

**WARWICK SHIRE COUNCIL
LOCAL LAW NO 17
(DOMESTIC WATER CARRIERS)**

SUMMARY OF PROVISIONS

PART 1 - PRELIMINARY

1. Citation
2. Objects
3. Definitions
4. Application

PART 2 - CONTROL OF WATER CARRIERS

Division 1 - Requirements for water distribution business

5. Requirement to hold permit

Division 2 - Permits

6. Application for permit
7. Grant of permit
8. Term of permit
9. Renewal of Permit
10. Conditions of permit
11. Compliance with conditions of permit
12. Cancellation of permits
13. Suspension of Permits

Division 3 - Approval of water tankers

14. Approval of water tankers
15. Periodic or other inspection of approved water tankers
16. Cancellation of approvals

PART 3 - MISCELLANEOUS

17. Log books
18. Inspection
19. Local law policies

PART 1 - PRELIMINARY

Citation

1. This local law may be cited as Warwick Shire Local Law No. 17 (Domestic Water Carriers).

Objects

2. The objects of this local law are to -
 - (a) ensure that water supplied by water tankers for domestic consumption or use is of high quality; and
 - (b) ensure the water supplied, and the water supply from which water is taken, is protected from contamination.

Definitions

3. In this local law -

“authorised person” means a person authorised by the local government to exercise the powers of an authorised person under this local law.

“distribution” includes transportation and delivery.

“distributor” means a person who engages in domestic water distribution for fee or reward other than as an employee;

“domestic purposes” means the purposes of -

- (a) human consumption; or
- (b) food preparation; or
- (c) washing; or
- (d) other normal domestic activities.

“domestic water distribution” includes each of -

- (a) the taking of water from a source;
- (b) the distribution of water, by water tanker, for domestic purposes;
- (c) the transportation of water to a distributor.

“equipment” means equipment used in connection with domestic water distribution.

“local government” means the Council of the Shire of Warwick.

“source” means the source from which water for domestic water distribution is taken and includes any bore, standpipe and storage tank.

Application

4. This local law applies only to domestic water distribution if -
 - (a) water is obtained from a source within the area; or
 - (b) water is delivered at a place within the area.

PART 2 - CONTROL OF WATER CARRIERS

Division 1 - Requirements for water distribution

Requirement to hold permit

5. (1) A person must not be engaged in domestic water distribution for fee or reward unless -
- (a) the person holds a permit under this local law; and
 - (b) the water tanker and equipment used for the purposes of domestic water distribution are approved by the local government.
- Maximum penalty - 50 penalty units
- (2) A person does not breach this local law if at the time in question -
- (a) that person is working as an employee of a person who holds a permit under this local law and the water tanker and equipment concerned are approved by the local government; or
 - (b) that person is a bona fide employee of the person to whom the water is distributed. A person is not a bona fide employee unless that person is engaged for and does substantially more work for the employer concerned other than distribution of water.

Division 2 - Permits

Application for permit

6. (1) An application for a permit must include -
- (a) details of the source from which the water is to be obtained; and
 - (b) details of the water tanker or other equipment to be used for domestic water distribution; and
 - (c) other information required by local law policy.
- (2) Before the local government decides an application for a permit, the applicant must produce the water tanker and all other equipment to be used for domestic water distribution for inspection by an authorised person.

Grant of permit

7. (1) The local government may grant a permit under this local law if satisfied that -
- (a) the water to be used for domestic water distribution is of an appropriate quality to be used for domestic purposes; and
 - (b) the proposed water distribution system complies with any other criteria specified by local law policies.
- (2) A local law policy may specify criteria with which domestic water distribution must comply, or will ordinarily be expected to comply.

Term of permit

8. (1) A permit is granted for a term specified in the permit.
- (2) The term for which a permit is granted or renewed is as fixed by a relevant local law policy, or as described by the local government when it grants the permit or any renewal of permit.

Renewal of permit

9. (1) The local government may, from time to time, on application by a distributor, renew the distributor's permit;
- (2) An application to renew a permit must be made prior to the expiry of the permit unless the local government otherwise determines (either before or after expiry) in any particular case.

Conditions of permit

10. (1) A permit may be granted on conditions the local government considers appropriate.
- (2) The conditions of a permit may, for example -
 - (a) require that water distributed be fit for human consumption and comply with standards set by the relevant local law policy; and
 - (b) require the distributor to take samples of water periodically, have an analysis made of their bacteriological and mineral content and provide the local government with the results of the analysis; and
 - (c) restrict the sources of supply from which water may be taken for the purposes of the domestic water distribution; and
 - (d) restrict or prevent the use of water tankers for purposes other than domestic water distribution.
- (3) The local government may, by local law policy, prescribe conditions that must be imposed or that will ordinarily be imposed in a permit.

Compliance with conditions of permit

11. A distributor must ensure that the conditions of the distributor's permit are complied with.
Maximum penalty - 50 penalty units.

Cancellation of permits

12. (1) If the local government is satisfied that a distributor has contravened a provision of this local law or a condition of the distributor's permit, the local government may, by written notice to the distributor, cancel the permit.
- (2) However, before the local government cancels a permit under this section, the local government must -
 - (a) give written notice to the distributor of the proposed cancellation; and
 - (b) allow the distributor a period stated in the notice (which must be at least 14 days from when the notice is given) to make written representations to the local government about the proposed cancellation; and
 - (c) consider the representations made in response to the notice.

Suspension of Permits

13. If the local government has reason to suspect that any domestic water distribution may be harmful to the health of any consumer, the local government may, by notice in writing, immediately suspend a permit for a period not exceeding 5 days to enable the matter to be investigated. Where the reason to suspect such harm continues for more than 5 days the local government may give further successive notices of suspension, each continuing for no more than 5 days.

Division 3 - Approval of water tankers

Approval of water tankers

14. (1) An authorised person may at any time inspect a water tanker and any equipment or premises that is to be used in connection with water distribution.
- (2) The water tanker and equipment must be produced for inspection at a time and place agreed between the authorised person and the distributor (or prospective distributor) or, in the absence of agreement, nominated by the authorised person.
- (3) An authorised person must issue a certificate of approval for a water tanker if, after inspecting the tanker, the authorised person is satisfied that -
- (a) the tanker and equipment are structurally sound and in good condition; and
 - (b) the nature and condition of any internal coating or lining are appropriate for domestic water distribution; and
 - (c) the water tanker is equipped with appropriate equipment to prevent contamination of water during loading, transport or delivery, including a backflow prevention system to prevent contamination of -
 - (i) water from the source of supply by water or other material from the water tanker; and
 - (ii) water in the water tanker by water or other material from a receiving tank; and
 - (d) the tanker and equipment complies in other respects with the requirements of local law policies.

Periodic or other inspection of approved water tankers

15. (1) A distributor must produce an approved water tanker and equipment for inspection by an authorised person if -
- (a) the inspection is a periodic inspection required under a local law policy; or
 - (b) the authorised person, by written notice given to the distributor, require the distributor to produce the water tanker for inspection.

Maximum penalty - 20 penalty units.

- (2) The time and place at which the water tanker and equipment are to be produced for inspection under subsection (1) are to be decided by agreement between the authorised person and the distributor or, in the absence of agreement, to be nominated by the authorised person in a written notice to the distributor.

Cancellation of approvals

16. An authorised person may, by written notice to a distributor, cancel the approval for a water tanker if -
- (a) the distributor notifies the local government of an intention to stop using the water tanker for domestic water distribution; or
 - (b) the authorised person is, after inspecting the tanker, of the opinion that -
 - (i) the tanker or its associated fittings and equipment are not structurally sound or not in good condition; or
 - (ii) the condition of an internal coating or lining is not appropriate for domestic water distribution; or
 - (iii) the tanker does not comply with a requirement of a local law policy.

PART 3 - MISCELLANEOUS

Log books

17. A distributor must ensure that a log book is carried in each water tanker setting out -
- (a) each day on which water is obtained for the tanker, the source from which the water is obtained, and the amount of water; and
 - (b) each day on which water is delivered from the tanker, the places to which water is delivered, and the amount of water delivered at each place; and
 - (c) other information required under a local law policy or condition of the permit.

Maximum penalty - 20 penalty units.

Inspection

18. (1) An authorised person may require a person in charge of a water tanker apparently used for water distribution to stop the tanker for inspection.
- (2) The authorised person may -
- (a) inspect the water tanker and its fittings and equipment; and
 - (b) take samples of water from the water tanker.
- (3) The authorised person may require the person in charge of the water tanker to produce the log book for inspection, and may take copies of or extracts from the log book.
- (4) A person must comply with a requirement of an authorised person under this section.

Maximum penalty - 20 penalty units.

Local law policies¹

19. The local government may make local law policies about -
- (a) criteria for granting permits for domestic water distribution, the term for which permits are to be granted or renewed, and the standards to be fixed by permit conditions;² or
 - (b) requirements for water tankers;³ or
 - (c) information to be included in log books;⁴ or
 - (d) other matters about which this local law allows for the making of local law policies.

¹ See section 464 of the *Local Government Act 1993*.

² See section 7, 8 and 10.

³ See section 14(3)(d).

⁴ See section 17.