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18 September 2019

Ms Sophie Dwyer  
Executive Director, Health Protection Branch  
Queensland Health  
PO Box 2368  
FORTITUDE VALLEY, QLD 4006

Dear Ms Dwyer

## Consultation Post Implementation Review— Chapter 2A of Public Health Act 2005 (Water Risk Management)

Thank you for your enquiry of 11 September 2019 seeking advice on the adequacy of the 'Chapter 2A of Public Health Act 2005 (Water Risk Management)' Consultation Post Implementation Review (PIR).

### Background

The object of the *Public Health Act 2005* (the Act) is to protect and promote the health of the Queensland public. This object is achieved, in part, by provisions in the Act for preventing, controlling and reducing risks to public health; inquiring into serious public health matters; responding to public health emergencies; and providing for compliance with the Act to be monitored and enforced.

Following a report by Queensland's Chief Health Officer in 2013, mandatory interim measures were applied in 2014 requiring facilities to develop a water risk management plan, focusing on the management and control of the risks associated with Legionella.

In 2016, the interim measures were replaced with amendments to the Act, which came into force in February 2017. These amendments included the requirement for facilities to have a water risk management plan—a written plan to prevent or minimise the risks posed by all water-related hazards, hazard sources or hazardous events to individuals at the facility. These provisions are contained in Chapter 2A of the Act.

### Proposal

As a Regulatory Impact Statement (RIS) was not prepared to support the making of the amendments, Queensland Health (the department) has prepared a PIR to assess the impacts, effectiveness and continued relevance of Chapter 2A of the Act.

The PIR was developed following feedback from affected public health facilities. The department estimates that the total costs incurred by prescribed facilities since 2014 (over and above what they would have done anyway), is \$23.8 million to meet the requirements of the interim arrangements and the legislative requirements. Conversely, while the department notes that it is difficult to measure the direct benefits of the requirements, the PIR states that it is likely that the measures put in place have contributed to a reduced risk of infection for vulnerable people in the facilities.



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The PIR presents the retention of Chapter 2A of the Act, with no further changes to the legislative requirements, as the department's preferred position. While the department has identified a number of areas for improvement, including measures to reduce the cost burden, it notes that these can be achieved through a range of actions that do not require legislative amendment.

### Assessment

In undertaking its assessment of whether a Consultation PIR is adequate for the purposes of public consultation, the Queensland Productivity Commission (the Commission) has regard to the 'adequacy criteria' in the Queensland Government Guide to Better Regulation (the guidelines).

Based on these criteria the Commission considers that the PIR adequately presents the department's assessment of the impacts, effectiveness and continued relevance of Chapter 2A of the Act. Further, the Commission notes that the PIR provides analysis and quantification of the estimated impacts of these regulatory requirements on public health facilities.

Given these points, the Commission considers the PIR is adequate for the purposes of public consultation. Further consultation with stakeholders will likely assist the department to further assess the legislative requirements including:

- whether Chapter 2A of the Act should be retained and whether any legislative amendments should be considered
- verifying the analysis undertaken and whether the proposal has had any other unforeseen adverse impacts on public health facilities or the community
- whether the legislation has provided a net benefit to the community.

Consistent with the guidelines, once a Consultation PIR has been approved for release it is published on the Commission's website along with this letter. After consultation has concluded, a Decision PIR, incorporating the consideration of public comments should be provided to the Commission for assessment before the matter is finally referred to Cabinet for decision.

Please contact Sean Mackay, Principal Analyst on (07) 3015 5149 if you require any additional information or guidance in relation to the above comments or the guidelines in general.

Yours sincerely



**Christine Tozer**

Team Leader