

Water Conservation and Management Bill 2003

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Western Australia

LEGISLATIVE ASSEMBLY

(Introduced by Hon. P. G. Pendal, MLA)

Water Conservation and Management Bill 2003

A Bill for

An Act to provide for permanent restrictions on the use of water supplied by the Water Corporation, to vest powers in the Water Corporation to adjust those restrictions and for incidental purposes.

The Parliament of Western Australia enacts as follows:

1. Short title

This Act may be cited as the *Water Conservation and Management Act 2003*.

5 **2. Commencement**

This Act comes into operation on the day on which it receives the Royal Assent.

s. 3

3. Interpretation

In this Act, unless the contrary intention appears —

“**Corporation**” means the Water Corporation established by section 4 of the *Water Corporation Act 1995*;

5 “**notice of cancellation**” means a notice published by the Minister under section 7(1);

“**notice of restrictions**” means a notice published by the Corporation under section 5(2);

10 “**stage of restrictions**” means a stage of restrictions set out in Schedule 1.

4. Use of water restricted

(1) Subject to subsection (2), a person must not, without the written approval of the Corporation, use water supplied by the Corporation in contravention of the stage of restrictions applicable under this Act.

Penalty: \$500.

(2) A person does not commit an offence under subsection (1) if —

20 (a) the person uses the water to water a market garden or plant nursery to the minimum extent necessary to ensure the viable operation of the market garden or plant nursery; and

(b) the market garden or plant nursery is not supplied with water other than by the Corporation.

5. Stage of Restrictions

25 (1) Subject to subsection (2), the stage of restrictions designated stage 1 applies throughout the State.

(2) The Corporation may, by notice published in the *Gazette*, specify that another stage of restrictions applies to an area of the State specified in the notice.

- (3) A notice of restrictions may amend or revoke any previous notice of restrictions.
- (4) A notice of restrictions must specify the day from which the stage of restrictions applies to the area, being a day not less than 48 hours after the publication of the notice of restrictions in the *Gazette*.

6. Corporation to provide reasons

- (1) Where the Corporation publishes a notice of restrictions, the Corporation must at the same time —
- (a) prepare a report of its reasons for specifying the stage of restrictions set out in the notice of restrictions; and
- (b) provide the report to the Minister.
- (2) Where the Minister receives a report prepared under subsection (1) the Minister must, as soon as is practicable after the report is received, cause it to be laid before each House of Parliament.

7. Minister may cancel notice of restrictions

- (1) Where the Corporation has published a notice of restrictions and the Minister is of the opinion that the stage of restrictions specified in the notice is oppressive or unreasonable, the Minister may, by notice published in the *Gazette*, cancel the notice of restrictions.
- (2) Where the Minister publishes a notice of cancellation, the stage of restrictions in force immediately prior to the publication of the notice of cancellation shall apply.
- (3) Where the Minister publishes a notice of cancellation, the Minister must, as soon as practicable after publishing the notice of cancellation —
- (a) prepare a report of the Minister's reasons for canceling the notice of restrictions; and
- (b) cause it to be laid before each House of Parliament.

s. 8

8. Savings and transitional provisions

The savings and transitional provisions in Schedule 2 have effect.

Schedule 1 — Restrictions on Watering Lawns and Gardens

[s. 5]

1. Interpretation

5 In this Schedule —

“**evening period**” means the period after 6.00 p.m.;

“**morning period**” means the period before 9.00 a.m.;

“**specified**” means specified in a notice of restrictions.

2. Stage 1

10 A person must not water a lawn or garden except by —

- (a) reticulation during either, but not on both, the morning period or the evening period on a particular day;
- (b) a hand held hose with one outlet; or
- (c) a hand held watering can.

15 3. Stage 2

(1) A person must not water a lawn or garden except by —

- (a) reticulation during either, but not on both, the morning period or the evening period —
 - (i) on any even numbered day of the month if the
20 relevant property has an even street number or, where there is no street number, an even lot number; or
 - (ii) on any odd numbered day of the month if the relevant property has an odd street number or, where there is no street number, an odd lot number;
- (b) a hand held hose with one outlet; or
- (c) a hand held watering can.

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(2) A person must not spray a building, path, paved area or road except to the minimum extent necessary for —

- (a) fire fighting;

Schedule 1 Restrictions on Watering Lawns and Gardens

- (b) the cleaning of the building, path, paved area or road so as to avoid a threat to public health; or
 - (c) the construction or repair of the building, path, paved area or road.
- 5 (3) A person must not fill a swimming pool except to the minimum extent necessary to maintain the proper functioning of the pool by replacing water lost through evaporation or ordinary use.
- 4. Stage 3**
- (1) A person must not water a lawn or garden except by —
 - 10 (a) reticulation during either, but not on both, the morning period or the evening period —
 - (i) on any Saturday, Monday or Thursday if the relevant property has an even street number or, where there is no street number, an even lot number; or
 - 15 (ii) on any Sunday, Tuesday or Friday if the relevant property has an odd street number or, where there is no street number, an odd lot number;
 - (b) a hand held hose with one outlet; or
 - (c) a hand held watering can.
- 20 (2) A person must not spray a building, path, paved area or road except to the minimum extent necessary for —
 - (a) fire fighting;
 - (b) the cleaning of the building, path, paved area or road so as to avoid a threat to public health; or
 - 25 (c) the construction or repair of the building, path, paved area or road.
- (3) A person must not fill a swimming pool except to the minimum extent necessary to maintain the proper functioning of the pool by replacing water lost through evaporation or ordinary use.

5. Stage 4

- (1) A person must not water a lawn or garden except by —
- 5 (a) reticulation during either, but not on both, the morning period
 or the evening period on one or both of 2 days of the week
 specified in relation to the relevant property;
- (b) a hand held hose with one outlet; or
- (c) a hand held watering can.
- (2) A person must not spray a building, path, paved area or road except to
10 the minimum extent necessary for —
- (a) fire fighting;
- (b) the cleaning of the building, path, paved area or road so as to
 avoid a threat to public health; or
- (c) the construction or repair of the building, path, paved area or
 road.
- 15 (3) A person must not fill a swimming pool except to the minimum extent
 necessary to maintain the proper functioning of the pool by replacing
 water lost through evaporation or ordinary use.

6. Stage 5

- (1) A person must not water a lawn or garden except by —
- 20 (a) reticulation during either, but not on both, the morning period
 or the evening period on one day of the week specified in
 relation to the relevant property;
- (b) a hand held hose with one outlet; or
- (c) a hand held watering can.
- 25 (2) A person must not spray a building, path, paved area or road except to
 the minimum extent necessary for —
- (a) fire fighting;
- (b) the cleaning of the building, path, paved area or road so as to
 avoid a threat to public health; or
- 30 (c) the construction or repair of the building, path, paved area or
 road.

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- (3) A person must not fill a swimming pool except to the minimum extent necessary to maintain the proper functioning of the pool by replacing water lost through evaporation or ordinary use.

7. Stage 6

- 5 (1) A person must not water a lawn or garden except by —
 (a) a hand held hose with one outlet; or
 (b) a hand held watering can.
- (2) A person must not spray a building, path, paved area or road except to the minimum extent necessary for —
- 10 (a) fire fighting;
 (b) the cleaning of the building, path, paved area or road so as to avoid a threat to public health; or
 (c) the construction or repair of the building, path, paved area or road.
- 15 (3) A person must not fill a swimming pool except to the minimum extent necessary to maintain the proper functioning of the pool by replacing water lost through evaporation or ordinary use.

8. Stage 7

- 20 (1) A person must not water a lawn or garden except by a hand held watering can.
- (2) A person must not spray a building, path, paved area or road except to the minimum extent necessary for —
- 25 (a) fire fighting;
 (b) the cleaning of the building, path, paved area or road so as to avoid a threat to public health; or
 (c) the construction or repair of the building, path, paved area or road.
- (3) A person must not fill a swimming pool.

Schedule 2 — Savings and Transitional Provisions

[s. 8]

1. *Water Agencies (Water Restrictions) By-laws 1998* repealed

5 The *Water Agencies (Water Restrictions) By-laws 1998* made under the *Water Agencies (Powers) Act 1984* are repealed.

2. Notices under *Water Agencies (Water Restrictions) By-laws 1998* taken to be notices of restrictions

10 A notice under by-law 2(3) of the *Water Agencies (Water Restrictions) By-laws 1998* made under the *Water Agencies (Powers) Act 1984* in force immediately prior to the commencement of this Act continues to have effect, on the commencement of this Act, and may be amended or revoked, as if the notice were a notice of restrictions.

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