Western Australia

Water Services Licensing (Water Conservation Target) Amendment Bill 2008

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Western Australia

LEGISLATIVE COUNCIL

(Introduced by Hon. Paul Llewellyn MLC)

Water Services Licensing (Water Conservation Target) Amendment Bill 2008

A Bill for

An Act to amend the *Water Services Licensing Act 1995* to impose as a condition of holding specified operating licences for water supply services an obligation to meet a specified water conservation target, and for incidental purposes.

The Parliament of Western Australia enacts as follows:

Part 1 — Preliminary

1. Short title

This Act may be cited as the *Water Services Licensing (Water Conservation Target) Amendment Act 2008*.

2. Commencement

This Act comes into operation upon Royal Assent.

Part 2 — Amendment of *Water Services Licensing Act 1995*

3. The Act amended

The amendments in this Part are to the *Water Services Licensing Act 1995*.

4. Section 3 amended

(1) Section 3 is amended by inserting after the definition of **"inspector"** —

"

"IWSS" means the integrated water supply scheme located generally in the South West of Western Australia and servicing the Perth metropolitan area, towns in the Central Wheatbelt and Kalgoorlie-Boulder, as expanded or altered from time to time;

".

(2) Section 3 is amended by inserting after the definition of **"plumber"** —

"

"prescribed operating licence" means an operating licence (water supply services) held —

(a) by the Water Corporation established under the *Water Corporation Act 1995* in respect of the IWSS;

(b) by the Bunbury Water Board established under the *Water Boards Act 1904*;

(c) by the Busselton Water Board established under the *Water Boards Act 1904*; or

(d) any other license as is prescribed.

".

(3) Section 3 is amended by inserting after the definition of **"Registrar of Deeds"** —

"

"water conservation services" means services that are directed towards reducing water use, and without limiting the meaning of that term include —

(a) providing services and incentives that promote more efficient water use;

(b) promoting the development and use of water efficient products;

(c) providing information and education to promote behavioural changes that reduce water demand; and

(d) undertaking research and providing advice to government on measures to promote water conservation;

"water conservation target" means a target referred to in section 24A(2);

".

5. Sections 24A to 24C inserted

After section 24 the following sections are inserted —

"

24A. Licence condition: Water conservation target

(1) It is a condition of every prescribed operating licence that the licensee must, in each year in which the licensee holds such a licence, take action to achieve consumption equal to or less than the water conservation target for that year.

(2) The water conservation target in respect of a water supply scheme or area for the year from 1 July 2009 to 30 June 2010 is average per capita water consumption that is 1.5% less than average per capita water

consumption for that water supply scheme or area for the year from 1 July 2007 to 30 June 2008.

(3) The water consumption target in respect of a water supply scheme or area for each year from 1 July 2010 to 30 June 2021 (being a year commencing on 1 July and ending on 30 June) is 1.5% less than the water conservation target for that water supply scheme or area for the preceding year.

(4) For the purposes of this subsection, "per capita" refers to the number of individuals living in the area serviced by the licensee.

(5) Different water conservation targets, in substitution for the water conservation targets referred to in this section, may be prescribed for particular operating licences.

24B. Licence condition: Water conservation target statement

It is a condition of every prescribed operating licence that the licensee must, as soon as is practicable after 1 July of each year, submit to the Authority a water conservation target statement for the year containing the following information —

(a) the total amount of water supplied by the licensee in that year;

(b) the number of persons to whom water was supplied by the licensee in that year; and

(c) any other information which is prescribed by the regulations or which the Authority directs the licensee to include.

24C. Licence condition: Demand management strategy

It is a condition of every prescribed operating licence that the licensee must —

(a) give due consideration to demand side management as the basis for planning the future provision of its services, including addressing water leakage;

(b) by no later than 1 September each year, provide a demand management strategy implementation report to the Authority that —

(i) contains an estimate of past, current and projected water uses and distinguishes between residential, industrial, commercial, government and other uses;

(ii) describes the frequency and magnitude of expected supply deficiencies, including those arising as a result of wastage or loss, drought or emergency;

(iii) identifies conservation measures currently adopted and being practised;

(iv) describes, costs and evaluates additional conservation measures;

(v) describes future plans for water reclamation and strategies to alter water use practices, including those relating to the installation of more efficient water appliances and devices by users;

(vi) evaluates these plans in terms of their costs and contrasts with the cost of alternative water supplies;

(vii) prioritises and schedules the implementation of courses of action found to be cost effective; and

(viii) identifies strategies for reducing water use.

”.

6. Section 39 amended

5 (1) After section 39(2) the following subsection is inserted —

“

(2a) In considering the exercise of its discretion under subsection (2)(b) to order a licensee to pay a monetary penalty for a contravention of the license condition in
10 section 24A the Authority must have regard to —

(a) the effects of weather on water usage;

(b) any previous contraventions of section 24A by the licensee;

(c) any amount by which the licensee has failed to
15 meet the water conservation target under section 24A in any previous year;

(d) any amount by which the licensee has surpassed the water conservation target under section 24A in any previous year;

20 (e) the content of any demand management strategy implementation report provided by the licensee under section 24C; and

(f) any other factor which the Authority considers relevant.

25 ”.

7. Section 63 inserted

After section 62 the following section is inserted —

“

63. Review of sections

30 (1) The Minister is to carry out a review of the operation and effectiveness of sections 24A, 24B, 24C and

39(2a) of this Act as soon as is practicable after 31 December 2012.

(2) The Minister is to prepare a report based on the review and, as soon as is practicable, is to cause it to be laid before each House of Parliament.

”.

Part 3 — Amendments to *Water Corporation Act 1995*

8. The Act amended

The amendments in this Part are to the *Water Corporation Act 1995*.

9. Section 3 amended

Section 3 is amended by inserting after the definition of "Treasurer" —

"

"water conservation services" means services that are directed towards reducing water use, and without limiting the meaning of that term include —

(a) providing services and incentives that promote more efficient water use;

(b) promoting the development and use of water efficient products;

(c) providing information and education to promote behavioural changes that reduce water demand; and

(d) undertaking research and providing advice to government on measures to promote water conservation.

".

10. Section 27 amended

After section 27(1)(b) the following subsection is inserted —

"

(ba) to promote water conservation and provide, or cause to be provided, water conservation services;

".

Part 4 — Amendments to *Water Boards Act 1904*

11. Section 6 amended

After section 6(4) the following subsections are inserted —

"

(5) Without limiting in any way the functions and powers of water boards constituted under this Act, it is a function of every water board to promote water conservation and provide, or cause to be provided, water conservation services and every water board should have such powers as are necessary or convenient to carry out that function.

(6) In this section "water conservation services" means services that are directed towards reducing water use, and without limiting the meaning of that term include —

(a) providing services and incentives that promote more efficient water use;

(b) promoting the development and use of water efficient products;

(c) providing information and education to promote behavioural changes that reduce water demand; and

(d) undertaking research and providing advice to government on measures to promote water conservation.

".