



*A Community Legal Centre specialising  
in public interest environmental law.*

18 April 2008

Mr C Schwarz  
Secretary to the Select Committee on SA Water  
Parliament House  
North Terrace  
ADELAIDE SA 5000

Dear Mr Schwarz

### **SA WATER**

The Environmental Defender's Office ("EDO") is a community legal centre specialising in public interest environmental law and welcomes the opportunity to make a submission regarding the inquiry into SA Water. We will make some general comments followed by particular comment with respect to the certain issues set out in the terms of reference.

Water is the one of the most precious resources in South Australia due to its scarcity and its common usage.

Ninety five per cent of South Australians rely on the River Murray for their water supplies. With the lack of rainfall in the Murray Darling Basin and the record high temperatures, inflows into the River Murray are well below average. This has resulted in increased pressure on urban, agricultural and environmental water supplies. The Coorong in particular is at risk of devastation due to the lack of flows into the system.

Water restrictions have some effect on water usage, but there are currently no restrictions on industry water usage. This is inappropriate generally, but particularly given the severe drought.

In this context, there is an urgent need to consider other options.

We appreciate that the government introduced the Waterproofing Adelaide strategy in 2005. However, there has been limited action since that time. In order to implement a water reuse revolution, financial and legislative support of government is needed to set up the infrastructure and regulation required for new systems of water use. This will result in savings for future generations.

**TERMS OF REFERENCE:**

- d) Opportunities to reform SA Water governance to assist in water conservation and water security, and in particular -*
- i. a review of relevant State legislation with respect to SA Water's function, structure and accountability, including a review of SA Water's charter; and*
  - ii. a review of SA Water's performance statements from Government.*

SA Water is central to how we deal with our current water supply difficulties. A review of the legislation which impacts on SA Water's operations is therefore timely and important.

Details in relation to SA Water governance are found in a number of pieces of legislation including the South Australian Water Corporation Act 1994 ("SA Water Act") , Public Corporations Act 1993 ("Public Corporations Act") , and the Waterworks Act 1932 ("Waterworks Act "). The SA Water Charter and Performance Statements are also relevant.

Corporations such as SA Water are established under the Public Corporations Act. Section 12 sets out what must be included in the charter for such a corporation. It is a concern that section 12 omits any references to environmental issues such as water conservation and we recommend that this be remedied in amending legislation.

Section 7 of the SA Water Act sets out the corporation's particular functions. These functions are primarily about finances. Only subsection 7(2)(d) requires SA Water to "advise users of water in the efficient and effective use of water."

In our view, this function needs to go further in terms of what SA Water is required to do in the area of water conservation and should include the setting of water conservation targets.

Further, we recommend an additional function be added requiring SA Water to ensure that development is ecologically sustainable. In this regard, we also recommend that the relevant sections of the Waterworks Act be amended to require SA Water to ensure the sustainability of water resources before the boundaries of a water district are expanded and before new developments are approved.

Such recommendations are contained in the Statutes Amendment (Water Conservation Target and Sustainable Water Resources) Bill 2008. We urge passage of this bill as soon as possible.

In summary, these amendments would require SA Water to:

1. have water conservation and ecologically sustainable development as clearly defined functions;

2. meet water conservation targets and include issues of sustainability and conservation in its annual reports and;
3. ensure sustainability of development applications in terms of water usage.

We refer to SA Water's charter. We are aware that this document has been recently revised but disappointingly it does not contain any comprehensive water conservation functions. The functions outlined in clause 6 of the charter directly reflect those contained in section 7 of the SA Water Act. Given this, it appears that any changes to section 7 may influence changes to the charter but we recommend that this be clarified by alteration to clause 6 as set out below.

We refer also to SA Water's Performance Statements for 2004/2005, 2005/2006 and 2006/2007. These contain a number of strategic targets which, except for wastewater recycling, do not include water conservation targets.

Once there has been the recommended legislative reform we call on the relevant ministers to:

1. amend clause 6 of SA Water's Charter to include water conservation and sustainability functions; and
2. include water conservation targets in all future SA Water Performance Statements.

#### **TERMS OF REFERENCE:**

*e) Legislative and policy changes to address current impediments to water conservation and water recycling, and including -*

- i. water pricing; and*
- ii. incentives for installation of water efficient technology devices.*

There are four areas where legislative reform is urgently needed. This is with respect to waste water reuse, grey water reuse, rainwater use and aquifer recharge.

Whilst South Australia leads the nation in waste water reuse and rainwater use, reform is needed as only 30-50% of the South Australian population has a rainwater tank and only 20% of South Australia's waste water is reused. In addition, whilst manual bucketing of grey water has government endorsement in South Australia, there is a need to introduce legislative reform to implement and regulate the permanent reuse of grey water.

We will deal with each issue in turn.

#### **Sewer Mining**

We acknowledge that South Australia leads the nation in sewer mining. However, there is great potential to better use this resource given that only 20% of the sewer system is mined.

With an appropriate licensing regime, there is potential for private enterprise and local councils to tap into the sewer network on a local level and mine and treat the product for

use in parks, gardens and in industry. This is particularly appropriate given that industry and councils do not usually require the highest quality of water and such reuse would substantially alleviate the present drain on valuable potable water resources. It is also appropriate given that there is limited regulation of industry's water use even in this time of severe drought.

We recommend that the licensing regime:

- place conditions on the points or places at which waste is extracted, the method of extraction, the quantity of waste extracted, the management, treatment and use of extraction and the procedures and processes to protect public safety;
- be for a limited renewable period such as 3-5 years;
- enable the removal of the license if appropriate;
- be administered by SA Water with a right of appeal to the Environment Resources and Development Court.

### Grey water

As indicated above, the government endorses manual bucketing of the grey water but not the permanent reuse of grey water unless the user has:

- obtained approval from the Department of Health;
- obtained conditional authorization from SA Water;
- a licensed plumber install the diversion device and provide a certificate of compliance.

SA Water then places an encumbrance on the property to record the presence of a diversion advice.

The EDO recommends that the Sewerage Act be amended to enable the permanent discharge of grey water into the garden from in the every least a washing machine and a bath tub. Given that these are limited uses we recommend that they be endorsed with appropriate legislation and regulation.

There are installations on the market to enable such functions including for example an adapted wheelie bin and a grey water diverter. We recommend that appropriate installations and products such as these be endorsed.

There are also simple reuse strategies which we recommend SA Water endorse such as the four minute or two minute shower. In the last two years, at the height of the drought in Queensland, each household was issued with a 4 minute timer and later a two minute time for use in showers. This enables individuals to self regulate and results in water savings for the Queensland population. We recommend that this simple strategy be

utilized by SA Water with the issuing of timers with an appropriate educational brochure when sending a customers account.

### Rainwater

The roof space of Adelaide's buildings is huge source of largely untapped water. The EDO acknowledges that in July 2006, the government introduced a requirement that new dwellings and certain large extensions must catch rainwater in a tank of at least 1000 litres capacity and plumb it to the toilet, hot water service and cold water outlets.

However, this requirement does not address the water currently lost from all other buildings in Adelaide such as offices, retail outlets, factories and apartment blocks.

Currently, the Sewerage Act and the Waterworks Act require a user to obtain the written consent of SA Water prior to plumbing tanks into the mains. We understand that there is a concern that contamination and disease may otherwise occur. Such a concern is remedied by the installation of an inexpensive back-flow prevention device. Currently, such devices are installed by SA Water when a meter is installed or replaced. However, given the infrequency of this occurrence, legislation and an education policy and strategy needs to be implemented to encourage the use of rainwater in houses.

With such a policy it would then be possible to require households and businesses to supply a minimum percentage of total water use from rain water.

### Aquifer Storage and Recovery

There are currently no legislative or regulatory mechanisms in place to protect stored water from being taken by other parties. We recommend the development of appropriate legislation and other mechanisms in this area to improve the legal rights of operators of aquifer storage and recovery schemes as this is likely to lead to increasing use of aquifer storage and recovery in integrated water management in South Australia

Please contact our office if you have any queries in relation to this submission.

Yours faithfully



Melissa Ballantyne  
Solicitors  
Environmental Defenders Office (SA) Inc



Ruth Beach

---

Office: 1st Floor, 408 King William St, Adelaide, South Australia  
Postal Address: GPO Box 170, Adelaide, SA 5001  
E-mail: [edos@edo.org.au](mailto:edos@edo.org.au) ~ Web: [www.edo.org.au](http://www.edo.org.au)  
Ph: (08) 8410 3833 ~ Fax: (08) 8410 3855  
Country Freecall: 1800 337 566