

INSTRUMENT OF DELEGATION

INSTRUMENT OF DELEGATION UNDER THE WATER
INDUSTRY REGULATIONS 2012

29 NOVEMBER 2023

Delegation Sources

- Water Industry Regulations 2012

Positions

Abbreviation	Position	Name
CEO	Chief Executive Officer	Kelly Westell
CS	Construction Supervisor	Shane Heness
MDRS	Manager Development & Regulatory Services	Gabby Swearse
MIO	Manager Infrastructure & Operations	
Not Sub Delegated	Not Sub-Delegated	

Positions Groups

Positions Group	Position	Positions
EHO	Environmental Health Officers	EH1, EH2

Instrument of Delegation under the Water Industry Regulations 2012

Water Industry Regulations 2012				
Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 9	Enter into an agreement with a person undertaking work which would involve the alteration of any water/sewerage infrastructure to share the cost of the work	CEO, MDRS, MIO		water industry entity
regulation 11(1)	Provide a statement of the amount paid to a person who has paid an amount for the provision of retail services	CEO, MDRS, MIO		water industry entity
regulation 11(2)	Provide a consumer with a statement of the quantity of water supplied by the entity to the consumer in the financial year	CEO, MDRS, MIO, EHO		water industry entity
regulation 11(3)	Provide a statement of the amount paid for retail services or the quantity of water supplied by the entity financial year to any other person acting with the consent of the person referred to in regulations 11(1) and 11(2)	CEO, MDRS, MIO, EHO		water industry entity
regulation 12(1)	Provide a statement as the existence or non-existence of encumbrances in relation to the land to which the application relates that are prescribed	CEO, MIO, EHO		water industry entity

Water Industry Regulations 2012

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
	encumbrances for the purposes of the Land and Business (Sale and Conveyancing) Act 1994			
regulation 13(a)(i)	Seek the approval of a water industry entity (that owns or operated sewerage infrastructure that may be affected by the planting) to plant trees and shrubs (except those listed I Schedule 2 and Schedule 3) on public land	CEO, MDRS, MIO, EHO		council
regulation 13(a)(i)	Grant approval to plant trees and shrubs on public land	CEO, MDRS, MIO, EHO		water industry entity
regulation 13(b)	Grant approval to plant trees and shrubs on a road closer than 1 metre to any water infrastructure	CEO, MDRS, MIO, EHO		water industry entity
regulation 14(1)	Receive and comply with a notice from water industry entity directing action in regard to a tree or shrub on public land which is causing, or is likely to cause, damage to water/sewerage infrastructure or a reduction in the efficiency of the operation of that infrastructure	CEO, CS, MDRS, MIO, EHO		council

Water Industry Regulations 2012

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 14(1)	Direct a council or other person with care, control or management of land to take action in regard to a tree or shrub on public land which is causing, or is likely to cause, damage to water/sewerage infrastructure or a reduction in the efficiency of the operation of that infrastructure	CEO, CS, MDRS, MIO, EHO		water industry entity
regulation 14(2)	Take action specified in a notice under regulation 14(1) if the recipient fails to comply with the notice	CEO, CS, MDRS, MIO, EHO		water industry entity
regulation 14(3)	Recover costs of taking action specified in a notice under regulation 14(2) as a debt	CEO, MDRS, MIO		water industry entity
regulation 15	Recover costs of taking action specified in a notice under regulation 14 as a debt	CEO, MDRS, MIO		water industry entity
regulation 16(3)(b)	Authorise a person to enter infrastructure owned or operated by the entity	CEO, CS, MDRS, MIO		water industry entity
regulation 17(1)(a)	Obtain the approval of ESCOSA prior to taking action under sections 59(3)(a) to 59(3)(e) (inclusive)	CEO, Not Sub		water industry entity

Water Industry Regulations 2012

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
		Delegated, EHO		
regulation 17(1)(b)(i)	Notify the public of the intention to exercise a power under sections 59(3)(b) to 59(3)(d) (inclusive) by notice in the Gazette	CEO, Not Sub Delegated, EHO		water industry entity
regulation 17(1)(b)(ii)	Notify the public of the intention to exercise a power under sections 59(3)(a) to 59(3)(e) (inclusive) by a notice of a website, in a newspaper circulating throughout the area of the State in which person affected by the exercise of the power are situated and in any other manner considered appropriate	CEO, MDRS, MIO, EHO		water industry entity
regulation 18	Issue a permit for the purposes of section 59(4) of the Water Industry Act	CEO, MDRS, MIO, EHO		water industry entity
regulation 23(2)(a)	Give notice in writing to the water industry entity that owns, manages or uses the entry point, inspection point or other fitting of the alteration to the surface height of a road, footpath or easement to a water industry entity	CEO, MDRS, MIO, EHO		council

Water Industry Regulations 2012

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 23(2)(b)	Alter the height of an entry point, inspection point or other fitting	CEO, MDRS, MIO, EHO		water industry entity
regulation 23(3)	Recover costs under regulation 23(2)(b) as a debt from entity which altered the height of the road, footpath or easement	CEO, MDRS, MIO		water industry entity
regulation 34(1)(b)	Direct a person to disconnect a pipe which is intersected by the boundary of adjoining allotments from water/sewerage infrastructure	CEO, CS, MDRS, MIO, EHO		water industry entity
regulation 34(4)	Direct a person to disconnect a pipe which lies across the boundary of adjoining allotments from water/sewerage infrastructure	CEO, CS, MDRS, MIO, EHO		water industry entity
regulation 34(7)	Enter land and undertake work required by a notice under regulation 34 if the recipient has failed to undertake the required work	CEO, CS, MDRS, MIO, EHO		water industry entity
regulation 36	Estimate the quantity of water supplied through a meter	CEO, MDRS, MIO, EHO		water industry entity

Water Industry Regulations 2012

Provision	Power and Functions Delegated	Delegate	Conditions and Limitations	Capacity of Council
regulation 38	Impose a charge in respect of land of a kind specified by the Minister by notice in the gazette despite the fact that the land is not connected to infrastructure by which a retail service is provided by the water industry entity or the provision of a retail service to the land by the water industry entity has been reduced or discontinued	CEO, Not Sub Delegated		water industry entity