemes,⁷⁵ the requirement to prepare an annual report for recycled water schemes,⁷⁶ the prohibition on supplying recycled water without an approved recycled water management plan,⁷⁷ the requirement to prepare a validation program for a recycled water scheme that is to augment drinking water supplies,⁷⁸ the requirement to have an approved drinking water quality management plan in place for a drinking water service,⁷⁹ the application of water quality criteria⁸⁰ and the requirement to ensure audits of drinking water quality management plans.⁸¹

- The Plumbing Code also refers in both the performance requirements and the deemed-to-satisfy provisions to risks associated with non-drinking water installations. These risks must be taken into account in the context of the design and construction of these installations.⁸² These requirements to manage risks are complemented by those contained in the Plumbing & Drainage Act, which for example, require compliance permits for alternative water source projects,⁸³ restrict building, installing and operating alternative water source facilities⁸⁴ and using alternative water sources.⁸⁵
- The Food Act deals with the handling and sale of unsafe or unsuitable "food", which includes products containing water or prepared with water.⁸⁶ These provisions could hinder the uptake of alternative water source projects if the water is destined for human consumption and the risks to health are or could be relatively high.

⁷⁵ ss. 12A and 196AA Water Supply Act.

⁷⁶ ss. 273 and 274 Water Supply Act.

⁷⁷ s. 196 Water Supply Act.

⁷⁸ Part 4 Water Supply Act.

⁷⁹ s. 92 Water Supply Act.

⁸⁰ See, for example, ss. 102 and 270 Water Supply Act.

⁸¹ s. 108 Water Supply Act.

⁸² Part B3 Plumbing Code.

⁸³ Part 4 Plumbing & Drainage Act.

⁸⁴ Part 6A Plumbing & Drainage Act.

⁸⁵ s. 128PA Water Supply Act.

⁸⁶ ss. 32, 33, 35 and 36 Food Act.



- The Public Health Act establishes particular offences regarding the supply of recycled water where public health is compromised.⁸⁷ Alternative water source projects that entail possible health risks could also be the subject of a public health order,⁸⁸ which could disincentivise the uptake of such projects.
- *Failure to recognise potential alternative water sources:* The provisions dealing with bulk water supply in the Water Act do not specifically envisage the bulk supply of alternative water sources.⁸⁹ In some cases, the regulatory framework fails to recognise possible alternative water sources. For example, references to sewage and trade waste in the Water Supply Act do not explicitly refer to or support the possible utilisation of these sources in the context of alternative water source projects.⁹⁰
- *Operational activities and priorities of water authorities:* The description of the operational framework for water authorities in the Water Act does not specifically make reference to the involvement of water authorities in alternative water source projects. Moreover, the Water Act stresses the need for water authorities to ensure efficiency in carrying out water activities by the application of "commercial principles".⁹¹ This reference to commercial principles could disincentivise water authorities from proposing and/or supporting alternative water source projects, which may not meet normal cost-benefit requirements.
- *Absence of a connection framework for alternative water sources:* At present, there is no established connection framework to provide for access to alternative water sources – particularly sewage and trade waste. Rather, under the Water Supply Act, connection to a water service provider's infrastructure (including infrastructure containing sewage and/or trade waste) is at the service provider's discretion.⁹²

Access to and use of water resources

3.27 A limited number of provisions dealing with access to and use of water resources were identified in the stock-take. A summary of the main findings of the stock-take in relation to this issue is set out in **Table 5** below.

⁸⁷ Part 5A Public Health Act.

⁸⁸ s. 21 Public Health Act.

⁸⁹ See Part 3 of the Water Act.

⁹⁰ See, for example, s. 180 Water Supply Act.

⁹¹ ss. 542(1)(a), 637 – 642 Water Act.

⁹² ss. 191 and 193 Water Supply Act.

Table 5. Summary Table: Access to and use of water resources

SUMMARY TABLE: ACCESS TO AND USE OF WATER RESOURCES	
Definition	- Provisions that deal with rights of access to take and use water resources.
Main regulatory instrument(s)	- Water Act
Other relevant regulatory instruments	
Key decision-makers	- Crown (Queensland Government)
Main regulatory tools for WSC	- None
Main regulatory obstacles to WSC	- Crown controls water resources (Water Act) - Limited private rights (Water Act) - Absence of third party access regime
Other related WSC topics/issues	- Alternative water source projects - Supply of water
Overall assessment of relevant aspects of regulatory regime	- The relevant aspects of the regulatory framework dealing with access to and use of water resources were developed at a time when alternative water source projects had not yet been conceived. The regulatory framework vests the right to control all natural water resources in the Crown. Rights to access and use of alternative water sources (e.g. stormwater) are not explicitly addressed in the regulatory framework. Therefore, the structure of the regulatory framework does not readily accommodate projects that involve taking and using water resources for the purpose of developing and providing alternative water sources for end-users.



Legislative instruments

- 3.28 The main legislative instrument that affects the access to and use of water resources in Queensland is the Water Act.

Key decision-makers

- 3.29 The Crown controls water resources in Queensland and, therefore, is the primary decision-maker in the context of providing access to water resources.

Regulatory obstacles

- 3.30 In Queensland, the Crown controls the right to control, regulate and appropriate water resources.⁹³ Depending upon how this right is exercised by the Crown and the mechanisms established to enable access to water resources, the ability of third parties to take and use water for WSC projects - particularly, alternative water source projects – could be limited.
- 3.31 Limited private rights also exist to take and use water.⁹⁴ However, there are no rights to deal with the water, which may limit the on-selling of water sources (e.g. rainwater) for alternative water source projects that rely upon these sources.
- 3.32 In addition, there is no access regime to facilitate access to water and sewerage, which could be used in the context of alternative water source projects.

Supply of water

- 3.33 A limited number of provisions dealing with supply of water were identified in the stock-take. A summary of the main findings of the stock-take in relation to this issue is set out in **Table 6** below.

Table 6. Summary Table: Supply of Water

SUMMARY TABLE: SUPPLY OF WATER	
Definition	- Provisions that relate to the supply of water (whether recycled or other) by water authorities.
Main regulatory instrument(s)	- Water Act - Water Supply Act

⁹³ s. 19 Water Act.

⁹⁴ ss. 20, 20A, 20B, 20C Water Act.

SUMMARY TABLE: SUPPLY OF WATER	
Other relevant regulatory instruments	
Key decision-makers	<ul style="list-style-type: none"> - Minister for Water - Department of Water - Water authorities
Main regulatory tools for WSC	<ul style="list-style-type: none"> - Water security programs (Water Act) - Directions for water security (Water Act) - Obtaining information about water supply (Water Act)
Main regulatory obstacles to WSC	<ul style="list-style-type: none"> - Multiple requirements to identify and manage risks associated with alternative water sources, including risks to health
Other related WSC topics/issues	<ul style="list-style-type: none"> - Risks to/associated with water sources - Risks to health - Alternative water source projects
Overall assessment of relevant aspects of regulatory regime	<ul style="list-style-type: none"> - Security of water supply is an important objective underlying the regulatory framework, both now and in the future. There are a variety of tools available to help secure water supply when such security could be compromised. While the regulatory framework explicitly identifies alternative water sources (particularly, recycled water) as an additional source of water for potable supply, the regulatory mechanisms to manage risks associated with these sources (described in the sections on risks to/associated with water sources and risks to health below) could deter uptake of alternative water source projects in practice.

Legislative instruments

- 3.34 The main regulatory instruments of relevance to the supply of water are the Water Act and the Water Supply Act.



Regulatory objectives

- 3.35 Security of water supply is an important objective underlying the regulatory framework, both now and in the future.⁹⁵ In particular, the Minister is required to "plan for the allocation and sustainable management of water to meet Queensland's future water requirements, including, for example, for the ... security of supply to water users".⁹⁶ Notably, recycled water is explicitly identified as a possible source to augment the supply of drinking water.⁹⁷

Key decision-makers

- 3.36 The Minister, Department of Water and water service providers are the main decision-makers involved in the supply of water.

Regulatory tools

- 3.37 There are a number of powers available to reduce or restrict the supply of water when water resources are at risk, some of which have been described in the section dealing with conservation and sustainable use of water resources (above). In addition, the following tools are available to help secure water supplies:
- *Water security programs*: In order to help ensure security of water supply, the bulk water supply authority and water service providers are required to have a water security program in place.⁹⁸
 - *Directions for water security*: Under the Water Supply Act, the Department of Water may direct a water service or sewerage service provider to take reasonable steps to address an imminent risk to water security.⁹⁹ In addition, water service providers may be required to make water available in cases where a water supply emergency declaration is in place.¹⁰⁰
 - *Obtaining information about the supply of water*: The Chief Executive of the Department of Water is empowered to seek information from those authorised to take and interfere with water in relation to the supply of water.¹⁰¹ Such information could be used to inform regulatory or policy changes to ensure security of supply.

⁹⁵ ss. 10 and 35 Water Act; s. 3 Water Supply Act.

⁹⁶ s. 35(a) Water Act.

⁹⁷ Part 4 Water Supply Act.

⁹⁸ See Chapter 2A Water Act.

⁹⁹ s. 448 Water Supply Act

¹⁰⁰ s. 25K Water Act.

¹⁰¹ ss. 36(e) and 36A(1)(c) Water Act.

- *Supply contracts:* Under the Water Act, agreements between SEQ bulk suppliers and bulk water customers must be prepared, which must include the way in which entities supply bulk services (among other things).¹⁰² In addition, the Chief Executive of the Department may approve standard supply contracts for the storage and delivery, by resource operations licence holders, of water under water allocations.¹⁰³ Supply contracts could be used to reflect particular supply constraints that may exist in the areas to which the contracts are to apply.

Regulatory obstacles

3.38 While the regulatory framework explicitly identifies alternative water sources (particularly, recycled water) as an additional source of water for potable supply,¹⁰⁴ the regulatory mechanisms to manage risks associated with these sources (described in the sections on risks to/associated with water sources and risks to health, below) could deter uptake of alternative water source projects in practice.

Economic evaluation and pricing of water

3.39 A summary of the main findings of the stock-take in relation to economic evaluation and pricing of water is set out in **Table 7** below.

Table 7. Summary Table: Economic evaluation and pricing of water

SUMMARY TABLE: ECONOMIC EVALUATION AND PRICING OF WATER	
Definition	- Provisions that deal with the manner in which water is valued and priced for supply and delivery of water resources to end-users.
Main regulatory instrument(s)	- Water Act - Bulk Water Code
Other relevant regulatory instruments	
Key decision-makers	- Water service providers

¹⁰² See, for example, ss. 360D and 360G Water Act.

¹⁰³ s. 122A Water Act.

¹⁰⁴ Part 4 Water Supply Act.



SUMMARY TABLE: ECONOMIC EVALUATION AND PRICING OF WATER	
Main regulatory tools for WSC	- None
Main regulatory obstacles to WSC	- Emphasis on economic efficiency, which could discourage investment in WSC projects, particularly alternative water source projects
Other related WSC topics/issues	- Alternative water source projects
Overall assessment of relevant aspects of regulatory regime	- The objectives underlying the regulatory framework emphasise economic efficiency. In addition, there are no specific regulatory tools that relate to economic evaluation and pricing of water that could help to advance WSC objectives or initiatives. These features of the regulatory framework could discourage investment in WSC projects, particularly alternative water source projects that may not be commercially viable in the absence of government support/funding.

Legislative instruments

- 3.40 The primary legislative instrument that affects evaluation and pricing of water is the Bulk Water Code, which is made under the Water Act. The Bulk Water Code binds core service providers in the SEQ region – namely, Queensland Bulk Water Supply Authority who operates the bulk water system and any SEQ Service Provider (councils and council-owned service providers) who operate the distribution-retail supply system of water supply in SEQ.

Regulatory objectives

- 3.41 The objectives of the Water Act refer to efficiency, which could include economic efficiency. In particular, the definition "sustainable management", which is a core objective of the Water Act, refers to the need to provide for the "fair, orderly and *efficient* allocation of water to meet community needs"¹⁰⁵ and to increase "community understanding of the need to use and manage water in a sustainable and *cost efficient* way."¹⁰⁶

¹⁰⁵ s. 10(2)(vi) Water Act.

¹⁰⁶ s. 10(2)(vii) Water Act.

3.42 The reference to efficiency in the context of regulatory objectives is supplemented with similar references throughout the Water Act. For example, in describing the water supply and demand management regime, the purpose of the regime includes to optimise an efficient and reliable supply of water, including through the making of a code to decide costs and prices.¹⁰⁷ The relevant code is the Bulk Water Code.

Key decision-makers

3.43 Water service providers determine prices for water and sewerage services.

Regulatory tools

3.44 There are no specific regulatory tools that relate to economic evaluation and pricing of water that could help to advance WSC objectives or initiatives.

Regulatory obstacles

3.45 The principles for pricing decisions of bulk water emphasise economic efficiency,¹⁰⁸ which may discourage the uptake of alternative water source projects that may not be commercially viable without the support of government funding.

3.46 Certain water authorities must produce performance plans on an annual basis.¹⁰⁹ The required contents of such performance plans do not explicitly include targets relating to WSC.¹¹⁰

Risks to/associated with water sources

3.47 This section of the report identifies regulatory provisions that relate to risks – including risks to water resources as well as risks associated with water resources. A summary of the main findings of the stock-take in relation to both sets of issues is set out in **Table 8** below.

Table 8. Summary Table: Risks to/associated with water sources

SUMMARY TABLE: RISKS TO/ASSOCIATED WITH WATER SOURCES	
Definition	- Provisions that deal with the identification and/or management of risks to water resources but also risks posed by water resources, including water from

¹⁰⁷ ss. 340(2)(c)(ii) and 360 Water Act.

¹⁰⁸ ss. 53, 54 – 56, 58 – 59 Bulk Water Code.

¹⁰⁹ s. 652 Water Act.

¹¹⁰ s. 653 Water Act.



SUMMARY TABLE: RISKS TO/ASSOCIATED WITH WATER SOURCES	
	alternative water source projects.
Main regulatory instrument(s)	<p><u>Risks to water resources</u></p> <ul style="list-style-type: none"> - EP Act - EP Water Policy - Water Act <p><u>Risks associated with water resources</u></p> <ul style="list-style-type: none"> - Water Supply Act - Water Act
Other relevant regulatory instruments	<p><u>Risks associated with water resources</u></p> <ul style="list-style-type: none"> - Bulk Water Code - Plumbing Code - Plumbing & Drainage Act - Food Act - Public Health Act
Key decision-makers	<p><u>Risks to water resources</u></p> <ul style="list-style-type: none"> - EPA - Minister for Water - Chief Executive of Department of Water <p><u>Risks associated with water resources</u></p> <ul style="list-style-type: none"> - Minister for Water - Department of Water - Water authorities

SUMMARY TABLE: RISKS TO/ASSOCIATED WITH WATER SOURCES	
Main regulatory tools for WSC	<p><u>Risks to water resources</u></p> <p><i>Tools available to the EPA:</i></p> <ul style="list-style-type: none"> - Environment protection policies (EP Act) - Enforcement of environmental requirements (EP Act) <p><i>Tools available to the Minister for Water:</i></p> <ul style="list-style-type: none"> - Water planning tools (Water Act) - Environmental update (Water Act) - Restrictions on water use (Water Act) - Requirements imposed on water authorities (Water Act) - Conditions attached to water use (Water Act) - Directions (Water Act) - Reporting obligations (Water Act) <p><i>Tools available to water authorities:</i></p> <ul style="list-style-type: none"> - Environmental protection controls (Water Act) <p><i>Other tools:</i></p> <ul style="list-style-type: none"> - Water impact assessment reports (Water Act) - "Make good obligations" (Water Act) <p><u>Risks associated with water resources</u></p> <p><i>Tools available to the Minister for Water:</i></p> <ul style="list-style-type: none"> - Requirements imposed on water authorities (Water Act) - Directions (Water Act) - Declaration of critical recycled water schemes (Water Supply Act) - Restriction on water use for emergencies (Water Act)



SUMMARY TABLE: RISKS TO/ASSOCIATED WITH WATER SOURCES	
	<ul style="list-style-type: none"> - Declaration of water supply emergency (Water Act) <p><i>Tools available to water authorities:</i></p> <ul style="list-style-type: none"> - Power to levy charges (Water Act) - Prohibition on charging for rainwater (Water Supply Act) <p><i>Tools available to other bodies:</i></p> <ul style="list-style-type: none"> - Customer Confidence Report (Bulk Water Code)
Main regulatory obstacles to WSC	<p><u>Risks to water resources</u></p> <ul style="list-style-type: none"> - Relatively large number of potentially relevant provisions contained in different regulatory instruments and it is unclear whether they are all applied in a consistent manner. - Potential lack of coherent approach towards environmental protection of water resources across the entire regulatory framework. <p><u>Risks associated with water resources</u></p> <ul style="list-style-type: none"> - Risk management requirements (Water Supply Act, Plumbing Code, Plumbing & Drainage Act, Food Act, Public Health Act) - Failure to recognise potential alternative water sources (Water Act, Water Supply Act) - Operational activities and priorities of water authorities (Water Act) - Absence of a connection framework for alternative water sources (Water Supply Act)
Other related WSC topics/issues	<ul style="list-style-type: none"> - Environmental protection - Alternative water source projects
Overall assessment of relevant aspects of regulatory regime	<ul style="list-style-type: none"> - The regulatory framework contains a broad range of tools to protect water resources against the risks that such resources could face. The regulatory framework also contains a range of provisions that are aimed at

SUMMARY TABLE: RISKS TO/ASSOCIATED WITH WATER SOURCES

	<p>addressing risks arising from water resources. These provisions could be particularly relevant for alternative water source projects. It is apparent that the various risks are dealt with in a range of different legislative instruments and by a variety of bodies. A more coherent and holistic approach towards the risks to and associated with water resources might assist in managing risks across the regulatory framework.</p>
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Legislative instruments

- 3.48 The main legislative instruments that address risks to or from water resources are the EP Act, the EP Water Policy and the Water Act. The main legislative instruments that address risks associated with water resources are the Water Supply Act and the Water Act.

Regulatory objectives

- 3.49 The Water Act recognises the risks that the environment – including water resources – could face by providing for protection against these risks. In particular, the purposes of the Water Act include "to protect the biological diversity and health of natural ecosystems".¹¹¹ The Water Act also states that the Water Act seeks to ensure the "sustainable management" of Queensland's water resources.¹¹² The definition of sustainable management refers to the principles of ecologically sustainable development,¹¹³ which support environmental protection of water resources. Additionally, the principles underlying the EP Act clearly support environmental protection of water resources to address risks to such resources. The object of that Act is "to protect Queensland's environment while allowing for development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends".¹¹⁴
- 3.50 Nevertheless, there is also recognition in the regulatory framework of the risks posed by water. In particular, the Water Act provides for action to be taken in cases where water is harmful.¹¹⁵ The Water Supply Act makes explicit reference to recycled water and explains that the purpose of the Act is to provide for the safety and reliability of water supply through "a regulatory framework for providing

¹¹¹ s. 10(2)(b) Water Act. See also ss. 10(2)(c)(iii) and (2)(c)(iv) Water Act.

¹¹² s. 10(1) Water Act.

¹¹³ ss. 10(2)(c)(ii) and 11 Water Act.

¹¹⁴ s. 3 EP Act.

¹¹⁵ See, for example, s. 22 Water Act.



recycled water and drinking water quality, primarily for protecting public health".¹¹⁶

Key decision-makers

- 3.51 The key decision-makers in relation to the management of risks to water resources are the EPA, the Minister for Water and the Chief Executive of the Department of Water.
- 3.52 The key decision-makers in relation to the risks associated with water resources are the Minister for Water, the Department of Water and water authorities.

Regulatory tools

- 3.53 The regulatory framework includes a variety of mechanisms and powers vested in a range of bodies to address risks to water resources as well as to respond to risks associated with water resources.

Tools to address risks to water resources:

- A variety of tools may be used to address risks to water resources. A number of these tools have been referred to in the section dealing with environmental protection of water resources (above) and will not be specifically repeated here. In addition:
 - *Water resource plans*: Under the Water Act, the Minister may prepare a water resource plan. The plan may be prepared for a range of purposes, including to identify and manage risks to water resources.¹¹⁷
 - *Water use plans*: Additionally, water use plans may be used if there is a risk of water degradation, including increasing salinization, destabilisation of beds and banks of watercourses and damage to the riverine environment.¹¹⁸
 - *Direction for water security*: Under the Water Supply Act, the Department of Water may direct a water service or sewerage service provider to take reasonable steps to address an imminent risk to water security.¹¹⁹

Tools to address risks associated with water resources:

- A number of tools may be used to address risks associated with water resources. A number of these tools have been referred to in the section

¹¹⁶ s. 3(2)(a)(ii) Water Act.

¹¹⁷ ss. 38, 46 and 47 Water Act.

¹¹⁸ ss. 59, 60 and 62 Water Act.

¹¹⁹ s. 448 Water Supply Act

dealing with alternative water source projects (above) and will not be specifically repeated here. In addition:

- *Restriction on water use for emergencies:* Under the Water Act, the Minister or the Chief Executive of the Department is empowered to take measures to limit the taking and using of water resources where there is a "thing in harmful quantities in water".¹²⁰
- *Declaration of water supply emergency:* The Minister is empowered to prepare a water supply emergency declaration if the Minister is satisfied that there is a water supply emergency or if such an emergency is developing.¹²¹ A water supply emergency is defined to include contamination of water sources.¹²² A declaration of a water supply emergency may include a requirement to restrict the supply or use of water.¹²³
- *Customer Confidence Report:* The Bulk Water Authority must publish on its website information about the typical quality of bulk potable water supplied from major water sources. The Customer Confidence Report must outline a variety of key health and aesthetic parameters which, in the Bulk Authority's sole discretion, are representative of the quality of the major water sources being supplied.¹²⁴

Regulatory obstacles

3.54 The regulatory obstacles associated with responding to risks to water resources have been identified in the section on environmental protection (above).

3.55 The aspects in the regulatory framework that are aimed at dealing with the risks associated with water sources (particularly in the context of alternative water sources) are considered in the section on alternative water source projects (above).

Risks to health

3.56 Various regulatory instruments deal with the risks to human health associated with water resources, including in the context of alternative water sources. A summary of the main findings of the stock-take in relation to this issue is set out in **Table 9** below.

¹²⁰ ss. 22, 25B and 25D Water Act.

¹²¹ s. 25B Water Act.

¹²² s. 25A Water Act.

¹²³ s. 25D Water Act.

¹²⁴ s. 17 Bulk Water Code.



Table 9. Summary Table: Risks to health

SUMMARY TABLE: RISKS TO HEALTH	
Definition	- Provisions that deal with identification of and response to risks to health associated with the supply of water, including recycled water and other alternative water sources.
Main regulatory instrument(s)	- Water Supply Act - Water Act
Other relevant regulatory instruments	- Bulk Water Code - Plumbing Code - Plumbing & Drainage Act - Food Act - Public Health Act
Key decision-makers	- Water authorities, water suppliers, water storage managers - Department of Health
Main regulatory tools for WSC	- None
Main regulatory obstacles to WSC	- Multiple requirements to identify and appropriately manage risks to health (Water Supply Act, Water Act, Food Act, Public Health Act)
Other related WSC topics/issues	- Risks to/ associated with water resources - Alternative water source projects
Overall assessment of relevant aspects of	- When considered as a whole, the regulatory framework emphasises the need to identify, assess and manage risks to health in relation to a range of water projects, including those involving potable sources and

SUMMARY TABLE: RISKS TO HEALTH	
regulatory regime	others involving non-potable sources. The relevant provisions could hinder WSC initiatives (particularly, alternative water source projects), depending upon the nature of the health risks posed by a WSC project and the way in which those risks are assessed and required to be managed under the regulatory framework.

Legislative instruments

- 3.57 The main legislative instruments that address risks to health are the Water Supply Act and the Water Act. However, relevant provisions are also found in the Bulk Water Code, Plumbing Code, Plumbing & Drainage Act, Food Act and the Public Health Act.

Regulatory objectives

- 3.58 A number of the regulatory instruments under consideration have the protection of human health and the mitigation of risks to health as an important objective. In particular, the Water Act provides for action to be taken in cases where water is harmful.¹²⁵ The Water Supply Act makes explicit reference to recycled water and explains that the purpose of the Act is to provide for the safety and reliability of water supply through "a regulatory framework for providing recycled water and drinking water quality, primarily for protecting public health".¹²⁶

Key decision-makers

- 3.59 Water authorities, water suppliers and water storage managers must ensure that risks to health associated with supply of water to end-users are appropriately managed. The Department of Health also plays a role in ensuring that public health is not compromised, particularly in the context of alternative water source projects.

Regulatory tools

- 3.60 A number of tools may be used to address risks to health. Some of these tools have been referred to in the section dealing with alternative water source projects (above) and will not be specifically repeated here. In addition:

- *Restriction on water use for emergencies:* Under the Water Act, the Minister or the Chief Executive of the Department is empowered to take

¹²⁵ See, for example, s. 22 Water Act.

¹²⁶ s. 3(2)(a)(ii) Water Act.



measures to limit the taking and using of water resources where there is a "thing in harmful quantities in water".¹²⁷

- *Declaration of water supply emergency:* The Minister is empowered to prepare a water supply emergency declaration if the Minister is satisfied that there is a water supply emergency or if such an emergency is developing.¹²⁸ A water supply emergency is defined to include contamination of water sources.¹²⁹ A declaration of a water supply emergency may include a requirement to restrict the supply or use of water.¹³⁰
- *Customer Confidence Report:* The Bulk Water Authority must publish on its website information about the typical quality of bulk potable water supplied from major water sources. The Customer Confidence Report must outline a variety of key health and aesthetic parameters which, in the Bulk Authority's sole discretion, are representative of the quality of the major water sources being supplied.¹³¹

Regulatory obstacles

- 3.61 The aspects in the regulatory framework that are aimed at dealing with the risks associated with water sources (particularly in the context of alternative water sources) are considered in the section on alternative water source projects (above).

Flooding

- 3.62 The stock-take did not reveal many provisions dealing with flooding among the regulatory instruments considered. However, it should be noted that flood risk is dealt with more comprehensively under the planning scheme, which is being considered in the context of CRC Project B5.1. A summary of the main findings of the stock-take in relation to this issue is set out in **Table 10** below.

Table 10. Summary Table: Flooding

SUMMARY TABLE: FLOODING	
Definition	- Provisions that address mitigation and/or adaptation to flooding.

¹²⁷ ss. 22, 25B and 25D Water Act.

¹²⁸ s. 25B Water Act.

¹²⁹ s. 25A Water Act.

¹³⁰ s. 25D Water Act.

¹³¹ s. 17 Bulk Water Code.

SUMMARY TABLE: FLOODING	
Main regulatory instrument(s)	<ul style="list-style-type: none"> - Water Supply Act - Building Code
Other relevant regulatory instruments	<ul style="list-style-type: none"> - Planning Scheme (assessed in Project B5.1).
Key decision-makers	<ul style="list-style-type: none"> - Minister for Water - Queensland Building and Construction Commission
Main regulatory tools for WSC	<ul style="list-style-type: none"> - Enforcement of Building Code provisions dealing with flood hazard (Building Code) - Flood mitigation manual (Water Supply Act) - Flood event report (Water Supply Act)
Main regulatory obstacles to WSC	<ul style="list-style-type: none"> - Assessment required after completion of Project B5.1
Other related WSC topics/issues	<ul style="list-style-type: none"> - Risks to/associated with water resources
Overall assessment of relevant aspects of regulatory regime	<ul style="list-style-type: none"> - The aspects of the regulatory framework considered in this stock-take do not provide extensive support for the mitigation of flood risk, except in the context of dams. Rather, this issue is dealt with more extensively in the Planning Scheme, which is the subject of consideration in CRC Project B5.1. An overall assessment will be needed once relevant provisions of the Planning Scheme have been undertaken in CRC Project B5.1.

Legislative instruments

3.63 The Building Code is the primary legislative instrument considered in this stock-take that assists in mitigating flood risks. Under the Building Code, certain classes



of buildings must comply with standards dealing with flood hazards.¹³² In addition, the Water Supply Act contains a number of flood risk mitigation tools.¹³³

Regulatory objectives

- 3.64 The Water Supply Act states that the primary purpose of the Act – namely to ensure the safety and reliability of water supply – is achieved by providing for flood mitigation responsibilities (among other things).¹³⁴

Key decision-makers

- 3.65 Owners of referable dams must ensure that flooding risks are effectively mitigated. In relation to relevant provisions under the Building Code, in the first instance, developers and building surveyors are responsible for ensuring compliance with the Building Code.

Regulatory tools

- 3.66 The Water Supply Act includes two main tools to assist in mitigating flood risk:
- *Flood mitigation manual*: Owners of "referable dams" (which are prescribed under the regulations) must prepare flood mitigation manuals for such dams.¹³⁵
 - *Flood event reporting*: If a flood event occurs, the owner of a referable dam must prepare a flood event report.¹³⁶

Regulatory obstacles

- 3.67 The aspects of the regulatory framework considered do not deal extensively with flood risk, except in the case of dams. Mitigation of flood risk is dealt with more extensively in the Planning Scheme. It will be necessary to determine whether the provisions in the Planning Scheme are coherent with those contained in the broader regulatory framework, particularly the Building Code, once relevant provisions of the Planning Scheme have been undertaken in CRC Project B5.1.

¹³² B1.6 Building Code.

¹³³ ss. 371B and 383 Water Supply Act.

¹³⁴ s. 3 Water Supply Act.

¹³⁵ s. 371B Water Supply Act.

¹³⁶ s. 383 Water Supply Act.

Financial tools

3.68 The stock-take indicated that the regulatory framework contains limited 'financial tools' – that is, financial measures that could be used to advance WSC issues and projects. A summary of the main findings of the stock-take in relation to this issue is set out in **Table 11** below.

Table 11. Summary Table: Financial tools

SUMMARY TABLE: FINANCIAL TOOLS	
Definition	- Provisions that could provide financial means to advance WSC initiatives and projects.
Main regulatory instrument(s)	- Water Act
Other relevant regulatory instruments	
Key decision-makers	- Water authorities
Main regulatory tools for WSC	- Rates and charges (Water Act)
Main regulatory obstacles to WSC	- Limited financial tools available in regulatory framework
Other related WSC topics/issues	- Conservation and sustainable use of water resources - Alternative water source projects
Overall assessment of relevant aspects of regulatory regime	- The regulatory framework contains limited financial tools. This could limit opportunities to advance WSC issues and projects, if sufficient funding for WSC projects is unavailable. Even if the scope of financial tools were to be broadened, it would be necessary to ensure that the broader regulatory, political and policy context supports the utilisation of those tools for the purposes of advancing WSC.

Legislative instruments

- 3.69 The only legislative instrument that contains financial tools that could potentially be utilised to advance WSC initiatives and projects is the Water Act.

Key decision-makers

- 3.70 Water authorities could conceivably utilise financial tools available to them (i.e. the power to levy rates and charges) to advance WSC objectives and initiatives, including the conservation and sustainable use of water resources and investment in alternative water source projects.

Regulatory tools

- 3.71 Water authorities have broad powers to levy rates or charges under the Water Act.¹³⁷

Regulatory obstacles

- 3.72 As previously mentioned, the regulatory framework contains limited financial tools. This could limit opportunities to advance WSC issues and projects, if sufficient funding for WSC projects is unavailable.
- 3.73 Even if the scope of financial tools were to be broadened, it would be necessary to ensure that the broader regulatory, political and policy context supports the utilisation of those tools for the purposes of advancing WSC.

Research and raising awareness

- 3.74 The regulatory stock-take revealed various bodies that could support research and raise awareness in relation to WSC objectives and projects. A summary of the main findings of the stock-take in relation to this issue is set out in **Table 12** below.

Table 12. Summary Table: Research and raising awareness

SUMMARY TABLE: RESEARCH AND RAISING AWARENESS	
Definition	- Provisions that promote research and raise awareness regarding issues that could advance WSC.
Main regulatory instrument(s)	- Water Act
Other relevant regulatory instruments	- Bulk Water Code

¹³⁷ s. 572 Water Act.

SUMMARY TABLE: RESEARCH AND RAISING AWARENESS	
Key bodies	<ul style="list-style-type: none"> - Advisory Councils - Joint Working Group - Office of Groundwater Impact Assessment - Referral panels established by the Department of Water
Main regulatory tools for WSC	<ul style="list-style-type: none"> - Research, advice and recommendations on WSC issues and objectives made by key bodies
Main regulatory obstacles to WSC	<ul style="list-style-type: none"> - There are no regulatory obstacles as such. However, the bodies that have been identified as potentially contributing to research and raising awareness on WSC issues are not exclusively dedicated to that task. A lack of resources and prioritisation of WSC topics and issues could mean that, in practice, these bodies are not used for this purpose.
Other related WSC topics/issues	<ul style="list-style-type: none"> - Potentially linked to all other WSC topics and issues
Overall assessment of relevant aspects of regulatory regime	<ul style="list-style-type: none"> - The existence of bodies that could undertake research and raise awareness of WSC issues and topics could help to further the WSC agenda. However commitment to WSC will be necessary before these bodies can be utilised for this objective.

Legislative instruments

3.75 Legislative provisions that promote research and raise awareness regarding WSC topics and issues do not feature prominently in the regulatory framework. Nevertheless, some support can be found in the Water Act and, to a lesser extent, the Bulk Water Code.

Key bodies

3.76 A range of bodies are identified in the regulatory framework that could undertake research and raise awareness of WSC issues.



- *Advisory Councils:* The Minister may establish as many advisory councils as the Minister considers appropriate for the administration of the Water Act, including for policy recommendations.¹³⁸
- *Joint Working Group:* Under the Bulk Water Code, the Bulk Water Authority and each SEQ Service Provider must make such staff and resources available to form a joint SEQ Service Provider/ Bulk Authority working group, known as the "Joint Working Group".¹³⁹ The Joint Working Group could discuss and raise awareness of WSC issues, such as the conservation and sustainable use of water resources and the use of alternative water source projects to augment water supplies.
- *Office of Groundwater Impact Assessment:* Under the Water Act, the Office of Groundwater Impact Assessment (OGIA) has functions including to advise the Department of Water on matters relating to impacts on underground water, including impacts caused by the exercise of underground water rights by petroleum tenure holders.¹⁴⁰ The OGIA could undertake research on issues regarding underground water resources and raise awareness of risks to such resources, with a view to supporting conservation and sustainable use and environmental protection.
- *Referral panels established by the Department of Water:* The Water Act empowers the Chief Executive of the Department of Water to establish a referral panel to advise on a range of matters including granting of water licences and draft resource operations plans.¹⁴¹ Conceivably, referral panels could undertake research and raise awareness regarding a range of WSC issues in the context of the various decisions under the Water Act in respect of which the panel may be requested for advice.

Regulatory obstacles

- 3.77 There are no regulatory obstacles as such. However, the bodies that have been identified as potentially contributing to research and raising awareness on WSC issues are not exclusively dedicated to that task. A lack of resources and prioritisation of WSC topics and issues could mean that, in practice, these bodies are not used for this purpose.

4. Overall assessment of legislative framework

- 4.1 A number of the legislative instruments considered in this stock-take support certain important aspects of a WSC. In particular, the regulatory framework

¹³⁸ s. 1005 Water Act.

¹³⁹ s. 14 Bulk Water Code.

¹⁴⁰ s. 456(1)(a) Water Act.

¹⁴¹ s. 1004 Water Act.

provides significant support for initiatives that seek to ensure the **conservation and sustainable use of water resources** and **environmental protection of water resources**.

- 4.2 There is a wide range of tools that exist across the legislative framework that could be employed to ensure that these two important WSC objectives are achieved. Nevertheless, these tools are scattered throughout the regulatory framework rather than being consolidated and utilised in a co-ordinated and consistent manner. Accordingly, a more streamlined and coherent approach towards both of these issues across the entire regulatory framework could be beneficial.
- 4.3 The regulatory framework also contains some potential obstacles to the establishment of a WSC. Notably, the regulatory framework appears to provide limited support for **alternative water sources**, which will be critical to the achievement of a WSC.
- 4.4 While there is recognition of alternative water sources in the regulatory framework – particularly, recycled water, including to augment drinking water supplies – there are relatively few tools available to support such projects. Moreover, the regulatory framework appears to focus predominantly on the **risks** associated with such projects.
- 4.5 Indeed, the regulatory framework treats **risks to health** as an important consideration. In particular, the regulatory framework emphasises the need to identify, assess and manage risks to health in relation to a range of water projects, including those involving both potable and non-potable water sources. Whilst this approach is understandable, it could also pose an obstacle to the attainment of a WSC – particularly, alternative water source projects.
- 4.6 The regulatory framework also contains a range of provisions that are aimed at addressing **risks arising from water resources**, including those that go beyond risks to health such as risks to the environment. These provisions could be particularly relevant for alternative water source projects that rely upon water sources for which the risks to health and/or the environment are relatively high. It is possible that the uptake of such projects could be deterred if the risks associated with these projects are assessed to be too high under the regulatory framework compared to the benefits of alternative water source projects.
- 4.7 Notably, the regulatory framework also deals with **risks to water resources** as a result – for example – of pollution. However the risks arising from water sources and the risk to water resources are dealt with in a range of different legislative instruments and by a variety of bodies. A more coherent and holistic approach towards the risks to and arising from water resources might assist in managing "water risks" across the entire regulatory framework.
- 4.8 The pursuit of alternative water source projects could be further undermined through the treatment of a range of issues in the regulatory framework. The provisions dealing with **access to and use of water resources** do not readily accommodate projects that involve taking and using water resources for the purposes of developing and providing alternative water sources for end-users. Indeed, at present, rights to access and use of alternative water sources (such as stormwater) are not explicitly addressed in the regulatory framework.



- 4.9 In relation to **water supply**, there are a variety of tools that are available to help secure water supply when such security could be compromised. Nevertheless, the regulatory mechanisms to manage risks associated with alternative water sources could discourage the use of these sources to augment existing sources for water supply.
- 4.10 Regarding the **evaluation and pricing of water**, the objectives underlying the regulatory framework emphasise economic efficiency. In addition, there are no specific regulatory tools that apply to the evaluation and pricing of water that could be used to help advance WSC objectives or initiatives. When considered as a whole, the various regulatory obstacles could deter the uptake of alternative water source projects.
- 4.11 When considered in totality, it is apparent that the regulatory framework is not currently geared towards advancing WSC. Indeed, the various instruments comprising the regulatory framework were most likely designed and implemented without the issues and objectives lying at the heart of the notion of a WSC in mind. As a consequence, realising a WSC based on the current regulatory framework in Queensland would be challenging.
- 4.12 Nevertheless, notwithstanding the existence of legislative instruments that **focus on the risks associated with WSC** (particularly, alternative water source projects) there are numerous tools within the regulatory framework that appear to **acknowledge and support WSC** such as water planning tools, directions and declarations, impact assessments, restrictions and conditions, as well as contractual agreements. These tools should ideally be further explored to determine whether there are any practical impediments to their use to promote WSC.
- 4.13 The stock-take also revealed a wide variety of regulatory entities that have a role to play in establishing WSC based on the legislative instruments considered, including the Minister for Water, the Department of Water, water authorities, councils, regulators (EPA, Building and Construction Commission), other statutory entities (e.g. Office of Groundwater Impact Assessment) and planning authorities. A more detailed analysis of the role(s) that these bodies could play in establishing a WSC would be beneficial.

5. Historical and practical context for assessment of legislative framework

- 5.1 As mentioned earlier in this report, the assessment of the legislative framework – and particular elements thereof – to determine whether it facilitates or hinders the establishment of a WSC has been based on the text of the relevant legislative instrument.
- 5.2 The assessment does not account for the historical evolution of that instrument. Nor does it consider the practical context in which the provisions may be applied, including the existence or absence of infrastructure and the mindset of relevant decision-makers. These factors may convert a provision that is, on its face, facilitative into one that is a hindrance and vice versa.

- 5.3 These factors could be considered through, for example, input from stakeholders in order to 'reality check' the desktop risk assessment of the legislative framework, the results of which are contained in this report.



APPENDIX

STOCK-TAKE OF RELEVANT LEGISLATIVE INSTRUMENTS AND PROVISIONS THAT MAY FACILITATE OR HINDER WSC PRINCIPLES, OBJECTIVES AND INITIATIVES QUEENSLAND

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
1.	Water Act 2000	<i>The Water Act is the central legislative instrument for the Queensland water industry. Among other things, the Act establishes a framework for the allocation of the State's water resources. It also sets out the functions, rights and obligations of the State's metropolitan, urban, regional and rural water authorities. Notably, the Act is currently undergoing a review. It is likely that the Act will be replaced with new legislation in 2015.¹</i>					
		CHAPTER 2 – ALLOCATION AND SUSTAINABLE MANAGEMENT					
		PART 1 - PRELIMINARY					
		s. 10	<p>Purpose of Chapter 2</p> <p>(1) The purpose of this chapter is to advance sustainable management and efficient use of water and other resources by establishing a system for the planning, allocation and use of water.</p> <p>(2) For subsection (1), sustainable management is management that—</p> <p>(a) allows for the allocation and use of water for the physical, economic and social wellbeing of the people of Queensland and Australia within limits that can be sustained indefinitely; and</p> <p>(b) protects the biological diversity and health of natural ecosystems; and</p> <p>(c) contributes to the following—</p> <p>(i) improving planning confidence of water users now and in the future regarding the availability and security of water entitlements;</p> <p>(ii) the economic development of Queensland in accordance with the principles of ecologically sustainable development;</p> <p>(iii) maintaining or improving the quality of naturally occurring water and other resources that benefit the natural resources of the State;</p> <p>(iv) protecting water, watercourses, lakes, springs, aquifers, natural ecosystems and other resources from degradation and, if practicable, reversing degradation that has occurred;</p> <p>(v) recognising the interests of Aboriginal people and Torres Strait Islanders and their connection with the landscape in water planning;</p> <p>(vi) providing for the fair, orderly and efficient allocation of water to meet community needs;</p>	<p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p> <p>Alternative water source projects</p> <p>Access to and use of water resources</p> <p>Economic evaluation and pricing of water</p> <p>Risks to/ associated with water resources</p>	<p>✓</p> <p>Generally speaking, this section reflects broad support for WSC</p>	<p>The allocation and management framework as described in section 10 refers to and supports the following WSC issues:</p> <ul style="list-style-type: none"> conservation and sustainable use of water resources – particularly sections 2(a), 2(c)(ii), 2(c)(vii), 3(a). environmental protection – particularly sections 2(b), 2(c)(iii), 2(c)(iv). alternative water source projects – particularly sections 2(c)(i), 3(c). access to and use of water resources – particularly, section 2(c)(i). economic evaluation and pricing of water – particularly sections 2(c)(vi), 2(c)(vii). risks to the environment – particularly s(3)(d). <p>In relation to s.(2)(ii), the term "ecologically sustainable development" is defined in broad terms in section 11 (below).</p> <p>The broad support for WSC reflected in section 10 is important because, pursuant to section 12, water entities must act in accordance with the chapter's purpose.</p>	

1 <http://www.dnrm.qld.gov.au/water/catchments-planning/water-reform>.

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
			<p>(vii) increasing community understanding of the need to use and manage water in a sustainable and cost efficient way;</p> <p>(viii) encouraging the community to take an active part in planning the allocation and management of water;</p> <p>(ix) integrating, as far as practicable, the administration of this Act and other legislation dealing with natural resources.</p> <p>(3) For subsection (1), efficient use of water—</p> <p>(a) incorporates demand management measures that achieve permanent and reliable reductions in the demand for water; and</p> <p>(b) promotes water conservation and appropriate water quality objectives for intended use of water; and</p> <p>(c) promotes water recycling, including, for example, water reuse within a particular enterprise to gain the maximum benefit from available supply; and</p> <p>(d) takes into consideration the volume and quality of water leaving a particular application or destination to ensure it is appropriate for the next application or destination, including, for example, release into the environment.</p>				
		s. 11	<p>Meaning of principles of ecologically sustainable development</p> <p>The following principles are principles of ecologically sustainable development—</p> <p>(a) decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations;</p> <p>(b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation;</p> <p>(c) the present generation should ensure the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations;</p> <p>(d) the conservation of biological diversity and ecological integrity should be a fundamental consideration in decision-making;</p> <p>(e) recognition of the need to develop a strong, growing and diversified economy that can enhance the capacity for environmental protection;</p> <p>(f) decisions and actions should provide for broad community involvement on issues affecting them.</p>	<p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p>	<p>✓</p> <p>Generally speaking, this section reflects broad support for WSC</p>		<p>Section 10(2)(ii) (above) provides that the economic development of Queensland must be in accordance with the principles of ecologically sustainable development. When read in conjunction with the definition of "ecologically sustainable development" in section 11, the Act appears to provide broad support for the conservation and sustainable use of water resources and environmental protection.</p>



ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
PART 2 – WATER RIGHTS							
DIVISION 1 – PRELIMINARY							
		s. 19	Rights in all water vests in State All rights to the use, flow and control of all water in Queensland are vested in the State.	Access to and use of water resources		✓	This section (as well as counterparts in other jurisdictions) has triggered a debate as to whether or not this section vests absolute ownership of water resources in the Crown. The current consensus appears to be that the section reflects state sovereignty, rather than ownership, over water resources and that this implies the Crown's right to control, regulate and appropriate water resources. Depending upon how this right is exercised by the Crown and the mechanisms established to enable access to water resources, the ability of third parties to take and use water for WSC projects could be limited.
DIVISION 1A - AUTHORISED TAKING OF, OR INTERFERENCE WITH, WATER WITHOUT WATER ENTITLEMENT							
		s. 20	General authorisations (1) A person may do the following— (a) take water for a public purpose in an emergency situation; (b) take water for fighting a fire; (c) take water for undertaking routine testing of firefighting equipment; (d) take, or interfere with, water to construct a bore to be used for firefighting; (e) take water from a watercourse, lake or spring for camping purposes; (f) take water from a watercourse, lake or spring for watering travelling stock; (g) interfere with overland flow water. (2) A person may, subject to any relevant alteration or limitation prescribed under a moratorium notice, water resource plan or wild river declaration, do the following— (a) take water if doing so is necessary to carry out an activity prescribed under a regulation; (b) take overland flow water for any purpose; (c) take or interfere with subartesian water for any purpose. (3) However— (a) subsection (2) does not apply for subartesian water if a regulation under section 1046 regulates the taking of or interfering with the water; and (b) a person's right to take or interfere with water under the regulation is subject any relevant alteration or limitation prescribed under a moratorium notice or wild river declaration. (4) A person may interfere with water if— (a) the interference is a diversion of a watercourse and is associated with a resource activity; and (b) the impacts of the interference were assessed as part of a grant of an environmental authority for the resource activity; and	Access to and use of water resources		✓	This section vests a statutory right to take water for certain limited uses, including activities prescribed under Water Regulation 2002. Section 3B of the Water Regulation provides that the activities mentioned in Schedule 1 are prescribed for section 20(2)(a) of the Water Act. Those activities predominantly relate to domestic, rural/farming and public recreation uses. More specific rights to take and use water are provided for in sections 20A (landowners), 20B (Aboriginal and Torres Strait Islanders) and 20C (other entities). Notably, these sections refer to the right to "take" water, but not the right to use or deal with water (e.g. on-selling). The unlimited right to take water under this section could, in some cases, impact adversely on WSC projects, which may rely upon water sources covered by this section (e.g. watercourses).

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
			(c) the environmental authority was granted with a condition about the diversion of the watercourse. (5) In this section— resource activity see the Environmental Protection Act 1994, section 107.				
		s. 20A	<p>Landowners</p> <p>(1) An owner of land on which there is water collected in a dam across a watercourse or lake may take the water for stock or domestic purposes.</p> <p>(2) An owner of land adjoining a watercourse, lake or spring may take water from the watercourse, lake or spring for stock or domestic purposes.</p> <p>(3) However, the water can not be taken for domestic purposes if the land is— (a) declared under a regulation; and (b) subdivided after the regulation is made.</p> <p>(4) An owner of land on which there is overland flow water or overland flow water that has been collected into a dam, may take the water for stock or domestic purposes.</p> <p>(5) An owner of land may take water from a watercourse, lake or spring for stock or domestic purposes if— (a) for a watercourse, lake or spring located in the plan area for a water resource plan—the water is taken from a location, and in the way, stated in the plan; or (b) otherwise—the water is taken from a location, and in the way, prescribed under the regulation.</p> <p>(6) In this section— land includes any land contiguous with the land adjoining the watercourse, lake or spring if all the land is owned by the same owner.</p>	Access to and use of water resources		✓	<p>This section vests a statutory right to take water for domestic and stock use. This right arises as a result of occupation of land that is proximate to a water resource.</p> <p>Notably, the section refers to the right to "take" water, but not the right to use or deal with water (e.g. on-selling).</p> <p>The unlimited right to take water under this section could, in some cases, impact adversely on WSC projects, which may rely upon water sources covered by this section (e.g. watercourses).</p>
		s. 20B(1)	<p>Aboriginal and Torres Strait Islander parties</p> <p>An Aboriginal party or Torres Strait Islander party may, in the area of the State for which the person is an Aboriginal or Torres Strait Islander party, take or interfere with water for traditional activities or cultural purposes.</p>	Access to and use of water resources		✓	<p>Section 20B(2) defines:</p> <ul style="list-style-type: none"> • "cultural purpose" as an activity, other than a commercial activity, that supports the maintenance or protection of the following— <ul style="list-style-type: none"> – (a) Aboriginal cultural heritage within the meaning of the Aboriginal Cultural Heritage Act 2003, section 8; – (b) Torres Strait Islander cultural heritage within the meaning of the Torres Strait Islander Cultural Heritage Act 2003, section 8. • traditional activities, for an Aboriginal party or Torres Strait Islander party, means any of the following activities the party carries out in accordance with Aboriginal tradition or Island custom— <ul style="list-style-type: none"> – (a) hunting, fishing, gathering or camping; – (b) performing rites or other ceremonies; – (c) visiting sites of significance.

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		s. 20C	<p>Particular entities</p> <p>(1) A petroleum tenure holder may take or interfere with water to construct—</p> <p>(a) a water observation bore within the meaning of the Petroleum Act 1923 or Petroleum and Gas (Production and Safety) Act 2004; or</p> <p>(b) a water monitoring bore.</p> <p>(2) A constructing authority or water service provider may take water to operate public showers or toilets.</p> <p>(3) A constructing authority may take water to construct or maintain infrastructure if—</p> <p>(a) the construction or maintenance is lawful; and</p> <p>(b) the taking of water for that purpose is prescribed under a regulation; and</p> <p>(c) the constructing authority complies with the following conditions—</p> <p>(i) those prescribed under a regulation; or</p> <p>(ii) those fixed by the Chief Executive, by notice given to the constructing authority, about the taking of water.</p> <p>(4) The conditions may do all or any of the following—</p> <p>(a) limit the volume of water the constructing authority may take in a year for a particular project;</p> <p>(b) limit the volume of water the constructing authority may take from a particular source at a particular location during a stated period;</p> <p>(c) require the constructing authority to give the Chief Executive notice of the constructing authority's intention to take water from a particular source;</p> <p>(d) require the constructing authority to take the water only through a meter of a type approved by the Chief Executive;</p> <p>(e) require the constructing authority to give a written report to the Chief Executive about stated matters for the water taken;</p> <p>Examples of matters about which a report may be required—</p> <ul style="list-style-type: none"> • the locations from which water was taken • the source from which the water was taken • the volume of water taken from a source • the day on which the water was taken <p>(f) require the constructing authority to obtain written approval from the operator of a water supply scheme before taking water managed under an interim resource operations licence, resource operations licence or distribution operations licence.</p>	<p>Access to and use of water resources</p> <p>Conservation and sustainable use of water resources</p>	✓	✓	<p>This section vests a statutory right to take water for certain commercial uses. Notably, the section refers to the right to "take" water, but not the right to use or deal with water (e.g. on-selling). The right to take water under this section could, in some cases, impact adversely on WSC projects, which may rely upon water sources covered by this section.</p> <p>Nevertheless, section 20C(4) does provide for the imposition of conditions in relation to the taking of water, including to limit the volume of water that may be taken. Such conditions may help to ensure the sustainable use of water by the relevant water authorities.</p>

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
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DIVISION 2 – RESTRICTIONS FOR EMERGENICES AND WATER SHORTAGES							
		s. 22	<p>Limiting or prohibiting taking, or interfering with, water during emergencies</p> <p>(1) Subsection (2) applies if the Minister is satisfied urgent action should be taken because—</p> <p>(a) there is a shortage of water; or</p> <p>(b) there is a thing in harmful quantities in water.</p> <p>(2) The Minister must publish a notice—</p> <p>(a) reducing, for a particular purpose or otherwise, either or both of the following—</p> <p>(i) the volume of water a person may take;</p> <p>(ii) the rate at which, and the times when, a person may take water; or</p> <p>(b) reducing a person’s entitlement to interfere with water;</p> <p>or</p> <p>(c) prohibiting the taking of, or interfering with, water.</p> <p>(3) The reduction or prohibition has effect despite any authority a person has under another provision of this Act.</p> <p>(4) The notice remains in force until whichever of the following first happens—</p> <p>(a) the commencement of a regulation dealing with the matters mentioned in subsection (2);</p> <p>(b) the end of 21 days after the day the notice is published.</p> <p>(5) The notice is subordinate legislation.</p> <p>(6) Only 1 notice may be published under subsection (2) for each shortage of water or occurrence of a thing in harmful quantities in water.</p> <p>(7) A person must not take, or interfere with, water in contravention of the notice.</p> <p>Maximum penalty for subsection (7)—1665 penalty units.</p> <p>Note— If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 828, to have also committed the offence.</p>	Conservation and sustainable use of water resources Risks to/ associated with water resources Risks to health	✓		<p>This provision empowers the Minister to take measures to limit taking and using water resources when there is a shortage of water or the water could be harmful. Such measures may help to ensure conservation and sustainable use of water resources as well as enabling management of risks associated with water resources, including risks to health.</p> <p>This provision, together with others referred to below, are aimed at addressing water supply shortages and ensuring continuity of supply for essential water supply needs.</p>
		s. 23	<p>Regulation may limit taking or interfering with water for 1 year</p> <p>(1) This section applies if—</p> <p>(a) there is a shortage of water; or</p> <p>(b) there is a thing in harmful quantities in water.</p> <p>(2) A regulation may—</p> <p>(a) reduce, for a particular purpose or otherwise, either or both of the following—</p>	Conservation and sustainable use of water resources Risks to/ associated with water resources Risks to health	✓		<p>This provision empowers regulations to be made to take measures to limit the taking and using of water resources when there is a shortage of water or the water could be harmful. Such measures may help to ensure the conservation and sustainable use of water resources as well as enabling management of risks associated with water resources, including risks to health.</p>

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
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			<p>(i) the volume of water a person may take;</p> <p>(ii) the rate at which, and the times when, a person may take water; or</p> <p>(b) reduce a person's entitlement to interfere with water; or</p> <p>(c) prohibit the taking of, or interfering with, water.</p> <p>(3) The reduction or prohibition has effect despite any authority a person has under another provision of this Act.</p> <p>(4) The regulation must state the period, not being more than 1 year, for which the regulation has effect.</p> <p>(5) A person must not take, or interfere with, water in contravention of the regulation.</p> <p>Maximum penalty for subsection (5)—1665 penalty units.</p> <p>Note— If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 828, to have also committed the offence.</p>				
		s. 24	<p>Limiting taking of water under s 20 or 20A</p> <p>(1) If there is a shortage of water, the Chief Executive may, by publishing a notice, limit or prohibit either of the following—</p> <p>(a) the taking, under section 20(2)(a), of water from a watercourse, lake or spring for a relevant purpose;</p> <p>(b) the taking, under section 20A(1), (2) or (5), of water for a relevant purpose.</p> <p>(2) If the notice is for limiting the taking of water, the notice may be for either or both of the following—</p> <p>(a) the times when water may be taken;</p> <p>(b) the volume of water, measured or estimated, that may be taken.</p> <p>(3) The notice remains in force for the period stated in the notice or, if no period is stated, until the Chief Executive publishes another notice withdrawing the first notice.</p> <p>(4) A person must not take water in contravention of the notice.</p> <p>Maximum penalty—500 penalty units.</p> <p>(5) In this section—relevant purpose means either of the following—</p> <p>(a) the domestic purpose of watering a garden;</p> <p>(b) stock purposes generally.</p>	Conservation and sustainable use of water resources	✓		This provision empowers the CEO to take measures to limit the taking and using of water resources when there is a shortage of water. Such measures may help to ensure the conservation and sustainable use of water resources.

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
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		s. 25	<p>Limiting water taken under water licence, permit, allocation or under s 20C(3)</p> <p>(1) If there is a shortage of water, the Chief Executive may, by publishing a notice, limit the water that may be—</p> <p>(a) taken under a water licence; or</p> <p>(b) taken under a water permit; or</p> <p>(c) taken under a water allocation not managed under a resource operations licence; or</p> <p>(d) taken under section 20C(3).</p> <p>(2) The notice may be for any 1 or more of the following—</p> <p>(a) the times when water may be taken;</p> <p>(b) the purpose for which water may be taken;</p> <p>(c) the volume of water, measured or estimated, that may be taken for a stated purpose.</p> <p>(3) The notice remains in force for the period stated in the notice or, if no period is stated, until the Chief Executive publishes another notice withdrawing the first notice.</p> <p>(4) A person must not take water in contravention of the notice.</p> <p>Maximum penalty for subsection (4)—500 penalty units.</p>	Conservation and sustainable use of water resources	✓		This provision empowers the CEO to take measures to limit the taking and using of water resources when there is a shortage of water. Such measures may help to ensure conservation and sustainable use of water resources.

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
DIVISION 2A – OTHER WATER SUPPLY EMERGENCIES							
SUBDIVISION 2 – WATER SUPPLY EMERGENCY DECLARATION AND REGULATION							
		s. 25B	<p>Declaration of water supply emergency</p> <p>(1) The Minister may prepare a water supply emergency declaration if the Minister is satisfied—</p> <p>(a) there is a water supply emergency; or</p> <p>(b) a water supply emergency is developing.</p> <p>(2) Before preparing a water supply emergency declaration, the Minister must have regard to other measures, instead of a water supply emergency declaration, that could be taken under this or another Act to deal with the water supply emergency.</p> <p>(3) The water supply emergency declaration—</p> <p>(a) has effect when it is approved by the Governor in Council and published in the gazette; and</p> <p>(b) remains in force until the earlier of the following—</p> <p>(i) the commencement of a regulation dealing with the matters mentioned in the declaration;</p> <p>(ii) the end of 15 business days after the date it is published.</p>	<p>Conservation and sustainable use of water resources</p> <p>Risks to/ associated with water resources</p> <p>Risks to health</p>	✓		<p>Section 25B may be employed to protect water resources for consumption and/or where there are risks to the water resources (and, potentially, to human health).</p> <p>Section 25A defines water supply emergency:</p> <p>Meaning of water supply emergency</p> <p>(1) A water supply emergency is a situation in which there is a demonstrably serious risk the State's, or a part of the State's, essential water supply needs will not be met.</p> <p>(2) The following are examples of circumstances from which a situation mentioned in subsection (1) may arise—</p> <p>(a) failure of a large part of water supply, treatment or distribution infrastructure or wastewater infrastructure;</p> <p>(b) extended severe drought conditions;</p> <p>(c) contamination of a water storage used for essential water supply needs causing the water to be unfit for supply.</p> <p>(3) In this section—</p> <p><i>demonstrably</i>, in relation to a serious risk, means the serious risk can be demonstrated by reliable data about water supply.</p> <p><i>essential water supply needs</i> means water supply for—</p> <p>(a) domestic purposes; or</p> <p>(b) essential services, including the generation or distribution of electricity; or</p> <p>(c) processing or refining minerals or petroleum in the local government area of the Gladstone Regional Council.</p> <p>Section 25C sets out requirements for the content of a water supply emergency declaration.</p> <p>Section 25D (below) sets out the measures that water service providers may be required to take in the case of a water supply emergency.</p> <p>Section 25E sets out the consequences if a service provider to whom a direction is given under a water supply emergency declaration fails to comply with the direction.</p>

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		s 25D	<p>Measures mentioned in a water supply emergency declaration</p> <p>The measures a service provider may, in a water supply emergency declaration, be directed to carry out are the following—</p> <p>(a) to make available, water from the service provider’s authority under this Act to take or interfere with water or non-Act water, to—</p> <p>(i) other service providers; or</p> <p>(ii) entities responsible for generating electricity; or</p> <p>(iii) the coordinator-general;</p> <p>(b) to operate infrastructure to allow water, including non-Act water, to be supplied to the entities mentioned in paragraph (a);</p> <p>(c) to make non-Act water available to a customer or type of customer;</p> <p>(d) to operate infrastructure to allow non-Act water to be supplied to a customer or type of customer;</p> <p>(e) to restrict, in the way stated in the declaration, the following—</p> <p>(i) the volume of water taken by or supplied to a customer or type of customer;</p> <p>(ii) the hours when water may be used on premises for stated purposes;</p> <p>(iii) the way water may be used on premises;</p> <p>(f) to apply a restriction imposed under paragraph (e) to water, including non-Act water, taken from a rainwater tank connected to the service provider’s reticulated water supply.</p>	<p>Conservation and sustainable use of water resources</p> <p>Risks to/ associated with water resources</p> <p>Risks to health</p>	✓		
		s. 25F	<p>Regulation about water supply emergency</p> <p>(1) This section applies if—</p> <p>(a) there is a water supply emergency; or</p> <p>(b) a water supply emergency is developing.</p> <p>(2) A regulation (a water supply emergency regulation) may state—</p> <p>(a) the water supply emergency to which the regulation applies; and</p> <p>(b) the part of the State to which the regulation applies; and</p> <p>(c) the service providers to which the regulation applies; and</p> <p>(d) for dealing with the water supply emergency—</p> <p>(i) the measures each service provider is directed to carry out and the day by which the measures are to be carried out; and</p> <p>(ii) if the measures a service provider is directed to carry out include making non-Act water available to, or operating infrastructure to allow non-Act water to be supplied to, a customer or type of customer— whether section 25K applies to the direction; and</p>	<p>Conservation and sustainable use of water resources</p> <p>Risks to/ associated with water resources</p> <p>Risks to health</p>	✓		<p>At present, a regulation made under section 25F does not exist.</p> <p>Section 25G (below) sets out the measures that water service providers may be required to take in the case of a water supply emergency pursuant to a regulation made under section 25F.</p> <p>Section 25H sets out the consequences if a service provider to whom a direction is given under a water supply emergency declaration fails to comply with the direction pursuant to a regulation made under section 25F.</p>

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
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			<p>(iii) if the measures a service provider is directed to carry out include imposing the restrictions mentioned in section 25D—that the service provider is directed to give the Minister for approval, within the time stated, a water supply emergency response stating the way the service provider intends to ensure the restrictions are complied with; and</p> <p>(iv) the outcomes each service provider is directed to achieve and the day by which the outcomes are to be achieved; and</p> <p>(v) that a service provider directed to achieve outcomes is directed to give the Minister for approval, within the time stated, a water supply emergency response stating—</p> <p>(A) the actions the service provider intends to take to achieve the outcomes; and</p> <p>(B) if the actions include imposing the restrictions mentioned in section 25D—the way the service provider intends to ensure the restrictions are complied with; and</p> <p>(vi) for the SEQ region—any measures that are to be carried out by the commission; and</p> <p>(vii) any works that are to be carried out by the coordinator-general.</p> <p>(2A) Before a water supply emergency regulation is made, the Minister must have regard to other measures, instead of a water supply emergency regulation, that could be taken under this or another Act to deal with the water supply emergency.</p> <p>(3) For the matters mentioned in subsection (2)(d), the regulation must, to the greatest practicable extent, state the matters mentioned in section 25C(2)(a) to (e).</p> <p>(4) The regulation may, to the extent stated in the regulation, continue the effect of a water supply emergency declaration.</p> <p>(5) A water supply emergency regulation may authorise persons to exercise powers, including powers of decision and direction and delegated powers, to facilitate the implementation of the directions under the regulation.</p> <p>(6) The regulation, for the part of the State to which it applies, must not be inconsistent with a wild river declaration or the objectives of a water resource plan for the part.</p>				

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			(7) However— (a) the regulation may, to the extent stated in the regulation, be inconsistent with— (i) the resource operations plan that implements the water resource plan; or (ii) a resource operations licence for the water to which the plan applies; or (iii) an interim resource operations licence; and (b) to the extent of the inconsistency, the regulation prevails.				
		s. 25G	Measures mentioned in a water supply emergency regulation The measures a service provider may, under a water supply emergency regulation, be directed to carry out are the following— (a) the measures mentioned in section 25D(a) to (f); (b) to make changes to the service provider’s infrastructure, for example to improve efficiency by— (i) reducing water losses from leakage from the service provider’s distribution system; or (ii) bringing forward maintenance programs; (c) to allow reasonable access, to connect to the service provider’s infrastructure and to operate and maintain the connection, to— (i) other service providers; or (ii) entities responsible for generating electricity; or (iii) the coordinator-general; (d) to implement a demand management program that, for a stated part of the State or type of customer, may include, but is not limited to, subsidising the installation by customers of water-saving devices; (e) to design, construct and operate new infrastructure; (f) to recommission and operate infrastructure that is not operating at the time the regulation is made.	Conservation and sustainable use of water resources Risks to/ associated with water resources Risks to health	✓		
SUBDIVISION 3 – CARRYING OUT MEASURES AND ACHIEVING OUTCOMES							
			Supply arrangements (1) Subsection (3) applies if a water supply emergency declaration or a water supply emergency regulation, directs a service provider— (a) to make water, including non-Act water, available; or (b) to operate infrastructure to allow water, including non-Act water, to be supplied. (2) However, if the direction is to make non-Act water available to, or to operate infrastructure to allow non-Act water to be supplied to, a customer or type of customer, this section applies only to the extent stated in the declaration or regulation.	Supply of water	?	?	Section 25K applies when a water supply emergency declaration or a water supply emergency regulation is in place. It is unclear whether requirements regarding supply contracts will support or undermine WSC initiatives.

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			<p>(3) The service provider must, at the time the provider makes the water available or operates the infrastructure, have a supply contract with each entity to whom the service provider is directed to make water available or allow water to be supplied.</p> <p>(4) The Chief Executive may approve a supply contract for the supply, storage and delivery of water under a water supply emergency declaration or regulation including the price to be paid for the supply, storage and delivery.</p> <p>(5) The Chief Executive must gazette approval of the supply contract.</p> <p>(6) If, at any time, the service provider and an entity do not have a supply contract in compliance with subsection (3), the supply contract approved by the Chief Executive applies, for the time, to the supply, storage and delivery of water under the declaration or regulation.</p>				
		SUBDIVISION 5 - COMPENSATION [provides for compensation payable for loss or damage suffered under division 2A i.e. water supply emergencies]					
		DIVISION 2B – RESTRICTIONS ON USE OF SUBARTESIAN WATER					
		s. 25ZA	<p>Application for approval to restrict use of subartesian water</p> <p>(1) The commission may apply for written approval for the power to impose a restriction on the use of subartesian water by a customer of a water service provider in the SEQ region or a designated region if the water is taken, other than for stock purposes, under—</p> <p>(a) section 20(2)(c); or</p> <p>(b) if the water is not taken under a water entitlement—</p> <p>(i) a water resource plan; or</p> <p>(ii) a wild river declaration; or</p> <p>(iii) a regulation made under section 1046.</p> <p>(2) A water service provider may apply for written approval for the power to impose a restriction on the use of subartesian water by a customer of the water service provider in an area outside the SEQ region or a designated region if the water is taken, other than for stock purposes, under—</p> <p>(a) section 20(2)(c); or</p> <p>(b) if the water is not taken under a water entitlement—</p> <p>(i) a water resource plan; or</p> <p>(ii) a wild river declaration; or</p> <p>(iii) a regulation made under section 1046.</p> <p>(3) The application must be—</p> <p>(a) made to the Chief Executive in writing; and</p> <p>(b) supported by sufficient information to enable the Chief Executive to decide the application.</p> <p>(4) The Chief Executive may ask the applicant for additional information about the application.</p>	Conservation and sustainable use of water resources	✓		<p>The following sections set out the procedure once an application for approval to restrict the use of subartesian water is made:</p> <ul style="list-style-type: none"> • 25ZB – deciding application • 25ZC – notice about decision to give approval • 25ZD – restriction of subartesian water by commission • 25ZE – restriction of subartesian water by water service provider

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
DIVISION 3 – OTHER RESTRICTIONS ON TAKING OR INTERFERING WITH WATER							
			<p>Moratorium notices</p> <p>(1) The Minister may publish a notice under this section, for a part of the State, (a moratorium notice) if the Minister is satisfied action should be taken in the part—</p> <p>(a) to protect natural ecosystems; or</p> <p>(b) to protect existing water entitlements and other authorities under this Act to take or interfere with water.</p> <p>(2) The notice may state that an application under this Act, or the repealed Act, will not be accepted, or will be accepted but not dealt with, while the moratorium notice has effect if granting the application would have 1 or more of the following effects on the water to which the application relates—</p> <p>(a) increase the amount of water that may be taken;</p> <p>(b) change the location from which water may be taken;</p> <p>(c) increase the rate at which water may be taken;</p> <p>(d) change the flow conditions under which water may be taken;</p> <p>(e) increase or change the interference with the water;</p> <p>(f) change the purpose for which the water may be taken or interfered with.</p> <p>(3) Subsection (2) applies even if the application was made before the notice was published.</p> <p>(4) For water in the part of the State to which the notice applies, including overland flow water and subartesian water, the notice may also state that while the moratorium notice has effect—</p> <p>(a) new works must not be physically started; and</p> <p>(b) completed works in existence must not be raised, enlarged, deepened or changed; and</p> <p>(c) works that have been started—</p> <p>(i) may be completed only to the extent stated in the notice; and</p> <p>(ii) must be completed by the day stated in the notice; and</p> <p>(d) a person who is completing works that have been started must give the Chief Executive notice about the works by the day stated in the notice; and</p> <p>(e) construction of works must stop if notice has not been given under paragraph (d).</p> <p>(5) Subsection (4) applies only to the extent the works would—</p> <p>(a) increase the amount of water being taken or that could be taken; or</p> <p>(b) change the location from which water is being taken or could be taken; or</p>	<p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p>	✓		<p>A moratorium notice made under section 26 could be used to ensure the sustainable use of water resources and/or to ensure environmental protection of water resources.</p> <p>section 27 sets out a process for a landowner to apply to vary the effect of a moratorium notice</p> <p>section 28 requires that the Minister reviews a moratorium notice yearly</p> <p>section 29 sets out the process for the Minister to vary a moratorium notice</p>

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
			<p>(c) increase the rate at which water is being taken or could be taken; or</p> <p>(d) increase or change the interference with the water.</p> <p>(5A) The Minister may publish a moratorium notice—</p> <p>(a) whether or not a water resource plan has been approved for any water to which the notice applies; and</p> <p>(b) if a water resource plan has been approved—whether or not a resource operations plan has been approved for the plan.</p> <p>(5B) If the Minister publishes a moratorium notice when a water resource plan or a resource operations plan has been approved for any water to which the notice applies, the notice prevails over the plan to the extent the plan is inconsistent with the notice.</p> <p>(6) A person must not start the construction of works, or continue to construct works, in contravention of a moratorium notice.</p> <p>Maximum penalty—1665 penalty units.</p> <p>(7) The notice has effect—</p> <p>(a) from the later of the following—</p> <p>(i) the day stated in the notice;</p> <p>(ii) the day the notice is published; and</p> <p>(b) until—</p> <p>(i) a water resource plan is approved for any water to which the moratorium notice applies, but only if a water resource plan for the water to which the notice applies had not been approved before the notice was published; or</p> <p>(ii) the Minister publishes a further notice ending the effect of the moratorium notice, including, for example, in the following circumstances—</p> <p>(A) when a water resource plan for the water to which the moratorium notice applies had been approved before the moratorium notice was published;</p> <p>(B) when a resource operations plan for the water to which the moratorium notice applies had been approved before, or has been approved after, the moratorium notice was published.</p> <p>(8) For this section, and for section 27, works are not started unless—</p> <p>(a) construction of the works has physically started, or if construction has not physically started, a contract has been entered into to start construction, and construction is started, within 60 days after the day the notice is published; and</p>				

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
			(b) an independently verifiable construction program exists for progressive construction towards completion of the works; and (c) detailed design plans exist showing, among other things, the extent of the works; and (d) if a development permit is required for the works or for other development associated with the works—the permit has been given. (9) In this section— <i>moratorium notice</i> includes a moratorium notice the effect of which has been amended or continued under a water resource plan.				
PART 3 – WATER PLANNING							
DIVISION 1 - PRELIMINARY							
		s. 35	Information recording and planning For advancing the purposes of this chapter— (a) the Minister must plan for the allocation and sustainable management of water to meet Queensland’s future water requirements, including, for example, for the protection of natural ecosystems and security of supply to water users; and (b) the Chief Executive must provide information for planning purposes by— (i) regularly measuring and keeping publicly available records of the volume and quality of water in Queensland; and (ii) collecting information on the water requirements of, and impacts of water management on, natural ecosystems, including, for example, from the department responsible for administering the Environmental Protection Act 1994; and (iii) collecting information about future water requirements; and (c) the Chief Executive must plan for the sustainable management of water use to minimise adverse impacts of water use on land and water.	Conservation and sustainable use of water resources Environmental protection Supply of water	✓		The water planning regime referred to in this section provides broad support for a range of WSC objectives including: <ul style="list-style-type: none"> conservation and sustainable use of water resources; environmental protection; ensuring security of supply for water users.
		s. 36	Obtaining water information (1) For advancing the purposes of this chapter, the Chief Executive may give a person who is authorised, or has an entitlement, to take, or interfere with, water under this Act a notice requiring information— (a) the person is required to keep under a condition of the person’s authority; or (b) about the person’s water use; or (c) about the use of water managed, taken or supplied under the person’s authority; or (d) about any use of water that was managed, taken or supplied through water infrastructure to which a person’s authority now applies; or (e) about the taking or supplying of water by the person under the person’s authority.	Conservation and sustainable use of water resources Supply of water	✓		The power to obtain information under section 36 could be used to ensure the conservation and sustainable use of water sources and to ensure the security of supply of water to water users. Section 36(3) imposes a penalty for non-compliance with a notice under section 36(1).

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
		s. 36A(1)	<p>Obtaining information from a service provider</p> <p>For the purposes of part 2, division 2A, the Chief Executive may give a service provider a notice requiring information about 1 or more of the following—</p> <p>(a) current and projected future water consumption by the service provider’s customers or a class of the customers;</p> <p>(b) water restrictions the service provider has imposed or intends to impose;</p> <p>(c) the events that would cause the service provider to impose the restrictions, for example, the available water supply falling to a stated level;</p> <p>(d) the actions the service provider intends to take to ensure compliance with the restrictions;</p> <p>(e) the demand management program the service provider proposes to implement;</p> <p>(f) other measures the service provider proposes to take, for example, constructing new infrastructure or making changes to existing infrastructure.</p>	<p>Conservation and sustainable use of water resources</p> <p>Supply of water</p>	✓		<p>The power to obtain information under section 36 could be used to ensure the conservation and sustainable use of water sources and to ensure security of supply of water to water users.</p> <p>Section 36A(3) imposes a penalty for non-compliance with a notice under section 36A(1).</p> <p>Maximum penalty—200 penalty units.</p>
DIVISION 2 – WATER RESOURCE PLANS							
SUBDIVISION 1 – POWER TO PREPARE WATER RESOURCE PLANS							
		s. 38	<p>Minister may prepare water resource plans</p> <p>(1) Subject to subdivision 2, the Minister may prepare a water resource plan for any part of Queensland to advance the sustainable management of water.</p> <p>(2) Subject to subsection (6), only 1 water resource plan may have effect for the part at any time.</p> <p>(3) The plan may be prepared for, but is not limited to, the following purposes—</p> <p>(a) to define the availability of water for any purpose;</p> <p>(b) to provide a framework for sustainably managing water and the taking of water;</p> <p>(c) to identify priorities and mechanisms for dealing with future water requirements;</p> <p>(d) to provide a framework for establishing water allocations;</p> <p>(e) to provide a framework for reversing, where practicable, degradation that has occurred in natural ecosystems, including, for example, stressed rivers.</p> <p>(4) The plan must also regulate the taking of overland flow water if the Minister is satisfied that—</p> <p>(a) if there is an existing water resource plan—there is a risk that taking overland flow water in the area may significantly impact on the plan’s outcomes; or</p> <p>(b) there is a risk that taking overland flow water in the area may significantly affect—</p> <p>(i) the availability of water for existing water entitlement holders; or</p>	<p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p> <p>Risks to/ associated with water resources</p>	✓		<p>The Water Act specifies the process for the development of the water resource plans, which are subordinate instruments under the Water Act. They are prepared for an area once the Minister has declared his or her intention to manage a water resource. Water resource plans can be amended or renewed at any time if the Minister believes the outcomes are at risk of not being met or if new uses emerge.</p> <p>Water resource plans may address a range of WSC objectives, particularly conservation and sustainable use of water resources and environmental protection. In addition, water resource plans can be used to identify and manage risks to water resources.</p> <p>Subdivision 3 (below) identifies what must be contained in water resource plans.</p>

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
			(ii) the water requirements of natural ecosystems; or (iii) beneficial flooding; or (c) changes in land use activities or intensification of land use in the area are significantly affecting the taking of overland flow water; or (d) there is a risk that proposed changes in land use activities in the area are likely to significantly affect the taking of overland flow water. (5) The plan must also regulate the taking of subartesian water if the Minister is satisfied that— (a) if there is an existing water resource plan—there is a risk that taking, or interfering with, subartesian water in the area may significantly impact on the plan’s outcomes; or (b) there is a risk that taking, or interfering with, subartesian water in the area may significantly affect— (i) the availability of water for existing water entitlement holders; or (ii) the water requirements of natural ecosystems; or (iii) the quality of water. (6) Two plans may have effect for the same part of Queensland at the same time if— (a) one of the plans applies to— (i) artesian water; and (ii) subartesian water connected to the artesian water; and (iii) water in springs connected to the artesian water; and (b) the other plan does not apply to water mentioned in paragraph (a).				
SUBDIVISION 3 – PREPARING AND APPROVING WATER RESOURCE PLANS							
		s. 46(1)	Content of draft water resource plans (1) The draft water resource plan must— (a) state the purpose of the draft plan; and (b) contain a map of the proposed plan area; and (c) state the water to which the draft plan is intended to apply; and (d) state the water and natural ecosystem monitoring and reporting requirements to assist in assessing the effectiveness of the proposed management strategies in achieving the outcomes mentioned in paragraph (e); and (e) state the outcomes, including, without limiting the requirement to state outcomes, the ecological outcomes, for the sustainable management of the water; and (f) state the strategies proposed to achieve the outcomes to the extent possible from the best scientific information available; and (g) state the strategies proposed for the establishment of water allocations for the proposed plan area; and	Conservation and sustainable use of water resources Environmental protection Risks to/ associated with water resources	✓		

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
			(h) state the periodic reporting requirements for the draft plan; and (i) include a schedule of proposed arrangements for implementing the draft plan.				
		s. 46(2)	<p>Content of draft water resource plans</p> <p>The draft plan may include, but is not limited to, the following—</p> <p>(a) a map or diagram, or series of maps or diagrams, showing water information for the area;</p> <p>(b) details of areas where, and the way in which, taking overland flow water, or taking or interfering with subartesian water, or both, is intended to be regulated;</p> <p>(c) details of locations where, and the way in which, taking water from a watercourse, lake or spring for stock or domestic purposes is intended to be regulated;</p> <p>(d) the types of works for taking or interfering with subartesian water or water in a watercourse, lake or spring that are intended to be assessable or self-assessable development;</p> <p>(e) the types of works for taking overland flow water that are intended to be assessable or self-assessable development;</p> <p>(f) directions to the Chief Executive about the refusal to grant, or non-acceptance of, an application for a water licence under this Act;</p> <p>(g) information about water available for future consumptive purposes and the priorities for use or reservation of the water;</p> <p>(h) a process for granting, reserving or otherwise dealing with unallocated water to which the draft plan is intended to apply;</p> <p>(i) criteria for sharing overland flow water;</p> <p>(j) criteria for adjusting existing water entitlements to achieve the plan outcomes;</p> <p>(k) criteria for addressing degradation that has occurred in natural ecosystems;</p> <p>(l) for a draft plan that replaces an existing water resource plan—any rule for taking or sharing water, including, for example, water sharing rules for water entitlements;</p> <p>(m) the plan's objectives and performance indicators for the objectives</p>	Conservation and sustainable use of water resources Environmental protection Risks to/ associated with water resources	✓		
		s. 46(3)	<p>Content of draft water resource plans</p> <p>The draft plan may provide for the amendment or the continuation, completely or partly, of the effect of a moratorium notice for a type of water in the proposed plan area and to which the draft plan applies (the moratorium water) until a resource operations plan that applies to the moratorium water is approved for the plan.</p>	Conservation and sustainable use of water resources Environmental protection Risks to/ associated with water resources	✓		

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
		s. 46(4)	<p>Content of draft water resource plans</p> <p>If the draft plan provides a framework for establishing water allocations, the draft plan must state the following—</p> <p>(a) performance indicators for environmental flow objectives and water allocation security objectives;</p> <p>(b) environmental flow objectives;</p> <p>(c) water allocation security objectives;</p> <p>(d) priorities for the conversion to or granting of water allocations.</p>	<p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p> <p>Risks to/ associated with water resources</p>	✓		
		s. 47	<p>Matters the Minister must consider when preparing draft water resource plan</p> <p>The Minister must consider the following when preparing the draft water resource plan—</p> <p>(a) the State’s water rights and the volume and quality of water;</p> <p>(b) national, State and regional objectives and priorities for promoting sustainable development;</p> <p>(ba) to the extent the draft plan applies to a wild river area—the wild river declaration for the area;</p> <p>(c) the duration, frequency, size and timing of water flows necessary to support natural ecosystems as assessed using the best scientific information available;</p> <p>(d) the underground water levels and underground water recharge processes necessary to support natural ecosystems;</p> <p>(e) taking of water authorised under chapter 2, part 2, division 1A;</p> <p>(f) existing water entitlements;</p> <p>(g) the State’s future water requirements, including cultural, economic, environmental and social requirements;</p> <p>(h) cultural, economic and social values;</p> <p>(i) technical assessments for the draft plan;</p> <p>(j) the effects the draft plan will have on water not covered by the draft plan;</p> <p>(k) the effects the taking, or interfering with, water not covered by the draft plan will have on water covered by the draft plan;</p> <p>(l) environmental values established under the Environmental Protection (Water) Policy 2009;</p> <p>(m) the sustainable resource management strategies and policies for the catchment or underground water basin, including, any relevant coastal zone;</p> <p>(n) all properly made submissions about the proposed draft plan;</p> <p>(o) the public interest.</p>	<p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p> <p>Risks to/ associated with water resources</p>	✓		Sections 48 and 49 provide the process for publishing the water resource plan and overview report.
DIVISION 3 – MANAGING WATER USE							
SUBDIVISION 1 - PRELIMINARY							
		s. 59	<p>Purpose of Division 3</p> <p>The purpose of this division is to allow for the regulation of water use if there is a risk of land and water degradation.</p>	<p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p> <p>Risks to/ associated with water resources</p>	✓		<p>Division 3 identifies tools that can be employed to further some important WSC objectives, particularly:</p> <ul style="list-style-type: none"> • Conservation and sustainable use of water; resources • Environmental protection; • Addressing risks to water resources.

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
SUBDIVISION 2 – PREPARING AND APPROVING WATER USE PLANS							
		s. 60(1)	<p>Minister may prepare water use plans</p> <p>(1) The Minister may prepare a water use plan for any part of Queensland if the Minister is satisfied there are risks that water use in a particular area of Queensland may cause negative effects on land and water resources, including, but not limited to, the following—</p> <p>(a) rising underground water levels;</p> <p>(b) increasing salinisation;</p> <p>(c) deteriorating water quality;</p> <p>(d) waterlogging of soils;</p> <p>(e) destabilisation of bed and banks of watercourses;</p> <p>(f) damage to riverine environment;</p> <p>(g) increasing soil erosion.</p>	<p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p> <p>Risks to/ associated with water resources</p>	✓		<p>Pursuant to section 60, the Minister has discretion to prepare a water use plan for any part of Queensland if satisfied that there is a risk or water or land degradation.</p> <p>The contents of water use plans are set out in sections 62 and 63 below.</p>
		s. 62	<p>Content of draft water use plans</p> <p>(1) The draft water use plan must—</p> <p>(a) state the purpose of the draft plan; and</p> <p>(b) contain a map of the proposed plan area; and</p> <p>(c) state the types of water use that are subject to the plan; and</p> <p>(d) state standards for water use practices; and</p> <p>(e) state objectives for water use efficiency, water reuse and water quality; and</p> <p>(f) state the monitoring requirements and responsibilities.</p>	<p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p> <p>Risks to/ associated with water resources</p>	✓		
		s. 63	<p>Matters the Minister must consider when preparing draft water use plan</p> <p>The Minister must consider the following matters when preparing the draft water use plan—</p> <p>(a) changes to water use practices that will reduce the risk to land and water resources arising from the use of water on land;</p> <p>(b) existing industry codes of practice for water use.</p>	<p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p> <p>Risks to/ associated with water resources</p>	✓		
DIVISION 2 – RESOURCE OPERATIONS PLANS							
SUBDIVISION 1 – PREPARING AND APPROVING RESOURCE OPERATIONS PLANS							
		s. 95	<p>Chief executive may prepare resource operations plans</p> <p>(1) The Chief Executive may prepare a resource operations plan to implement a water resource plan for any water in the plan area in all or part of the plan area.</p> <p>(2) Only 1 resource operations plan may have effect for each water resource plan at any time.</p> <p>(3) However, before preparing a resource operations plan, the Chief Executive must prepare a draft resource operations plan.</p>	<p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p> <p>Risks to/ associated with water resources</p>	✓		<p>Resource operation plans are used to implement water resource plans. Water resource plans may address a range of WSC objectives, particularly conservation and sustainable use of water resources and environmental protection. In addition, water resource plans can be used to identify and manage risks to water resources.</p> <p>The contents of resource operation plans are set out in section 98 (below). In addition, the matters to be considered in preparing a resource operations plan are set out in section 99 (below).</p>

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
		s. 96	<p>When Chief Executive must prepare a draft resource operations plan</p> <p>(1) This section provides for when the Chief Executive must prepare a draft resource operations plan (the draft ROP), to implement a proposed water resource plan, concurrently with the Minister's preparation of the draft water resource plan.</p> <p>(2) The draft ROP must be prepared if, when the resulting water resource plan is to commence, it needs to provide for any of the following—</p> <p>(a) the conversion and granting of water allocations for the proposed plan area under section 121;</p> <p>(b) the granting of water licences for the proposed plan area under section 212;</p> <p>(c) the amendment of water licences for the proposed plan area under section 217;</p> <p>(d) the granting of a resource operations licence or distribution operations licence under section 107;</p> <p>(e) the granting of an interim resource operations licence under section 176;</p> <p>(f) the amendment of a resource operations licence or distribution operations licence under section 111A;</p> <p>(g) the amendment of an interim resource operations licence under section 184A;</p> <p>(h) environmental management rules;</p> <p>(i) water sharing rules;</p> <p>(j) water allocation change rules;</p> <p>(k) seasonal water assignment rules;</p> <p>(l) the operating rules for any water infrastructure to which the resource operations plan is intended to apply.</p>	<p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p> <p>Risks to/ associated with water resources</p>	✓		
		s. 98(1)	<p>Content of draft resource operations plan</p> <p>(1) The draft resource operations plan (the draft plan) must—</p> <p>(a) state the water resource plan, or draft water resource plan, for which the draft plan is being prepared; and</p> <p>(b) contain a map of the proposed plan area; and</p> <p>(c) state the water to which the draft plan is intended to apply; and</p> <p>(d) identify any water infrastructure to which the draft plan is intended to apply and how it will be operated; and</p> <p>(e) if the water infrastructure identified includes a relevant dam—the full supply level for the dam; and</p> <p>(f) state how the Chief Executive will sustainably manage water to which the draft plan is intended to apply; and</p>	<p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p> <p>Risks to/ associated with water resources</p>	✓		

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
			<p>(g) state the water and natural ecosystem monitoring and reporting practices that will apply in the proposed plan area; and</p> <p>(h) state how the draft plan addresses the water resource plan, or draft water resource plan, outcomes.</p>				
		s. 98(2)	<p>Content of draft resource operations plan The draft plan may include, but is not limited to, the following—</p> <p>(a) a map or diagram, or a series of maps or diagrams, showing water information for the proposed plan area;</p> <p>(b) environmental management rules, seasonal water assignment rules and water sharing rules for the water to which the draft plan is intended to apply;</p> <p>(c) directions to the Chief Executive about the refusal to grant, or non-acceptance of, an application for a water licence under this Act;</p> <p>(d) a process for granting, reserving or otherwise dealing with unallocated water to which the draft plan is intended to apply;</p> <p>(e) a process for meeting future water requirements in the plan area;</p> <p>(f) details of any amendments or changes to be made to water entitlements;</p> <p>(g) an implementation schedule setting out arrangements for progressive implementation of the requirements of the plan over a period of up to 5 years.</p>	<p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p> <p>Risks to/ associated with water resources</p>	✓		
		s. 98(3)	<p>Content of draft resource operations plan If the draft plan provides for the regulating of the taking of overland flow water, the draft plan must set a minimum share of overland flow water that each owner of land in the proposed plan area may take.</p>	<p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p> <p>Risks to/ associated with water resources</p>	✓		
		s. 98(4)	<p>Content of draft resource operations plan Also, if the draft plan provides for water allocations, the draft plan must state the following—</p> <p>(a) the rules for, and details of, any proposed conversions to water allocations of existing water licences, interim water allocations and other authorities to take water;</p> <p>(b) the environmental management rules, water sharing rules, water allocation change rules and seasonal water assignment rules for water to which the draft plan is intended to apply.</p>	<p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p> <p>Risks to/ associated with water resources</p>	✓		

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
		s. 99	<p>Matters the Chief Executive must consider when preparing draft resource operations plan</p> <p>The Chief Executive must consider each of the following for the proposed plan area when preparing the draft resource operations plan—</p> <p>(a) the—</p> <p>(i) if the Minister has published a notice under section 40(1) for the proposed draft plan—statement of proposals prepared under section 39 for the proposed plan area; or</p> <p>(ii) otherwise—existing water resource plan for the proposed plan area;</p> <p>(b) if the Minister has published a notice under section 40(1) for the proposed draft plan—all properly made submissions about the statement of proposals prepared under section 39 for the proposed plan area;</p> <p>(ba) any system operating plan applying to the proposed plan area, or a part of the proposed plan area;</p> <p>(c) any proposed operating arrangements mentioned in section 97;</p> <p>(ca) to the extent the draft plan applies to a wild river area—the wild river declaration for the area;</p> <p>(d) the public interest.</p>	<p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p> <p>Risks to/ associated with water resources</p>	✓		
DIVISION 3 - RESOURCE OPERATIONS LICENCES AND DISTRIBUTION OPERATIONS LICENCES							
SUBDIVISION 1 - GRANTING RESOURCE OPERATIONS LICENCES AND DISTRIBUTION OPERATIONS LICENCES							
		s. 107A	<p>Authority to interfere with water under resource operations licence</p> <p>(1) A resource operations licence authorises its holder to interfere with the flow of water to the extent necessary to operate the water infrastructure to which the licence applies.</p> <p>(2) A resource operations licence can be held only by—</p> <p>(a) the owner of the water infrastructure to which the licence applies; or</p> <p>(b) if the owner of the water infrastructure to which the licence applies is a subsidiary company, the parent company of the subsidiary.</p>	<p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p> <p>Risks to/ associated with water resources</p>	✓		<p>There is a prohibition against taking or supplying water unless a person is authorised under the Act pursuant to a:</p> <ul style="list-style-type: none"> • IROL; • ROL; • DOL; • water allocation; • water licence; • water permit. <p>A resource operations licence (ROL) may need to be obtained to authorise operation of existing water infrastructure. Such a licence authorises the operator to interfere with the flow of water to which the licence applies.</p> <p>ROLs may be granted in relation to existing infrastructure in an area where a resource operations plan has been approved.</p> <p>Conditions attached to a ROL (See Subdivision 2 below) could be used to further WSC objectives, particularly:</p> <ul style="list-style-type: none"> • Conservation and sustainable use of water resources; • Environmental protection; and • Management of risks to water resources.

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
		s. 107B	<p>Authority to take or interfere with water under distribution operations licence</p> <p>(1) A distribution operations licence authorises its holder to take water or interfere with the flow of water to distribute water under water allocations.</p> <p>(2) A distribution operations licence can be held only by—</p> <p>(a) the water infrastructure owner; or</p> <p>(b) if the water infrastructure owner is a subsidiary company, the parent company of the subsidiary; or</p> <p>(c) an entity (the approved nominee) nominated by the water infrastructure owner and approved under section 107C to be the holder of the licence.</p> <p>(3) Subsection (2)(c) applies whether the approved nominee was nominated or approved under section 107C before or after—</p> <p>(a) the entity that is the water infrastructure owner became the water infrastructure owner; or</p> <p>(b) the licence started to apply to the water infrastructure.</p>	<p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p> <p>Risks to/ associated with water resources</p>	✓		<p>There is a prohibition against taking or supplying water unless a person is authorised under the Act pursuant to a:</p> <ul style="list-style-type: none"> • IROL (interim resource operations licence); • ROL (resource operations licence); • DOL (distribution operations licence); • water allocation; • water licence; • water permit. <p>A distribution operations licence (DOL) may need to be obtained to authorise the operation of existing water infrastructure. Such a licence authorises the operator to interfere with the flow of water to which the licence applies.</p> <p>DOLs may be granted in relation to existing infrastructure in an area where a resource operations plan has been approved or not.</p> <p>Conditions attached to a DOL (see Subdivision 2 below) could be used to further WSC objectives, particularly:</p> <ul style="list-style-type: none"> • Conservation and sustainable use of water resources; • Environmental protection; and • Management of risks to water resources.
SUBDIVISION 2 - CONTENT AND CONDITIONS OF RESOURCE OPERATIONS LICENCES AND DISTRIBUTION OPERATIONS LICENCES							
		s. 109	<p>Content of resource operations licence or distribution operations licence</p> <p>A resource operations licence or distribution operations licence must state, but is not limited to, the following—</p> <p>(a) details of the licence holder;</p> <p>(b) any resource operations plan to which the licence relates;</p> <p>(c) any water infrastructure to which the licence applies;</p> <p>(d) any conditions the holder must comply with.</p>	<p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p> <p>Risks to/ associated with water resources</p>	✓		
		s. 110(1A)	<p>Conditions of resource operations licence or distribution operations licence</p> <p>If there is more than 1 resource operations licence holder in a water supply scheme, the operating arrangements of the resource operations plan for the scheme relate to all resource operations licence holders in the scheme.</p>	<p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p> <p>Risks to/ associated with water resources</p>	✓		

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
		s. 110(2)	<p>Conditions of resource operations licence or distribution operations licence</p> <p>In addition to subsection (1), a condition of a licence may—</p> <p>(a) require the holder to do all or any of the following—</p> <p>(i) install a meter to measure the taking of or interfering with water through the water infrastructure to which the licence applies;</p> <p>(ii) carry out and report on a stated monitoring program;</p> <p>(iii) give the Chief Executive information reasonably required by the Chief Executive about the holder’s performance under the licence and information about resource management aspects of the holder’s operations for the administration or enforcement of this Act;</p> <p>(iv) pay the fees prescribed under a regulation; and</p> <p>(b) prohibit the holder from changing, replacing or operating any water infrastructure if the change, replacement or operation of the water infrastructure is incompatible with the objectives of the water resource plan for the area to which the licence relates.</p>	<p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p> <p>Risks to/ associated with water resources</p>	✓		
DIVISION 4 – WATER ALLOCATIONS							
SUBDIVISION 1A – CONVERTING WATER ENTITLEMENTS AND GRANTING WATER ALLOCATIONS							
		s. 122A(1) & (2)	<p>Chief executive may approve standard supply contracts</p> <p>(1) The Chief Executive may approve standard supply contracts for the storage and delivery by resource operations licence holders of water under water allocations.</p> <p>(2) Different supply contracts may be approved for different areas of the State.</p>	Supply of water	?	?	It is possible that the standard supply contracts approved by the CEO will reflect particular water constraints associated with the respective areas to which the standard contracts apply. In these cases, the standard supply contracts could, conceivably, be used to advance WSC objectives.
		s. 127A	<p>Conditions of a water allocation</p> <p>The conditions of a water allocation include—</p> <p>(a) the volume of water authorised to be taken under the allocation; and</p> <p>(b) any conditions entered on the register under section 127(1)(e); and</p> <p>(c) other conditions prescribed under a regulation.</p>	<p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p> <p>Risks to/ associated with water resources</p>	✓		<p>It is possible that conditions attaching to water allocations could be used to support WSC objectives, particularly:</p> <ul style="list-style-type: none"> conservation and sustainable use of water resources; environmental protection; and management of risks to water resources.

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
PART 5 –INTERIM ALLOCATIONS AND MANAGEMENT ARRANGEMENTS							
DIVISION 2 – INTERIM RESOURCE OPERATIONS LICENCES							
SUBDIVISION 1 - PRELIMINARY							
		s. 167A	<p>Authority to interfere with water</p> <p>(1) An interim resource operations licence authorises the holder of the licence to interfere with the flow of water to the extent necessary to operate the water infrastructure to which the licence applies.</p> <p>(2) An interim resource operations licence may be held only by—</p> <p>(a) the owner of the water infrastructure to which the licence applies; or</p> <p>(b) if the owner of the water infrastructure to which the licence applies is a subsidiary company—the parent company of the subsidiary.</p>	<p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p> <p>Risks to/ associated with water resources</p>	✓		<p>There is a prohibition against the taking or supplying of water unless a person is authorised under the Act pursuant to a:</p> <ul style="list-style-type: none"> • IROL; • ROL; • DOL; • water allocation; • water licence; • water permit. <p>An interim resource operations licence (IROL) may need to be obtained to authorise the operation of existing or proposed water infrastructure. Such a licence authorises the operator to interfere with the flow of water to which the licence applies.</p> <p>IROLs may be granted in relation to existing or proposed infrastructure in an area where a resource operations plan has not been approved.</p> <p>Conditions attached to an IROL (see Subdivision 3 below) could be used to further WSC objectives, particularly:</p> <ul style="list-style-type: none"> • Conservation and sustainable use of water resources; • Environmental protection; and • Management of risks to water resources.
SUBDIVISION 3 - CONTENT AND CONDITIONS OF INTERIM RESOURCE OPERATIONS LICENCES							
		s. 177	<p>Content of interim resource operations licences</p> <p>Without limiting what may be included in an interim resource operations licence, the licence must state the following—</p> <p>(a) details of the licence holder;</p> <p>(b) any water infrastructure to which the licence applies;</p> <p>(c) the operating arrangements for the water infrastructure;</p> <p>(d) details of water to be managed under the licence;</p> <p>(e) details of the water sharing rules;</p> <p>(f) requirements for monitoring and reporting on water managed and water infrastructure operations.</p>	<p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p> <p>Risks to/ associated with water resources</p>	✓		
		s. 178	<p>Conditions of interim resource operations licence</p> <p>(1) Without limiting section 175(2), a condition of an interim resource operations licence may—</p> <p>(a) require the licence holder to do all or any of the following—</p> <p>(i) install a meter to measure the taking of or interfering with water through the water infrastructure to which the licence applies;</p> <p>(ii) give relevant information reasonably required by the Chief Executive for the administration or enforcement of this Act;</p>	<p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p> <p>Risks to/ associated with water resources</p>	✓		

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
			<p>(1) Without limiting section 175(2), a condition of an interim resource operations licence may—</p> <p>(a) require the licence holder to do all or any of the following—</p> <p>(i) install a meter to measure the taking of or interfering with water through the water infrastructure to which the licence applies;</p> <p>(ii) give relevant information reasonably required by the Chief Executive for the administration or enforcement of this Act;</p> <p>(iii) pay the fees prescribed under a regulation; and</p> <p>(b) prohibit the holder from changing, replacing or operating water infrastructure if the change, replacement or operation would significantly affect any of the following—</p> <p>(i) the availability of water for existing water entitlement holders;</p> <p>(ii) the water requirements of natural ecosystems;</p> <p>(iii) the water requirements of beneficial flooding;</p> <p>(iv) water quality.</p> <p>(2) Also, it is a condition of an interim resource operations licence that the licence holder must comply with section 360ZA.</p>				
DIVISION 3 - INTERIM WATER ALLOCATIONS							
SUBDIVISION 3 - CONTENTS AND CONDITIONS OF INTERIM WATER ALLOCATIONS							
		s. 191	<p>Conditions of interim water allocation</p> <p>(1) An interim water allocation is subject to the conditions—</p> <p>(a) prescribed under a regulation; and</p> <p>(b) the Chief Executive may impose for a particular interim water allocation.</p> <p>(2) Without limiting subsection (1), the conditions may require the holder to do all or any of the following—</p> <p>(a) commence taking or interfering with water authorised under the allocation within a stated time;</p> <p>(b) install a measuring device to measure the volume of water, the rate and the time at which it is taken or interfered with;</p> <p>(c) take the water authorised to be taken under the allocation;</p> <p>(d) provide and maintain access to alternative water supplies for other persons, authorised under this Act to take water, who would be affected by the granting of the allocation;</p> <p>(e) carry out and report on a stated monitoring program;</p> <p>(f) give relevant information reasonably required by the Chief Executive for the administration or enforcement of this Act.</p>	<p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p> <p>Risks to/ associated with water resources</p>	✓		<p>It is possible that conditions attaching to water allocations could be used to support WSC objectives, particularly:</p> <ul style="list-style-type: none"> • conservation and sustainable use of water resources; • environmental protection; and • management of risks to water resources.

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
PART 6 – WATER LICENCES AND PERMITS							
DIVISION 1 - PRELIMINARY							
		s. 204	<p>Purpose of Part 6</p> <p>Under this part, the Chief Executive may grant—</p> <p>(a) water licences for taking water and interfering with the flow of water, for example, by a weir; or</p> <p>(b) water permits for taking water.</p>	<p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p> <p>Risks to/ associated with water resources</p>	?	?	<p>There is a prohibition against taking or supplying water unless a person is authorised under the Act pursuant to a:</p> <ul style="list-style-type: none"> • IROL; • ROL; • DOL; • water allocation; • water licence; • water permit. <p>Part 6 deals with water licences and permits.</p> <p>The extent to which the issuance of water licences and permits can be used to support WSC objectives will depend upon criteria used to decide whether or not to grant the licence or permit and any conditions to which the licence or permit may be made subject.</p>
DIVISION 2 - WATER LICENCES							
SUBDIVISION 1 - GRANTING WATER LICENCES							
		s. 210	<p>Criteria for deciding application for water licence</p> <p>(1) In deciding whether to grant or refuse the application or the conditions for the water licence, the Chief Executive must consider the following—</p> <p>(a) the application and additional information given in relation to the application;</p> <p>(b) if notice of the application has been published—all properly made submissions made about the application;</p> <p>(c) any water resource plan, resource operations plan and wild river declaration that may apply to the licence;</p> <p>(d) existing water entitlements and authorities to take or interfere with water;</p> <p>(e) any information about the effects of taking, or interfering with, water on natural ecosystems;</p> <p>(f) any information about the effects of taking, or interfering with, water on the physical integrity of watercourses, lakes, springs or aquifers;</p> <p>(g) strategies and policies for the sustainable management of water in the area to which the application relates;</p> <p>(h) the sustainable resource management strategies and policies for the catchment, including any relevant coastal zone and regional aquifer systems;</p> <p>(i) the public interest.</p> <p>(2) The Chief Executive may also consider whether the applicant has been convicted of an offence against this Act, the repealed Act or an interstate law.</p>	<p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p> <p>Risks to/ associated with water resources</p>	✓		<p>The criteria that must be considered in deciding whether or not to grant a water licence make reference to WSC objectives (explicitly or, in some cases, implicitly), namely:</p> <ul style="list-style-type: none"> • conservation and sustainable use of water resources – sections 210(1)(g), (1)(h); • environmental protection – section 210(1)(e); and • risks to/associated with water resources – section 210(1)(f).

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
SUBDIVISION 2 - CONTENTS, TERMS AND CONDITIONS OF WATER LICENCES							
			<p>Conditions of water licence</p> <p>(1) The water licence is subject to the conditions—</p> <p>(a) prescribed under a regulation; and</p> <p>(b) the Chief Executive may impose for a particular licence.</p> <p>(2) Without limiting subsection (1), the conditions may require the licensee to do all or any of the following—</p> <p>(a) commence taking or interfering with water authorised under the licence within a stated time;</p> <p>(b) install a measuring device to measure the volume of water taken, the rate at which it is taken and the time it is taken;</p> <p>(c) take the water authorised to be taken under the licence;</p> <p>(d) provide and maintain access to alternative water supplies for other persons, authorised under this Act to take water, who would be affected by the granting of the licence;</p> <p>(e) carry out and report on a stated monitoring program;</p> <p>(f) give relevant information reasonably required by the Chief Executive for the administration or enforcement of this Act.</p> <p>(4) If section 206(3) applies to the licence, the licensee must, within 40 business days after receiving the licence, register the instrument of lease or easement under the Land Title Act 1994.</p> <p>(5) If the licensee fails, without reasonable cause, to register the instrument under subsection (4), the Chief Executive may cancel the licence.</p>	<p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p> <p>Risks to/ associated with water resources</p>	?		<p>It is possible that water licences could be used to support WSC objectives through conditions. However, the conditions to which a water licence may be made subject that are specifically identified in section 214 do not specifically refer to WSC issues/objectives.</p> <p>In addition, although section 214(1) (a) contemplates the making of regulations to identify additional conditions that attach to water licences, no such regulations have been made as yet.</p>
DIVISION 4 – WATER PERMITS							
		s. 239	<p>Criteria for deciding application for water permit</p> <p>(1) In deciding whether to grant or refuse the application or the conditions for the water permit, the Chief Executive must consider the following—</p> <p>(a) the application and additional information given in relation to the application;</p> <p>(b) any water resource plan or resource operations plan that may apply to the permit;</p> <p>(c) existing water entitlements and authorisations to take or interfere with water;</p> <p>(d) any information about the impacts on natural ecosystems;</p> <p>(e) any information about the impacts on the physical integrity of watercourses, lakes, springs or aquifers;</p> <p>(f) policies developed in consultation with local communities for the sustainable management of local water;</p> <p>(g) the public interest.</p>	<p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p> <p>Risks to/ associated with water resources</p>	✓		<p>The criteria that must be considered in deciding whether or not to grant a water permit make reference to WSC objectives (explicitly or, in some cases, implicitly), namely:</p> <ul style="list-style-type: none"> conservation and sustainable use of water resources –section 239(1)(f); environmental protection – section 239(1)(d); and risks to/associated with water resources – section 239(1)(e).

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
			(2) The Chief Executive may also consider whether the applicant has been convicted of an offence against this Act, the repealed Act or an interstate law.				
PART 8 – RIVERINE PROTECTION							
DIVISION 1 - GRANTING PERMITS FOR EXCAVATING OR PLACING FILL IN A WATERCOURSE, LAKE OR SPRING							
		s. 268	<p>Criteria for deciding application</p> <p>In deciding whether to grant or refuse the application or what should be the conditions of the permit [to excavate or place fill in a watercourse, lake or spring pursuant to section 266], the Chief Executive must consider all of the following—</p> <p>(a) the effects of the proposed activity on water quality;</p> <p>(b) the quantity and type of material to be excavated or placed;</p> <p>(c) the seasonal factors influencing the watercourse, lake or spring from time to time;</p> <p>(d) the quantity and type of vegetation that would be destroyed as a necessary and unavoidable part of the proposed excavation or placing of fill (affected vegetation);</p> <p>(e) the position in the watercourse, lake or spring of the proposed excavation or placing of fill and any affected vegetation;</p> <p>(f) the reasons given by the applicant for wishing to carry out the activity;</p> <p>(g) whether, and to what extent, the activity that the permit would allow may have an adverse effect on the physical integrity of the watercourse, lake or spring;</p> <p>(h) if the application relates to a wild river high preservation area, a wild river special floodplain management area or a nominated waterway in a wild river preservation area—the wild river declaration for the area, including any code, for the proposed activities, mentioned in the declaration;</p> <p>(i) the implications of granting the permit for the long-term sustainable use of the river systems of Australia, and especially the cumulative effect of granting the application and likely similar applications;</p> <p>(j) any other matters the Chief Executive considers to be relevant.</p>	<p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p> <p>Risks to/ associated with water resources</p>	✓		<p>The criteria that must be considered in deciding whether or not to grant a water permit to excavate or place fill in a watercourse, lake or spring make reference to WSC objectives (explicitly or, in some cases, implicitly), namely:</p> <ul style="list-style-type: none"> conservation and sustainable use of water resources – sections 268(i); environmental protection – section 268(d); and risks to/associated with water resources – sections 268 (e), (g).
DIVISION 2 - GRANTING AND SELLING ALLOCATIONS OF QUARRY MATERIAL							
		s. 282(1)	<p>Criteria for deciding application for allocation of quarry material</p> <p>(1) In deciding whether to grant or refuse the application or what should be the conditions of the allocation, the Chief Executive must consider the impact the removal of the quarry material will have on the long-term sustainable use of the watercourse or lake, including the following—</p> <p>(a) the physical integrity of the watercourse or lake, including bed and bank stability;</p> <p>(b) the condition of the watercourse or lake, including its ability to function naturally;</p>	<p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p> <p>Risks to/ associated with water resources</p>	✓		<p>The criteria that must be considered in deciding whether or not to grant an allocation for quarry material make reference to one important WSC objective, namely risks to/ associated with water resources – sections 282 (1)(a), (b)</p>

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
			(c) the supply of sediments to estuaries and the sea from the watercourse or lake; (d) the quarry material available in the watercourse or lake and any existing quarry material allocations in relation to the watercourse or lake.				
CHAPTER 2A - WATER SUPPLY AND DEMAND MANAGEMENT							
PART 1 - PRELIMINARY							
		s. 340	<p>Main purpose of Chapter 2A and its achievement</p> <p>(1) The main purpose of this chapter is to ensure the delivery of sustainable and secure water supply and demand management for the SEQ region and designated regions.</p> <p>(2) The purpose is achieved by—</p> <p>(a) providing for the desired level of service objectives for water security in the SEQ region and designated regions; and</p> <p>(b) requiring the bulk water supply authority and water service providers for designated regions to have a water security program including plans and strategies to facilitate the achievement of the desired level of service objectives; and</p> <p>(c) optimising an efficient and reliable supply of water for the SEQ region by providing for the making of—</p> <p>(i) agreements for the supply of bulk services between SEQ bulk suppliers and bulk water customers; and</p> <p>(ii) a code to decide costs and prices and to regulate the way in which entities supply bulk services.</p>	<p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p> <p>Risks to/ associated with water resources</p>	✓		<p>Chapter 2A sets out the water supply and demand management system for SEQ and certain other designated regions.</p> <p>Section 340(1) specifically refers to the need to ensure the delivery of a "sustainable" water supply, thereby providing support for the WSC objective of "conservation and sustainable use of water resources".</p> <p>Section 340(2)(c)(ii) requires the making of a code to regulate prices, which is discussed in greater detail below.</p>
PART 2 - WATER SECURITY PLANNING							
DIVISION 3 - WATER SECURITY PROGRAM							
SUBDIVISION 2 - REQUIREMENT FOR WATER SECURITY PROGRAM							
		s. 350	<p>Bulk water supply authority to have water security program</p> <p>The bulk water supply authority must have a water security program complying with section 353 to facilitate the achievement of the desired level of service objectives for water security for the SEQ region or each part of the SEQ region.</p> <p>Maximum penalty—1665 penalty units.</p>	<p>Conservation and sustainable use of water resources</p>	✓		<p>Section 353, with which a water security program must comply, includes a reference to an important WSC objective, namely, conservation and sustainable use of water resources – ss.353(1)(d), (e).</p>
		s. 351	<p>Nominated water service providers to have water security program</p> <p>A nominated water service provider for a designated region or part of a designated region must have a water security program complying with section 353 to facilitate the achievement of the desired level of service objectives for water security for the designated region or the part of the designated region.</p> <p>Maximum penalty—1665 penalty units.</p>	<p>Conservation and sustainable use of water resources</p>	✓		<p>Section 353, with which a water security program must comply, includes a reference to an important WSC objective, namely, conservation and sustainable use of water resources – ss.353(1)(d), (e).</p>

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
		s. 352	<p>Particular water service providers to have water security program</p> <p>(1) This section applies if there is no nominated water service provider for a designated region.</p> <p>(2) A water service provider for the designated region or part of the designated region must have a water security program complying with section 353 to facilitate the achievement of the desired level of service objectives for water security for the designated region or the part of the designated region.</p> <p>Maximum penalty—1665 penalty units.</p>	Conservation and sustainable use of water resources	✓		Section 353, with which a water security program must comply, includes a reference to an important WSC objective, namely, conservation and sustainable use of water resources – ss.353(1)(d), (e).
		s. 353	<p>Content of water security program</p> <p>(1) A water security program must include information about a designated water security entity's arrangements, strategies or measures for—</p> <p>(a) operating the designated water security entity's assets for providing water services in the region or part of the region to which the water security program relates; and</p> <p>(b) addressing future infrastructure needs, including building new infrastructure or augmenting existing infrastructure; and</p> <p>(c) managing the infrastructure relevant to the designated water security entity's operations; and</p> <p>(d) managing demand for water; and</p> <p>(e) responding to drought conditions; and</p> <p>(f) any other matter prescribed under a regulation.</p> <p>(2) The Chief Executive may make guidelines to provide information and guidance to a designated water security entity about the content of a water security program.</p> <p>(3) Subsections (1) and (2) do not limit what may be included in a water security program.</p> <p>(4) A water security program may comprise 1 or more existing documents that comply with the requirements of this section.</p>	Conservation and sustainable use of water resources	✓		<p>A water security program made under this Part of the Act must contain the contents identified in section 353. Section 353(1)(f) anticipates that additional matters may be prescribed in the regulations. However, the regulations have not done so to date.</p> <p>Section 353 includes a reference to an important WSC objective, namely, conservation and sustainable use of water resources – ss.353(1)(d), (e).</p>
PART 3 - ARRANGEMENTS FOR SEQ REGION							
DIVISION 1 - PRELIMINARY							
		s. 360D	<p>Operation of Part 3</p> <p>This part provides for the following to optimise the efficient and reliable supply of water for the SEQ region—</p> <p>(a) the preparation of agreements for the supply of bulk services between SEQ bulk suppliers and bulk water customers;</p> <p>(b) the making of a code to—</p> <p>(i) decide costs and prices; and</p> <p>(ii) regulate the way in which entities supply bulk services.</p>	Supply of water Economic evaluation and pricing of water	?	?	<p>Section 360D emphasises the importance of efficient and reliable supply of water. Section 360D also anticipates the making of a Code for the regulation of the supply of bulk water services and associated costs.</p> <p>The extent to which WSC objectives are supported depends upon the contents of the Code, which is discussed below.</p>

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
DIVISION 2 - BULK WATER SUPPLY AGREEMENTS							
		s. 360G	<p>Making agreement</p> <p>The Minister may make a document (a bulk water supply agreement), in the form of a contract, providing for the supply of bulk services, stated in the document, between an SEQ bulk supplier, named in the document, and a bulk water customer, named in the document.</p> <p>(2) A bulk water supply agreement may include—</p> <p>(a) terms that must not be amended (each a mandatory term); and</p> <p>(b) terms that may be amended by the bulk water parties named in the agreement.</p> <p>(3) A bulk water supply agreement has effect as a contract between each bulk water party named in the agreement on the day the agreement is made by the Minister.</p> <p>(4) A bulk water supply agreement has effect as a contract whether or not—</p> <p>(a) it is executed by each bulk water party named in the agreement, other than to the extent an amendment to the agreement must be executed under section 360H; or</p> <p>(b) an amount payable for the supply of bulk services is provided for under the agreement.</p>	Alternative water source projects Supply of water Economic evaluation and pricing of water	?	?	It is possible that bulk water supply agreements could be used as a vehicle to advance WSC objectives, particularly to support alternative water sources by providing for the inclusion of alternative water sources in bulk water supply. However, at present, the bulk water supply agreements are not being utilised for this objective.
DIVISION 3 - BULK WATER SUPPLY CODE							
SUBDIVISION 1 - GENERAL PROVISIONS ABOUT CODE							
		s. 360M	<p>Minister's power to make code</p> <p>(1) Subject to subdivision 2, the Minister may make a code (the bulk water supply code) for the SEQ region about the supply of bulk services by a code-regulated entity.</p> <p>(2) The bulk water supply code applies to each code-regulated entity whether or not the entity supplies bulk services under a bulk water supply agreement.</p> <p>(3) The bulk water supply code is a statutory instrument under the Statutory Instruments Act 1992 but is not subordinate legislation.</p>	Economic evaluation and pricing of water		✓	The principles for bulk water in the Code emphasise economic efficiency, which may discourage the uptake of alternative water source projects that may not be commercially viable without the support of government funding.
		s. 360N	<p>Content of code—costs and prices</p> <p>(1) The bulk water supply code may establish principles for deciding the following categories of costs and prices—</p> <p>(a) the bulk water cost;</p> <p>(b) the bulk water price;</p> <p>(c) the other user price.</p> <p>(2) The bulk water cost is the cost for the bulk water supply authority to supply bulk services.</p> <p>(3) The bulk water price is the price the bulk water supply authority may charge an SEQ service provider for the supply of bulk services.</p> <p>(4) The other user price is the price the bulk water supply authority may charge a bulk water customer, other than an SEQ service provider, for the supply of bulk services.</p>	Economic evaluation and pricing of water		✓	The principles for bulk water in the Code emphasise economic efficiency, which may discourage the uptake of alternative water source projects that may not be commercially viable without the support of government funding.

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
		s. 3600	<p>Content of code—general</p> <p>The bulk water supply code may include the following—</p> <ul style="list-style-type: none"> (a) the rights and obligations of a code-regulated entity under the code; (b) operating requirements for a code-regulated entity; (c) requirements to make or comply with an emergency plan; (d) the principles for the supply of bulk services by an SEQ service provider to the bulk water supply authority, including the principles for the bulk water supply authority to pay a charge for the bulk services; (e) provision for an entity to give advice to the Minister about— <ul style="list-style-type: none"> (i) the principles mentioned in paragraph (d); or (ii) costs or prices under the code; or (iii) any other thing that may affect costs or prices under the code; (f) the way in which an entity to which paragraph (e) applies may investigate a matter under the code; (g) whether any part of the code may be amended without consultation; (h) any other thing the Minister considers appropriate to facilitate the supply of bulk services. 	Economic evaluation and pricing of water		✓	The principles for bulk water in the Code emphasise economic efficiency, which may discourage the uptake of alternative water source projects that may not be commercially viable without the support of government funding.
		s. 360S	<p>Compliance with code</p> <p>A code-regulated entity must not contravene a provision of the bulk water supply code.</p> <p>Maximum penalty—</p> <ul style="list-style-type: none"> (a) for contravention of a provision about making or complying with an emergency plan—1665 penalty units; or (b) otherwise—200 penalty units. 	Economic evaluation and pricing of water		✓	The principles for bulk water in the Code emphasise economic efficiency, which may discourage the uptake of alternative water source projects that may not be commercially viable without the support of government funding.
DIVISION 4 - SUPPLY OF BULK SERVICES							
		s. 360V	<p>Supply under bulk water supply agreement</p> <ul style="list-style-type: none"> (1) The supply of bulk services, other than the supply of an exempt water service, may be made only under a bulk water supply agreement between an SEQ bulk supplier and a bulk water customer for the bulk services. (2) In this section— exempt water service means a water service declared under a regulation to be exempt from requiring a bulk water supply agreement for the supply of the water service. 	<p>Alternative water source projects</p> <p>Supply of water</p> <p>Economic evaluation and pricing of water</p>	?	?	It is possible that bulk water supply agreements could be used as a vehicle to advance WSC objectives, particularly to support alternative water sources by providing for the inclusion of alternative water sources in bulk water supply. However, at present, the bulk water supply agreements are not being utilised for this objective.
		s. 360W(1)	<p>Minister may decide cost or price</p> <ul style="list-style-type: none"> (1) The Minister may, under the principles in the bulk water supply code, decide a cost or price mentioned in section 360N for a particular period. 	Economic evaluation and pricing of water		✓	The principles for bulk water in the Code emphasise economic efficiency, which may discourage the uptake of alternative water source projects that may not be commercially viable without the support of government funding.

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
		s. 360Z	<p>Minister’s direction about bulk services supplied by SEQ service provider</p> <p>(1) This section applies if—</p> <p>(a) an SEQ service provider supplies bulk services to the bulk water supply authority under a bulk water supply agreement; and</p> <p>(b) the SEQ service provider and the bulk water supply authority can not agree, under the terms of the bulk water supply agreement, about a matter relating to the supply of, or the charge for, the bulk services.</p> <p>(2) The Minister may, under the principles in the bulk water supply code, give the SEQ service provider or the bulk water supply authority a direction about 1 or both of the following—</p> <p>(a) the supply of bulk services by the SEQ service provider to the bulk water supply authority, including a direction to the SEQ service provider to give the bulk water supply authority access to infrastructure owned by the SEQ service provider;</p> <p>(b) the charge payable for bulk services supplied by the SEQ service provider to the bulk water supply authority.</p> <p>(3) The SEQ service provider or the bulk water supply authority must comply with a direction given to it by the Minister under subsection (2).</p> <p>Maximum penalty—1665 penalty units.</p>	Economic evaluation and pricing of water		✓	The principles for bulk water in the Code emphasise economic efficiency, which may discourage the uptake of alternative water source projects that may not be commercially viable without the support of government funding.
CHAPTER 3 - UNDERGROUND WATER MANAGEMENT							
PART 1 - PRELIMINARY							
		s. 361	<p>Purpose of Chapter 3</p> <p>(1) The purpose of this chapter is to provide for the management of impacts on underground water caused by the exercise of underground water rights by petroleum tenure holders.</p> <p>(2) This purpose is achieved primarily by—</p> <p>(a) providing a regulatory framework to—</p> <p>(i) require petroleum tenure holders to monitor and assess the impact of the exercise of underground water rights on water bores and to enter into make good agreements with the owners of the bores; and</p> <p>(ii) require the preparation of underground water impact reports that establish underground water obligations, including obligations to monitor and manage impacts on aquifers and springs; and</p> <p>(ii) manage the cumulative impacts of the exercise of 2 or more petroleum tenure holders’ underground water rights on underground water; and</p> <p>(b) giving the Chief Executive and the office functions and powers for managing underground water.</p>	Conservation and sustainable use of water resources Environmental protection	✓		The primary purposes of Chapter 3 is to protect underground water sources from environmental impacts and to conserve underground water sources.

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
DIVISION 2 - UNDERGROUND WATER IMPACT REPORTS							
		s. 370(1)	<p>Obligation to give underground water impact report</p> <p>Subject to section 371, a responsible entity must, within the period or by the day mentioned in subsection (2) or (3), give the Chief Executive an underground water impact report that complies with subsection (2)(a) and (d) for—</p> <p>(a) if the responsible entity is the office— each cumulative management area; or</p> <p>(b) if the responsible entity is a petroleum tenure holder—the petroleum tenure.</p> <p>Maximum penalty—1665 penalty units.</p>	Conservation and sustainable use of water resources Environmental protection	✓		The requirement for responsible entities to provide underground water impact reports is potentially an important tool to protect underground water sources from environmental impacts and from over-use of underground water sources.
DIVISION 4 - REQUIREMENTS FOR UNDERGROUND WATER IMPACT REPORTS AND FINAL REPORTS							
SUBDIVISION 1 - CONTENT							
		s. 376	<p>Content of underground water impact report</p> <p>An underground water impact report must include each of the following—</p> <p>(a) for the area to which the report relates—</p> <p>(i) the quantity of water produced or taken from the area because of the exercise of any previous relevant underground water rights; and</p> <p>(ii) an estimate of the quantity of water to be produced or taken because of the exercise of the relevant underground water rights for a 3-year period starting on the consultation day for the report;</p> <p>(b) for each aquifer affected, or likely to be affected, by the exercise of the relevant underground water rights—</p> <p>(i) a description of the aquifer; and</p> <p>(ii) an analysis of the movement of underground water to and from the aquifer, including how the aquifer interacts with other aquifers; and</p> <p>(iii) an analysis of the trends in water level change for the aquifer because of the exercise of the rights mentioned in paragraph (a)(i); and</p> <p>(iv) a map showing the area of the aquifer where the water level is predicted to decline, because of the taking of the quantities of water mentioned in paragraph (a), by more than the bore trigger threshold within 3 years after the consultation day for the report; and</p> <p>(v) a map showing the area of the aquifer where the water level is predicted to decline, because of the exercise of relevant underground water rights, by more than the bore trigger threshold at any time;</p> <p>Note— If the underground water impact report or final report is approved, the mapped areas mentioned in subparagraphs (iv) and (v) establish immediately affected and long-term affected areas under section 387.</p>	Conservation and sustainable use of water resources Environmental protection	✓		<p>The requirement for responsible entities to provide underground water impact reports is potentially an important tool to protect underground water sources from environmental impacts and from over-use of underground water sources.</p> <p>The requirements for the contents of final reports, water monitoring strategy and spring impact management strategy are contained in sections 377, 378 and 379 respectively.</p>

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
			(c) a description of the methods and techniques used to obtain the information and predictions under paragraph (b); (d) a summary of information about all water bores in the area shown on a map mentioned in paragraph (b)(iv), including the number of bores, and the location and authorised use or purpose of each bore; (e) a program for— (i) conducting an annual review of the accuracy of each map prepared under paragraph (b)(iv) and (v); and (ii) giving the Chief Executive a summary of the outcome of each review, including a statement of whether there has been a material change in the information or predictions used to prepare the maps; (f) a water monitoring strategy; (g) a spring impact management strategy; (h) if the responsible entity is the office— (i) a proposed responsible tenure holder for each report obligation mentioned in the report; and (ii) for each immediately affected area—the proposed responsible tenure holder or holders who must comply with any make good obligations for water bores within the immediately affected area; (i) other information or matters prescribed under a regulation.				
PART 5 - MAKE GOOD OBLIGATIONS FOR WATER BORES							
DIVISION 1 - PRELIMINARY							
		s. 409	Make good obligations for water bores (1) The make good obligations of a petroleum tenure holder for an immediately affected area bore are— (a) undertaking a bore assessment of the bore as required under division 2; and (b) entering into a make good agreement with the bore owner of the bore as required under division 3; and (c) complying with the make good agreement; and (d) if asked to vary the make good agreement under section 424—negotiating a variation of the make good agreement. (2) The make good obligations of a petroleum tenure holder for a water bore other than an immediately affected area bore are— (a) if the holder is required under section 418 to undertake a bore assessment of the bore—undertaking the bore assessment; and (b) entering into a make good agreement with the bore owner of the bore as required under division 3; and	Conservation and sustainable use of water resources Environmental protection	✓		The make good obligations for water bores could be used to protect underground water sources from environmental impacts and from over-use. Pursuant to section 408, immediately affected area bore means a water bore located in an immediately affected area of an aquifer. Section 420 provides that a make good agreement for a water bore is an agreement— (a) entered into by the following parties— (i) the responsible tenure holder for the make good obligations for the bore; (ii) the bore owner; and (b) that provides for each of the following matters— (i) the outcome of the bore assessment for the bore; (ii) whether the bore has or is likely to have an impaired capacity; (iii) if the bore has or is likely to have an impaired capacity—the make good measures for the bore to be taken by the responsible tenure holder.

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
			<p>(c) complying with the make good agreement; and</p> <p>(d) if asked to vary the make good agreement under section 424—negotiating a variation of the make good agreement.</p>				<p>Section 421 provides that a make good measure for a water bore is any of the following measures—</p> <p>(a) ensuring the bore owner has access to a reasonable quantity and quality of water for the bore’s authorised use or purpose;</p> <p>Examples—</p> <ul style="list-style-type: none"> • bore enhancement by deepening the bore or improving its pumping capacity • constructing a new bore • providing a supply of an equivalent amount of water of a suitable quality by piping it from an alternative source <p>(b) carrying out a plan to monitor the bore, including, for example, by undertaking periodic bore assessments;</p> <p>(c) giving the bore owner monetary or non-monetary compensation for the bore’s impaired capacity.</p>
		s. 410	<p>Who must comply with make good obligations</p> <p>The responsible tenure holder for a water bore must comply with the make good obligations for the bore.</p>	<p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p>	✓		<p>The make good obligations for water bores could be used to protect underground water sources from environmental impacts and from over-use.</p> <p>Pursuant to section 408, <i>immediately affected area bore</i> means a water bore located in an immediately affected area of an aquifer.</p>
DIVISION 2 – BORE ASSESSMENTS							
SUBDIVISION 3 - OBLIGATIONS TO UNDERTAKE BORE ASSESSMENTS							
		s. 417	<p>Obligation to undertake bore assessment of immediately affected area bore in particular circumstances</p> <p>(1) This section applies if—</p> <p>(a) an underground water impact report or an amendment of a report takes effect; and</p> <p>(b) the report identifies, or the amendment changes the area or location of, an immediately affected area of an aquifer.</p> <p>(2) For each immediately affected area bore that is not already the subject of a make good agreement, the responsible tenure holder for the bore must, unless the holder has a reasonable excuse, undertake a bore assessment of the bore that complies with this division before—</p> <p>(a) the day that is 60 business days after the report or amendment takes effect; or</p> <p>(b) if the Chief Executive agrees to a later day—that day.</p> <p>Maximum penalty—500 penalty units.</p> <p>(3) However, subsection (2) does not apply if a bore assessment of the bore has already been undertaken.</p>	<p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p>	✓		<p>The requirement to undertake a <i>bore assessment</i> could be used to protect underground water sources from environmental impacts and from over-use.</p> <p>Under section 411, a bore assessment is an assessment of a water bore undertaken by a petroleum tenure holder to establish—</p> <p>(a) whether the bore has an impaired capacity; or</p> <p>(b) whether the bore is likely to start having an impaired capacity.</p>



ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
		s. 418(1), (2), (7) & (8)	<p>Direction by Chief Executive to undertake bore assessment</p> <p>(1) This section applies if the Chief Executive reasonably believes a water bore can no longer supply a reasonable quantity or quality of water for its authorised use or purpose.</p> <p>(2) The Chief Executive may give a petroleum tenure holder a notice stating that the holder must either—</p> <p>(a) undertake a bore assessment that complies with this section and section 414 within a stated reasonable time; or</p> <p>(b) make a submission within a stated reasonable period of at least 20 business days about why the holder should not be required to undertake the bore assessment.</p> <p>...</p> <p>(7) A regulation may prescribe for this section a quality of water that is a reasonable quality of water for a particular authorised use or purpose.</p> <p>(8) In this section—</p> <p>bore assessment includes an assessment of a water bore to establish—</p> <p>(a) whether it can supply a reasonable quantity or quality of water for its authorised use or purpose; and</p> <p>(b) the reason for any reduced capacity of the water bore to supply the reasonable quantity or quality of water.</p>	Conservation and sustainable use of water resources Environmental protection	✓		The requirement to undertake a bore assessment could be used to protect underground water sources from environmental impacts and from over-use.
PART 8 - DIRECTIONS BY CHIEF EXECUTIVE							
DIVISION 1 - DIRECTION TO UNDERTAKE WATER MONITORING ACTIVITIES							
		s. 448	<p>Application of Division 1</p> <p>(1) This division applies to a petroleum tenure holder if there is no approved underground water impact report applying to the area of the holder's petroleum tenure.</p> <p>(2) Also, this division applies to a petroleum tenure holder if—</p> <p>(a) an approved underground water impact report or final report applies to the holder; and</p> <p>(b) the Chief Executive has given the responsible entity for the report—</p> <p>(i) a notice directing the entity to propose an amendment of the report under section 392; or</p> <p>(ii) a notice of a proposed amendment under section 393; and</p> <p>(c) the Chief Executive either—</p> <p>(i) has not yet decided whether to approve or to make the amendment; or</p> <p>(ii) has decided to approve the amendment or to amend the report, but the amendment has not yet taken effect.</p>	Conservation and sustainable use of water resources Environmental protection	✓		Directions to undertake water monitoring activities made under this Part could be used to protect underground water sources from environmental impacts and from over-use.

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
		s. 449	<p>Chief executive may direct petroleum tenure holder to carry out water monitoring activities</p> <p>(1) The Chief Executive may give notice to the petroleum tenure holder to carry out a water monitoring activity for a stated area.</p> <p>(2) In deciding to give the notice, the Chief Executive must have regard to the impact considerations relating to the holder.</p> <p>(3) The notice must state the following—</p> <p>(a) a reasonable timetable for carrying out the water monitoring activity;</p> <p>(b) a program for reporting to the office and the Chief Executive about the implementation of the activity;</p> <p>(c) the parameters to be measured in carrying out the activity;</p> <p>(d) the locations for taking the measurements;</p> <p>(e) the frequency of the measurements.</p> <p>(4) The holder must comply with the notice, unless the holder has a reasonable excuse.</p> <p>Maximum penalty—500 penalty units.</p> <p>(5) In this section—</p> <p>water monitoring activity, for a petroleum tenure, means gathering information about, or monitoring, the effects of the exercise of underground water rights by the holder of the tenure.</p>	Conservation and sustainable use of water resources Environmental protection	✓		Directions to undertake water monitoring activities made under this Part could be used to protect underground water sources from environmental impacts and from over-use.
DIVISION 2 – EMERGENCY DIRECTIONS							
		s. 450	<p>Application of div 2</p> <p>This division applies if—</p> <p>(a) the Chief Executive reasonably believes urgent action is necessary—</p> <p>(i) to restore water supply to a water bore with an impaired capacity; or</p> <p>(ii) to prevent or minimise the likelihood of a water bore having an impaired capacity; and</p> <p>(b) the Chief Executive is satisfied or reasonably believes failure to take the action may result in 1 or more of the following—</p> <p>(i) significant economic loss or damage to any person;</p> <p>(ii) a significant risk to the health of stock;</p> <p>(iii) a loss of supply of water for domestic purposes or essential services, including, for example, the generation of electricity or the distribution of town water.</p>	Conservation and sustainable use of water resources Environmental protection	✓		Emergency directions made under this Part could be used to protect underground water sources from environmental impacts and from over-use of underground water sources.

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
		s. 451	<p>Power to give direction</p> <p>(1) The Chief Executive may, for the purpose of taking the action for a matter mentioned in section 450 and by notice given to a petroleum tenure holder, direct the holder to take stated reasonable steps within a stated reasonable period.</p> <p>(2) The notice must state that it is an offence for the holder not to comply with the direction unless the holder has a reasonable excuse.</p> <p>(3) In deciding to give a direction to a petroleum tenure holder under subsection (1), the Chief Executive must consider the impact considerations relating to the holder.</p>	<p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p>	✓		Emergency directions made under this Part could be used to protect underground water sources from environmental impacts and from over-use.
DIVISION 3 - OTHER DIRECTIONS							
		s. 454(1) & (2)	<p>Directions to petroleum tenure holders and bore owners to give information</p> <p>(1) The Chief Executive may give a petroleum tenure holder a notice requiring information about—</p> <p>(a) compliance by the holder with its make good obligations for a water bore; or</p> <p>(b) the quantity and quality of water produced or taken because of the exercise of the holder's underground water rights; or</p> <p>(c) a matter stated in an underground water impact report or final report given by the holder to the Chief Executive under part 2.</p> <p>(2) Also, the Chief Executive may give a bore owner a notice requiring information about—</p> <p>(a) a matter for which the owner is required to keep information under this Act in relation to the water bore; or</p> <p>(b) the condition and capacity of the water bore.</p>	<p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p>	✓		Emergency directions made under this Part could be used to protect underground water sources from environmental impacts and from over-use.
CHAPTER 3A - OFFICE OF GROUNDWATER IMPACT ASSESSMENT							
PART 1 - GENERAL PROVISIONS ABOUT THE OFFICE							
DIVISION 2 - FUNCTIONS AND POWERS							
		s. 456	<p>Functions of office</p> <p>(1) The office's main functions are—</p> <p>(a) to advise the Chief Executive on matters relating to impacts on underground water caused by the exercise of underground water rights by petroleum tenure holders; and</p> <p>(b) to establish and maintain a database of information about underground water; and</p> <p>(c) to prepare underground water impact reports for cumulative management areas.</p> <p>(2) The office's functions also include any other function given to the office under this Act or another Act.</p>	<p>Research and raising awareness</p> <p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p>	✓		The Office of Groundwater Impact Assessment (OGIA) could undertake research on issues regarding underground water resources and raise awareness of risks to such resources, with a view to supporting conservation and sustainable use and environmental protection.

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
		s. 460(1)	<p>Obtaining information about underground water from petroleum tenure holders</p> <p>(1) The manager may give a petroleum tenure holder a notice requesting the following information about the exercise of underground water rights under the holder’s petroleum tenure—</p> <p>(a) information the manager requires for complying with its obligations as a responsible entity under chapter 3, part 2;</p> <p>(b) other information the manager requires to analyse and monitor impacts on underground water generally.</p>	<p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p>	✓		The power to require information under this Part could help to protect underground water sources from environmental impacts and from over-use of underground water sources.
CHAPTER 4 - WATER AUTHORITIES							
PART 1 - PRELIMINARY							
		s. 542	<p>Purposes of chapter 4</p> <p>(1) The main purpose of this chapter is to establish a framework for the establishment and operation of water authorities that provides for the following—</p> <p>(a) efficiency in carrying out water activities by the application of commercial principles;</p> <p>(b) appropriate governance arrangements and accountability requirements;</p> <p>(c) community involvement in making and implementing arrangements for using, conserving and sustainably managing water.</p> <p>(2) Another purpose of this chapter is to establish the employing offices for water authorities.</p>	<p>Conservation and sustainable use of water resources</p> <p>Alternative water source projects</p>	?	?	<p>Chapter 4 – which sets up the framework for the establishment of water authorities – has as one of its objectives to conserve and sustainably manage water.</p> <p>However, section 542(1)(a) stresses the need for water authorities to carry out water activities by the application of "commercial principles". This could disincentivise water authorities from supporting alternative water source projects, which may not meet normal cost-benefit requirements.</p>
PART 3 - FUNCTIONS AND POWERS OF WATER AUTHORITIES							
DIVISION 1 - FUNCTIONS							
		s. 569	<p>Main function of water authority</p> <p>(1) A water authority’s main function is to carry out the water activities decided by the authority.</p> <p>(2) If the authority has an authority area, its main function is to carry out the water activities for the authority area.</p> <p>(3) However, a water authority with an authority area may carry out water activities outside its authority area if carrying out the activity—</p> <p>(a) does not—</p> <p>(i) limit the authority’s ability to perform its main function; or</p> <p>(ii) financially prejudice the authority or its ratepayers or customers; and</p> <p>(b) for a category 1 authority—is in accordance with the authority’s performance plan.</p>	<p>Alternative water source projects</p>		✓	The prohibition on water authorities in section 569(3)(a)(ii) not to financially prejudice the authority, ratepayers or customers could disincentivise water authorities from supporting alternative water source projects, which may not meet normal cost-benefit requirements.
		s. 570	<p>Other functions of water authority</p> <p>(1) A water authority may carry out 1 or more of the following functions decided by it—</p> <p>(a) riverine area protection;</p> <p>(b) soil erosion control;</p>	<p>Environmental protection</p>	✓		Section 570 clearly authorises water authorities to undertake activities to protect the environment.

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
			(c) land degradation treatment and prevention; (d) the management of recreational areas on land owned by the authority or under its control. (2) If a water authority has an authority area, it may carry out a function mentioned in subsection (1) either inside or outside its authority area.				
DIVISION 2 - POWERS							
SUBDIVISION 1 - RATES AND CHARGES							
		s. 572	Power to make and levy rates and charges (1) A category 1 water authority, for carrying out its functions under this Act, may make and levy charges on its customers. (2) A category 2 water authority, for carrying out its functions under this Act, may make and levy on its customers or ratepayers— (a) charges; and (b) if the authority has an authority area—rates. (3) Without limiting subsection (1) or (2) (a), the authority may make and levy a charge for providing connections to its works. (4) A charge may be made and levied on a volumetric basis for water activities carried out. (5) A rate may be made and levied, if the authority has an authority area, on a property basis for land in the authority area. (6) Subsections (4) and (5) do not limit the ways in which a charge or rate may be made or levied.	Financial tools Alternative water source projects	✓		The power of water authorities to make and levy charges on customers or ratepayers is broad. Arguably, this power could be used to help fund alternative water source projects.
PART 5 - CATEGORY 1 WATER AUTHORITY MATTERS							
DIVISION 1 - COMMERCIALISING CATEGORY 1 WATER AUTHORITIES							
SUBDIVISION 1 - PRELIMINARY							
		s. 637	Meaning of commercialisation Commercialisation of a category 1 water authority involves the authority undergoing a structural reform process so that it operates, as far as practicable, on a commercial basis and in a competitive environment.	Alternative water source projects		✓	The requirement that water authorities operate on a "commercial basis" could disincentivise water authorities from supporting alternative water source projects, which may not meet normal cost-benefit requirements.
		s. 638	Key commercialisation principles (1) The key commercialisation principles are the following— (a) principle 1—clarity of objectives; (b) principle 2—management autonomy and authority; (c) principle 3—accountability for performance; (d) principle 4—competitive neutrality. (2) The elements of principle 1 are as follows— (a) the water authority will have clear, non-conflicting objectives; (b) specific financial and non-financial performance targets will be set for the commercial activities of the water authority and stated in its performance plan;	Alternative water source projects		✓	The key commercialisation principles do not clearly reflect WSC principles and objectives. These principles combined with the requirement that water authorities operate on a "commercial basis" could disincentivise water authorities from supporting alternative water source projects, which may not meet normal cost-benefit requirements.

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
			<p>(c) any community service obligations of the water authority will be—</p> <ul style="list-style-type: none"> (i) clearly identified in its performance plan; and (ii) separately costed; <p>(d) the water authority will be appropriately funded for its community service obligations and any funding will be made apparent;</p> <p>(e) the water authority will be set performance targets for its community service obligations.</p> <p>(3) The elements of principle 2 are as follows—</p> <ul style="list-style-type: none"> (a) the water authority will be required to use its best endeavours to ensure it meets its performance targets; (b) subject to this Act, the water authority will be given autonomy in its day-to-day operations; (c) government directions for the water authority to achieve non-commercial objectives will be exercised in an open way; (d) in its day-to-day operations, the water authority will be at arms-length to the State. <p>(4) The elements of principle 3 are as follows—</p> <ul style="list-style-type: none"> (a) the water authority’s board will be accountable to the Minister for the authority’s performance; (b) the authority’s performance plan will form the basis for accountability; (c) the authority’s performance will be monitored by the Chief Executive against the performance targets specified in its performance plan; (d) government monitoring of the authority is intended to compensate for the absence of the wide range of monitoring to which corporations whose shares are listed on a stock exchange are subject. <p>(5) The elements of principle 4 are as follows—</p> <ul style="list-style-type: none"> (a) the efficiency of overall resource use is promoted by ensuring markets are not unnecessarily distorted; (b) wherever possible and appropriate, advantages and disadvantages accruing to the water authority because it is a statutory authority should be removed. <p>(6) Without limiting subsection (5)(b), advantages accruing to the water authority may be removed by requiring the authority—</p> <ul style="list-style-type: none"> (a) to pay to the State amounts equivalent to— <ul style="list-style-type: none"> (i) government taxes that are not otherwise payable by the authority to the Commonwealth, State or local government; and 				



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			<p>(ii) any cost of funds advantage the authority obtains over commercial rates of interest because of State guarantees given for providing the goods or services; and</p> <p>(b) to comply with Commonwealth, State and local government requirements that apply only if the activity carried on by the authority were carried on by a private sector business, including, for example, requirements about protecting the environment and planning and approval processes.</p>				
SUBDIVISION 2 - CATEGORY 1 WATER AUTHORITIES SUBJECT TO COMMERCIALISATION							
		s. 639	<p>Category 1 water authorities subject to commercialisation</p> <p>Category 1 water authorities are subject to commercialisation.</p>	Alternative water source projects		✓	The requirement that water authorities are subject to "commercialisation" could disincentivise water authorities from supporting alternative water source projects, which may not meet normal cost-benefit requirements.
		s. 640	<p>Key objectives of category 1 water authority</p> <p>(1) Under commercialisation, the key objectives of a category 1 water authority are to be—</p> <p>(a) commercially successful in carrying on its activities; and</p> <p>(b) efficient and effective in providing goods and delivering its services, including things done as community service obligations.</p> <p>(2) The commercial success, efficiency and effectiveness of a category 1 water authority are to be measured against its financial and non-financial performance targets stated in its performance plan.</p>	Alternative water source projects		✓	The requirement that water authorities are subject to "commercialisation" could disincentivise water authorities from supporting alternative water source projects, which may not meet normal cost-benefit requirements.
DIVISION 2 - COMMERCIALISATION CHARTER FOR CATEGORY 1 WATER AUTHORITIES							
		s. 642	<p>Content of commercialisation charter</p> <p>A water authority's commercialisation charter must include 1 or more of the following matters decided by the Minister—</p> <p>(a) an outline of how the key commercialisation principles and their elements are to be applied to the authority;</p> <p>(b) a timetable for applying the principles and elements;</p> <p>(c) a timetable for the authority's adoption of the following—</p> <p>(i) appropriate systems of accounting;</p> <p>(ii) commercial management and performance systems;</p> <p>(d) a timetable and method for valuing the authority's assets and deciding its capital structure;</p> <p>(e) a statement of activities to be undertaken by the authority before commercialisation;</p> <p>(f) a statement of the authority's community service obligations and its financial costs for the obligations.</p>	Alternative water source projects		✓	The requirement that water authorities are subject to "commercialisation" could disincentivise water authorities from supporting alternative water source projects, which may not meet normal cost-benefit requirements.

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
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DIVISION 4 - PERFORMANCE PLAN FOR CATEGORY 1 WATER AUTHORITIES							
		s. 652	<p>Category 1 water authority must have performance plan</p> <p>(1) A category 1 water authority must have a performance plan for each financial year.</p> <p>(2) The performance plan must be consistent with the authority's corporate plan.</p>	<p>Conservation and sustainable use of water resources</p> <p>Alternative water source projects</p> <p>Supply of water</p>	?	?	Performance plans for water authorities could theoretically be used to encourage support for WSC objectives, such as conservation and sustainable use of water resources and alternative water source projects. However, as explained in relation to section 653 below, the required contents of the performance plan to do not specifically refer to these objectives, nor to other objectives that could support WSC.
		s. 653	<p>Content of performance plan</p> <p>(1) A category 1 water authority's performance plan must include the following for the relevant financial year—</p> <p>(a) the authority's financial and non-financial performance targets for its functions;</p> <p>(b) particulars of the authority's relevant employment and industrial relations plan;</p> <p>(c) an outline of the authority's objectives;</p> <p>(d) an outline of the nature and scope of the activities proposed to be undertaken by the authority during the financial year;</p> <p>(e) an outline of the authority's main undertakings during the financial year;</p> <p>(f) the authority's proposed infrastructure investments;</p> <p>(g) the authority's capital structure and dividend policies;</p> <p>(h) the authority's forecast taxation obligations;</p> <p>(i) an outline of the borrowings made, and proposed to be made, by the authority;</p> <p>(j) an outline of the policies adopted by the authority to minimise and manage any risk of investments and borrowings that may adversely affect its financial stability;</p> <p>(k) an outline of the authority's asset management plans, including its policies and procedures relating to the acquisition and disposal of major assets;</p> <p>(l) the authority's accounting policies that apply to the preparation of its accounts;</p> <p>(m) style and frequency of reporting requirements;</p> <p>(n) the performance indicators for the authority's performance targets.</p> <p>(2) The performance plan must also contain the following particulars about the water authority's community service obligations—</p> <p>(a) the nature and extent of the obligations to be performed by the authority for the financial year to which the plan relates;</p>	<p>Conservation and sustainable use of water resources</p> <p>Alternative water source projects</p> <p>Supply of water</p> <p>Economic evaluation and pricing of water</p>	?	?	Performance plans for water authorities could theoretically be used to encourage support for WSC objectives, such as conservation and sustainable use of water resources and alternative water source projects. However, under section 653, the required contents of the performance plan to do not specifically refer to these objectives, nor to other objectives that could support WSC.

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
			(b) the costs for the obligations; (c) the ways in which, and the extent to which, the authority must be compensated by the State for performing the obligations; (d) performance targets for the obligations.				
PART 6 - RESERVE POWERS OF MINISTER							
		s. 675	Minister's power to notify water authority of public sector policies (1) The Minister may give a water authority notice of a public sector policy that is to apply to the authority if the Minister is satisfied it is necessary to give the notice in the public interest. (2) The water authority must comply with the policy. (3) Before giving the notice, the Minister must— (a) consult with the water authority; and (b) ask the authority to advise whether, in its opinion, complying with the policy would not be in its financial interest. (4) The Minister must gazette a copy of the notice within 15 business days after it is given.	Conservation and sustainable use of water resources Environmental protection Alternative water source projects Access to and use of water resources	✓		Public sector policies for the water sector could conceivably address a broad range of issues that would support WSC, such as conservation and sustainable use of water resources, environmental protection, alternative water source projects and access to and use of water resources.
		s. 676	Minister's power to give directions in public interest (1) The Minister may give a water authority a written direction if the Minister is satisfied it is necessary to give the direction in the public interest because of exceptional circumstances. (2) The water authority must comply with the direction. (3) Before giving the direction, the Minister must— (a) consult with the water authority; and (b) ask the authority to advise whether, in its opinion, complying with the direction would not be in its financial interest. (4) The Minister must gazette a copy of the direction within 15 business days after it is given.	Conservation and sustainable use of water resources Environmental protection Alternative water source projects Access to and use of water resources	✓		Ministerial directions to water authorities could conceivably address a broad range of issues that would support WSC, such as conservation and sustainable use of water resources, environmental protection, alternative water source projects and access to and use of water resources.
CHAPTER 8 MISCELLANEOUS							
PART 2 RELATIONSHIP WITH PLANNING ACT							
DIVISION 1 DEVELOPMENT APPLICATIONS							
SUBDIVISION 1 ADDITIONAL PROVISIONS FOR MAKING DEVELOPMENT APPLICATIONS							
		s. 967	Applications for levees (1) This section applies— (a) for a development application for the construction of a new levee or the modification of an existing levee; and (b) for the purpose of minimising the adverse impacts levees could have on overland flow water, the catchment, landholders, communities and land planning and emergency procedures.	Environmental protection	✓		Section 62C of the Water Regulation 2002 identifies different categories of levee. Section 62D of the Water Regulation 2002 notes that the code for development applications for certain types of levees is contained in Schedule 15B. Schedule 15B establishes performance outcomes, including environmental outcomes. The code could be used to support environmental protection of water resources, which is an important WSC objective.

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
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			<p>(2) A regulation may make a provision about how the application may, or must, be made or assessed by an assessing authority.</p> <p>(3) For example, the regulation may—</p> <p>(a) prescribe matters the applicant may, or must, take into account in making the application; or</p> <p>(b) state a code against which the application may, or must, be assessed by an assessing authority.</p>				
SUBDIVISION 2 - ADDITIONAL ASSESSMENT CRITERIA							
		s. 968	<p>Chief executive as assessing authority or advice agency</p> <p>(1) This section applies if the Chief Executive is an assessing authority or advice agency for a development application for—</p> <p>(a) operational work for the taking of or interfering with water; or</p> <p>(b) the removal of quarry material; or</p> <p>(c) operational work in a drainage and embankment area prescribed under section 1014(2)(h) or a wild river floodplain management area or wild river special floodplain management area.</p> <p>(2) The Chief Executive must, in exercising jurisdiction for the application, assess the application against the purposes of this Act to the extent they relate to the following—</p> <p>(a) for development mentioned in subsection (1)(a)—the taking of or interfering with water;</p> <p>(b) for development mentioned in subsection (1)(b)—quarry material;</p> <p>(c) for development mentioned in subsection (1)(c)—the protection of watercourses and water in watercourses.</p>	<p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p> <p>Alternative water source projects</p> <p>Access to and use of water resources</p> <p>Risks to/ associated with water resources</p>	✓		<p>Section 968 requires that development applications must be assessed against the purposes of the Act. As noted above in relation to section 10, the Act supports a broad range of WSC objectives. In theory, these objectives should be accounted for in making assessments under section 968.</p>
		s. 969	<p>New or existing levee</p> <p>(1) This section applies if the Chief Executive is an assessing authority or advice agency for a development application for—</p> <p>(a) the proposed construction of a new levee; or</p> <p>(b) the proposed modification of an existing levee.</p> <p>(2) The Chief Executive must, in exercising jurisdiction for the application, assess the application against the purposes of the Act to the extent they relate to any of the following—</p> <p>(a) the impacts of the proposed construction or modification on the catchment in which the levee would be, or is, situated;</p> <p>(b) the benefits of the proposed construction or modification for—</p> <p>(i) the individual or entity applying to construct or modify the levee; or</p> <p>(ii) any nearby community;</p>	<p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p> <p>Alternative water source projects</p> <p>Access to and use of water resources</p> <p>Risks to/ associated with water resources</p>	✓		<p>Section 969 requires that development applications must be assessed against the purposes of the Act. As noted above in relation to section 10, the Act supports a broad range of WSC objectives. In theory, these objectives should be accounted for in making assessments under section 969.</p>

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
			<p>(c) the possible adverse impacts of the proposed construction or modification on landholders in the catchment, including the risk of levee failure;</p> <p>(d) the implications of the proposed construction or modification for land planning and emergency management procedures;</p> <p>(e) whether any structural, land planning or emergency management measures could be taken to mitigate the possible adverse impacts of the proposed construction or modification.</p>				
PART 3 - COMPENSATION							
DIVISION 3 - PARTICULAR WATER ACCESS ENTITLEMENT OWNERS							
SUBDIVISION 1 - PRELIMINARY							
		s. 986A	<p>Application of div 3</p> <p>(1) This division applies if—</p> <p>(a) a water access entitlement is regulated under an interim water resource plan or any of the following water resource plans—</p> <p>(i) a designated plan;</p> <p>(ii) a replacement of a designated plan;</p> <p>(iii) if a regulation prescribes that this subsection applies to a particular area, or a particular part of an area—one whose plan area includes the area or part (a prescribed area plan);</p> <p>(iv) a replacement of a water resource plan mentioned in subparagraph (iii) (also a prescribed area plan); and</p> <p>(b) a relevant reduction results in a change to the water access entitlement or the water that may be taken under the entitlement; and</p> <p>(c) the change reduces the entitlement’s value.</p> <p>(2) However, this division does not apply if—</p> <p>(a) the change increases the total amount of water available under the water resource plan resulting in additional water access entitlements being granted; or</p> <p>(b) the change is required to give effect to a court decision; or</p> <p>(c) the plan is a water resource plan and the change is to restore water to the environment because of a natural decrease in water availability within the plan area for the plan, including, for example, because of a decrease resulting from climate change, drought or bush fires; or</p> <p>(d) the relevant reduction is less than 3% and for the environmental update purpose.</p>	Environmental protection	✓		<p>Part 3 specifically contemplates the taking of water for the "environmental update purpose".</p> <p>Under section 984, the <i>environmental update purpose</i> means the purpose of providing additional water to the environment because of new scientific knowledge demonstrating the amount previously allocated to the environment is inadequate.</p> <p>The environmental update purpose could be used to provide environmental protection for water resources.</p>

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
SUBDIVISION 2 - COMPENSATION FOR PARTICULAR CHANGES FOR THE ENVIRONMENTAL UPDATE PURPOSE							
		s. 986B	<p>Compensation entitlement</p> <p>(1) This subdivision applies only if the change is for the environmental update purpose.</p> <p>(2) The owner of the water access entitlement is entitled to be paid reasonable compensation by the State for the relevant reduction, as provided for under this subdivision.</p> <p>(3) However, the compensation entitlement under subsection (2) is subject to any relevant exclusion, limitation or restriction under this subdivision or subdivision 4.</p>	Environmental protection	✓		Part 3 specifically contemplates the taking of water for the "environmental update purpose". Under section 984, the environmental update purpose means the purpose of providing additional water to the environment because of new scientific knowledge demonstrating the amount previously allocated to the environment is inadequate. The environmental update purpose could be used to provide environmental protection for water resources.
DIVISION 4 - MISCELLANEOUS PROVISIONS							
		s. 968J	<p>Making water management plans by declaration</p> <p>(1) The Minister may make a water management plan by declaring, by gazette notice—</p> <p>(a) that a particular instrument forms a water management plan for this section; or</p> <p>(b) that particular instruments are combined to form a water management plan for this section.</p> <p>(2) The making of the water management plan does not affect the existence or operation of the instrument or instruments.</p> <p>(3) Any rights, liabilities, obligations or information under the water management plan are the same as under the instrument or instruments.</p> <p>(4) The water management plan operates as an alternative to the instrument or instruments and does not duplicate any rights, liabilities, obligations or information under the instrument or instruments.</p> <p>(5) In this section— instrument means an instrument under the Act for the management of water resources within the meaning of the Water Act 2007 (Cth), section 242(1) (a).</p>	Conservation and sustainable use of water resources Environmental protection Alternative water source projects	✓		It is possible that water management plans could be used to advance WSC objectives, particularly conservation and sustainable use of water resources, environmental protection and alternative water source projects.
PART 5 – GENERAL PROVISIONS							
		s. 1004	<p>Referral panels established by the Chief Executive</p> <p>(1) The Chief Executive may establish a referral panel to advise on matters about—</p> <p>(a) a draft resource operations plan; or</p> <p>(b) a proposed amendment under section 105 to a resource operations plan; or</p> <p>(c) an amendment under section 106(b) to a resource operations plan; or</p> <p>(d) the granting of a water licence under section 212; or</p> <p>(e) the granting of an application under section 223.</p> <p>(2) The panel must consist of at least 3 individuals and has the functions the Chief Executive decides.</p>	Research and raising awareness	✓		The referral panel that may be established pursuant to section 1004 could be used to undertake research and raise awareness regarding a range of WSC issues and objectives.

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
			<p>(3) A member of the panel may be paid the fees and allowances decided by the Governor in Council.</p> <p>(4) The Chief Executive may make available to the panel the technical, clerical, secretarial or other help the Chief Executive considers necessary for the performance of its functions and the conduct generally of its affairs.</p>				
		s. 1005	<p>Advisory councils</p> <p>(1) The Minister may establish as many advisory councils as the Minister considers appropriate for the administration of this Act, including, for example, for policy recommendations.</p> <p>(2) An advisory council has the functions the Minister decides.</p> <p>(3) A member of an advisory council may be paid the fees and allowances decided by the Governor in Council.</p> <p>(4) The Chief Executive may make available to an advisory council the technical, clerical, secretarial or other help the Chief Executive considers necessary for the performance of its functions and the conduct generally of its affairs.</p>	Research and raising awareness	✓		Advisory councils that may be established pursuant to section 1005 could be used to undertake research and raise awareness regarding a range of WSC issues and objectives.
		s. 1013D	<p>Minister's and Treasurer's power to give joint directions to bulk water supply authority</p> <p>(1) The Minister and Treasurer may give the bulk water supply authority a written joint direction if the Minister and Treasurer are satisfied it is necessary to give the direction—</p> <p>(a) to give effect to this Act; or</p> <p>(b) to facilitate water industry reform in the State; or</p> <p>(c) to ensure a financially viable water industry in the State.</p> <p>(2) The bulk water supply authority must comply with the direction.</p> <p>(3) The Minister must gazette a copy of the direction within 21 days after it is given.</p>	<p>Conservation and sustainable use of water resources</p> <p>Environmental protection</p> <p>Alternative water source projects</p>	✓		<p>Queensland's Bulk Water Supply Authority manages natural and built assets in order to supply water to distributor-retailers, industry and irrigation customers in South East Queensland.</p> <p>It is possible that directions given to the Authority pursuant to section 1013D could be used to further WSC objectives, including conservation and sustainable use of water resources, environmental protection and alternative water source projects.</p>

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
2.	Water Supply (Safety and Reliability) Act 2008	<i>The purpose of this Act is to provide for the safety and reliability of water supply. In particular, it provides the framework to deliver sustainable water planning, allocation, management and supply processes and to ensure improved security of water resources. The Act covers a broad range of issues including supply security, drinking water, recycled water and flood mitigation.</i>					
		CHAPTER 1 – PRELIMINARY					
		PART 3 – PURPOSE OF ACT AND ITS ACHIEVEMENT					
		s. 3	<p>Purpose of Act and its achievement</p> <p>(1) The purpose of this Act is to provide for the safety and reliability of water supply.</p> <p>(2) The purpose is achieved primarily by—</p> <p>(a) providing for—</p> <p>(i) a regulatory framework for providing water and sewerage services in the State, including functions and powers of service providers; and</p> <p>(ii) a regulatory framework for providing recycled water and drinking water quality, primarily for protecting public health; and</p> <p>(iii) the regulation of referable dams; and</p> <p>(iv) flood mitigation responsibilities; and</p> <p>(b) protecting the interests of customers of service providers.</p>	Alternative water source projects Supply of water Risks to/ associated with water resources Risks to health Flooding	✓		The statement of purpose of the Act in section 3 indicates that the Act is broadly supportive of WSC objectives and initiatives, particularly: <ul style="list-style-type: none"> • Alternative water source projects – s.3(2)(ii); • Protection against risks associated with water sources - s.3(2)(ii); and • Protection against flooding s.3(2)(iv).
		CHAPTER 2 – INFRASTRUCTURE AND SERVICE					
		PART 2 – THE REGULATOR					
		s. 12A	<p>Register of registered recycled water schemes</p> <p>(1) The regulator must keep a register of registered recycled water schemes.</p> <p>(2) The register may be kept in the form, including electronic form, the regulator considers appropriate.</p> <p>(3) The register must contain the following information for each registered recycled water scheme—</p> <p>(a) the scheme’s name and contact details;</p> <p>(b) the name of—</p> <p>(i) for a single-entity recycled water scheme—the recycled water provider for the scheme; and</p> <p>(ii) for a multiple-entity recycled water scheme—</p> <p>(A) the scheme manager; and</p> <p>(B) each recycled water provider; and</p> <p>(C) any other declared entities;</p> <p>(c) the location of the infrastructure for the production or supply of recycled water under the scheme;</p> <p>(d) the source water used for the production or supply of recycled water under the scheme;</p> <p>(e) the uses for the recycled water supplied under the scheme.</p> <p>(4) The register may also contain any other particulars the regulator considers necessary.</p>	Alternative water source projects Supply of water Risks to/ associated with water resources Risks to health	?	?	The reference to recycled water schemes indicates that alternative water source projects are supported. However, the requirement to register such schemes may act as a disincentive for possible investors in such schemes.

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
			(5) The regulator— (a) must publish on the department’s website a list of registered recycled water schemes and the information mentioned in subsection (3)(b) for each scheme; and (b) may publish any other information mentioned in subsection (3).				
		s. 14	Reports and other publications by regulator (1) The regulator may prepare reports under this part about the regulator’s activities. (2) The regulator may— (a) include in a report any information the regulator obtains under this Act (relevant information); and (b) publish relevant information by way of television, newspaper, radio, the internet or another form of communication. (3) However, subsection (2) does not apply to— (a) personal information under the Information Privacy Act 2009, other than information identifying an individual as a service provider; or (b) information that, under section 580, the regulator must take all reasonable steps to ensure not to disclose.	Alternative water source projects Supply of water Risks to/ associated with water resources Risks to health	?	?	The reference to recycled water schemes indicates that alternative water source projects are supported. However, section 14 may provide a basis for "naming and shaming" in cases where the risks associated with an alternative water source project are unduly high.
PART 3 – SERVICE PROVIDERS							
DIVISION 3 – POWER TO RESTRICT WATER SUPPLY							
		s. 41	Restricting water supply (1) If a water service provider considers it necessary, the water service provider may restrict— (a) the volume of water taken by or supplied to a customer or type of customer; or (b) the hours when water may be used on premises for stated purposes; or (c) the way water may be used on premises. (2) The water service provider may impose a restriction under subsection (1) (a service provider water restriction) only if— (a) there is an urgent need for the service provider water restriction; or (b) the available water supply has fallen to a level at which unrestricted use of the water is not in the public interest; or (c) the service provider has a reasonable and comprehensive strategy for demand management for water and the restriction is essential to ensure the aims of the strategy are met; or (d) the Minister has published a notice under the Water Act, section 22, or a regulation has been made under the Water Act, section 23, and the restriction is for the purposes of the notice or regulation; or	Conservation and sustainable use of water resources	✓		The restriction of water supply pursuant to section 41 could be used to help reduce consumption and, thereby, support conservation and sustainable use of water resources.

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			<p>(e) the water service provider is directed, under a water supply emergency declaration, a water supply emergency regulation or an approved water supply emergency response, to impose the restriction; or</p> <p>(f) the water service provider is directed by the regulator, under section 42(2), to impose the restriction.</p> <p>(3) A water service provider may apply a restriction imposed under subsection (1) to water taken from a rainwater tank connected to the service provider's reticulated supply.</p> <p>(4) However, a restriction imposed under subsection (1) must be consistent with conditions contained in the service provider's resource operations licence, interim resource operations licence, water licence or water allocation, relating to the supply of the water.</p> <p>(5) A restriction may provide an exemption from all or part of the restriction.</p> <p>(6) In this section, the power to restrict includes the power to prohibit.</p>				
		s. 42	<p>Regulator may direct restriction</p> <p>(1) This section applies if the regulator considers—</p> <p>(a) there is a significant threat to sustainable and secure water supply in an area; and</p> <p>(b) it is necessary or desirable to impose a restriction under section 41 on the area or another area.</p> <p>(1A) To remove any doubt, it is declared that the regulator may direct a service provider for an area not under an immediate significant threat to sustainable and secure water supply to impose a restriction if the regulator considers the restriction is necessary or desirable because of a significant threat to sustainable and secure water supply in another area.</p> <p>Example—</p> <p>The regulator may direct the Gold Coast City Council to impose a restriction if another area in the SEQ region is facing a significant threat to its water supply and water from the Hinze Dam is needed for the other area.</p> <p>(2) The regulator may, after consultation with the water service provider for the area or the other area, direct the water service provider to—</p> <p>(a) impose a restriction, under section 41, in the area or the other area within a stated period; and</p> <p>(b) provide a written response to the regulator, within a stated period, stating the steps the water service provider intends to take to ensure the restriction is complied with.</p> <p>(3) A service provider to whom a direction is given under subsection (2) must comply with the direction.</p> <p>Maximum penalty—200 penalty units.</p>	Conservation and sustainable use of water resources	✓		The restriction of water supply pursuant to section 42 could be used to help reduce consumption and, thereby, support conservation and sustainable use of water resources. Section 42 specifically notes that a restriction may be necessary due to a "significant threat to sustainable and secure water supply".



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			<p>(4) If the regulator is satisfied the response is adequate to ensure compliance with the restriction, the regulator must—</p> <p>(a) approve the response; and</p> <p>(b) give the service provider notice of the approval.</p> <p>(5) If the regulator is not satisfied the response is adequate to ensure compliance with the restriction, the regulator must—</p> <p>(a) change the response to make it adequate; and</p> <p>(b) approve the changed response; and</p> <p>(c) give the service provider notice of the approval.</p> <p>(6) A service provider must comply with the approved response by taking the steps stated in the response for ensuring the restriction is complied with.</p> <p>Maximum penalty for subsection (6)—200 penalty units.</p>				
DIVISION 6 – WATER EFFICIENCY MANAGEMENT PLANS							
		s. 50	<p>Purpose of Division 6</p> <p>The purpose of this division is to promote water savings by non-residential customers.</p>	Conservation and sustainable use of water resources	✓		The promotion of water savings by non-residential customers helps to support conservation and sustainable use of water resources.
		s. 52	<p>When water efficiency management plan may be required</p> <p>(1) The Chief Executive may, by written direction, require a water service provider to give a customer, or type of customer, a written notice—</p> <p>(a) to prepare a plan (a water efficiency management plan); and</p> <p>(b) to give it to the water service provider within the reasonable period stated by the Chief Executive.</p> <p>(2) The water service provider must comply with the direction.</p> <p>Maximum penalty—500 penalty units.</p> <p>(3) A water service provider may, without direction, give a customer, or type of customer, a written notice—</p> <p>(a) to prepare a plan (also a water efficiency management plan); and</p> <p>(b) to give it to the water service provider within the reasonable period stated by the water service provider.</p> <p>(4) The customer must comply with a notice given by the water service provider under subsection (1) or (3).</p> <p>Maximum penalty—500 penalty units.</p> <p>(5) A plan prepared as a water efficiency management plan under a requirement of a service provider water restriction is also a water efficiency management plan for this section.</p> <p>(6) This division applies to the preparation and approval of a plan mentioned in subsection (1), (3) or (5).</p>	Conservation and sustainable use of water resources	✓		Water efficiency management plans can be used to support conservation and sustainable use of water resources.

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		s. 53	<p>Content of water efficiency management plan</p> <p>(1) A water efficiency management plan prepared under section 52(1) must comply with any guidelines made by the Chief Executive for preparing the plan.</p> <p>(2) A water efficiency management plan prepared under section 52(3) must comply with—</p> <p>(a) any guidelines made by the Chief Executive for preparing the plan; or</p> <p>(b) if the Chief Executive has not made any guidelines—any guidelines made by the water service provider for preparing the plan.</p> <p>(3) A water efficiency management plan must also state the following—</p> <p>(a) the name of the customer and the location where the plan applies;</p> <p>(b) an outline of the customer’s current water use at the location and the source of the water used;</p> <p>(c) the water savings and efficiencies that will be achieved by implementing the plan;</p> <p>(d) the time frames for implementing the plan.</p>	Conservation and sustainable use of water resources	✓		Water efficiency management plans can be used to support conservation and sustainable use of water resources.
		s. 56	<p>Reporting under water efficiency management plan</p> <p>(1) A customer to whom an approved water efficiency management plan applies must give the water service provider a written report each year advising—</p> <p>(a) the extent to which the plan has been implemented; and</p> <p>(b) the water savings and efficiencies achieved by implementing the plan; and</p> <p>(c) any change of circumstances in relation to the matters mentioned in section 57(1)(a).</p> <p>Maximum penalty—100 penalty units.</p> <p>(2) The report must be given within 10 business days after the anniversary day for the plan.</p> <p>(3) The Chief Executive may at any time ask a water service provider to give the Chief Executive—</p> <p>(a) a copy of an approved water efficiency management plan; or</p> <p>(b) information about a plan that has not yet been approved; or</p> <p>(c) a report summarising progress by the water service provider’s customers in achieving water savings and efficiencies.</p> <p>(4) The water service provider must comply with the request within 20 business days.</p> <p>Maximum penalty for subsection (4)—100 penalty units.</p>	Conservation and sustainable use of water resources	✓		Water efficiency management plans (including reporting obligations under such plans) can be used to support conservation and sustainable use of water resources.



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DIVISION 7 – MISCELLANEOUS							
		s. 62	No charge for water in rainwater tank A service provider must not make a charge for water that— (a) has been collected from a roof; and (b) is in, or taken from, a rainwater tank.	Conservation and sustainable use of water resources Alternative water source projects	✓		The specific provision stating that water in rainwater tanks may not be the subject of a charge by water service providers could help to support on-site collection of rainwater for re-use, which will help to alleviate pressure on potable sources of water.
PART 4 – SERVICE PROVIDER OBLIGATIONS							
DIVISION 1 – DRINKING WATER QUALITY MANAGEMENT							
SUBDIVISION 1 – OFFENCES							
		s. 92	Offence to carry out drinking water service without approved drinking water quality management plan A drinking water service provider must not carry out a drinking water service unless there is an approved drinking water quality management plan for the drinking water service. Maximum penalty—1665 penalty units. Note — This provision is an executive liability provision—see section 487.	Alternative water source projects Risks to/ associated with water resources Risks to health		✓	The requirement to have an approved drinking water quality management plan (and associated penalties) could discourage alternative water source projects that are aimed at providing alternative potable water sources, depending upon requirements regarding the management of risks.
		s. 93	Offence about compliance with drinking water quality management plan A drinking water service provider who has an approved drinking water quality management plan must comply with— (a) the plan; and (b) the conditions of the plan. Maximum penalty—1665 penalty units. Note— If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 487A, to have also committed the offence.	Alternative water source projects Risks to/ associated with water resources Risks to health		✓	The requirement to have an approved drinking water quality management plan (and associated penalties) could discourage alternative water source projects that are aimed at providing alternative potable water sources, depending upon requirements regarding the management of risks.
SUBDIVISION 2 – DRINKING WATER QUALITY MANAGEMENT PLANS							
		s. 94	Purpose of drinking water quality management plan The purpose of a drinking water quality management plan is to protect public health.	Alternative water source projects Risks to/ associated with water resources Risks to health		✓	The requirement to have an approved drinking water quality management plan to protect public health could discourage alternative water source projects that are aimed at providing alternative potable water sources, depending upon requirements regarding the management of risks.
		s. 98	Consideration of application (1) The regulator must consider each application and decide to approve, with or without conditions, or refuse to approve, the drinking water quality management plan— (a) if an information requirement is not made in relation to the plan—within 3 months after receiving the plan; or (b) if an information requirement is made in relation to the plan—within 3 months after the requirement has been complied with.	Alternative water source projects Risks to/ associated with water resources Risks to health		✓	The conditions attached to approval of a drinking water quality management plan could discourage alternative water source projects that are aimed at providing alternative potable water sources, depending upon requirements regarding the management of risks.

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			<p>(2) In considering an application, the regulator must have regard to the following—</p> <p>(a) the drinking water quality management plan and any additional information about the plan given to the regulator under section 96;</p> <p>(b) the guidelines, if any, made by the regulator about preparing the plan;</p> <p>(c) any advice obtained by the regulator under section 97;</p> <p>(d) the water quality criteria for drinking water.</p>				
SUBDIVISION 3 – REPORTING REQUIREMENTS							
		s. 102	<p>Notice of noncompliance with water quality criteria</p> <p>(1) This section applies if the drinking water service provider becomes aware that the quality of water supplied from the provider’s drinking water service does not comply with the water quality criteria relating to the service.</p> <p>(2) The drinking water service provider must, unless the provider has a reasonable excuse, immediately inform the regulator of the noncompliance and the circumstances that gave rise to the noncompliance.</p> <p>Maximum penalty—1665 penalty units.</p> <p>Note—</p> <p>If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 487A, to have also committed the offence.</p> <p>(3) The drinking water service provider must, unless the provider has a reasonable excuse, give the regulator notice of the following in the approved form as soon as practicable—</p> <p>(a) the noncompliance and the circumstances that gave rise to the noncompliance;</p> <p>(b) any action taken, or to be taken, by the provider to correct the noncompliance;</p> <p>(c) the measures the provider will take to prevent the noncompliance in the future.</p> <p>Maximum penalty for subsection (3)—200 penalty units.</p> <p>Note—</p> <p>If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 487A, to have also committed the offence.</p>	<p>Alternative water source projects</p> <p>Risks to/ associated with water resources</p> <p>Risks to health</p>		✓	The requirement to comply with water quality criteria (and associated reporting obligations and penalties) could discourage alternative water source projects that are aimed at providing alternative potable water sources, depending upon requirements regarding the management of risks.
SUBDIVISION 3 – MISCELLANEOUS							
		s. 103	<p>Requirement about giving water quality information</p> <p>(1) This section applies if a drinking water service provider obtains water for the provider’s drinking water service from a water storage or other infrastructure that is not part of a water service for which there is a drinking water quality management plan.</p>	<p>Alternative water source projects</p> <p>Risks to/ associated with water resources</p> <p>Risks to health</p>		✓	The requirement to provide information regarding water quality (and associated penalties) could discourage alternative water source projects that are aimed at providing alternative potable water sources, depending upon requirements regarding the management of risks.

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			<p>(2) The drinking water service provider may, by notice given to the owner of the water storage or other infrastructure, ask the owner to give the drinking water service provider the information reasonably required by the provider about the quality of water in the water storage or infrastructure.</p> <p>(3) The notice must—</p> <p>(a) include enough details about the information reasonably required to enable the owner of the water storage or other infrastructure to comply with the request; and</p> <p>(b) state the reasonable period within which the information must be given.</p> <p>(4) The owner of the water storage or other infrastructure must comply with the notice, unless the owner has a reasonable excuse.</p> <p>Maximum penalty—500 penalty units.</p> <p>(5) The owner of the water storage or other infrastructure may recover from the drinking water service provider the reasonable costs incurred by the owner in obtaining the information.</p> <p>(6) The owner of the water storage or other infrastructure may recover, as a debt due to the owner, any amount the owner is entitled to recover under subsection (5).</p>				
		s. 104	<p>Requirement about operation of drinking water service</p> <p>A drinking water service provider must ensure that there are persons engaged in the operation of the provider’s drinking water service who have the qualifications or experience prescribed under a regulation for section 586(2)(d)(i).</p> <p>Maximum penalty—1665 penalty units.</p>		✓		<p>section 586(2)(d) states as follows:</p> <p>A regulation may prescribe the qualifications or experience necessary for particular persons engaged in—</p> <p>(i) the operation of a drinking water service; or</p> <p>(ii) the production or supply of recycled water by a recycled water provider.</p> <p>The requirement to engage suitably qualified persons to operate a drinking water service (and associated penalties) could discourage alternative water source projects that are aimed at providing alternative potable water sources, depending upon requirements regarding the management of risks.</p>
DIVISION 2 – AUDIT REPORTS AND REVIEWS							
		s. 108	<p>Ensuring audits of drinking water quality management plan</p> <p>(1) A service provider must ensure someone other than the provider does the following, unless the provider has a reasonable excuse—</p> <p>(a) audits its drinking water quality management plan at the intervals stated in a notice given to the provider under section 99;</p> <p>(b) prepares a report (a drinking water quality management plan audit report) complying with this section about each of the audits;</p>	<p>Alternative water source projects</p> <p>Risks to/ associated with water resources</p> <p>Risks to health</p>	✓		<p>The requirement to ensure audits of drinking water quality management plans (and associated penalties) could discourage alternative water source projects that are aimed at providing alternative potable water sources, depending upon requirements regarding the management of risks.</p>

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			<p>(c) gives the regulator each report within 30 business days after the relevant audit is completed.</p> <p>Maximum penalty—500 penalty units.</p> <p>(2) The auditor—</p> <p>(a) can not be an employee of the provider or employed in operating its infrastructure; and</p> <p>(b) must—</p> <p>(i) be certified under the Drinking Water-Quality Management System Auditor Certification Scheme to conduct an audit of the type to which the audit and report relates; or</p> <p>(ii) have a qualification the regulator is satisfied is at least equivalent to the certification.</p> <p>(3) The reports must—</p> <p>(a) verify whether or not the monitoring and performance data given to the regulator under the plan is accurate; and</p> <p>(b) assess—</p> <p>(i) the provider’s compliance with the plan and its conditions; and</p> <p>(ii) the plan’s relevance to the provider’s drinking water service; and</p> <p>(c) be prepared in accordance with any guidelines made by the regulator.</p>				
DIVISION 5 – REPORTING FOR PARTICULAR FINANCIAL YEARS							
		s. 142	<p>Drinking water quality management plan reports</p> <p>(1) This section applies for each financial year after a financial year in which a relevant service provider’s drinking water quality management plan has been approved.</p> <p>(2) The provider must, unless the provider has a reasonable excuse—</p> <p>(a) prepare a report (a drinking water quality management plan report) for the financial year complying with this section and, if section 142C(2) applies to the provider, that subsection; and</p> <p>(b) give the regulator a copy of the report within 120 business days after the financial year ends.</p> <p>Maximum penalty—500 penalty units.</p> <p>(3) The report must state or include all of the following—</p> <p>(a) the information required under the latest report requirement given to the provider;</p> <p>(b) the actions the provider took to implement the plan;</p> <p>(c) the outcome of any review of the plan in the financial year and how the provider has addressed matters raised in the review;</p> <p>(d) if a drinking water quality management plan audit report has been prepared for the financial year—a summary of its findings and any recommendations;</p>	Alternative water source projects Risks to/ associated with water resources Risks to health	✓	The requirement to prepare a drinking water quality management plan report (and associated penalties) could discourage alternative water source projects that are aimed at providing alternative potable water sources, depending upon requirements regarding the management of risks.	

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			(e) details of any information the provider gave the regulator under sections 102 and 102A in the financial year; (f) details of the provider’s compliance with water quality criteria for drinking water; (g) if the provider supplies drinking water to customers—details of any complaints to the provider about the provider’s drinking water service.				
PART 6 – TRADE WASTE AND SEEPAGE WATER APPROVALS							
		s. 180	<p>Approvals for discharge of trade waste and seepage water</p> <p>(1) A sewerage service provider may give a person 1 or both of the following approvals (each an approval) for the sewerage service provider’s sewerage infrastructure—</p> <p>(a) an approval (a trade waste approval) to discharge trade waste into the sewerage infrastructure;</p> <p>(b) an approval (a seepage water approval) to discharge seepage water into the sewerage infrastructure, other than seepage water from mining activities, or petroleum activities, within the meaning of the Environmental Protection Act 1994.</p> <p>(2) However, an approval can not be given if the regulator has given the sewerage service provider a regulator notice prohibiting the provider from giving that type of approval.</p> <p>(3) Before giving an approval, the sewerage service provider must consider the effect of the proposed discharge on any existing or potential re-use of waste water or sludge.</p> <p>(4) The sewerage service provider may give an approval only if the sewerage service provider is satisfied—</p> <p>(a) having regard to the amount, type and strength of the proposed discharge, the discharge will not harm the sewerage or the health and safety of anyone working on the sewerage; and</p> <p>(b) the sewage treatment plant to treat the discharge is capable of treating the discharge to an acceptable standard.</p> <p>(5) Also, if the sewerage service provider has a trade waste plan, the provider may give a trade waste approval only if satisfied the proposed discharge into the sewerage is consistent with the plan.</p> <p>(6) In this section—</p> <p>sludge means semi-liquid solids settled from sewage in septic tanks, arresters and sewage treatment plants.</p> <p>trade waste plan, for a sewerage service provider, means a plan to manage and control trade waste entering into the provider’s sewerage.</p> <p>waste water means the spent or used water of a community or industry that contains dissolved or suspended matter.</p>	Alternative water source projects	?	?	Sewage and trade waste could potentially be utilised in the context of alternative water source projects. Section 180 (and other relevant provisions in the Act) do not explicitly support this. Nevertheless, it is difficult to determine whether this absence could facilitate or hinder the uptake of alternative water source projects that use sewage or trade waste as an input.

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PART 7 – OFFENCES							
		s. 191	<p>Connecting to or disconnecting from service provider’s infrastructure without approval</p> <p>A person must not, without the written consent of a service provider, connect to, or disconnect from, the service provider’s infrastructure.</p> <p>Maximum penalty—1000 penalty units.</p>	Alternative water source projects	?	?	Demanding connection requirements that may be imposed by service providers in relation to alternative water source projects that depend upon such connection could act as a disincentive to the uptake of alternative water source projects.
		s. 193	<p>Discharging particular substances</p> <p>(1) A person must not discharge trade waste or seepage water into a sewerage service provider’s infrastructure without the sewerage service provider’s approval under section 180.</p> <p>Maximum penalty—1665 penalty units.</p> <p>Note—</p> <p>A sewerage service provider can not give a person an approval, under section 180, to discharge seepage water from a mining activity or petroleum activity, within the meaning of the Environmental Protection Act 1994, into sewerage infrastructure.</p> <p>(2) A person must not discharge a prohibited substance, surface water, soil, sand or rock into a service provider’s infrastructure.</p> <p>Maximum penalty—1665 penalty units.</p> <p>(3) A person must not discharge water from an ornamental pond, a swimming pool or the filtration system of a swimming pool into a service provider’s infrastructure without the written consent of the service provider.</p> <p>Maximum penalty—500 penalty units.</p>	Alternative water source projects	?	?	Demanding requirements that may be imposed by service providers in relation to the discharge of trade waste into sewerage infrastructure could act as a disincentive to the recycling / reuse of trade waste.
		s. 194	<p>Polluting water</p> <p>A person must not do anything likely to pollute water in a service provider’s water service.</p> <p>Maximum penalty—1000 penalty units.</p>	Environmental protection Risks to/ associated with water sources	✓		Section 194 provides clear support for the protection of certain water sources from pollution.
CHAPTER 3 – RECYCLED WATER MANAGEMENT							
PART 1A – RECYCLED WATER SCHEMES							
DIVISION 1 – REGISTRATION							
		s. 196AA	<p>Requirement to seek registration</p> <p>(1) The relevant entity for a recycled water scheme must apply for registration of the scheme before the deadline.</p> <p>Maximum penalty—500 penalty units.</p> <p>(2) In this section—</p> <p>deadline, for a relevant entity for a recycled water scheme, means—</p> <p>(a) if an entity must have an approved recycled water management plan for the scheme under section 196— before supplying recycled water under the scheme; or</p> <p>(b) otherwise—the day that is 3 months after first supplying recycled water under the scheme.</p> <p>Note—</p> <p>For recycled water schemes in existence before the commencement of this section, the deadline is 1 July 2014. See section 664.</p>	Alternative water source projects Risks to/ associated with water resources Risks to health		✓	The requirement to register recycled water schemes (and the associated penalties) could discourage alternative water source projects that involve recycled water, depending upon requirements regarding the management of risks.

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					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
PART 1 – PARTICULAR OFFENCES							
		s. 196	<p>Offence about supplying recycled water without approved recycled water management plan</p> <p>(1) This section applies for a supply of recycled water under a recycled water scheme if—</p> <p>(a) the scheme is a critical recycled water scheme; or</p> <p>(b) the recycled water is supplied to augment a supply of drinking water; or</p> <p>(c) the recycled water is supplied to premises by way of a dual reticulation system; or</p> <p>(d) the recycled water is supplied for use in irrigating minimally processed food crops; or</p> <p>(e) the recycled water is supplied for a use prescribed under a regulation.</p> <p>(2) The recycled water provider for a single-entity recycled water scheme must not supply the recycled water under the scheme, unless there is an approved recycled water management plan for the supply of the water.</p> <p>Maximum penalty—1665 penalty units.</p> <p>(3) A recycled water provider or other declared entity for a multiple-entity recycled water scheme must not supply the recycled water under the scheme, unless there is an approved recycled water management plan for the supply of the water.</p> <p>Maximum penalty—1665 penalty units.</p> <p>(4) In this section—</p> <p>minimally processed food crops means crops stated to be minimally processed food crops, in relation to using recycled water to irrigate the crops, in a regulation under the Public Health Act about standards for the quality of recycled water.</p>	Alternative water source projects Risks to/ associated with water resources Risks to health		✓	The requirement to have an approved recycled water management plan (and the associated penalties) could discourage alternative water source projects that involve recycled water, depending upon requirements regarding the management of risks.
		s. 197	<p>Offences about compliance with recycled water management plan</p> <p>(1) This section applies for an approved recycled water management plan only if a recycled water provider is required to have the plan under section 196(2) or (3).</p> <p>(2) A recycled water provider who has an approved recycled water management plan for the provider’s single-entity recycled water scheme must comply with—</p> <p>(a) the plan; and</p> <p>(b) the conditions of the plan.</p> <p>Maximum penalty—1665 penalty units.</p> <p>Note— If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 487A, to have also committed the offence.</p> <p>(3) The scheme manager and each recycled water provider or other declared entity for a multiple-entity recycled water scheme must comply with—</p>	Alternative water source projects Risks to/ associated with water resources Risks to health		✓	The requirement to comply with an approved recycled water management plan (and the associated penalties) could discourage alternative water source projects that involve recycled water, depending upon requirements regarding the management of risks.

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
			<p>(a) the approved recycled water management plan for the scheme to the extent it applies to the scheme manager, recycled water provider or other entity; and</p> <p>(b) the conditions of the plan to the extent the conditions apply to the scheme manager, recycled water provider or other entity.</p> <p>Maximum penalty—1665 penalty units.</p> <p>Note— If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 487A, to have also committed the offence.</p>				
PART 2 – RECYCLED WATER MANAGEMENT PLANNING							
		s. 200	<p>Purpose of recycled water management plan</p> <p>The purposes of a recycled water management plan are—</p> <p>(a) if the plan is for a critical recycled water scheme—</p> <p>(i) to protect public health; and</p> <p>(ii) if applicable, to ensure the continuity of operation of the scheme; or</p> <p>(b) otherwise—to protect public health.</p>	<p>Alternative water source projects</p> <p>Risks to/ associated with water resources</p> <p>Risks to health</p>		✓	The requirement to have an approved recycled water management plan (and the associated penalties) could discourage alternative water source projects that involve recycled water, depending upon requirements regarding the management of risks.
		s. 201	<p>Content of particular plans</p> <p>(1) A recycled water management plan must—</p> <p>(a) describe the recycled water scheme to which the plan relates; and</p> <p>(b) include details of the infrastructure for the production or supply of recycled water under the scheme, and how the infrastructure is to be maintained; and</p> <p>(c) include the proposed water quality criteria for recycled water for the plan; and</p> <p>(d) identify the hazards and hazardous events that may affect the quality of the recycled water; and</p> <p>(e) include an assessment of the risks posed by the hazards and hazardous events; and</p> <p>(f) demonstrate how the risks posed by the hazards and hazardous events are proposed to be managed; and</p> <p>(g) include details of the operational and verification monitoring programs under the plan, including the parameters to be used for indicating compliance with the plan and the water quality criteria for recycled water for the plan; and</p> <p>(h) include the incident and emergency response plan for the scheme; and</p> <p>(i) if recycled water is supplied under the recycled water scheme to premises by way of a dual reticulation system—include details of an education and risk awareness program for customers of the scheme.</p>	<p>Alternative water source projects</p> <p>Risks to/ associated with water resources</p> <p>Risks to health</p>		✓	The requirement to have an approved recycled water management plan (and the associated penalties) could discourage alternative water source projects that involve recycled water, depending upon requirements regarding the management of risks.



ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
			<p>(2) Also, a recycled water management plan for a multiple-entity recycled water scheme must include—</p> <p>(a) a scheme manager plan prepared by the scheme manager for the scheme; and</p> <p>(b) each scheme provider plan prepared by each recycled water provider and other declared entity for the scheme.</p> <p>(3) A recycled water management plan, scheme manager plan and scheme provider plan must be prepared in accordance with any guidelines made by the regulator about—</p> <p>(a) preparing recycled water management plans; and</p> <p>(b) validating recycled water schemes.</p>				
		s. 205	<p>Consideration of application</p> <p>(1) The regulator must consider each application and decide to approve, with or without conditions (regulator conditions), or refuse to approve, the recycled water management plan—</p> <p>(a) if an information requirement is not made in relation to the plan—within 80 business days after receiving the plan; or</p> <p>(b) if an information requirement is made in relation to the plan—within 80 business days after the requirement has been complied with.</p> <p>(2) In considering an application, the regulator must have regard to the following—</p> <p>(a) the recycled water management plan and any additional information about the plan given to the regulator under section 203;</p> <p>(b) the guidelines, if any, made by the regulator about preparing recycled water management plans and validating recycled water schemes;</p> <p>(c) the approved validation program for the recycled water scheme to which the plan relates, if the scheme involves the supply of recycled water to augment a supply of drinking water;</p> <p>(d) any advice obtained by the regulator under section 204;</p> <p>(e) the water quality criteria for recycled water.</p>	<p>Alternative water source projects</p> <p>Risks to/ associated with water resources</p> <p>Risks to health</p>		✓	<p>The requirement to have an approved recycled water management plan (and the associated conditions and penalties) could discourage alternative water source projects that involve recycled water, depending upon requirements regarding the management of risks.</p>
PART 4 – VALIDATION PROGRAMS							
		s. 235	<p>Application of Part 4</p> <p>This part applies to a recycled water scheme if recycled water is proposed to be supplied under the scheme to augment a supply of drinking water.</p>	<p>Alternative water source projects</p> <p>Supply of water</p>	?	?	<p>Section 235 contemplates the use of recycled water to augment drinking water supplies. The extent to which this is practically possible and commercially viable will depend upon water quality requirements (see below).</p>

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
		s. 236	<p>Preparing validation program</p> <p>(1) If the recycled water scheme is a single-entity recycled water scheme, the recycled water provider for the scheme must prepare a validation program for the scheme for approval by the regulator.</p> <p>(2) If the recycled water scheme is a multiple-entity recycled water scheme, the scheme manager and each declared entity for the scheme must prepare a validation program for the scheme for approval by the regulator.</p> <p>(3) The validation program must—</p> <p>(a) describe the recycled water scheme to which the program relates; and</p> <p>(b) describe the infrastructure for the production and supply of recycled water under the scheme; and</p> <p>(c) be prepared in accordance with the guidelines, if any, made by the regulator about validating recycled water schemes.</p>	Alternative water source projects Supply of water	?	?	Section 235 contemplates the use of recycled water to augment drinking water supplies. The extent to which this is practically possible and commercially viable will depend upon the requirements of the validation program.
PART 6 – REVIEWS AND AUDITS OF RECYCLED WATER MANAGEMENT PLANS							
		s. 258	<p>Reviewing recycled water management plans</p> <p>(1) The recycled water provider for a single-entity recycled water scheme must review the approved recycled water management plan for the scheme at the intervals for conducting regular reviews stated in the notice about the plan given under section 206(2). Maximum penalty—500 penalty units.</p> <p>(2) The scheme manager for a multiple-entity recycled water scheme must arrange for a review of the approved recycled water management plan for the scheme at the intervals for conducting regular reviews stated in the notice about the plan given under section 206(2). Maximum penalty—500 penalty units.</p> <p>(3) The purpose of a review mentioned in subsection (1) or (2) is to ensure the recycled water management plan remains relevant having regard to—</p> <p>(a) the operation of the recycled water scheme to which it relates; and</p> <p>(b) the water quality criteria for recycled water relevant to the scheme; and</p> <p>(c) best practice industry standards for the production and supply of recycled water.</p>	Alternative water source projects Risks to/ associated with water resources Risks to health		✓	The requirement to review and arrange audits of recycled water management plan (and the associated penalties) could discourage alternative water source projects that involve recycled water, depending upon requirements regarding the management of risks. Note: sections 259-263 audit reports for recycled water management plans (similar to provisions for audits of drinking water quality management plans).

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
PART 7 – REPORTING REQUIREMENTS							
DIVISION 1 – NOTICES TO BE GIVEN							
		s. 270	<p>Notice of noncompliance with water quality criteria</p> <p>(1) This section applies if a scheme manager, a recycled water provider or other declared entity, for a recycled water scheme (the alerting entity) becomes aware that the quality of recycled water produced or supplied under the recycled water scheme for the entity does not comply with the water quality criteria for the recycled water relevant to the scheme.</p> <p>(2) The alerting entity must, unless the entity has a reasonable excuse, immediately inform each of the following of the noncompliance and the circumstances that gave rise to the noncompliance—</p> <p>(a) the regulator;</p> <p>(b) if another entity is the responsible entity for the noncompliance—the responsible entity.</p> <p>Maximum penalty—1665 penalty units.</p> <p>Note— If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 487A, to have also committed the offence.</p> <p>(3) Subsection (4) applies—</p> <p>(a) if the alerting entity is also the responsible entity for the noncompliance—as soon as practicable after the noncompliance; or</p> <p>(b) otherwise—as soon as practicable after the alerting entity informs the responsible entity under subsection (2).</p> <p>(4) The responsible entity for the noncompliance must, unless the entity has a reasonable excuse, give the regulator notice of the following in the approved form—</p> <p>(a) the noncompliance and the circumstances that gave rise to the noncompliance;</p> <p>(b) any action taken, or to be taken, by the entity to correct the noncompliance;</p> <p>(c) the measures the entity will take to prevent the noncompliance in the future.</p> <p>Maximum penalty—200 penalty units.</p> <p>Note— If a corporation commits an offence against this provision, an executive officer of the corporation may be taken, under section 487A, to have also committed the offence.</p> <p>(5) In this section—</p> <p>responsible entity, for a noncompliance, means the scheme manager, recycled water provider or other declared entity, for a recycled water scheme that is responsible for taking any action to correct the noncompliance.</p>	Alternative water source projects Risks to/ associated with water resources Risks to health	✓	The requirement to comply with water quality criteria (and associated reporting obligations and penalties) could discourage recycled water schemes, depending upon requirements regarding the management of risks.	

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
DIVISION 2 – ANNUAL REPORTS							
		s. 273	<p>Annual reporting requirement</p> <p>(1) The relevant entity for a recycled water scheme must prepare an annual report for each financial year after a recycled water management plan for the scheme has been approved.</p> <p>(2) The annual report must—</p> <p>(a) be prepared in accordance with the guidelines, if any, made by the regulator about the preparation of annual reports; and</p> <p>(b) state the outcome of any review of the recycled water management plan in the financial year to which the annual report relates, and how the matters raised in the review have been addressed; and</p> <p>(c) contain details of the findings of, and any recommendations stated in, an internal audit report under section 260 or a regular audit report under section 261 given to the regulator in the financial year; and</p> <p>(d) contain details of the information given to the regulator under section 270 or 271 in the financial year.</p> <p>(3) The relevant entity must give a copy of the annual report to the regulator within 120 business days after the end of the financial year.</p> <p>Maximum penalty—500 penalty units.</p> <p>(4) If a relevant entity is a recycled water provider for a single entity recycled water scheme, the annual report may be combined with a report given to the regulator under section 141.</p>	Alternative water source projects Risks to/ associated with water resources Risks to health		✓	The requirement to prepare annual reports regarding recycled water schemes (and associated penalties) could discourage recycled water schemes, depending upon requirements regarding the management of risks.
DIVISION 3 – PUBLIC REPORTS							
		s. 274	<p>Public reporting requirement</p> <p>(1) This section applies if recycled water is supplied under—</p> <p>(a) a recycled water scheme to augment a supply of drinking water; or</p> <p>(b) a recycled water scheme to premises by way of a dual reticulation system.</p> <p>(2) The relevant entity for the recycled water scheme must, for each reporting period, prepare and make publicly available a report about the scheme (a public report) in compliance with subsection (6).</p> <p>Maximum penalty—500 penalty units.</p> <p>(3) The relevant entity must comply with subsection (2) unless the relevant entity has a reasonable excuse.</p> <p>(4) It is not a reasonable excuse for subsection (2) that the public report may tend to incriminate the relevant entity.</p>	Alternative water source projects Risks to/ associated with water resources Risks to health		✓	The requirement to prepare public reports regarding recycled water schemes (and associated penalties) could discourage recycled water schemes, depending upon requirements regarding the management of risks.

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
			<p>(5) However, if the relevant entity is an individual, evidence of, or evidence directly or indirectly derived from, the public report that might incriminate the entity is not admissible in evidence against the entity in a civil or criminal proceeding, other than a proceeding for an offence about the falsity of the information.</p> <p>(6) A public report for a reporting period must—</p> <p>(a) be made publicly available within 30 business days after the last day of the reporting period; and</p> <p>(b) include the results of water quality monitoring carried out for the recycled water scheme during the reporting period by—</p> <p>(i) for a single-entity recycled water scheme—the recycled water provider; or</p> <p>(ii) for a multiple-entity recycled water scheme—the scheme manager and each recycled water provider and other declared entity for the scheme; and</p> <p>(c) include details of the information given to the regulator under sections 270 and 271 during the reporting period by the entity or entities mentioned in paragraph (b); and</p> <p>(d) subject to paragraphs (a) to (c), be prepared and made publicly available as required under the guidelines made by the regulator about the preparation and publication of reports under this section.</p> <p>(7) In this section—</p> <p>reporting periods means—</p> <p>(a) each of the following 3-month periods in a year—</p> <p>(i) 1 January to 31 March;</p> <p>(ii) 1 April to 30 June;</p> <p>(iii) 1 July to 30 September;</p> <p>(iv) 1 October to 31 December; or</p> <p>(b) if the regulator gives the relevant entity a notice stating reporting periods that are longer than the periods mentioned in paragraph (a)—the longer periods.</p>				
PART 8 – DECLARATION OF CRITICAL RECYCLED WATER SCHEMES							
		s. 301	<p>Making declaration</p> <p>(1) The regulator may declare a recycled water scheme to be a critical recycled water scheme if the regulator reasonably believes the declaration is necessary—</p> <p>(a) to maintain continuity of operation of the scheme to meet the essential water supply needs of the community or industry; or</p> <p>(b) to ensure the appropriate management of risks to public health posed by the supply of recycled water under the scheme.</p>	Alternative water source projects	✓		A declaration that a recycled water scheme is a critical recycled water scheme may help to encourage certain alternative water source projects.

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
			<p>(2) Without limiting subsection (1), the regulator must declare a recycled water scheme to be a critical recycled water scheme if—</p> <p>(a) recycled water is supplied, or proposed to be supplied, under the scheme to augment a supply of drinking water; or</p> <p>(b) under the scheme, at least 500kL of recycled water a day is supplied, or proposed to be supplied, to premises by way of a dual reticulation system; or</p> <p>(c) under the scheme, at least 5ML of recycled water a day is supplied, or proposed to be supplied, for use in electricity generation.</p>				
PART 2 – FLOOD MITIGATION MANUALS AND REPORTING							
DIVISION 2 PREPARATION OF FLOOD MITIGATION MANUALS							
		s. 371B	<p>Requirement for approved flood mitigation manual</p> <p>The owner of a referable dam to which this part applies must have an approved flood mitigation manual for the dam.</p>	Flooding	✓		<p>A flood mitigation manual may assist in mitigating flood risk.</p> <p>Section 371 <i>What is a flood event</i> defines a flood event as:</p> <p>A flood event, for a dam, is a circumstance in relation to which—</p> <p>(a) there is a reasonable likelihood that the level of the water surface of the dam may exceed its full supply level; and</p> <p>(b) if the level of the water surface were to exceed the full supply level, it would be reasonable to release the excess water only by opening the gates of the dam.</p> <p>Part 2 applies to a "referable dam" prescribed under regulation.</p>
		s. 371C	<p>Requirement to prepare flood mitigation manual</p> <p>The owner of the dam must prepare a flood mitigation manual for the dam under this division and give it to the Minister for approval within 6 months after the dam is prescribed under section 371A(1).</p> <p>Maximum penalty—1665 penalty units.</p>	Flooding	✓		Section 371D sets out the required contents of the flood mitigation manual.
		s. 371E	<p>Minister to consider manual</p> <p>(1) The Minister must consider a flood mitigation manual given to the Minister for approval and decide to—</p> <p>(a) approve it; or</p> <p>(b) refuse to approve it.</p> <p>(2) The Minister may get advice from an advisory council for deciding whether or not to approve the manual.</p>	Flooding	✓		

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
		s. 371F	<p>Criteria for approving manual</p> <p>The Minister may approve the flood mitigation manual only if satisfied—</p> <p>(a) the manual complies with section 371D; and</p> <p>(b) the carrying out of the operational strategies and operational procedures under the manual would minimise risk to human life and safety; and</p> <p>(c) the manual achieves an appropriate balance in relation to each of the following—</p> <p>(i) preventing failure of the dam, including, for example, by protecting the structural integrity of the dam;</p> <p>(ii) minimising risk to property;</p> <p>(iii) minimising disruption to transport;</p> <p>(iv) maintaining the full supply level for the dam after a flood event;</p> <p>(v) minimising environmental impacts on the stability of banks of watercourses and on riparian flora and fauna.</p>	Flooding	✓		
DIVISION 9 FLOOD EVENT REPORTING							
		s. 383	<p>Preparation and submission of flood event report</p> <p>(1) This section applies to the owner of a referable dam to which this part applies if a flood event relating to the dam happens.</p> <p>(2) The owner of the dam must, unless the owner has a reasonable excuse, prepare a report (a flood event report) under this division and give it to the Chief Executive within—</p> <p>(a) 30 business days after the end of the flood event; or</p> <p>(b) if a further period is agreed in writing by the Chief Executive and the owner of the dam—the further period.</p> <p>Maximum penalty—1665 penalty units.</p> <p>(3) In this section—</p> <p>end, of a flood event, means 24 hours after the last occasion that water is released from the dam in response to the flood event.</p>	Flooding	✓		The required contents of a flood event report are set out in section 385.
PART 5A PARTICULAR PROVISIONS TO MONITOR RELEVANT SERVICE PROVIDERS							
		s. 448	<p>Power to give direction for water security or continuity of supply</p> <p>(1) This section applies if the regulator—</p> <p>(a) reasonably believes that—</p> <p>(i) there is an imminent risk to water security or continuity of the supply of a relevant service provider’s water service or sewerage service; and</p> <p>(ii) urgent action is necessary to prevent or minimise the risk; and</p> <p>(b) is not satisfied adequate measures to address the risk are in place.</p>	Risks to/ associated with water resources Supply of water	✓		

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
			(2) The regulator may, for the purpose of preventing or minimising the risk, by notice direct the provider to take stated reasonable steps within a stated reasonable period. (3) The regulator must, as soon as practicable after giving the direction, give the provider an information notice about the decision to give the direction.				
3.	Water Efficiency Labelling and Standards Act 2005 (Cth)	<i>The Water Efficiency Labelling and Standards Scheme (WELS Scheme) is a joint initiative of the Australian, State, and Territory governments. The federal government enacted the Water Efficiency Labelling and Standards Act 2005 to provide for water efficiency labelling and to set out water efficiency standards. The States then passed legislation to implement this Act. Section 18 of the Commonwealth Act enables the Commonwealth Minister to determine that water-use or water-saving products are WELS products and set out the WELS standard for the products. Section 19 of the Commonwealth Act states what must be set out in WELS standards and enables WELS standards to require products to be registered, and registered products to be WELS labelled, for the purposes of specified supplies of the product. The Commonwealth Act needs to be read in conjunction with the Water Efficiency Labelling and Standards (Queensland) Act 2005 and associated regulations. The Queensland Water Efficiency Labelling and Standards (Queensland) Act 2005 adopts the Commonwealth law as a law of Queensland.</i>					
		PART 1 - PRELIMINARY					
		s. 3	The objects of this Act are as follows: (a) to conserve water supplies by reducing water consumption; (b) to provide information for purchasers of water-use and water-saving products; (c) to promote the adoption of efficient and effective water-use and water-saving technologies.	Conservation and sustainable use of water resources	✓		The objectives underlying the Act are clearly in line with WSC objectives – particularly, conservation and sustainable use of water resources.
		PART 7 – OFFENCES AND CIVIL PENALTIES RELATING TO THE WELS SCHEME					
		DIVISION 2 – REGISTRATION AND LABELLING					
		s. 33	Supply of unregistered WELS products A person contravenes this subsection if: (a) the person supplies a WELS product; and (b) the applicable WELS standard requires the product to be registered for the purposes of the supply. (2) Subsection (1) does not apply if the WELS product is registered at the time of the supply.	Conservation and sustainable use of water resources	✓		This provision helps to ensure that the objectives underlying the WELS scheme – which are consistent with WSC principles – are upheld.
		s. 34	Supply of WELS products that are not WELS-labelled A person contravenes this subsection if: (a) the person supplies a WELS product; and (b) the applicable WELS standard requires the WELS product to be WELS-labelled for the purposes of the supply; and (c) the product is not WELS-labelled.	Conservation and sustainable use of water resources	✓		This provision helps to ensure that the objectives underlying the WELS scheme – which are consistent with WSC principles – are upheld.
		DIVISION 3 – MINIMUM EFFICIENCY AND PERFORMANCE REQUIREMENTS					
		s. 35	Minimum water efficiency A person contravenes this subsection if: (a) the person supplies a WELS product; and (b) the applicable WELS standard requires the product: (i) to be registered for the purposes of the supply; and (ii) to comply with minimum water efficiency requirements for the purposes of the supply; and (c) the product does not comply with those minimum water efficiency requirements.	Conservation and sustainable use of water resources	✓		This provision helps to ensure that the objectives underlying the WELS scheme – which are consistent with WSC principles – are upheld.

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
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		s. 36	<p>Minimum general performance</p> <p>A person contravenes this subsection if:</p> <p>(a) the person supplies a WELS product; and</p> <p>(b) the applicable WELS standard requires the product:</p> <p>(i) to be registered for the purposes of the supply; and</p> <p>(ii) to comply with minimum general performance requirements for the purposes of the supply; and</p> <p>(c) the product does not comply with those minimum general performance requirements.</p>	Conservation and sustainable use of water resources	✓		This provision helps to ensure that the objectives underlying the WELS scheme – which are consistent with WSC principles – are upheld.
DIVISION 4 – MISUSE OF WELS STANDARDS ETC.							
		s. 37	<p>Misuse of WELS standards and information</p> <p>A person contravenes this subsection if the person:</p> <p>(a) supplies a WELS product; and</p> <p>(b) uses a WELS standard, or information included in a WELS standard, for, or in relation to, the supply of the product; and</p> <p>(c) uses the standard, or information, in a manner that is inconsistent with the standard.</p>	Conservation and sustainable use of water resources	✓		This provision helps to ensure that the objectives underlying the WELS scheme – which are consistent with WSC principles – are upheld.
		s. 37A	<p>WELS-labelling products that are not WELS products</p> <p>A person contravenes this subsection if:</p> <p>(a) the person supplies a product; and</p> <p>(b) the product is, or purports to be, WELS-labelled; and</p> <p>(c) the product is not a WELS product.</p>	Conservation and sustainable use of water resources	✓		This provision helps to ensure that the objectives underlying the WELS scheme – which are consistent with WSC principles – are upheld.
		s. 38	<p>Information inconsistent with WELS standards</p> <p>(1) A person contravenes this subsection if:</p> <p>(a) the person uses information for, or in relation to, the supply of a WELS product; and</p> <p>(b) the information is inconsistent with the information contained in the applicable WELS standard for the product.</p>	Conservation and sustainable use of water resources	✓		This provision helps to ensure that the objectives underlying the WELS scheme – which are consistent with WSC principles – are upheld.

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
4.	Bulk Water Supply Code, 1 January 2013	<i>The Bulk Water Supply Code is made pursuant to s.360M of the Water Act 2000 and regulates the supply of bulk water and water services. The Code was notified in 2012 and commenced on 1 January 2013. The Code binds the core service providers in the SEQ Region – namely, the Queensland Bulk Water Supply Authority (the Bulk Authority) who operates the bulk water supply system and any SEQ Service Provider (councils and council-owned service providers) who operate the distribution-retail supply system of water supply in SEQ.</i>					
		PART A					
		CHAPTER 1 – OPERATING PROTOCOLS					
		s. 10	<p>Requirement to have and comply with an Operating Protocol</p> <p>(a) Where operations interact at a Bulk Supply Point, the Bulk Authority and a Bulk Water Customer (referred to in this Chapter as ‘the Parties’) must have and comply with, an agreed Operating Protocol.</p> <p>(b) The Operating Protocol referred to above must meet the requirements of this Chapter.</p> <p>(c) If, despite best endeavours, the parties are not able to agree on an Operating Protocol (or an amendment to the Operating Protocol), they must use an expedited dispute resolution provision within their Bulk Water Supply Agreement to agree upon an Operating Protocol within the timeframes provided for under those resolution provisions.</p>	Supply of Water Conservation and sustainable use of water resources	?	?	<p>Note:</p> <p>Section 9 Purpose of chapter</p> <p>(a) An Operating Protocol is a document agreed between Code-regulated Entities which details operational matters affecting supply at a Bulk Supply Point (e.g. pressure, flow, quality notifications etc).</p> <p>(b) The purpose of this Chapter is to ensure that Code-regulated Entities have agreed on key communication matters prior to supply to ensure co-ordination of operations.</p> <p>Conceivably, the Operating Protocol mentioned in section 10 could support important WSC objectives, including conservation and sustainable use of water resources. However, the required contents of the Protocol (described in section 11 below) do not presently refer to WSC objectives.</p>

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
		s. 11	<p>Operating protocol content</p> <p>(a) The Department may make a guideline about Operating Protocol content, and any Operating Protocols agreed by the entities must ensure their Operating Protocols include the matters provided for in the guideline.</p> <p>(b) An Operating Protocol must contain the following communications requirements:</p> <ul style="list-style-type: none"> i. notification, including the timing and manner of publication of <ul style="list-style-type: none"> (A) operational capacities and constraints; and (B) periodic volume requirements; ii. management of peak daily demand, flow rates and pressure; iii. matters relating to maintenance and asset reliability; iv. installation, operation and maintenance of interconnection works; and v. notification requirements of the parties in relation to changes in water quality. <p>(c) An Operating Protocol must also contain the following (non-communication) requirements:</p> <ul style="list-style-type: none"> i. short term demand forecasts (based on a 1 year horizon), medium term demand forecasts (based on a 3 year horizon) and long term demand forecasts (based on either a 20 or 30 year horizon) to be provided by the Bulk Water Customer; ii. nominated Demand Zones (if supply is to an SEQ Service Provider); iii. access arrangements of the parties to each other's infrastructure and operations (i.e. physical access) to meet regulatory obligations of the water legislation; and iv. operation of manual and automated system control process. 	Supply of Water Conservation and sustainable use of water resources	?	?	Conceivably, the Operating Protocol mentioned in section 10 could support important WSC objectives, including conservation and sustainable use of water resources. However, the required contents of the Protocol in section 11 do not presently refer to WSC objectives.

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
CHAPTER 2 – COORDINATED WATER SYSTEM PLANNING							
		s. 14	<p>Working Group</p> <p>(a) The Bulk Authority and each SEQ Service Provider must make such staff and resources available to form a joint SEQ Service Provider/ Bulk Authority working group (referred to in this Code as the Joint Working Group).</p> <p>(b) Membership, Terms of Reference and procedures for the Joint Working Group are established by agreement.</p> <p>(c) Despite (b) above, the Terms of Reference must:</p> <p>i. require the Joint Working Group to meet at least bi-annually;</p> <p>ii. require members of the Joint Working Group to disclose their capital expenditure plans (including plans for renewals) and their infrastructure plans to each other (at timeframes jointly agreed by the members).</p> <p>iii. for each SEQ Service Provider’s local council area or geographic region, require the Joint Working Group to identify:</p> <p>(A) key opportunities to co-ordinate infrastructure, operations and optimisation of assets across the network; and</p> <p>(B) priority areas across the network where water quality outcomes might be improved on a best value for money, whole of network, basis (having regard to any strategic plan developed by the Joint Working Group).</p> <p>iv. require the Joint Working Group to determine which of the identified opportunities (known as Key Possible Projects or KPPs) should be the subject of a Joint Working Group Report to the Minister (see section 15).</p> <p>v. include processes for requests for sharing information between the Joint Working Group members where information is necessary either to:</p> <p>(A) meet the requirements of its Terms of Reference;</p> <p>(B) prepare the report referred to in section 15; or</p> <p>(C) inform members of the Joint Working Group of any non-confidential changes to an entity’s capital expenditure or infrastructure plan - if the change is likely to have a material upstream or downstream affect on another Joint Working Group member’s capital expenditure or infrastructure plan.</p>	<p>Research and raising awareness</p> <p>Conservation and sustainable use of water resources</p> <p>Alternative water source projects</p>	✓		It is possible that the Working Group referred to in section 14 could discuss and raise awareness of WSC issues, such as conservation and sustainable use of water resources and the use of alternative water source projects to augment water supplies.

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
CHAPTER 3 – BULK DRINKING WATER QUALITY							
		s. 17	<p>Customer Confidence Report</p> <p>(a) The Bulk Authority must publish on its website, information about the typical quality of bulk potable water supplied from its major water sources to each Bulk Water Customer who is an SEQ Service Provider (the Customer Confidence Report).</p> <p>(b) The Customer Confidence Report must be updated at least quarterly.</p> <p>(c) The Customer Confidence Report must outline a variety of key health and aesthetic parameters which, in the Bulk Authority’s sole discretion, are representative of the quality of the major water sources being supplied.</p>	Risks to/ associated with water resources Risks to health	✓		The requirement to prepare a Customer Confidence Report may assist in managing risks to public health associated with the consumption of potable water supplies.
PART B							
CHAPTER 7 – PRICING AND ACCESS							
		s. 53	<p>Principles for Pricing Decisions</p> <p>Under section 360N of the Act, this Code may provide for principles to be applied by the Minister when making a decision on costs and prices under s360W. Principles are provided for:</p> <p>(a) Bulk Water Costs; (b) Bulk Water Prices; and (c) Other User Prices.</p>	Economic evaluation and pricing of water		✓	The principles for Bulk Water Costs and Bulk Water Prices emphasise economic efficiency, which may discourage the uptake of alternative water source projects that may not be commercially viable without the support of government funding.
		s. 54-56	<p>Bulk Water Costs</p> <p>The Bulk Water Cost is the prudent and efficient cost for the Bulk Authority to supply a Bulk Service.</p> <p>Components of Bulk Water Costs</p> <p>Bulk Water Costs may include the following components:</p> <p>(a) Capital costs; (b) Operating costs; and (c) Other costs that support the business activities of the Bulk Authority.</p> <p>Principles applying to all Bulk Water Costs</p> <p>In making a Pricing Decision, the Minister must take account of the:</p> <p>(a) the prudent and efficient costs of supplying water services; (b) relevant government policies (e.g. regarding water security and/or reliability); and (c) information provided by the Bulk Authority and other affected parties.</p>	Economic evaluation and pricing of water		✓	The principles for Bulk Water Costs emphasise economic efficiency, which may discourage the uptake of alternative water source projects that may not be commercially viable without the support of government funding.

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
		s. 58-59	<p>Bulk Water Prices</p> <p>The Bulk Water Price is the price that the Bulk Authority may charge an SEQ Service Provider for the supply of a Bulk Service.</p> <p>Principles to apply to all Bulk Water Prices</p> <p>In deciding Bulk Water Prices, the Minister must:</p> <ul style="list-style-type: none"> (a) recognise Government policy settings, objectives and statements regarding the secure, reliable, multi-source supply of water to customers in the SEQ Region; (b) recognise Government policy decisions regarding the rate of increase in prices charged to customers and the period of time over which full cost recovery is to be achieved; (c) recognise the reliability and security of the supply to the particular SEQ Service Provider; and (d) take account of Bulk Water Costs determined under this Code (if any). 				The principles for Bulk Water Prices emphasise economic efficiency, which may discourage the uptake of alternative water source projects that may not be commercially viable without the support of government funding.
5.	Environmental Protection Act 1994	<i>The stated object of the Act is to 'protect Queensland's environment while allowing for development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends (ecologically sustainable development)'. The Environmental Protection Act 1994 and the Environmental Protection (Water) Policy 2009 form the primary legislative framework for the protection of Queensland waters.</i>					
		CHAPTER 1 – PRELIMINARY					
		PART 2 – OBJECT AND ACHIEVEMENT OF ACT					
		s. 3	<p>Object</p> <p>The object of this Act is to protect Queensland's environment while allowing for development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends (ecologically sustainable development).</p>	Conservation and sustainable use of water resources Environmental protection	✓		The principles underlying this Act are broad enough to accommodate WSC objectives, particularly conservation and sustainable use of water resources, and environmental protection.

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
CHAPTER 2 – ENVIRONMENTAL PROTECTION POLICIES							
		s. 27	<p>Scope of policies</p> <p>(1) An environmental protection policy may be made about the environment or anything that affects or may affect the environment.</p> <p>(2) Without limiting subsection (1), an environmental protection policy may be made about any of the following—</p> <p>(a) a contaminant, including, for example, an ozone depleting substance;</p> <p>(b) an industry or activity;</p> <p>(c) a technology or process;</p> <p>(d) an environmental value;</p> <p>(e) waste management;</p> <p>(f) contamination control practice;</p> <p>(g) land, air or water quality;</p> <p>(h) noise;</p> <p>(i) litter.</p>	Environmental protection	✓		<p>Section 26 Minister may make policies: The Minister may make environmental protection policies to enhance or protect Queensland’s environment.</p> <p>Section 34 Giving effect to policies: On approval of an environmental protection policy, the administering authority must give effect to the policy.</p> <p>The <i>Environmental Protection (Water) Policy 2009</i> made under section 27 supports the WSC objective of environmental protection. The EP Water Policy seeks to achieve the object of the Environmental Protection Act 1994 (EP Act) in relation to Queensland waters—to protect Queensland’s waters while allowing for development that is ecologically sustainable. Queensland waters include water in rivers, streams, wetlands, lakes, aquifers, estuaries and coastal areas. This purpose is achieved within a framework that includes:</p> <ul style="list-style-type: none"> identifying environmental values (EVs) for aquatic ecosystems and for human uses (e.g. water for drinking, farm supply, agriculture, industry and recreational use) determining water quality guidelines (WQGs) and water quality objectives (WQOs) to enhance or protect the environmental values.

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
CHAPTER 8 – GENERAL ENVIRONMENTAL OFFENCES							
PART 3C – OFFENCES RELATING TO WATER CONTAMINATION							
		s. 426	<p>Environmental authority required for particular environmentally relevant activities</p> <p>(1) A person must not carry out an environmentally relevant activity unless the person holds, or is acting under, an environmental authority for the activity.</p> <p>Maximum penalty—1665 penalty units.</p>	Environmental protection	✓		The authorisation process for "environmentally relevant activities" could be used to help ensure environmental protection of water resources.
		s. 440ZG	<p>Depositing prescribed water contaminants in waters and related matters</p> <p>A person must not—</p> <p>(a) unlawfully deposit a prescribed water contaminant—</p> <p>(i) in waters; or</p> <p>(ii) in a roadside gutter or stormwater drainage; or</p> <p>(iii) at another place, and in a way, so that the contaminant could reasonably be expected to wash, blow, fall or otherwise move into waters, a roadside gutter or stormwater drainage; or</p> <p><i>Example of a place for subparagraph (iii)— a building site where soil may be washed into an adjacent roadside gutter</i></p>	Environmental protection	✓		Section 440ZD defines a prescribed water contaminant as— (a) earth; or (b) a contaminant prescribed under section 440ZF [i.e. the regulations]. The <i>Environmental Protection Regulation 2008</i> Schedule 9 lists the prescribed water contaminants.
			<p>(b) unlawfully release stormwater run-off into waters, a roadside gutter or stormwater drainage that results in the build-up of earth in waters, a roadside gutter or stormwater drainage.</p> <p>Maximum penalty—</p> <p>(a) if the deposit or release is done wilfully—835 penalty units; or</p> <p>(b) otherwise—300 penalty units.</p>				
PART 4 – OTHER OFFENCES							
			<p>Offence of releasing prescribed contaminant</p> <p>(1) A person must not release, or cause to be released, a prescribed contaminant into the environment other than under an authorised person’s emergency direction.</p> <p>Maximum penalty—165 penalty units.</p> <p>(2) In this section— <i>prescribed contaminant</i> means a contaminant prescribed by an environmental protection policy or a regulation for this section.</p>	Environmental protection	✓		

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6.	Environmental Protection (Water) Policy 2009	<i>Environmental protection policies (EPPs) are made pursuant to the Environmental Protection Act 1994 (Act). They constitute subordinate legislation and are made for the purpose of achieving the objects of the Act. This EPP aims to identify environmental values and set goals, guidelines, objectives and frameworks for protecting Queensland waters and making informed decisions about Queensland waters. An administering authority can issue an order to a person to secure their compliance with an EEP.</i>					
PART 2 – APPLICATION AND PURPOSE OF POLICY							
		s. 5	<p>How purpose of policy is achieved</p> <p>The purpose of this policy is achieved by—</p> <ul style="list-style-type: none"> (a) identifying environmental values and management goals for Queensland waters; and (b) stating water quality guidelines and water quality objectives to enhance or protect the environmental values; and (c) providing a framework for making consistent, equitable and informed decisions about Queensland waters; and (d) monitoring and reporting on the condition of Queensland waters. 	Environmental protection	✓		The policy is aimed at providing environmental protection of Queensland's waters.
PART 3 – BASIC CONCEPTS							
		s. 6	<p>Environmental values to be enhanced or protected</p> <ul style="list-style-type: none"> (1) The environmental values of waters to be enhanced or protected under this policy are— <ul style="list-style-type: none"> (a) for water mentioned in schedule 1, column 1—the environmental values stated in the document opposite the water in schedule 1, column 2; or (b) for other water—the environmental values stated in subsection (2). (2) For subsection (1)(b), the environmental values are as follows— <ul style="list-style-type: none"> (a) for high ecological value waters—the biological integrity of an aquatic ecosystem that is effectively unmodified or highly valued; (b) for slightly disturbed waters—the biological integrity of an aquatic ecosystem that has effectively unmodified biological indicators, but slightly modified physical, chemical or other indicators; (c) for moderately disturbed waters—the biological integrity of an aquatic ecosystem that is adversely affected by human activity to a relatively small but measurable degree; (d) for highly disturbed waters—the biological integrity of an aquatic ecosystem that is measurably degraded and of lower ecological value than waters mentioned in paragraphs (a) to (c); 	Environmental protection	✓		Note: Schedule 1 to the EPP contains a list of documents that set out the environmental values to be enhanced or protected for certain bodies of water.

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					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
			<p>(e) for waters that may be used for producing aquatic foods for human consumption—the suitability of the water for producing the foods for human consumption;</p> <p>(f) for waters that may be used for aquaculture—the suitability of the water for aquacultural use;</p> <p>(g) for waters that may be used for agricultural purposes—the suitability of the water for agricultural purposes;</p> <p>(h) for waters that may be used for recreation or aesthetic purposes, the suitability of the water for—</p> <p>(i) primary recreational use; or</p> <p>(ii) secondary recreational use; or</p> <p>(iii) visual recreational use;</p> <p>(i) for waters that may be used for drinking water—the suitability of the water for supply as drinking water;</p> <p>(j) for waters that may be used for industrial purposes—the suitability of the water for industrial use;</p> <p>(k) the cultural and spiritual values of the water.</p>				
		s. 7	<p>Indicators and water quality guidelines for environmental values</p> <p>(1) An indicator for an environmental value is a physical, chemical, biological or other property that can be measured or decided in a quantitative way.</p> <p>(2) Water quality guidelines are quantitative measures or statements for indicators, including contaminant concentration or sustainable load measures of water, that protect a stated environmental value.</p> <p>(3) For particular water, the indicators and water quality guidelines for an environmental value are—</p> <p>(a) decided using the following documents—</p> <p>(i) site specific documents for the water;</p> <p>(ii) the QWQ guidelines;</p> <p>(iii) the AWQ guidelines;</p> <p>(iv) other relevant documents published by a recognised entity; and</p> <p>(b) for water mentioned in schedule 1, column 1—the indicators stated in the document opposite the water in schedule 1, column 2.</p> <p>(4) To the extent of any inconsistency between the documents mentioned in subsection (3)(a) for a particular water quality guideline, the documents are to be used in the order in which they are listed in that subsection.</p> <p>(5) In this section—</p> <p>sustainable load measure, of water, means the maximum concentration of contaminants the water can accommodate while achieving the water quality objectives for the water.</p>	Environmental protection	✓		<p>Section 8 When environmental values are protected</p> <p>For this policy, the environmental values for particular water are protected if the measures for all indicators do not exceed the water quality guidelines stated for the indicators.</p>

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
PART 4 – MANAGEMENT GOALS AND WATER QUALITY OBJECTIVES FOR WATERS							
		s. 10	<p>Water quality objectives</p> <p>(1) The water quality objectives for water mentioned in schedule 1, column 1 are—</p> <p>(a) the objectives stated in the document opposite the water in schedule 1, column 2; or</p> <p>(b) if water quality objectives for the water are not stated in the document—the set of water quality guidelines that will protect all environmental values stated in the document.</p> <p>(2) The water quality objectives for water not mentioned in schedule 1, column 1 are the set of water quality guidelines for all indicators that will protect all environmental values for the water.</p> <p>(3) However, water quality objectives do not apply to—</p> <p>(a) water in swimming pools; and</p> <p>(b) drinking water in a domestic water supply system, including, for example, water in a local government or privately owned water supply system; and</p> <p>(c) waste water in a storage including, for example, a sewage lagoon, mine tailings dam, irrigation tailwater dam and piggery or dairy waste water pond; and</p> <p>(d) water in a pond used for aquaculture; and</p> <p>(e) water in a stormwater treatment system.</p>	Environmental protection	✓		

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
		s. 11	<p>Identifying environmental values etc. for waters</p> <p>(1) This section applies to water not mentioned in schedule 1, column 1.</p> <p>(2) For developing a document about particular water for inclusion in schedule 1, the Chief Executive may, in cooperation with the Chief Executive (fisheries), identify—</p> <p>(a) the environmental values to be protected for the water; and</p> <p>(b) the water quality objectives for the water; and</p> <p>(c) ways to improve the quality of the water.</p> <p>(3) In identifying the matters mentioned in subsection (2), the Chief Executive must ensure there has been—</p> <p>(a) consultation with the community, including industry and commerce sectors; and</p> <p>(b) consideration of the economic and social impacts of protecting environmental values for the water.</p> <p>(4) Also, the Chief Executive may identify water quality objectives for the water that provide a lower level of protection of the environmental values for the water than the water quality guidelines mentioned in section 10(2) only if—</p> <p>(a) the adoption of the water quality guidelines would involve unacceptable economic or social impacts on the community; and</p> <p>(b) the water quality objectives are an improvement on existing water quality.</p>	Environmental protection	✓		
PART 5 – MANAGEMENT OF ACTIVITIES							
		s. 13	<p>Management hierarchy for surface or ground water</p> <p>(1) This section states the management hierarchy for an activity that may affect water.</p> <p>(2) To the extent it is reasonable to do so, release of waste water or contaminants to waters must be dealt with using the following hierarchy of preferred procedures—</p> <p>(a) step 1—evaluate water conservation measures to reduce the use of water and the production of waste water or contaminants;</p> <p>(b) step 2—evaluate waste prevention options and implement appropriate waste prevention measures;</p>	Environmental protection Alternative water source projects	✓		Section 13 explicitly refers to treatment and recycling of water.

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
			<p>(c) step 3—if waste prevention does not, or is not likely to, eliminate the release of waste water or contaminants to waters, evaluate treatment and recycling options and implement appropriate treatment and recycling;</p> <p>(d) step 4—if treatment and recycling does not, or is not likely to, eliminate the release of waste water or contaminants to waters, evaluate the following options for waste water or contaminants, in the order in which they are listed—</p> <p>(i) appropriate treatment and release to a waste facility or sewer;</p> <p>(ii) appropriate treatment and release to land;</p> <p>(iii) appropriate treatment and release to surface waters or ground waters.</p>				
		s. 14	<p>Management hierarchy for surface or ground water</p> <p>(1) This section states the management intent for waters subject to an activity that involves the release of waste water or contaminants to the waters.</p> <p>(2) It is the management intent for the waters that the decision to release the waste water or contaminant must ensure the following—</p> <p>(a) for high ecological value waters—the measures for the indicators for all environmental values are maintained;</p> <p>(b) for slightly disturbed waters—the measures for the slightly modified physical or chemical indicators are progressively improved to achieve the water quality objectives for high ecological value water;</p> <p>(c) for moderately disturbed waters—</p> <p>(i) if the measures for indicators of the environmental values achieve the water quality objectives for the water—the measures for the indicators are maintained at levels that achieve the water quality objectives for the water; or</p> <p>(ii) if the measures for indicators of the environmental values do not achieve the water quality objectives for the water—the measures for indicators of the environmental values are improved to achieve the water quality objectives for the water;</p> <p>(d) for highly disturbed waters—the measures for the indicators of all environmental values are progressively improved to achieve the water quality objectives for the water.</p>	Environmental protection	✓		

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
PART 6 – HEALTHY WATERS MANAGEMENT PLANS							
		s. 24	<p>Healthy waters management plans</p> <p>(1) The Chief Executive may, in cooperation with the Chief Executive (fisheries), develop and implement an environmental plan about water (a healthy waters management plan) to decide ways to improve the quality of the water.</p> <p>(2) Also, a recognised entity, in cooperation with the Chief Executive, may develop and implement a healthy waters management plan.</p> <p>(3) A healthy waters management plan for water must—</p> <p>(a) describe the water to which the plan applies; and</p> <p>(b) include an assessment of the following for the water—</p> <p>(i) any threats to water-dependent ecosystems;</p> <p>(ii) any matters that may adversely affect the use of the water as a supply of drinking water;</p> <p>(iii) any matters that may adversely affect the natural flows of the water; and</p> <p>(c) if environmental values and water quality objectives for the water are stated in a document mentioned in schedule 1, column 2—include the environmental values and water quality objectives; and</p> <p>(d) if environmental values and water quality objectives have not been established for the water—include proposed environmental values, management goals and water quality guidelines for the water; and</p> <p>(e) if a water resource plan under the Water Act 2000 applies to the water—include the environmental flow objectives for the plan and ecological outcomes stated in the plan for the water; and</p> <p>(f) identify ways to protect the environmental values for the water, and to monitor and assess the effectiveness of the protection.</p> <p>(4) In developing and implementing the plan, the Chief Executive or entity must have regard to any guidelines published by the department about healthy waters management plans.</p>	Environmental protection	✓		Healthy waters management plans may be used to protect Queensland's waters.

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
7.	Building Code of Australia	<i>The Building Code of Australia is a national building standards code that has been enacted in all Australian States and Territories. In Queensland, it applies pursuant to the Building Act 1975. Section 30 of the Building Act 1975 provides that building assessment work and self-assessable building work must be carried out under the building assessment provisions, including the Building Code of Australia and the applicable sections of the Queensland Development Code. The Building Code identifies the standards that apply to the design and construction of buildings depending upon the use or intended use of the building in question. Notably, the Building Code is performance-based. Therefore, there is some flexibility regarding the way in which the Building Code can be applied when the performance requirements are relied upon. The Building Code also contains prescriptive 'deemed-to-satisfy' provisions, which may be relied upon instead of the performance requirements. The Queensland Development Code (QDC) covers Queensland matters outside the scope of, and in addition to, the Building Code of Australia. Schedule 1 of the Building Act 1975 sets out the provisions of the QDC that have legislative force. All other parts of the Queensland Development Code are advisory standards only. The Queensland Building and Construction Commission regulates licencing and compliance under the Building Act 1975.</i>					
PART B1 – STRUCTURAL PROVISIONS (VOLUME 1)							
		B1. 6	A Class 2 or 3 building, Class 9a health-care building, Class 9c aged-care building or Class 4 part of a building, in a flood hazard area must comply with the ABCB Standard for Construction of Buildings in Flood Hazard Areas.	Flooding	✓		Notably, this requirement does not apply to all classes of buildings. In addition, for those buildings that are covered by this requirement, the extent to which they are protected from flood risks will depend upon whether the ABCB Standard for Construction of Buildings in Flood Hazard Areas is capable of responding to future flood risks.
8.	Plumbing Code of Australia	<i>The Plumbing Code of Australia is a national plumbing standards code that has been enacted in all Australian States and Territories. It is Volume 3 of the National Construction Code of Australia. Certain works require Plumbing Code of Australia authorisation and certification OR Chief Executive approval under the Plumbing and Drainage Act 2002 before a compliance permit will be issued for the works (see, for example, section 85C of the Plumbing and Drainage Act 2002 below). Section 8A of the Standard Plumbing and Drainage Regulation 2003 (made under the Plumbing and Drainage Act 2002) provides that plumbing and drainage work must comply with sections A, B (other than part B4), C and G of the Plumbing Code of Australia. Parts D1 and D2 of the Plumbing Code do not apply as roof, surface and subsurface drainage is regulated under the Building Act 1975. Parts F1 and F2 (on-site wastewater systems) do not apply in Queensland either. Section 8B of the Standard Plumbing and Drainage Regulation 2003 provides that all plumbing and drainage work must comply with the Queensland Plumbing and Wastewater Code (QPW). The QPW Code adopts the Objective, Functional Statement and Verification Methods of Part F1 of the Plumbing Code of Australia. The QPW contains performance requirements for on-site wastewater management solutions, greywater use facilities and efficient outdoor irrigation systems amongst other things. Section 8C of the Standard Plumbing and Drainage Regulation 2003 provides that if the Plumbing Code of Australia is inconsistent with the QPW Code then the QPW Code will prevail to the extent of the inconsistency. The Queensland Building and Construction Commission regulates licencing and compliance under the Building Act 1975.</i>					
SECTION B – WATER SERVICES							
PART B3 – NON-DRINKING WATER SERVICES							
		B3. 0	Scope This Part sets out the requirements for the design, construction, installation, replacement, repair, alteration and maintenance of any part of a non-drinking water service of a property from the point of connection to the points of discharge.	Alternative water	?	?	The Plumbing Code is clearly relevant to WSC initiatives, particularly alternative water source projects. However, because the Plumbing Code is performance-based, it is unclear how it will be applied in practice.
		BO3	Objective The Objective of this Part is to- (a) safeguard people from illness, injury or loss (including loss of amenity) due to the failure of a non-drinking water installation; and (b) ensure that a non-drinking water installation (including an installation provided for use by people with a disability) is suitable; and (c) conserve water and energy; and (d) safeguard the environment; and (e) safeguard public and private infrastructure; and (f) ensure that a non-drinking water installation throughout its serviceable life will continue to satisfy the requirements of Objectives (a) to (e).	Conservation and sustainable use of water resources Environmental protection Risks to health	?	?	A number of the objectives underlying this aspect of the Plumbing Code are consistent with WSC objectives – particularly, conservation and sustainable use of water and environmental protection. However, the reference to risks to health could deter uptake of alternative water source projects.

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
		BP3. 3	<p>Performance requirement for non-drinking water service installations</p> <p>A non-drinking water service must be designed, constructed and installed in such a manner as to-</p> <ul style="list-style-type: none"> (a) avoid the likelihood of contamination of drinking water; and (b) provide non-drinking water to fixtures and appliances at flow rates and pressures which are adequate for the correct functioning of those fixtures and appliances under normal conditions and, in a manner that does not create undue noise; and (c) avoid the likelihood of leakage or failure including uncontrolled discharges; and (d) allow adequate access for maintenance of mechanical components and operational controls; and (e) allow the system, appliances and backflow prevention devices to be isolated for testing and maintenance. 	<p>Alternative water source projects</p> <p>Risks to health</p>		✓	<p>This performance requirement emphasises risks to health in the context of non-drinking water installations, which may deter the uptake of alternative water source projects (particularly, those involving recycled water or wastewater).</p>
		B3. 2	<p>Deemed-to-Satisfy Provisions</p> <ul style="list-style-type: none"> (8) The distribution of non-drinking water must be limited to the following uses- <ul style="list-style-type: none"> (i) garden watering; and (ii) toilet and urinal flushing ; and (iii) clothes washing; and (iv) vehicle washing; and (v) path/wall washing; and (vi) industrial purposes; and (vii) fire-fighting; and (viii) dust suppression; and. (ix) any other use authorised by the authority having jurisdiction. (b) The design, construction, installation, replacement, repair, alteration and maintenance of a non-drinking water service must be in accordance with AS/NZS 3500.1 or Section 2 of AS/NZS 3500.5 as appropriate. 	<p>Alternative water source projects</p> <p>Risks to health</p>		✓	<p>This deemed-to-satisfy requirement limits the application of non-drinking water installations, which may deter the uptake of alternative water source projects (particular, those involving recycled water or wastewater).</p> <p>The deemed-to-satisfy requirements require non-drinking water installations to comply with AS/ NZS 3500.1 or Section 2 of AS/ NZS 3500.5. Reference to these documents may be necessary to assess whether or not these standards may also hinder WSC.</p>

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
9.	Plumbing and Drainage Act 2002	<i>The Queensland Plumbing and Drainage Act applies to the licensing of plumbers and drainers, which in turn enables licensed plumbers and drainers to undertake certain regulated work. The Act must be read in conjunction with the Queensland Plumbing and Wastewater Code, Plumbing and Drainage Regulation 2003 and the Standard Plumbing and Drainage Regulation 2003. Local Council inspectors are appointed under Division 1 to conduct investigations and inspections for monitoring and enforcing compliance with the Act.</i>					
PART 4 – COMPLIANCE ASSESSMENT							
		s. 85B	<p>Restrictions on giving compliance permit for greywater use facility in a seweraged area</p> <p>(1) This section applies to a compliance request only to the extent it is for compliance assessable work for, or that includes, a greywater use facility in a seweraged area.</p> <p>Note—See also section 128M (Offences about discharging greywater other than kitchen greywater from premises).</p> <p>(2) A compliance permit may be granted for work only if—</p> <p>(a) the premises at which the facility is proposed to be installed generates greywater of more than 3kl a day; and</p>	Alternative water source projects Risks to/ associated with water sources Risks to health		The requirement to obtain a compliance permit for a greywater use facility may discourage uptake of this type of alternative water source project, depending upon how the relevant risks are sought to be addressed through the authorisation process.	
			<p>(b) either—</p> <p>(i) the facility's greywater treatment plant has a Chief Executive approval; or</p> <p>(ii) the facility's greywater diversion device has plumbing code authorisation and certification; and</p> <p>(c) the facility's greywater treatment plant and greywater diversion device have a connection to sanitary drainage; and</p> <p>(d) greywater can be diverted to sanitary drainage by a manual diversion device; and</p> <p>(e) greywater automatically overflows to sanitary drainage if the facility's filtering or irrigation system does not work or does not work properly.</p> <p>(3) In making the resolution or instrument or deciding an application for a compliance permit, the local government must consider any criteria prescribed under the Standard Plumbing and Drainage Regulation.</p>				

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
		s. 85C	<p>Restrictions on giving compliance permit for greywater use facility not in a sewered area</p> <p>(1) This section applies to a compliance request only to the extent it is for compliance assessable work for, or that includes, a greywater use facility not in a sewered area.</p> <p>(2) A compliance permit may be granted for the work only if—</p> <p>(a) the facility complies with the Standard Plumbing and Drainage Regulation; and</p> <p>(b) the local government is satisfied—</p> <p>(i) there is enough water available to the premises at which the facility is proposed to be installed to operate the facility; and</p> <p>(ii) either—</p> <p>(A) there is enough suitable land available as part of the premises to allow greywater from the facility to be used on the land; or</p> <p>(B) a suitable alternative arrangement has been made for the use of the greywater; and</p> <p>(c) either—</p> <p>(i) the facility's greywater treatment plant has a Chief Executive approval; or</p> <p>(ii) the facility's greywater diversion device has plumbing code authorisation and certification.</p> <p>(3) However, subsection (2)(c) does not apply if the facility is for testing purposes.</p>	<p>Alternative water source projects</p> <p>Risks to/ associated with water sources</p> <p>Risks to health</p>		✓	The requirement to obtain a compliance permit for a greywater use facility (and the associated restrictions) may discourage uptake of this type of alternative water source project, depending upon how the relevant risks are sought to be addressed through the authorisation process.
PART 6A – GENERAL OFFENCES							
DIVISION 2 – BUILDING AND INSTALLATION AND RELATED OFFENCES							
		s. 125	<p>Restriction on building or installing particular on-site sewage treatment plant</p> <p>A person must not build or install an on-site sewage treatment plant (other than an on-site sewage treatment plant that consists only of a septic tank or chemical, composting, or incinerating toilet) unless—</p> <p>(a) a Chief Executive approval has been given for the plant; and</p> <p>(b) the building or installation complies with all conditions of the Chief Executive approval.</p> <p>Note— For septic tanks, see also section 85D(2)(c) (Restrictions on giving compliance permit for particular on-site sewerage work).</p> <p>Maximum penalty—</p> <p>(a) for building or installing an on-site sewage treatment plant in a sewered area—500 penalty units; or</p> <p>(b) otherwise—165 penalty units.</p>	<p>Alternative water source projects</p> <p>Risks to/ associated with water sources</p> <p>Risks to health</p>		✓	Restrictions on building or installing an on-site sewage treatment plant may discourage uptake of this type of alternative water source project, depending upon how the relevant risks are sought to be addressed through the authorisation process.

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					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
		s. 126	<p>Restriction on building or installing greywater use facility</p> <p>A person must not build or install a greywater use facility unless—</p> <p>(a) a Chief Executive approval has been given for any greywater treatment plant for the facility; and</p> <p>(b) the building or installation complies with all conditions of—</p> <p>(i) the Chief Executive approval; and</p> <p>(ii) any plumbing code authorisation and certification for any greywater diversion device for the facility.</p> <p>Maximum penalty—165 penalty units.</p>	<p>Alternative water source projects</p> <p>Risks to/ associated with water sources</p> <p>Risks to health</p>		✓	Restrictions on building or installing a greywater use facility may discourage uptake of this type of alternative water source project, depending upon how the relevant risks are sought to be addressed through the authorisation process.
		s. 127	<p>Restriction on building or installing chemical, composting or incinerating toilet</p> <p>A person must not build or install a chemical, composting or incinerating toilet unless the building or installation complies with the EPA design rules.</p> <p>Maximum penalty—100 penalty units.</p>	<p>Alternative water source projects</p> <p>Risks to/ associated with water sources</p> <p>Risks to health</p>		✓	Restrictions on building or installing a chemical, composting or incinerating toilet may discourage uptake of this type of alternative water source project.
		s. 128A	<p>Offence to pollute service provider's services</p> <p>(1) In carrying out plumbing work, a person must not do anything likely to pollute water in a water service provider's water service as defined under the Water Supply Act.</p> <p>Maximum penalty—165 penalty units.</p> <p>(2) In carrying out drainage work, a person must not do anything likely to pollute a sewerage service provider's sewerage service.</p> <p>Maximum penalty—165 penalty units.</p>	<p>Environmental protection</p> <p>Risks to/ associated with water sources</p> <p>Risks to health</p>	✓		Section 128A prohibits pollution of water and sewerage services, which helps to support the WSC objective of environmental protection as well assisting in managing risks arising from contamination.
DIVISION 3 – OPERATING RESTRICTIONS							
		s. 128C	<p>Restriction on operating chemical, composting or incinerating toilet</p> <p>A person must not operate a chemical, composting or incinerating toilet unless the operation complies with the EPA design rules.</p> <p>Note— See however section 170 (Exemption from particular offences for particular on-site sewerage facilities built or installed before 30 April 1998).</p> <p>Maximum penalty—100 penalty units.</p>	<p>Alternative water source projects</p> <p>Risks to/ associated with water sources</p> <p>Risks to health</p>		✓	Restrictions on operating a chemical, composting or incinerating toilet may discourage uptake of this type of alternative water source project.
		s. 128D	<p>Restriction on operating particular on-site sewerage facilities</p> <p>A person must not operate an on-site sewerage facility (other than a chemical, composting or incinerating toilet) in a way that does not comply with the Standard Plumbing and Drainage Regulation.</p> <p>Note— See however section 170 (Exemption from particular offences for particular on-site sewerage facilities built or installed before 30 April 1998).</p> <p>Maximum penalty—100 penalty units.</p>	<p>Alternative water source projects</p> <p>Risks to/ associated with water sources</p> <p>Risks to health</p>		✓	Restrictions on operating an onsite sewerage facility may discourage uptake of this type of alternative water source project.

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					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
		s. 128E	<p>Restrictions on operating particular on-site sewage treatment plant</p> <p>A person must not operate an on-site sewage treatment plant (other than an on-site sewage treatment plant consisting only of a septic tank) unless—</p> <p>(a) a compliance certificate has been given for the on-site sewerage work for the on-site sewerage facility of which the plant is a part; and</p> <p>(b) the operation complies with all conditions of—</p> <p>(i) the compliance certificate; and</p> <p>(ii) if the on-site sewage treatment plant does not consist only of a chemical, composting or incinerating toilet—the Chief Executive approval for the plant.</p> <p>Maximum penalty—100 penalty units.</p>	<p>Alternative water source projects</p> <p>Risks to/ associated with water sources</p> <p>Risks to health</p>		✓	Restrictions on operating an onsite sewage treatment plant may discourage uptake of this type of alternative water source project, depending upon how the relevant risks are sought to be addressed through the authorisation process.
		s. 128F	<p>Restrictions on operating greywater use facility</p> <p>A person must not operate a greywater use facility unless—</p> <p>(a) a compliance certificate has been given for the compliance assessable work for the facility; and</p> <p>(b) the operation complies with all conditions of—</p> <p>(i) the compliance certificate; and</p> <p>(ii) the Chief Executive approval for the facility's greywater treatment plant; and</p> <p>(iii) any plumbing code authorisation and certification for the facility's greywater diversion device.</p> <p>Maximum penalty—100 penalty units.</p>	<p>Alternative water source projects</p> <p>Risks to/ associated with water sources</p> <p>Risks to health</p>		✓	Restrictions on operating a greywater use facility may discourage uptake of this type of alternative water source project, depending upon how the relevant risks are sought to be addressed through the authorisation process.
		s. 128H	<p>Obligations of person who services on-site sewerage facility or greywater treatment plant</p> <p>(1) If a person services an on-site sewerage facility or greywater treatment plant, the person must—</p> <p>(a) give the local government a written report on the condition of the facility or plant within 1 month after servicing it; and</p> <p>(b) give a copy of the report to the owner of the facility or plant as soon as practicable after servicing it.</p> <p>Maximum penalty—40 penalty units.</p> <p>(2) The person must not in the report make a statement to the local government or the owner about the facility or plant that the person knows is false or misleading in a material particular.</p> <p>Maximum penalty—100 penalty units.</p>	<p>Alternative water source projects</p> <p>Risks to/ associated with water sources</p> <p>Risks to health</p>		✓	Reporting requirements regarding on-site sewerage facilities or greywater treatment plants may discourage uptake of these types of alternative water source projects.

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		s. 1280	<p>Stormwater drainage must be separate from on-site sewerage facility</p> <p>(1) The owner of premises must not allow a part of a stormwater installation for the premises to be connected to an on-site sewerage facility.</p> <p>Maximum penalty—165 penalty units.</p> <p>(2) If an owner of premises becomes aware that a part of a stormwater installation for the premises is connected to any on-site sewerage facility, the owner must, as soon as reasonably practicable, take all necessary steps for disconnecting the stormwater installation for the premises from the on-site sewerage facility.</p> <p>Maximum penalty—165 penalty units.</p>	<p>Alternative water source projects</p> <p>Risks to/ associated with water sources</p> <p>Risks to health</p>		✓	Restrictions regarding connection of stormwater installations may discourage uptake of alternative water source projects involving stormwater.
		s. 128PA	<p>Offence about using greywater</p> <p>(1) This section applies to the owner of premises in a seweraged area in relation to the use of greywater, other than kitchen greywater, from plumbing and drainage on the premises.</p> <p>(2) The owner must ensure—</p> <p>(a) if the greywater is discharged into a greywater treatment plant that is installed on the premises and treats water to the standard stated for the plant in the Queensland Plumbing and Wastewater Code—the greywater is used only on the premises for—</p> <p>(i) garden or lawn irrigation; or</p> <p>(ii) washing vehicles, paths or exterior walls of the premises; or</p> <p>(iii) the discharge of a toilet; or</p> <p>(iv) cold water supply to a washing machine; or</p> <p>(v) supply to a closed loop laundry system; or</p>	<p>Alternative water source projects</p> <p>Risks to/ associated with water sources</p> <p>Risks to health</p>		✓	Requirements regarding use of greywater may discourage uptake of alternative water source projects using greywater.
			<p>(b) if the greywater is discharged into a greywater treatment plant that is installed on the premises and does not treat water to the standard stated for the plant in the Queensland Plumbing and Wastewater Code—the greywater is used only on the premises for garden or lawn irrigation; or</p> <p>(c) if the greywater is discharged into a greywater diversion device—the greywater is used only on the premises for garden or lawn irrigation.</p> <p>Maximum penalty—500 penalty units.</p> <p>(3) The owner must ensure—</p> <p>(a) the greywater does not cause an odour that unreasonably interferes, or is likely to unreasonably interfere, with the use or enjoyment of any other premises; and</p> <p>(b) any ponding or run-off of the greywater does not cause a danger or health risk to anyone.</p> <p>Maximum penalty—100 penalty units.</p>				

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					COULD FACILITATE WSC	COULD HINDER WSC	COMMENTS
PART 9 – MISCELLANEOUS PROVISIONS							
		s. 143B	Local government’s monitoring obligations for greywater use facilities in sewered areas Each local government must monitor greywater use facilities in sewered areas within its area to ensure— (a) their operation complies with relevant compliance certificate conditions; and (b) they are not adversely affecting public health, amenity or the environment.	Alternative water source projects	?	?	Councils play a role in managing risks associated with greywater use facilities in sewered areas.
		s. 143C	Local government’s monitoring obligations for particular on-site sewerage facility Each local government must monitor on-site sewerage facilities installed for testing purposes in sewered areas within its area to ensure— (a) their operation complies with relevant compliance certificate conditions; and (b) they are not adversely affecting public health, amenity or the environment.	Alternative water source projects	?	?	Councils play a role in managing risks associated with particular on-site sewerage facilities.
10.	Food Act 2006	<i>One of the main objectives of the Food Act 2006 is to ensure food for sale is safe and suitable for human consumption. As well as having a broad general definition, the definition of ‘food’ in the Act specifically includes water for sale by retail and intended for human consumption, water that is carried in bulk and intended for human consumption and reticulated water on premises where a food business is carried on.</i>					
CHAPTER 2 – OFFENCES RELATING TO FOOD							
PART 1 – SUMMARY OFFENCES RELATING TO FOOD							
		s. 32	Handling of food in unsafe way A person must not handle food intended for sale in a way that the person knows, or reasonably ought to know, will make, or is likely to make, the food unsafe.	Alternative water source projects Risks to health		✓	Section 20 provides that food is unsafe at a particular time if it would be likely to cause physical harm to a person who might later consume it. Section 32 could hinder WSC initiatives (particularly alternative water source projects) if water is destined for human consumption and the risks to health are or could be relatively high.
		s. 33	Sale of unsafe food A person must not sell food that the person knows, or reasonably ought to know, is unsafe. A person who contravenes this section is liable for a penalty (1000 penalty units or 2 years imprisonment)	Alternative water source projects Risks to health		✓	Section 33 could hinder WSC initiatives (particularly alternative water source projects) if water is destined for human consumption and the risks to health are or could be relatively high.
PART 2 – OTHER OFFENCES RELATING TO FOOD							
		s. 35(1) and (2)	Handling and sale of unsafe food (1) A person must not handle food intended for sale in a way that will make, or is likely to make, the food unsafe. (2) A person must not sell food that is unsafe.	Alternative water source projects Risks to health		✓	Section 35 could hinder WSC initiatives (particularly alternative water source projects) if water is destined for human consumption and the risks to health are or could be relatively high.
		s. 36(1) and (2)	Handling and sale of unsuitable food (1) A person must not handle food intended for sale in a way that will make, or is likely to make, the food unsuitable. (2) A person must not sell food that is unsuitable.	Alternative water source projects Risks to health		✓	Section 21 provides that food is unsuitable if it is food that, among other things, contains a biological or chemical agent, or other matter or substance, that is foreign to the nature of the food. However, food is not unsuitable for the purposes of this Act for a number of reasons, including merely because it contains any matter or substance that is permitted by the food standards code. Section 36 could hinder WSC initiatives (particularly alternative water source projects) if water is destined for human consumption and the risks to health are or could be relatively high.

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PART 3 – DEFENCES							
		s. 44	<p>Defence of due diligence</p> <p>(1) In proceedings for an offence under this chapter, it is a defence for a person to prove that the person exercised all due diligence to prevent the commission of the offence by the person or by another person under the person’s control.</p> <p>(2) Without limiting the ways in which a person may satisfy the requirements of subsection (1), a person satisfies those requirements if it is proved—</p> <p>(a) that the commission of the offence was due to—</p> <p>(i) an act or default of another person; or</p> <p>(ii) reliance on information supplied by another person; and</p> <p>(b) that—</p> <p>(i) the person carried out all checks of the food concerned as were reasonable in all the circumstances; or</p> <p>(ii) it was reasonable in all the circumstances to rely on checks carried out by the person who supplied the food concerned to the person; and</p> <p>(c) that the person did not import the food into the State from another country; and</p> <p>(d) if the offence involves the sale of food, that—</p> <p>(i) the person sold the food in the same condition as when the person purchased it; or</p> <p>(ii) the person sold the food in a different condition to that in which the person purchased it, but that the difference did not result in a contravention of this Act.</p>	Alternative water source projects Risks to health		✓	The limited defence available under section 44 may provide some encouragement/support for WSC initiatives, particularly alternative water source projects.

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11.	Public Health Act 2005	<i>The Public Health Act 2005 is 'an Act to protect and promote the health of the Queensland public, and for other purposes'.</i>					
		CHAPTER 2 – ENVIRONMENTAL HEALTH					
		PART 3 – PUBLIC HEALTH ORDERS					
		DIVISION 1 – PRELIMINARY					
		s. 21	<p>What public health order may require</p> <p>(1) A public health order may require a person to do something at a place that is—</p> <p>(a) reasonably necessary to remove or reduce the risk to public health from a public health risk, or prevent a risk to public health from recurring; and</p> <p>(b) appropriate in the circumstances having regard to the nature and seriousness of the risk to public health at the time the order is made.</p> <p>(2) Without limiting subsection (1), a public health order may require a person to do any of the following at the place—</p> <p>(a) clean or disinfect the place, or part of the place, or a structure or other thing at the place, in the way stated in the order;</p> <p>(b) carry out insect or pest control at the place in the way stated in the order;</p> <p>(c) demolish stated structures or other property at the place in the way stated in the order;</p> <p>(d) remove stated material or items from the place to another place stated in the order in the way stated in the order;</p> <p>(e) dispose of stated material or items at the place in the way stated in the order, for example, by burying the material or items;</p> <p>(f) destroy animals at the place or remove animals from the place for destruction at another place in the way stated in the order;</p> <p>(g) stop using the place, or part of the place, for a stated purpose, within a stated period or until stated steps are taken.</p>	Alternative water source projects Risks to/ associated with water sources Risks to public health		✓	<p>Note:</p> <p>Section 11 defines a public health risk to include:</p> <ul style="list-style-type: none"> - drinking water supplied by a drinking water service provider; - recycled water produced or supplied under a recycled water scheme within the meaning of the Water Supply (Safety and Reliability) Act 2008; and - water, other than water mentioned above <p>that is, or is likely to be, hazardous to human health, or that contributes to, or is likely to contribute to, disease in humans or the transmission of an infectious condition to humans.</p> <p>Water is defined to include drinking water, water used for recreational purposes, recycled water, waste water and sewage.</p> <p>Alternative water source projects that entail possible health risks could be the subject of a public health order, which could disincentivise the uptake of such projects.</p>
		PART 5A – PROVISIONS ABOUT DRINKING WATER AND RECYCLED WATER					
		DIVISION 2 – OFFENCES ABOUT SUPPLY OF DRINKING WATER OR RECYCLED WATER					
		SUBDIVISION 1 – PRELIMINARY					
		s. 57C	<p>When drinking water is unsafe</p> <p>Drinking water is unsafe at a particular time if it would be likely to cause physical harm to a person who might later consume it, assuming nothing happened to it after that particular time and before being consumed by the person that would prevent its being used for its intended use.</p>	Alternative water source projects Risks to/ associated with water sources Risks to public health		✓	Water quality requirements regarding drinking water could disincentivise the uptake of alternative water source projects that aim to provide potable water.

ITEM	LEGISLATIVE INSTRUMENT	PROVISION	RELEVANT REQUIREMENT/OBLIGATION/RESTRICTION	WSC TOPIC/ISSUE	IMPLICATIONS FOR WSC		
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		s. 57D	<p>When recycled water is fit for use</p> <p>Recycled water is fit for use at a particular time if it would not be likely to cause physical harm to a person who might later be exposed to it, assuming—</p> <p>(a) nothing happened to it after that particular time and before the person was exposed to it that would prevent its being used for its intended use; and</p> <p>(b) it was used according to its intended use.</p>	<p>Alternative water source projects</p> <p>Risks to/ associated with water sources</p> <p>Risks to public health</p>		✓	Water quality requirements regarding recycled water could disincentivise the uptake of alternative water source projects that involve recycled water.
SUBDIVISION 2 – OFFENCES							
		s. 57E	<p>Supply of unsafe drinking water</p> <p>A drinking water service provider must not supply drinking water that the provider knows, or reasonably ought to know, is unsafe.</p> <p>Maximum penalty—3000 penalty units or 2 years imprisonment.</p> <p>Note— This provision is an executive liability provision—see section 448.</p>	<p>Alternative water source projects</p> <p>Risks to/ associated with water sources</p> <p>Risks to public health</p>		✓	Water quality requirements regarding drinking water could disincentivise uptake of alternative water source projects that aim to provide potable water.
		s. 57F	<p>Supply of recycled water that is not fit for use</p> <p>(1) This section applies to a recycled water provider that supplies recycled water for use other than as drinking water.</p> <p>(2) The recycled water provider must not supply the recycled water if the provider knows, or reasonably ought to know, the recycled water is not fit for use.</p> <p>Maximum penalty—1350 penalty units or 2 years imprisonment.</p> <p>Note— This provision is an executive liability provision—see section 448.</p>	<p>Alternative water source projects</p> <p>Risks to/ associated with water sources</p> <p>Risks to public health</p>		✓	Water quality requirements regarding recycled water could disincentivise uptake of alternative water source projects that involve recycled water.



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