

House of Assembly—No 141

As laid on the table and read a first time, 21 September 2005

South Australia

Statutes Amendment (Reuse of Water) Bill 2005

A BILL FOR

An Act to amend the *Natural Resources Management Act 2004*, the *Public and Environmental Health Act 1987* and the *Sewerage Act 1929*.

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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 (Reuse of Water) Bill 2005*.

2—Commencement

- 5 (1) Subject to subsection (2), this Act will come into operation on a day to be fixed by proclamation.
- (2) If a provision of this Act has not been brought into operation sooner, it will, by force of this subsection, come into operation 6 months after assent.

3—Amendment provisions

- 10 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 *Natural Resources Management Act 2004*

4—Insertion of Chapter 7 Part 3 Division 6

Chapter 7 Part 3—after Division 5 insert:

5 **Division 6—Schemes to promote the reuse of water**

164A—Schemes to promote the reuse of water

- 10 (1) The Minister must, by notice in the Gazette, establish a scheme to promote the discharge into various water resources of wastewater that meets prescribed standards in order to further the objects of this Act.
- 15 (2) For the purposes of subsection (1), the Minister—
- (a) must ensure that standards that wastewater must meet before the wastewater can be discharged under the scheme are developed or adopted; and
- (b) may, by notice in the Gazette—
- (i) establish the method or basis according to which the quantity and quality of wastewater discharged under the scheme will be measured or assessed; and
- 20 (ii) determine conditions with respect to the discharge of wastewater under the scheme; and
- (iii) exclude any water resource, or any water resource of a specified class, from the operation of the scheme;
- (iv) provide for any other related or ancillary matter as the Minister thinks fit.
- 25 (3) The Minister may, at any time, by subsequent notice published in the Gazette, vary or substitute a notice under subsection (1).
- 30 (4) The following provisions apply in relation to the discharge of wastewater in accordance with the scheme established under this section:

- (a) for each kilolitre of wastewater discharged in accordance with the scheme there will be a credit calculated as follows:

$$C = V \times \frac{9}{10}$$

where—

C is the credit (expressed in kilolitres);

V is the volume of wastewater discharged under the scheme (expressed in kilolitres);

(b) the credit—

- (i) will be assigned to the person responsible for the discharge of the water (as determined in accordance with any provision made by the regulations); and
- (ii) will be allocated to a licence nominated by that person (in accordance with any procedure determined by the regulations) as if it were a component of a water allocation obtained from the Minister under section 151 (free of charge).

(5) An allocation of water represented by a credit under subsection (4)—

- (a) will be subject to any relevant conditions of the licence to which the credit is assigned; and
- (b) will be subject to the other provisions of this Part relating to water allocations (including as to the reduction of water allocations and the transfer of water allocations); and
- (c) will be subject to any other provision made by the regulations.

(6) An allocation of water represented by a credit under subsection (4) will not be subject to any levy under Chapter 5.

(7) For the purposes of this section, the Governor may, by regulation—

- (a) determine that water with prescribed characteristics will be taken to be wastewater;
- (b) determine that water with prescribed characteristics will not be taken to be wastewater,

(and any such regulation will have effect according to its terms).

(8) Any assessment or determination of the volume of wastewater under this section will be to 1 decimal point.

Part 3—Amendment of *Public and Environmental Health Act 1987*

5—Amendment of section 21—Pollution of water

Section 21(5)—delete subsection (5) and substitute:

(5) This section does not apply to, or in relation to—

- (a) the pollution of a water supply as a result of an activity authorised under the *Natural Resources Management Act 2004*; or
- (b) the pollution of a prescribed water supply; or
- (c) the pollution of a water supply if—
 - (i) the only activity being undertaken in relation to the water supply is the discharge of wastewater; and

(ii) the wastewater complies with standards prescribed by the regulations for the purposes of this paragraph.

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(6) The Minister must ensure that standards are developed or adopted for the purposes of subsection (5)(c).

(7) Subsection (5) does not apply to a water supply, or a water supply of a class, excluded from the operation of that subsection by the regulations.

Part 4—Amendment of *Sewerage Act 1929*

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6—Amendment of section 36—Waste material not to be discharged onto land or into pit etc

Section 36—after subsection (4) insert:

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(5) Subsection (1) does not apply with respect to the discharge of wastewater into a well if the wastewater complies with standards prescribed by the regulations for the purposes of this subsection.

(6) The Minister must ensure that standards are developed or adopted for the purposes of subsection (5).

(7) However, subsection (5) does not apply with respect to a well if—

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(a) the well is excluded from the operation of that subsection by the regulations; or

(b) the well is within a class of wells excluded from the operation of that subsection by the regulations.