

South Australia

# Water Industry Regulations 2012

under the *Water Industry Act 2012*

---

## Contents

### Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Interpretation—definition of customer

### Part 2—Licensing of water industry entities

- 5 Licence fees and returns
- 6 Content of register of licences

### Part 3—Powers and duties relating to land and infrastructure

- 7 Carrying out certain work on land

### Part 4—Protection and use of infrastructure, equipment and water and powers in relation to installations

- 8 Encroachments
- 9 Paving a road etc—costs
- 10 Unlawful abstraction, removal or diversion of water or sewage
- 11 Information as to amounts already paid for retail services etc
- 12 Certificate as to encumbrance
- 13 Protection of infrastructure—planting of trees etc on public land
- 14 Protection of infrastructure—action in relation to trees and shrubs
- 15 Protection of infrastructure—damage caused by trees or shrubs
- 16 Access to sewerage infrastructure
- 17 Power to restrict or discontinue water supply
- 18 Notices under section 59—permits

### Part 5—Technical and safety issues

- 19 Standards
- 20 Performance of regulated work
- 21 Safety, reliability, maintenance and technical management plans and reports
- 22 Responsibilities of customers
- 23 Fittings etc to be flush with road surface

### Part 6—Water conservation—longer-term measures

- 24 Water conservation—longer-term measures
- 25 SA Water may issue permits
- 26 Circumstances in which permit may be issued
- 27 Form and content of permit
- 28 Conditions of permit

- 29 Breach of permit conditions
- 30 Revocation, variation etc of permit or condition
- 31 Application of permit relating to regulation 24
- 32 Permit not transferable

## Part 7—Miscellaneous

- 33 Requirement to connect to infrastructure
- 34 Pipes must not lie across allotment boundaries
- 35 Fees for reinspection etc
- 36 Water meters—estimates
- 37 Save the River Murray levy—exemption
- 38 Charge where land not connected or service to land reduced or discontinued
- 39 Vents—cost of compliance with requirements
- 40 General penalty
- 41 Expiation of offences against Act

## Schedule 1—Fees

Schedule 2—Trees and shrubs to which regulation 13(a)(ii) applies

Schedule 3—Trees and shrubs to which regulation 13(a)(iii) applies

Schedule 4—Water conservation—longer-term measures

## Part 1—Preliminary

- 1 Application of Schedule
- 2 Interpretation

## Part 2—Water conservation measures

- 3 Cleaning motor vehicles, boats
- 4 Watering gardens, grounds, retail garden centres etc
- 5 Hosing down external area
- 6 Construction sites
- 7 Swimming pools

## Part 3—Areas to which measures apply

- 8 Areas to which measures apply

## Part 4—Expiry of Schedule

- 9 Expiry of Schedule

Schedule 5—Revocations and transitional provisions

## Part 1—Revocations

- 1 Revocation of *Sewerage Regulations 2011* and *Waterworks Regulations 2011*

## Part 2—Transitional provisions

## Division 1—Preliminary

- 2 Preliminary

---

Division 2—Special provisions relating to revocation of *Sewerage Regulations 2011*

- 3 Approvals
- 4 Charges—transitional financial year
- 5 References to undertaking

Division 3—Special provisions relating to revocation of *Waterworks Regulations 2011*

- 6 Approvals
- 7 Charges—transitional financial year
- 8 Permits

Legislative history

---

## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Water Industry Regulations 2012*.

### 2—Commencement

These regulations will come into operation on 1 January 2013.

### 3—Interpretation

In these regulations—

*Act* means the *Water Industry Act 2012*;

*entry point* means a fitting connected to pipes, conduits or associated fittings or apparatus of any sewerage infrastructure to enable a person to enter such infrastructure;

*inspection point* means a fitting designed to provide for the inspection of pipes, conduits or associated fittings or apparatus of any sewerage infrastructure or to provide access by means of tools to such infrastructure;

*Save the River Murray levy* means the levy under section 93 of the Act.

### 4—Interpretation—definition of customer

For the purposes of paragraph (b) of the definition of *customer* in section 4 of the Act, the following are circumstances in which the definition of customer includes a consumer of retail services:

- (a) for the purposes of requiring the water industry entity to comply with code provisions under section 25(1)(b)(iii) and (iv) of the Act relating to limitations on the grounds on which the supply of designated services to customers may be discontinued or disconnected and processes to be followed before designated services are discontinued or disconnected;
- (b) for the purposes of a process to be followed to resolve disputes between a water industry entity and its customers in accordance with section 25(1)(g) of the Act;

- (c) for the purposes of an ombudsman scheme determined or approved by the Commission in accordance with section 25(1)(h) of the Act.

## **Part 2—Licensing of water industry entities**

### **5—Licence fees and returns**

- (1) For the purposes of section 24(2)(a) of the Act, an annual return must be lodged before 31 August in each year.
- (2) For the purposes of section 24(2)(b) of the Act, the licence fee, or the first instalment of the licence fee, (as the case may require) must be paid before the anniversary in each year of the day on which the licence was issued.
- (3) For the purposes of section 24(6) of the Act, the penalty for default—
  - (a) for failing to lodge an annual return is \$500; and
  - (b) for failing to pay a licence fee, or an instalment of a licence fee, is 10% per annum of the outstanding amount calculated daily on a cumulative basis.

### **6—Content of register of licences**

For the purposes of section 34(2) of the Act, the register of licences must include (in addition to the terms and conditions of each licence)—

- (a) details of each application for the issue, renewal or variation of a licence; and
- (b) on any such application being refused or withdrawn, a statement to that effect.

## **Part 3—Powers and duties relating to land and infrastructure**

### **7—Carrying out certain work on land**

For the purposes of section 45(5) and (6) of the Act—

- (a) prior notice and agreement are not required under section 45(3) of the Act for maintenance, repairs or minor works on existing water/sewerage infrastructure situated in, on, across, under or over a road; and
- (b) agreement is not required under section 45(3) of the Act for maintenance, repairs or minor works on existing water/sewerage infrastructure situated in, on, across, under or over any public land other than a road.

## **Part 4—Protection and use of infrastructure, equipment and water and powers in relation to installations**

### **8—Encroachments**

For the purposes of section 49(2)(b) of the Act, the notice must—

- (a) be in writing; and
- (b) specify the grounds on which the person on whom the notice is served is alleged to have acted in contravention of section 49(1) of the Act; and
- (c) specify the location of the land to which the notice relates; and

- (d) specify the period within which any action specified in the notice to remedy any contravention must be taken by the person; and
- (e) contain a warning that—
  - (i) if the requirements of the notice are not complied with, the relevant water industry entity may take any action required by the notice; and
  - (ii) the reasonable costs and expenses incurred by a water industry entity in taking such action may be recovered by the water industry entity as a debt from the person who failed to comply with the requirements of the notice; and
- (f) specify the contact details of the water industry entity.

### **9—Paving a road etc—costs**

For the purposes of section 52(3)(b) of the Act, if the person who undertakes the work and the relevant water industry entity have entered into an agreement that provides for the sharing of the costs of the work, then the person must pay to the entity the amount specified in the agreement.

### **10—Unlawful abstraction, removal or diversion of water or sewage**

- (1) A person is to be taken to have proper authority for the purposes of section 53(1) of the Act if the abstraction or diversion is done under a right to take water under the *Natural Resources Management Act 2004*.
- (2) A person is authorised for the purposes of section 53(2)(c) of the Act if the installation or maintenance of a pipe capable of conveying water is done under a right to take water under the *Natural Resources Management Act 2004*.

### **11—Information as to amounts already paid for retail services etc**

- (1) A water industry entity must, on application by a person who has paid an amount to the entity for the provision of retail services, provide the person with a statement of the amount paid.
- (2) A water industry entity must, on application by a consumer, provide the consumer with a statement of the quantity of water supplied by the entity to the consumer in a financial year.
- (3) A water industry entity may, on application by any other person, in connection with the provision of retail services, provide that person with information of the kind referred to in subregulation (1) or (2).
- (4) However—
  - (a) subregulation (2) only applies if the quantity of water supplied by the water industry entity to the consumer is measured by a meter; and
  - (b) subregulation (3) only applies if the other person is acting with the consent of a person referred to in subregulation (1) or (2).
- (5) Subject to subregulation (6), an application under this regulation must be accompanied by the fee prescribed in Schedule 1.

- (6) A fee is not payable to a water industry entity for an application under subregulation (1) or (2) if the statement sought relates only—
- (a) to amounts that became due and were paid in the financial year in which the application is made or in the preceding financial year; or
  - (b) to water consumed in a financial year in which the application is made or in the preceding financial year.

## **12—Certificate as to encumbrance**

- (1) A water industry entity or the Technical Regulator must, on application by an interested person and payment of the fee prescribed in Schedule 1, provide the person with a statement as to the existence or non-existence of encumbrances in relation to the land to which the application relates that are prescribed encumbrances for the purposes of the *Land and Business (Sale and Conveyancing) Act 1994* and the regulations under that Act and that are in favour of the entity or the Technical Regulator (as the case may be).
- (2) Subregulation (1) does not apply if—
- (a) the application is being made in order to obtain information for the purposes of the *Land and Business (Sale and Conveyancing) Act 1994*; and
  - (b) the water industry entity or the Technical Regulator (as the case may be) is entitled to charge a fee under Schedule 8 of the *Land and Business (Sale and Conveyancing) Regulations 2010*.
- (3) The Technical Regulator must, on application by an interested person and payment of the fee prescribed in Schedule 1, provide the person with a statement as to the existence or non-existence of "testable" back flow prevention devices installed, or required to be installed, on the land to which the application relates.

## **13—Protection of infrastructure—planting of trees etc on public land**

The following requirements regarding the planting of trees and shrubs apply:

- (a) for the purpose of protecting sewerage infrastructure—
  - (i) trees and shrubs (except those listed in Schedule 2 and Schedule 3) must not be planted on public land without the written approval of any water industry entity that owns or operates sewerage infrastructure that may be affected by the planting; and
  - (ii) the trees and shrubs listed in Schedule 2 must not be planted on a road closer than 2 metres to any sewerage infrastructure; and
  - (iii) the trees and shrubs listed in Schedule 3 must not be planted on a road closer than 3.5 metres to any sewerage infrastructure;
- (b) for the purpose of protecting water infrastructure—trees and shrubs must not be planted on a road closer than 1 metre to any water infrastructure without the written approval of the water industry entity that owns or operates the infrastructure.

**14—Protection of infrastructure—action in relation to trees and shrubs**

- (1) If—
- (a) a tree or shrub has been planted in contravention of regulation 13; or
  - (b) a water industry entity is of the opinion (based on reasonable grounds) that a tree or shrub on public land is causing, or is likely to cause, damage to water/sewerage infrastructure or a reduction in the efficiency of the operation of that infrastructure,
- the relevant water industry entity may, by written notice served on the council or other person who owns or has the care, control or management of the land on which the tree or shrub is situated, direct that action specified in the notice (including the removal of the tree or shrub) be taken.
- (2) If a person on whom a notice has been served fails to comply with the notice, the relevant water industry entity may enter the land and take the specified action.
  - (3) The relevant water industry entity may recover its costs of taking the specified action as a debt from the person on whom the notice was served.
  - (4) A person is not entitled to compensation for action taken under this regulation.

**15—Protection of infrastructure—damage caused by trees or shrubs**

If a tree or shrub has been planted in contravention of regulation 13, a water industry entity may recover its costs of taking action under regulation 14 as a debt from—

- (a) the owner for the time being of the land on which the tree or shrub is, or was, situated; or
- (b) in the case of land under the care, control or management of a council—the council.

**16—Access to sewerage infrastructure**

- (1) A licensed plumbing contractor or registered plumbing worker under the *Plumbers, Gas Fitters and Electricians Act 1995* may use an inspection point of any sewerage infrastructure to gain access to pipes, conduits or associated fittings or apparatus connected to the infrastructure.
- (2) A water industry entity's costs of repairing any damage caused to infrastructure owned or operated by the entity by a person using an inspection point under subregulation (1) is a debt due by that person to the entity.
- (3) A person must not enter infrastructure owned or operated by a water industry entity unless he or she is—
  - (a) an employee of the entity; or
  - (b) authorised by the entity to enter the infrastructure.

**17—Power to restrict or discontinue water supply**

- (1) For the purposes of section 59(1) of the Act, if the water industry entity proposes to exercise a power under section 59(3)(a) to (e) (inclusive) in relation to water that may be used for human consumption, the entity must—
  - (a) obtain the approval of the prescribed authority before acting; and

- (b) notify the public of the intention to exercise the power by publishing a notice (specifying in the notice relevant details of the power to be exercised)—
  - (i) if the water industry entity proposes to exercise a power under section 59(3)(b), (c) or (d)—in the Gazette; and
  - (ii) in all cases—
    - (A) on a website determined by the entity; and
    - (B) in a newspaper circulating generally throughout the area of the State in which the persons affected by the exercise of the power are situated; and
    - (C) in any other manner considered appropriate by the entity for the purpose of notifying the persons affected by the exercise of the power.
- (2) A notice published on a website in accordance with subregulation (1)(b)(ii)(A) must remain accessible to the public on the website for the duration of the period for which the entity exercises the power under section 59(3) of the Act to which the notice relates.
- (3) In this regulation—

***prescribed authority*** means—

  - (a) if the water industry entity is SA Water—the Minister; and
  - (b) in any other case—the Commission.

## **18—Notices under section 59—permits**

- (1) For the purposes of section 59(4) of the Act, if a specified use of water is prohibited except under the authority of a permit issued by a water industry entity, the entity may issue such a permit to a person in accordance with this regulation.
- (2) Part 6 applies, with necessary modifications, in relation to a permit issued under this regulation as if it were a permit issued under that Part.

## **Part 5—Technical and safety issues**

### **19—Standards**

For the purposes of section 66(2)(k) of the Act, a standard may make provisions of a saving or transitional nature relating to the carrying out, approval or certification of work to be carried out in accordance with the standard in circumstances where the standard is varied or substituted.

### **20—Performance of regulated work**

For the purposes of section 67(1) of the Act, registration as a plumbing worker under the *Plumbers, Gas Fitters and Electricians Act 1995* is recognised.

## 21—Safety, reliability, maintenance and technical management plans and reports

For the purposes of section 68(2)(a) of the Act, the following are matters that must be dealt with by a safety, reliability, maintenance and technical management plan:

- (a) the safe design, installation, commissioning, operation, maintenance and decommissioning of water/sewerage infrastructure owned or operated by the water industry entity;
- (b) the maintenance of water or sewerage services of the quality required to be maintained by or under the Act, these regulations, the water industry entity's licence or the conditions of any exemption granted to the entity;
- (c) monitoring compliance with safety and technical requirements imposed by or under the Act, these regulations, the water industry entity's licence or the conditions of any exemption granted to the entity;
- (d) monitoring water/sewerage infrastructure owned or operated by the water industry entity for the purposes of identifying infrastructure that is unsafe or at risk of failing or malfunctioning;
- (e) the establishment of indicators and the collection and recording of information to measure the water industry entity's performance in respect of matters referred to in the preceding paragraphs.

## 22—Responsibilities of customers

- (1) For the purposes of section 69 of the Act, a customer who is supplied with water by a water industry entity must, in relation to a meter supplied by the entity, or an associated fitting, inform the entity of damage to the meter or associated fitting as soon as is reasonably practicable after the damage occurs.
- (2) For the purposes of paragraph (b) of the definition of *customer* in section 4 of the Act, a reference to customer in subregulation (1) includes a reference to a person supplied with water by a water industry entity as a consumer or user of the water.

## 23—Fittings etc to be flush with road surface

- (1) Entry points, inspection points and similar fittings situated in a road, footpath or an easement must be flush with the surface of the road, footpath or easement.
- (2) If the surface height of a road, footpath or easement is altered—
  - (a) the council, other authority or person who made the alteration must give notice in writing to the water industry entity that owns, manages or uses the entry point, inspection point or other fitting of the alteration; and
  - (b) the water industry entity must, at the cost of the council, other authority or person who made the alteration, alter the height of the entry point, inspection point or other fitting.
- (3) The water industry entity may recover its costs as a debt from the council, other authority or person.
- (4) Subregulations (2) and (3) have effect for the purposes of section 52(3)(b) of the Act.

## **Part 6—Water conservation—longer-term measures**

### **24—Water conservation—longer-term measures**

- (1) Subject to this regulation, a person must not use water in contravention of Schedule 4.
- (2) Subregulation (1) does not apply to a person who uses the water under the authority of a permit issued by SA Water in accordance with these regulations.
- (3) Nothing in this regulation derogates from a requirement imposed under section 59(3) of the Act.
- (4) For the purposes of section 92(3) of the Act, it is declared that the water conservation measures prescribed under this Part and Schedule 4 are made for the purposes of taking action to provide for the better conservation, use or management of water (longer-term measures).
- (5) This regulation expires on 1 January 2018.

### **25—SA Water may issue permits**

- (1) Where, pursuant to regulation 24, a specified use of water is prohibited except under the authority of a permit issued by SA Water, SA Water may, on payment of such fee as may be fixed by SA Water, issue such a permit to a person in accordance with this Division.
- (2) A permit issued under subregulation (1) may authorise the person to whom the permit is issued to engage in the specified use of water at multiple sites.

### **26—Circumstances in which permit may be issued**

SA Water may only issue a permit if SA Water 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 measures or restrictions then in force in providing for the conservation or efficient use or management of water.

### **27—Form and content of permit**

A permit must be in writing in a form determined by SA Water and must specify—

- (a) the name and address of the holder of the permit; and
- (b) the measure or restriction to which the permit relates; and
- (c) the water use to which the permit relates; and
- (d) other than in the case of a permit that authorises the use of water at multiple sites—the land to which the permit relates; and
- (e) the period for which the permit applies.

## **28—Conditions of permit**

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

## **29—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.

## **30—Revocation, variation etc of permit or condition**

SA Water 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 SA Water 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.

## **31—Application of permit relating to regulation 24**

A permit issued in accordance with this Division in relation to a measure imposed by regulation 24 applies subject to any requirement imposed under section 59(3) of the Act (and any permit issued by the relevant water industry entity under section 59(4) in relation to such a requirement).

## **32—Permit not transferable**

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

# **Part 7—Miscellaneous**

## **33—Requirement to connect to infrastructure**

- (1) For the purposes of section 48(3) of the Act—
  - (a) each of the following is a prescribed body under section 48(3)(c) of the Act:
    - (i) the Technical Regulator;
    - (ii) the Minister responsible for the administration of the *South Australian Public Health Act 2011*;
    - (iii) a council (unless the council is the water industry entity that will be providing the sewerage service); and
  - (b) it will be a requirement under section 48(3)(d) of the Act that the scheme must be developed in consultation with the council (or councils) for the area (or areas) where the sewerage services are proposed to be provided (unless the council is providing the sewerage service that is under consideration within its own area).

- (2) A notice under section 48(6) of the Act—
- (a) must be in writing; and
  - (b) must—
    - (i) provide a description of the prescribed infrastructure and the scheme; and
    - (ii) specify the fees and charges that are to be imposed in connection with the sale and supply of the sewerage services under the scheme; and
    - (iii) provide information about any terms or conditions that are to apply in relation to the sale and supply of the sewerage services under the scheme; and
    - (iv) specify the action to be taken by the owner of the land to connect any drains, equipment or works to the prescribed infrastructure; and
    - (v) provide information about any specifications that apply under section 48(7)(b) of the Act; and
    - (vi) the period when, or the time by which, the connection must be made; and
    - (vii) advise the owner that the costs incurred in complying with the notice will be borne by the owner under section 47(7)(c) of the Act; and
    - (viii) contain a warning that—
      - (A) if the requirements of the notice are not complied with, the relevant water industry entity may take any action required by the notice; and
      - (B) the reasonable costs and expenses incurred by a water industry entity in taking such action may be recovered by the water industry entity as a debt from the person who failed to comply with the requirements of the notice; and
    - (ix) specify the contact details of the water industry entity.

### **34—Pipes must not lie across allotment boundaries**

- (1) Subject to this regulation, a pipe connected to any water/sewerage infrastructure must not lie across the boundary between adjoining allotments and accordingly—
- (a) a person must not—
    - (i) lay a pipe that is, or is to be, connected to any water/sewerage infrastructure across the boundary of adjoining allotments; or
    - (ii) connect a pipe that has been laid across the boundary of adjoining allotments to any water/sewerage infrastructure; and
  - (b) if, on the division of land, the boundary of adjoining allotments intersects the line on which a pipe connected to any water/sewerage infrastructure has been laid, the owner or occupier of each allotment may be directed by the Technical Regulator or a water industry entity under this regulation to disconnect the pipe from the water/sewerage infrastructure.

- 
- (2) Subregulation (1) does not apply in relation to allotments in the same site under the *Strata Titles Act 1988* or in the same community parcel under the *Community Titles Act 1996*.
  - (3) It is a defence to a prosecution for an offence against subregulation (1)(a) to prove that the laying or connecting of the pipe was done with the written approval of the Technical Regulator or a water industry entity.
  - (4) If a pipe connected to any water/sewerage infrastructure lies across the boundary between adjoining allotments (except allotments in the same site under the *Strata Titles Act 1988* or in the same community parcel under the *Community Titles Act 1996*), the Technical Regulator or a water industry entity may give written notice to the owner or occupier of each of the allotments directing that the pipe be disconnected from the water/sewerage infrastructure by a qualified person in the manner, at the point and within the time stated in the notice.
  - (5) A person to whom a notice is given under subregulation (4), or a person acting on his or her behalf, is entitled to carry out such work as is reasonably necessary in order to comply with the notice (to the extent that the person is qualified to undertake the work) and for that purpose may enter either or both of the allotments or any adjoining land.
  - (6) A person who fails to comply with a notice is guilty of an offence.
  - (7) If a person to whom notice has been given fails to comply with the notice, the Technical Regulator or a water industry entity (or a person authorised by the Technical Regulator or a water industry entity) may enter either allotment or any adjoining land and carry out the necessary work and each person in default is jointly and severally liable to the Technical Regulator or the water industry entity (as the case requires) for the costs of carrying out that work.
  - (8) The owners of the allotments are jointly and severally liable—
    - (a) for the costs in carrying out work under subregulation (7); and
    - (b) to an occupier of either allotment for—
      - (i) the occupier's costs in carrying out work required by a notice given to the occupier under subregulation (4); and
      - (ii) for any amount that the occupier is liable to pay under subregulation (7).

### **35—Fees for reinspection etc**

- (1) If—
  - (a) a person's acts or omissions require the Technical Regulator (or a person acting on behalf of the Technical Regulator) to undertake a reinspection of any work, or to reattend at any place for any other reason, in connection with the operation or requirements of a standard under Part 7 of the Act; or
  - (b) a person is given a direction under section 77 or 78 of the Act and an authorised person undertakes a reinspection of any work, or reattends at any place, for the purpose of ensuring compliance with the direction or approving reconnection to the water supply,

the person is liable to pay a fee of an amount equal to the reasonable costs of the reinspection or reattendance (as the case may be).

- (2) The Technical Regulator may recover a fee payable under subregulation (1) as a debt by action in a court of competent jurisdiction.

### **36—Water meters—estimates**

If—

- (a) a water industry entity is unable for any reason to gain access to a meter or to read a meter for the purpose of measuring water supplied to the person by the entity; and
- (b) a code or rules made under the *Essential Services Commission Act 2002* relating to the provision of retail services to customers does not apply to that supply of water,

the entity may, in accordance with any requirements of the Commission, estimate the quantity of water supplied through the meter and that quantity will be taken to be the quantity of water supplied for the purpose of any amount payable for the supply of the water.

### **37—Save the River Murray levy—exemption**

For the purposes of section 93(8)(b) of the Act, a person qualifies in accordance with a scheme published by the Minister by notice in the Gazette.

### **38—Charge where land not connected or service to land reduced or discontinued**

For the purposes of section 115(2)(c) of the Act, a charge may be imposed by a water industry entity in respect of land of a kind specified by the Minister by notice in the Gazette despite the fact that—

- (a) the land is not connected to infrastructure by which a retail service is provided by the water industry entity; or
- (b) the provision of a retail service to the land by the water industry entity has been reduced or discontinued.

### **39—Vents—cost of compliance with requirements**

Where the vents connected to a building (the *existing building*) cease to comply with the requirements of the Act, these regulations or any requirement or standard under the Act or these regulations because another building (the *new building*) has been erected next to, or in the vicinity of, the existing building, the owner of the existing building must alter the vents so that they comply with those requirements and the cost of doing so may be recovered as a debt by the owner of the existing building from the owner of the new building.

### **40—General penalty**

A person who contravenes or fails to comply with a provision of these regulations for which a specific penalty is not provided is guilty of an offence.

Maximum penalty: \$10 000.

Expiation fee: \$315.

## 41—Expiation of offences against Act

The expiation fees specified in the following table are fixed for alleged offences against the Act arising from an alleged contravention of the section specified opposite the fee:

<b>Section</b>	<b>Fee</b>
section 43(4)	\$50
section 50(1)	\$750
section 50(5)	\$200
section 50(6)	\$750
section 51(1)	\$150
section 54(1)	\$315
section 54(2)	\$315
section 54(4)	\$315
section 54(6)	\$315
section 54(7)	\$315
section 54(9)	\$200
section 55(1)	\$750
section 56(1)	\$750
section 56(4)	\$750
section 56(5)	\$150
section 67(1)	\$315
section 67(2)	\$315
section 69(1)	\$150
section 70(4)	\$315
section 77(3)	\$315
section 78(4)	\$315
section 92(9)	\$315
section 96	\$200
section 100(a)	\$200

## Schedule 1—Fees

1	Application for provision of certificate of amounts paid for retail services (regulation 11)	\$8.10
2	Application for provision of statement of existence or non-existence of easements or other encumbrances in favour of water industry entity (regulation 12(1))	\$8.10
3	Application for provision of statement of existence or non-existence of testable back flow prevention devices (regulation 12(3))	\$8.10

## Schedule 2—Trees and shrubs to which regulation 13(a)(ii) applies

<b>Botanical name</b>	<b>Common name</b>
<i>Acacia cultriformis</i>	Knife-leaved Wattle
<i>Acacia cyclops</i>	W.A. Coastal Wattle
<i>Acacia howitii</i>	Sticky Wattle
<i>Acacia iteaphylla</i>	Flinders Range Wattle
<i>Acacia longifolia</i>	Sallow Wattle
<i>Acacia microbotrya</i>	
<i>Acacia retinodes</i>	Wirilda
<i>Acacia sophorae</i>	S.A. Coastal Wattle
<i>Acacia sowdenii</i>	Western Myall
<i>Acacia trineura</i>	Hindmarsh Wattle
<i>Acacia verniciflua</i>	Varnish Wattle
<i>Acacia victoriae</i>	Elegant or Bramble Wattle
<i>Actinostrobilus pyramidalis</i>	Swan River Cypress
<i>Bauhinia variegata</i> and forms	Orchid Tree, Bauhinia
<i>Callistemon cirrinus</i> ( <i>C. lanceolatus</i> )	Crimson Bottlebrush
<i>Callistemon "Harkness"</i>	Gawler Hybrid Bottlebrush
<i>Callistemon lilacinus</i> ( <i>C. violaceus</i> )	Lilac Bottlebrush
<i>Callistemon macropunctatus</i> ( <i>C. rugulosus</i> )	S.A. Red Bottlebrush
<i>Callistemon phoeniceus</i>	Fiery Bottlebrush
<i>Callistemon rigidus</i>	Stiff-leaved Bottlebrush
<i>Callistemon salignus</i>	Willow Bottlebrush
<i>Callistemon viminalis</i>	Weeping Bottlebrush
<i>Calothamnus aspera</i>	Rough-leaved Net Bush
<i>Ceanothus</i> species	Ceanothus
<i>Cotoneaster Frigida</i>	Himalayan Cotoneaster
<i>Crataegus lavalleyi</i> ( <i>C. carrieri</i> )	Lavalle Hawthorn
<i>Crataegus oxyacantha</i> and forms	Hawthorn, May Tree
<i>Crataegus phaenopyrum</i> ( <i>C. cordata</i> )	Washington Thorn
<i>Crataegus pubescens</i> ( <i>C. mexicana</i> )	Mexican Hawthorn
<i>Duranta repens</i>	Sky Flower, Duranta
<i>Eucalyptus "Augusta Wonder"</i>	
<i>Eucalyptus caesia</i>	Gungunnu
<i>Eucalyptus calycogona</i>	Square-fruited Mallee
<i>Eucalyptus cosmophylla</i>	S.A. Cup Gum

<b>Botanical name</b>	<b>Common name</b>
<i>Eucalyptus crucis</i>	Southern Cross Mallee
<i>Eucalyptus dielsii</i>	Diels Gum
<i>Eucalyptus diversifolia</i>	S.A. Coastal Mallee
<i>Eucalyptus eremophila</i>	Tall Sand Mallee
<i>Eucalyptus erythrocorys</i>	Red-capped Gum
<i>Eucalyptus erythronema</i>	Lindsay Gum
<i>Eucalyptus foecunda (E. lepto-phylla)</i>	Slender-leaved Mallee
<i>Eucalyptus forrestiana</i>	Fuchsia Gum
<i>Eucalyptus orbifolia</i>	Round-leaved Mallee
<i>Eucalyptus preissiana</i>	Bell-fruited Mallee
<i>Eucalyptus pyriformis</i> subspecies <i>youngiana</i>	Ooldea Mallee
<i>Eucalyptus rodantha</i>	Rose Gum
<i>Eucalyptus rugosa</i>	Kingscote Mallee
<i>Eucalyptus socialis</i>	Red Mallee, Morrel
<i>Eucalyptus stoatei</i>	Pear-fruited Gum
<i>Eucalyptus tetraptera</i>	Four-winged Mallee
<i>Eucalyptus websterana</i>	Webster's Mallee
<i>Euonymus japonicus</i>	Evergreen Spindle Tree
<i>Feijoa sellowiana</i> and forms	Pineapple Guava
<i>Geijera parviflora</i>	Wilga
<i>Hakea elliptica</i>	Oval-leaved Hakea
<i>Hakea laurina</i>	Pincushion Hakea
<i>Hakea petiolaris</i>	Broad-leaf Sea Urchin
<i>Hakea salicifolia (H. saligna)</i>	Willow Hakea
<i>Hakea sulcata</i>	Furrowed Hakea
<i>Hakea undulata</i>	Wavy-leaved Hakea
<i>Hibiscus</i> species	Hibiscus
<i>Homalanthus populifolius</i>	Queenslander Poplar, Bleeding-Heart Tree
<i>Lagerstroemia "Eavesii"</i>	Mauve Crepe-Myrtle
<i>Lagerstroemia indica</i>	Pink Crepe-Myrtle
<i>Leptospermum laevigatum</i>	Victoria Coastal Tea Tree
<i>Malus</i> species	Flowering Crabs and Apples
<i>Melaleuca elliptica</i>	Granite Honey Myrtle
<i>Melaleuca Fulgens</i>	Scarlet Honey Myrtle
<i>Melaleuca Glomerata</i>	
<i>Melaleuca hypericifolia</i>	Hillock Bush
<i>Melaleuca incana</i>	Yellow-Flowered Grey Honey Myrtle

**Water Industry Regulations 2012—1.1.2013**

Schedule 2—Trees and shrubs to which regulation 13(a)(ii) applies

<b>Botanical name</b>	<b>Common name</b>
<i>Melaleuca lateritia</i>	Robin Redbreast Bush
<i>Melaleuca nesophila</i>	Western Honey Myrtle
<i>Melaleuca pentagona</i>	
<i>Melaleuca radula</i>	Graceful Honey Myrtle
<i>Melaleuca squamea</i>	
<i>Photinia serrulata</i>	Chinese Hawthorn
<i>Pittosporum crassifolium</i> and variegated form	Karo
<i>Pittosporum phylliraeoides</i>	Native Apricot, Weeping Pittosporum
<i>Pittosporum tenuifolium</i>	New Zealand Kohuhu
<i>Pittosporum tenuifolium "Pirpureum"</i>	
<i>Prunus</i> species	Flowering Almonds, Plums, Apricots, Cherries, Peaches
<i>Pyracantha coccines "Lalandei"</i>	Lalande Firethorn
<i>Pyracantha crenulata</i>	Nepal Firethorn
<i>Pyracantha rogersiana</i>	Yellow-Berry Firethorn
<i>Sophora tetraptera</i>	Yellow Kowhai
<i>Spartium junceum</i>	Spanish Broom
<i>Stenolobium alatum (Tecoma smithii)</i>	Winged Yellow-Trumpet
<i>Stenolobium stans (Tecoma stans)</i>	Florida Yellow-Trumpet
<i>Syzygium Coolminianum</i>	Blue Lilly Pilly
<i>Viburnum tinus</i>	Laurustinus
<i>Vitex agnus-castus</i>	Lilac Chaste Tree

**Schedule 3—Trees and shrubs to which regulation 13(a)(iii) applies**

<b>Botanical name</b>	<b>Common name</b>
<i>Acacia acuminata</i>	Raspberry Jam Wattle
<i>Acacia cyanophylla</i>	Orange Wattle
<i>Acacia pendula</i>	Weeping Myall
<i>Acacia salicina</i>	Broughton Willow or Wattle
<i>Acacia terminalis (A. elata)</i>	Cedar Wattle
<i>Acer negundo</i>	Box Elder
<i>Agonis Flexuosa</i>	W.A. Willow Myrtle or Peppermint
<i>Albizia julibrissin</i>	Silk Tree
<i>Amygdalus pollardii</i>	Flowering Almond
<i>Angophora cordata</i>	Dwarf or Scrub Apply Myrtle
<i>Angophora costata</i>	Smooth-barked Apply Myrtle

<b>Botanical name</b>	<b>Common name</b>
<i>Arbutus unedo</i>	Irish Strawberry
<i>Bauhinia carronii</i>	Queensland Bean or Ebony Tree
<i>Berberis</i> species	Barberry, Berberis
<i>Betula pendula</i> ( <i>B. alba</i> )	Silver Birch
<i>Brachychiton acerifolium</i>	Flame Tree
<i>Brachychiton discolor</i>	Queensland Lace Bark
<i>Brachychiton acerifolium x populneum</i> ( <i>B. Hybridum</i> )	Hybrid Flame Tree
<i>Brachychiton populneum</i>	Kurrajong
<i>Callitris columellaris</i>	White Cypress Pine
<i>Callitris preissii</i>	Slender Cypress Pine
<i>Casuarina cristata</i>	Black Oak, Belah
<i>Casuarina stricta</i>	Weeping Sheoak
<i>Casuarina torulosa</i>	Rose Sheoak
<i>Celtis australis</i>	Southern Hackberry, Celtis
<i>Celtis occidentalis</i>	American Hackberry, Celtis
<i>Cercis siliquastrum</i>	Judas Tree
<i>Citharexylum</i> species	Fiddlewood
<i>Cotoneaster serotina</i>	Cotoneaster
<i>Cupressus glabra</i>	Arizona Cypress
<i>Erythrina "Indica"</i>	Hybrid Indian Coral Tree
<i>Eucalyptus behriana</i>	Broad-leaved Box
<i>Eucalyptus campaspe</i>	Silver Gimlet
<i>Eucalyptus Cinerea</i>	Mealy Stringybark, Argyle Apple
<i>Eucalyptus cneorifolia</i>	Kangaroo Island Narrow-leaved Gum
<i>Eucalyptus globata</i>	S.A. Coastal Gum
<i>Eucalyptus dundasii</i>	Dundas Blackbutt
<i>Eucalyptus "Ericoides"</i>	
<i>Eucalyptus Ficifolia</i>	W.A. Scarlet Flowering Gum
<i>Eucalyptus flocktoniae</i>	Merrit
<i>Eucalyptus gardneri</i>	Blue Mallett
<i>Eucalyptus gracilis</i>	Yorrell
<i>Eucalyptus incrassata</i>	Ridge-fruited Mallee
<i>Eucalyptus intertexta</i>	Smooth-barked Coolibah
<i>Eucalyptus landsdowneana</i>	Port Lincoln Gum
<i>Eucalyptus lehmanni</i>	Bushy Yate
<i>Eucalyptus le souefii</i>	Le Souef's Blackbutt
<i>Eucalyptus leucoxydon "Rosea"</i>	Pink-flowering Blue Gum

**Water Industry Regulations 2012—1.1.2013**

Schedule 3—Trees and shrubs to which regulation 13(a)(iii) applies

<b>Botanical name</b>	<b>Common name</b>
<i>Eucalyptus megacornuta</i>	Warty Yate
<i>Eucalyptus nutans</i>	Nodding Gum
<i>Eucalyptus oleosa</i>	Red Mallee
<i>Eucalyptus pileata</i>	Ravensthorpe Mallee
<i>Eucalyptus platypus</i>	Round-leaved Moort
<i>Eucalyptus "Pterocarpa"</i>	
<i>Eucalyptus pulverulenta</i>	Silver-leaved Mountain Gum
<i>Eucalyptus salubris</i>	Gimlet Gum
<i>Eucalyptus sargentii</i>	Salt or Sargent's Mallet
<i>Eucalyptus sideroxylon</i>	Manna Red Ironbark, Mugga
<i>Eucalyptus spathulata</i>	Swamp Mallee
<i>Eucalyptus steedmanii</i>	Steedman's Gum
<i>Eucalyptus stricklandii</i>	Yellow-flowering Gum
<i>Eucalyptus torquata</i>	Coral or Coolgardie Gum
<i>Eucalyptus "Torwood"</i>	Hybrid Coral gum
<i>Eucalyptus "Urrbrae Gum"</i>	
<i>Eucalyptus viridis</i>	Green Mallee
<i>Eucalyptus woodwardii</i>	Lemon-flowering Gum
<i>Eugenia smithii (Acmena smithii)</i>	Lilly Pilly
<i>Ficus rubiginosa "Variegata"</i>	Variegated Rusty Fig
<i>Fraxinus excelsior "Aurea"</i>	Golden Ash
<i>Fraxinus ornus</i>	Manna Ash
<i>Hakea kippistiana</i>	
<i>Hakea suaveolens</i>	Sweet Hakea
<i>Harpephyllum caffrum</i>	Kaffir Plum
<i>Hymenosporum flavum</i>	Woolum, Native Frangipani
<i>Jacaranda species</i>	Jacaranda
<i>Juniperus sheppardii var. pyramidalis ("J.africans")</i>	Juniper
<i>Koelreuteria paniculata</i>	Varnish Tree
<i>Laburnum species</i>	Laburnum
<i>Lagunaria patersonii</i>	Pyramid Tree
<i>Ligustrum japonicum</i> and forms	Japanese Privet
<i>Ligustrum ludidum</i> and forms	Glossy Privet
<i>Liquidambar styraciflua</i>	Liquidambar
<i>Melaleuca alternifolia</i>	Alternate-leaved Honey Myrtle
<i>Melaleuca armillaris</i>	Bracelet Honey Myrtle
<i>Melaleuca halmaturorum</i>	S.A. Swamp paper Bark

Botanical name	Common name
<i>Melaleuca huegelii</i>	Chenile Honey Myrtle
<i>Melaleuca Lanceloata (M. pubescens)</i>	Dry Land Tea Tree
<i>Melaleuca linariifolia</i>	Flax-leaved Honey Myrtle
<i>Melaleuca styphelioides</i>	Prickly Paperbark
<i>Melia axedarach</i>	White Cedar
<i>Metrosideros excelsa (M. tomentosa)</i>	New Zealand Christmas Tree
<i>Myoporum insulare</i>	Boobialla
<i>Myoproum montanum</i>	Water Bush
<i>Nerium oleander</i>	Oleander
<i>Parkinsonia aculeata</i>	Jerusalem Thorn
<i>Pittosporum rhombifolium</i>	Queensland Pittosporum
<i>Pittosporum undulatum</i>	Sweet Pittosporum
<i>Pittosporum undulatum "Variegatum"</i>	Variegated Sweet Pittosporum
<i>Quercus ilex</i>	Holm Oak
<i>Sophora japonica</i>	Pagoda Tree
<i>Sorbus aucuparia</i>	Rowan, Mountain Ash
<i>Syzygium paniculatum</i>	Brush Cherry
<i>Tamarix juniperina</i>	Flowering Tamarisk
<i>Tristania conferta</i>	Brush Box

## Schedule 4—Water conservation—longer-term measures

### Part 1—Preliminary

#### 1—Application of Schedule

This Schedule applies to water supplied by SA Water under the Act.

#### 2—Interpretation

In this Schedule, unless the contrary intention appears—

***drip irrigation system*** means an irrigation system (including a micro-spray system that delivers water through water-misting spray heads) that delivers water to plants in drops or other small quantities at a flow rate of not more than 0.5 L of water per minute per outlet 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);

***external area*** includes a driveway, path, verandah or entertaining area;

***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 L per minute;

*new swimming pool* means a swimming pool in relation to which the contract to install the pool is entered into on or after 1 December 2010;

*private garden* means a garden (including lawns) on premises used primarily for residential or business purposes;

*retail garden centre* means premises used for the sale of plants by retail (including where the premises are also used for the sale of other goods);

*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.

## **Part 2—Water conservation measures**

### **3—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; 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.

### **4—Watering gardens, grounds, retail garden centres etc**

- (1) Subject to subclause (2), a person must not use water to water any external portion of a—
  - (a) public or private garden (including lawns), or retail garden centre; or
  - (b) recreational area, sports ground or other public open space of an area less than or equal to 0.5 hectares,unless the water is applied—
  - (c) by hand (through a hand-held hose that is fitted with a trigger nozzle or from a bucket or watering can); or
  - (d) through a drip irrigation system; or
  - (e) where the watering takes place after 5 p.m. and before 10 a.m.—through a sprinkler system.
- (2) Subclause (1) does not apply to the application of water through a sprinkler system at a retail garden centre between 1 p.m. and 2 p.m. on a day on which the maximum temperature for the locality where the retail garden centre is situated is, according to a forecast issued by the Bureau of Meteorology and applying at 5 a.m. on that day, expected to exceed 30° Celsius.
- (3) A person must not use water to water any external portion of a recreational area, sports ground or other public open space of an area greater than 0.5 hectares.

## 5—Hosing down external area

- (1) Subject to subclause (2), a person must not use water to hose down an external area covered by paving, concrete, bitumen or other similar material unless—
  - (a) it is necessary to do so—
    - (i) to protect public health; or
    - (ii) to ensure the safety of persons using the area; or
    - (iii) to ensure the health and welfare of animals using the area; and
  - (b) the water is applied—
    - (i) by a high pressure low volume water cleaner; or
    - (ii) from a hand-held hose that is fitted with a trigger nozzle.
- (2) Subclause (1) does not apply to the use of water on an external area if the water is used to deal with a fire, accident or other emergency.
- (3) For the avoidance of doubt, nothing in subclause (1) prevents a person from using water to hose down an external wall or window if the water is applied in accordance with the requirements of subclause (1)(b).

## 6—Construction sites

A person must not use water to control dust or other pollutants resulting from building works, or for the purpose of compacting soil or other material in the conduct of 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.

## 7—Swimming pools

A person must not use water to fill for the first time a new swimming pool in any circumstances except under the authority of a permit issued under Part 6.

## Part 3—Areas to which measures apply

### 8—Areas to which measures apply

The measures specified in this Schedule apply throughout the State.

## Part 4—Expiry of Schedule

### 9—Expiry of Schedule

This Schedule expires on 1 January 2018.

## Schedule 5—Revocations and transitional provisions

### Part 1—Revocations

#### 1—Revocation of *Sewerage Regulations 2011* and *Waterworks Regulations 2011*

The following regulations are revoked:

- (a) the *Sewerage Regulations 2011*;

(b) the *Waterworks Regulations 2011*.

## **Part 2—Transitional provisions**

### **Division 1—Preliminary**

#### **2—Preliminary**

In this Part—

*transitional financial year* has the same meaning as in Schedule 2 Part 10 of the *Water Industry Act 2012*.

### **Division 2—Special provisions relating to revocation of *Sewerage Regulations 2011***

#### **3—Approvals**

An approval under regulation 4 of the *Sewerage Regulations 2011* will continue to apply (and will have effect for the purposes of these regulations).

#### **4—Charges—transitional financial year**

The charges set out in regulation 34 of the *Sewerage Regulations 2011* will continue to apply during the transitional financial year as if that regulation had not been revoked (and any charge incurred or imposed during the transitional financial year under regulation 34 of those regulations may be recovered after the end of the transitional financial year).

#### **5—References to undertaking**

A reference in a statutory instrument to the undertaking within the meaning of the *Sewerage Act 1929* (being undertaking within a drainage area constituted under that Act) will be taken to be a reference to sewerage infrastructure held by SA Water (other than where SA Water is holding and operating the infrastructure on behalf of another water industry entity).

### **Division 3—Special provisions relating to revocation of *Waterworks Regulations 2011***

#### **6—Approvals**

An approval under regulation 4 of the *Waterworks Regulations 2011* will continue to apply (and will have effect for the purposes of these regulations).

#### **7—Charges—transitional financial year**

The charges set out in regulation 25 of the *Waterworks Regulations 2011* will continue to apply during the transitional financial year as if that regulation had not been revoked (and any charge incurred or imposed during the transitional financial year under regulation 25 of those regulations may be recovered after the end of the transitional financial year).

## 8—Permits

A permit issued by SA Water under regulation 31 of the *Waterworks Regulations 2011* and in force immediately before the commencement of this clause will continue for the balance of the period for which the permit was issued—

- (a) in the case of a permit issued pursuant to regulation 28 of the *Waterworks Regulations 2011*—as if it were a permit issued by SA Water under regulation 25 of these regulations; and
- (b) in the case of a permit issued pursuant to a notice by SA Water under section 33A of the *Waterworks Act 1932*—as if it were a permit issued by SA Water under regulation 18 of these regulations.

## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Principal regulations

Year	No	Reference	Commencement
2012	269	<i>Gazette 20.12.2012 p6210</i>	1.1.2013: r 2

### Provisions varied

New entries appear in bold.

Provision	How varied	Commencement
Pt 6		
r 24	will expire: r 24(5)	(1.1.2018)
Sch 4	will expire: Sch 4 cl 9	(1.1.2018)