



Western Australia

Water Boards Act 1904

Busselton Water Area By-laws 1994

As at 03 Sep 2012

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Busselton Water Area By-laws 1994

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By-laws for protecting the water, grounds, works, etc., from trespass and injury

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Defined Terms

Western Australia

Water Boards Act 1904

Busselton Water Board

Busselton Water Area By-laws 1994

Part 1

[Heading amended in Gazette 1 Apr 2008 p. 1287.]

By-laws for protecting the water, grounds, works, etc., from trespass and injury

1AA. Citation

These by-laws are the *Busselton Water Area By-laws 1994*¹.

[By-law 1AA inserted in Gazette 1 Apr 2010 p. 1281.]

1A. Terms used

approval means the Board has given its approval;

water means water supplied by the Board.

[By-law 1A inserted in Gazette 1 Apr 2008 p. 1287; amended in Gazette 28 Sep 2010 p. 5061.]

1. Trespassing prohibited

Trespassing within the fenced-off ground adjacent to or reserved for water supply works, or the entering without proper authority of any waterworks not open to the public, shall not be permitted.

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2. Camping and lighting of fires prohibited

Camping or lighting of fires within the fenced-off ground adjacent to or reserved for water supply works shall not be permitted. The lighting of fires on any other reserves or fenced-off land is absolutely prohibited unless burning is required for plant operation purposes.

3. Protection of flora

The removal, plucking, or damaging of any wild flower, shrub, bush, tree, or other plant, growing on any land or reserve vested in the Board, shall not be permitted.

4. Animals prohibited

Animals shall not be permitted within the fenced-off ground adjacent to or reserved for water supply works.

5. Disposal of refuse etc.

Loose paper or other refuse shall not be left on any portion of the grounds in the vicinity of any water supply or works, except in the receptacles provided therefor.

6. Posting or distribution of bills etc. prohibited

Bills, advertisements, or other notices shall not be posted or distributed within the fenced-off ground adjacent to or reserved for water supply works, without prior approval of the Board.

7. Nuisances prohibited

Nuisances shall not be committed on any portion of the grounds in the vicinity of any reservoir or works.

8. Protection of works from injury

No person shall in the vicinity of any work carry on or cause to be carried on any mining or quarrying operation, or make any excavation of any sort, or cause any explosion so as to injure any waterworks without prior approval of the Board.

Part 2

[Heading amended in Gazette 1 Apr 2008 p. 1287.]

By-laws for general purposes

9. Applications for services

Applications for water services shall be made on the printed form procurable at the office of the Board.

Full information, as indicated on the prescribed form, shall be supplied and the full amount of rates or other charges due on the premises, to which a service is required, shall be paid on or before application and before the work is commenced.

10. Supply to non-rated premises

Any person or persons requiring a water service to any non-rated property may be supplied on payment of a once only charge equal to the actual cost to the Board to provide such service. The annual charge will then be determined by applying the consumption to the cost per kilolitre for normal excess water as determined each year by the Board.

11. Size of service pipes

The size of the service pipe shall in each case be fixed at the discretion of the Board.

12. Potable water supply systems, standards for

12.1 All potable cold water supply systems shall be installed, designed and maintained in accordance with AS 3500.1-1992 known as the National Plumbing and Drainage Code, Part 1: Water Supply 1992, as published by Standards Australia.

12.2 All potable hot water supply systems shall be installed, designed and maintained in accordance with AS 3500.1-1992 known as the National Plumbing and Drainage Code, Part 4: 1994, as published by Standards Australia.

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12.3 All reference terminology written in this by-law shall comply with AS 3500.1-1992 known as the National Plumbing and Drainage Code, Part 1: Glossary of Terms 1990, as published by Standards Australia,

12.3.1 All references written AS 3500.1-1992 the “Regulatory Authority”, shall be defined to mean the Busselton Water Board.

[By-law 12 inserted in Gazette 28 Feb 1997 p. 1336-7.]

13. Misuse of water

Any person entitled to a supply of water for domestic purposes only or entitled only to a supply of water for any other specified purpose, shall not use such water for any other purpose except that specified.

14. Illegal taking or selling of water

Any person, whether entitled to receive water from the Board or not, shall not, without the written approval of the Board, take, carry away or allow to be taken or carried away, that water, or to sell the same to any other person.

15. Board may cut off water supply for repairs etc.

The Board may, from time to time, when necessary for the purpose of tapping or repairing the main, or otherwise, cut off the supply of water from any part or parts of a water area.

16. Reward for reporting leakage etc.

The Board may in its discretion adequately reward any person (not being the person in fault), who shall communicate timely information to the Board of any leakage or waste of water, whether the same be accidental, negligently or wilfully occasioned or suffered, or who shall give such information as shall lead to the conviction of any person or persons who shall steal or cause to be stolen or improperly appropriated the water of the Board.

17. Waste of water

Any person supplied with water by the Board, whether by meter or otherwise shall not allow the same to run to waste.

18. Board may limit etc. water supply

The Board may at such times and for such purposes as it may deem necessary and expedient, prohibit or limit the use of water for any specified purpose or purposes, except with the written approval of the Board.

[By-law 18 amended in Gazette 1 Apr 2008 p. 1287; 1 Apr 2010 p. 1281.]

19. Meters, supply of etc.

Any officer appointed by the Board for the purpose may fix a meter on any service and shall determine the size and class of meter in each case. Meters will be supplied by the Board, and may be open or encased, at the discretion of the Board.

20. Meters, repair of

Any person supplied with water through a meter belonging to the Board shall pay the cost of making good all damage to such meter whilst on his/her land and in his/her charge. Any repairs required shall be done by the Board, and the expense incurred by the Board in so doing shall, on demand, be paid by the owner or occupier of the land, and if not paid on demand shall be recoverable in the same manner as water rates.

21. Notice of damage or non-registration of meter shall be given

Any person supplied by the Board with water through a meter shall, on finding that meter is damaged, or not registering, immediately give notice of the fact to the Water Board Office, Busselton.

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22. Meters, interfering with etc.

Any person shall not break or in any way interfere with the seal fixed on their meter through which water is supplied by the Board, or turn or attempt to turn any screw, bolt, or nut on or attached to such meter, or use any tool or appliance on any such meter, or introduce or attempt to introduce any body or substance into such meter, or in any way interfere with any portion of such meter or any pipes or fittings attached thereto.

23. Period for reading

The reading of a meter at any time between 10 days before and 10 days after any stated date may be taken as the reading of the meter at such stated date.

24. Averaging of consumption

During the time any meter is undergoing repairs, or should it cease to properly register the consumption of water, the Board or any officer appointed by the Board may, at its option, estimate the quantity of water consumed by taking an average of the quantity used during such previous period as the Board shall determine.

25. Meters, testing of

If any consumer shall at any time be dissatisfied with any particular reading of a meter, and be desirous of having the meter tested, they shall give written notice thereof to the Board or its officer of such reading and thereupon the said meter shall be tested by passing through it a predetermined quantity of water or known quantity of water, and if upon such testing it shall appear to the satisfaction of the Board or its officer that the meter registered more than 5% in excess of the quantity that shall actually pass through it at testing, then the Board shall bear the expenses of and incidental to such testing, and shall also adjust the charge to the said consumer, but if the meter upon testing shall not register more than 5% in excess of the quantity

that shall actually pass through it, then the consumer shall pay to the Board all the expenses of and incidental to such testing, provided that the expenses of every test shall be fixed by the Board, subject to a minimum charge as prescribed by the Board from time to time for each test; provided also that the consumer shall not be at liberty to avail themselves of the right to test the registration of the meter for any period other than the period of the registration next preceding the date of reading in respect of which they shall be given notice as aforesaid.

26. Gratuities prohibited

Officers, workers, or agents of the Board shall not solicit or receive any fee or gratuity whatever.

27. Joining to or interfering with Board's pipes etc.

Any person shall not make any connection or interference with any pipe or fitting of the Board or with any water pipe or fitting communicating therewith, at any other place than shall be approved of by the Board, and the mains shall only be tapped by the workers of the Board.

[Part 3 (bl. 27A-27L) deleted in Gazette 1 Apr 2010 p. 1281.]

Part 4
Rates and charges

[Heading inserted in Gazette 1 Apr 2008 p. 1290.]

28. Rates and charges, amount of

- (a) Within the Busselton Water Area the water rate charged shall be at a rate not exceeding that prescribed in section 93 of the Act. A minimum rate in accordance with section 92 of the Act shall be payable on each separately assessed piece of land.
- (aa) Within the Busselton Water Area the Standard Water Charge and the Water Consumption charges shall be as set by the Board, with the approval of the Minister.
- (b) In making rates a distinction may be made between occupied and vacant land, and in the event of a dispute as to whether or not land shall be regarded as vacant, the decision of the Board shall be final in every case.
- (c) Where a fee or charge calculated in accordance with these by-laws is an amount which is not a whole number multiple of 5 cents the amount shall be rounded up or down as the case may be, to the nearest whole number multiple of 5 cents.

[By-law 28 amended in Gazette 14 Oct 1997 p. 5728.]

29. Rates, when payable

Rates shall become due and payable yearly in advance on the first day of July. Provided that in all cases where a rate is made after the first day of July in any year the notice of the order for the making and levying of such rate, published in the *Government Gazette* and a newspaper, as provided by section 94 of the said Act, shall specify a minimum basic rate payable as rate as aforesaid, and the date or dates when the rates shall be due and payable, and such rate shall be and become due and payable in accordance with the terms of such notice.

[By-law 29 amended in Gazette 14 Oct 1997 p. 5729.]

30. Water entitlement of ratepayers

Every ratepayer shall be entitled to consume on each separately assessed piece of land of which he/she is owner or occupier that quantity of water which is calculated at the price specified in the annual budget as that at which water is supplied for rates payable on properties in the Water Board area by applying such price per kilolitre to the amount of rates raised provided that such water is taken during the period between the final meter reading dated immediately prior to the approval of the budget of one year and the final meter reading of the next year.

31. Payment for excess water

Every ratepaying consumer taking water in excess of the quantity to which he/she is entitled in respect of the rate shall pay for the excess in accordance with prices set by the Board, with the approval of the Minister.

32. Fees for additional services

In any case where the owner or occupier of any separately rated piece of land requires more than one service to be installed for supplying water to such land, such additional service or services shall, at the discretion of the Board, be installed. The owner or occupier shall pay an annual fee as determined by the Board from time to time, for each additional service installed.

33. Disconnection and reconnection of service fee

In every case in which the supply of water shall have been cut off by reason of non-payment of rates or other charges, or by reason of a defective service, or by request of the occupier or owner, or when, in the opinion of the Board, necessary to prevent waste of water, or for other reasons, a minimum fee of \$25 shall be charged for disconnection and re-connection, provided that where the cost exceeds the minimum fee the actual cost of the disconnection and re-connection, as determined by the Board, shall be charged, and shall be payable

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by the owner or occupier for the time being, on demand. The service shall not be restored until such fee has been paid.

[By-law 33 amended in Gazette 28 Sep 2010 p. 5062.]

34. Private fire services

Private fire services will be allowed, but every service shall be sealed, except in cases where the Board may decide that sealing is unnecessary. For each such service there shall be paid the actual cost of installation, and an annual fee of an amount as determined by the Board from time to time. No water shall be taken from any sealed portion except for extinction of fire. In the event of the seal having been broken in case of fire or by accident, or otherwise, the occupier shall give notice, and pay the cost of resealing.

35. Water for building purposes etc.

Where water is required for building purposes, builders and plumbers shall be provided with complete upstand units which will include copper piping, tap and star picket for a cost assessed by the Board from time to time. At the completion of works the Board will buy back the upstand, provided it is returned to the Board in workable condition, at a price assessed by the Board from time to time.

36. When accounts due and payable

Where water is supplied by measure to the owner or occupier of land, whether rated under the Act or otherwise, payment for same shall become due and payable within 30 days after service of the account, unless otherwise agreed upon.

37. Entry to private premises by officers of Board

It shall be lawful for the Inspector or any assistants acting under the directions of the Inspector or other authorised officer, at their discretion, at any reasonable hour, with or without notice, to enter any land, house, or premises for the purpose of

ascertaining whether any act or thing is being done or permitted on such land, house or premises in breach of the by-laws, and to remove or cause to be removed anything thereon in breach of these by-laws, or take such steps as they may deem necessary for carrying out these provisions. The cost of such removal or such other necessary act shall be borne by the owner or occupier of the premises upon which such breach will occur.

38. Offences

The Board may, by notice in writing given to the owner/occupier of the premises concerned, direct that person so notified to incur compliance with the Board's by-laws, within the specified time frame as directed in the notice.

38.1 Failure to comply with notice

A person who fails to comply with a direction contained within a notice commits an offence.

38.2 Continuation of offence

Providing a written instruction has been issued from the Board to the owner/occupier of the property concerned and the offence continues, the Board may at the owner's expense —

- * restrict the boundary water supply connection; or
- * arrange disconnection of any potential hazardous water supply connection.

38.2.1 Penalty

The Penalty for contravention of this by-law shall be as referred in by-law 40(1) and in addition, the owner/occupier of the property who fails to comply with the requirement of this by-law is liable to a further penalty of \$200.00 per day, or part thereof, for every day that the offence continues.

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38.3 Offences (licensed plumber)

The Board may, by notice in writing given to a licensed plumber, direct the licensed plumber so notified, to ensure that certain water supply plumbing works comply with the Board's by-laws and within the specified time frame, as directed in the notice.

38.3.1 A licensed plumber who fails to comply with a direction contained within a notice from the Board commits an offence.

38.3.2 The penalty for contravention of the by-law shall be as referred in by-law 40(1) and in addition, a licensed plumber who fails to comply with the requirements of this by-law is liable to a further penalty of \$200.00 per day, or part thereof, for every day that the offence continues. The Board may also at its discretion —

- * restrict the boundary water supply connection; or
- * arrange disconnection of any potential hazardous water supply connection.

38.4 Offences (general)

An individual shall not carry out or have carried out, any plumbing works in connection with the potable water supply system unless —

- * he/she is working under the direct control of a licensed plumber; and
- * a notice of intention to commence plumbing work has been lodged with the Board within two (2) normal working days prior to the proposed works.

38.4.1 The penalty for contravention of this by-law is as referred in by-law 40(1).

[By-law 38 inserted in Gazette 28 Feb 1997 p. 1337; amended in Gazette 28 Sep 2010 p. 5062.]

39. Plumbing work etc., notification, certification etc. of

- 39.1 In this by-law a *certificate* means a Certificate of Completion and Compliance under by-law 39.3.1.
- 39.1.1 A *licensed plumber* means a person who is the holder of a water supply licence, authorised to carry out plumbing works in the Busselton Water Board's area of control.
- 39.1.2 *Plumbing work* means the installation, maintenance, repair and testing of any part of a hot and cold potable water supply system.
- 39.1.3 *Normal working day* means any day of the week, other than Saturday, Sunday or public holidays.
- 39.1.4 A *Notice* means Notice of Intention to Commence Work under by-law 39.2.
- 39.1.5 *Notified work* means work described in the notice.

39.2 Notification of work

Subject to by-law 39.4.1, a licensed plumber shall not carry out or have carried out, any work in conjunction with the water supply system, unless he/she has lodged with the Board a Notice of Intention to Commence Work not less than two (2) normal working days prior to commencement of the work.

- 39.2.1 A Notice of Intention to Commence Work shall be in a form approved by the Board, legibly completed and signed by the licensed plumber who is to carry out the work.
- 39.2.2 The Board may refuse to accept for lodgement a notice that does not comply with by-law 39.2.1.
- 39.2.3 A licensed plumber who lodges a notice —
- (a) is responsible for the performance of the notified work, whether the work is carried out by the licensed plumber or by another person under the direction and supervision of that licensed plumber; and

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- (b) shall ensure that the notified work is carried out in accordance with these by-laws.

39.3 Certification of work

39.3.1 Within 7 normal working days of completing notified work, the licensed plumber shall lodge with Board —

- (a) a Certificate of Completion and Compliance in respect of the notifiable work.

39.3.1.1 A Certificate of Completion and Compliance shall be in a form approved by the Board, legibly completed and signed by the licensed plumber responsible for the notified work.

39.3.1.2 The licensed plumber shall give a copy of a certificate lodged under by-law 39.3.1 to the owner/occupier of the premises on which the notified work was carried out, within 7 normal working days after completing that work.

39.4 Alteration, withdrawal or cancellation of a notice

39.4.1 If, after commencement of notified work, a licensed plumber wishes to alter or withdraw the notice lodged in respect of that work, the licensed plumber shall lodge with the Board —

- (a) the certificate that corresponds with the notice, duly completed in accordance with the instructions set out in the book of forms; and
- (b) in the case of alteration, a fresh notice complying with by-law 39.2.1; and

give a copy of the certificate that corresponds to the notice to the owner or occupier of the premises concerned.

- 39.4.1.1 Where notified work is not to be commenced, the licensed plumber shall cancel the notice in respect of that work by lodging with the Board the certificate that corresponds to the notice, duly completed in accordance with the instruction set out in the book of forms.
- 39.4.1.2 A licensed plumber who fails to comply with any of the requirements of by-law 39.4.1 or 39.4.1.1 in relation to the alteration, withdrawal or cancellation of a notice commits an offence.
Penalty: \$500.00.
- 39.4.2 Work taken over by another plumber
- 39.4.2.1 Where notified work has been commenced but a licensed plumber other than the licensed plumber named in the notice (in this by-law and by-law 39.4.1 called the first plumber) is to take over and complete the work, the first licensed plumber shall withdraw the notice in the manner set out in by-law 39.4.2.2(a), (b) and (c).
- 39.4.2.2 The licensed plumber taking over the work referred to in by-law 39.4.2.1 shall —
- (a) lodge with the Board a fresh notice advising of the change of licensed plumber; and
 - (b) provide the Board with written confirmation of the change of licensed plumber from the owner/occupier of the premises

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on which the work is being carried out; and

- (c) within 7 normal working days of completing the work, lodge a certificate in respect of the work carried out but not certified by the first licensed plumber.

39.4.2.3 A licensed plumber who fails to comply with the requirements of by-law 39.4.2.2 commits an offence.

39.4.3 Directions by Board as to work

39.4.3.1 Where the Board is of the opinion that a licensed plumber —

- (a) has not commenced notified work within 12 months of the date of lodgement of a notice and has not withdrawn or cancelled that notice under by-law 39.4; or
- (b) has commenced notified work but has failed to complete that work in a reasonable time; or
- (c) has carried out notified work that is not in accordance with these by-laws

the Board may, by notice in writing given to the licensed plumber or the owner/occupier of the premises concerned, direct the person so notified to ensure that the work is commenced, completed or otherwise carried out within such time and conditions as are specified in the notice.

39.4.3.2 The Board may by further notice in writing, vary or cancel a notice given under by-law 39.4.3.1.

39.4.3.3 A person who fails to comply with a direction contained in a notice under by-law 39.4.3.1 or in such a notice as varied under by-law 39.4.3.2, commits an offence.

39.4.3.4 Where notice under by-law 39.4.3.1 or such notice as varied under by-law 39.4.3.2, is not complied with, the Board may refuse permission for connection of the work to the Board's works.

39.4.3.5 A person convicted of an offence under by-law 39.4.3.3 shall, in addition to any penalty incurred under that by-law, pay any expenses, loss or damage incurred by the Board in consequence of the offence.

39.4.4 Forms

39.4.4.1 A licensed plumber may obtain a book of the approved forms of notice and certificate from the Board on the payment of the appropriate fee.

39.4.4.2 Licensed plumbers shall comply with any instructions contained in a book of forms in relation to the completion and place of lodgement of a notice or certificate.

39.4.5 Plumber to report certain matters

39.4.5.1 A licensed water supply plumber shall immediately report to the Board anything found or brought to the attention of the plumber in the course of

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carrying out plumbing work, that is likely to result in —

- (a) contamination of the potable water supply system; and
- (b) wastage of the potable water supply system;
- (c) the contamination of water supplied by the Board water supply system.

[By-law 39 inserted in Gazette 28 Feb 1997 p. 1337-9; amended in Gazette 28 Sep 2010 p. 5062.]

40. General penalty

- (1) A person who contravenes or commits a breach of any provision of these by-laws, whether by act or omission, for which a penalty is not expressly prescribed, is liable, on conviction, to a penalty not exceeding \$2 000.00 and in the case of a continuing contravention or breach, to a further penalty not exceeding \$200.00 for each day during which the offence continues after notice of the contravention or breach is given by or on behalf of the Board to that person.
- (2) In addition to any penalty provided by these by-laws, any expense, loss or damage incurred by the Board in consequence of the breach of any by-law shall be paid by the person committing the breach.

[By-law 40, formerly by-law 39, renumbered in Gazette 28 Feb 1997 p. 1337.]

[Schedule 1 deleted in Gazette 28 Sep 2010 p. 5062.]

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Notes

¹ This is a compilation of the *Busselton Water Area By-laws 1994* and includes the amendments made by the other written laws referred to in the following table ^{1a}. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Untitled By-laws</i> ²	23 Sep 1994 p. 4903-6	23 Sep 1994
<i>Untitled By-laws</i>	28 Feb 1997 p. 1336-9	28 Feb 1997
<i>Untitled By-laws</i>	14 Oct 1997 p. 5728-9	14 Oct 1997
<i>Untitled By-laws</i> ³	1 Apr 2008 p. 1286-91	1 Apr 2008
<i>Busselton Water Area Amendment By-laws 2010</i> ⁴	1 Apr 2010 p. 1281-2	bl. 1 and 2: 1 Apr 2010 (see bl. 2(a)); By-laws other than bl. 1 and 2: 1 Apr 2010 (see bl. 2(b))
<i>Busselton Water Area Amendment By-laws (No. 2) 2010</i>	28 Sep 2010 p. 5061-2	bl. 1 and 2: 28 Sep 2010 (see bl. 2(a)); By-laws other than bl. 1 and 2: 29 Sep 2010 (see bl. 2(b))

Reprint 1: The *Busselton Water Area By-laws 1994* as at 1 Apr 2011 (includes amendments listed above)

^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Short title	Number and year	Assent	Commencement
<i>Water Services Legislation Amendment and Repeal Act 2012</i> s. 201(h) ⁵	25 of 2012	3 Sep 2012	To be proclaimed (see s. 2(b))

² Now known as the *Busselton Water Area By-laws 1994*; citation inserted (see note under bl. 1AA).

³ These by-laws supersede the by-laws published in error in *Gazette* 20 Mar 2008 p. 889-90.

⁴ The *Busselton Water Area Amendment By-laws 2010* bl. 7 reads as follows:

7. Saving and transitional provisions relating to water efficiency management plans

(1) In this by-law —

commencement day means the day on which by-law 6 comes into operation;

former plan means a water efficiency management plan submitted and approved under the *Busselton Water Area By-laws* Part 3 before the commencement day.

(2) A former plan is, on and after the commencement day, to be taken to be a scheme water efficiency management plan submitted and approved under the *Water Agencies (Water Use) By-laws 2010* Part 3.

⁵ On the date as at which this compilation was prepared, the *Water Services Legislation Amendment and Repeal Act 2012* s. 201(h) had not come into operation. It reads as follows:

201. Water boards legislation repealed

These written laws are repealed:

(h) the *Busselton Water Area By-laws 1994*;

Defined Terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined Term	Provision(s)
approval	1A
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licensed plumber	39.1.1
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water	1A
water efficiency management plan.....	27A(1)