

South Australia

Statutes Amendment (Water Conservation Practices) Act 2003

An Act to amend the *Water Resources Act 1997* and the *Waterworks Act 1932*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Statutes Amendment (Water Conservation Practices) Act 2003*.

2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Water Resources Act 1997*

3—Amendment of section 16—Restrictions relating to the taking of water

- (1) Section 16(1)—after paragraph (d) insert:
 - (da) limit the quantity of water that may be taken from the watercourse, lake or well, or from any surface water; or
- (2) Section 16(7)—after the penalty provision insert:

Expiation fee: \$315.

4—Insertion of Part 4 Division 1A

Part 4—after Division 1 insert:

Division 1A—Water conservation practices

17A—Water conservation practices

- (1) For the purposes of this section, water conservation measures may do one or more of the following:
 - (a) prohibit the use of water for a specified purpose or purposes, or restrict or regulate the purposes for which water can be used;
 - (b) prohibit the use of water in a specified manner or by specified means, or restrict or regulate the manner in which, or the means by which, water may be used;
 - (c) prohibit specified uses of water during specified periods, or restrict or regulate the times at which water may be used.
- (2) The Governor may, by regulation, introduce one or more water conservation measures.
- (3) Regulations under subsection (2) must be declared to be made—
 - (a) for the purposes of taking action to provide for the better conservation, use or management of water (*longer-term measures*); or
 - (b) for the purposes of taking action on account of a situation, or likely situation, that, in the opinion of the Governor, has resulted, or is likely to result, in a decrease of the amount of water available within a water resource (whether prescribed or not) (*short-term measures*).
- (4) A regulation under subsection (2) will, unless it has already been revoked, expire—
 - (a) in the case of a *longer-term measure*—at the expiration of 5 years from the day on which it comes into operation;
 - (b) in the case of a *short-term measure*—at the expiration of 1 year from the day on which it comes into operation.

- (5) Before a regulation is made under subsection (2)—
- (a) the Minister should take reasonable steps to consult with persons who, in the opinion of the Minister, are appropriate representatives of groups who will be affected by the proposed regulation; and
 - (b) the Minister should give consideration—
 - (i) to the impact that the regulation would have on any rights or entitlements arising under or by virtue of any licences or permits granted under this Act; and
 - (ii) to the provisions of any relevant water allocation plan, and of any other relevant part of this Act.
- (6) A regulation under this section may provide that a specified activity involving the use of water cannot occur except under the authority of an approval issued by the Minister in accordance with the regulations.
- (7) A regulation under this section may—
- (a) apply in relation to any water—
 - (i) that forms part of the water resources (whether prescribed or not) of the State; or
 - (ii) that is available for use within the State (including through a water reticulation system);
 - (b) apply in relation to the whole or any part of the State;
 - (c) apply any measure in relation to specified classes of persons or bodies, or generally;
 - (d) specify conditions or provide for exemptions;
 - (e) otherwise make different provision according to circumstances specified in the regulation.
- (8) A person who contravenes or fails to comply with a regulation under this section is guilty of an offence.

Maximum penalty:

- (a) where the offender is a body corporate—\$10 000;
- (b) where the offender is a natural person—\$5 000.

Expiation fee: \$315.

5—Amendment of section 132—Declaration of penalty in relation to the unauthorised or unlawful taking or use of water

- (1) Section 132(1)—after paragraph (b) insert:
- (c) a person who uses water in contravention of a notice under section 16.

- (2) Section 132(2)—after paragraph (b) insert:
 - (c) in the case of a contravention of a notice under section 16—
depending on the relevant contravention.

Part 3—Amendment of *Waterworks Act 1932*

6—Amendment of section 10—Regulations

- (1) Section 10(1)XI—after "misuse of water," insert:
 - or for providing for the better conservation, use or management of water,
- (2) Section 10(6)—delete subsection (6) and substitute:
 - (6) The regulations may—
 - (a) impose a penalty not exceeding—
 - (i) \$10 000 for contravention of, or failure to comply with, a regulation by a body corporate; and
 - (ii) \$5 000 for contravention of, or failure to comply with, a regulation by a natural person; and
 - (b) fix an expiation fee not exceeding \$315 for an alleged contravention of, or failure to comply with, a regulation.

7—Amendment of section 33—Power to lessen or discontinue supply

Section 33—delete "stored in any reservoir has been diminished to such an extent as" and substitute:

available for supply under this Act has been, or is likely to be, diminished so as

8—Amendment of section 33A—Restrictions on the use of water

- (1) Section 33A(1)—delete subsection (1) and substitute:
 - (1) Subject to this section, the Corporation may, with the approval of the Minister by notice published in the Gazette, do one or more of the following:
 - (a) prohibit the use of water for a specified purpose or purposes, or restrict or regulate the purposes for which water can be used;
 - (b) prohibit the use of water in a specified manner or by specified means, or restrict or regulate the manner in which, or the means by which, water may be used;
 - (c) prohibit specified uses of water during specified periods, or restrict or regulate the times at which water may be used.

- (1a) However, the Corporation may only act under subsection (1) if the Corporation has determined to take action because it is of the opinion that water available under this Act is insufficient, or is likely in the future to be insufficient, to meet demand, or the Corporation is of the opinion that other circumstances exist to justify the implementation of measures under this section to provide for the conservation or efficient use or management of water.
 - (1b) A notice under subsection (1) may provide that a specified activity involving the use of water cannot occur except under the authority of a permit issued by the Corporation in accordance with the regulations.
- (2) Section 33A(3), penalty provision—delete the penalty provision and substitute:
- Maximum penalty:
- (a) where the offender is a body corporate—\$10 000;
 - (b) where the offender is a natural person—\$5 000.
- Expiation fee: \$315.

9—Amendment of section 35A—Reduction in water supply to cope with demand

- Section 35A(4), penalty provision—delete the penalty provision and substitute:
- Maximum penalty:
- (a) where the offender is a body corporate—\$10 000;
 - (b) where the offender is a natural person—\$5 000.
- Expiation fee: \$315.

10—Amendment of section 43—Interfering with or by-passing meter

- Section 43(1), penalty provision—delete the penalty provision and substitute:
- Maximum penalty:
- (a) where the offender is a body corporate—\$10 000;
 - (b) where the offender is a natural person—\$5 000.
- Expiation fee: \$315.