

**Legislative Council—No 69**

As introduced and read a first time, 26 September 2007

South Australia

**Waterworks (Making of Restrictions) Amendment  
Bill 2007**

A BILL FOR

An Act to amend the *Waterworks Act 1932*.

---

## Contents

### Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

### Part 2—Amendment of *Waterworks Act 1932*

- 4 Substitution of section 33A
  - 33A Restrictions on the use of water
  - 33B Stakeholders Advisory Committee

## The Parliament of South Australia enacts as follows:

### Part 1—Preliminary

#### 1—Short title

- 5 This Act may be cited as the *Waterworks (Making of Restrictions) Amendment Act 2007*.

#### 2—Commencement

- (1) Subject to subsection (2), this Act will come into operation on a day to be fixed by proclamation.
- 10 (2) If a provision of this Act has not been brought into operation sooner, it will, by force of this subsection, come into operation 3 months after assent.

#### 3—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 *Waterworks Act 1932*

#### 15 4—Substitution of section 33A

Section 33A—delete the section and substitute:

#### 33A—Restrictions on the use of water

- (1) For the purposes of this section, water conservation measures may do
- 20 1 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;
  - 25 (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 made on the recommendation of the Minister, introduce one or more water conservation measures.
- 5 (3) The Minister may only make a recommendation under subsection (2) after consultation with the Corporation.
- (4) Regulations under subsection (2) must be declared to be made—
- 10 (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 Minister, has resulted, or is likely to result, in a decrease of the amount of water available within a water resource that is used for the purposes of supplying water under this Act (*short-term measures*).
- 15 (5) A regulation under subsection (2) will, unless it has already been revoked, expire—
- 20 (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.
- (6) A regulation under this section 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.
- 25 (7) A regulation under this section may—
- (a) apply in relation to the whole or any part of the State;
- 30 (b) apply any measure in relation to specified classes of persons or bodies, or generally;
- (c) specify conditions or provide for exemptions;
- (d) 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.
- 35 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.

40 **33B—Stakeholders Advisory Committee**

- (1) The *Stakeholders Advisory Committee (SAC)* is established.

- (2) SAC consists of 7 members appointed by the Governor on the recommendation of the Minister.
- (3) The membership of SAC must include persons who together have, in the Minister's opinion, the following attributes:
- 5           (a) practical knowledge of, and experience in, water management in an urban or regional setting;
- (b) practical knowledge of, and experience in, the protection and management of the environment;
- 10           (c) practical knowledge of, and experience in, water conservation;
- (d) practical knowledge of, and experience in, the plant nursery and garden industry;
- (e) practical knowledge of, and experience in, the storage and supply of bulk water;
- 15           (f) practical knowledge of, and experience in, community affairs;
- (g) practical knowledge of, and experience in, industry, commerce or business.
- (4) For the purposes of recommending persons under subsection (2)—
- 20           (a) the Minister must consult with the City of Salisbury in relation to the appointment of a person to comply with subsection (3)(a); and
- (b) the Minister may consult, as the Minister thinks fit, with other persons or bodies with a view to ensuring that a person appointed under subsection (2) has wide recognition or support within a sector reflected in subsection (3).
- 25
- (5) A member of SAC—
- (a) will hold office on conditions determined by the Governor for a term, not exceeding 3 years, specified in the instrument of appointment and will, at the expiration of a term of office, be eligible for reappointment; and
- 30           (b) is entitled to fees, allowances and expenses approved by the Governor; and
- (c) may be removed from office in accordance with the regulations.
- 35
- (6) The Governor may appoint a member of SAC to be the presiding member of SAC.
- (7) Subject to this section, SAC may determine its own procedures.
- 40           (8) The function of SAC is to provide a report to be tabled in Parliament whenever a water conservation measure is introduced or varied under section 33A.

- 5
- 10
- 15
- (9) The report must assess the appropriateness of the new water conservation measure or variation (as the case may be) and, in particular, must provide information on—
    - (a) the efficiency of the measure or variation as a water conservation measure; and
    - (b) environmental, social and economic impacts associated with the measure or variation; and
    - (c) various strategies or practices that may be adopted or applied to promote or achieve greater efficiencies in the use of water (taking into account the circumstances of the particular measure or variation).
  - (10) The report may include such other information or recommendations as SAC thinks fit.
  - (11) The report must accompany the regulations to which the report relates when the regulations are laid before each House of Parliament under the *Subordinate Legislation Act 1978*.