

Western Australia

WATER BOARDS ACT 1904

Busselton Water Area By-laws

As at 20 Mar 2008

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Busselton Water Area By-laws

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WATER BOARDS ACT 1904

BUSSELTON WATER BOARD

In pursuance of the powers conferred upon it by the abovementioned Act, the Busselton Water Board hereby records having resolved on 15th day of September 1994 to make and submit for confirmation by the Governor the following by-laws.

The previous by-laws, gazetted on 6 June 1952 are hereby revoked.

Busselton Water Area By-laws

Division I

By-laws for Protecting the Water, Grounds, Works, etc., from Trespass and Injury.

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.

2. Camping and Lighting of Fires

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, Shrubs, etc.

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.

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

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.

Division II

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. Connection to Water Supplies

No service pipe shall communicate directly with any cistern, tank, or vessel intended or used for the reception of water other than water obtained from the Board's mains.

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. Turning Off When Repairing and Tapping

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, Reporting Leakage

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 willfully 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. Limiting 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.

A person must not, without the written approval of the Chief Executive Officer of Busselton Water, use water in contravention of any of the following clauses—

- (1) A person does not breach these restrictions if—
 - (a) The person uses water to water a market garden or plant nursery to the minimum extent necessary to ensure the viable operation of the market garden or plant nursery; and
 - (b) The market garden or plant nursery is not supplied with water other than by Busselton Water.
- (2) A person must not water a lawn or garden except by—
 - (a) Reticulation during either, but not both, the morning period or the evening period on one of both of 2 days of the week specified in Schedule 1 in relation to the relevant property where morning period means the period before 9:00am and evening period means the period after 6:00pm; or
 - (b) A hand held hose with one outlet; or
 - (c) A hand held watering can.
- (3) A person must not spray a building, paved area or road except—
 - (a) To the minimum extent necessary for fire fighting; or
 - (b) With—
 - (i) A high pressure water cleaner which uses pressurized water flowing at a rate of not more than 6L per minute; or
 - (ii) A hand held hose with one outlet;

To the minimum extent necessary for the cleaning of the building, path, paved area or road so as to avoid a threat to public health or safety;
or

- (c) With a hand held hose with one outlet to the minimum extent necessary for purposes related to the construction, demolition or repair of the building, path, paved area or road.
- (4) A person must not fill a swimming pool except to the minimum extent necessary for the proper functioning of the pool.

[By-law 18 amended in Gazette 20 Mar 2008 p. 889.]

19. Fixing of Meters

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. Repairs and Maintenance of Meters

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.

22. Interference with Meters

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 ten days before and ten 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. Testing of Meters

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 five per cent 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,

Division III

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and shall also adjust the charge to the said consumer, but if the meter upon testing shall not register more than five per cent 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. Junction or Interference with Pipes and Fittings

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.

Division III

Rates and Charges

28. Rating

- (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 October 1997 p.5728.]

29. Rates – How 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 October 1997 p.5729.]

30. Allowance for Rates

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/Reconnection of Service

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 owner, or when, in the opinion of the Board, necessary to prevent waste of water, or for other reasons, a minimum fee of twenty five dollars 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 by the owner or occupier for the time being, on demand. The service shall not be restored until such fee has been paid.

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. Building Fees

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 but 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 Private Premises by Officers of the 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. Period for Compliance of Notices

Unless otherwise provided for, the time which may elapse between the giving of a notice and doing of a thing required to be done by any Inspector or other authorised officer shall be determined by the Board according to the nature of the case.

39. Penalty for Breach of these By-laws

- (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.

Schedule 1 — Specified days for watering by reticulation

[bl. 18]

[Heading inserted in Gazette 20 Mar 2008 p. 890.]

Last digit of property's street or lot number	Days for watering by reticulation
1	Wednesday and Saturday
2	Thursday and Sunday
3	Friday and Monday
4	Saturday and Tuesday
5	Sunday and Wednesday
6	Monday and Thursday
7	Tuesday and Friday
8	Wednesday and Saturday
9	Thursday and Sunday
0	Friday and Monday

[Schedule 1 inserted in Gazette 20 Mar 2008 p. 890.]

Notes

- ¹ This is a compilation of the *Busselton Water Area By-laws* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

Citation	Gazettal	Commencement
<i>Busselton Water Area By-laws</i>	23 Sep 1994 p. 4903-6	23 Sep 1994
<i>Untitled By-laws</i>	14 Oct 1997 p. 5728-9	14 Oct 1997
<i>Untitled By-laws</i>	20 Mar 2008 p. 889-90	20 Mar 2008