

South Australia

Waterworks Variation Regulations 2003

under the *Waterworks Act 1932*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Waterworks Variation Regulations 2003*.

2—Commencement

These regulations come into operation on 26 October 2003.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Waterworks Regulations 1996*

4—Insertion of Part 6

After Part 5 insert:

Part 6—Water restrictions and permits

Division 1—Water restrictions

32—Compliance with water restrictions

- (1) Subject to this regulation, a person must not use water in contravention of a restriction specified in Schedule 2.
- (2) Subregulation (1) does not apply to a person who uses the water under the authority of a permit issued by the Corporation in accordance with these regulations.
- (3) Nothing in this regulation derogates from a restriction on the use of water imposed by a notice by the Corporation under section 33A of the Act.
- (4) In this regulation—

notice includes a notice published by the Corporation prior to the commencement of this regulation;

permit includes a permit issued in relation to a restriction on the use of water imposed by a notice by the Corporation under section 33A of the Act;

water means water supplied under the Act by the Corporation.

Division 2—Water restriction permits

32A—Corporation may issue permits

Where, pursuant to—

- (a) regulation 32; or

(b) a notice by the Corporation under section 33A of the Act, a specified use of water is prohibited except under the authority of a permit issued by the Corporation, the Corporation may, on payment of such fee as may be fixed by the Corporation, issue such a permit to a person in accordance with this Division.

32B—Circumstances in which permit may be issued

The Corporation may only issue a permit if it is satisfied that—

- (a) good reason exists for allowing the use of water to occur in accordance with the permit; and
- (b) the use of water under the permit (and all other permits issued in accordance with this Division) will not significantly reduce the effectiveness of the water restrictions then in force in providing for the conservation or efficient use or management of water.

32C—Form and content of permit

A permit must be in writing in a form determined by the Corporation and must specify—

- (a) the name and address of the holder of the permit; and
- (b) the restriction to which the permit relates; and
- (c) the land and the water use to which the permit relates; and
- (d) the period for which the permit applies.

32D—Conditions of permit

A permit is subject to such conditions as are determined by the Corporation and specified in the permit or subsequently notified to the holder of the permit in accordance with this Division.

32E—Breach of permit conditions

Where the holder of a permit, or a person acting in the employment or with the authority of the holder of the permit, contravenes or fails to comply with a condition of the permit, the holder of the permit is guilty of an offence.

32F—Revocation, variation etc of permit or condition

The Corporation may, by written notice to the holder of a permit, revoke, suspend or vary a permit, or a condition of a permit, or add a new condition to a permit, if the Corporation is satisfied that—

- (a) it is necessary or expedient to do so for the conservation or efficient use or management of water; or
- (b) the holder of the permit has contravened or failed to comply with a provision of the Act or these regulations or a condition of the permit.

32G—Application of permit relating to regulation 32 restriction

A permit issued in accordance with this Division in relation to a restriction on the use of water imposed by regulation 32 applies subject to any restriction imposed by a notice by the Corporation under section 33A of the Act (and any permit issued in relation to that notice).

32H—Permit not transferable

A permit issued in accordance with this Division is not transferable.

5—Variation of regulation 44—Offences

Regulation 44, penalty provision—delete the penalty provision and substitute:

Maximum penalty (where no other penalty is specified):

- (a) in the case of a body corporate—\$10 000;
- (b) in any other case—\$5 000.

Expiation fee: \$315.

6—Insertion of regulation 46

After regulation 45 insert:

46—Authorised person may make enquiries

- (1) A person authorised in writing by the Corporation may—
 - (a) require a person who the authorised person reasonably suspects has committed, is committing or is about to commit a contravention of the Act or these regulations, to state the person's full name and current or usual place of residence and to produce evidence of the person's identity;
 - (b) require a person who the authorised person reasonably suspects has knowledge of matters in respect of which information is reasonably required for the administration or enforcement of the Act or these regulations to answer questions in relation to those matters.
- (2) A person must not, without reasonable excuse, fail to comply with a request made by, or fail to answer to the best of the person's knowledge, information and belief a question put by, an authorised person pursuant to this regulation.
- (3) A person is not obliged to answer a question under this regulation if to do so would tend to incriminate the person or make the person liable to a penalty.
- (4) An authorised person must not make a request or ask a question under this regulation unless he or she—
 - (a) has written identification issued by the Corporation stating that he or she is authorised to make such a request or ask such a question; and

- (b) presents (or makes a genuine attempt to present) the identification for inspection when making the request or asking the question.
- (5) A person must not falsely represent, by word or conduct, that he or she is an authorised person for the purposes of this regulation.
Maximum penalty: \$5 000.

7—Insertion of Schedule 2

After Schedule 1 insert:

Schedule 2—Water restrictions

Part 1—Preliminary

1—Interpretation

- (1) In this Schedule, unless the contrary intention appears—
 - drip-feed irrigation system* means an irrigation system (including a micro-spray system) that delivers water to plants in drops or other small quantities by means of underground or surface pipes or tubes;
 - external* means an area outside a building (whether or not the area is sheltered by a roof);
 - high pressure low volume water cleaner* means a device, fitted with a trigger nozzle, that forces water, by means of a pump, at high pressure through the trigger nozzle at a flow rate of less than 9 litres per minute;
 - micro-spray system* means an irrigation system that delivers water through water-misting spray heads at a flow rate of not more than 0.5 litres of water per minute per outlet;
 - paved* means covered by paving, concrete, bitumen or other material;
 - trigger nozzle* means a device that automatically shuts off the flow of water through a hose or other item to which it is attached (or of which it forms a part) unless pressure is maintained by hand on a trigger or other mechanism forming part of the device.
- (2) For the purposes of this Schedule, daylight saving will be taken to be in force during any period and in any part of the State in which South Australian summer time is required to be observed under the *Daylight Saving Act 1971*.

Part 2—Restrictions

2—Cleaning motor vehicles, boats

- (1) Subject to subclause (2), a person must not use water to clean a motor vehicle or a boat unless the water is applied—
 - (a) from a bucket or watering can filled directly from a tap; or

- (b) by a high pressure low volume water cleaner; or
 - (c) from a hand-held hose that is fitted with a trigger nozzle.
- (2) Subclause (1) does not apply to—
- (a) the cleaning of a motor vehicle or a boat at a commercial car wash or by means of an automatic washing system that recycles water; or
 - (b) the flushing or rinsing of the motor of a boat after use.

3—Watering gardens, grounds, nurseries etc

A person must not use water to water any external portion of a public or private garden, recreational area, sports ground or plant nursery unless the water is applied—

- (a) by hand (through a hand-held hose or from a bucket or watering can); or
- (b) through a drip-feed irrigation system; or
- (c) where the watering takes place after 5 p.m. and before 10 a.m. (or, if daylight saving is in force, after 6 p.m. and before 10 a.m.)—through a sprinkler system.

4—Hosing down external paved areas

A person must not use water to hose down an external paved area unless it is necessary to do so—

- (a) to protect public health; or
- (b) to ensure the safety of persons using the area; or
- (c) to ensure the health and welfare of animals using the area; or
- (d) to deal with a fire, accident or other emergency.

5—Construction sites

A person must not use water to control dust or other pollutants resulting from building works unless the water is applied—

- (a) from a hand-held hose fitted with a trigger nozzle; or
- (b) directly from a motor vehicle designed to carry and deposit water.

Part 3—Areas to which restrictions apply

6—Areas to which restrictions apply

The restrictions specified in this Schedule apply throughout the State.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 16 October 2003

No 205 of 2003

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