



New South Wales

# Water Supply Authorities (Water Restrictions) Regulation 1999

under the

Water Supply Authorities Act 1987

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Water Supply Authorities Act 1987*.

RICHARD AMERY, M.P.,

Minister for Agriculture and  
Minister for Land and Water Conservation

## Explanatory note

The object of this Regulation is to enable restrictions to be imposed, in times of drought or other scarcity, on the use of water in the Gosford and Wyong local government areas. (The councils for these areas are Water Supply Authorities under the *Water Supply Authorities Act 1987*.) Failure to comply with such restrictions is an offence under the Regulation, and may be dealt with by way of penalty notice. The Regulation also enables either Authority to cut off or restrict the water supply of a person who fails to observe the restrictions.

The Regulation is made under sections 51 and 66 of the *Water Supply Authorities Act 1987*.

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## Water Supply Authorities (Water Restrictions) Regulation 1999

### 1 Name of Regulation

This Regulation is the *Water Supply Authorities (Water Restrictions) Regulation 1999*.

### 2 Definitions

In this Regulation:

*Authority* means the Gosford City Council or the Wyong Shire Council.

*the Act* means the *Water Supply Authorities Act 1987*.

### 3 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

### 4 Application of this Regulation

This Regulation applies in the areas of operation of the Authorities.

### 5 Restrictions on use of water during periods of shortage

- (1) If an Authority considers it necessary to do so in order to conserve supplies of water in a time of drought or other scarcity, the Authority may, by a notice under this Regulation, regulate or restrict any one or more of the following:
  - (a) the purposes for which water may be used,
  - (b) the times when water may be used,
  - (c) the quantities of water that may be used,
  - (d) the means or methods of the use of water.
- (2) Any such notice regulating or restricting the use of water:
  - (a) is required to be published in the Gazette or in a newspaper circulating in the area of operations of the Authority, and

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- (b) may apply to the whole of the area of operations of the Authority or to such part of that area as is specified in the notice, and
  - (c) takes effect on the date specified in the notice (being a date that is not earlier than the date on which the notice is published), and
  - (d) has effect despite the provisions of any contract relating to the supply of water by the Authority.
- (3) A person must not use water contrary to a notice under this Regulation.
- Maximum penalty: 50 penalty units in the case of a corporation and 5 penalty units in any other case.
- (4) Nothing in this clause authorises the use of water contrary to any restriction or requirement imposed under the *Essential Services Act 1988*.

### 6 Penalty notice

For the purposes of section 51 of the Act:

- (a) an offence under clause 5 is an offence prescribed for the purposes of that section, and
- (b) the penalty prescribed for the offence if dealt with under that section is 2 penalty units.

### 7 Short description of offence

- (1) For the purposes of section 145B (2) of the *Justices Act 1902*, the prescribed expression in relation to the offence created by clause 5 is as follows:
- breach water restrictions
- (2) For the purposes of any proceedings for such an offence, the prescribed expression for the offence is taken to relate to the offence created by the provision, as the provision was in force when the offence is alleged to have been committed.
- (3) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used.

- (4) Subclause (2) applies to any information, complaint, summons warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.

**8 Cutting off supply**

An Authority may cut off or restrict the supply of water to any land in its area of operations if the owner, occupier or person requiring a supply of water fails to comply with a notice under this Regulation regulating or restricting the use of water.

BY AUTHORITY

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