

INSTRUMENT OF DELEGATION

INSTRUMENT OF DELEGATION UNDER THE WATER INDUSTRY ACT 2012

14 NOVEMBER 2023

Delegation Sources

- Water Industry Act 2012

Positions

Abbreviation	Position
CEO	Chief Executive Officer
DIES	Director Infrastructure & Environmental Services
EHO	Environmental Health Officer
MIS	Manager Infrastructure Services
MO	Manager Operations
TLWS	Team Leader Water Services

Instrument of Delegation under the Water Industry Act 2012

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 19(1)	Apply for a licence	CEO, DIES		applicant for a licence
section 19(2)	Pay the application fee	CEO, DIES		applicant for a licence
section 19(4)	Provide further information requested by the Commission with respect to an application for a licence	CEO, DIES		applicant for a licence
section 22(1)	Provide services or carry on operations or activities in accordance with the terms and conditions of the licence	CEO, DIES		water industry entity
section 24(1)	Pay the annual licence fee	CEO, DIES		applicant for a licence

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 24(2)(a)	Provide annual return to the Commission	CEO, DIES		water industry entity
section 24(2)(b)	Pay the annual licence fee	CEO, DIES		water industry entity
section 25(2)	Participate in consultation with the Commission	CEO, DIES		water industry entity
section 28(2)(a)	Apply to the Commission for a variation in the terms and conditions applying the licence	CEO, DIES		water industry entity
section 28(2)(a)	Agree with the Commission a variation in the terms and conditions applying the licence	CEO, DIES		water industry entity
section 28(2)(b)	Make submissions to the Commission regarding a proposed variation to the terms and conditions applying to a licence	CEO, DIES		water industry entity

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 29(1)	Transfer licence with the Commission's agreement	CEO, DIES		water industry entity
section 29(4)	Apply to the Commission for the transfer of a licence	CEO, DIES		water industry entity
section 29(5)	Pay to the Commission the application fee for the transfer of a licence	CEO, DIES		water industry entity
section 29(6)	Provide to the Commission further relevant information requested by Commission in respect of the application fee for the transfer a licence	CEO, DIES		water industry entity
section 32(1)	Surrender a licence to the Commission	CEO, DIES		water industry entity
section 32(3)	Agree with the Commission a shorter notice period than the prescribe period for the surrender of a licence	CEO, DIES		water industry entity

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 33(3)(b)	Make submissions to the Commission in relation to a proposed suspension or cancellation of licence	CEO, DIES		water industry entity
section 36(1)	Fix standard terms and conditions governing the provision of services by the entity	CEO, DIES		water industry entity
section 36(2)	Publish standard terms and conditions governing the provision of services by the entity in the Gazette	CEO, DIES		water industry entity
section 36(3)	Publish notice in a newspaper circulating generally in the State regarding the standard terms and conditions	CEO, DIES		water industry entity
section 36(5)	Agree with a customer to exclude a standard term or condition	CEO, DIES		water industry entity
section 36(6)(a)	Supply a copy of the standard terms and conditions to the Commission	CEO, DIES		water industry entity

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 36(6)(b)	Publish a copy of the standard terms and conditions on the entities website	CEO, DIES		water industry entity
section 37(3)(a)	Adopt a customer hardship policy published by the Minister	CEO, DIES		water industry entity
section 37(3)(b)	Seek the approval of the Commission to adopt a customer hardship policy published by the Minister with modifications	CEO, DIES		water industry entity
section 37(3)(b)	Adopt a customer hardship policy published by the Minister with modifications in accordance with approval of the Minister	CEO, DIES		water industry entity
section 38(2)	Make submissions to the Commission as to proposed proclamation to take over the water industry entity's operations	CEO, DIES		water industry entity
section 39(2)	Accept an appointment to take over relevant operations of a water industry entity subject to a proclamation under section 38	CEO		water industry entity

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 39(3)	Facilitate the take-over of relevant operations by the operator	CEO		water industry entity
section 41(1)	Appoint a person to be a water industry officer	CEO		water industry entity
section 41(2)	Impose conditions of appointment of a water industry officer	CEO		water industry entity
section 42(1)	Impose time period for the appointment of a water industry officer	CEO		water industry entity
section 42(2)	Remove a water industry officer from office	CEO		water industry entity
section 43(1)	Issue a water industry officer with an identity card	CEO		water industry entity

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 44(1)	Agree with the occupier of land to enter and remain on land to conduct investigations or carry out any other form of work to assess the suitability of the land for the construction or installation of water/sewerage infrastructure	CEO, DIES, EHO, MIS, MO		water industry entity
section 44(1)	Seek the authorisation of the Minister to enter and remain on land to conduct investigations or carry out any other form of work to assess the suitability of the land for the construction or installation of water/sewerage infrastructure	CEO, DIES, EHO, MIS, MO		water industry entity
section 44(3)(a)	Enter and remain on land to undertake prescribed works	CEO, DIES, EHO, MIS, MO		water industry entity
section 45(1)	Give notice of proposed entry on land under section 44 to the occupier	CEO, DIES, MIS, MO, TLWS		authorised entity
section 45(3)(a)	Give notice of proposed entry on public land under section 45 to the authority responsible to the management of the public land	CEO, DIES, MIS, MO		authorised entity

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 45(3)(b)	Agree with an authorised entity to enter onto public land within the care, control and management of the council	CEO, DIES, MIS, MO		council
section 45(4)	Impose conditions on the entry of an authorised entity onto public land within the care, control and management of the council	CEO, DIES		council
section 45(7)	Refer a dispute regarding whether work should be permitted on public land within the care, control and management of the council by an authorised entry of the conditions applying to that work to the Minister	CEO, DIES, MIS, MO		council authorised entity
section 45(9)(a)	Make submissions to the Minister in relation to a dispute referred under section 45(7)	CEO, DIES		council authorised entity
section 45(9)(b)	Settle a dispute referred under section 45(7)	CEO, DIES		council authorised entity
section 45(11)	Notify the occupier of public land of the reason and the date and time of proposed entry	CEO, DIES, MIS, MO, TLWS		authorised entity

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 45(14)	Use reasonable force to enter any land under section 45	CEO, DIES, MIS, MO, TLWS		authorised entity
section 45(16)	Request an authorised entity undertaking work on public land within the care, control and management of the council to separate the land on which the work is being undertaken from other parts of the land by a fence	CEO, DIES, MIS, MO, TLWS		council
section 45(16)	Separate the public land on which the work is being undertaken from other parts of the land by a fence	CEO, DIES, MIS, MO, TLWS		authorised entity
section 45(16)	Refer a dispute regarding the separation of a land by a fence to the Magistrates Court	CEO, DIES, MIS, MO		council
section 45(17)	Make good any damage caused by exercise of powers under section 45	CEO, DIES, MIS, MO, TLWS		authorised entity

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 45(19)	Exercise of powers under section 45 in an emergency without prior notice or agreement	CEO, DIES, TLWS		authorised entity
section 45(22)	Comply with conditions imposed by the Minister of the exercise of powers under section 45	CEO, DIES		water industry entity
section 46(1)	Acquire land in accordance with the Land Acquisition Act 1969	CEO		water industry entity
section 46(2)	Seek authorisation of the Minister to acquire land by compulsory acquisition under the Land Acquisition Act 1969	CEO		water industry entity
section 48(2)	Apply to the Minister for approval of a scheme under section 48	CEO		water industry entity
section 48(3)(c)	Approve a scheme as being fit and adequate for the provision of the services that are proposed to be offered under the scheme	CEO		council

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 48(3)(d)	Participate in consultation for the development of a scheme for sewerage services in the council area	CEO		council
section 48(6)	Issue a notice requiring the connection of drains, equipment or works to prescribed infrastructure in order to provide for the discharge of sewerage into the infrastructure	CEO, DIES, EHO, MIS, MO		water industry entity
section 48(9)	Take action required by a notice served under section 48(6), if the recipient fails to take that action	CEO, DIES, EHO, MIS, MO		water industry entity
section 48(10)	Authorise a person to take action under section 48(9) on the water industry entities behalf	CEO, DIES, EHO, MIS, MO		water industry entity
section 48(12)	Recover the reasonable costs of taking action under section 48(9) as a debt	CEO, DIES, EHO, MIS, MO		water industry entity

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 48(13)	Apply to the Minister for approval to vary a scheme under section 48	CEO, DIES, EHO, MIS, MO		water industry entity
section 48(13)	Vary a scheme under section 48	CEO, DIES, EHO, MIS, MO		water industry entity
section 49(1)	<p>Consent to a person:</p> <p>(a) constructing or placing a building, wall, fence or other structure on or over any water/sewerage infrastructure, or creating some other form of encroachment over any water/sewerage infrastructure (or any land directly associated with such infrastructure);</p> <p>(b) creating any form of encroachment over any easement that exists for the purposes of any water service or sewerage service;</p> <p>(c) obstructing, filling in, closing up or diverting any water/sewerage infrastructure; or</p> <p>(d) excavating or altering any land or structure supporting any water/sewerage infrastructure</p>	CEO, DIES, MIS, MO		water industry entity

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 49(2)(a)	Enter land and carry out an inspection of any place if the water entity believes on reasonable grounds that a person has contravened section 49(1)	CEO, DIES, EHO, MIS, MO		water industry entity
section 49(2)(b)	Serve a notice requiring a person to take action to remedy a contravention of section 49(1)	CEO, DIES, EHO, MIS, MO		water industry entity
section 49(3)	Obtain a warrant under Part 10 of the Water Industry Act to enter land	CEO, DIES, EHO, MIS, MO		water industry entity
section 49(4)	Take action required by a notice served under section 49(2)(b), if the recipient fails to take that action	CEO, DIES, EHO, MIS, MO		water industry entity
section 49(6)	Recover the reasonable costs of taking action under section 49(4) as a debt	CEO, DIES, EHO, MIS, MO		water industry entity

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 49(7)	Authorise a person to take action under section 49(4) on the water industry entities behalf	CEO, DIES, MIS, MO		water industry entity
section 50(1)	Authorise a person to: (a) attach any equipment or other thing, or make any connection, to water/sewerage infrastructure; (b) interfere with: (i) the collection, storage, production, treatment, conveyance, reticulation or supply of water through the use of water infrastructure; or (ii) the collection, storage, treatment, conveyance or reticulation of sewage through the use of sewerage infrastructure; (c) disconnect or interfere with any water/sewerage infrastructure, or any equipment associated with any water/sewerage infrastructure; or (d) damage any water/sewerage infrastructure, or any equipment associated with any water/sewerage infrastructure.	CEO, DIES, MIS, MO		water industry entity
section 50(2)(a)	Enter land and carry out an inspection of any place if the water entity believes on reasonable grounds that a person has contravened section 50(1)	CEO, DIES, MIS, MO		water industry entity

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 50(2)(b)	Disconnect, close, turn off or remove anything that has been attached or used in connection with a contravention section 50(1)	CEO, DIES, MIS, MO		water industry entity
section 50(3)	Obtain a warrant under Part 10 of the Water Industry Act to enter land	CEO, DIES, MIS, MO		water industry entity
section 50(4)	Authorise a person to take action under section 50 on the water industry entities behalf	CEO, DIES, MIS, MO		water industry entity
section 50(7)	Recover compensation from a person guilty of a contravention of section 50(1) on application to a court convicting the person of an offence against this section or by action in a court of competent jurisdiction	CEO, DIES, MIS		water industry entity
section 51(1)	Receive notice from a person proposing to do work near water/sewerage infrastructure	CEO, DIES, MIS		water industry entity
section 51(3)(b)	Specify requirements to apply for the protection of the infrastructure or the safety of person carrying out the work	CEO, DIES, MIS		water industry entity

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 51(4)	Recover compensation from a person guilty of a contravention of section 51 on application to a court convicting the person of an offence against this section or by action in a court of competent jurisdiction	CEO, DIES		water industry entity
section 52(1)	Receive notice from a person proposing to: (a) to first lay the pavement or hard surface in any road; (b) to relay the pavement or hard surface in any road; (c) to widen or extend the pavement or hard surface in any road; (d) to alter the level of any road; (e) to construct or alter any footpaths, gutters, kerbing or water tables in any road; or (f) to construct or alter any drainage work in any road in which water/sewerage infrastructure is laid	CEO, DIES		water industry entity
section 52(2)	Advise the person giving notice under section 52(1) of any new water/sewerage infrastructure proposed in the relevant road and of any interference that is expected to be caused to the existing water/sewerage infrastructure	CEO, DIES		water industry entity

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 52(4)	Confer with a person giving notice under section 52(1) with respect to variations to the proposed work	CEO, DIES		water industry entity
section 52(6)	Waive the requirement to provide notice under section 52(1)	CEO, DIES		water industry entity
section 53(2)(b)	Approve the installation or maintenance of a pipe capable of conveying water beyond the boundaries of a site occupied by the person	CEO, DIES		water industry entity
section 53(1)	Authorise a person to: (a) abstract or divert water from any water infrastructure; or (b) abstract or divert any sewage from any sewerage infrastructure	CEO, DIES		water industry entity
section 53(3)	Recover compensation from a person guilty of a contravention of section 53 on application to a court convicting the person of an offence against this section or by action in a court of competent jurisdiction	CEO, DIES		water industry entity

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 54(1)(a)	Require a person supplied water by the water industry entity to allow a person authorised by the entity to enter land and fix a meter supplied by the entity	CEO, DIES		water industry entity
section 54(1)(b)	Require a person supplied water by the water industry entity to ensure that a meter of a kind specified by the entity is fixed and used for the purposes of measuring water supplied to the person	CEO, DIES		water industry entity
section 54(3)	Supply a water meter	CEO, DIES, MIS, MO		water industry entity
section 54(4)	Issue a direction or requirement in regard to the installation or use of a meter	CEO, DIES, MIS, MO		water industry entity
section 54(10)	Serve a notice on a person who fails to ensure that access to the meter or fitting for the purpose of reading, replacement, repair or maintenance is not obstructed requiring the person to take specified action to provide access to the meter or fitting	CEO, DIES		water industry entity

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 54(11)	Enter land and take action to provide access to the meter or fitting	CEO, DIES, MIS, MO		water industry entity
section 54(12)	Recover compensation from a person guilty of a contravention of section 54 on application to a court convicting the person of an offence against this section or by action in a court of competent jurisdiction	CEO, DIES		water industry entity
section 54(13)	Recover costs of taking action under section 54(11) as a debt	CEO, DIES		water industry entity
section 55(1)	Authorise a person to discharge any solid, liquid or gaseous materials, or any other item or thing, into water infrastructure	CEO, DIES, MIS, MO		water industry entity
section 55(3)	Recover compensation from a person guilty of a contravention of section 55 on application to a court convicting the person of an offence against this section or by action in a court of competent jurisdiction	CEO, DIES		water industry entity
section 56(1)	Authorise a person to discharge into any sewerage infrastructure any solid, liquid or gaseous material, or any other item or thing that is likely to damage the infrastructure	CEO, DIES, EHO, MO		water industry entity

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 56(3)(a)	Authorise a person to discharge specific waste material into sewerage infrastructure	CEO, DIES, EHO, MIS, MO		water industry entity
section 56(3)(b)	Enter into a contract with a person in regard to the provision of a sewerage service authorising the discharge specific waste material into sewerage infrastructure	CEO, DIES, EHO, MIS, MO		water industry entity
section 56(5)	Authorise a person to cause, permit or allow any rainwater, stormwater or surface water to flow into, or to otherwise enter, any sewerage infrastructure	CEO, DIES, EHO, MIS, MO		water industry entity
section 56(7)	Attach conditions to an authorisation under section 56(5)	CEO, DIES		water industry entity
section 56(7)	Vary or revoke an authorisation under section 56(5)	CEO, DIES, EHO, MIS, MO		water industry entity

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 56(9)	Recover the reasonable costs and expenses incurred by the water entity in addressing any damage or loss caused as a result of, on in remedying circumstances caused by, a contravention of section 56 as a debt	CEO, DIES, EHO, MIS, MO		water industry entity
section 57(1)	Issue a notice requiring an owner or occupier of land to carry out specified work	CEO, DIES, EHO, MIS, MO		water industry entity
section 57(3)	Vary or revoke a notice issued under section 57(1)	CEO, DIES, EHO, MIS, MO		water industry entity
section 57(5)	Take action required by a notice if the recipient of the notice fails to take the action	CEO, DIES, EHO, MIS, MO		water industry entity
section 57(6)	Authorise a person to take action under section 57(5) on the entity's behalf	CEO, DIES, EHO, MIS, MO		water industry entity

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 57(8)	Recover the reasonable costs and expenses incurred by the water industry entity taking action under section 57(5) as a debt	CEO, DIES, EHO, MIS, MO		water industry entity
section 58(1)	Close off or disconnect from the sewerage infrastructure one or more drains on the land that are connected to the sewerage infrastructure or restrict the provision of any sewerage service to the land	CEO, DIES, EHO, MIS, MO		water industry entity
section 58(2)	Reopen or reconnect a drain closed off or disconnected under section 58(1)	CEO, DIES, EHO, MIS, MO		water industry entity
section 58(2)	Require the owner or occupier of land to pay the prescribed fee prior to reopening or reconnecting a drain closed off or disconnected under section 58(1)	CEO, DIES, EHO, MIS, MO		water industry entity
section 59(3)(a)	Lessen the supply through any infrastructure	CEO, DIES, MIS, MO		water industry entity

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 59(3)(b)	Prohibit the use of water in a specified purpose or purposes, or restrict or regulate the purposes for which water can be used	CEO, DIES, MIS, MO		water industry entity
section 59(3)(c)	Prohibit the use of water in a specified manner or by specified means, or restrict or regulate the manner in which, or the means by which, water may be used	CEO, DIES, MIS, MO		water industry entity
section 59(3)(d)	Prohibit specified uses of water during specified periods, or restrict or regulate the times at which water may be used	CEO, DIES, MIS, MO		water industry entity
section 59(3)(e)	Discontinue the supply of water	CEO, DIES, MIS, MO		water industry entity
section 59(4)	Impose a requirement that a permit of the water industry entity must be held to undertake an activity involving the use of water	CEO, DIES, MIS, MO		water industry entity
section 59(4)	Issue a permit authorising an activity involving the use of water	CEO, DIES, MIS, MO		water industry entity

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 59(5)(b)	Publish or serve a notice regarding a prohibition or notice under section 59(3)	CEO, DIES, MIS, MO		water industry entity
section 59(5)(b)	Vary or revoke a prohibition or notice under section 59(3)	CEO, DIES, MIS, MO		water industry entity
section 60(1)	Serve notice on the owner or occupier of land that is connected to water infrastructure operated by the entity directing the owner or occupier to install a flow reducing device of a specified kind and to use the device to reduce flow in the pipes on the land which are connected to the water infrastructure	CEO, DIES, MIS, MO		water industry entity
section 60(5)	Install a flow reducing device if the owner or occupier has failed to comply with the requirements of a notice under section 60(1)	CEO, DIES, MIS, MO		water industry entity
section 60(6)	Recover the reasonable costs and expenses incurred by the water industry entity as a debt from the person who failed to comply with the notice under section 60(1)	CEO, DIES, MIS, MO		water industry entity
section 63(3)(a)	Disconnect the supply of water or the collection of sewage, or restrict the supply of services	CEO, DIES, MIS, MO		water industry entity

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 63(3)(b)	Obtain a warrant under Part 10 to enter a place for the purpose of disconnecting the supply of water or the collection of sewage, or restricting the supply of services	CEO, DIES, MIS, MO		water industry entity
section 63(5)(b)	Restore a connection for the supply of water or the collection of sewage	CEO, DIES, MIS, MO		water industry entity
section 64	Cut off the supply of water to any region, area, land or place if it is necessary to do so to avert danger to any person or property	CEO, DIES		water industry entity
section 68	Comply with prescribed technical and safety requirements or any technical and safety requirements of the Technical Regulator	CEO, DIES, MO		water industry entity
section 69(3)	Disconnect the supply of water or the collection of sewerage, or restrict the supply of services	CEO, DIES		water industry entity
section 84(1)(b)	Make an application to the Commission for a review of a decision of the Commission under Part 4 to suspend or cancel the entity's licence or vary the terms or conditions of the entity's licence	CEO, DIES		water industry entity

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
section 85(1)(a)	Make an application for a review of a decision or an enforcement notice under Part 8, Division 4 under section 34 of the South Australian Civil and Administrative Tribunal Act 2013	CEO, DIES		water industry entity
section 88(1)	Provide information requested by the Minister	CEO, DIES		water industry entity
section 98(1)	Provide and maintain fire plugs, maintain various standards, and comply with any other requirements relating to the provision of water for fire-fighting purposes, in accordance with any scheme determined by the Minister	CEO, DIES		water industry entity
section 102(2)	Commence proceeding for an offence under the Water Industry Act	CEO, DIES		water industry entity
section 111(7)	Certify a plan delineating the position of any equipment, plant or drain connected to any water/sewerage infrastructure	CEO, DIES		water industry entity
section 111(8)	Certify a date on and from which the water industry entity was prepared to supply water by means of a direct service to land specified in the certificate	CEO, DIES		water industry entity

Water Industry Act 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
	or could by means of drains or other infrastructure, be drained or serviced by a sewer			
section 111(9)	Certify a copy or extract of a register of readings of meters maintained by the water industry entity	CEO, DIES		water industry entity
section 113(1)	Cause a ventilating shaft, pipe or tube for any sewerage infrastructure or drain to be attached to the exterior wall of a building	CEO, DIES, MIS		water industry entity

Document history and version control

Date	Council/Chief Executive Officer	Comment
14/11/2023	Reviewed and adopted at 14 November 2023 Special Council meeting	