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## **No. S 112**

### **PUBLIC UTILITIES ACT (CHAPTER 261)**

#### **PUBLIC UTILITIES (WATER SUPPLY) (AMENDMENT) REGULATIONS 2019**

In exercise of the powers conferred by section 72 of the Public Utilities Act, the Public Utilities Board, with the approval of the Minister for the Environment and Water Resources, makes the following Regulations:

#### **Citation and commencement**

1. These Regulations are the Public Utilities (Water Supply) (Amendment) Regulations 2019 and come into operation on 1 March 2019.

#### **Amendment of regulation 9**

2. Regulation 9 of the Public Utilities (Water Supply) Regulations (Rg 5) (called in these Regulations the principal Regulations) is amended —

(a) by deleting paragraph (1) and substituting the following paragraph:

“(1) The Board may, by notice in writing, require any person who —

(a) installs or offers or advertises to install; or

(b) supplies or offers, displays or advertises for supply,

any water fitting for use in any water service installation to have the water fitting tested or examined by an accredited laboratory or such other testing laboratory as the Board may allow, and such person must deliver samples of the water fitting to the

accredited laboratory or testing laboratory within the time specified in the notice.”; and

- (b) by deleting the words “product certification body” in paragraph (2) and substituting the words “accredited laboratory”.

### **New Division heading of Part IVA**

3. The principal Regulations are amended by inserting, immediately above regulation 40B, the following Division heading:

*“Division 1 — General”.*

### **Amendment of regulation 40B**

4. Regulation 40B of the principal Regulations is amended —

- (a) by inserting, immediately before the definition of “business activity”, the following definition:

““appointed qualifying consumer”, in relation to qualifying consumers under regulation 40C(4), means an appointed qualifying consumer under regulation 40CA;”;

- (b) by deleting the word “qualifying” wherever it appears in the definition of “chief executive”;

- (c) by deleting the definition of “former qualifying consumer” and substituting the following definition:

““construction site” means any premises where the business activity of the consumer comprises wholly of construction, being any one or more of the following:

- (a) the erection, construction, alteration, repair or maintenance of buildings, structures or roads;

- (b) the breaking up, opening or boring under any road or adjacent land in connection with the construction,

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inspection, maintenance or removal of works;

(c) piling, demolition or dredging works;

(d) any other work of engineering construction;”;

(d) by deleting the definition of “qualifying consumer” and substituting the following definition:

““qualifying consumer” means —

(a) in relation to any year before the year 2019, a consumer that satisfied the requirements specified in regulation 40C(1) as in force immediately before 1 March 2019; and

(b) in relation to the year 2019 or any subsequent year, a qualifying consumer under regulation 40C;”;

(e) by deleting the definition of “regulatory period”;

(f) by deleting the definition of “representative” and substituting the following definition:

““specified consumer” means a specified consumer under regulation 40BA;”;

(g) by inserting, immediately after the definition of “water balance chart”, the following definition:

““water efficiency manager”, in relation to a qualifying consumer, means a person appointed by the qualifying consumer as its water efficiency manager under regulation 40GA;”;

(h) by deleting the definition of “water use threshold” and substituting the following definition:

““water use threshold” means 60,000 cubic metres.”.

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**New regulations 40BA and 40BB**

5. The principal Regulations are amended by inserting, immediately after regulation 40B, the following Division heading and regulations:

*“Division 2 — Specified consumers*

**Specified consumer**

**40BA.**—(1) A consumer is, for any year (T), a specified consumer in accordance with this regulation.

(2) A consumer is, for year T, a specified consumer for a site if —

- (a) at any time in year T – 1, the consumer held one or more water accounts with the Board for water supplied by the Board to the site;
- (b) the water was used in connection with any business activity carried out at the site (whether or not by the consumer); and
- (c) in year T – 1, the volume in aggregate of water supplied at the site under the water account or water accounts attained the water use threshold (or higher).

(3) A consumer is, for year T, a specified consumer for 2 or more sites if —

- (a) at any time in year T – 1, the consumer held 2 or more water accounts with the Board for water supplied by the Board to those sites;
- (b) the water was used in connection with the same type of business activity carried out at the sites by the consumer (whether or not the consumer carried on any other type of business activity at any of those sites); and
- (c) in year T – 1, the volume in aggregate of water supplied at the sites under the water accounts attained the water use threshold (or higher).

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(4) Each of 2 or more consumers is, for year T, a specified consumer for a site if —

- (a) at any time in year T – 1, the consumers each held one or more water accounts with the Board for water supplied by the Board to the site;
- (b) the water was used in connection with the same type of business activity carried out at the site by each of the consumers (whether or not any of the consumers carried on any other type of business activity at the site);
- (c) in year T – 1, the volume in aggregate of water supplied at the site under the water accounts to the consumers attains the water use threshold (or higher); and
- (d) the Board notifies the consumers in writing that sub-paragraphs (a), (b) and (c) apply to them for year T – 1.

(5) Where (but for this paragraph) paragraph (2), and paragraph (3) or (4), apply to a consumer, then the consumer is a specified consumer only under paragraph (3) or (4), as the case may be.

**Submission of information and documents by specified consumer**

**40BB.**—(1) Where regulation 40BA(2) or (3) applies, the specified consumer mentioned in those paragraphs must submit to the Board, in accordance with paragraph (6), the information and documents mentioned in that paragraph for the site or sites (as the case may be), if —

- (a) the consumer was not, for year T – 1, a qualifying consumer for the site or sites; or
- (b) the consumer supplied water in year T – 1 to another person at the site or at any of the sites.